

Practice Direction No. 18

Application for Party or Intervenor Status

Effective Date: January 14, 2025

1. This Practice Direction augments sections 22 to 25 of the *Specific Claims Tribunal Act*, SC 2008, c 22, and Rules 43 to 46 of the *Specific Claims Tribunal Rules of Practice and Procedure*, SOR/2011-119. These sections and rules dictate the procedure to apply for party or intervenor status in a claim currently before the Tribunal.
2. The Tribunal has all the powers, rights and privileges that are vested in a superior court of record based on subsection 13(1) of the *Specific Claims Tribunal Act*, SC 2008, c 22. The Tribunal also has a mandate to resolve matters in a just, expeditious and cost-effective manner. Accordingly, this Practice Direction sets out below a process for effective resolution of applications for party or intervenor status.
3. The Tribunal reminds potential applicants that all applications submitted to the Tribunal must comply with [Practice Direction No. 7 \(/en/procedures/practice-direction-no-7\)](#) (Applications for Leave) and [Practice Direction No. 9 \(/en/procedures/practice-direction-no-9\)](#) (E-Filing and Proof of Service).

Application for Party Status

4. Only a province or a First Nation can be added as a party to a claim currently before the Tribunal.
5. For a province to be added as a party, an application may be necessary. For a First Nation to be added as a party, an application is necessary.
6. Within 60 days after receiving a notice per section 22 of the *Specific Claims Tribunal Act*, SC 2008, c 22, a province or a First Nation wishing to apply for party status must first apply for leave of the Tribunal, in accordance with Practice Direction No. 7 (Applications for Leave).
7. If leave is granted, the proposed party may file written submissions of up to 20 pages. These submissions should address how the following legal requirements are met:
 - 7.1. Is there a common question or issue between the claimant(s) and the proposed party?
 - 7.2. Will adding the proposed party result in the just, cost effective and expeditious adjudication of the claim? (Refer to *Birch Narrows First Nation v Her Majesty the Queen in Right of Canada*, 2018 SCTC 8 at para. 16; and *Doig River First Nation v Her Majesty the Queen in Right of Canada*, 2013 SCTC 7 at para. 40.)

- 8.** While written submissions may include a concise statement of the evidence that would be presented in support of the questions noted above, it is premature to provide expert reports or other forms of evidence at this stage of the process.

Application for Intervenor Status

- 9.** Only a First Nation or a person can be added as an intervenor to a claim currently before the Tribunal.
- 10.** For a First Nation or a person to be added as an intervenor, an application is necessary.
- 11.** Within 60 days after receiving a notice per section 22 of the *Specific Claims Tribunal Act*, SC 2008, c 22, a First Nation or a person wishing to apply for intervenor status must first apply for leave of the Tribunal, in accordance with Practice Direction No. 7 (Applications for Leave).
- 12.** If leave is granted, the proposed intervenor may file written submissions of up to 20 pages. These submissions should address how the following legal requirements are met:
- 12.1.** Will the proposed intervenor be directly affected by the outcome the claim?
- 12.2.** If not, is there a public law interest that legitimately engages the proposed intervenor's interests?
- 12.3.** Are there other means to submit the claim(s) of the proposed intervenor to the justice system?
- 12.4.** Is the position of the proposed intervenor adequately defended by one of the parties to the claim?
- 12.5.** Are the interests of justice better served by the intervention?
- 12.6.** Can the Tribunal hear and decide the claim on its merits without the proposed intervenor? (Refer to *Cook's Ferry Indian Band v His Majesty the King in Right of Canada*, 2023 SCTC 2 at para. 48.)
- 13.** While written submissions may include a concise statement of the evidence that would be presented in support of the questions noted above, it is premature to provide expert reports or other forms of evidence at this stage of the process.

Honourable Victoria Chiappetta, Chairperson
Specific Claims Tribunal