

**CANADIAN HUMAN RIGHTS TRIBUNAL**

BETWEEN:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and  
ASSEMBLY OF FIRST NATIONS**

Complainants

-and-

**CANADIAN HUMAN RIGHTS COMMISSION**

Commission

-and-

**ATTORNEY GENERAL OF CANADA**

(representing the Minister of Indigenous Services Canada)

Respondent

-and-

**CHIEFS OF ONTARIO,**

**AMNESTY INTERNATIONAL CANADA and NISHNAWBE ASKI NATION**

Interested Parties

-and-

**COUNCIL OF YUKON FIRST NATIONS**

Moving Party

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**MOTION RECORD**

of the proposed interested party Council of Yukon First Nations for involvement specific  
to the motion filed by the Chiefs of Ontario and Nishnawbe Aski  
Nation on March 7, 2025

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## MOTION RECORD OF FEDERATION OF SOVEREIGN INDIGENOUS NATIONS

<b>Tab</b>	<b>Document</b>
1.	Notice of Motion
2.	Written Submissions of the Proposed Interested Party Council for Yukon First Nations

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**COUNCIL OF YUKON FIRST NATIONS**

Moving Party

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**NOTICE OF MOTION OF COUNCIL OF YUKON FIRST NATIONS**

of the proposed interested party Council of Yukon First Nations for involvement specific to the motion filed by the Chiefs of Ontario and Nishnawbe Aski Nation

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**TAKE NOTICE** that the proposed Interested Party – the Council of Yukon First Nations (“CYFN”) – hereby applies to the Canadian Human Rights Tribunal (the “Tribunal”), pursuant to

Rule 8 of the *Canadian Human Rights Tribunal Rules of Procedure* (03-05-04) (the “Rules”), for an Order granting CYFN leave to intervene as an interested party in the motion filed by the Chiefs of Ontario and Nishnawbe Aski Nation on March 7, 2025 (the “Motion”) on the following terms, or such other terms as the Tribunal deems just:

- a. CYFN shall be permitted to:
  - (i) make oral and written arguments that are not duplicative of the parties’ submissions, as may apply in the course of the Motion, of a length that may be fixed by the Tribunal and according to the timeline set by the Tribunal;
  - (ii) participate in case conferences, mediation, negotiation or other dispute resolution or administrative processes in respect of the Motion; and
  - (iii) adduce one affidavit, of a length that may be fixed by the Tribunal and according to the timeline set by the Tribunal, containing evidence that is not duplicative of the parties’ evidence and is limited to the evidence needed for CYFN to advance the grounds upon which it is granted interested party status.
- b. All parties shall provide CYFN with copies of the motion and supporting materials, including all evidence submitted in the Motion.
- c. CYFN’s participation shall be on a without costs basis.
- d. CYFN’s motion for interested party status shall be decided without prejudice to CYFN’s right to seek interested party status in the respect of other matters arising in these proceedings.
- e. Any further or other order that the Tribunal may deem appropriate.

**AND FURTHER TAKE NOTICE** that the motion shall be made on the following grounds:

1. CYFN is likely to be impacted by the outcome of the Motion, especially in light of statements from Canada that the Tribunal’s findings in respect of the Motion are likely to impact long-term reform of the FNCFS program;

2. CYFN brings a unique expertise and perspective to this Motion.
3. CYFN is well-placed to assist the Tribunal through tailored submissions that will add to, rather than duplicate, the legal positions of the existing parties.

**AND FURTHER TAKE NOTICE** that the following documents will be referred to in support of the said motion:

- a) Affidavit of Katherine Quintana-James, made February 13, 2025;
- b) Affidavit of Grand Chief Joel Abram, dated March 6, 2025;
- c) Affidavit of Duncan Farthing, dated March 7, 2025;
- d) The written argument of the proposed intervenor, CYFN.

DATED this 15<sup>th</sup> day of April, 2025.

