

SPECIFIC CLAIMS TRIBUNAL

BETWEEN:

BEARDY'S & OKEMASIS BAND #96 AND #97

SPECIFIC CLAIMS TRIBUNAL		
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES		
F I L E D	May 15, 2012	D E P O S É
Guillaume Phaneuf		
Ottawa, ON	21	

**Claimant
(Respondent)**

v.

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

**Respondent
(Applicant)**

**Application to Strike
Pursuant to Section 17(a) of the
*Specific Claims Tribunal Act***

TO: BEARDY'S & OKEMASIS BAND
As represented by Ron S. Maurice, of
Maurice Law Barristers and Solicitors
800, 550-11TH Avenue S.W.
Calgary, Alberta T2R 1M7
Fax: (403) 266-2701
Email: rmaurice@mauricelaw.com
File: 106.02

TAKE NOTICE that an application will be made by the Respondent, the Queen in the Right of Canada, before the Specific Claims Tribunal in the court house at 520, Spadina Crescent East, Saskatoon, Saskatchewan at 10:00 am on June 11, 2012.

I. Relief sought

- 1) An Order pursuant to section 17(a) of the *Specific Claims Tribunal Act* striking out the present claim by the Claimant, Beardy's & Okemasis Band #96 and #97.

II. Grounds

- 1) The Specific Claims Tribunal does not have the jurisdiction to adjudicate upon this claim for the failure to pay treaty annuities.
- 2) Subsection 14(1) of the *Specific Claims Tribunal Act*, limits Tribunal claims to claims based on the collective losses of a First Nation or a band that by definition consists of a "body of Indians" that hold assets "in common."
- 3) Treaty annuities are individual entitlements, and consequently the Specific Claims Tribunal has no jurisdiction to adjudicate a claim for failure to pay treaty annuities.

III. Consent

- 1) The parties have not consented to the relief sought.

IV. Communication

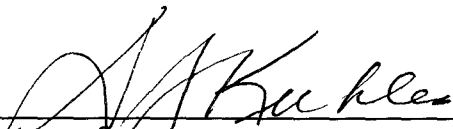
Applicant's address for service: Department of Justice (Canada)
Prairies Regional Office (Saskatoon)
10th Floor, 123 – 2nd Avenue South
Saskatoon, SK S7K 7E6
Attention: Daniel J. Kuhlen

Facsimile number address for service: (306) 975-6780.

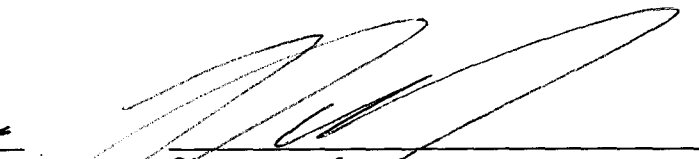
E-mail address for service: saspeclaimtribbo@justice.gc.ca
Attention: Daniel J. Kuhlen

All of which is respectfully submitted.

Dated at the City of Saskatoon, in the Province of Saskatchewan, Canada, this 14th
day of May, 2012.



Signature of
Daniel J. Kuhlen
Counsel for the Applicant Crown
Department of Justice (Canada)
Prairies Regional Office (Saskatoon)



Signature of
David J. Smith
Counsel for the Applicant Crown
Department of Justice (Canada)
Prairies Regional Office (Saskatoon)