

SPECIFIC CLAIMS TRIBUNAL	
TRIBUNAL DES REVENDEICATIONS PARTICULIÈRES	
April 29, 2016	
Amy Clark	
Ottawa, ON	60

No. SCT-7004-13

**SPECIFIC CLAIMS TRIBUNAL**

**BETWEEN:**

**SKUPPAH INDIAN BAND**

**Claimant**

**v.**

**HER MAJESTY THE QUEEN IN THE RIGHT OF CANADA**  
as represented by the Minister of Indian Affairs and Northern  
Development Canada

**Respondent**

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**Request for Leave to Apply and Application to Adjourn Hearing of Expert  
Witness Evidence**

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**Order Sought**

1. The Claimant and the Respondent jointly request leave to apply and make application for an order adjourning to a date to be fixed the hearing of expert witness testimony presently scheduled to commence on May 31, 2016.

**Factual Basis**

2. On March 9, 2016, the Tribunal issued an Endorsement stating that the oral history evidence hearing will be held in Skuppah the week of May 16, 2016 and the expert evidence hearing will be held in person May 30, 2016 to June 3, 2016, in Vancouver.
3. On April 19, 2016, the Tribunal issued a Notice of Hearing stating that the hearing of oral history evidence will begin at Skuppah on May 16, 2016 at 10:00 A.M. for two and half days and the hearing of expert witness testimony will be held in Vancouver beginning on May 31, 2016, at 10:00 A.M. for a duration of seven days.


4. The Claimant and the Respondent have agreed to explore settlement options in the coming months, with the objective of settling the Claim in its entirety. Both parties have taken concrete steps towards this end.


#### **Legal Basis**

5. Rule 11 of the *Specific Claims Tribunal Rules of Practice and Procedure*, SOR/2011-119 states: "A party who seeks to adjourn all or part of the proceedings must make an application requesting that relief."
6. Rule 30 states: "Except for an application referred to in the Act, subrule 60(2) or Part 11, leave of the Tribunal is required before an application can be made to the Tribunal."
7. It is submitted that it is in the interests of justice and consistent with the purposes of the *Specific Claims Tribunal Act*, S.C. 2008, c. 22 ("Act") for the Tribunal to exercise its discretion to adjourn the hearing of the expert witness evidence.
8. The preamble to the Act recognizes that "the right of First Nations to choose and have access to a specific claims tribunal will create conditions that are appropriate for resolving valid claims through negotiations" and that "resolving specific claims will promote reconciliation between First Nations and the Crown and the development and self-sufficiency of First Nations."
9. In order to achieve reconciliation, the parties submit that a negotiated settlement would be the preferable resolution to this Claim. The parties are exploring the possibility of settling this Claim in its entirety; however the parties require time to pursue a settlement.
10. Proceeding with the hearings while settlement negotiations continue would be disruptive to the settlement negotiations.
11. Moreover, the parties consider that it will be in the interests of justice to adjourn the hearing of expert testimony, so as to avoid the attendant time and costs of the Tribunal proceeding as currently scheduled, when the parties have identified the potential to settle this Claim.

For the foregoing reasons the parties respectfully submit that this application be granted and the requested order issued.

**Dated:** April 28, 2016

  
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**Clarine Ostrove**  
**Counsel for the Claimant**

  
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*for* **Heather Frankson**  
**Counsel for the Respondent**