

**IN THE SUPREME COURT OF NOVA SCOTIA**

**Citation:** Cayer v. South West Shore Development Authority, 2007 NSSC 346

**Date:** 2007/11/28

**Docket:** S. H. No. 277885A

**Registry:** Halifax

**Between:** Adelard A. Cayer Appellant

v.

South West Shore Development Authority

Respondent

---

**LIBRARY HEADING**

---

**Judge:** The Honourable Justice A. David MacAdam

**Heard:** September 18, 2007 in Halifax, Nova Scotia

**Subject:** *Freedom of Information and Protection of Privacy Act, - Civil Procedure Rule 8, - Application to intervene.*

**Summary:** The applicant, the Right-to-Know Coalition of Nova Scotia, applied pursuant to Civil Procedure Rule 8 to intervene in an appeal under the Nova Scotia *Freedom of Information and Protection of Privacy Act*. In the main proceeding, the Acting Freedom of Information Review Officer determined that the South West Shore Development Authority was a “municipal body” and was subject to the freedom of information provisions of the *Municipal Government Act*. The Development Authority declined to comply with this recommendation, leading to the appeal by Mr. Cayer.

**Issue:** Should the Court grant leave to the applicant to intervene in the appeal?

**Result:** Rule 8 requires the applicant to demonstrate an interest in the subject matter of the proceeding and to show that the intervention would not unduly delay or prejudice the adjudication of the appeal. In deciding whether to exercise its discretion, the Court will consider the subject matter of the proceeding, the interest of the applicant, the potential for delay arising from the intervention, the potential for prejudice or injustice

arising from the intervention and the contribution the applicant can make to the litigation. Rule 8 has been interpreted broadly, and does not require the applicant to demonstrate that its proprietary rights or legal interests are directly affected by the proceeding. Demonstrating a public interest in the subject matter of the proceeding may be a sufficient basis for intervention. In addition, it is well-established that Nova Scotia's freedom of information laws require a generous interpretation in order to ensure public access to information.

The applicant had demonstrated an interest in the issues raised by the appeal. The interests of the applicant and the appellant were not identical or virtually indistinguishable. The applicant is concerned with the scope of freedom of information legislation, which is a matter of public interest. The fact that Mr. Cayer and the Coalition took the same position on the issues upon which the Coalition sought to make submissions did not mean that they approached the appeal from identical perspectives. Other than referencing this application, the respondent did not provide any detail on any delay or prejudice that might arise from the Coalition's intervention so as to outweigh the Coalition's contribution to the proceeding.

The application to intervene was allowed.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.  
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***