

Federal Court of Appeal



Cour d'appel fédérale

Date: 20171122

Docket: A-188-17

Ottawa, Ontario, November 22, 2017

Present: STRATAS J.A.

BETWEEN:

STACEY SHINER IN HER PERSONAL CAPACITY,
AND AS GUARDIAN OF JOSEY K. WILLIER

Appellant

and

ATTORNEY GENERAL OF CANADA

Respondent

and

FIRST NATIONS CHILD AND FAMILY
CARING SOCIETY OF CANADA

Intervener

ORDER

WHEREAS the First Nations Child and Family Caring Society of Canada moves for leave to intervene in this appeal;

AND WHEREAS this Court may grant leave to intervene under Rule 109 of the *Federal Court Rules*, SOR/98-106;

AND WHEREAS this Court recognizes the proposed intervener's genuine interest in the appeal and the value of its insights and perspectives to the legal issues on appeal: *Sport Maska Inc. v. Bauer Hockey Corp.*, 2016 FCA 44, [2016] 4 F.C.R. 3; *Canada (Attorney General) v. Pictou Landing First Nation*, 2014 FCA 21, [2015] 2 F.C.R. 253;

AND WHEREAS in the same circumstances the Federal Court granted leave to the proposed intervener to intervene at the Federal Court: *Globalive Wireless Management Corp. v. Public Mobile Inc.*, 2011 FCA 119, 420 N.R. 46;

AND WHEREAS the First Nations Child and Family Caring Society of Canada has a good track record of making valuable submissions based on the settled evidentiary record, and not improperly adding to it;

AND WHEREAS all parties consent to the First Nations Child and Family Caring Society of Canada's intervention and the proposed terms of the intervention;

THIS COURT ORDERS that:

1. The First Nations Child and Family Caring Society of Canada is granted leave to intervene in this appeal on the following terms:
 - a. The intervener shall be permitted to file its memorandum of fact and law not exceeding 15 pages in length, along with its book of authorities, no later than December 11, 2017;
 - b. The intervener shall be permitted to make oral submissions at the hearing of this appeal for a duration to be set by the panel hearing the appeal;

- c. The intervener's written and oral submissions shall be limited to the issues identified in paragraphs 15 and 16 of its written representations in support of this motion;
 - d. The intervener shall not add to the evidentiary record before this Court;
 - e. The intervener shall not seek costs on appeal nor shall it be liable for costs;
2. The respondent shall be permitted to file a further memorandum of fact and law in response to the intervener's submissions not exceeding 15 pages in length, along with its book of authorities, no later than January 8, 2018;
3. The style of cause shall be amended to add the First Nations Child and Family Caring Society of Canada as an intervener;
4. The requisition for hearing shall be filed no later than January 18, 2018.

"David Stratas"

J.A.