

FILE NO.: SCT-7002-14

DATE: 20190531

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
SISKA INDIAN BAND)	Kirk Gehl and Caroline Roberts, for the
)	Claimant
)	
)	
Claimant)	
)	
– and –)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	
OF CANADA)	James Mackenzie and James Rendell, for the
As represented by the Minister of Indian)	Respondent
Affairs and Northern Development)	
)	
)	
Respondent)	
)	
)	
)	HEARD: May 24, 2019

ENDORSEMENT AND ORDER

Honourable Harry Slade, Chairperson

A Case Management Conference (CMC) was held by teleconference on May 24, 2019, at 2:00 P.M., Eastern Time (Ottawa).

[1] Both Parties reported that they are planning on filing expert reply reports to each other's land valuation reports. After the CMC, they jointly requested by letter dated May 29, 2019, an extension to the deadline of May 31, 2019 for the filing of said reply reports, until August 16,

2019, in accordance with Rule 86 of the *Specific Claims Tribunal Rules of Practice and Procedure*. The Tribunal orders this extension.

[2] The Claimant has filed an expert report on the impact of historical breaches on fisheries, and has also signed a retainer agreement for an expert to draft a report quantifying the “disturbance damages” from said impact. The Claimant tentatively anticipates that it will receive the latter report by the end of August 2019. The Respondent reported that it plans to file responding expert reports.

[3] The Parties agreed to set aside the hearing dates in September 2019 and to instead hold an expert evidence hearing during the weeks of October 15 and 21, 2019, in Vancouver, British Columbia, in the hopes that more recently-retained experts will be available to testify then. The Tribunal shall keep the subsequent week starting October 28, 2019, free in the event that more time is required for expert evidence.

[4] At the request of the Tribunal at the CMC, the Parties have filed a list of all completed and anticipated expert reports. The list does not include anticipated dates for the finalization of pending reports. The Tribunal expects the Parties to make their best efforts to finalize their reports before the scheduled expert evidence hearing.

[5] At the next CMC, the Parties shall be prepared to discuss the possibility of commencing work on how to bring-forward historical land values. Bring-forward calculations will require additional expert work. The Respondent’s position is that historical values must be determined before work on how to bring these values forward can be calculated. The Tribunal is concerned that the length of time required for all expert evidence on both historical values and bring-forward calculations will exceed Justice Slade’s current term, which concludes in December of 2020, and encourages the Parties to consider ways to reduce this risk.

[6] The next CMC will be held by teleconference on September 5, 2019, at 4:00 P.M., Central Time (Saskatoon). The Parties shall report on the status of the various expert reports and

propose a schedule for the expert evidence hearing.

HARRY SLADE

Honourable Harry Slade, Chairperson