

FILE NO.: SCT-5003-13
DATE: 20171211

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
SAULTEAUX FIRST NATION)	
)	Sheryl A. Manychief and Ryan Lake, for the
)	Claimant
Claimant)	
)	
– and –)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	
OF CANADA)	
As represented by the Minister of Indian)	David C. Culleton and Donna L. Harris, for
Affairs and Northern Development)	the Respondent
)	
)	
Respondent)	
)	
)	
)	
)	HEARD: October 26, 2017

ENDORSEMENT

Honourable W.L. Whalen

A Case Management Conference (CMC) was held by teleconference on October 26, 2017, at 12:30 P.M., Eastern Time (Ottawa).

[1] The Parties reported that the Respondent had provided the Claimant with a draft Agreed Statement of Facts, to which the Claimant had responded. The Respondent is in process of preparing a reply. The Parties noted that the Agreed Statement of Facts could not be completed until the expert reports have been completed and produced.

[2] The Parties have exchanged lists of documents for a Common Book of Documents but cannot complete the process until the expert reports have been completed and produced.

[3] The Parties reported that they are working cooperatively on an Agreed Statement of Issues and are presently attempting to work out differences. The Respondent indicated that the Agreed Statement of Issues could not likely be completed until the bifurcation issue has been resolved because compensation issues may or may not be pertinent to the next hearing.

[4] The Claimant's appraisal expert (Altus Group) has completed and produced its 3-phase expert appraisal report. The Respondent's expert (Hal Love) has completed and produced his expert report dealing with the first two phases. The Respondent reported that Mr. Love had been unaware of the third phase of the Claimant's expert report until it was received, so he must address that aspect. The Respondent reported that while Mr. Love had commenced work on the third phase, his contract must be amended, which will require some time. Then he must complete his work and the Respondent must review it. The Respondent anticipates that Mr. Love's expert report responding to the third phase of the Claimant's expert report may not be produced until sometime in early April 2018.

[5] The Claimant reported that it had engaged an expert (DEMA Land Services) to prepare a report in respect of loss of use, and it had identified the expert and its terms of reference to the Respondent. The Claimant is uncertain as to when the report may be ready as the expert had just completed a site inspection of the land. The Respondent reported that it did not intend to undertake a responding expert report until the bifurcation issue has been resolved because it considers loss of use to be an issue for determination in the compensation hearing phase if necessary.

[6] The Claimant reported that it had engaged an expert (Matson, Driscoll & Damico) to prepare a historical tracing report. However, because initial research had produced scant evidence, a tracing report may not be produced. The Respondent took the position that historical tracing was a new and separate issue that had not been pleaded or been placed before the Minister for consideration so the Tribunal did not have jurisdiction over that question in this proceeding. The issue may be moot if the Claimant does not intend to produce a report. The matter will be reviewed at the next CMC.

[7] The Respondent took the position that the historical value has to be dealt with at the validity hearing but the bring forward values and loss of use should be left for the compensation phase. The Respondent sees loss of use as a compensation issue, not a validity issue.

[8] The Respondent confirmed that it intends to bring an Application for bifurcation after the expert reports are completed. The Claimant took the position that its loss of use expert report should be completed for the purposes of its response to the bifurcation Application because it believes that the report would address validity issues.

[9] The next CMC will be held by teleconference on **January 9, 2018**, at 3:00 P.M., Eastern Time (Ottawa).

W.L. WHALEN

Honourable W.L. Whalen