

FILE NO.: SCT-5004-11
DATE: 20190401

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

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|--|---|--|
| BETWEEN: |) | |
| |) | |
| KAHKEWISTAHAW FIRST NATION |) | |
| |) | Stephen M. Phillipow and Adam Touet, for |
| |) | the Claimant |
| Claimant |) | |
| |) | |
| – and – |) | |
| |) | |
| HER MAJESTY THE QUEEN IN RIGHT |) | |
| OF CANADA |) | |
| As represented by the Minister of Indian |) | Lauri Miller and Donna Harris, for the |
| Affairs and Northern Development |) | Respondent |
| |) | |
| |) | |
| Respondent |) | |
| |) | |
| |) | |
| |) | |
| |) | |

ORDER

Honourable Paul Mayer

WHEREAS on December 19, 2011, the Claimant filed a Declaration of Claim with the Specific Claims Tribunal (Tribunal);

AND WHEREAS on February 29, 2012, the Respondent filed a Response to the Declaration of Claim with the Tribunal;

AND WHEREAS resolving specific claims promotes reconciliation between First Nations and Canada;

AND WHEREAS the Parties wish to resolve this Claim outside of the litigation process;

AND WHEREAS the Claimant and the Respondent reached an agreement on the value of compensation owed by the Respondent to the Claimant as a full and final settlement of this Claim in the amount of \$49,403,870.41, inclusive of all costs;

AND WHEREAS the Claimant adopted a Band Council Resolution on March 6, 2019, accepting \$49,403,870.41 as a full and final settlement of this Claim, inclusive of all costs;

AND WHEREAS the Parties request the Tribunal to ratify the agreement contained in the document entitled “Amended Consent Judgment”, signed by the Parties on March 13, 2019;

AND CONSIDERING that the Parties agree that a decision be released by the Tribunal pursuant to section 35 of the *Specific Claims Tribunal Act*, SC 2008, c 22, which states:

35 If the Tribunal decides that a specific claim is invalid or awards compensation for a specific claim,

(a) each respondent is released from any cause of action, claim or liability to the claimant and any of its members of any kind, direct or indirect, arising out of the same or substantially the same facts on which the claim is based; and

(b) the claimant shall indemnify each respondent against any amount that the respondent becomes liable to pay as a result of a claim, action or other proceeding for damages brought by the claimant or any of its members against any other person arising out of the same or substantially the same facts.

FOR THESE REASONS, THE TRIBUNAL:

[1] **ENDORSES** the agreement reached between the Parties in this Claim, which is set out in the document entitled “Amended Consent Judgment” attached to this Order;

[2] **ORDERS** the Respondent to pay the Claimant the above-mentioned sum in accordance with the “Amended Consent Judgment”;

[3] **DECLARES** that this Order constitutes a decision within the meaning of section 35 of the *Specific Claims Tribunal Act*, SC 2008, c 22; and,

[4] **ORDERS** that this Claim is hereby dismissed in its entirety without costs to any Party.

PAUL MAYER

Honourable Paul Mayer

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|--------------------------|--|
| SPECIFIC CLAIMS TRIBUNAL | |
| F I L E D | TRIBUNAL DES REVENDEICATIONS PARTICULIÈRES March 22, 2019 Isabelle Bourassa |
| Ottawa, ON | 200 |

SCT File No.: SCT-5004-11

SPECIFIC CLAIMS TRIBUNAL

B E T W E E N:

KAHKEWISTAHAW FIRST NATION

Claimant

v

**HER MAJESTY THE QUEEN IN RIGHT OF CANADA
 as represented by the Minister of Indian Affairs and Northern Development**

Respondent

AMENDED CONSENT JUDGMENT

This application is filed in accordance with the provisions of *The Specific Claims Tribunal Act and the Specific Claims Tribunal Rules of Procedure*.

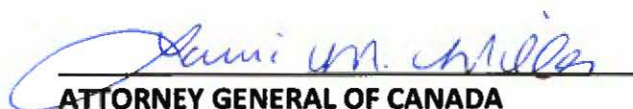
April 1, 2019

Review by: _____
 (Registry Officer)

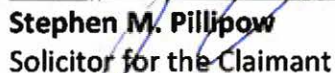
RECIPIENT:
 Assistant Deputy Attorney General,
 Justice Canada, Bank of Canada Building
 234 Wellington Street, East Tower, Ottawa, ON, KIA OH8

1. On December 19, 2011, the Claimant filed a Declaration of Claim before the Specific Claims Tribunal referred to as SCT-5004-11.
2. On February 29, 2012, the Respondent filed a Response to the Declaration of Claim.
3. The Claimant and Respondent reached agreement on the value of the compensation owed by the Respondent to the Claimant in full and final settlement of this claim in the amount of \$49,403,870.41, inclusive of all costs. The Respondent will pay the amount within thirty (30) days of issuance of a Consent Order by the Tribunal, subject to the Claimant providing the Respondent with the required direction for payment.
4. On March 6, 2019, the Claimant adopted a Band Counsel Resolution accepting the counter offer from the Respondent of \$49,403,870.41 in full and final satisfaction of this claim inclusive of all costs.
5. The parties consent to the Tribunal releasing a decision pursuant to section 35 of the *Specific Claims Tribunal Act* that:
 - (a) the Respondent is released from any cause of action, claim or liability to the Claimant and any of its members of any kind, direct or indirect, arising out of the same or substantially the same facts on which the claim is based; and
 - (b) the Claimant shall indemnify the Respondent against any amount that the Respondent becomes liable to pay as a result of a claim, action or other proceeding for damages brought by the Claimant or any of its members against any other person arising out of the same or substantially the same facts.

Signed on March 13, 2019.



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