

## Caring Society Reception

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**From:** Cindy Blackstock  
**Sent:** June 24, 2017 5:37 AM  
**To:** Caring Society Reception  
**Subject:** Fwd: T-918-17: Attorney General of Canada v First Nations Child and Family Caring Society of Canada, et al.  
**Attachments:** Letter to CHRT enclosing Notice - June 23, 2017.pdf; ATT00001.htm; Notice of Application for Judicial Review - June 23, 2017.pdf; ATT00002.htm

Please print and file and Jennifer please post on fnwitness.

Sent from my iPhone

Begin forwarded message:

**From:** Sarah Clarke <[sarah@childandfamilylaw.ca](mailto:sarah@childandfamilylaw.ca)>  
**Date:** June 23, 2017 at 12:39:43 EDT  
**To:** "[cblackst@fncaringsociety.com](mailto:cblackst@fncaringsociety.com)" <[cblackst@fncaringsociety.com](mailto:cblackst@fncaringsociety.com)>  
**Cc:** Anne Levesque <[Anne@equalitylaw.ca](mailto:Anne@equalitylaw.ca)>, David Taylor <[dtaylor@juristespower.ca](mailto:dtaylor@juristespower.ca)>, Sébastien Grammond <[sgrammon@uottawa.ca](mailto:sgrammon@uottawa.ca)>  
**Subject:** Fwd: T-918-17: Attorney General of Canada v First Nations Child and Family Caring Society of Canada, et al.

Here's the Notice of Application.

Sarah Clarke

CLARKE CHILD & FAMILY LAW  
36 Toronto Street, Suite 950  
Toronto, ON M5C 2C5

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\*\* PLEASE NOTE THAT WE HAVE MOVED AND OUR FAX NUMBER HAS CHANGED \*\*

This message is intended only for the persons to whom it is addressed. It should not be read by or delivered to any other person as it may contain privileged or confidential information. If you have received this message in error please notify me immediately at [sarah@childandfamilylaw.ca](mailto:sarah@childandfamilylaw.ca).

Sent by Outlook for Android

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**From:** Blue, Amy <[Amy.Blue@justice.gc.ca](mailto:Amy.Blue@justice.gc.ca)>  
**Sent:** Friday, June 23, 2017 12:31:51 PM  
**To:** 'CHRT Registry Office'  
**Cc:** Adzic, Dragisa; David Taylor; Anne Levesque; Sarah Clarke; Daniel Poulin; Samar Musallam; David Nahwegahbow; Stuart Wuttke; Maggie Wenté; Julian Falconer; Akosua Matthews; Anthony Morgan; Justin Safayeni; Frater, Robert; Tarlton, Jonathan; MacPhee, Tara; Peck, Kelly

**Subject:** T-918-17: Attorney General of Canada v First Nations Child and Family Caring Society of Canada, et al.

Good Afternoon,

Please find attached a letter from Jonathan Tarlton dated June 23, 2017, with enclosure.

Regards,

Amy

**Amy Blue**

Legal Assistant  
Atlantic Regional Office  
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Department of Justice Canada  
Government of Canada

[Amy.Blue@justice.gc.ca](mailto:Amy.Blue@justice.gc.ca)

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**Amy Blue**

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Department of Justice  
Canada

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Canada

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E-Mail: jonathan.tarlton@justice.gc.ca

Our File: AR-800702  
Notre dossier:

Your file:  
Votre dossier:

**Via Email: Registry.Office@chrt-tcdp.gc.ca**

June 23, 2017

Registry Office  
Canadian Human Rights Tribunal  
160 Elgin Street - 11th Floor  
Ottawa, ON K1A 1J4

Dear Sir/Madam:

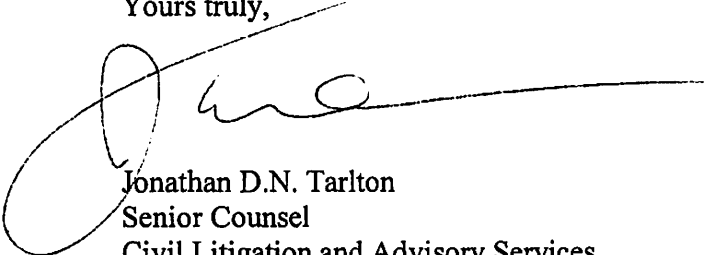
**Re: Attorney General of Canada v First Nations Child and Family Caring Society of  
Canada, et al.  
Application for Judicial Review  
Federal Court File No. T-918-17**

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Please find enclosed, for service upon the Canadian Human Rights Tribunal pursuant to *Federal Courts Rule* 304(1)(b)(i), an Application for Judicial Review issued June 23, 2017 with respect to the Tribunal's Ruling issued May 26, 2017 (2017 CHRT 14).

Please acknowledge receipt of service.

