

**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.

**109.** (1) La Cour peut, sur requête, autoriser toute personne à intervenir dans une instance.

(2) Notice of a motion under subsection (1) shall

(2) L'avis d'une requête présentée pour obtenir l'autorisation d'intervenir :

(a) set out the full name and address of the proposed intervener and of any solicitor acting for the proposed intervener; and

a) précise les nom et adresse de la personne qui désire intervenir et ceux de son avocat, le cas échéant;

(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.

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) In granting a motion under subsection (1), the Court shall give directions regarding

(3) La Cour assortit l'autorisation d'intervenir de directives concernant :

(a) the service of documents; and

a) la signification de documents;

(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.

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.

**"Michael L. Phelan"**

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** T-215-08

**STYLE OF CAUSE:** HALIFAX REGIONAL MUNICIPALITY

and

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

**PLACE AND DATE  
OF HEARING:** Motion in writing considered in Ottawa, Ontario  
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. Mr. Joseph E. Burke	FOR THE APPLICANT
Mr. Reinhold M. Endres, Q.C. Mr. Clifford Soward	FOR THE RESPONDENT
Ms. Valerie L. Paul	FOR THE PROPOSED INTERVENOR

**SOLICITORS OF RECORD:**

COX & PALMER  
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FOR THE APPLICANT

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