

**FILE NO.:** SCT-7004-11  
**DATE:** 20180523

**SPECIFIC CLAIMS TRIBUNAL  
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

<b>BETWEEN:</b>	)	
	)	
WILLIAMS LAKE INDIAN BAND	)	Clarine Ostrove, Leah Pence and Brenda Gaertner, for the Claimant
	)	
Claimant	)	
	)	
<b>– and –</b>	)	
	)	
HER MAJESTY THE QUEEN IN RIGHT OF CANADA	)	Shelan Miller, Marnie Munro and Michael Mladen, for the Respondent
As represented by the Minister of Indian Affairs and Northern Development	)	
	)	
Respondent	)	
	)	
	)	
	)	<b>HEARD:</b> May 9, 2018

**ENDORSEMENT**

**Honourable Harry Slade, Chairperson**

A Case Management Conference (CMC) was held in person on May 9, 2018, at 10:00 A.M., at the Canada Industrial Relations Board, 300 West Georgia Street, Vancouver (Pacific Time). Chief Ann Louie and Councillor Chris Wycotte also attended.

[1] On April 25, 2018, the Parties provided the Tribunal with a joint letter listing the issues identified to date for the compensation phase.

[2] The Parties agree that compensation should be based on current, unimproved market value and loss of use, but they disagree on the details of those assessments and the land area to be appraised.

[3] The Claimant indicated that if the Parties are unable to agree on the area to be appraised, the Claimant may wish to enter new evidence. The Respondent expressed concern about the possibility of expanding the Claim beyond the existing pleadings.

[4] To facilitate the timely resolution of the Claim, the Tribunal encouraged the Parties to consider pursuing agreement on a common methodology for appraising Lots 71 and 72, perhaps through joint or overlapping terms of reference for their experts, and to consider establishing per acre values for identifiable categories of land.

[5] The Parties indicated that they are not interested in pursuing mediation or a stay of proceedings to facilitate negotiations at this time, but they may be in future.

[6] The Claimant referred to “other kinds of losses” dating from the twenty year period when the Williams Lake Indian Band was landless, and will advise the Respondent and the Tribunal before or during the next CMC as to whether it can provide particulars about the categories of losses that it has in mind.

[7] The Tribunal encouraged the Parties to consider their methodologies for bringing forward loss of use values, and the significance of different potential methodologies for ultimate values, to facilitate the timely resolution of the Claim.

[8] The Parties also noted that they disagree on the framework for analyzing any potential deduction from the amount of compensation to be assessed, based upon: (1) in the Claimant’s submission, any benefit received by the Band in relation to the subject matter of the Claim; (2) in the Respondent’s submission, the allotment made to the Claimant in 1881; and (3) provincial intransigence.

[9] The Claimant is pursuing costs for the validity phase at this time, and is discussing the matter with the Respondent.

[10] At the next CMC, the Parties shall advise on their progress with respect to the above-noted issues.

[11] The Parties will coordinate with the Registry the date and time of the next two CMCs, which are to be held in person in mid-July and September.

HARRY SLADE

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Honourable Harry Slade, Chairperson