

FILE NO.: SCT-7006-12
DATE: 20180821

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
ʔAKISQ’NUK FIRST NATION)	Caroline Roberts, for the Claimant
)	
)	
Claimant)	
)	
– and –)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	Deborah McIntosh and Michael Mladen, for
OF CANADA)	the Respondent
As represented by the Minister of Indian)	
Affairs and Northern Development)	
)	
)	
Respondent)	
)	
)	
)	
)	HEARD: August 9, 2018

ENDORSEMENT AND ORDER

Honourable William Grist

A Case Management Conference (CMC) was held by teleconference on August 9, 2018, at 3:00 P.M., Eastern Time (Ottawa).

[1] The Tribunal adopted the schedule for provision of documents in advance of the validity hearing scheduled for November 6-9, 2018 as set out in the briefs of the Claimant and Respondent both filed with the Tribunal on August 1, 2018.

[2] The Respondent indicated that in its view, the Tribunal may well not have the jurisdiction to consider whether Canada breached a fiduciary obligation by allegedly failing to ensure a grazing commonage would be allotted for the Claimant. The Claimant will seek instructions on whether it will pursue this claim at the validity hearing scheduled for November 6-9, 2018.

[3] The Tribunal invited the Claimant to make submissions on an appropriate page limit for its Memorandum of Fact and Law.

[4] The Parties may contact the Registry to schedule a CMC for the week of October 23, 2018, if either Party considers it necessary to discuss any issues that may arise with respect to the Respondent's expert report or any other matter in advance of the hearing.

[5] After hearing from both Parties, **THE TRIBUNAL ORDERS THAT:**

a. The validity hearing shall include the Respondent's expert report and the background material that indicates the interaction between the federal and provincial authorities and will entertain the question of whether or not the Crown is in breach of any fiduciary obligation in not referring the matter to the Secretary of State for the Colonies for decision; and,

b. If the Respondent intends to claim relief against the Province of British Columbia as being partially responsible for any breach, then that aspect of the issue will be reserved for the compensation hearing before the Tribunal.

WILLIAM GRIST

Honourable William Grist