

**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 COURT OF APPEAL**

- 13.03** Leave to intervene as an added party or as a friend of the court in the Court of Appeal 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. The Court set forth the factors which apply when seeking to add parties under this Rule. Generally, where the interests of the plaintiff or the defendant are prejudiced, an order for joinder will not be made. 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.)