

SPECIFIC CLAIMS TRIBUNAL TRIBUNAL DES REVENDEICATIONS PARTICULIÈRES April 21, 2015 Nicholas Young		D É P O S É
F I L E D	88	
Ottawa, ON		

SCT File No.: SCT-5001-13

SPECIFIC CLAIMS TRIBUNAL

BETWEEN:

**KAWACATOOSE FIRST NATION, PASQUA FIRST NATION,
 PIAPOT FIRST NATION, MUSCOWPETUNG FIRST NATION,
 GEORGE GORDON FIRST NATION, MUSKOWEKWAN FIRST NATION
 AND DAY STAR FIRST NATION**

CLAIMANTS

-and-

LITTLE BLACK BEAR FIRST NATION

CLAIMANT

-and-

STAR BLANKET FIRST NATION

CLAIMANT

-and-

STANDING BUFFALO FIRST NATION

CLAIMANT

-and-

PEEPEEKISIS FIRST NATION

CLAIMANT

-and-

HER MAJESTY THE QUEEN IN RIGHT OF CANADA
 (as represented by the Minister of Aboriginal Affairs and Northern Development)

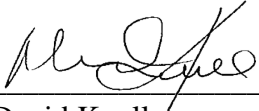
RESPONDENT

NOTICE OF APPLICATION
 (pursuant to Rule 31)

1. The following is an application by the Claimants for the Tribunal to consider whether it has a mandate under s.16 of the *Specific Claims Tribunal Act* to determine questions of validity concerning allegations raised in claims or parts of claim submissions, filed with the Minister under the Specific Claims Policy, that have been accepted for negotiation.
2. In considering this question the Claimants make application to submit documents, some of which might be considered privileged, in support of the argument that the Tribunal should not be considering for validation purposes those allegations in the Declaration filed with the Tribunal that were accepted for negotiation.
3. The Claimants would apply to submit the following documents:
 - Letter dated December 8, 2011 from Patrick Borbey, Senior Assistant Deputy Minister, outlining those allegations accepted by Canada for negotiation and those not accepted for negotiation.
 - Letter dated March 12, 2012 from Alan Braidek, Manager, Negotiations Directorate, indicating that he is prepared to meet to discuss the basis upon which the claim had been accepted for negotiation.
 - Email correspondence dated April 24, 2012-July 6, 2012 between Jayme Benson and Lyle Henderson about negotiating those elements of the claim accepted for negotiation while proceeding with a Tribunal action on those allegations not accepted for negotiation.
 - Letter dated September 10, 2012 from Lyle Henderson informing the claimants that Mr. John Hay will be the federal negotiator.
 - Letter dated July 12, 2013 from Anik Dupont advising that since the Declaration was filed with the Tribunal on June 20, 2013 dealing with a claim that concerns the same, or substantially the same, subject matter as the specific claim submission, the specific claim would not proceed further in the specific claims process and the file has been closed.
4. The Preamble to the *Specific Claims Tribunal Act* speaks to resolving specific claims to promote reconciliation between First Nations and the Crown by providing First Nations access to the Tribunal that create conditions appropriate for resolving valid claims through negotiation.
5. Under s.16(1)(a) of the *Act* it is only the First Nation that may file a claim with the Tribunal if the Minister has notified the First Nation in writing of his or her decision not to negotiate the claim, in whole or in part.
6. The First Nation should not be compelled to bring forward allegations accepted for negotiation on the basis that the Department has closed the specific claims file resulting in the Crown dealing with allegations it could not bring forward itself.

7. Section 37(a) of the *Act* states that a specific claim is discontinued *only* if the claimant commences, “before another tribunal or a court” a proceeding against the Crown that is substantially the same as filed before the Tribunal.
8. The Claimants assert that the Tribunal should not be considering those allegations in the Declaration that were accepted for negotiation and should declare that those allegations are not discontinued as a specific claim under the specific claims process.

All of which is respectfully submitted this 21st day of April, 2015.



David Knoll

Knoll & Co. Law Corp.
201-1678 128th St.
Surrey, B.C. V4A 3V3
Tel: 604-538-9893
Fax: 604-538-9848
E-mail: dknoll@knollandco.com