

**FILE NO.:** SCT-7005-13

**DATE:** 20150721

**SPECIFIC CLAIMS TRIBUNAL  
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

<b>BETWEEN:</b>	)	
	)	
HUU-AY-AHT FIRST NATIONS	)	
	)	Kate Blomfield and Emma Hume, for the
	)	Claimant
Claimant	)	
	)	
<b>– and –</b>	)	
	)	
HER MAJESTY THE QUEEN IN RIGHT	)	
OF CANADA	)	
As represented by the Minister of Indian	)	Marnie Munro and John Russell, for the
Affairs and Northern Development	)	Respondent
	)	
	)	
Respondent	)	
	)	
	)	
	)	
	)	

**ORDER**

**Honourable W.L. Whalen**

**UPON THE REQUEST AND CONSENT** of the Parties to sever the hearing in respect of the Claim into two stages so as to conduct the proceedings in an efficient and reasonable manner;

**CONSIDERING** the requirement in the *Specific Claims Tribunal Act*, s. 20(1)(c) that compensation awards be based on principles of compensation applied by the courts;

**AND CONSIDERING** the powers and principles of the Tribunal under the Specific Claims Tribunal Rules of Practice and Procedure, particularly Rule 10;

**THE TRIBUNAL ORDERS, BY CONSENT, THAT:**

[1] The hearing of the Claim is severed into two stages as follows:

- i) Stage 1 - Validity: Shall determine whether Canada has breached its duty in relation to the IR 1 Roads Claim, SCT-7005-13, and if so the valuation of the losses to the Claimant, in historical dollars, resulting from any such breach; and
- ii) Stage 2 - Compensation: Shall determine the present day quantum of any compensation owed by Canada to the Claimant, including the present day value of losses, if any, found in Stage 1;

[2] Stage 2 will not begin until the Stage 1 issues have been decided by the Tribunal and the Parties have exhausted any rights they may have for judicial review to the Federal Court of Appeal or appeal to the Supreme Court of Canada;

[3] Should one of the Parties seek judicial review of the Tribunal's Stage 1 decision, that Party will provide notice to the Tribunal by letter via e-filing of significant steps taken in the judicial review, and any subsequent appeal; and

[4] Once Stage 2 begins, a Case Management Conference will be scheduled to discuss the Stage 2 hearing, including whether expert evidence will be required, proposed timelines and how best to conduct the proceedings in an efficient and reasonable manner.

W.L. WHALEN

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Honourable W.L. Whalen