

FILE NO.: SCT-7001-12
DATE: 20170210

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)
)
TSLEIL-WAUTUTH NATION)
) Stan H. Ashcroft, for the Claimant
)
Claimant)
)
- and -)
)
HER MAJESTY THE QUEEN IN RIGHT)
OF CANADA)
As represented by the Minister of Indian) Erin Tully and Aneil Singh, for the
Affairs and Northern Development) Respondent
)
Respondent)
)
- and -)
)
LEQ’A:MEL FIRST NATION)
) Jennifer Griffith and Kenji Tokawa, for the
Intervenor) Intervenor
)
)
- and -)
)
BEARDY’S & OKEMASIS FIRST)
NATION) Steven W. Carey, for the Applicant
)
Applicant)
)
)
) **HEARD:** February 2, 2017

ENDORSEMENT AND ORDER

Honourable W.L. Whalen

A Case Management Conference (CMC) was held by teleconference on February 2, 2017, at 1:00 P.M., Eastern Time (Ottawa).

[1] The Claimant proposed that the Claim be held in abeyance pending resolution of judicial review of the decision in *Huu-Ay-Aht First Nations v Her Majesty the Queen in Right of Canada* (SCT-7006-11) and the Respondent agreed with this proposal. The Tribunal concurs that this is the prudent course to follow given the issues under consideration in the compensation phase of this Claim.

[2] There was discussion of the possibility of partial resolution on a without prejudice basis pending completion of judicial review in the above-mentioned claim. The Parties indicated that they were open to discussing this possibility and were encouraged to do so.

[3] The next CMC will be held by teleconference on **June 28, 2017**, at 12:30 P.M., Eastern Time (Ottawa) to discuss progress on the judicial review mentioned above. Prior to the next CMC, either Party may seek an earlier CMC date if warranted or officially request that this Claim be placed in abeyance.

UPON THE APPLICANT'S APPLICATION seeking leave to intervene in the compensation phase of this Claim filed October 24, 2016;

AND UPON the Respondent taking no position on the Application and the Claimant consenting to the Application;

THE TRIBUNAL ORDERS THAT:

[1] The Applicant, Beardy's & Okemasis First Nation is granted leave at the compensation hearing of this Claim, upon terms that the said Intervenor:

- a. may file a written memorandum of law up to 20 pages in length;
- b. may make oral submissions of no longer than 30 minutes;
- c. will not duplicate the Parties' submissions;

- d. will not add to the evidentiary record;
- e. will not present, examine or cross-examine witnesses;
- f. will have no right to bring any interlocutory application;
- g. will have no right of appeal of any order in this proceeding; and,
- h. will have no right to seek costs against the Parties for any part of this proceeding.

W.L. WHALEN

Honourable W.L. Whalen