KING'S BENCH FOR SASKATCHEWAN

Date: **2023 09 19**
Docket: KBG-RG-01978-2023
Judicial Centre: Regina

BETWEEN:

UR PRIDE CENTRE FOR SEXUALITY AND GENDER DIVERSITY

APPLICANT

- and -

GOVERNMENT OF SASKATCHEWAN AS REPRESENTED BY THE MINISTER OF EDUCATION, CONSEIL DES ÉCOLES FRANSASKOISES, CHINOOK SCHOOL DIVISION, CHRIST THE TEACHER CATHOLIC SCHOOL, CREIGHTON SCHOOL DIVISION NO. 111, GOOD SPIRIT SCHOOL DIVISION, GREATER SASKATOON CATHOLIC SCHOOLS, HOLY FAMILY ROMAN CATHOLICS SEPARATE SCHOOL DIVISION #140, HOLY TRINITY CATHOLIC SCHOOLS, HORIZON SCHOOL DIVISION, ILE-A-LA CROSSE SCHOOL DIVISION NO. 112, LIGHT OF CHRIST CATHOLIC SCHOOLS, LIVING SKY SCHOOL DIVISION NO. 202, LLOYDMINSTER CATHOLIC SCHOOL DIVISION, LLOYDMINSTER PUBLIC SCHOOL DIVISION, NORTH EAST SCHOOL DIVISION, NORTHERN LIGHTS SCHOOL DIVISION NO. 113, NORTHWEST SCHOOL DIVISION #203, PRAIRIE SOUTH SCHOOL DIVISION, PRAIRIE SPIRIT SCHOOL DIVISION, PRAIRIE VALLEY SCHOOL DIVISION, PRINCE ALBERT CATHOLIC SCHOOL DIVISION, REGINA CATHOLIC SCHOOLS, REGINA PUBLIC SCHOOLS, SASKATCHEWAN RIVERS SCHOOL DIVISION, SASKATOON PUBLIC SCHOOL, SOUTH EAST CORNERSTONE PUBLIC SCHOOL DIVISION #209, AND SUN WEST SCHOOL DIVISION

RESPONDENTS

Counsel:

Adam Goldenberg, Ljiljana Stanić, Eric Freeman Bennett Jensen and Sean Sinclair	for the applicant
Mitchell McAdam, K.C. and Katherine Roy	for the Government of Saskatchewan
No one appearing	for the 27 named School Boards
Lief Jensen and Dan LeBlanc	for proposed intervenor, Canadian Civil Liberties Association
Andre F. Memauri	for proposed interveners, Gender Dysphoria Alliance and Parents for Choice in Education
Morgan Camley	for proposed intervenor, LEAF Women's Legal Education & Action Fund
Pierre E. Hawkins	for proposed intervenor, John Howard Society of Saskatchewan

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JUDGMENT MEGAW J.
September 19, 2023

INTRODUCTION

[1] This decision concerns the applications for intervenor status in this action brought by five distinct parties as follows:

(a) Gender Dysphoria Alliance [GDA];

(b) Parents for Choice in Education;

(c) Canadian Civil Liberties Association [CCLA];

(d) Women's Legal Education and Action Fund [LEAF]; and

(e) John Howard Society of Saskatchewan [John Howard Society].

[2] On September 15, 2023, materials were faxed to the office of the local registrar by an entity named Our Duty Canada Group. The materials indicated this group sought intervenor status in the proceedings, but the documents were completely unreadable and appeared to have been submitted by an individual, non-lawyer, named Karin Litzcke. The Local Registrar requested this individual re-fax the material in a readable form. That was done on Sunday, September 17, 2023 and was retrieved by the deputy Local Registrar and forwarded to me at approximately 8:00 p.m. that evening. The materials have not been served on the parties to this action.

[3] The materials include a document entitled "Application to intervene by Our Duty Canada Group", together with a document entitled "Form 6-4: Request for abridged notice period by Our Duty Canada Group." The requestor seeks additional time to retain counsel, prepare affidavit materials, and file anything else that is required to be filed on this application.

