

**FEDERAL COURT**

**BETWEEN:**

**ATTORNEY GENERAL OF CANADA**

Applicant  
(Moving Party)

**and**

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA,  
ASSEMBLY OF FIRST NATIONS, CANADIAN HUMAN RIGHTS COMMISSION,  
CHIEFS OF ONTARIO, AMNESTY INTERNATIONAL  
and NISHNAWBE ASKI NATION**

Respondents  
(Responding Parties)

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**MOTION RECORD OF THE RESPONDENT, CHIEFS OF ONTARIO**  
**in response to the Motion for Stay of Order and the Motion to Place in Abeyance**  
(as per the Directions by the Court of October 25, 2019)

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**Maggie Wentz** (LSO 47970T)  
**Sinéad Dearman** (LSO 75430A)  
**Olthuis Kler Townshend LLP**  
250 University Avenue, 8<sup>th</sup> Floor  
Toronto ON M5H 3E5  
Tel: 416-981-9330  
Fax: 416-981-9350  
Email: [mwentz@oktlaw.com](mailto:mwentz@oktlaw.com)  
[sdearman@oktlaw.com](mailto:sdearman@oktlaw.com)

**Lawyers for the Respondent, Chiefs of Ontario**

**TO: The Administrator**  
Federal Court of Canada,  
Thomas D'Arcy McGee Building  
90 Sparks Street, 5<sup>th</sup> Floor  
Ottawa, ON K1A 0H9

**AND TO: Robert Frater and Max Binnie**  
**Department of Justice Canada**  
Civil Litigation Service  
50 O'Connor Street, 5<sup>th</sup> Floor  
Ottawa, ON K1A 0H8  
Tel: (613) 952-1228  
Fax: (613) 954-1920  
Email : rob.frater@justice.gc.ca  
max.binnie@justice.gc.ca

**Lawyers for the Applicant/Moving Party,  
Attorney General of Canada**

**AND TO: David C. Nahwegahbow and Thomas Milne**  
**Nahwegahbow Corbiere**  
Barristers and Solicitors  
5884 Rama Road  
Suite 109  
Rama, ON L3V 6H6  
Tel: (705) 325-0520  
Fax: (705) 325-7402  
Email : dndaystar@nncfirm.ca  
tmilne@nncfirm.ca

**Stuart Wuttke**  
**Assembly of First Nations**  
55 Metcalfe Street, Suite 1600  
Ottawa, ON K1P 6L5  
Tel: (613) 261-6789 ext. 228  
Email: swuttke@afn.ca

**Lawyers for the Assembly of First Nations**

**AND TO: Brian Smith and Jessica Walsh**  
**Canadian Human Rights Commission**  
344 Slater Street  
Ottawa, ON K1A 1E1  
Tel: (613) 943-9205  
Fax: (613) 993-3089  
Email: brian.smith@chrc-ccdp.gc.ca  
jessica.walsh@chrc-ccdp.gc.ca

**Lawyers for the Canadian Human Rights Commission**

**AND TO: David Taylor**  
**Conway Baxter Wilson LLP/s.r.l.**  
400-411 Roosevelt Avenue  
Ottawa, ON K2A 3X9  
Tel: (613) 288-0149  
Fax: (613) 688-0271  
Email: dtaylor@conway.pro

**Sarah Clarke**  
**Clarke Child and Family Law**  
36 Toronto Street, Suite 950  
Toronto, ON M5C 2C5  
Tel: (416) 260-3030  
Fax: (416) 689-3286  
Email: sarah@childandfamilylaw.ca

**Barbara A. McIsaac, Q.C.**  
Email: barbara@mcisaaclaw.com

**Anne Levesque**  
Email: anne@equalitylaw.ca

**Lawyers for First Nations Child and Family Caring Society of Canada**

**AND TO: Julian Falconer and Molly Churchill**  
**Falconers LLP**  
10 Alcorn Avenue, Suite 204  
Toronto, ON M4V 3A9  
Tel: (416) 964-0495  
Fax: (416) 929-8179  
Email: julianf@falconers.ca  
mollyc@falconers.ca

**Lawyers for Nishnawbe Aski Nation**

**AND TO: Justin Safayeni and Benjamin Kates**  
**Stockwoods LLP**  
Barristers and Solicitors  
77 King Street West, Suite 4130  
PO Box 140, Toronto-Dominion Centre  
Toronto, ON M5K 1H1  
Tel: (416) 593-7200  
Fax: (416) 593-9345  
Email: justins@stockwoods.ca  
benk@stockwoods.ca

**Lawyers for Amnesty International**

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## **TAB 1**

**FEDERAL COURT**

**BETWEEN:**

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**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA,  
ASSEMBLY OF FIRST NATIONS, CANADIAN HUMAN RIGHTS COMMISSION,  
CHIEFS OF ONTARIO, AMNESTY INTERNATIONAL  
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Respondents  
(Responding Parties)

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**WRITTEN REPRESENTATIONS OF THE CHIEFS OF ONTARIO**

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**Maggie Wente** (LSO 47970T)  
**Sinéad Dearman** (LSO 75430A)  
**Olthuis Kleeer Townshend LLP**  
250 University Avenue, 8<sup>th</sup> Floor  
Toronto ON M5H 3E5  
Tel: 416-981-9330  
Fax: 416-981-9350  
Email: mwente@oktlaw.com  
sdearman@oktlaw.com

**Lawyers for the Respondent, Chiefs of Ontario**

## **PART I – STATEMENT OF FACT**

1. Herein, Chiefs of Ontario (“COO”) responds on both the Attorney General of Canada’s (“Canada”) motion for a stay of the orders of the Canadian Human Rights Tribunal (“Tribunal”) ordered at 2019 CHRT 39 (“Compensation Decision”) and the motion by the First Nations Child and Family Caring Society of Canada (“Caring Society”) to hold Canada’s motion for a stay in abeyance.
2. COO adopts the facts as articulated by the Caring Society in its memorandum of fact and law filed in the within motion.

## **PART II – QUESTIONS IN ISSUE**

3. COO submits that these motions raise the following issues:
  - a. Did Canada meet the high threshold of showing that a stay of the Compensation Decision is warranted?
  - b. Should Canada’s application for judicial review of the Compensation Decision be held in abeyance pending the final determination of the compensation process by the Tribunal?

## **PART III – ARGUMENT**

4. COO supports the positions of the Canadian Human Rights Commission and the Caring Society and adopts their submissions. Canada’s motion to stay the Tribunal’s Compensation Decision ought to be dismissed.
5. COO supports the Caring Society’s motion to hold Canada’s application for judicial review in abeyance pending a final decision by the Tribunal on compensation and adopts their submissions

## **PART IV – ORDER SOUGHT**

6. COO seeks an order:
  - a. Dismissing Canada’s motion for a stay of the enforcement and execution of the Canadian Human Rights Tribunals orders in 2019 CHRT 39; and
  - b. Holding Canada’s application for judicial review in abeyance; and
  - c. COO does not seek costs, and asks the Court not to award costs against it.



ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 19<sup>th</sup> DAY OF November, 2019



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**Maggie Wente and Sinéad Dearman**

Olthuis Kler Townshend LLP

250 University Avenue 8<sup>th</sup> Floor

Toronto, ON

M5H 3E5

416-981-9330

[mwente@oktlaw.com](mailto:mwente@oktlaw.com)

[sdearman@oktlaw.com](mailto:sdearman@oktlaw.com)

Lawyers for the Chiefs of Ontario