

**FILE NO.:** SCT-7003-13  
**DATE:** 20180629

**SPECIFIC CLAIMS TRIBUNAL  
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

<b>BETWEEN:</b>	)	
	)	
ʔAKISQ’NUK FIRST NATION	)	Darwin Hanna, Caroline Roberts and Kirk
	)	Gehl, for the Claimant
	)	
Claimant	)	
	)	
<b>– and –</b>	)	
	)	
HER MAJESTY THE QUEEN IN RIGHT	)	Whitney Watson, Christa Hook, Deborah
OF CANADA	)	McIntosh and Monina Glowacki, for the
As represented by the Minister of Indian	)	Respondent
Affairs and Northern Development	)	
	)	
	)	
Respondent	)	
	)	
	)	
	)	
	)	

**ORDER**

**Honourable William Grist**

**WHEREAS** on March 2, 2018, the Claimant filed its Further Amended Declaration of Claim;

**WHEREAS** on April 27, 2018, the Respondent filed its Further Amended Response amending its pleadings to include the following admission at paragraphs 2 and 6 of its Further Amended Response:

The Respondent admits that it breached a fiduciary obligation owed to the First Nation by failing to take any measures to protect Lot 108 from pre-emption and failing to challenge the pre-emption of Lot 108.

...

The Respondent admits that it breached a fiduciary obligation owed to the First Nation by failing to take any measures to protect Lot 108 from pre-emption and failing to challenge the pre-emption of Lot 108. The Respondent denies all other claims set out in the Further Amended Declaration of Claim.

**WHEREAS** the Respondent acknowledges the validity of the Claim on the basis that it breached a fiduciary obligation owed to the First Nation by failing to take any measures to protect Lot 108 from pre-emption and failing to challenge the pre-emption of Lot 108;

**WHEREAS** the Respondent in its Further Amended Response has amended its pleadings to include the following at paragraph 68 of its Further Amended Response:

The Respondent says that any compensation owed to the First Nation for the admitted breach of fiduciary obligation should be in accordance with the evidence and applicable law.

**THE TRIBUNAL ORDERS THAT:**

[1] The Claim is found valid under paragraph 14(1)(c) of the *Specific Claims Tribunal Act*:

The respondent breached a fiduciary obligation owed to the First Nation by failing to take any measures to protect Lot 108 from pre-emption and failing to challenge the pre-emption of Lot 108.

[2] Compensation is to be assessed, under paragraph 20(1)(c) of the *Specific Claims Tribunal Act*.

WILLIAM GRIST

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Honourable William Grist