TERVITA CORP V CANADA – THE SUPREME COURT OF CANADA'S FIRST MERGER DECISION IN 17 YEARS: AN EFFICIENT OUTCOME

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Overview

In 2011 the Competition Bureau brought the first contested merger challenge to the Competition Tribunal in seven years.1 After both the Tribunal and the Federal Court of Appeal upheld the Commissioner's challenge the merging parties appealed to the Supreme Court of Canada (the "SCC"). In January 2015 the SCC released its reasons,2 overturning the decisions below and allowing the merger on the basis of the *Competition Act*'s efficiencies defence.

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