

THE COMPETITION TRIBUNAL

IN THE MATTER OF the *Competition Act*, R.S. 1985, c. C-34; as amended;

IN THE MATTER OF an Application by the Commissioner of Competition under section 92 of the *Competition Act*.

AND IN THE MATTER OF the acquisition by Canadian Waste Services Inc. of certain assets of Browning-Ferris Industries Ltd., a company engaged in the solid waste business.

BETWEEN:

COMMISSIONER OF COMPETITION

Applicant

- and -

CANADIAN WASTE SERVICES HOLDINGS INC., CANADIAN WASTE SERVICES INC. AND WASTE MANAGEMENT, INC.

Respondents

**REQUEST FOR LEAVE TO INTERVENE
ON BEHALF OF THE
CORPORATION OF THE MUNICIPALITY OF CHATHAM-KENT**

The Corporation of the Municipality of Chatham-Kent (Chatham-Kent) requests leave of the Competition Tribunal, pursuant to Section 9(3) of the *Competition Tribunal Act*, R.S. 1985, c. 19, to intervene in these proceedings. In support of the request, Chatham-Kent intends to rely upon the Affidavit of Roger Reaume, sworn June 5, 2000.

I. Name and address of proposed intervener:

The Corporation of the Municipality of Chatham-Kent
315 King Street West, P.O. Box 640
Chatham, Ontario N7M 5K8

Address for Service:

Attention: Mr. Brian W. Knott
Telephone: 519-436-3249
Fax: 519-436-3237

FILED	COMPETITION TRIBUNAL TRIBUNAL DE LA CONCURRENCE		P R O D U C T I Y
	CT-2000/002 JUN 5 2000		
REGISTRAR - REGISTRAIRE			
OTTAWA, ONT.		# 89	

II. The matters in issue that affect Chatham-Kent and the competitive consequences arising from such matters include the following:

- (a) Residential and I.C. & I. Waste generated and collected within Chatham-Kent is primarily disposed of at one of two landfills – the Ridge Landfill (“the Ridge”) and the Blenheim Landfill. CWSI owns the Blenheim Landfill.
- (b) The Ridge and the Blenheim landfills compete for solid waste generated within Chatham-Kent. By the acquisition of the Ridge site, the Respondent controls the predominant share of the Chatham-Kent waste disposal market. There are no other landfills or transfer stations in Chatham-Kent.
- (c) The acquisition of Ridge by the Applicant may have the effect of lessening or preventing competition in the market for the disposal of solid waste from the Chatham-Kent area.
- (d) The interest of Chatham-Kent also extends to the economic and community benefits it derives from the presence of landfills in the area as negotiated in a Host Community Agreement with Browning-Ferris Industries Limited.
- (e) The divestiture of the Ridge may have a major and as yet unknown environmental and economic effect on Chatham-Kent.
- (f) Chatham-Kent has a unique perspective and information on the potential effects on its residents and businesses of the acquisition of the Ridge Landfill that it has already made available to the Competition Bureau and CWSI, and proposes to make available to the Tribunal.

III. The party’s whose position Chatham-Kent intends to support:

Due to Chatham-Kent’s interest in the outcome of this application, Chatham-Kent wishes to participate in the proceedings with no position of support taken at this time.

IV. The official language to be used:

English.

V. Chatham-Kent proposes to participate in the proceedings on the following basis:

- (a) the calling of viva voce evidence at the hearing of the Application;
- (b) the examination and cross-examination of witnesses at the hearing of the Application;
- (c) the filing of expert evidence in accordance with the rules of the Competition Tribunal, if required; and
- (d) the submission of legal argument at the hearing of the Application.

DATED at Chatham-Kent, Ontario this 5th day of June, 2000.

**The Corporation of the
Municipality of Chatham-Kent
315 King Street West, P.O. Box 640
Chatham, Ontario N7M 5K8**

Attention: Mr. Brian W. Knott,
Director of Legal Services
Telephone: 519-436-3249
Fax: 519-436-3237

THE COMPETITION TRIBUNAL

IN THE MATTER OF the *Competition Act*, R.S. 1985, c. C-34; as amended;

IN THE MATTER OF an Application by the Commissioner of Competition under section 92 of the *Competition Act*.

AND IN THE MATTER OF the acquisition by Canadian Waste Services Inc. of certain assets of Browning-Ferris Industries Ltd., a company engaged in the solid waste business.

B E T W E E N:

COMMISSIONER OF COMPETITION

Applicant

- and -

**CANADIAN WASTE SERVICES
HOLDINGS INC., CANADIAN WASTE
SERVICES INC. AND WASTE
MANAGEMENT, INC.**

Respondents

**REQUEST FOR LEAVE TO
INTERVENE ON BEHALF OF THE
CORPORATION OF THE
MUNICIPALITY OF CHATHAM-
KENT**

**MUNICIPALITY OF CHATHAM-
KENT
315 King Street West, P.O. Box 640
Chatham, Ontario N7M 5K8**