

Federal Court of Appeal



Cour d'appel fédérale

Date: 20190925

**Dockets: A-321-19 (lead file),
A-323-19, A-324-19, A-325-19,
A-326-19, A-327-19**

Ottawa, Ontario, September 25, 2019

Present: STRATAS J.A.

BETWEEN:

**CHIEF RON IGNACE and CHIEF ROSANNE CASIMIR, on their own behalf and on
behalf of all other members of the STK'EMLUPSEMC TE SECWEPEMC of the
SECWEPEMC NATION, UPPER NICOLA BAND, COLDWATER INDIAN BAND,
SQUAMISH NATION, TSLEIL-WAUTUTH NATION, AITCHELITZ, SKOWKALE,
SHXWHÁ:Y VILLAGE, SOOWAHLIE, SQUIALA FIRST NATION, TZEACHTEN,
YAKWEAKWIOOSE**

Applicants

and

**ATTORNEY GENERAL OF CANADA and
TRANS MOUNTAIN PIPELINE ULC**

Respondents

and

ATTORNEY GENERAL OF ALBERTA

Intervener

ORDER

WHEREAS this Court apprehended that the notice of application for judicial review of Tsleil-Waututh Nation was contrary to its order granting leave dated September 4, 2019;

AND WHEREAS, as a result, acting under Rule 74, the Court called for submissions on that issue;

AND WHEREAS the Court has read and considered the submissions in chief of Tsleil-Waututh Nation and the Squamish Nation, the respondents' responding submissions, and the reply submissions of Tsleil-Waututh Nation;

AND WHEREAS the Squamish Nation now admits that its notice of application for judicial review is also beyond the scope permitted by the order granting leave dated September 4, 2019;

AND WHEREAS, for reasons released contemporaneously with this Order, the Court confirms that the notices of application for judicial review are contrary to its order granting leave dated September 4, 2019 and so an appropriate remedy must be ordered;

THIS COURT ORDERS:

1. By 4 pm PDT on Thursday, September 26, 2019 Tsleil-Waututh Nation and Squamish Nation shall each file an amended notice of application for judicial review that complies with the restrictions in the order granting leave dated September 4, 2019.

2. All other parties may file representations by informal letter by 10 am PDT on Monday, September 30, 2019 concerning whether the amended notices of application for judicial review comply with the order granting leave dated September 4, 2019.
3. Tsleil-Waututh Nation and Squamish Nation may each file reply representations by noon PDT on Tuesday, October 1, 2019 on this issue.
4. For the purposes of this Order, service shall be performed in accordance with the procedural and scheduling order dated September 20, 2019 and filing shall be made by delivering to the email address in that order.
5. The Court remains seized with this matter to deal with any amended notice of application for judicial review filed by Tsleil-Waututh Nation, Squamish Nation or both and to make any further order necessary in the circumstances based on the representations filed with the Court.
6. The timelines set out in the Court's procedural and scheduling order of September 20, 2019 remain in effect.
7. Costs to the Attorney General of Canada, payable by Tsleil-Waututh Nation forthwith in any event of the cause, in the amount of \$2,000, all-inclusive.

"David Stratas"

J.A.