

FILE NO.: SCT-7001-12
DATE: 20180524

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)
)
TSLEIL-WAUTUTH NATION)
) Stan H. Ashcroft, for the Claimant
)
Claimant)
)
– and –)
)
HER MAJESTY THE QUEEN IN RIGHT)
OF CANADA)
As represented by the Minister of Indian) Erin Tully, Aneil Singh and Christa Hook,
Affairs and Northern Development) for the Respondent
)
Respondent)
)
– and –)
)
LEQ’A:MEL FIRST NATION)
) Jennifer Griffith, Amy Jo Scherman and
Intervenor) Kenji Tokawa, for the Intervenor
)
)
– and –)
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BEARDY’S & OKEMASIS FIRST)
NATION) Ron S. Maurice and Steven W. Carey, for
Intervenor) the Intervenor
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ORDER

Honourable W. L. Whalen

WHEREAS the Claimant filed its Declaration of Claim with the Tribunal on April 5, 2012, amended November 1, 2012, seeking compensation for the Respondent's failure to obtain adequate compensation for the expropriation of 7.73 acres of Burrard Inlet Indian Reserve No. 3 (IR#3) in 1931 and for the timber that was taken from IR#3 to build a highway (the Claim);

WHEREAS the Respondent admitted the validity of the Claim;

WHEREAS the Claimant and the Respondent agreed that the historical loss for the timber that was taken from IR#3 and for the timber that may have been isolated by the construction of the highway was \$7,500 in 1931 (the Historical Timber Loss);

WHEREAS the Claimant and the Respondent appeared before the Tribunal on September 21 to 24, 2015 and February 3 and 4, 2016 for a compensation hearing to determine the historical loss suffered by the Claimant for the Respondent's failure to obtain adequate compensation for the expropriation;

WHEREAS the Tribunal released Reasons for Decision on June 30, 2016 and found that the Claimant's historical loss for the Respondent's failure to obtain adequate compensation for the expropriation was \$100,873.00 as of May 8, 1931 (the Historical Expropriation Loss);

WHEREAS the Claimant and the Respondent have reached agreement on the current value of the Historical Expropriation Loss and the Historical Timber Loss; and,

WHEREAS the Claimant and the Respondent agree that this Order is a compensation award of the Tribunal for the purposes of section 35 of the *Specific Claims Tribunal Act*, SC 2008, c 22;

THE TRIBUNAL ORDERS, BY CONSENT OF THE CLAIMANT AND THE RESPONDENT, THAT:

[1] The Respondent shall pay compensation in the sum of \$22,666,615.00 to the Claimant in full and final resolution of the Claim.

W. L. WHALEN

Honourable W. L. Whalen