

Federal Court



Cour fédérale

Date: 20170914

Docket: T-918-17

Ottawa, Ontario, September 14, 2017

PRESENT: The Honourable Mr. Justice Lafrenière

BETWEEN:

ATTORNEY GENERAL OF CANADA

Applicant

and

**FIRST NATIONS CHILD AND FAMILY
CARING SOCIETY OF CANADA,
ASSEMBLY OF FIRST NATIONS,
CANADIAN HUMAN RIGHTS
COMMISSION, CHIEFS OF ONTARIO,
ANMESTY INTERNATIONAL AND
NISHNAWBE ASKI NATION**

Respondent

and

**MANITOBA NURSES UNION AND THE
CANADIAN FEDERATION OF NURSES
UNIONS**

Interveners

ORDER

UPON MOTION in writing dated August 15, 2017 on behalf of the proposed interveners, Manitoba Nurses Union [MNU] and the Canadian Federation of Nurses Unions [CFNU], under Rule 369 of the *Federal Courts Rules*, SOR/98-106, for:

- (a) an order granting MNU and CFNU leave to intervene in the within Application and granting them the following participatory rights therein:
 - a. the right to cross-examine Sony Perron on his affidavit sworn July 24, 2017;
 - b. the right to file a memorandum of fact and law respecting the within Application of no more than 10 pages in length;
 - c. the right to make oral submissions to this Honourable Court at the hearing of the within Application, of no more than 15 minutes in length; and
 - d. the right to appeal the decision of this Honourable Court solely on any one or more of the issues set out below;
- (b) such further and other relief as this Honourable Court may deem just;

AND UPON reading the motion record filed on behalf of the proposed interveners, MNU and CFNU;

AND UPON reading correspondence dated August 24, 2017 from counsel for the Applicant, the Attorney General of Canada, indicating that the Applicant does not oppose the motion for leave to intervene, but on terms narrower than requested by the proposed interveners;

AND UPON reading correspondence dated August 23, 2017 from counsel for the Respondent, First Nations Child and Family Caring Society of Canada, indicating consent;

AND UPON reading correspondence dated August 25, 2017 from counsel for the Respondents, Canadian Human Rights Commission and the Chiefs of Ontario, indicating no opposition to the motion;

AND UPON the Respondents, Assembly of First Nations, Amnesty International and Nishnawbe Aski Nation, taking no position on the motion;

AND UPON reading correspondence in reply dated August 31, 2017 from counsel for the proposed interveners accepting, for the purpose of the motion, that they are not entitled to cross-examine Mr. Perron or independently appeal any decision of the Court, albeit without prejudice to their right to re-apply for intervener status before any appellate Court on any appeal taken by one or more of the parties;

AND UPON concluding that the matters the proposed interveners intend to raise should not unnecessarily duplicate the matters already raised in the parties' memoranda of fact and law;

AND UPON considering that, in granting leave to intervene under Rule 109 of the *Federal Courts Rules*, the Court may give directions regarding any matters relating to the procedure to be followed by the interveners;

THIS COURT ORDERS that:

1. Manitoba Nurses Union and the Canadian Federation of Nurses Unions, are granted leave to intervene on the following terms:

- a. The Interveners shall serve and file a joint memorandum of fact and law not exceeding 10 pages in length (exclusive of the front cover, any table of contents, the list of authorities in Part V of the memorandum, appendices A and B, and the back cover) within 10 days of service of the Respondents' Records;
- b. The Interveners' memorandum shall not duplicate the submissions of the parties in their memorandum;
- c. The Interveners shall not add to the evidentiary record before the Court;
- d. The Interveners shall have the right to make oral submissions at the hearing of application, not exceeding 15 minutes in length, unless otherwise ordered or directed by the hearing judge;
- e. The Interveners are granted leave to serve any documents on the parties through their solicitors of record by email;
- f. The Interveners shall be served with all documents intended to be filed by the parties through their solicitor of record, Mr. Jason E. Roberts of Fillmore Riley LLP by email;
- g. The Interveners shall not be liable to any of the parties for any costs; and
- h. No party shall be liable to the Interveners for their costs.

2. The style of cause is amended accordingly.
3. There shall be no costs on this motion.

“Roger R. Lafrenière”

Judge