

Federal Court of Appeal



Cour d'appel fédérale

Date: 20191001

**Dockets: A-321-19 (lead file),
A-323-19, A-324-19, A-325-19,
A-326-19, A-327-19**

Ottawa, Ontario, October 1, 2019

Present: STRATAS J.A.

BETWEEN:

**CHIEF RON IGNACE and CHIEF ROSANNE CASIMIR, on their
own behalf and on behalf of all other members of the
STK'EMLUPSEMC TE SECWEPEMC of the SECWEPEMC
NATION, UPPER NICOLA BAND, COLDWATER INDIAN
BAND, SQUAMISH NATION, TSLEIL-WAUTUTH NATION,
AITCHELITZ, SKOWKALE, SHXWHÁ:Y VILLAGE,
SOOWAHLIE, SQUALA FIRST NATION, TZEACHTEN,
YAKWEAKWIOOSE**

Applicants

and

**ATTORNEY GENERAL OF CANADA, TRANS MOUNTAIN
PIPELINE ULC and TRANS MOUNTAIN CORPORATION**

Respondents

and

**ATTORNEY GENERAL OF ALBERTA and CANADIAN ENERGY
REGULATOR**

Intervenors

ORDER

WHEREAS the Canadian Energy Regulator moves to intervene in these consolidated proceedings under Rule 109;

AND WHEREAS no party opposes the motion;

AND WHEREAS the criteria for intervention are met;

AND WHEREAS the Canadian Energy Regulator has set out various restrictions on its participation and these are acceptable to the Court;

THIS COURT ORDERS that:

1. Leave is granted to the Canadian Energy Regulator to intervene in these consolidated proceedings. The style of cause is amended to reflect this fact and is as appears on this Order. It shall be used on all further documents and proceedings in this matter.
2. The Canadian Energy Regulator:
 - (a) shall take the issues in these consolidated proceedings as they are and shall not add to them, nor shall it add to the evidentiary record;
 - (b) shall not favour a party's position in these consolidated proceedings;
 - (c) shall not be liable for costs nor be entitled to costs;
 - (d) shall endeavour not to duplicate the submissions of the parties; and

- (e) may file a memorandum of fact and law of no more than 8 pages no later than the time set for the respondents to file their memoranda (see this Court's procedural and scheduling order of September 20, 2019).

3. The Canadian Energy Regulator shall make itself available at the oral hearing of the consolidated proceedings to answer any clarification questions of the Court. If the hearing panel decides that it wishes to hear oral submissions from the Canadian Energy Regulator, the Court may notify the parties of this and make such orders and directions as are necessary.

"David Stratas"

J.A.