

FILE NO.: SCT-6001-13
DATE: 20180831

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
ALEXANDER FIRST NATION)	
)	Robert J. Potts and Alan Pratt, for the
)	Claimant
)	
Claimant)	
)	
– and –)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	
OF CANADA)	
As represented by the Minister of Indian)	Sherry Daniels, for the Respondent
Affairs and Northern Development)	
)	
)	
)	
Respondent)	
)	
)	
)	
)	HEARD: August 28, 2018

ENDORSEMENT AND ORDER

Honourable Paul Mayer

FURTHER to a Case Management Conference (CMC) held by teleconference on August 28, 2018, at 4:30 P.M., Eastern Time (Ottawa).

[1] The Parties jointly requested that the Tribunal extend the stay of proceedings until December 3, 2018. The purpose is to await a response from the Honourable Minister of Crown-Indigenous Relations and Northern Affairs (Minister) regarding the Chief and Council’s request to pursue some form of alternative dispute resolution.

[2] The Respondent indicated that it has been working diligently since February 2018 to prepare the necessary legal opinions to assist the Minister in reaching her decision. However, the Respondent reported that it did not have a decision from the Minister and therefore the Respondent does not yet have a mandate to enter alternative dispute resolution for this Claim.

[3] The Specific Claims Tribunal (Tribunal) has a mandate to pursue the just, timely and cost-effective resolution of specific claims, as well as to “create conditions that are appropriate for resolving valid claims through negotiations” (*Specific Claims Tribunal Act*, SC 2008, c 22, Preamble, and *Specific Claims Tribunal Rules of Practice and Procedure*, SOR/2011-119, Rules 2–4). The emphasis is on resolution.

[4] This Claim, which relates to events dating back to 1905, is long-standing:

- On June 14, 2004, the Claimant filed its claim with the Minister;
- On August 19, 2011, the Minister notified the Claimant of his decision not to accept the claim for negotiation;
- On May 22, 2013, the Claimant filed its Declaration of Claim at the Tribunal;
- On August 26, 2013, the Respondent filed its Response;
- On March 16, 2018, the Claimant reported that its Chief and Council had written to the Minister on February 20, 2018, to request that the Respondent engage in alternative dispute resolution to settle the Claim; and,
- On April 4, 2018, on the information from the Respondent that four months would be required for a response from the Minister, the Tribunal ordered a stay of proceedings until August 2, 2018.

[5] The Tribunal does not consider eight to ten months to respond to a request to indicate a willingness to enter into alternative dispute resolution to be timely. Nevertheless, the Parties have persuaded the Tribunal to extend the stay of proceedings until December 3, 2018, to preserve to possibility of an amicable settlement.

[6] In the event that the Minister provides a decision prior to the next CMC, the Parties will notify the Tribunal. If the Minister declines the invitation to participate in alternative dispute resolution, then the Claimant undertakes within 60 days of that decision to:

- a. complete a draft Agreed Statement of Facts;
- b. provide comments on the Common Book of Documents; and,
- c. advise what expert and elders' evidence it would introduce, should the Respondent accept the draft Agreed Statement of Facts.

THE TRIBUNAL ORDERS THAT:

[7] A stay of proceedings is granted until December 3, 2018, to allow time for a response from the Honourable Minister to the Claimant's request to engage in alternative dispute resolution for this Claim; and,

[8] The next CMC will be held by teleconference on **December 12, 2018**, at 4:30 P.M., Eastern Time (Ottawa).

PAUL MAYER

Honourable Paul Mayer