[4] In open court, I declined to grant this application for an extension of time to retain counsel and file materials in support of its intervenor application, without prejudice to this entity's ability to apply anew with proper materials in hand. The application now before the court does not include the necessary evidentiary base to provide any factual support for the application to extend the time period for filing. In addition, the materials have not been served upon the parties to this action. See in this regard, *Roberts v Roberts*, 2014 SKQB 80 per Turcotte J.

[5] I make no comment on the merits of any potential intervenor application by this entity. Rather, I will address any such application, if and when, it is substantively before the court.

[6] It may be that another intervenor will apply for status in this action. Counsel practising in Calgary, Alberta appeared today to alert the court that she may be retained by an unknown entity who may determine to seek status in this action. I make no comment on any such potential application and will consider it, if and when, any such application is made.

[7] For completeness of the record I note that the school divisions have previously indicated, through counsel, that they take no position in these matters and did not seek to advance any argument in this regard.

[8] I have determined to grant intervenor status to all five of the applicants.

[9] My reasons follow.

BACKGROUND

[10] On August 22, 2023, the Government of Saskatchewan through the Ministry of Education introduced to all of the individual school divisions and the Conseil des Écoles Fransaskoises, a policy entitled "Use of Preferred First Name and Pronouns by Students." That policy requires parental or guardian consent when a student under the age of 16 requests that their "preferred name, gender identity, and/or gender expression be used..." [Policy].

[11] The applicant, UR Pride, has applied by way of originating application for a declaration that the Policy is in violation of s. 7 and 15(1) of the *Canadian Charter of Rights and Freedoms* [*Charter*] and cannot be justified pursuant to s. 1 of the *Charter*. The applicant then seeks a declaration pursuant to s. 52(1) of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982*, (UK), 1982, c 11 that the Policy is of no force and effect. The applicant further seeks an interlocutory injunction

enjoining the school divisions from implementing the Policy until the matter has been finally determined.

[12] The first two described entities have filed a joint application for intervenor status but are prepared to act alone if one or the other is not able to obtain such status in these proceedings. The five intervenor applications contain affidavit material explaining their organization and its connection to the matters in issue in this litigation. They have also all filed briefs in support of an order granting them status to participate. A description of each applicant follows.

Gender Dysphoria Alliance [GDA]

[13] This is a relatively recently formed group seeking to bring awareness to concerns regarding gender dysphoria. Its members appear to advocate for their concerns regarding the presentation of gender dysphoria in society generally. The GDA seeks to endorse positions being advanced in support of the continued adoption of the Policy in this regard. Specifically, the GDA supports the role of parents as decision maker for their children and a parent's right to be informed of matters regarding their children. It also supports the position that other adults and peers may have influence on children and those children's interests are best protected through the involvement of their parents.

[14] There is no indication that this organization has either sought or been granted intervenor status previously in any litigation, whether constitutional or otherwise. There is similarly no indication in the materials that this organization has a particular expertise in advancing arguments with respect to *Charter* issues. Finally, it may reasonably be concluded that the position to be advanced by this organization will align reasonably closely with the position to be advanced by the Government.

Parents for Choice in Education

[15] This organization appears to have been in existence for 11 years. It seeks to bring awareness to the role that parents play with respect to their children including in the area of education and the moral upbringing of those children. The use of the word "moral" appears in this organization's materials and is not specifically defined. In this litigation, they seek to advance submissions concerning the primary role that parents have in the lives of their children and that parents should not be excluded from receiving information concerning their children.

[16] This organization indicates it has been a party to litigation involving a challenge to a proposed Alberta legislation. That litigation has been concluded by subsequent events concerning the Government of Alberta. This organization has apparently not participated or been granted intervenor status in any litigation, again whether constitutional or otherwise. As with the first organization, there is no indication that this group has any particular expertise in *Charter* related issues. As well, it would appear the position to be advanced here also aligns with the position to be advanced by the Government.

