

FILE NO.: SCT-7005-12
DATE: 20140227

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
AHOUSAHT FIRST NATION)	
)	Stan Ashcroft, for the Claimant
)	
Claimant)	
)	
– and –)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	
OF CANADA)	
As represented by the Minister of Indian)	Chris Elsner and Tanya Jorgenson, for the
Affairs and Northern Development)	Respondent
)	
)	
Respondent)	
)	
)	
)	
)	HEARD: February 25, 2014

ENDORSEMENT

Honourable W. L. Whalen

A Case Management Conference (CMC) was held by teleconference on February 25, 2014, at 2:00 P.M., Eastern Time (Ottawa).

[1] The Claimant has not yet completed its research in respect of the possible lease between it and a church as discussed at the last CMC. The Claimant has engaged two researchers to search the Claimant’s own disorganized documentary archives and to interview elders for further information or evidence of the lease arrangement. At this point, the Claimant’s interest in the lease is as evidence of

the Claimant's connection to the subject land prior to the time of the alleged breach and on-going. The Claimant does not intend to use it as a basis for another or different allegation of breach by the Respondent. The Claimant hopes to have this research complete and the result produced by March 31, 2014.

[2] The Claimant has identified the elders it believes can provide oral history. These elders are in the process of being interviewed and their evidence developed and disclosed by Will Say Statements according to the protocol agreed to by the Parties. The Claimant hopes to produce said elder Will Say Statements to the Respondent by March 31, 2014.

[3] The Claimant reported that it has retained research expert, Eric Wolfhard, to search for documents and to assist with the process of interviewing elders. The Claimant does not intend to present Mr. Wolfhard as an expert witness to provide opinion evidence.

[4] The Claimant confirmed that it bases its claim on Section 14(1)(a) and (c) of the *Act*. Canada acknowledged the propriety of basing the claim under Subsection (c) but questioned Subsection (a) as a basis because no allegation or evidence of a treaty or other agreement between the First Nation and the Crown in respect of the land in question has been pleaded in the existing Declaration for Claim, as required. The Claimant asked that this question be held in abeyance until its research in respect of the lease question has been completed. The question will be addressed at the next CMC.

[5] The next CMC will be held on Tuesday, April 29, 2014, at 2:00 P.M. Eastern Time (Ottawa).

W.L. WHALEN

Honourable W. L. Whalen
Specific Claims Tribunal Canada