

Federal Court of Appeal



CANADA

Cour d'appel fédérale

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Federal Court of Appeal



CANADA

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Registry Assistant**DATE : April 7, 2015****Telephone / Téléphone : 613-996-6795****TIME / HEURE : 10:14 AM****Facsimile / Télécopieur : 613-952-7226****Total number of pages (including this page) /**
Nombre de pages (incluant cette page) : 13

SUBJECT / OBJET :

Court File No. / N° du dossier de la Cour: A-407-14

Between / entre: AGC ET AL v. CANADIAN DOCTORS FOR REFUGEE CARE ET AL

Please find enclosed a copy of the Orders of the Court (4) dated April 2, 2015.

Comments/Commentaires

If you require a certified copy of the above-noted decision, please advise and one will be forwarded to you by regular mail. / Si vous avez besoin d'une copie certifiée de la décision susmentionnée, veuillez nous en aviser et nous vous en enverrons une par courrier.

Federal Court of Appeal



Cour d'appel fédérale

Date: 20150402

Docket: A-407-14

Ottawa, Ontario, April 2, 2015

Present: GAUTHIER J.A.

BETWEEN:

**ATTORNEY GENERAL OF CANADA AND
MINISTER OF CITIZENSHIP AND IMMIGRATION**

Appellants

and

**CANADIAN DOCTORS FOR REFUGEE CARE, THE CANADIAN
ASSOCIATION OF REFUGEE LAWYERS, DANIEL GARCIA
RODRIGUES, HANIF AYUBI AND JUSTICE FOR CHILDREN AND YOUTH**

Respondents

and

**REGISTERED NURSES' ASSOCIATION OF ONTARIO AND
CANADIAN ASSOCIATION OF COMMUNITY HEALTH CENTRES**

Interveners

ORDER

**UPON motion made in writing by the proposed interveners, l'Association des
enseignantes et des enseignants franco-ontariens, The Elementary Teacher's Federation of**

Ontario, The English Catholic Teacher's Association and the Ontario Secondary School Teacher's Association for leave to intervene in the present proceeding;

HAVING reviewed the material filed by the parties, including the letter dated February 17, 2015 from the respondents, Justice for Children and Youth;

UPON noting that the test applicable to such motion is not in dispute; it is restated in *Canadian Doctors for Refugee Care v. Canada (Attorney General)*, 2015 FCA 34; [2015] F.C.J. No. 147;

UPON considering the nature of the appeal and the cross-appeal, the written representations already filed by the parties and by the interveners and the contribution the proposed interveners seek to add;

UPON further considering that the requisition for hearing has already been filed since February 9, 2015 and the matter is in the course of being scheduled for hearing;

UPON determining that although the proposed interveners have recognized skills and knowledge to address the issues they propose to deal with, I am not persuaded that it is in the interest of justice, having regard, among other things, to the imperatives in Rule 3 of the *Federal Courts Rules*, SOR/98-106, that the motion be granted;

THIS COURT ORDERS that:

The motion is dismissed.

"Johanne Gauthier"

J.A.

Federal Court of Appeal



Cour d'appel fédérale

Date: 20150402

Docket: A-407-14

Ottawa, Ontario, April 2, 2015

Present: GAUTHIER J.A.

BETWEEN:

**ATTORNEY GENERAL OF CANADA AND
MINISTER OF CITIZENSHIP AND IMMIGRATION**

Appellants

and

**CANADIAN DOCTORS FOR REFUGEE CARE, THE CANADIAN
ASSOCIATION OF REFUGEE LAWYERS, DANIEL GARCIA
RODRIGUES, HANIF AYUBI AND JUSTICE FOR CHILDREN AND YOUTH**

Respondents

and

**REGISTERED NURSES' ASSOCIATION OF ONTARIO AND
CANADIAN ASSOCIATION OF COMMUNITY HEALTH CENTRES**

Interveners

ORDER

UPON motion made in writing by the proposed interveners, the Canadian HIV/Aids

Legal Network for leave to intervene in the cross-appeal in the present proceeding;

HAVING reviewed the material filed by the parties, including the letter dated February 17, 2015 from the respondents, Justice for Children and Youth;

UPON noting that the test applicable to such motion is not in dispute; it is restated in *Canadian Doctors for Refugee Care v. Canada (Attorney General)*, 2015 FCA 34; [2015] F.C.J. No. 147;

UPON considering the nature of the cross-appeal, the written representations already filed by the parties and by the interveners and the contribution the proposed interveners seek to add;

UPON further considering that the requisition for hearing has already been filed since February 9, 2015 and the matter is in the course of being scheduled for hearing;

UPON determining that although the proposed interveners have recognized skills and knowledge to address the issues they propose to deal with, I am not persuaded that it is in the interest of justice, having regard, among other things, to the imperatives in Rule 3 of the *Federal Courts Rules*, SOR/98-106, that the motion be granted;

THIS COURT ORDERS that:

The motion is dismissed.

"Johanne Gauthier"

J.A.

Federal Court of Appeal



Cour d'appel fédérale

Date: 20150402

Docket: A-407-14

Ottawa, Ontario, April 2, 2015

Present: GAUTHIER J.A.

