

FILE NO.: SCT-7002-14
DATE: 20170505

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
SISKA INDIAN BAND)	Darwin Hanna, for the Claimant
)	
)	
)	
)	Claimant
)	
– and –)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	
OF CANADA)	Heather Frankson, Dennis Hill and Rachel
As represented by the Minister of Indian)	Enoch, for the Respondent
Affairs and Northern Development)	
)	
)	
)	
)	Respondent
)	
)	
)	
)	HEARD: April 24 and 26-28, 2017

ENDORSEMENT

Honourable Harry Slade, Chairperson

A hearing on oral submissions for the validity phase of this Claim was held in person on April 24 and 26-28, 2017, at 10:00 A.M., Pacific Time (British Columbia) at the Siska Community Hall, 20171 Siska Main Road, Siska Reserve, British Columbia.

[1] Leave is granted to the Respondent to serve and file a written Sur-Reply Memorandum of Fact and Law (“Sur-Reply”) limited to any new matter that arises out of the Claimant’s Reply

Memorandum of Fact and Law, but shall not include any submissions that have already been presented in the Respondent's Memorandum of Fact and Law. In particular, the Sur-Reply may address questions of the availability of a lease or permit under the *Indian Act* at the material time or times, the application of the relevant Railway Acts, and the interplay of the Railway Act(s) and *Indian Act* at the material time or times, should the *Indian Act* apply. The Respondent is also permitted to address the reference in Dominion OIC PC 1935 (dated November 2, 1886) to "road." The Sur-Reply shall not exceed 12 pages.

[2] Leave is granted to the Claimant to serve and file a Sur-Sur-Reply Memorandum of Fact and Law ("Sur-Sur-Reply"), limited to addressing new matters as raised in the Respondent's Sur-Reply including the specific questions as provided for above. The Sur-Sur-Reply shall not exceed 12 pages.

[3] Parties are to advise the Tribunal of the agreed upon exchange dates of the Sur-Reply and Sur-Sur Reply on or before **May 5, 2017**, though the filing and serving date of the Sur-Sur-Reply shall be no later than on or before **June 19, 2017**.

[4] The Tribunal proposed the idea of the Parties possibly entering additional evidence or documents as necessary to provide a more complete picture of the Respondent's practices regarding the administration of lands set apart as reserve in British Columbia ("BC"), both before the enactment of BC OIC 1036 (dated July 29, 1938) in the case of lands outside the Railway Belt; and prior to the enactment of Dominion OIC PC 208 (dated February 3, 1930) in relation to lands within the Railway Belt. Emphasis may be placed on the latter investigation first and foremost and reference to authoritative texts is permitted to assist with this research.

[5] With respect to paragraph 4, the Parties are directed to advise the Tribunal on the status of their efforts respectively or jointly on or before **May 23, 2017**. The Parties may advise what burden or delay, if any, this research causes the Parties and what research may have been conducted by the Parties in answer to this question already.

[6] At the hearing, the Claimant submitted a version of the Amended Agreed Statement of Facts citing historical documents relied on to establish the facts, entered in evidence as Exhibit 20. The Respondent shall confirm with the Tribunal whether a further revised version citing

additional or other documents is required from its perspective. If required, the agreed to final version of the Amended Agreed Statement of Facts citing reliance documents shall be filed with the Tribunal by the Parties as soon as practical.

[7] After the Sur-Reply and the Sur-Sur-Reply are filed with the Tribunal (i.e. after June 19, 2017), the Tribunal and Parties shall schedule a Case Management Conference to determine if further oral submissions are called for and if so, whether this brief hearing would be held in person in Vancouver or by videoconference.

HARRY SLADE

Honourable Harry Slade, Chairperson