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concurrence

Commissioner of
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July 24, 2020

VIA EMAIL

Mary Ellen Gabias
President, Canadian Federation of the Blind
P.O. Box 8007, Victoria, BC, V8W 3R7

Concerns regarding the Canadian National Institute for the Blind

Ms. Gabias:

Thank you for bringing your concerns to our attention.

The role of the Competition Bureau ("Bureau"), as an independent law enforcement agency, is to ensure that Canadian businesses and consumers prosper in a competitive and innovative marketplace. In carrying out our mandate, information brought to our attention by consumers, businesses and other market participants is very important, as it contributes to the identification and analysis of potentially anti-competitive practices in the marketplace.

I understand that you spoke with members of my investigative staff about your complaint on May 29. As discussed in that call, we initially assessed your complaint under the abuse of dominance provisions of the *Competition Act* ("Act"). Under the Act, an abuse of dominance requires evidence that a dominant firm has engaged in a practice of anti-competitive acts (carried out in the last three years) intended to have a predatory, exclusionary or disciplinary negative effect on a competitor, among other things. As noted in your letter, we did not find sufficient evidence in your complaint on this element of the statutory test to justify taking further investigative steps at this time.

I can report that we subsequently evaluated your complaint under our competition advocacy mandate. Under the Act, the Bureau has the ability to make representations and call evidence before regulators in respect of competition. Typically, this involves identifying specific barriers to competition set out in legislation or regulation, such as government rules that make it difficult for businesses to emerge or compete, or that make it difficult for consumers to make informed choices or switch products or services. We were not able to identify these types of regulatory barriers to competition in your complaint. Rather, in our view, your complaint raises a broader set of public policy questions surrounding the needs of blind Canadians, and whether they would be better served through public provision of certain services or more diversified government funding to non-profits. The Bureau recognizes the importance of these questions to the Canadian Federation of the Blind. However, after a careful review, we consider that these questions fall outside the bounds of our competition advocacy mandate under the Act.

We regret that we cannot provide further assistance to you at this time . Should you have new information, I would encourage you to provide it to us, either through our information centre or by directly contacting the officers you have been in touch with. I would also encourage you to bring your concerns to other government officials with direct responsibility for policies on accessibility, such as the Minister of Employment, Workforce Development and Disability Inclusion.

We appreciate you taking the time to bring this to our attention.

Yours truly,

A handwritten signature in black ink, appearing to read 'M. Boswell', with a long horizontal flourish extending to the right.

Matthew Boswell
Commissioner of Competition