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DELIVERED VIA EMAIL: registry.office@chrt-tcdp.gc.ca

Judy Dubois
Department of Justice
Civil Litigation Section
50 O'Connor Street, 5th Floor
Ottawa, ON K1A 0H8

Dear Ms. Dubois

Re: TTN and CGI Statement of Position and Witness Statements on OFA Motion

We are counsel to Taykwa Tagamou Nation (“**TTN**”) and Chippewas of Georgina Island (“**CGI**”) in respect of this motion. We write further to the Tribunal’s September 17, 2025 scheduling direction.

Witness statements

We have only very recently been retained in this matter. As such, we have had limited time and capacity to produce witness statements. Still, we can advise that at this point in time, the potential witnesses that TTN and CGI intend to call, and the main areas of evidence they intend to focus on, are as follows:

- **Victor Linklater** and **Kayla Viau** will address matters relating to:
 - the process leading up to adoption of the OFA and the Trilateral Agreement (“**Agreements**”), including but not limited to lack of opportunities for consultation, engagement, input and information gathering;
 - the Agreements not representing lasting reform and the implications thereof;
 - the Agreements’ negative impact in terms of delaying necessary substantive reforms, including as it relates to funding for band representative services for off-reserve members;
 - the negative impacts of the Agreements on communities, including the Agreements’ failure to address discrimination in child and family services.
- **Chief Donna Big Canoe** and **Shannon Crate** will address matters relating to:
 - the process leading up to adoption of the Agreements, including but not limited to lack of opportunities for consultation, engagement, input and information gathering;
 - the Agreements not representing lasting reform and the implications thereof;
 - the Agreements’ negative impact in terms of delaying necessary substantive reforms, including as it relates to funding for band representative services for off-reserve members; and
 - the negative and unfair impacts of the Agreements’ approach to remoteness.

- **Kristin Murray** and **Amber Crowe** will address the negative impacts of the Agreements on communities, including the failure to address discrimination in child and family services.

With respect to affidavit length, TTN and CGI confirms that the total length of all affidavit evidence will remain within the 75 page maximum allotted. At this point, it is anticipated that the affidavit length will be roughly evenly distributed between the anticipated affiants identified above.

Position on motion

With respect to TTN and CGI's position on the motion:

- TTN and CGI oppose the relief sought on the motion and ask that the motion be dismissed
- In the alternative, TTN and CGI seek an order that they are not bound by the terms of the OFA and Trilateral Agreement if approved by the Tribunal
- In any event, should Canada, COO and/or NAN seek to pursue a further or revised Ontario-only agreement, they ought to engage in a fresh process to address the concerns put forward by TTN and CGI with respect to the OFA, both procedural and substantive

Delivery of affidavit materials

We note that pursuant to the Tribunal's September 17, 2025 scheduling direction, TTN and CGI's evidence is due on Thursday, October 2nd. Given our very recent retainer and next week's National Day for Truth and Reconciliation, TTN and CGI would respectfully request a brief extension until **Friday, October 3rd** to deliver their materials. This modest extension will not prejudice any party and will ensure TTN and CGI have the full opportunity to present relevant evidence before this Tribunal.

Yours truly,



Justin Safayeni

JS/cd

- c. *Paul Vickery, Sarah Bird, Kevin Staska*
Counsel for the Attorney General of Canada

Peter Mantas, Gabrielle Cyr and Tina Sun,
Counsel for the Co-Complainant, Assembly of First Nations

Maggie Wente, Benjamin Brookwell, Sinéad Dearman, Jessie Stirling-Voss, Katelyn Johnstone,
Ashley Ash, Jenna Rogers
Counsel for the Interested Party, Chiefs of Ontario

Julian Falconer, Meaghan Daniels, and Jordan Tully
Counsel for the Interested Party, Nishnawbe Aski Nation

Sarah Clarke
Counsel for the First Nations Child and Family Caring Society