

FILE NO.: SCT-4002-12
DATE: 20151216

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
BROKENHEAD OJIBWAY FIRST)	
NATION)	Sheryl A. Manychief and Ryan Lake, for the
)	Claimant
)	
Claimant)	
)	
- and -)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	
OF CANADA)	Paul Anderson and Kristine Whittaker, for
As represented by the Minister of Indian)	the Respondent
Affairs and Northern Development)	
)	
)	
Respondent)	
)	
)	
)	HEARD: December 14, 2015

ENDORSEMENT

Honourable W.L. Whalen

A Case Management Conference (CMC) was held by teleconference on December 14, 2015, at 11:00 A.M. Eastern Time (Ottawa).

[1] The Parties confirmed that the proposed oral history evidence hearing will be conducted in the Claimant's community. Contact details of the local facilitator have been provided and

contact has been made. The Claimant will confirm details of required translation services by the time of the next CMC.

[2] The Claimant reported that its proposed oral history witness, Elder Clarence Kent, had recently passed away. Three possible replacement oral history witnesses have been identified but not confirmed, and interviews must still be conducted. Because of this development, the scheduled January 21, 2016 oral history evidence hearing may not be able to proceed. Counsel for the Claimant expressed a desire to conduct the oral history evidence hearing as soon as possible because of the advanced age of some of the proposed witnesses. However, completion of interviews and Will-Say statements may require more time. The Claimant will advise the Tribunal in writing by **December 18, 2015** as to whether the scheduled hearing date can proceed or whether it should be adjourned to a later date, as canvassed during the CMC.

[3] The Claimant indicated that its expert had completed an initial draft of his report, but that he has requested further production of documents in relation to certain plans, leases and renewals of initial leases up to the present. The Respondent objects to further production beyond 1955 (the end of the date range agreed to by the Parties for document production) on grounds of relevance. The Claimant had indicated to the Respondent that “the lease renewals after 1955 will provide comparable rent data and speak directly to the relief sought in the Declaration of Claim”. The Respondent does not consider this an adequate explanation of relevance, or at all. The Claimant’s expert has indicated to his principal that he cannot finalize his report until he has received and reviewed the requested additional documents. The Parties will attempt to resolve the impasse on this issue, including through means suggested and discussed during the CMC. The matter will be reviewed at the next CMC, including whether the Claimant intends to bring an Application.

[4] The Respondent reported that it has retained an expert to prepare an appraisal report, which is anticipated will be produced by the end of January 2016.

[5] The Respondent indicated that it had begun the process of retaining an expert in respect of present-value calculations but that the retainer will not be completed until the Claimant’s expert appraisal report had been received. The Claimant stated that the present-value question was also being addressed in its expert’s appraisal report.

[6] The next CMC will be held either immediately before or immediately after the oral history evidence hearing to be scheduled at a date and time to be assigned by the Registry in consultation with the Parties.

W.L. WHALEN

Honourable W.L. Whalen