

**FILE NO.:** SCT-7007-13  
**DATE:** 20190117

**SPECIFIC CLAIMS TRIBUNAL  
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

<b>BETWEEN:</b>	)	
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	)	Darwin Hanna, Kirk Gehl and Caroline
	)	Roberts, for the Claimant
Claimant	)	
	)	
<b>– and –</b>	)	
	)	
HER MAJESTY THE QUEEN IN RIGHT	)	
OF CANADA	)	
As represented by the Minister of Indian	)	James M. Mackenzie, Whitney Watson and
Affairs and Northern Development	)	Richelle Rae, for the Respondent
	)	
	)	
Respondent	)	
	)	
	)	
	)	

**ORDER**

**Honourable Harry Slade, Chairperson**

**WHEREAS** the Parties have reached agreement on the validity phase of this Claim and do not require a hearing;

**AND WHEREAS** the Parties have consented to an Order for the resolution of all issue of validity of the Claim as follows:

1. The Respondent has admitted liability with respect to this Claim as follows: the Respondent breached a fiduciary obligation owed to the Claimant by failing to take

measures to protect Lots 1, 2, 3, 1063 and 11558 from pre-emption and failing to challenge the pre-emptions of Lots 1, 2, 3, 1063 and 11558;

2. The Claimant agrees that all of the allegations in its Fourth Amended Declaration of Claim filed with the Tribunal on April 27, 2018 are withdrawn; and,

3. The Parties have indicated that they intend to negotiate a settlement on compensation for this Claim.

**THE TRIBUNAL ORDERS THAT, BY CONSENT:**

[1] The Claim is found valid on the basis set out in paragraph 1 above;

[2] The grounds for the Claim set out in paragraph 2 above are dismissed;

[3] The Parties are granted leave, in their discretion, to amend the pleadings to reflect the foregoing terms of their agreement on validity; and,

[4] The resolution of issues of validity are made as if upon a full hearing of the Claim at the validity phase of the proceeding and a decision of the Tribunal on the merits.

HARRY SLADE

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Honourable Harry Slade, Chairperson