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**VIA EMAIL**

Canadian Human Rights Tribunal  
Office of the CHRT  
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Ottawa, ON  
K1A 1J4

Email: [registry.officer@chrt-tcdp.gc.ca](mailto:registry.officer@chrt-tcdp.gc.ca)

Dear Registrar:

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

Please consider this letter our client's submissions on the AFN and Canada motion dated July 22 2022.

Upon resolution of the Leadership Council of the Chiefs of Ontario, the Chiefs of Ontario (“**COO**”) consents to the Assembly of First Nations (“**AFN**”) motion dated 22 July 2022. Chiefs of Ontario agrees that the proposed Compensation Final Settlement Agreement, concluded on 30 June 2022, titled *First Nations Child and Family Services, Jordan's Principle, Trout Class Settlement Agreement*, (“**Compensation FSA**”) is fair, reasonable and for the most part satisfies the Canadian Human Rights Tribunal (“**CHRT**”) compensation orders, including the Framework for the Payment of Compensation under 2019 CHRT 39.

To arrive at a decision to consent to the motion, the Chiefs of Ontario underwent a region-based process to ensure broad-based support for the terms of the Compensation FSA. This region-based process involved consultations and discussions with the Final Settlement Agreement Committee (“**FSA Committee**”), which consists of technician representatives from the provincial-territorial organizations, the Independents, and the unaffiliated First Nations. After briefing the FSA Committee, the Chiefs of Ontario then underwent briefings and discussions with the Leadership Council, which consists of the Grand Chiefs of the provincial-territorial organizations as well as Chiefs of the Independents and unaffiliated First Nations. On motion of

the Ontario Regional Chief, with support of the Grand Chiefs, Deputy Grand Chiefs and Chiefs, the Leadership Council voted to accept the terms of the Compensation FSA.

“Settlements rarely give all parties exactly what they want.”<sup>1</sup> It is clear from the terms of the Compensation FSA that it is not without difficulties or deficiencies, yet on balance, the benefits of the proposed settlement outweigh the concessions that the Classes had to make. While each outcome is not perfect and may not meet the precise terms of the orders of the CHRT, they represent a reasonable zone of outcomes and COO supports the settlement as a way to bring finality to the proceedings and compensate survivors without further delay or appeal.

COO is prepared to answer questions at the oral hearing, but has not submitted an affidavit detailing the above process. At the time of due dates of affidavits, COO did not anticipate the need for affidavit evidence but would be happy to furnish a brief affidavit detailing the above, should the Tribunal request it.

The undersigned will be representing the Chiefs of Ontario on the 15<sup>th</sup>, and if more time is needed on the 16<sup>th</sup>, Maggie Wentz, myself, or another lawyer from OKT will be in attendance.

Yours truly,

Olthuis, Kler, Townshend LLP



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<sup>1</sup> *Nunes v Air Transat AT Inc.*, 2005 CanLII 21681 (ONSC) at para. 7; *McLean v Canada*, 2019 FC 1075 at para. 9.

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