

SPECIFIC CLAIMS TRIBUNAL

BETWEEN:

OSOYOOS INDIAN BAND

F I L E D	SPECIFIC CLAIMS TRIBUNAL	D É P O S É
	TRIBUNAL DES REVENDEICATIONS PARTICULIÈRES	
	August 9, 2011	
	Guillaume Phaneuf	
	Ottawa, ON	2

**CLAIMANT
(Respondent)**

v.

**HER MAJESTY THE QUEEN IN RIGHT OF CANADA
As represented by the Minister of Aboriginal Affairs and Northern Development
Canada**

**RESPONDENT
(Applicant)**

**REQUEST FOR LEAVE TO FILE A NOTICE OF APPLICATION / NOTICE OF
APPLICATION FOR THE RESOLUTION OF A PROCEDURAL ISSUE**

**TO: OSOYOOS INDIAN BAND
As represented by Hannah McDonald
Boughton Law Corporation
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Vancouver, BC V7X 1S8
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Email: hmcDonald@boughton.ca**

I. Leave to file a Notice of Application

1. Pursuant to Rules 30 and 34 of the *Specific Claims Tribunal Rules of Practice and Procedure*, leave is sought to make an application, at a time and place to be determined by the Specific Claims Tribunal ("Tribunal"), under Rule 29 for the resolution of a procedural issue.

I. Relief sought – varying, dispensing with compliance or supplementing a rule

2. Canada seeks an Order, by consent, varying or supplementing the time for the filing of Canada's Response as prescribed by Rule 42 of the Rules until September 30, 2011.

II. Grounds

1. The Claimant consents to Canada's request to extend the deadline for filing its Response until September 30, 2011.
2. Rule 42 requires Canada to file a Response within 30 days after it is served with a Declaration of Claim. Canada was served with the Declaration of Claim in this proceeding on July 29, 2011.
3. Pursuant to Rule 4, the Tribunal may vary or supplement a rule when "the Tribunal considers it is necessary to do so in order to secure the just, timely or cost-effective resolution of the specific claim."
4. The extension of time sought by Canada is not inordinate and does not unduly delay the resolution of the Claimant's specific claim proceeding. There is no undue prejudice to the Claimant as a result of granting Canada an extension of time.
5. In making this Application, Canada relies on:
 - a. Rules 2, 3, 4, 12, 29, 30, 34 and 94 of the *Specific Claims Tribunal Rules of Practice and Procedure*; and
 - b. The Affidavit of Brian McLaughlin #1, sworn August 9, 2011 and filed herein.

III. Communication

Applicant's address for service: Department of Justice (Canada)
BC Regional Office (Vancouver)
900 – 840 Howe Street
Vancouver, BC V6Z 2S9
Attention: Brian McLaughlin

Facsimile number for service: (604) 666-2710

E-mail address for service: brian.mclaughlin@justice.gc.ca
Attention: Brian McLaughlin

All of which is respectfully submitted.

Dated at the City of Vancouver, in the Province of British Columbia, Canada, this 9th day of August, 2011.



Brian McLaughlin
Counsel for the Respondent/Applicant
Department of Justice (Canada)
BC Regional Office (Vancouver)