[17] When queried on what different perspective these two organizations would bring to the discussions on the *Charter* issues, counsel was not in a position to explain what that might be.

John Howard Society of Saskatchewan [John Howard Society]

[18] This organization is involved in providing housing and supported living for youths, including gender diverse youth. It carries on this work through an association with the Ministry of Social Services. It asserts that it has direct involvement with youth who are experiencing difficulties, including those gender diverse youth.

[19] There is no indication that this organization has been involved in constitutional litigation regarding the issues now before the court or has any particular expertise in these *Charter* issues. There is indication it has experience with at risk youth and, in particular, those who are gender diverse and experiencing homelessness. It would appear the position of this organization will align with the position to be advanced by the applicant.

Canadian Civil Liberties Association [CCLA]

[20] This organization has been in existence since 1964 and is involved in the development of fundamental human rights and civil liberties in Canada. It has a national standing and deposes that it is involved in research, advocacy, public education, and engagement, to advance an interest in human rights and civil liberties.

[21] The affidavit filed in support by this organization sets forth an extensive national involvement in numerous legal actions. That involvement is at all levels of court and at virtually all, if not all, courts across Canada. It seeks here to bring its experience with respect to the civil liberties at issue in this litigation. Included amongst the actions in which it has intervened are several that deal specifically with the rights of young people.

[22] From the submission of counsel, it appears this entity seeks to provide assistance to the court with the difficult constitutional issues presented in this litigation. It does not appear the entity is aligned with a particular side in this dispute but rather seeks to present argument on the law and how it is to be applied. This entity does not have any direct connection or involvement to the issues presented by the Policy.

Women's Legal Education and Action Fund [LEAF]

[23] This organization deposes that it has 38 years of involvement in the legal protection of gender equality rights. Its mandate is to support substantive equality for women, girls, trans, and non-binary people. Through its litigation and law reform activities, it deposes that it has acquired extensive specific expertise in issues involving substantive gender equality.

[24] The organization lists an extensive history of involvement as intervenor in actions at the Supreme Court of Canada, involving litigation matters across the country. In particular with respect to the matter now before the court, LEAF sets forth its experience dealing with the legal issues surrounding those issues presented by the Policy in issue.

[25] From the submissions of counsel, it appears LEAF seeks to provide assistance to the court in dealing with the difficult *Charter* issues that are presented by this litigation. It seeks to provide that assistance based on its long experience in assisting with the development of the law in these areas. Based on the information filed in this matter, I am not able to conclude that this entity is aligned with one side or the other in this dispute but rather seeks to present argument on the development of the law on these constitutional issues. There was some suggestion that this entity was aligned with the applicant due to its previous work with Egale Canada or other organizations. Based on the material before the court I decline to both make that connection and I decline to determine that should, in any way, influence the exercise of my discretion in these proceedings.

[26] There is no suggestion that this entity has direct involvement in the specific issues raised by the Policy.

DECISION

1. Discussion on the role of the court in determining the granting of intervenor status

[27] This decision makes no comment on the nature of the activities carried on by the various organizations who seek to obtain intervenor status. What the entities advocate for, or on behalf of, are matters within their determination. The role of the court at this stage is solely to apply the applicable considerations for determining whether intervenor status ought to be granted and then determining whether to exercise its discretion in granting such status. As will be seen in this decision, there are a number of touchstones for the court in arriving at the conclusion of when to exercise its discretion regarding allowing a non-party to engage in this litigation.

[28] Counsel for the Government advanced the position that the test for granting intervenor status is different for a trial court than for appellate courts. To a degree, this argument has merit on this application. It would appear that appellate courts are somewhat more willing to grant intervenor status to those that apply. However, regardless, this court must still consider those factors outlined in the authorities and exercise its discretion judicially when arriving at its conclusions in this regard.

