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November 27, 2019

VIA FACSIMILE

Federal Court
Thomas D'Arcy McGee Building
90 Sparks Street, 1st floor
Ottawa, ON K1A 0H9

Attention: Federal Court - Registrar

Dear Sir/Madam:

**RE: ATTORNEY GENERAL OF CANADA V FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA ET AL
COURT FILE T-1621-19**

OUR MATTER ID: 5204-010

We are counsel to the Respondent, First Nations Child and Family Caring Society (the "**Caring Society**") in the above-noted matter. Please find attached correspondence from the Tribunal postponing the deadline for submissions regarding the compensation process to January 29, 2020. Given the Attorney General's representations regarding the urgency of this matter, we would ask that you bring this letter and the attached correspondence to Justice Favel's attention.

The Caring Society may also refer to this correspondence when making submissions regarding costs.

Please advise if you require further information.

Yours truly,



David P. Taylor

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Sarah Clarke, Anne Levesque and Barbara McIsaac, Q.C.
Co-counsel for the complainant First Nations Child and Family Caring Society of Canada



November 27, 2019

By e-mail

(See Distribution List)

Dear Counsel,

**Re: First Nations Child and Family Caring Society et al. v. Attorney General of Canada
Tribunal File: T1340/7008**

The Panel wishes to communicate the following to the parties:

On September 6, 2019, the Tribunal rendered its ruling on compensation without deciding the process to identify victims/survivors and how to distribute that compensation. Given the complexity of the matter, the Panel ordered the Caring Society, the AFN and Canada to discuss possible options and return to the Tribunal by December 10, 2019. The AGC sought a judicial review of this ruling and a stay of the December 10, 2019 date at the Federal Court in October 2019.

On November 15, 2019 the Attorney General of Canada addressed the Panel in a letter requesting that the Panel postpone the December 10, 2019 date to an unspecified later date. The Panel sought the views of all parties and interested parties on this request. The other parties oppose the extension.

In its letter dated November 25, 2019, the AGC submits that the reason that they have asked the Panel to postpone the date is because the parties indicated that Canada should have come to the Tribunal instead of the Court to seek and extension. The AGC adds that the stay should be decided by the Federal Court. The AGC indicates that their first choice for a Federal Court hearing date was October 23, 2019 and that this date was refused by some parties who elected November 25-26, 2019 instead.

The AGC is concerned that the Federal Court will not have sufficient time to rule on the stay motion before December 10, 2019 and is requesting that the Tribunal assist the Court in allowing it to have sufficient time to rule on the matter.

In response to the AGC's November 25, 2019 reply, the NAN indicated that no such issue was raised by the Federal Court on November 25, 2019.

The Panel is perplexed by such a request made by a party appearing in front of the Federal Court. The Tribunal has no say in the Federal Court's case management and decision-making. It certainly has respect for the Court and understands the importance of having sufficient time to make the best-informed decision in such an important case.

The Panel is disappointed that the AGC did not come back to the Panel asking for an extension of the December 10, 2019 date in September or October even if it was seeking judicial review of the merits of the ruling. The AGC knows that the Panel is flexible and has already accepted to modify deadlines in the past. The Panel set the December 10, 2019 at the request of the Caring Society who requested 3 months for the discussions on process to occur. The Panel, if asked early on with compelling reasons to extend the deadline, would have accepted to postpone that date. Again, this has happened in the past and Canada is aware of this.

The Panel has repeated at numerous times that this case is complex and that the expertise and input of parties is valued and that flexibility is important.

With the December 10, 2019 date approaching and the indication from parties that Canada has not entered into discussions with them and instead chose a stay of the December 10, 2019 date, Canada has potentially opted for non-compliance of the Tribunal's order until the Federal Court has ruled on the motion. While the Panel understands that if the AGC is successful on the stay issue, the December 10, 2019 becomes moot, the Panel also points out that the December 10, 2019 was not a compensation payment deadline but rather a presentation of the parties' discussion on the process. The Panel viewed the process as collaborative between the parties and understands that this is not the case at the moment.

With the December 10, 2019 date rapidly approaching and the current state of things, the Panel believes that not much collaboration has been accomplished. The Panel feels "cornered" and does not appreciate it.

The Panel understands that the other parties have made significant efforts to comply with the Tribunal's deadline and appreciates it greatly. However, the Panel wishes that Canada provide input on that work as per the order.

In light of the circumstances, the Panel extends the December 10, 2019 date to **January 29, 2020**. The Panel reiterates that all parties may address the Tribunal if the deadlines set by the Panel are difficult to meet. This being said, no party can unilaterally elect to simply not-comply with Tribunal orders.

If you have any questions or concerns further to the above, please do not hesitate to contact the Registry by email at registry.office@chrt-tcdp.gc.ca and judy.dubois@tribunal.gc.ca.

Yours truly,



Judy Dubois
Registry Officer

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