

**FILE NO.:** SCT-7003-12  
**DATE:** 20180913

**SPECIFIC CLAIMS TRIBUNAL  
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

<b>BETWEEN:</b>	)	
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'NAMGIS FIRST NATION	)	
	)	Stan H. Ashcroft, for the Claimant
	)	
Claimant	)	
	)	
<b>- and -</b>	)	
	)	
HER MAJESTY THE QUEEN IN RIGHT	)	
OF CANADA	)	
As represented by the Minister of Indian	)	James M. Mackenzie, Deborah McIntosh,
Affairs and Northern Development	)	Richelle Rae and Christa Hook, for the
	)	Respondent
	)	
Respondent	)	
	)	
	)	
	)	
	)	

**ORDER**

**Honourable William Grist**

**WHEREAS** the Claimant filed its Declaration of Claim with the Tribunal on May 8, 2012, amended October 4, 2012, October 22, 2013 and November 28, 2013, seeking compensation for the Respondent's failure to obtain adequate compensation for the expropriation of 0.499 acres of Alert Bay Indian Reserve No. #1 (IR #1) lands, also known as Nimpkish Indian Reserve No. #1, (Subject Lands) for a road right-of-way on February 5, 1934 (Claim);

**WHEREAS**, solely based on and limited to the facts in these proceedings, the Respondent admitted the validity of the Claim on November 28, 2013;

**WHEREAS** the Claimant and the Respondent executed an Agreed Statement of Facts, dated June 27, 2016 and filed with the Tribunal, agreeing that the 1934 market value of the Subject Lands, together with any injurious affection to the remainder of IR #1, was \$1,356.00 (Historical Market Value);

**WHEREAS** the Claimant and the Respondent have reached agreement on the current value of the Historical Market Value; 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 \$244,992.49 to the Claimant in full and final resolution of the Claim;

[2] The Claimant will direct the Respondent as to whether it wishes to receive payment of the compensation directly or in trust and whether that will be by cheque or direct deposit. In the event of direct deposit, the Claimant will provide the necessary account information;

[3] The Respondent will not seek reimbursement of any loan or other funding provided to the Claimant by the Respondent in pursuing the Claim via the Specific Claims process or these proceedings; and,

[4] The Claimant will waive its costs of these proceedings.

WILLIAM GRIST

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Honourable William Grist