

CANADA / JUDGMENT

Canadian Council For Refugees v. Canada

2007 FC 8

COURT
Federal CourtDECIDED
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Canadian Council For Refugees v. Canada Court (s) Database Federal Court Decisions Date 2007-01-04 Neutral citation 2007 FC 8 File numbers IMM-7818-05 Decision Content Date: 20070104 Docket: IMM-7818-05 Citation: 2007 FC 8 Toronto, Ontario, January 4, 2007 PRESENT: The Honourable Mr. Justice Hughes BETWEEN: CANADIAN COUNCIL FOR REFUGEES, CANADIAN COUNSEL OF CHURCHES, AMNESTY INTERNATIONAL, and JOHN DOE Applicants and HER MAJESTY THE QUEEN Respondent AMENDED REASONS FOR ORDER AND ORDER

[1] These reasons concern a motion by Women's Legal Education and Action Fund (LEAF) to intervene in these proceedings. Rule 109 is directed to such a motion and gives to the Court a discretion as to whether leave to intervene should be granted. The proposed intervenor bears the onus to persuade the Court that such leave should be granted. The parties are in agreement that the following are the appropriate criteria:

1. Is the proposed intervenor directly affected by the outcome?
2. Does there exist a justiciable issue and a veritable public interest?
3. Is there an apparent lack of any other reasonable or efficient means to submit the question of the Court?
4. Is the position of the proposed intervenor adequately defended by one of the parties to the case?
5. Are the interests of justice better served by the intervention of the proposed third party?
6. Can the Court hear and decide the cause on its merits without the proposed intervenor?

[2] The position of the proposed intervenor is essentially that it is a public interest advocacy group with interests particularly directed to women and girls, a group which it alleges is particularly vulnerable in respect of refugee issues such as those raised in the present proceedings.

[3] LEAF has failed to establish that it meets any of the above criteria accepted in determining whether discretion should be exercised in allowing it to intervene. LEAF is not personally affected by these proceedings, it represents a constituency that is part of the larger

community already represented by the two public advocacy groups before this Court; it has not demonstrated that it is any unique position such that its presence as an intervener is necessary for a full and proper determination of the issues before the Court. LEAF does not propose to file any evidence of its own, its role therefore would simply be to add to the argument that can be and one expects will be ably presented by Counsel for the Applicants.

- [4] The motion is therefore denied with no Order as to Costs. ORDER UPON MOTION in writing on behalf of the Women's Legal Education and Action Fund (LEAF) dated November 21, 2006, for an Order:
1. Pursuant to Rule 109 of the Federal Court Rules, 1998 that LEAF be added as an intervener in this judicial review, on the following terms:
 - a) LEAF will accept the record as it is and will not file any additional evidence;
 - b) LEAF will file and serve its factum at least 2 weeks before the date of the hearing;
 - c) LEAF will have the right to make oral submissions before this Honourable Court; and
 - d) LEAF will not seek costs, nor shall costs be awarded against it.
 2. Pursuant to Rule 369 of the Federal Court Rules, 1998, that this Order be decided on the written representations. AND UPON reviewing the records filed by the proposed intervener and the Respondent, and noting the Consent of the Applicants; AND FOR the Reasons provided herein; THIS COURT ORDERS that
 1. The motion is dismissed;
 2. No Order as to costs. "Roger T. Hughes" Judge FEDERAL COURT NAMES OF COUNSEL AND SOLICITORS OF RECORD DOCKET: IMM-7818-05 STYLE OF CAUSE: CANADIAN COUNCIL FOR REFUGEES, CANADIAN COUNSEL OF CHURCHES, AMNESTY INTERNATIONAL and JOHN DOE v. HER MAJESTY THE QUEEN CONSIDERED AT TORONTO, ONTARIO PURSUANT TO RULE 369 AMENDED REASONS FOR ORDER AND ORDER BY: HUGHES J. DATED: January 4, 2007 WRITTEN REPRESENTATIONS BY: Barbara Jackman Andrew Brouwer Leigh Salsberg FOR THE APPLICANTS David Lucas François Joyal Greg George Matina Karvellas FOR THE RESPONDENT SOLICITORS OF RECORD JACKMAN & ASSOCIATES Toronto, Ontario FOR THE APPLICANTS John H. Sims, Q.C. Deputy Attorney General of Canada FOR THE RESPONDENT

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