SCT File No.: SCT-4001-12

SPECIFIC CLAIMS TRIBUNAL		
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Ottawa, ON		38

SPECIFIC CLAIMS TRIBUNAL

BETWEEN:

WAYWAYSEECAPPO FIRST NATION

Claimant

v.

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

Respondent

RESPONDENT'S RESPONSE TO THE GAMBLER FIRST NATION APPLICATION FOR PARTY STATUS

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1. Further to previous case management conference submissions, Her Majesty the Queen in Right of Canada ("the Crown") responds as follows to the Application of the Gambler First Nation to be granted party status in this claim.

Canada's Position on the Gambler First Nation Application for Party Status

2. The Crown's position is that the Gambler First Nation should be added as a party to the claim on the following conditions:

- Gambler First Nation may only be added as a Party Claimant that is fully subject to the Tribunal's adjudication and final resolution of all issues in the claim;

- the claim must be re-articulated to encompass all issues as between Waywayseecappo First Nation and Gambler First Nation in respect of the 1881 surrender of a portion of IR62 and the entitlement of Waywayseecappo First Nation to compensation for that surrender;

- the Crown must be permitted a full Response to the claim as re-articulated following the addition of Gambler First Nation as a Party Claimant;

- the Crown's consent to the addition of Gambler First Nation as a Party Claimant is without prejudice to its position on the validity of the Gambler First Nation and Waywayseecappo First Nation claims;

- the Crown's consent to the addition of Gambler First Nation as a Party Claimant is without prejudice to its ability to challenge the form and content of arguments and evidence filed by Gambler First Nation and Waywayseecappo First Nation in connection with the Gambler First Nation application.

Canada's Objections to the Form and Content of the Application

3. The Crown says that the Application may only be advanced under the name "Gamblers" which is the name of the band registered with Aboriginal Affairs and Northern Development Canada, and not under the name Gambler First Nation.

4. The Crown says that the affidavit of Chief David Ledoux, sworn June 17, 2013 and filed in support of the Application, does not comply with the requirements of rules 94, 95, and 97 of the *Specific Claims Tribunal Rules of Practice and Procedure*.

5. The Crown disputes significant portions of the affidavit of Chief David Ledoux and further says that the affidavit should be withdrawn from the record as it is not necessary for purposes of determining whether Gamblers should be added as a party to the claim and it may otherwise require cross-examination and other procedural challenge.

Dated: September 4, 2013

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