

Federal Court



Cour fédérale

Date: 20150623

Docket: T-2521-14

Citation: 2015 FC 786

Ottawa, Ontario, June 23, 2015

PRESENT: The Honourable Mr. Justice Shore

BETWEEN:

**ROSE JONES, DORIS EDWARDS, AND
BOBBY HALF BY HIS LITIGATION
GUARDIAN ROSE JONES**

Applicants

and

**SADDLE LAKE CREE NATION AND
SADDLE LAKE CHIEF AND COUNCIL OF
THE SADDLE LAKE CREE NATION**

Respondents

ORDER

THIS COURT hereby endorses the Court mediated agreement; and, hereby, stays the proceeding *sine die* pending resolution of material resources (the mediated agreement appears in the annex below).

(It is duly noted that the principal parties who brought the matter to Court are members of the reservation who had lived through the residential schools issue with its consequences).

“Michel M.J. Shore”

Judge

ANNEX

Federal Court



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Mediation under the auspices of the Federal Court

June 17, 2015

The parties have agreed that they are not two separate parties but members of the same family under the Onchikiskwapowin Nehiyaw Nation, that is why coming to court is the last of all options.

This is a family dispute which the parties agree must be resolved by the family as a nation hopefully without any outside intervention, which in the long run, does not resolve anything, when internally, it is not accepted. The parties see themselves as one recognizing, acknowledging, and understanding that there are 733 houses on the reservation to accommodate and house a membership of 10,000 plus. Both parties recognize that there is limited housing and resources, both human and material.

The will or testament, which is the subject of the dispute must be recognized, as the parties, now understand, is not a will that can bequeath, but rather demonstrates the desire of the father of children who wanted to give by his will or testament, a house that did not belong to him, but in which he resided. The home, in question, belongs to the collectivity; and, was not individually owned. Both sides recognize that the father, even though, through good intentions and love for his children, could not give that which was not wholly his. Nevertheless, having resided there, and, having raised a family in that home, created a situation, wherein the father wanted his children to live out their lives in the most serene manner he could bring about for his children.

The father's desire to bequeath, although wanting that which was best for his children, has become the challenge to both sides of the family, who now recognize they need a solution by which life can be lived, in dignity, in the midst of their nation and familiar heritage surroundings that affect the very essence of their lives.

Both sides of the family recognize that a solution must be reached in Council, by its decision-makers to find a solution which will respect with dignity the traditions, customs, and material

ANNEX

means that Council has at its disposal by which to resolve this internal reservation Nation dispute.

To that end, respect includes and is understood to encompass livestock (3 horses), personal effects, and, in addition, a climate of assurance demonstrating a sense of belonging to the Nehiyaw Nation, that will affect, as per the ancestors ways, a solution, as amendable as possible under the circumstances.

To that end, a form of dignified accommodation will be sought within the Nation reservation to resolve the dispute, within the means available to Council and in recognition of the dignity that is inherent to both sides in this dispute.

Both sides agree that the tragedy of the present condition of housing, on the reservation, is at the very root of the dispute which has arisen. It is part of the every day life of housing on the reservation for which a solution must be found in the current dispute, as well as to the overall situation on the reserve that requires a macro solution.

Both sides agree that time is of the essence in the proceedings; otherwise, they stand adjourned, *sine die*, with leave of either side to restore the same, on not less than ten days notice.

Costs are reserved.

"James Dixon"

James Dixon (Counsel for the Applicants)

"Shannon Houle"

Councillor Shannon Houle (for the Respondents)

"Michel M.J. Shore"

Justice Michel M.J. Shore (Mediating on behalf of the Federal Court)