

Federal Court of Appeal



Cour d'appel fédérale

Date: 20250918

Docket: A-270-25

Ottawa, Ontario, September 18, 2025

Present: WEBB J.A.

BETWEEN:

ATTORNEY GENERAL OF CANADA

Appellant

and

JOANNE POWLESS

Respondent

and

**ASSEMBLY OF MANITOBA CHIEFS and
THE FIRST NATIONS CHILD AND CARING SOCIETY OF CANADA**

Intervenors

ORDER

WHEREAS the hearing of this appeal has been expedited and is scheduled to be heard in
Ottawa on October 6, 2025;

AND WHEREAS the Assembly of Manitoba Chiefs (AMC) and the First Nations Child and Caring Society of Canada (the Caring Society) have each brought a motion to intervene in this appeal;

AND WHEREAS the Court is satisfied that the AMC and the Caring Society should be granted leave to intervene;

AND WHEREAS as noted in *Tsleil-Waututh Nation v. Canada (Attorney General)*, 2017 FCA 174:

[54] In this Court, an intervener is not an applicant: *Tsleil-Waututh Nation*, above [2017 FCA 102]. An intervener cannot introduce new issues or claim relief that an applicant has not sought. Instead, an intervener is limited to addressing the issues already raised in the proceedings, i.e., within the scope of the notices of application. As well, an intervener cannot introduce new evidence. See generally *Canada (Citizenship and Immigration) v. Ishaq*, 2015 FCA 151, [2016] 1 F.C.R. 686.

AND WHEREAS the memorandum for the Attorney General of Canada (AGC) was filed on September 12, 2025 and the memorandum for Joanne Powless is to be filed no later than September 26, 2025;

AND WHEREAS there is not sufficient time for the interveners to serve and file their memoranda after the memorandum for Joanne Powless is filed and before the hearing of this appeal on October 6, 2025;

AND WHEREAS the AGC has requested the right to serve and file a memorandum responding to the memoranda of the interveners, but Joanne Powless has not made a similar request;

NOW THEREFORE THIS COURT ORDERS that:

1. The motions of the AMC and the Caring Society for leave to intervene in this proceeding are allowed.
2. The AMC shall have the right to serve and file, on or before September 25, 2025, a memorandum of fact and law that:
 - (a) does not exceed 15 pages in length;
 - (b) only relies on evidence that is part of the record in this proceeding;
 - (c) only addresses issues raised in the notice of appeal; and
 - (d) complies with Rule 65 of the *Federal Courts Rules*, SOR/98-106.
3. The Caring Society shall have the right to serve and file, on or before September 25, 2025, a memorandum of fact and law that:
 - (a) does not exceed 15 pages in length;
 - (b) only relies on evidence that is part of the record in this proceeding;
 - (c) only addresses issues raised in the notice of appeal; and
 - (d) complies with Rule 65.
4. The AGC shall have the right to serve and file, on or before October 2, 2025, a single reply memorandum to the memoranda of the AMC and the Caring Society that:
 - (a) does not exceed 25 pages in length;

- (b) only addresses issues raised by the AMC or the Caring Society in their memoranda; and
 - (c) complies with Rule 65.
- 5. The right of the interveners to make oral submissions at the hearing will be determined by the panel hearing the appeal.
- 6. The style of cause in the appeal is amended, effective immediately, to include the AMC and the Caring Society as interveners as indicated in this Order.
- 7. No costs shall be awarded to or against any of the interveners.

“Wyman W. Webb”

J.A.