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July 21, 2014

Ms. Vickerey Bowles
789 Yonge Street
Toronto, Ontario
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RE: Provision of e-books to the Toronto Public Library

Dear Ms. Bowles:

Thank you for your letter of April 24, 2014, regarding the Toronto Public Library's access to e-content.

As you may know, the Competition Bureau (the "Bureau") is an independent law enforcement agency that contributes to the prosperity of Canadians by protecting and promoting competitive markets and enabling informed consumer choice. As part of its mandate, the Bureau is responsible for the administration and enforcement of the *Competition Act* (the "Act"), a federal law that governs most business conduct in Canada. The Act contains civil provisions aimed at preventing anti-competitive practices from taking place in Canadian markets. You can find information about these provisions on our website: http://www.competitionbureau.gc.ca.

As we discussed in our telephone call of May 15, 2014, as a statute of general application, the Act does not provide the Commissioner of Competition (the "Commissioner") with any regulatory authority to compel entities to adopt a particular course of conduct in respect of their activities. Rather, where the Commissioner has evidence a contravention of the Act has occurred, he may take appropriate action which can include making an application to the Competition Tribunal for an order to remedy the effects of the contravention.

The issues raised in your letter were considered under several provisions of the Act, including sections 75, 79 and 90.1. As mentioned in our telephone call, there are a number of criteria that must be met for there to be a contravention of the Act under each of these provisions. Certain actions like charging high prices or placing requirements on the use of supplied products are not sufficient actions to give the Commissioner cause to seek a remedy from the Competition Tribunal. For example, the mere refusal to supply a product would not constitute a contravention of the Act

the mere refusal to supply a product would not constitute a contravention of the Act unless the refusal is having or is likely to have an adverse effect on competition in a market, among other things.

We have reviewed the material you have provided us and have concluded that, at this time, there are no grounds to pursue the matter further.

However, if you believe that any additional information or any additional evidence should be brought to the Bureau's attention, please do not hesitate to contact me directly at (819) 934-3175. For your information and as mentioned in our telephone call, pursuant to section 103.1, the Act provides the right to any person to apply for leave to the Tribunal to make an application under section 75, 76 or 77.

Yours truly,

Barbara Russell
Competition Law Officer

cc: Jonathan Michaud
Senior Competition Law Officer

Richard Bilodeau
Assistant Deputy Commissioner of
Competition