**Maya Ollek** Digitally signed by Maya Ollek  
Date: 2025.04.15  
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**Per: Aria Laskin / Maya Ollek**

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Council of Yukon First Nations

**CANADIAN HUMAN RIGHTS TRIBUNAL**

BETWEEN:

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**CHIEFS OF ONTARIO,**

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Interested Parties

-and-

**COUNCIL OF YUKON FIRST NATIONS**

Moving Party

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**WRITTEN SUBMISSIONS OF COUNCIL OF YUKON FIRST NATIONS**  
of the proposed interested party Council of Yukon First Nations for involvement specific to the  
motion filed by the Chiefs of Ontario and Nishnawbe Aski Nation

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## PART I: OVERVIEW

1. The Council of Yukon First Nations (“CYFN”) makes this motion for interested party status under the *Canadian Human Rights Act*, RSC 1985, c. H-6 (“CHRA”). CYFN seeks interested party status in the Chiefs of Ontario (“COO”) and Nishnawbe Aski Nation (“NAN”) joint motion, dated March 7, 2025 (“**Ontario FSA Motion**”), seeking approval by the Tribunal of the Final Agreement for Long Term-Reform of the First Nations Child and Family Services Program in Ontario (“**Ontario Final Agreement**”).
2. Neither CYFN nor its member Nations are currently parties to the Ontario FSA Motion. However, there is a serious risk that this motion will impact the delivery of child and family services in Yukon. As Canada itself submitted to the Tribunal, “the outcome of the [Ontario FSA Motion] is likely to inform the path forward in these proceedings, including ... the completion of the long-term remedial phase outside of Ontario.”<sup>1</sup>
3. Yukon First Nations, as represented by CYFN, have a significant direct interest in that “long-term remedial phase outside of Ontario,” and in the First Nations Child and First Nations Child and Family Services Program (“**FNCFS Program**” or “**Program**”). They also have a significant concern that, without their participation, the Tribunal’s decision and orders about the Ontario Final Agreement will inadvertently influence negotiation of any future agreement in Yukon, where a very different context demands a different agreement.
4. Put simply, decisions about the long-term rights of Yukon First Nations’ children should not be made in a vacuum, without the opportunity for Yukon First Nations to offer their distinct and unique perspective on what their children need to achieve substantive equality.
5. On that basis, CYFN seeks leave to make written and oral submissions, and to file limited affidavit evidence as necessary, to elucidate the key regional differences between Ontario and Yukon that severely limit the Ontario Final Agreement’s applicability to the territory.

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<sup>1</sup> Letter from Department of Justice Canada to the Canadian Human Rights Tribunal dated March 17, 2025 [**March 17, 2025 Letter**], online: [fncaringsociety.com/sites/default/files/2025-03/March%2017%2C%202025%20Letter%20to%20CHRT.pdf](https://fncaringsociety.com/sites/default/files/2025-03/March%2017%2C%202025%20Letter%20to%20CHRT.pdf) [emphasis added].

6. CYFN is uniquely positioned to make limited, specific, and important contributions to the Ontario FSA Motion. If granted leave, CYFN's submissions would address: (1) how the Tribunal's findings and orders on the Ontario FSA Motion risk impacting Yukon-specific interests; and (2) why the Tribunal ought not approach the Ontario Final Agreement as a national model, including for Yukon, and should instead ensure such findings are limited to the Ontario context. CYFN would take no position on the motion as it relates to Ontario.