BETWEEN:

**ATTORNEY GENERAL OF CANADA AND
MINISTER OF CITIZENSHIP AND IMMIGRATION**

Appellants

and

**CANADIAN DOCTORS FOR REFUGEE CARE, THE CANADIAN
ASSOCIATION OF REFUGEE LAWYERS, DANIEL GARCIA
RODRIGUES, HANIF AYUBI AND JUSTICE FOR CHILDREN AND YOUTH**

Respondents

and

**REGISTERED NURSES' ASSOCIATION OF ONTARIO AND
CANADIAN ASSOCIATION OF COMMUNITY HEALTH CENTRES**

Interveners

ORDER

UPON motion made in writing by the proposed interveners, Charter Committee on Poverty Issues (CCPI) and the Canada Health Coalition (CHC), for leave to intervene in the present proceeding;

HAVING reviewed the material filed by the parties; including the letter dated March 11, 2015 from the respondents, Justice for Children and Youth;

UPON noting that the test applicable to such motion is not in dispute; it is restated in *Canadian Doctors for Refugee Care v. Canada (Attorney General)*, 2015 FCA 34; [2015] F.C.J. No. 147;

UPON considering the nature of the cross-appeal, the written representations already filed by the parties and by the interveners and the contribution the proposed interveners seek to add;

UPON further considering that the requisition for hearing has already been filed since February 9, 2015 and the matter is in the course of being scheduled for hearing;

UPON determining that although the proposed interveners have recognized skills and knowledge to address the issues they propose to deal with, I am not persuaded that it is in the interest of justice, having regard, among other things, to the imperatives in Rule 3 of the *Federal Courts Rules*, SOR/98-106, that the motion be granted;

THIS COURT ORDERS that:

The motion is dismissed.

"Johanne Gauthier"

J.A.

Federal Court of Appeal



Cour d'appel fédérale

Date: 20150402

Docket: A-407-14

Ottawa, Ontario, April 2, 2015

Present: GAUTHIER J.A.

BETWEEN:

**ATTORNEY GENERAL OF CANADA AND
MINISTER OF CITIZENSHIP AND IMMIGRATION**

Appellants

and

**CANADIAN DOCTORS FOR REFUGEE CARE, THE CANADIAN
ASSOCIATION OF REFUGEE LAWYERS, DANIEL GARCIA
RODRIGUES, HANIF AYUBI AND JUSTICE FOR CHILDREN AND YOUTH**

Respondents

and

**REGISTERED NURSES' ASSOCIATION OF ONTARIO,
CANADIAN ASSOCIATION OF COMMUNITY HEALTH CENTRES AND AMNESTY
INTERNATIONAL AND ESCR-NET ("THE COALITION")**

Interveners

ORDER

UPON motion made in writing by the proposed interveners, Amnesty International and
ESCR-net ("The Coalition"), for leave to intervene in the present proceeding;

UPON motion made in writing by The Coalition, for an extension of time to file their reply;

UPON noting that the appellant consented to the granting of an extension of time and considering that such an extension of time should be granted;

HAVING reviewed the material filed by the parties; including the letter dated March 11, 2015 from the respondents, Justice for Children and Youth advising that they do not oppose the said motion for leave to intervene, as well as the reply of The Coalition included as Exhibit "C" to the affidavit of Michael Bossin, dated February 18, 2015;

UPON noting that the test applicable to such motion is not in dispute; it is restated in *Canadian Doctors for Refugee Care v. Canada (Attorney General)*, 2015 FCA 34; [2015] F.C.J. No. 147;

UPON considering the nature of the appeal and the cross-appeal, the written representations already filed by the parties and by the interveners and the contribution The Coalition seeks to add;

UPON further considering that the requisition for hearing has already been filed since February 9, 2015 and the matter is in the course of being scheduled for hearing;

UPON further considering that general principles that The Coalition seeks to address (see page 39 of the motion record, at paragraph 26 (a), (b) and (c)) are already addressed by the parties, as are the international instruments referred to in paragraph 441 to 471 of the decision

under appeal (2014 FC 651). I have not been persuaded that they are uniquely placed to make useful submissions on these issues, particularly at this stage of the proceedings;

UPON determining that although it is a close call, I have been persuaded to exercise my discretion to grant the Coalition leave to intervene, but on terms that limits the scope of the issues they will be entitled to address and the length of the submissions they will be entitled to file;

THIS COURT ORDERS that:

[1] The extension of time for the filing of The Coalition's reply is granted;

[2] The motion for leave to intervene by The Coalition is granted on the terms set out below:



a) The said interveners may file one memorandum of fact and law of no more than ten (10) pages within twenty (20) days of the date of this Order;

b) The said memorandum shall not deal with the issues set out in paragraphs 26 (a), (b) and (c) of the written submissions (Motion record, starting at page 39), but instead shall identify and explain the effect of treaties binding on Canada, other than those referred to in the Federal Court decision under appeal that are relevant to the issues raised in the appeal and cross-appeal, as long as the intervener also explains their relevance;

c) They may make oral submissions on matters raised in the memorandum for a length to be determined by the panel hearing the matter;

d) They shall not add to the evidentiary record before the Court; and,

e) They shall not be liable for costs, nor be granted costs.

[3] The appellants shall be entitled to file a response to the above-mentioned memorandum of no more than ten (10) pages within ten (10) days of the service of the said memorandum;

[4] The style of cause is hereby amended and this Order reflects the new style of cause to be used on future filings.

"Johanne Gauthier"

J.A.