



TO : Judicial Administrator

FROM : Stratas J.A.

DATE : April 24, 2020

RE : *Teksavvy Solutions Inc. v. Bell Media Inc. et al.* (A-440-19)

DIRECTION

Please send this Direction to the parties, those who have filed motions for leave to intervene and those who have not filed motions for leave to intervene but have advised that they intend to bring motions. This Direction should also be sent to the Attorney General of Canada and the Attorneys General of all provinces and territories.

The Court had set a deadline for the filing of motions for leave to intervene: see the Direction dated February 21, 2020. However, this deadline was suspended by the *Notice to the Profession and the Parties* (as amended from time to time).

The Court is of the view that the issue of interventions can be advanced at this time. Therefore, notwithstanding the *Notice*, as amended, or any other *Notices*, those wishing to intervene shall file their motions by May 8, 2020, any responses by May 15, 2020 and any replies by May 20, 2020. All materials may be served by email transmission and filed electronically at information@fca-caf.gc.ca.

The appellant's memorandum has been filed. Interveners are to take the issues as set by the appellant and as disclosed in the reasons of the Federal Court, focus on them and them alone, neither adding to them nor adding to the evidentiary record: Rule 109; *Tsleil-Waututh Nation v. Canada (Attorney General)*, 2017 FCA 174; *Canada (Attorney General) v. Canadian Doctors for Refugee Care*, 2015 FCA 34.

Unlike some other courts, this Court has very strict criteria governing leave to intervene and insists on their fulfilment. As well, unlike some other courts, this Court is concerned about "equality of arms" and avoiding "court-authorized gang-ups" and will not permit too many interveners on one side of the debate, nor will it allow duplication of submissions: *Tsleil-Waututh*, above; *Zaric v. Canada (Public Safety and Emergency Preparedness)*, 2016 FCA 36 at para. 12; *Atlas Tube Canada ULC v. Canada (National Revenue)*, 2019 FCA 120 at para. 12. To that end, those wishing to intervene might consider joining forces. Finally, this Court is a court of law, not a court of policy, and, still less, a legislature: *Canada (Citizenship and Immigration) v. Ishaq*, 2015 FCA 151; *Atlas*

Tube, paras. 4-12. Those who intend to make policy submissions that bear no relation to the law should not apply to intervene but rather should lobby a politician for legislative intervention.

Those who have already filed intervention motions who wish to amend their motions in light of the foregoing guidance may do so following the above deadlines.

The respondent should not file its memorandum until further direction or order of the Court.

To ensure the orderly progression of this matter, I shall remain seized.

“DS”