## **PART II: STATEMENT OF FACTS**

### **A. Basis for Intervention: Impact of Proposed Ontario Final Agreement on Yukon**

7. As the Tribunal is aware, in 2007, the First Nations Child and Family Caring Society ("**Caring Society**") and Assembly of First Nations ("**AFN**") filed a complaint alleging systemic discrimination by Canada in its provision of child welfare services to First Nations children. In 2016, the Tribunal substantiated the complaint, ordered Canada to cease its discriminatory conduct, and retained jurisdiction until its orders were implemented.<sup>2</sup>
8. After years of negotiation, in 2024, NAN, COO, AFN, and Canada negotiated a draft national Final Settlement Agreement ("**Draft FSA**") intended to address the Tribunal's orders and implement long-term reform. However, that Draft FSA did not include the voices or perspectives of Yukon First Nations. To the contrary, while CYFN provided input in partnership with AFN Yukon in 2022, Yukon First Nations were otherwise not included or represented, culminating in a resolution from CYFN's member Nations in 2024 opposing the Draft FSA and stating that any process to reform the FNCFS Program requires the direct participation of Yukon First Nations.<sup>3</sup>
9. While the Draft FSA was ratified by NAN and COO, the First Nations-in-Assembly rejected it in late 2024.<sup>4</sup> This marked an end – so far – of national-level negotiations.

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<sup>2</sup> *First Nations Child and Family Caring Society of Canada et al. v Attorney General of Canada*, [2016 CHRT 2](#).

<sup>3</sup> Council of Yukon First Nations, "LRD 1197-24 Re Opposition to the Proposed FSA" (10 October 2024) [**CYFN Leadership Resolution: 1197-24**]

<sup>4</sup> Affidavit of Duncan Farthing, dated March 7, 2025 [**Farthing Affidavit**], at paras 24–25; Affidavit of Grand Chief Joel Abram, dated March 6, 2025 [**Grand Chief Abram Affidavit**], at para 92, Ex CC.

10. The Ontario Final Agreement was negotiated shortly after that rejection. The text of the agreement is substantively similar to the failed Draft FSA, and it adopts many of the same mechanisms, including the a “Reformed FNCFS Funding Approach.”<sup>5</sup>
11. In March 2025, COO and NAN brought the Ontario FSA Motion seeking approval of the Ontario Final Agreement.<sup>6</sup> While not a party to the motion, Canada submitted materials expressing its strong support for the Ontario Final Agreement.<sup>7</sup>
12. In addition, while the Ontario Final Agreement ostensibly only applies to Ontario, many factors strongly suggest that the agreement and the Tribunal’s decision in the Ontario FSA Motion will impact or even guide reform in other regions like Yukon. Those factors include Canada’s own actions and statements and the agreement text. For example:
  - a) There is no indication that Canada will re-engage in national-level reform negotiations. Canada now says that it does not have the mandate to negotiate a national-level agreement, nor is it prepared to negotiate long term reform of the FNCFS based on resolutions passed by the First Nations-in-Assembly in 2024;<sup>8</sup>
  - b) Instead, Canada is focusing on advancing the Ontario Final Agreement. It requested that the Tribunal place the Caring Society’s consultation motion – which seeks an order directing Canada to engage in consultation on national-level reform – in abeyance in favour of the Ontario FSA Motion;<sup>9</sup>
  - c) Canada itself recognizes that the outcome of the Ontario FSA Motion will likely inform approaches “outside of Ontario,” which would include Yukon. Canada emphasizes the potential national reach of the Ontario Final Agreement and potential for national-level reform of the FNCFS Program, based on that draft agreement. For example, Canada states that the Ontario Final Agreement is a “landmark agreement” that “seeks to chart

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<sup>5</sup> Farthing Affidavit at paras 10–11, 36.

<sup>6</sup> Joint Notice of Motion dated March 7, 2025.

<sup>7</sup> Letter from Department of Justice Canada to the Canadian Human Rights Tribunal dated March 7, 2025, [online](#).

