

Competition Tribunal



Tribunal de la Concurrence

Citation: *Canada (Commissioner of Competition) v Parrish & Heimbecker, Limited*, 2021 Comp Trib 3

File No.: CT-2019-005

Registry Document No.: 221

**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)



Decided on the basis of the written record

Before: D. Gascon J. (Chairperson)

Date of order: January 7, 2021

**ORDER AMENDING THE CONFIDENTIALITY ORDER OF MARCH 4 2020**

[1] **FURTHER TO** the application (“**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 Confidentiality Order issued by the Tribunal on March 4, 2020;

[3] **AND FURTHER TO** the Orders on the Hearing Format, issued by the Tribunal on December 9, 2020 and January 5, 2021, which provide that the format of the hearing of this Application will be entirely virtual;

[4] **AND FURTHER TO** the Case Management Conference held on January 4, 2021, to discuss, *inter alia*, an amendment to the Confidentiality Order to permit certain employees of the audio-visual vendor PSAV to be present at all times in a room located at the Winnipeg Fairmont Hotel and used by counsel for the purposes of the hearing, in order to manage and facilitate the audio-visual requirements of the virtual hearing from the Fairmont Hotel;

[5] **AND WHEREAS** counsel for the parties have consented to this amendment to the Confidentiality Order;

**THE TRIBUNAL ORDERS THAT:**

[6] Paragraph 3 of the Confidentiality Order shall be amended by deleting the word “and” after the semi-colon in subparagraph (l), adding a semi-colon instead of a period and the word “and” after that semi-colon at the end of subparagraph (m) and adding the following as subparagraph (n):

“(n) “**Audio-Visual Vendor**” means 5 employees of a professional service provider retained by a Party with respect to the Proceeding to manage and facilitate the audio-visual requirements of the virtual hearing and who have executed the Confidentiality Undertaking in the form attached as Schedule A hereto.”

[7] Paragraph 8 of the Confidentiality Order shall be amended by deleting the word “and” after the semi-colon in subparagraph (c), adding a semi-colon instead of a period and adding the word “and” after that semi-colon at the end of subparagraph (d) and adding the following as

subparagraph (e):

“(e) Audio-Visual Vendor.”

DATED at Ottawa this 7<sup>th</sup> day of January 2021

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 Nekiari

For the respondent:

Parrish & Heimbecker, Limited

Robert S. Russell  
Davit Akman