

FILE NO.: SCT-4002-15

DATE: 20170927

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

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|--|---|---|
| BETWEEN: |) | |
| |) | |
| GAMBLER FIRST NATION |) | Stephen M. Pillipow and Adam Touet, for |
| |) | the Claimant |
| Claimant |) | |
| |) | |
| – and – |) | |
| |) | |
| HER MAJESTY THE QUEEN IN RIGHT |) | |
| OF CANADA |) | |
| As represented by the Minister of Indian |) | Paul Anderson and Jean-Daniel Boulet, for |
| Affairs and Northern Development |) | the Respondent |
| |) | |
| Respondent |) | |
| |) | |
| |) | |
| |) | |
| |) | HEARD: September 26, 2017 |

ENDORSEMENT AND ORDER

Honourable W.L. Whalen

A Case Management Conference (CMC) was held by teleconference on September 26, 2017, at 10:00 A.M., Eastern Time (Ottawa).

[1] The Parties reported that they continued to work cooperatively on the preparation of an Agreed Statement of Issues, Agreed Statement of Facts and Common Book of Documents. They have developed and exchanged drafts, revisions and proposed changes. These documents are in an advanced state of preparation and cannot be completed until all of the expert reports have been completed and produced.

[2] The Claimant has produced expert reports by Joan Holmes and Associates (historical) and Hoffman & Associates (land quality study). The Respondent has retained Dr. P.G. McHugh and Dr. Clint Evans to prepare responding expert historical reports. Dr. Evan's expert report has been completed and produced. Dr. McHugh's expert report has been delayed and is expected to be completed sometime in November 2017. The Respondent has also engaged Serecon Inc. to prepare an expert report in response to the Hoffman report. The Serecon Inc. expert report will be developed and presented in two stages, the first responding directly to the Hoffman report and the second presenting an appraisal of value, including retrospectively. The first stage is expected to be completed in December 2017, and the second stage in January or February 2018. The Claimant questions the need for a historical or retrospective value because it intends to seek compensation under paragraphs 20(1)(g) and 20(1)(h) of the *Specific Claims Tribunal Act*, SC 2008, c 22. Paragraph 20(1)(g) directs the Tribunal to "award compensation equal to the current, unimproved market value of the lands that are the subject of the claim, if the claimant establishes that those lands were never lawfully surrendered, or otherwise taken under legal authority". Paragraph 20(1)(h) then further provides for compensation of "loss of use of a claimant's lands brought forward to the current value of the loss". This question may be addressed further at the next CMC. At the next CMC the questions of whether, where and when a separate expert witness hearing should be held will be addressed. It might also be appropriate to discuss the place and timing of a validity hearing.

[3] Upon consent it is ordered that the style of cause of this Claim be amended so that the name of the Claimant appears as "Gambler First Nation".

[4] The next CMC will be held by teleconference on **January 8, 2018**, at 10:00 A.M., Eastern Time (Ottawa).

W.L. WHALEN

Honourable W.L. Whalen