2. The test for granting intervenor status

[29] *The Queen's Bench Rules* provide as follows:

> **Intervenor status**
>
> 2-12 On application, the Court may grant status to a person to intervene in an action subject to any terms and conditions and with the rights and privileges specified by the Court.
>
> **Leave to intervene as a friend of the Court**

> 2-13(1) The Court may order that a person may, without becoming a party to the proceeding, intervene in the proceeding as a friend of the Court for the purpose of assisting the Court by way of argument or by presentation of evidence.
>
> (2) The Court may make an order pursuant to subrule (1) on any terms as to costs or otherwise that the Court may impose.

[30] While there have been other pronouncements on the specifics of the test to apply when considering whether to grant intervenor status, I refer to, and rely upon, the succinct comments of Brown J. in *Saskatchewan (Environment) v Saskatchewan Government Employees Union*, 2016 SKQB 250:

> [41] The granting of intervenor status is discretionary and should be exercised sparingly. Within the ambit of that discretion, CIFFC [The Canadian Interagency Forest Fire Centre Inc.] as an applicant seeking to be made an intervenor in this Queen's Bench matter pursuant to Rule 2-12 should be prepared to address the following:
>
> a. A sufficient interest in the outcome of the matter must be shown such that their involvement is warranted. An outcome that adversely affects them may well be considered sufficient to meet this criterion;
>
> b. There must exist the reasonable prospect that the process will be advanced or improved by their addition as an intervenor. This includes demonstrating that, as an intervenor, they will bring a new perspective or special expertise to the proceedings that would not be available without their participation. Merely echoing the position of one or more of the parties indicates they will not provide the requisite value;
>
> c. As an intervenor they cannot seek to increase the number of issues the parties themselves have included in the proceeding;
>
> d. Adding them as an intervenor must meet the goals and objectives identified by Rule 1-3 such that the issues raised by the litigation will be heard with reasonable dispatch and the matter will not be overwhelmed with procedure by virtue of their inclusion as an intervenor;
>
> e. Adding them as an intervenor must not unduly prejudice one of the parties;

> f. The intervention should not transform the court into a political arena; and
>
> g. The court is not bound by any of these factors in determining an application for intervention but must balance these factors against the convenience, efficiency and social purpose of moving the case forward with only the persons directly involved in the proceeding.

[31] The same, or similar requirements are set forth in *A.G. v Saskatchewan*, 2022 SKQB 11, 77 CPC (8th) 330 and earlier in *R v Latimer*, 128 Sask R 195. Recently, in Alberta, Feehan J.A. in *Justice Centre for Constitutional Freedoms v Alberta*, 2021 ABCA 295 provided a somewhat expanded listing of the considerations with intervenor applications:

> [8] Granting intervenor status is a two-step process. The court first considers the subject matter of the appeal and then determines the proposed intervenor's interest in it: ***Orphan Well*** [*Orphan Well Association v Grant Thorton Liminted*, 2016 ABCA 238, 40 Alta LR (6th) 11], para 8, citing ***Papaschase Indian Band v Canada (Attorney General)***, 2005 ABCA 320, para 5, 380 AR 301.
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> [9] In ***AC and JF v Alberta***, 2020 ABCA 309, para 9, this Court described the factors to be examined:
>
> > 1. whether the proposed intervenor has a particular interest in, or will be directly and significantly affected by the outcome of the appeal, or
> >
> > 2. whether the proposed intervenor will provide some special expertise, perspective, or information that will help resolve the appeal.
>
> See also ***Papaschase***, para 5; ***Edmonton (City) v Edmonton (Subdivision and Development Appeal Board)***, 2014 ABCA 340, para 8; 584 AR 255; ***UAlberta Pro-Life v Governors of the University of Alberta***, 2018 ABCA 350, para 9; ***Wilcox v Alberta***, 2019 ABCA 385, para 12; ***Hamm v Canada (Attorney General)***, 2019 ABCA 389, para 5.
>
> [10] The following factors may also be considered:

> 1. is the presence of the intervenor necessary for the court to properly decide the matter;
>
> 2. might the intervenor's interest in the proceedings not be fully protected by the parties;
>
> 3. will the intervention unduly delay the proceedings;
>
> 4. will there possibly be prejudice to the parties if intervention is granted;
>
> 5. will intervention widen the dispute between the parties; and
>
> 6. will the intervention transform the court into a political arena.

