

FILE NO.: SCT-4001-12
DATE: 20130920

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
WAYWAYSEECAPPO FIRST NATION)	
)	Earl C. Stevenson and Norman Boudreau,
Claimant)	for the Claimant
)	
– and –)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	
OF CANADA)	
As represented by the Minister of Indian)	Jeff Echols, for the Respondent
Affairs and Northern Development)	
)	
Respondent)	
)	
– and –)	
)	
GAMBLER FIRST NATION)	Stephen Pillipow and Adam Touet, for the
)	Applicant
Applicant)	
)	
)	HEARD: September 16, 2013

ENDORSEMENT

Honourable W.L. Whalen

A Case Management Conference (CMC) was held by teleconference on September 16, 2013, at 11:04 A.M., Eastern Time (Ottawa).

[1] The above named counsel participated in a CMC today in respect of an Application by Gambler First Nation to be granted party status in the proceeding.

[2] The Applicant indicated that it would be filing a separate Declaration of Claim in the next day or so. This was a significant change in the anticipated process both generally and in respect of the Application. The Claimant and Respondent were only made aware of the Applicant's pending Declaration of Claim in the course of the CMC.

[3] If the Claims of the Claimant and Applicant are to be dealt with at the same time, it would have to be through consolidation, or being heard separately (concurrently or consecutively). The Applicant indicated that the common issue in both Claims was the question of ownership of the lands surveyed as IR #63. The Applicant indicated that there will be issues in its claim that are not common to both First Nations.

[4] The Applicant does not propose to determine whether it will withdraw its Application at this time. That is a question that may be dealt with at the next CMC, and the Applicant is encouraged to make its intentions known at that time. The Applicant indicated its readiness to withdraw the Affidavit of David Ledoux from the record if there is consent to hear the Claims together in some manner. In the meantime, the Applicant has filed the Supplementary Affidavit of David Ledoux, addressing the Tribunal's earlier expressed concerns in respect of illegible documents that were exhibits to the initial Affidavit.

[5] The Respondent has requested that the style of cause be amended to reflect the name of the Applicant as "Gamblers", which it indicated is how the Applicant is formally registered with Aboriginal Affairs and Northern Development Canada. The Applicant indicated that it has always been known and referred to locally as "Gambler First Nation" and that it would take measures to correct the registration. The Applicant and Respondent were encouraged to work cooperatively to a resolution of this difficulty, failing which the Tribunal would give direction at the appropriate time.

[6] The Tribunal misunderstood the Respondent's position as stated in Paragraph 5 of the Amended Endorsement dated August 27, 2013, and now wishes to correct that summary. The

Respondent's position is that IR #63 was surveyed and created for the 1881 surrender of a portion of IR #62.

[7] The Claimant indicated that its mapping consultants were in the late stages of drafting proximity maps for IR #62 and IR #63 as requested by the Tribunal. The other parties expressed their willingness to cooperate with the Claimant in the preparation of one or more common maps, which the Tribunal agreed should depict the situation as at 1881. The progress of the preparation of maps will be reviewed at the next CMC.

[8] The Respondent requested an extension of time for filing a Response to the pending Declaration of Claim of the Gambler First Nation so that it might review the Claim and seek instructions. Respondent's Counsel indicated that he was not fully versed in the matter and that while he hoped to be able to meet the filing deadline, he was concerned that more time might be required. There was consensus that an extension was reasonable and would not cause prejudice given the time before which counsel, their clients and the Tribunal would be ready to hold a further CMC. Therefore, it is ordered (without prejudice to the Respondent) that the Respondent file its Response to the Applicant's Declaration of Claim within 60 days of service of same.

[9] There will be a further Case Management Conference on Monday, December 2, 2013, at 11 A.M., Ottawa time.

[10] A copy of this endorsement will also be filed in SCT-4001-13, filed on September 16, 2013, on behalf of Gambler First Nation also known as Gamblers First Nation.

W.L. WHALEN

Honourable W.L. Whalen
Specific Claims Tribunal Canada