

**FEDERAL COURT OF APPEAL**

BETWEEN:

**ATTORNEY GENERAL OF CANADA**

Appellant

- and -

**JOANNE POWLESS**

Respondent

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**RESPONDENTS' RECORD**  
**RE: MOTION FOR LEAVE TO INTERVENE OF FIRST NATIONS CHILD**  
**AND FAMILY CARING SOCIETY OF CANADA**

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September 15, 2025

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**FEDERAL COURT OF APPEAL**

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**RESPONDENTS' WRITTEN REPRESENTATIONS  
RE: MOTION FOR LEAVE TO INTERVENE OF FIRST NATIONS CHILD AND  
FAMILY CARING SOCIETY OF CANADA**

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1. These written representations constitute the Respondent's response to the First Nations Child and Family Caring Society of Canada's ("Caring Society") motion for leave to intervene in this appeal.
2. The Respondent takes no position on the Caring Society's motion, other than to make the following observation.
3. As the Caring Society has highlighted in its materials, this appeal is being heard on an expedited basis in light of the serious circumstances facing the Respondent's grandchildren. As the application judge found, both grandchildren have serious symptoms arising from the interaction between their respiratory conditions and the condition of the home in which they live, which the application judge noted is "not in dispute and is described as uninhabitable and harmful to the health of the children."<sup>1</sup> The application judge noted that this circumstance has led to missed school and for one child "frequent nosebleeds requiring bedding changes".<sup>2</sup> The record reveals that one of the grandchildren has had repeated trips to the emergency room as a result of their

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<sup>1</sup> *Powless v Canada (Attorney General)*, [2025 FC 1227](#) at para [11](#).

<sup>2</sup> *Powless v Canada (Attorney General)*, [2025 FC 1227](#) at para [10](#).

respiratory condition.<sup>3</sup> In light of these serious circumstances, the parties agreed to seek an expedited hearing given the children's respiratory conditions, the swiftly approaching winter, and the resulting shortening time remaining in the building and repair season.<sup>4</sup>

4. On September 8, 2025, the Chief Justice ordered that the appeal would be heard on October 6, 2025, for a maximum duration of four hours. Considering the foregoing, the Respondent's position is that it would not be in the interests of justice to grant the motion for leave to intervene if it would result in a delay to the hearing date that the Chief Justice has ordered. The Respondent notes that the Caring Society has indicated in its materials that it will comply with the expedited nature of this proceeding.<sup>5</sup>

**ALL OF WHICH IS RESPECTFULLY SUBMITTED** at Ottawa, Ontario, this 15th day of September, 2025.



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**David P. Taylor**  
**Siobhan K. Morris**

**Counsel for the Respondent**

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<sup>3</sup> Appeal Book, Tab 7, Affidavit of Joanne Powless at paras 7 and 66.

<sup>4</sup> August 11, 2025 letter from counsel for the Attorney General to the Registry at p 1.

<sup>5</sup> Caring Society Memorandum of Argument at paras 2 and 42(d).

## LIST OF AUTHORITIES

### CASE LAW

1. *Powless v Canada (Attorney General)*, [2025 FC 1227](#)