

**FILE NO.:** SCT-7001-15  
**DATE:** 20190107

**SPECIFIC CLAIMS TRIBUNAL  
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

<b>BETWEEN:</b>	)	
	)	
METLAKATLA INDIAN BAND	)	
	)	Brenda Gaertner and Krista Robertson, for
	)	the Claimant
Claimant	)	
	)	
<b>– and –</b>	)	
	)	
HER MAJESTY THE QUEEN IN RIGHT	)	
OF CANADA	)	
As represented by the Minister of Indian	)	John Russell and Michael Mladen, for the
Affairs and Northern Development	)	Respondent
	)	
	)	
Respondent	)	
	)	
	)	
	)	
	)	

**ORDER**

**Honourable William Grist**

Pursuant to Rule 10 of the *Specific Claims Tribunal Rules of Practice and Procedure*, SOR/2011-119, and upon the request of the Parties, **THE TRIBUNAL ORDERS THAT:**

- a. The hearing of this Claim will proceed in two separate stages, in order to deal with issues of validity and compensation, respectively;

- b. The Tribunal will first hold a hearing and render its decision on the validity of the Claim (Validity Stage);
- c. The second stage of this Claim pertaining to compensation, including the principles of compensation and any applicable compensation criteria (Compensation Stage), will only proceed if the Claim is found to be valid. The Compensation Stage will not begin until the Validity Stage has been completed, and the issue of validity decided;
- d. If the Claim is ultimately determined to be valid, the Parties will have a reasonable amount of time to gather evidence relating to compensation, including expert evidence, before the Compensation Stage begins;
- e. The Parties may delay taking steps to prepare their cases on compensation until a determination is made on validity; and,
- f. In relation to this Order of Bifurcation, there shall be no costs awarded to either party.

WILLIAM GRIST

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Honourable William Grist