

SPECIFIC CLAIMS TRIBUNAL

BETWEEN:

TSLEIL-WAUTUTH NATION

SPECIFIC CLAIMS TRIBUNAL	
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES	
F I L E D	D E P O S E
March 6, 2013	
Amy Clark	
Ottawa, ON	46

Claimant

AND:

HER MAJESTY THE QUEEN IN THE RIGHT OF CANADA
As represented by the Minister of Indian Affairs and Northern Development Canada

Respondent

**Notice of Application pursuant to Rules 29 and 34 of the
*Specific Claims Tribunal Rules of Practice and Procedure***

TAKE NOTICE THAT the Respondent, Her Majesty the Queen in the Right of Canada ("Canada"), hereby applies to the Specific Claims Tribunal ("Tribunal") for the Order by consent set out below.

THE APPLICATION IS FOR:

1. an order by consent pursuant to the *Specific Claims Tribunal Act* ("Act"), section 38(2), to:
 - a. ensure the confidentiality of Canada's filed written Response and supporting affidavit ("Canada's Response");
 - b. seal Canada's Response, with access available solely to the Tribunal; and
 - c. prohibit public access to Canada's Response; and
2. such further and other relief as the Tribunal may deem to be just.

THE GROUNDS FOR THE APPLICATION ARE:

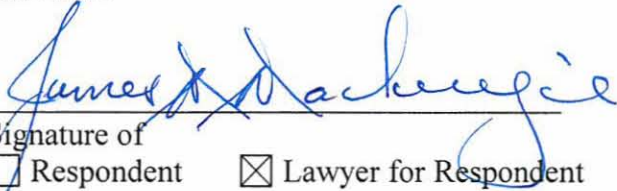
1. The Claimant, Tsleil-Waututh Nation (“TWN”), seeks disclosure of expert reports and applies for leave to file supplementary expert reports and to call expert witnesses by application dated November 28, 2012 (“Claimant’s Application”).
2. Canada will file Canada’s Response to the Claimant’s Application pursuant to the *Specific Claims Tribunal Rules of Practice and Procedure* (“SCT Rules”), Rule 59, for the purpose of having the Tribunal determine whether settlement privilege exists in relation to the documents, information and other relief which the Claimant’s Application seeks.
3. Canada’s Response will include and refer to information and documents, most of which are covered by settlement privilege.
4. Canada does not consent to the waiver of privilege over any privileged information or documents contained in or referred to in Canada’s Response.
5. Justice Smith issued an oral direction on November 29, 2012 that Schedule A and B to the Claimant’s Application remain sealed until the Claimant’s Application has been filed and processed.
6. TWN consents to the within application.
7. **Statutory provisions and rules relied on:** *Act*, sections 13(1), 38(2); *SCT Rules* 2, 5, 34, 59.

THIS APPLICATION WILL BE SUPPORTED BY THE FOLLOWING MATERIAL:

1. The pleadings and proceedings had and taken herein; and
2. Such further and other material as counsel may advise and the Tribunal permit.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Dated: March 6, 2013


Signature of

Respondent Lawyer for Respondent

William F. Pentney

Deputy Attorney General of Canada

Per: James M. Mackenzie

Department of Justice

British Columbia Regional Office