

FILE NO.: SCT-7006-13
DATE: 20170515

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

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|--|---|---|
| BETWEEN: |) | |
| |) | |
| TOOSEY INDIAN BAND |) | |
| |) | Bruce McIvor and Kate Gunn, for the |
| |) | Claimant |
| Claimant |) | |
| |) | |
| - and - |) | |
| |) | |
| HER MAJESTY THE QUEEN IN RIGHT |) | |
| OF CANADA |) | |
| As represented by the Minister of Indian |) | Ji Won Yang and Michael Mladen, for the |
| Affairs and Northern Development |) | Respondent |
| |) | |
| |) | |
| Respondent |) | |
| |) | |
| |) | |
| |) | |
| |) | HEARD: April 11, 2017 |

ENDORSEMENT

Honourable Harry Slade, Chairperson

A Case Management Conference (CMC) was held by teleconference on April 11, 2017, at 2:00 P.M., Eastern Time (Ottawa).

Expert Reports

[1] The Claimant's expert appraisal report of Mr. Rod Cook should be completed on or before **August 31, 2017**, after Mr. Cook is able to incorporate acoustic testing relating to forestry activities occurring near the Claimant's reserve in June/July 2017. As soon as possible, the Claimant shall provide sufficient information on the acoustic expert used to the Respondent in order that it take steps to retain its own expert with like qualifications to respond.

[2] The Respondent's appraisal expert Mr. John Peebles will prepare a responding report to Mr. Cook's report as soon as the former expert has sufficient information to begin.

[3] The Respondent had also retained a geotechnical engineer in April 2016, Mr. Eric McQuarrie, to provide an opinion on whether the width of the road taken was in excess of what was reasonably required to construct and operate the road.

Oral History Evidence Hearing & Expert Evidence Hearing

[4] The Claimant expects to introduce *viva voce* evidence at an oral history evidence hearing. It may call 5 or 6 witnesses as Elders and community members to testify. It expects that this hearing will take place at the same time as the expert evidence hearing and take place in the community.

[5] Both Parties noted in their CMC briefs that scheduling of hearing dates for the validity stage of the Claim is premature until such time as the Claimant's expert appraisal report is delivered. The Respondent can then better assess the scope and timing of the response required.

Next Steps

[6] At the next CMC, the Parties shall report on the following items:

- a. Claimant's expert appraisal report;
- b. Respondent's expert geotechnical engineering report;
- c. Preliminary list of Common Book of Documents;
- d. Agreed Statement of Issues;
- e. Agreed Statement of Facts; and

f. Scheduling and location of an oral history evidence hearing and expert evidence hearing.

[7] The next CMC will be held by teleconference on **June 29, 2017**, at 2:00 P.M., Eastern Time (Ottawa).

HARRY SLADE

Honourable Harry Slade, Chairperson