SPECIFIC CLAIMS TRIBUNAL TRIBUNAL DES REVENDICATIONS PARTICULIÈRES

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

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 preemptions 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 preemption 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