

FILE NO.: SCT-7001-14
DATE: 20150130

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
TOBACCO PLAINS INDIAN BAND)	
)	Darwin Hanna, Adam Munnings and Mary
)	Mollineaux, for the Claimant
Claimant)	
)	
– and –)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	
OF CANADA)	
As represented by the Minister of Indian)	John Russell and Chris Elsner, for the
Affairs and Northern Development)	Respondent
)	
)	
Respondent)	
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ORDER

Honourable Johanne Mainville

Pursuant to Rule 10 of the *Specific Claims Tribunal Rules of Practice and Procedure*, SOR/2011-119, and upon the consent of the Parties, **THE TRIBUNAL ORDERS THAT:**

[1] The hearing of this Claim will proceed in two separate stages;

[2] The issues of validity and compensation will be bifurcated. The Tribunal will first determine the validity of the Claim by holding a hearing and rendering its decision;

[3] For greater certainty, the adequacy of the historical compensation for the lands taken for the customs house in the Customs Lands Claim (as defined in Canada's Response) is a validity issue that will be dealt with in the first hearing. In addition, even though Canada has admitted a breach of duty in the Water Right-of-Way Claim (as defined in Canada's Response), the question of historical compensation for that breach will also be dealt with in the first hearing;

[4] The second stage pertaining to compensation will not begin until the validity of the Customs House Claim and the historical compensation for the Water Right-of-Way Claim are decided and the Parties have exhausted any rights they may have for judicial review to the Federal Court of Appeal or appeal to the Supreme Court of Canada;

[5] Once the second stage begins, a Case Management Conference will be scheduled to discuss the issue of damages and compensation including whether expert evidence will be required and the length of time required to reasonably prepare the case;

[6] The Parties will take steps to prepare their case on compensation only once the second stage begins;

[7] Should one of the Parties seek judicial review of the Tribunal's decision on validity by the Federal Court of Appeal, that party will provide notice to the Tribunal via letter of significant steps taken in the application for judicial review; and,

[8] Should one of the Parties seek leave to appeal the Federal Court of Appeal's decision to the Supreme Court of Canada, that party will provide notice to the Tribunal via letter of significant steps in the leave to appeal, and any subsequent appeal.

JOHANNE MAINVILLE

Honourable Johanne Mainville