Yours truly,



Jonathan D.N. Tarlton  
Senior Counsel  
Civil Litigation and Advisory Services

JT/ab  
Enclosure

cc: Dragisa Adzic/David Taylor/Anne Levesque/Sarah Clarke/Daniel Poulin/Samar Musallam/David Nahwegahbow/Stuart Wuttke/Maggie Wente/Julian N. Falconer/Akosua Matthews/Anthony Morgan/Justin Safayeni/Robert Frater, Q.C./Patricia MacPhee/Kelly Peck

Canada



Court File No.

T-918-17

**FEDERAL COURT**

**ATTORNEY GENERAL OF CANADA**

**APPLICANT**

-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**

**NOTICE OF APPLICATION FOR JUDICIAL REVIEW**

**TO THE RESPONDENTS:**

**A PROCEEDING HAS BEEN COMMENCED** by the Applicant. The relief claimed by the Applicant appears below.

**THIS APPLICATION** will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the Applicant. The Applicant requests that this application be heard at Ottawa, Ontario.

**IF YOU WISH TO OPPOSE THIS APPLICATION**, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must prepare a notice of appearance in Form 305 prescribed by the *Federal Courts Rules* and serve it on the Applicant's solicitor, or where the Applicant is self-represented, on the Applicant, **WITHIN 10 DAYS** after being served with this notice of application.

Copies of the *Federal Courts Rules* information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN  
IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

June 23, 2017

Issued by: \_\_\_\_\_



Address of Local Office: 90 Sparks Street, 1<sup>st</sup> floor  
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K1A 0H9

**VALERIE JEAN-GILLES  
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AGENT DU GREFFE**

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*Counsel for Assembly of First Nations*

I HEREBY CERTIFY that the above document is a true copy of  
the original filed in the Court./

JE CERTIFIE que le document ci-dessus est une copie conforme  
à l'original déposé au dossier de la Cour fédérale.

Filing date JUN 23 2017  
Date de dépôt \_\_\_\_\_

JUN 23 2017  
Dated  
Fait le



**VALERIE JEAN-GILLES  
REGISTRY OFFICER  
AGENT DU GREFFE**

AND TO: Daniel Poulin  
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*Counsel for Canadian Human Rights Commission*

AND TO: Maggie Wente  
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*Counsel for Amnesty International*

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*Counsel for Nishnawbe Aski Nation*

## APPLICATION

This is an application for judicial review in respect of the Canadian Human Rights Tribunal's ("Tribunal") Ruling in file no. T1340/7008 dated May 26, 2017 and cited as 2017 CHRT 14 (the "Ruling").

The Applicant makes application for:

1. An Order quashing and setting aside certain paragraphs of the Tribunal's Orders for relief, namely:
  - a) paragraphs 135(1)(B)(iii)-(iv) and paragraphs 135(2)(A)(iii)-(iv) of the Ruling, which mandate service provision without allowing for any case conferring, policy review, service navigation or any other similar administrative procedure before funding is provided;
  - b) paragraph 135(2)(A)(ii) of the Ruling, which mandates that the initial evaluation and determination of a request shall be made within 12-48 hours of its receipt;
2. Such further and other relief as this Honourable Court may deem appropriate and just in the circumstances.

The grounds for the application are:

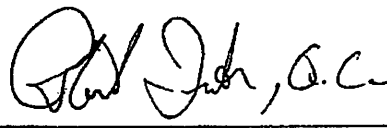
1. The Tribunal exceeded its jurisdiction under subsection 53(2) of the *Canadian Human Rights Act* and erred in law by:
  - a) unreasonably defining a statement of principle passed by resolution of the House of Commons in a manner inconsistent with the text, purpose and legal effect of that statement of principle, and in a manner inconsistent with the Tribunal's previous rulings;
  - b) ordering remedies that are inconsistent with the Tribunal's own findings on discrimination as set out in its previous rulings;
  - c) ordering remedies in respect of service provision in a manner inconsistent with the evidence before the Tribunal and in a manner that may harm the interests of Indigenous children;
  - d) ordering remedies that go beyond the proper remedial and statutory authority of the Tribunal;

2. Sections 18 and 18.1 of the *Federal Courts Act*, sections 7(1) and 26 of the *Financial Administration Act*, sections 53 and 106 of the *Constitution Act, 1867* and subsection 30(1) of the *Crown Liability and Proceedings Act*.
3. Such further and other grounds as counsel may advise and this Honourable Court permit.

This application will be supported by the following material:

1. The Affidavit of Sony Perron; and
2. Such further and other materials as counsel may advise and this Honourable Court should permit.

**DATED** at Ottawa, Ontario this 23<sup>rd</sup> day of June, 2017.

  
for **ATTORNEY GENERAL OF CANADA**

Department of Justice Canada  
National Litigation Sector  
50 O'Connor Street, 5<sup>th</sup> floor  
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**Per: Robert Frater, Q.C.**  
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Counsel for the Applicant, Attorney General  
of Canada