<sup>8</sup> Affidavit of Katherine Quintana-James, made February 13, 2025, at paras. 10, 12, Exs. G, I

<sup>9</sup> March 17, 2025 Letter.

a new path for the Program,” being a nation-wide program, and which reflects “the reformed Program” in general. It does so without qualifying the scope of the Program to Ontario;<sup>10</sup>

- d) In the Ontario FSA Motion, COO and NAN, as well as Canada rely on remoteness-related and other evidence pertaining to regions both within and outside of Ontario;<sup>11</sup>
- e) The Ontario Final Agreement contains terms that may extend applicability outside of Ontario. Article 3 states that the “[Agreement shall] be interpreted as applying only in Ontario... [u]nless the context necessitates a different interpretation.”<sup>12</sup>

### **B. Proposed Interested Party: Council of Yukon First Nations<sup>13</sup>**

- 13. *About Yukon.* CYFN has real concerns about the creeping scope of the Ontario Final Agreement, and its potential reach to the Yukon. Yukon’s 14 First Nations live in a very different jurisdictional, legislative, and practical reality than many other First Nations in Canada generally and Ontario specifically.
- 14. First, First Nations in the Yukon operate largely within a self-government framework, outside the *Indian Act*. Eleven Yukon First Nations have entered into Final Agreements, which establish the model for First Nations self-government, as well as Self-Government Agreements, which establish nation-to-nation relationships and recognize, among other things, Yukon First Nations’ authorities to enact laws relating their citizens and lands. The Self-Government Agreements, together with the Final Agreements, recognize and

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<sup>10</sup> Farthing Affidavit at paras 5–6, 8.

<sup>11</sup> See, e.g., Farthing Affidavit at paras 98, 103, Exs. G, I.

<sup>12</sup> Grand Chief Abram Affidavit at para 2, Ex A [emphasis added].

<sup>13</sup> As set out in the enclosed covering letter, CYFN has filed no supporting affidavit for this motion pursuant to the directions of the Canadian Human Rights Tribunal (the “Tribunal”), made April 2, 2025. CYFN has concerns about procedural fairness of this direction, insofar as evidence may be required to satisfy one or more parts of the test for granting interested party status. If the Tribunal determines it requires further evidence to support or determine CYFN’s motion, CYFN requests that it be provided the opportunity to do provide such evidence.

operationalize First Nations' inherent right to self-government, including in relation to children and families.<sup>14</sup>

15. Second, the legislative framework relating to both self-government generally and child and family services specifically is very different. For example, Yukon has no reserves; instead, Yukon First Nations live on Settlement lands and service delivery (including the funding requirements for those services) are citizenship-based rather than *Indian Act* status-based.<sup>15</sup>
16. Delivery of child and family services in Yukon is also structured very differently than other places in Canada, including Ontario. Yukon is one of the few regions in Canada funded through the FNCFS Program with no First Nations-led Agencies. Put otherwise, while First Nations-led Agencies are central to the Ontario Final Agreement, they do not exist in Yukon. Instead, the FNCFS Program funds the Yukon government to provide child and family services. CYFN and Yukon First Nations also receive direct funding through various sources, including the FNCFS Program, and are key service providers in the territory.
17. Finally, Yukon is demographically different than other regions, with particularly small and remote Nations, including Nations hundreds of kilometers away from population centres. Yukon is particularly affected by challenges associated with care provision in remote settings.
18. *About CYFN.* CYFN is the representative body for 10 of the 14 First Nations in the Yukon, (including 10 of the 11 self-governing First Nations). It is mandated to serve as a political advocacy organization for Yukon First Nations to protect their rights, title, and interests,

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<sup>14</sup> See *Umbrella Final Agreement between The Government of Canada, The Council of Yukon First Indians and The Government of the Yukon* (1993), online: <https://www.cyfn.ca/wp-content/uploads/2013/08/umbrella-final-agreement.pdf>, which is the model for Final Agreements of Yukon First Nations, in s. 24.3.0 (Devolution) at s. 24.3.2.3 (g). See “[Agreements with First Nations](#)” for a list of self-government agreements. Yukon First Nations’ legislative authority in relation to children and families is set out in sections on Legislative Powers. See, for example: the *Kwanlin Dun First Nation Self-Government Agreement*, Part 13.0 (Legislative Powers).

