

FILE NO.: SCT-7002-14
DATE: 20180507

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)
)
SISKA INDIAN BAND) Darwin Hanna, Caroline Roberts and Kirk
) Gehl, for the Claimant
)
)
Claimant)
)
- and -)
)
HER MAJESTY THE QUEEN IN RIGHT)
OF CANADA) James Mackenzie and James Rendell, for the
As represented by the Minister of Indian) Respondent
Affairs and Northern Development)
)
)
Respondent)
)
)
) **HEARD:** April 23, 2018

ENDORSEMENT

Honourable Harry Slade, Chairperson

A Case Management Conference (CMC) was held in person on April 23, 2018, at 2:00 P.M., at Charest Reporting, 885 West Georgia Street, Vancouver (Pacific Time).

[1] The Parties reported that there should be three separate hearings in the compensation phase of this Claim:

- i. An oral history evidence hearing;

- ii. An expert evidence hearing; and,
- iii. A final submissions hearing following the expert evidence hearing.

[2] The oral history evidence hearing shall not include substantive evidence already heard, although some overlap in introductions may occur.

[3] It would be helpful if each Party were to prepare their own reliance documents for each of the oral history, expert and oral submissions hearings.

[4] On or before **May 31, 2018** the Parties shall advise the Tribunal in writing of the following:

- a. their agreed upon dates for an oral history evidence hearing to be held in the Claimant's community near Lytton, British Columbia, during the week of August 7-10, 2018, September 10-14, 2018 or September 17-21, 2018, for a duration of 2-3 days;
- b. their agreed upon timelines for the delivery of Will-Say Statements, delivery and filing of any new documents, and the exchange of lists of validity phase exhibits, if any, for reference at the hearing;
- c. whether they reached agreement, or have been unable to reach agreement, on establishing Joint Terms of Reference for their respective experts on the current unimproved market value of the subject lands, loss of use, and an agreement on the bring forward methodology, recognizing that the terms of reference may be divided into separate Joint Terms of Reference for different experts to address each aspect separately, as appropriate;
- d. whether they have reached an agreement on the date from which compensation for loss of use will be examined by their experts, and if not, whether they may seek a determination on that point by the Tribunal;

- e. whether they have reached agreement on the question of whether the appraisals should be done with the assumption that the Canadian Pacific Railway was built, or not built; and,
- f. whether they have reached an agreement on the date at which current unimproved value will be assessed by their experts.

[5] The Respondent expressed concern about the qualifications of the Claimant's proposed expert. The Claimant has put the concern to its expert and anticipates additional information shortly.

[6] The Claimant has asked the Respondent for full indemnity costs for the validity phase and awaits a response. The Respondent expressed a concern about supporting documentation and the Claimant affirmed that it has detailed documentation. If the Parties are unable to reach an agreement on the indemnity amount, they may ask the Tribunal to assist through mediation.

[7] At the next CMC:

- a. the Claimant will report on the possibility of a site visit; and,
- b. the Parties will be prepared to discuss:
 - i. the items in paragraph 4;
 - ii. the possibility of setting dates for the expert evidence and final submissions hearings;
 - iii. timelines for the staged filing materials in readiness for those hearings, or the periods between such events if specific dates cannot yet be set; and,
 - iv. the potential for an Agreed Statement of Facts for the compensation phase.

[8] The next CMC will be held by teleconference on **June 6, 2018**, at 2:00 P.M., Eastern Time (Ottawa).

HARRY SLADE

Honourable Harry Slade, Chairperson