

**FILE NO.:** SCT-3001-12  
**DATE:** 20190314

**SPECIFIC CLAIMS TRIBUNAL  
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

<b>BETWEEN:</b>	)	
	)	
AUNDECK OMNI KANING	)	
	)	Paul Williams, for the Claimant
	)	
Claimant	)	
	)	
<b>– and –</b>	)	
	)	
HER MAJESTY THE QUEEN IN RIGHT	)	
OF CANADA	)	
As represented by the Minister of Indian	)	Jennifer Roy, for the Respondent
Affairs and Northern Development	)	
	)	
	)	
Respondent	)	
	)	
	)	
	)	
	)	

**ORDER**

**Honourable W. L. Whalen**

**WHEREAS** on August 7, 2012, the Claimant filed a Declaration of Claim with the Specific Claims Tribunal (Tribunal);

**AND WHEREAS** on October 9, 2012, the Respondent filed a Response to the Declaration of Claim with the Tribunal;

**AND WHEREAS** the Parties now wish to amicably settle the dispute in this Claim;

**AND WHEREAS** the Claimant and the Respondent have reached an agreement on the value of the compensation owed by the Respondent to the Claimant in return for a full and final settlement of the Claim in the amount of \$250,000.00, inclusive of all costs;

**AND WHEREAS** on November 19, 2018, the Claimant adopted a Band Council Resolution accepting the Respondent's offer of settlement;

**AND WHEREAS** the Parties request the Tribunal to ratify the agreement contained in the document entitled "Consent to Judgment", signed by the Parties on February 25, 2019;

**AND CONSIDERING** that the Parties agree that a decision be released by the Tribunal pursuant to section 35 of the *Specific Claims Tribunal Act*, SC 2008, c 22, which states:

**35** If the Tribunal decides that a specific claim is invalid or awards compensation for a specific claim,

(a) each respondent is released from any cause of action, claim or liability to the claimant and any of its members of any kind, direct or indirect, arising out of the same or substantially the same facts on which the claim is based; and

(b) the claimant shall indemnify each respondent against any amount that the respondent becomes liable to pay as a result of a claim, action or other proceeding for damages brought by the claimant or any of its members against any other person arising out of the same or substantially the same facts.

**FOR THESE REASONS, THE TRIBUNAL:**

[1] **ENDORSES** the agreement reached between the Parties in this Claim, which is set out in the document entitled "Consent to Judgment" attached to this Order;

[2] **ORDERS** the Respondent to pay the Claimant \$250,000.00 in accordance with this agreement;

[3] **DECLARES** that this Order constitutes a decision within the meaning of section 35 of the *Specific Claims Tribunal Act*, SC 2008, c 22; and,

[4] **ORDERS** that this Claim is hereby dismissed in its entirety without costs to any Party.

W. L. WHALEN

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Honourable W. L. Whalen

FILE : SCT-3001-12

DATE : 20190221

TRIBUNAL DES REVENDICATIONS PARTICULIÈRES SPECIFIC  
CLAIMS TRIBUNAL

**Between :**

Aundeck Omni Kaning First Nation

Claimant

)  
)  
)  
) Paul Williams,  
) For the Claimant  
)  
)

**- And -**

HER MAJESTY THE QUEEN IN RIGHT  
OF CANADA

As represented by the Minister of Indian  
Affairs and Northern Development

Respondent

)  
)  
)  
) Jennifer Roy,  
) For the Respondent  
)  
)

**Heard:**

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CONSENT TO JUDGMENT

Pursuant to Rule 29 of the

*Specific Claims Tribunal Rules of Practice and Procedure*

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This application is filed in accordance with the provisions of *The Specific Claims Tribunal Act* and the *Specific Claims Tribunal Rules of Procedure*.

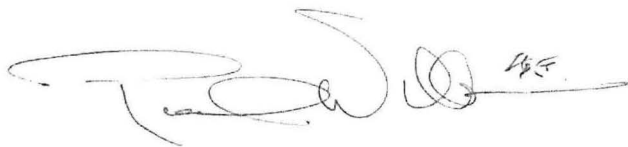
February 2019

Review by: \_\_\_\_\_

(Registry Officer)

1. On August 7, 2012, the Claimant filed a Declaration of Claim before the Specific Claims Tribunal referred to as SCT-3001-12.
2. On October 9, 2012, the Respondent filed a response to the Declaration of Claim.
3. The Claimant and the Respondent have reached an agreement on the value of the compensation owed by the Respondent to the Claimant in full and final settlement of this claim in the amount of \$250,000, inclusive of all costs.
4. On November 19, 2018, the Claimant adopted a Band Council Resolution accepting the offer from the Respondent to settle this claim.
5. The parties agree that a decision be released by the Tribunal pursuant to section 35 of the *Specific Claims Tribunal Act* which states that:
  - (a) the Respondent is released from any cause of action, claim or liability to the Claimant and any of its members of any kind, direct or indirect, arising out of the same or substantially the same facts on which the claim is based; and
  - (b) the Claimant shall indemnify the Respondent against any amount that the Respondent becomes liable to pay as a result of a claim, action or other proceeding for damages brought by the Claimant or any of its members against any other person arising out of the same or substantially the same facts.
6. Within 15 days of the Tribunal's decision, the Claimant will advise the Respondent how it wishes to receive the payment of compensation, either by cheque or direct payment, in which case it will provide the necessary banking information.

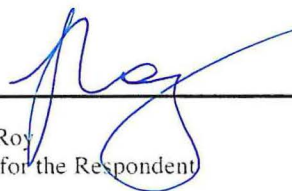
Signed on February 25, 2019



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Paul Williams  
Counsel for the Claimant

Barrister & Solicitor  
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