See ***Pedersen v Alberta***, 2008 ABCA 192, para 3, 432 AR 219; ***UAlberta Pro-Life***, para 10; ***Wilcox***, para 13; ***Hamm***, para 6; ***AC and JF***, para 10.

[11] This Court also indicated in ***Papaschase***, para 6, that the standard for intervenor status is more relaxed in a constitutional case and at the appellate level:

> In cases involving constitutional issues or which have a constitutional dimension to them, courts are generally more lenient in granting intervener status ... Similarly, appellate courts are more willing to consider intervener applications than courts of first instance.

I do not see that expanded discussion as changing the considerations summarized by Brown J.

[32] In a very recent decision of the Supreme Court of Canada, *R v McGregor*, 2023 SCC 4, 422 CCC (3d) 415 [*McGregor*], Rowe J., speaking for himself, set forth useful commentary on the role of intervention in litigation. While I recognize that the Supreme Court of Canada has specific rules with respect to intervenor applications, I find the comments of Rowe J. of assistance in determining what ought to happen when considering the roles of intervention on a case such as that presently before this Court. I also recognize that Rowe J. was speaking for himself, and not other members of the

court, in making these comments. Regardless, I find them of assistance in giving focus to the issue of intervention. Rowe J. stated:

> [103] The purpose of an intervention is to "present the court with submissions which are useful and different from the perspective of a non-party who has a special interest or particular expertise in the subject matter of the appeal" (*R. v. Morgentaler*, [1993] 1 S.C.R. 462, at p. 463; see also *R. v. Barton*, 2019 SCC 33, [2019] 2 S.C.R. 579, at para. 52; *Rules of the Supreme Court of Canada*, SOR/2002-156, r. 57(2)(b)). Interveners provide additional perspectives on the legal issues raised by the parties and on the broader implications of the Court's decision. Depending on the context, interveners might highlight relevant jurisprudence, present insightful arguments, or clarify the potential analytical paths to resolving the issues placed before the Court. Interveners may also enhance accuracy by representing diverse cross-sections of the Canadian public and furnishing an analysis informed by their particular experience or specialized expertise. Since the cases heard by this Court are frequently matters of public importance, such experience and expertise can "assist the court in deciding complex issues that have effects transcending the interests of the particular parties before it" (*Barton*, at para. 52). Through their submissions, interveners inform the Court of the direct and indirect consequences of the dispute on various stakeholders and on other areas of law. In this way, interveners can often make important contributions. In order to do so, however, interveners must operate within recognized limits. The *Rules of the Supreme Court of Canada* clearly state these limits, and this Court has issued practice directions, more than once, to remind potential interveners of the boundaries they must respect (see *Notice of November 2021* [*Notice to the Profession: November 2021 – Interventions*, November 15, 2021 (online)]; *Notice to the Profession: March 2017 — Allotting Time for Oral Argument*, March 2, 2017 (online)).
>
> [104] These constraints reflect a sound understanding of interveners' place within the litigation and of the role of this Court. While the Court is often tasked with deciding issues that have implications extending beyond the parties, it remains an adjudicative body. The polycentric nature of a legal issue does not turn the Court into a legislative committee or a Royal Commission (*J.H. v. Alberta (Minister of Justice and Solicitor General)*, 2019 ABCA 420, 54 C.P.C. (8th) 346, at paras. 25-27). The Court's process also remains firmly grounded in the adversarial system: the parties control their case and decide which issues to raise. This does not change when the parties argue before the Supreme Court. Indeed, the importance of this principle only

increases: as an apex court, this Court's role is to adjudicate disputes with the benefit of trial-level findings of fact and appellate-level reasons on the issues fully argued by the parties.