<sup>15</sup> Pursuant to their self-government agreements, Yukon First Nations define citizenship themselves.

including the rights of children and families. As part of this work, CYFN has direct experience in the delivery of child and family services to Yukon First Nation citizens.<sup>16</sup>

19. CYFN has an extensive history of interventions in legal proceedings to ensure the unique perspective of Yukon First Nations are before the decision-making body, including cases before the Supreme Court of Canada. It also has specific experience in proceedings relating to protection of the inherent rights of First Nations to care for their children, and the navigation of practical and jurisdictional challenges in the delivery of such services.<sup>17</sup>
20. AFN Yukon recognized CYFN's expertise in the unique Yukon context when it partnered with the organization for input from Yukon First Nations on long-term reform of the FNCFS Program in 2022. The resulting recommendations, evincing the specificity of Yukon, were not reflected in the failed Draft FSA.<sup>18</sup>

### **PART III – ISSUE**

21. The only issue on this motion is whether CYFN should be granted interested party status, and, if so, the scope of CYFN's participation as an interested party in the Ontario FSA Motion.

### **PART IV – ARGUMENT**

#### **A. Test for Interested Party Status**

22. The Tribunal has broad jurisdiction to allow any interested party to intervene in a matter before it.<sup>19</sup> There are no rigid criteria for determining leave applications for interested

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<sup>16</sup> Good Thinking Professional Services, "Yukon First Nations Engagement on Long-Term Reform of Child and Family Services & Jordan's Principle", December 2022, [*Yukon First Nations Engagement Report*], online: <https://afnyukon.ca/wp-content/uploads/2023/02/Final-Report-AFN-Yukon-and-CYFN-Engagement-on-CFS-and-JP-Reform.pdf>.

<sup>17</sup> See, e.g., *Beckman v. Little Salmon/Carmacks First Nation*, 2010 SCC 53; *First Nation of Nacho Nyak Dun v Yukon*, 2017 SCC 58; *Reference re An Act respecting First Nations, Inuit and Métis children, youth and families*, 2024 SCC 5; *Dickson v. Vuntut Gwitchin First Nation*, 2024 SCC 10.

<sup>18</sup> See *Yukon First Nations Engagement Report*, *supra*.

<sup>19</sup> *CHRA*, s. 50; *Rules of Procedure* (03-05-04), s 8(1). The Tribunal has confirmed that the former *Rules* apply to this proceeding: *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, 2024 CHRT 95, at para 26.

parties. On a motion for interested party status, the Tribunal will consider whether: (a) the proceeding will have an impact on the proposed interested party's interests; (b) the proposed interested party brings expertise that will be of assistance to the Tribunal; and (c) involvement of the proposed party will add to the legal positions of the other parties.<sup>20</sup>

23. The Tribunal conducts its analysis on a “case-by-case” basis, applying a “flexible” and “holistic” approach. It will also consider its responsibility to conduct proceedings as quickly and informally as the requirements of natural justice and rules of procedure allow.<sup>21</sup>
24. Applying these factors and a holistic approach, CYFN should be granted interested party status. Its member Nations and citizens will be directly and profoundly impacted by the Ontario FSA Motion. It brings unique and helpful experience that can assist the Tribunal and that will not be available without CYFN's participation.

#### **B. CYFN Will be Impacted by the Outcome**

25. The Tribunal has consistently granted interested party status where the proceedings would have an impact on the moving party's interests, or that of a large number of its members.<sup>22</sup> CYFN satisfies this criterion: its members are directly impacted by the Ontario FSA Motion, and seek the Tribunal's permission to participate to ensure their voices are heard.
26. CYFN's member Nations have a real, founded concern that, without their participation, the order and / or findings in the Ontario FSA Motion will have implications for or set the parameters of national-level negotiations about FNCFS long-term reform. These concerns are heightened both by Canada's refusal to renew national-level negotiations and by the

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<sup>20</sup> *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, [2022 CHRT 26](#) at para [30](#).

