

FILE NO.: SCT-7001-14
DATE: 20170616

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
TOBACCO PLAINS INDIAN BAND)	Darwin Hanna, for the Claimant
)	
)	
Claimant)	
)	
– and –)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	
OF CANADA)	
As represented by the Minister of Indian)	Kelly Keenan and Ainslie Harvey, for the
Affairs and Northern Development)	Respondent
)	
)	
Respondent)	
)	
)	
)	
)	HEARD: May 30-31, 2017

ENDORSEMENT AND ORDER

Honourable Barry MacDougall

A hearing on the continuation of the validity stage of this Claim was held in person on May 30-31, 2017, at 10:00 A.M., Pacific Time (British Columbia) at the St. Eugene Golf Resort and Casino, 7777 Mission Road, Cranbrook, British Columbia.

[1] The Parties shall make further brief written submissions on the matter that the Respondent has since admitted that proper compensation was not paid to the Claimant for the Customs Land Claim and what legal effect, if any, this admission has on the legal status of the

taking, given the stated condition in the recommendation of the Royal Commission on Indian Affairs in British Columbia (“RCIA”) Interim Report No. 52, dated October 20, 1914, that “permission be given” to the DOC to “acquire” the 2.97 acres “ ... subject also to the condition that proper compensation be made to the Indians...”; and given said RCIA recommendation is also referenced in Federal Order-in-Council (PC OIC 1915-144) dated January 16, 1915, authorizing the “sale” of the 2.97 acre parcel to the DOC and noting that “[t]he land has been paid for in full by the Customs Department at the valuation placed thereon by the Department of Indian Affairs, namely \$150.00.” (Documents 104 and 120 of the Common Book of Documents)

THE TRIBUNAL ORDERS THAT:

[2] As agreed to by the Parties at the validity stage oral submissions hearing, the Parties shall serve and file their brief written submissions on the above described matter on the following dates:

- a. The Claimant shall file and serve its written submissions on or before **June 16, 2017**;
- b. The Respondent shall file and serve its written submissions on or before **June 30, 2017**; and
- c. The Claimant’s reply written submissions, if any, shall be filed and served on or before **July 7, 2017**.

BARRY MACDOUGALL

Honourable Barry MacDougall