

**FILE NO.:** SCT-7002-13  
**DATE:** 20190118

**SPECIFIC CLAIMS TRIBUNAL  
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

<b>BETWEEN:</b>	)	
	)	
METLAKATLA INDIAN BAND	)	
	)	Brenda Gaertner and Michael Bissonnette,
	)	for the Claimant
Claimant	)	
	)	
<b>– and –</b>	)	
	)	
HER MAJESTY THE QUEEN IN RIGHT	)	
OF CANADA	)	
As represented by the Minister of Indian	)	John H. Russell and Michael Mladen, for the
Affairs and Northern Development	)	Respondent
	)	
Respondent	)	
	)	
	)	
	)	
	)	

**ORDER**

**Honourable William Grist**

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:**

- a. The hearing of this Claim will proceed in two separate stages;
- b. The Tribunal will first hold a hearing and render its decision on:

- i. the validity of the Claim;
  - ii. the market value of the Claimant's reserve lands at the time they were taken; and,
  - iii. if the Claimant establishes that lands were taken that were not the subject of a surrender, the current, unimproved market value of the lands and historical values for loss of use of those lands (First Stage);
- c. The second stage of this Claim (Second Stage) will only proceed if the Claim is found to be valid and will not begin until the First Stage has been completed. In the Second Stage, the Tribunal will hold a hearing and render its decision on the amount of compensation owed to the Claimant for the Claim;
- d. For greater certainty, determinations regarding bringing forward historical loss values, including, if applicable, loss of use values will be dealt with at the Second Stage;
- e. If the Claim is ultimately determined to be valid, the Parties will have a reasonable amount of time to gather evidence relating to the Second Stage, including expert evidence, before the Second Stage begins; and,
- f. In relation to this Order of Bifurcation, there shall be no costs awarded to either party.

WILLIAM GRIST

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Honourable William Grist