<sup>21</sup> *Ibid* at para [31](#); *CHRA*, [s 48.9\(1\)](#); *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, [2016 CHRT 11](#) at para [3](#).

<sup>22</sup> For example, in *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, [2020 CHRT 31](#), the Tribunal granted interested party status to the Innu Nation primarily because a large number of members of the Innu Nation would be affected by the outcome of that proceeding.

substantive similarity between the Draft FSA, which was resoundingly rejected by the Yukon First Nations,<sup>23</sup> and the Ontario Final Agreement.

27. Without CYFN’s participation, the strong interests of Yukon First Nations in the Ontario FSA Motion will not be represented. Their interests and regional specificities cannot be represented by any of the other parties, including the AFN. CYFN Member Nations have made clear that “no other party, including the AFN, has any authority to represent Yukon First Nations in such discussions or negotiations or to enter any agreements [with the Government of Canada relating to child welfare matters] that bind or apply to Yukon First Nations, without their express written authorization, agreement, or delegation.”<sup>24</sup>

### **C. CYFN Brings a Unique and Distinct Perspective**

28. CYFN’s contributions as an interested party will assist the Tribunal in understanding why it is essential that any findings and orders in the Ontario FSA Motion are limited to Ontario, and how aspects of the Ontario Final Agreement that appear “neutral” or uncontroversial are actually deeply informed by place and context.
29. Put simply, if applied in Yukon, the Ontario Final Agreement – like the rejected Draft FSA – would not do what the Tribunal ordered it must: remedy discrimination in the provision of child welfare services.
30. If granted interested party status, CYFN would not oppose the Ontario Final Agreement for the purposes of Ontario. Instead, it will present targeted submissions and, if permitted, evidence, drawing from its unique and distinct knowledge of the specific Yukon context, to explain how the Tribunal’s findings and orders on the Ontario Final Agreement risk inadvertently impacting Yukon-specific interests, and why such impact should be avoided.
31. There are significant contextual differences between Ontario and Yukon. If granted leave, CYFN will highlight these differences to demonstrate why the Tribunal ought not approach

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<sup>23</sup> CYFN Leadership Resolution: 1197-24.

<sup>24</sup> CYFN Leadership Resolution: 1197-24.

the Ontario Agreement as a model for national reform, or permit Canada to indirectly do the same (as it seeks to achieve through this motion). For example, it will address how:

- a) The Ontario Final Agreement funding model does not adequately reflect the true costs of building, or sustaining, programs and services in small, remote communities such as Yukon First Nations.<sup>25</sup> Its approach to remoteness – like that of the rejected Draft FSA – is calculated through an Ontario-based lens. This approach does not capture the true costs associated with remoteness in the Yukon.
  - b) As noted above, the Ontario Final Agreement is largely premised on the existence a First Nations-led Agency. With no First Nation-led Agency to build upon, any funding decisions implicating FNCFS program delivery by Yukon First Nations must recognise the much higher amount of time and resources needed to establish these services.<sup>26</sup> In the interim, negotiating arrangements for FNCFS service delivery by the Yukon government are critical. Provisions for that critical phase are absent from the Ontario Final Agreement.
  - c) The Ontario Final Agreement model does not account for the *sui generis* nature of the Final Agreements and Self-Government Agreements and the unique nation-to-nation relationship between Yukon First Nations and the Crown. Long-term reform must accord with Yukon First Nations’ governance and citizenship structures and requires distinct negotiations around implementation in the Yukon.
32. To be very clear, CYFN does not seek to expand the scope of the Ontario FSA Motion and takes no position on the applicability of the Ontario Final Agreement to Ontario. Its submissions will focus solely on the risks of that motion inadvertently prejudicing conversations about long-term of the FNCFS in Yukon.

