

FILE NO.: SCT-7006-13
DATE: 20151030

SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES

BETWEEN:)	
)	
TOOSEY INDIAN BAND)	
)	Bruce McIvor and Kate Gunn, for the
Claimant)	Claimant
)	
- and -)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	
OF CANADA)	
As represented by the Minister of Indian)	Ji Won Yang, Michael Mladen and Fiona
Affairs and Northern Development)	H. McFarlane, for the Respondent
)	
Respondent)	
)	
)	
)	

ORDER

Honourable Harry Slade, Chairperson

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

[1] The hearing of this Claim will proceed in two separate stages;

[2] The issues of validity and compensation will be bifurcated, and the Tribunal will first determine the validity of the Claim by holding a hearing and rendering its decision;

[3] For greater certainty, validity issues that will be dealt with at the first hearing include the following:

- a. the adequacy of the historical compensation provided for the lands taken from Toosey Indian Reserve Nos. 1 and 1A for the road in this Claim; and,
- b. whether any injurious affection was caused to Toosey Indian Reserve Nos. 1 and 1A as a result of the taking of the road in this Claim;

[4] The second stage of this Claim pertaining to compensation, if necessary, will not begin until the validity of the Claim is decided 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;

[5] Once the second stage begins, a Case Management Conference will be scheduled to discuss the issue of damages and compensation including whether expert evidence will be required and the length of time required to reasonably prepare the case;

[6] Should one of the Parties seek judicial review of the Tribunal's decision on validity by the Federal Court of Appeal, that party will provide notice to the Tribunal via email of significant steps taken in the application for judicial review; and

[7] Should one of the Parties seek leave to appeal the Federal Court of Appeal's decision to the Supreme Court of Canada, that party will provide notice to the Tribunal via email of significant steps in the leave to appeal, and any subsequent appeal.

HARRY SLADE

Honourable Harry Slade, Chairperson