

#246(a)

Competition Tribunal



Tribunal de la Concurrence

CT - 88 / 4

IN THE MATTER OF an application by the Director of Investigation
and Research under section 75 of the *Competition Act*,
R.S.C., 1985, c. C-34, as amended;

AND IN THE MATTER OF a refusal to supply automotive parts for
export by Chrysler Canada Ltd. to Richard Brunet.

B E T W E E N :

The Director of Investigation and Research

Applicant

- and -

Chrysler Canada Ltd.

Respondent

**REASONS AND ORDER RESCINDING
ORDER OF OCTOBER 13, 1989**

Decided on the basis of the written record.

Presiding Member:

The Honourable Mr. Justice William P. McKeown

Judicial Member:

The Honourable Mr. Justice Marc Noël

Lay Member:

Dr. Frank Roseman

Counsel for the Applicant:

Director of Investigation and Research

William J. Miller

Counsel for the Respondent:

Chrysler Canada Ltd.

Thomas A. McDougall, Q.C.

COMPETITION TRIBUNAL

REASONS AND ORDER RESCINDING
ORDER OF OCTOBER 13, 1989

The Director of Investigation and Research

v.

Chrysler Canada Ltd.

The Tribunal is of the view that, in the circumstances of this case, the requirements of paragraph 106(b) of the *Competition Act* ("Act") have been met by the filing of the consents of both parties and of Richard Brunet and by the first two paragraphs of the affidavit of Mr. Brunet dated December 14, 1993.

The Tribunal notes that paragraph 3 of the affidavit of Mr. Brunet is not relevant to this application and, in any event, is not binding on the Tribunal.

FOR THESE REASONS;

AND FURTHER TO paragraph 106(b) of the Act and the Notice of Application filed by Chrysler Canada Ltd.;

AND FURTHER TO the consent of the parties and Richard Brunet;

AND FURTHER TO paragraphs 1, 2 and 4 of the Affidavit of Richard Brunet dated December 14, 1993;

THE TRIBUNAL ORDERS THAT:

1. The order of this Tribunal, dated October 13, 1989, that Chrysler Canada Ltd. accept Richard Brunet as a customer for the supply of Chrysler parts on trade terms usual and customary to its relationship with Mr. Brunet as the said terms existed prior to August 1986, shall be rescinded.
2. The provisions of the *Competition Tribunal Rules* ("Rules") relating to an application which ordinarily apply shall be dispensed with pursuant to section 38 of the Rules.
3. The application shall be disposed of without personal appearance of the parties pursuant to section 39 of the Rules.

DATED at Ottawa this 17th day of December, 1993.

SIGNED on behalf of the Tribunal by the presiding judicial member.

(s)W.P. McKeown
W.P. McKeown