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<sup>25</sup> Yukon First Nations Engagement Report.

<sup>26</sup> Institute of Fiscal Studies and Democracy, “First Nations not Affiliated to a FNCFS Agency”, July 2024, at p. 7, online: [https://ifsd.ca/wp-content/uploads/2024/08/2024-07\\_en\\_first-nations-not-affiliated-to-an-fncfs-agency-final-report.pdf](https://ifsd.ca/wp-content/uploads/2024/08/2024-07_en_first-nations-not-affiliated-to-an-fncfs-agency-final-report.pdf); Yukon First Nations Engagement Report.

33. CYFN is committed to working with the parties and the Tribunal to facilitate the expeditiousness of these proceedings and to ensure that its participation does not expand the proceedings, cause delay or otherwise prejudice any of the parties. If granted interested party status in the Ontario FSA Motion, CYFN will work assiduously to avoid repeating or in any way duplicating the submissions of the parties or other interveners.

#### **PART IV - ORDER SOUGHT**

34. CYFN seeks an order granting to leave to intervene as an interested party in the Ontario FSA Motion on the following terms or such other terms as the Tribunal deems just:
- a) CYFN shall be permitted to:
    - (i) make oral and written arguments that are not duplicative of the parties' submissions, as may apply in the course of the Ontario FSA Motion, of a length that may be fixed by the Tribunal and according to the timeline set by the Tribunal;
    - (ii) participate in case conferences, mediation, negotiation or other dispute resolution or administrative processes in respect of the Ontario FSA Motion; and
    - (iii) adduce one affidavit, of a length that may be fixed by the Tribunal and according to the timeline set by the Tribunal, containing evidence that is not duplicative of the parties' evidence and is limited to the evidence needed for CYFN to advance the grounds upon which it is granted interested party status.
  - b) All parties shall provide CYFN with copies of the Ontario FSA Motion and supporting materials, including all evidence submitted in the motion.
  - c) CYFN's participation shall be on a without costs basis.
  - d) CYFN's motion for interested party status shall be decided without prejudice to CYFN's right to seek interested party status in the respect of other matters arising in these proceedings.
  - e) Any further or other order that the Tribunal may deem appropriate.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 15 day of April, 2025.

Digitally signed by Maya  
Ollek  
Date: 2025.04.15  
13:59:36 -07'00'

**Maya Ollek**

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**Per: Aria Laskin / Maya Ollek**

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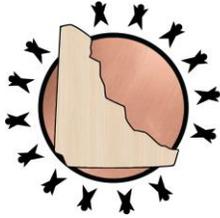
## PART V – LIST OF AUTHORITIES

#	Case Law	Paragraph
1.	<i>Beckman v. Little Salmon/Carmacks First Nation</i> , <a href="#">2010 SCC 53</a>	
2.	<i>Dickson v. Vuntut Gwitchin First Nation</i> , <a href="#">2024 SCC 10</a>	
3.	<i>First Nation of Nacho Nyak Dun v Yukon</i> , <a href="#">2017 SCC 58</a>	
4.	<i>First Nations Child &amp; Family Caring Society of Canada et al. v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)</i> , <a href="#">2020 CHRT 31</a>	
5.	<i>First Nations Child &amp; Family Caring Society of Canada et al. v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)</i> , <a href="#">2022 CHRT 26</a>	30-31
6.	<i>First Nations Child and Family Caring Society of Canada et al. v Attorney General of Canada</i> , <a href="#">2016 CHRT 2</a>	
7.	<i>First Nations Child and Family Caring Society of Canada et al. v Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)</i> , <a href="#">2016 CHRT 11</a>	3
8.	<i>Reference re An Act respecting First Nations, Inuit and Métis children, youth and families</i> , <a href="#">2024 SCC 5</a>	
9.	<i>First Nations Child &amp; Family Caring Society of Canada et al. v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)</i> , <a href="#">2024 CHRT 95</a>	26
<b>Legislation and Treaties</b>		
10.	<i>Canadian Human Rights Act</i> , <a href="#">RSC 1985</a> , c H-6	ss. 48.9(1); 50
11.	<a href="#">Kwanlin Dun First Nation Self-Government Agreement</a>	Part 13.0 (Legislative Powers)
12.	<i>Rules of Procedure (03-05-04)</i>	s 8(1)

