

SPECIFIC CLAIMS TRIBUNAL

BETWEEN:

HUU-AY-AHT FIRST NATIONS

SPECIFIC CLAIMS TRIBUNAL		
F I L E D	TRIBUNAL DES REVENDICATIONS PARTICULIÈRES January 27, 2016 David Burnside	D É P O S É
Ottawa, ON	67	

Claimant

AND:

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

Respondent

RESPONSE

**Pursuant to Rules 35 and 37 of the
*Specific Claims Tribunal Rules of Practice and Procedure***

Response of the respondent, Her Majesty the Queen in Right of Canada (“Canada”).

This is a Response to the Application to Withdraw Agreed Fact of the Claimant, HUU-ay-aht First Nation, filed on January 18, 2016 (“Application”).

Part 1: ORDERS CONSENTED TO:

Canada consents to the withdrawal of the second sentence of paragraph 31 of the Stage 1 Agreed Statement of Facts, namely,

“Members of the Nation received cash distributions of \$14,000 from that payment.”
 (“Disputed Fact”).

Part 2: ORDERS OPPOSED

Canada opposes the granting of the orders set out in none of the paragraphs of the Application.

Part 3: ORDERS ON WHICH NO POSITION IS TAKEN

Canada takes no position on the granting of the orders set out in none of the paragraphs of the Application.

Part 4: FACTUAL BASIS

1. Canada agrees with the facts set out in paragraphs 6 to 22 of the Application.
2. The source for the Disputed Fact is a letter dated December 10, 1965 from Thomas Berger, counsel for the Huu-ay-aht Band, which states:

My instructions are that \$75,000 was to be paid to the Band, but only \$32,000 was paid (and only \$14,000 distributed).

Reference: Affidavit of J. Hamilton made January 18, 2016, Exhibits “J” and “K”.

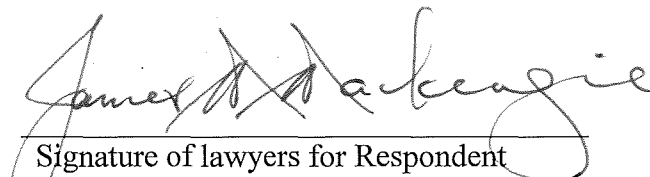
Part 5: LEGAL BASIS

1. The Claimant no longer agrees with the Disputed Fact.
2. Therefore, the Disputed Fact is not an agreed statement of fact.
3. Accordingly, Canada does not oppose withdrawal of the Disputed Fact from the Agreed Statement of Facts.

Part 6: MATERIAL TO BE RELIED ON

1. Affidavit of Nathan Hume, made on January 18, 2016;
2. Affidavit of J. Hamilton, made on January 18, 2016;
3. Pleadings and proceedings had and taken in this proceeding; and
4. Such other material as Counsel may advise and the Specific Claims Tribunal permit.

Dated: January 27, 2016


Signature of lawyers for Respondent
William F. Pentney, Q.C.
Deputy Attorney General of Canada
Per: James M. Mackenzie

Department of Justice
British Columbia Regional Office

THIS RESPONSE is prepared and served by Jasvinder S. Basran, Regional Director General, British Columbia Regional Office, Department of Justice (Canada), whose place of business and address for service is the Department of Justice, 900 - 840 Howe Street, Vancouver, British Columbia, V6Z 2S9, Telephone: (604) 666-5963, Facsimile: (604) 666-2710, Attention: James M. Mackenzie.