[105] Such considerations help explain the specific limits placed on interventions. First, interveners are not parties. The purpose of an intervention is not to support a party — by which I mean the appellant(s) and respondent(s) — but to put forward the intervener's own view of a legal issue already before the Court. Despite the involvement of interveners, the appeal remains a dispute between the parties (*Notice of November 2021*, at point 2). Consequently, interveners should not take a position on the outcome of the appeal (*Rules of the Supreme Court of Canada*, r. 42(3); *Notice of November 2021*, at point 3).

[106] Secondly, interveners must not raise new issues or "widen or add to the points in issue" (*Morgentaler*, at p. 463; *Reference re Goods and Services Tax*, [1992] 2 S.C.R. 445, at p. 487; *Rules of the Supreme Court of Canada*, r. 59(3); *Notice of November 2021*, at point 4). Interveners may, however, present their own legal arguments on the existing issues and make submissions on how those issues affect the interests of those whom they represent (see, e.g., *Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)*, 2005 SCC 69, [2005] 3 S.C.R. 388, at para. 40; *Canada (Justice) v. Khadr*, 2008 SCC 29, [2008] 2 S.C.R. 143, at para. 18; *Barton*, at para. 52).

[107] Interveners must be careful to distinguish between developing a permissible legal argument and adding prohibited new issues; the two are conceptually distinct. A fresh perspective or legal argument on an existing issue is not the same as the introduction of a new issue, outside the scope of the appeal or, even further, in contradiction to the parties' submissions regarding the scope of the appeal. The former may assist the Court's deliberation, while the latter detracts from it. While in rare cases it may be difficult to distinguish between the two, this appeal is not such a case. By asking this Court to overturn *Hape* [*R v Hape*, 2007 SCC 26, [2007] 2 SCR 292], certain interveners, upon whom Justices Karakatsanis and Martin rely, have introduced what is clearly a new issue.

[108] Finally, interveners must not adduce further evidence or otherwise supplement the record without leave (*Rules of the Supreme Court of Canada*, r. 59(1)(b)). They may, of course, use their submissions to explain the impact of the appeal on the group(s) they represent; this represents an appropriate exercise of their role. But they must take the case and the record as they find it, or seek leave to tender new material, such as supplementary legislative facts or contested studies (see, e.g., D. L. Watt et al., *Supreme Court of Canada Practice*

> *2022* (2022), at pp. 369-70, referring to *R.J.R. MacDonald Inc. v. Canada (Attorney General), Bulletin of Proceedings*, June 10, 1994, at p. 990, and *Anderson v. Amoco Canada Oil and Gas, Bulletin of Proceedings*, March 19, 2004, p. 453). This Court, as always, retains a discretion to take any steps it sees fit where an intervener presents new evidence without leave or otherwise makes improper submissions (see *Notice of November 2021*, at point 6).

[33] Returning then to the considerations highlighted by Brown J., I am able to conclude that it appears all of the proposed intervenors have an interest in the outcome of this litigation. In the case of the GDA, Parents for Choice in Education, and the John Howard Society, that interest is personal to both their particular organization and their role in matters regarding young people, parents, and gender issues. The remaining proposed intervenors, CCLA and LEAF, bring a broader experience and expertise to the proceedings through their involvement generally in equality litigation or equality research or education. The latter two organizations have an interest in the outcome of this litigation through their work in assisting with the interpretation and development of the issues presented through the *Charter*.

[34] I do not consider that having a particular direct interest in the matters in issue in the litigation is a necessary prerequisite to being considered in the intervenor debate. Indeed, particularly with *Charter* issues, it is expected there will be members of society who have a particular interest in the litigation through their beliefs. That is to be expected in a pluralistic society that values different approaches to various issues. But it is not a requirement to gain intervenor status. The parties will be advancing their own interests in the litigation. Thus, while interest in the litigation is a factor to be considered, it is not an essential threshold to cross and interest in the outcome is sufficient to be considered in this regard.

