

**FILE NO.:** SCT-6002-13

**DATE:** 20140425

**SPECIFIC CLAIMS TRIBUNAL**

**TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

**BETWEEN:**

MIKISEW CREE FIRST NATION

Claimant

)  
)  
)  
) Michael J. Bailey, Q.C., and Steven Carey, for  
) the Claimant  
)  
)

**- and -**

HER MAJESTY THE QUEEN IN RIGHT  
OF CANADA

As represented by the Minister of Indian  
Affairs and Northern Development

Respondent

)  
)  
) Cynthia J. Dickins and Brent Thompson, for the  
) Respondent  
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)

) **HEARD:** April 16, 2014

**ORDER**

**Honourable Harry Slade**

Pursuant to Rule 10 of the *Specific Claims Tribunal Rules of Practice and Procedure*,  
SOR/2011-119, and upon the request of the Parties,

**THE TRIBUNAL ORDERS that:**

[1] The hearing of the claim shall proceed in two separate stages, in order to deal with issues  
of validity and compensation, respectively;

[2] The Tribunal will first hold a hearing and render its decision on the validity of the claim (“Validity Stage”);

[3] The second stage of this claim pertaining to compensation, including the principles of compensation and any applicable compensation criteria (“Compensation Stage”), will only proceed if necessary. The Compensation Stage will not begin until the Validity Stage has been completed, the issue(s) of validity 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;

[4] If the claim is ultimately determined to be valid, the Parties will have a reasonable amount of time to gather evidence relating to compensation, including expert evidence, before the Compensation Stage begins;

[5] The Parties may delay taking steps to prepare their cases on compensation until a determination is made on validity; and,

[6] In relation to this Order of Bifurcation, there shall be no costs awarded to either party.

HARRY SLADE

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Honourable Harry Slade  
Specific Claims Tribunal Canada