Date: 20080915

Docket: T-215-08

Citation: 2008 FC 1034

Ottawa, Ontario, September 15, 2008

PRESENT: The Honourable Mr. Justice Phelan

BETWEEN:

HALIFAX REGIONAL MUNICIPALITY

Applicant

and

HER MAJESTY THE QUEEN, as represented by PUBLIC WORKS AND GOVERNMENT SERVICES CANADA

Respondent

REASONS FOR ORDER AND ORDER

[1] The Property Valuation Services Corporation (Assessment Authority) has applied for intervenor status in a judicial review commenced by the Halifax Regional Municipality (HRM). The judicial review is of advice given to the Respondent's Minister by the Payment in Lieu of Taxes Dispute Advisory Panel (Panel).

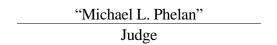
- [2] The Respondent has opposed the motion; the Applicant has taken no position.
- [3] The motion is made pursuant to Rule 109 of the *Federal Courts Rules*, SOR/98-106:
 - **109.** (1) The Court may, on motion, grant leave to any person to intervene in a proceeding.
 - (2) Notice of a motion under subsection (1) shall
 - (a) set out the full name and address of the proposed intervener and of any solicitor acting for the proposed intervener; and
 - (b) describe how the proposed intervener wishes to participate in the proceeding and how that participation will assist the determination of a factual or legal issue related to the proceeding.
 - (3) In granting a motion under subsection (1), the Court shall give directions regarding
 - (a) the service of documents; and
 - (b) the role of the intervener, including costs, rights of appeal and any other matters relating to the procedure to be followed by the intervener.

- **109.** (1) La Cour peut, sur requête, autoriser toute personne à intervenir dans une instance.
- (2) L'avis d'une requête présentée pour obtenir l'autorisation d'intervenir :
 - a) précise les nom et adresse de la personne qui désire intervenir et ceux de son avocat, le cas échéant;
 - b) explique de quelle manière la personne désire participer à l'instance et en quoi sa participation aidera à la prise d'une décision sur toute question de fait et de droit se rapportant à l'instance.
- (3) La Cour assortit l'autorisation d'intervenir de directives concernant :
 - *a*) la signification de documents;
 - b) le rôle de l'intervenant, notamment en ce qui concerne les dépens, les droits d'appel et toute autre question relative à la procédure à suivre.

- [4] The Respondent argues, along with other points, that the Assessment Authority has not shown how its participation will assist in the factual or legal issues related to the proceeding.
- [5] In this respect, I agree with the Respondent. To the extent that the relevant issues, as framed by the parties, are addressed, the Assessment Authority has not shown that it will assist the Court by bringing some different perspective to the judicial review. The parties obviously can address, and have addressed, these issues fully and absent "something else", it is not clear how the Court would benefit from the Assessment Authority's participation.
- [6] The Respondent has objected to what it claims are "new" issues raised by the Assessment Authority. Quite apart from the general principle that an intervenor cannot take over a proceeding or make it something other than what the parties have determined, it is not clear how those issues or the Assessment Authority's perspective, assuming relevant, would assist.
- [7] The Assessment Authority may be interested in the case but that does not equate to an "interest". A jurisprudential interest is not sufficient for intervenor status. (See *Canadian Union of Public Employees (Airline Division) v. Canadian Airlines International Ltd.*, [2000] F.C.J. No. 220 (F.C.A.) (QL))
- [8] The Court does not wish to isolate itself from relevant matters or necessary perspectives. Therefore, this motion will be dismissed without prejudice to the Assessment Authority's right to file a further intervenor motion which in particular addresses Rule 109(2)(*b*) criteria.

ORDER

THIS COURT ORDERS that this motion is dismissed without prejudice to the Assessment Authority's right to file a further intervenor motion which in particular addresses Rule 109(2)(b) criteria.



FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: T-215-08

STYLE OF CAUSE: HALIFAX REGIONAL MUNCIPALITY

and

HER MAJESTY THE QUEEN, as represented by PUBLIC WORKS AND GOVERNMENT SERVICES

CANADA

PLACE AND DATEMotion in writing considered in Ottawa, Ontario **OF HEARING:**pursuant to Rule 369 of the *Federal Courts Rules*

REASONS FOR ORDER

AND ORDER: Phelan J.

DATED: September 15, 2008

APPEARANCES:

Mr. Daniel M. Campbell, Q.C. FOR THE APPLICANT

Mr. Joseph E. Burke

Mr. Reinhold M. Endres, Q.C. FOR THE RESPONDENT

Mr. Clifford Soward

Ms. Valerie L. Paul FOR THE PROPOSED INTERVENOR

SOLICITORS OF RECORD:

COX & PALMER FOR THE APPLICANT

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PROPERTY VALUATION SERVICES FOR THE PROPOSED INTERVENOR

CORPORATION
Dartmouth, Nova Scotia