

**FILE NO.:** SCT-7001-18

**DATE:** 20191010

**SPECIFIC CLAIMS TRIBUNAL  
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

**BETWEEN:**

KANAKA BAR INDIAN BAND

Claimant

– and –

HER MAJESTY THE QUEEN IN RIGHT  
OF CANADA

As represented by the Minister of Indian  
Affairs and Northern Development

Respondent

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)  
)  
) Kirk Gehl and Caroline Roberts, for the  
) Claimant

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)  
) James M. Mackenzie and James Rendell, for  
) the Respondent

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)  
)  
) **HEARD:** October 7, 2019

**ENDORSEMENT AND ORDER**

**Honourable William Grist**

**FURTHER** to a Case Management Conference (CMC) held by teleconference on October 7, 2019, at 3:00 P.M., Eastern Time (Ottawa):

[1] The Parties reported that they are making progress negotiating the Claim, although progress is delayed by the upcoming election. They requested a further stay until May 2020.

[2] The Claimant reported that it has retained an expert appraiser. The Claimant explained that the Parties are addressing the heads of damage one by one, and are exchanging data on comparable properties, interest rates and rental rates to see how far apart they may be. The Parties hope to narrow the topics for which they may require expert evidence. The Claimant has tabled some documentation relating to loss of use and is awaiting a response from the Respondent. Due to the election, the Respondent estimated that a response may not be possible for several months.

**THE TRIBUNAL ORDERS THAT:**

[3] The stay of proceedings is extended from November 8, 2019 to May 1, 2020;

[4] The Parties will provide joint or separate status reports on or before **February 3, 2020**, or soon after if short delay would result in a significantly more informative update. The Tribunal requests an unambiguous update that advises on the status of negotiations and in particular:

- a. specific progress relating to the exchange of necessary data and documentation for resolution of current unimproved market value, loss of use, injurious affection and related economic losses, recognizing that numbers exchanged are privileged and confidential; and,
- b. the estimated date by which the Parties expect to be in a position to exchange offers and settle the Claim, or by which they expect to be in a position to identify issues that they are not prepared to settle by negotiation.

[5] The next CMC will be held on a date near the end of the stay of proceedings unless a Party requests otherwise.

WILLIAM GRIST

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Honourable William Grist