

FILE NO.: SCT-7007-13
DATE: 20190418

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
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)	Darwin Hanna, Kirk Gehl and Caroline
)	Roberts, for the Claimant
Claimant)	
)	
– and –)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	
OF CANADA)	
As represented by the Minister of Indian)	James M. Mackenzie, Whitney Watson and
Affairs and Northern Development)	Richelle Rae, for the Respondent
)	
)	
Respondent)	
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REVISED CONSENT ORDER

Honourable Harry Slade, Chairperson

WHEREAS the Parties have reached an agreement on the validity phase of this Claim and do not require a hearing;

AND WHEREAS the Parties have consented to an Order for the resolution of all issues of validity of the Claim as follows:

1. The Respondent has admitted liability with respect to this Claim as follows: the Respondent breached a fiduciary obligation to the Claimant by failing to take measures to

protect Lots 1, 2, 3, 1063, and 11558 from pre-emption and failing to challenge the pre-emptions of Lots 1, 2, 3, 1063, and 11558;

2. The Parties agree that, by virtue of this admission, all issues of validity have been fully and finally resolved as between them; and,

3. The Parties have indicated that they intend to negotiate a settlement on compensation for this Claim.

THE TRIBUNAL ORDERS THAT, BY CONSENT:

[1] This Revised Consent Order varies the Order of January 17, 2019;

[2] The Claim is found valid under paragraph 14(1)(c) of the *Specific Claims Tribunal Act* on the basis that:

The Respondent breached a fiduciary obligation owed to the Claimant by failing to take measures to protect Lots 1, 2, 3, 1063 and 11558 from pre-emption and failing to challenge the pre-emptions of Lots 1, 2, 3, 1063 and 11558.

[3] The resolution of issues of validity is made as if upon a full hearing of the Claim at the validity phase of the proceeding and a decision of the Tribunal on the merits;

[4] The Parties are granted leave in their discretion to amend the pleadings to reflect the foregoing terms of their agreement on validity; and,

[5] Compensation is to be assessed under paragraph 20(1)(c) of the *Specific Claims Tribunal Act*.

HARRY SLADE

Honourable Harry Slade, Chairperson