

Competition Tribunal



Tribunal de la Concurrence

Citation: *Canada (Commissioner of Competition) v Parrish & Heimbecker, Limited*, 2020 Comp Trib 12

File No.: CT-2019-005

Registry Document No.: 114

IN THE MATTER OF an application by the Commissioner of Competition for one or more orders pursuant to section 92 of the *Competition Act*, RSC 1985, c C-34 as amended.

BETWEEN:

The Commissioner of Competition
(applicant)

and

Parrish & Heimbecker, Limited
(respondent)



Date of case management conference: October 28, 2020

Before: D. Gascon J. (Chairperson)

Date of order: October 30, 2020

ORDER SUSPENDING THE REVISED SCHEDULE FOR THE REMAINING PRE-HEARING STEPS AND ADJOURNING THE HEARING

[1] **FURTHER TO** the application filed by the Commissioner of Competition (“**Applicant**”) on December 19, 2019 against the Respondent Parrish & Heimbecker, Limited (“**Respondent**”), pursuant to section 92 of the *Competition Act*, RSC 1985, c C-34, with respect to the acquisition by the Respondent of a primary grain elevator located in Virden, Manitoba;

[2] **AND FURTHER TO** the Scheduling Order issued by the Tribunal on March 4, 2020, and its subsequent amendments leading to an amended revised schedule for the remaining pre-hearing steps issued by way of a Tribunal Order on October 16, 2020;

[3] **AND FURTHER TO** the Case Management Conference held on October 28, 2020 at which counsel for the Respondent advised the Tribunal of the sudden and unexpected unavailability of the Respondent’s expert witness and requested an adjournment of the hearing for a brief period of time given this exceptional situation;

[4] **AND WHEREAS** the Applicant has consented to the Respondent’s request and the parties have agreed to establish new hearing dates as soon as possible, with the understanding that the Tribunal and the parties will aim to reschedule the hearing in December 2020 and/or, at the latest, January 2021;

[5] **AND WHEREAS** the Tribunal is satisfied that compelling reasons beyond the control of the parties exist and require a short adjournment of the hearing in accordance with Rule 139 of the *Competition Tribunal Rules*, SOR/2008-141;

[6] **AND WHEREAS** the Tribunal is also satisfied that the adjournment and the suspension of the schedule for the remaining pre-hearing steps respect the principles found in subsection 9(2) of the *Competition Tribunal Act*, RSC 1985, c 19 (2nd Supp);

THE TRIBUNAL ORDERS THAT:

[7] The amended schedule for the remaining pre-hearing steps, as set out in the Tribunal Order of October 16, 2020, is suspended until a revised schedule shall be issued by the Tribunal;

[8] The hearing scheduled to commence on November 16, 2020 is adjourned to a date to be determined by the Tribunal following consultations with the parties.

[9] A case management conference will be held on Thursday, November 5, 2020 to discuss the new hearing dates and pre-hearing management issues. A separate Direction to that effect will be issued by the Tribunal shortly.

DATED at Montreal, this 30th day of October 2020.

SIGNED on behalf of the Tribunal by the Chairperson.

(s) Denis Gascon

COUNSEL OF RECORD:

For the applicant:

The Commissioner of Competition

Jonathan Hood
Ellé Nekiar

For the respondent:

Parrish & Heimbecker, Limited

Robert S. Russell
Davit Akman