13. [\*Umbrella Final Agreement between The Government of Canada, The Council of Yukon First Indians and The Government of the Yukon \(1993\).\*](#) ss. 24.3.0, 24.3.2.3 (g)

### **Secondary Sources**

14. Council of Yukon First Nations, "LRD 1197-24 Re Opposition to the Proposed FSA" (10 October 2024)
15. Good Thinking Professional Services, "[\*Yukon First Nations Engagement on Long-Term Reform of Child and Family Services & Jordan's Principle\*](#)", December 2022.
16. Institute of Fiscal Studies and Democracy, "[First Nations not Affiliated to a FNCFS Agency](#)", July 2024, at p. 7.
17. [Letter from Department of Justice Canada to the Canadian Human Rights Tribunal dated March 17, 2025](#)
18. [Letter from Department of Justice Canada to the Canadian Human Rights Tribunal dated March 7, 2025](#)
19. Yukon Agreements with First Nations - List of self-government agreements: [Agreements with First Nations](#)



# Council of Yukon First Nations

2166-2nd Avenue  
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867-393-9200  
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LRD NO: 1197-24

Leadership Resolution: **OPPOSITION TO THE PROPOSED FSA**

MOVED BY: Chief Hope

**WHEREAS:**

- (A)** Yukon First Nations are exercising their jurisdiction relating to child welfare matters with respect to their children and families pursuant to their inherent right to self-government and/or their self-government agreements, as appropriate; and
- (B)** Yukon First Nations have deep concerns about the possible impacts on their rights and interests of the proposed *Final Settlement Agreement on Long-Term Reform of the First Nation Child and Family Services Program* (the “**FSA**”), that is recommended by the Assembly of First Nations (the “**AFN**”) for approval by its members, including the Yukon First Nations.

SECONDED BY: Deputy-  
Chief Lindstrom

**THEREFORE BE IT RESOLVED THAT** the Chiefs of the Yukon First Nations oppose to any approval of the FSA by the AFN, unless the FSA is amended to provide that its provisions do not apply to the Yukon First Nations and does not affect their rights, claims and interests.

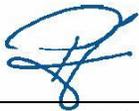
1. the Yukon First Nations must represent their rights and interests, consistent with their government-to-government relationship with the Crown, in any discussions or negotiations with the Government of Canada relating to child welfare matters, including the matters addressed in the FSA, and no other party, including the AFN, has any authority to represent the Yukon First Nations in such discussions or negotiations or enter into any agreement that bind or apply to the Yukon First Nations, without

their express written authorization, agreement or delegation;

2. any process to reform the federal First Nation Child and Family Services Program must be open and transparent, provide for the direct participation of the Yukon First Nations in the discussions and oversight by the Yukon First Nation Chiefs, and be informed by the advice from service providers and experts;
3. consideration must be given to any proposal ending the Canadian Human Rights Tribunal's jurisdiction over the complaint filed by the AFN and First Nations Child and Family Caring Society in 2007 and all associated proceedings since they may be some value for the Tribunal to address specific issues; and
4. the federal ten-year funding commitment proposed in the FSA is insufficient and fails to confirm the ongoing obligation of the Government of Canada to provide funding beyond the end of this ten-year period in 2034, whether or not the federal discriminatory conduct has been ameliorated.

**PASSED BY:**  
**Consensus**

**Resolution passed on:**  
**October 10, 2024**



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**Grand Chief**  
**Peter Johnston**