



Specific Claims Tribunal Canada

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PRACTICE DIRECTION # 13

October 12, 2018

SETTLEMENT CONFERENCE

The Tribunal has all of the powers, rights and privileges that are vested in a superior court of record based on subsection 13(1) of the Specific Claims Tribunal Act. The Tribunal also has a mandate to resolve matters in a just, expeditious and cost effective manner. Accordingly, this Practice Direction sets out a framework for a Settlement Conference to be held at a time when the preparation for a hearing of the claim has advanced sufficiently to marshal the evidence relevant to the central issues of fact and the applicable law.

1. The Tribunal may, if satisfied that the preparation for a hearing of the claim has advanced sufficiently to marshal the evidence relevant to the central issues of fact and the applicable law, order that the parties attend a Settlement Conference. The Settlement Conference will be presided over by a Tribunal member other than the member presiding over the claim or other suitable person (including a judge, retired judge, member of Bar experienced in binding arbitration, or mediator) that is not assigned to hearing the file.
2. The parties may, by letter to the Registry, jointly request a Settlement Conference.
3. The person presiding over the Settlement Conference may require:
 - 3.1 Briefs, containing:
 - a. An agreed statement of issues, where possible, or separate statements of issues.
 - b. An agreed statement of facts or separate statements of facts.
 - c. An agreed list of documents on which the parties will rely for the purposes of the Settlement Conference or separate lists of documents.
 - d. The subject matter of any intended or obtained expert reports.
 - e. Any expert reports intended to be relied upon by a party at the hearing.
 - f. Case law relied upon.
 - 3.2 The attendance of a person from each party with authority to enter a Memorandum of Understanding on terms providing for a final settlement of the claim subject to such processes internal to the party as may be required to enter a binding agreement.
 - 3.3 Written submissions, not exceeding twenty (20) pages including extracts from case authorities, for each party.

4. Where the Claim is not resolved to the stage of a Memorandum of Understanding at the conclusion of the Settlement Conference, the Tribunal may, if requested to do so by the parties, stay the proceedings for a fixed period of time to permit the parties to negotiate a Memorandum of Understanding. The provisions of Practice Direction # 15 - Stay of Proceedings will apply mutatis mutandis to further proceedings before the Tribunal.

Honourable Harry Slade, Chairperson
Specific Claims Tribunal

Date Modified: 2018-11-05

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