

**FILE NO.:** SCT-7004-13

**DATE:** 20190130

**SPECIFIC CLAIMS TRIBUNAL  
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

<b>BETWEEN:</b>	)	
	)	
SKUPPAH INDIAN BAND	)	Clarine Ostrove, for the Claimant
	)	
Claimant	)	
	)	
<b>– and –</b>	)	
	)	
HER MAJESTY THE QUEEN IN RIGHT	)	
OF CANADA	)	
As represented by the Minister of Indian	)	
Affairs and Northern Development	)	Susan Dawson and James Rendell, for the
	)	Respondent
Respondent	)	
	)	
<b>– and –</b>	)	
	)	
BOOTHROYD, LYTTON AND	)	
SPUZZUM FIRST NATIONS acting	)	
collectively through THE	)	Michael Bissonnette, for the Intervenor
NLAKA’PAMUX NATION TRIBAL	)	
COUNCIL	)	
	)	
Intervenor	)	
	)	

**ORDER**

**Honourable Harry Slade, Chairperson**

**WHEREAS** the Claimant and the Respondent have agreed to settle this Claim that arises from the expropriation of lands on Inklyuhkinatko IR No. 2 and Skuppah IR No. 4 for use by the Canadian Pacific Railway;

**AND WHEREAS** the Respondent has agreed to pay the Claimant \$3,187,965.24 in a settlement negotiated on the basis of a lawful expropriation of lands taken to construct the railway;

**AND WHEREAS** the settlement amount represents compensation for the Respondent's failure to ensure that the Claimant received fair market value at the time of the expropriation, as well as compensation for demonstrable and reasonably foreseeable damages related to that expropriation;

**AND WHEREAS**, "demonstrable and reasonably foreseeable damages" includes damage to existing trails, loss of access to water, and noise, smoke and vibration, in addition to an amount of compensation for injurious affection;

**AND UPON APPLICATION** on behalf of the Claimant and the Respondent, **AND BY CONSENT**;

**THE TRIBUNAL ORDERS THAT:**

[1] This Claim is hereby dismissed without costs to any party; and,

[2] Such dismissal is for all purposes of the same force and effect as if Reasons for Decision had been pronounced after a full hearing on the merits.

HARRY SLADE

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Honourable Harry Slade, Chairperson