[35] In this vein, while GDA, Parents for Choice in Education, and the John Howard Society, have established that they have a particular personal interest or

perspective on the issues in this litigation, I am unable to conclude that any of these three bring any new perspective or special expertise to the constitutional issues raised directly in this litigation. It appears they may be supportive of one side or the other, but that support does not automatically translate into advancing something new before the court.

[36] The CCLA and LEAF, on the other hand, based on the material provided, do bring both a new perspective and special expertise. That new perspective is advanced through their national scope and their apparent intense and extensive involvement in issues and litigation involving the *Charter* and, specifically, regarding those aspects of the *Charter* that are before the court. The expertise that they have generated should assist the court in arriving at an appropriate determination of the matters in issue.

[37] I am mindful in this regard that any potential intervenor is not granted status simply to echo the positions being advanced by the parties. However, the parties are in agreement that the constitutional issues raised here are new and complex. They will therefore, necessarily, bring with them additional considerations to those that may have been litigated previously. Because of the new issues raised, it may well be that different perspective gained from actual experience will be of assistance to the Court in determining its way through these matters.

[38] In this regard, I am mindful of and refer to the comments of Rowe J. in *McGregor*. The purpose of granting intervenor status to an entity is not to enable that entity to provide further support to one side or the other in the litigation. While that supportive role may take place outside the litigation, it is the parties who conduct the litigation and advance the issues as they determine. Additional support is not required within the action and intervention should not be granted if that is all that the proposed intervenor seeks to bring to the litigation.

[39] In this regard, I am also mindful that this is the parties' litigation, the court has been requested to adjudicate between the diverse positions to be taken by the applicant and the respondent, Government of Saskatchewan. As a result, the parties are the ones to direct the discussion on the factual and legal issues presented.

[40] All of the proposed intervenors have indicated they intend to bring different arguments before the Court. Despite not being in a position to specifically advance those at this stage, the clear submissions were to the effect that they do not intend to simply echo submissions made by one side or the other. Because of these different perspectives, it appears that all of the intervenors are interested in advancing the process and improving the arguments before the Court for decision.

[41] All of the intervenors have indicated that they do not intend to expend the number of issues before the Court. As well, they have all indicated that they will work to ensure that they are able to comply with all timelines imposed by the Court. That is to say, the clear weight of the submissions is that none of the proposed intervenors will impede the progress of the action.

[42] There is nothing in the materials or submissions to suggest that any of the intervenors will prejudice either of the parties. All of the intervenors have provided their assurances that they do not intend to transform the Court into a political arena. Rather, they seek to advance specific arguments from their unique perspective and experience.

[43] At the argument of this matter, counsel for the applicant indicated that their client consents to the granting of intervenor status to the CCLA, LEAF, and John Howard. They did not oppose the granting of status to GDA or Parents for Choice in

Education. Counsel for the government submitted that intervenor status should be granted only to GDA and Parents for Choice in Education.

[44] As a result of all of the foregoing, I determine to exercise my discretion to grant the applications for intervenor status brought by GDA, Parents for Choice in Education. and John Howard Society, CCLA, and LEAF. On the basis of the material before me, and the submissions received from counsel, that when considering the factors as outlined by Brown J., these entities should be entitled to participate in these proceedings.

[45] Each of those intervenors shall be entitled to file a brief of no more than 15 pages of substantive response to the matters in issue in this litigation. Furthermore, each of these intervenors shall be entitled to advance submissions at the hearing of the application regarding the constitutionality of the Policy of no more than 15 minutes. I decline to grant status to intervene on the application for an interlocutory injunction. I note that LEAF did not seek such status. In any event, I determine that the issue of the injunction is to be argued by the parties to this litigation.

[46] I decline to award costs with respect to these applications and direct that the applicants shall bear their own costs in this matter.

J.
M.T. MEGAW