

The Honourable Mr. Justice  
Harry A. Slade,  
Chairperson



*The Specific Claims  
Tribunal of Canada*

427 Laurier West 4th floor  
P.O. Box 31  
Ottawa, Ontario  
K1R 7Y2

June 8, 2010

RE: Specific Claims Tribunal: Draft Rules of Practice and Procedure

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I am pleased to advise that a draft of the Rules of Practice and Procedure for the Specific Claims Tribunal Canada will be posted on the Registry website today ([www.sct-trp.ca](http://www.sct-trp.ca)).

The Rules Committee of the Tribunal has developed this draft to reflect our understanding that the parties may wish to have several options for processes to take filed claims through to hearings.

I refer, first, to Part 2, which sets out the rules for pleadings. A claim before the Tribunal is initiated by the filing of a Declaration of Claim. This is in two parts. The first part, called for by subrule 20(1) is comprised of a summary statement of the claim, similar to a statement of claim in proceedings before the courts. The second part, under subrule 20(2) is a schedule, the contents of which will conform with the “minimum standard” established by the Minister of Indian and Northern Affairs Canada pursuant to s. 16(2)(a) of the Specific Claims Tribunal Act. Please also note Rule 21, which sets out the contents of the Response to be filed by the Minister.

I next draw your attention to Part 5, entitled “Scope of Hearings”. Rules 55 to 57 establish three distinct options for the hearing process:

- (1) an oral hearing on the “record” as defined in subrule 56(1);
- (2) a “written hearing” within the meaning of that term as defined in the definitions section, Rule 3; and
- (3) an “expanded hearing”.

Part 6 of the draft Rules, entitled “Case Management”, call for a case management conference after a claim is filed. The scope of the hearing is to be addressed in case management, pursuant to Rule 59.

Parts 8 to 12 address pre-hearing procedures for document disclosure, discovery, preservation of evidence, oral history and expert evidence, and the use of affidavit evidence. The extent of the application of the Rules under Parts 8 to 12 will, for each claim, be addressed in case management.

We welcome submissions on the content of the draft Rules from the Minister, the Assembly of First Nation, First Nations organizations and their legal counsel, the Canadian Bar Association, and other interested persons.

Submissions must be presented in writing, and dated not later than July 9, 2010. Submissions may be delivered by any one of the following means:

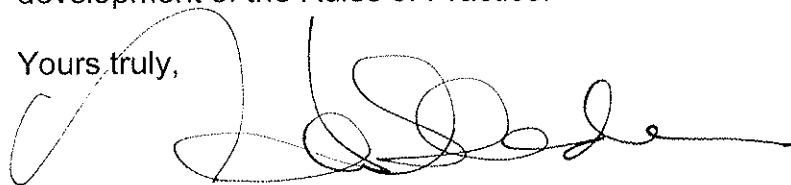
- (1) e-mail to the following address: [sctrules@sct-trp.ca](mailto:sctrules@sct-trp.ca)
- (2) by facsimile transmission to: 613.943.0586
- (3) by mail, hand delivery, or courier to: Rules Committee  
427 Laurier Avenue West, 4<sup>th</sup> Floor  
Box/C.P. 31  
Ottawa, ON  
K1R 7Y2

Please mark all submissions for the attention of the Rules Committee, Specific Claims Tribunal Canada.

We will, as soon as possible after the closing date for receipt of submissions, prepare a further draft. It will be posted on the Registry website, and further submissions will be invited. The time for such submissions will be addressed when the next draft is posted.

We look forward to the receipt of constructive suggestions for the further development of the Rules of Practice.

Yours truly,



The Honourable Harry A. Slade  
Chairperson, Specific Claims Tribunal Canada

HAS/sjs