

RULE 13
INTERVENTION

LEAVE TO INTERVENE AS ADDED PARTY

- 13.01** (1) Where a person who is not a party to a proceeding claims,
- (a) an interest in the subject matter of the proceeding;
 - (b) that he or she may be adversely affected by a judgment in the proceeding; or
 - (c) that there exists between him or her and one or more of the parties to the proceeding a question of law or fact in common with one or more of the questions in issue in the proceeding,
- the person may move for leave to intervene as an added party.
- (2) On the motion the court shall consider whether the intervention will unduly delay or prejudice the determination of the rights of the parties to the proceeding and the court may add the person as a party to the proceeding and may make such order for pleadings and discovery as is just.

LEAVE TO INTERVENE AS FRIEND OF THE COURT

- 13.02** Any person may, with leave of a judge or at the invitation of the presiding judge, and without becoming a party to the proceeding, intervene as a friend of the court for the purpose of rendering assistance to the court by way of argument.

LEAVE TO INTERVENE IN APPEAL DIVISION

- 13.03** Leave to intervene as an added party or as a friend of the court in the Appeal Division may be granted by a panel of the court or the Chief Justice of Prince Edward Island.

Robert Gallant v. Workers' Comp. Bd.(PEI) 2001 PESCAD 9

Canada Post, the appellant's former employer, made a motion to intervene as a party pursuant to Rule 13.01 of the **Rules of Court**. The motion was denied because the intervention at a late stage in the proceeding would unduly delay or prejudice the determination of the rights of the parties, particularly, the appellant.

Simmonds v. Law Society of P.E.I. (1994), 115 Nfld. & P.E.I.R. 50 (P.E.I.S.C.T.D.)

Although parties were added in this proceeding under Rules 5.03 and 5.04, the court considered the grounds for ordering addition of parties pursuant to Rule 13.01. A party should be joined when they have an interest in the outcome of the proceeding. An interest is sufficient when the determination of that dispute will directly affect a third person in his legal rights or in his pocket. When a plaintiff brings an action which will have a direct affect on the legal rights and financial situation of a third party, it must be accepted that those proceedings will rightly involve the affected party and, indeed, it must be accepted that there will flow from the addition of a third party added duration and expense. Where it is found that the interests of the plaintiff or the defendant are prejudiced, there will be no joinder. This prejudice cannot simply be the added costs involved when a further party is added. Confirmed on appeal. See: *Simmonds v. Law Society of P.E.I. (1995), 125 Nfld. & P.E.I.R. 220 (P.E.I.S.C.-A.D.)*

