

Competition Tribunal



Tribunal de la Concurrence

CT - 1991 / 001 – Doc # 8

IN THE MATTER OF an application by the Director of Investigation and Research for an order pursuant to section 92 of the *Competition Act*, R.S.C., 1985, c. C-34, as amended;

AND IN THE MATTER OF the acquisition by Hillsdown Holdings (Canada) Limited of 56% of the common shares of Canada Packers Inc.

B E T W E E N:

The Director of Investigation and Research

Applicant

- and -

Hillsdown Holdings (Canada) Limited
Maple Leaf Mills Limited
Canada Packers Inc.
Ontario Rendering Company Limited

Respondents



CONSENT INTERIM ORDER

Date of Hearing:

February 21, 1991

Presiding Member:

The Honourable Mr. Justice Leonard A. Martin

Counsel for the Applicant:

Director of Investigation and Research

Randal T. Hughes

Peter J. Cavanagh

Counsel for the Respondents:

Hillsdown Holdings (Canada) Limited

Maple Leaf Mills Limited

Canada Packers Inc.

Ontario Rendering Company Limited

Neil R. Finkelstein

Jay D. Kendry

COMPETITION TRIBUNAL
CONSENT INTERIM ORDER

The Director of Investigation and Research

v.

Hillsdown Holdings (Canada) Limited et al

FURTHER TO the application of the Director of Investigation and Research ("Director") pursuant to section 92 of the *Competition Act*, R.S.C., 1985, c. C-34, as amended, ("the Act");

AND FURTHER TO the application of the Director of Investigation and Research for an interim order pursuant to section 104 of the Act;

AND ON READING the notice of application for an interim order pursuant to section 104 of the Act; the affidavit of Stephen Peters sworn on February 15, 1991 and the exhibits thereto; the affidavit of Russell Hopcroft sworn on February 14, 1991 and the exhibit thereto; the notice of application pursuant to section 92 of the Act; the affidavit of Brent Ballantyne sworn on February 19, 1991 and the exhibits thereto;

AND ON HEARING the submissions of counsel for the parties and on being advised of the consent of the parties to this order;

THIS TRIBUNAL ORDERS THAT:

1. The respondents shall continue to operate the Ontario Rendering Company Limited ("Orenco") and Rothsay, the rendering division of Maple Leaf Mills Limited ("Rothsay"), through separate corporations and in a manner that will not hinder the divestiture of the Orenco business and shall take no further steps to integrate the Rothsay and Orenco businesses, provided that the respondents shall be at liberty, subject to the provisions of paragraph 2 hereof, to redirect routes for the collection of renderable material; to redirect deliveries of such material; to allocate the processing of such material; to allocate sales of end products; and to allocate equipment and operating personnel as between the Rothsay and Orenco businesses.
2. The respondents shall continue to maintain separate records of (i) routes; (ii) suppliers of renderable material; (iii) equipment; and (iv) financial information pertaining to the Orenco business as it existed at the time of the acquisition by Hillsdown Holdings (Canada) Limited of 56% of the common shares of Canada Packers Inc. ("the acquisition") and thereafter.
3. The respondents shall not dispose of tractors, trailers or other material assets that comprised part of the Orenco business at the time of the acquisition, other than in the ordinary course of business.

4. The applicant or the respondents shall be at liberty to apply to this Tribunal for directions as to the application of this order to any intended actions by the respondents.

DATED at Ottawa, this 21st day of February, 1991.

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

(s) L.A. Martin
L.A. Martin