



Court File Number: T-2155 -26 ID 1

FEDERAL COURT

F I L E D	FEDERAL COURT COUR FÉDÉRALE	D É P O S É
	AVR 29 2026 APR 29 2026	
	RUDI HWANG	
VANCOUVER, BC		

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, NISHNAWBE ASKI NATION, AMNESTY INTERNATIONAL
CANADA, TAYKWA TAGAMOU NATION and CHIPPEWAS OF GEORGINA ISLAND

Respondents

APPLICATION FOR JUDICIAL REVIEW

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FEDERAL COURT

B E T W E E N

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, NISHNAWBE ASKI NATION, AMNESTY INTERNATIONAL CANADA, TAYKWA TAGAMOU NATION and CHIPPEWAS OF GEORGINA ISLAND

Respondents

NOTICE OF APPLICATION FOR JUDICIAL REVIEW

TO THE RESPONDENTS:

A PROCEEDING HAS BEEN COMMENCED AGAINST YOU 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 file a notice of appearance in Form 305 prescribed by the *Federal Courts Rules* and serve it on the applicant's solicitor or, if 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.

April 29, 2026

Issued by: **RUDI HWANG**
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APPLICATION

This application concerns the March 30, 2026 letter decision (**Decision**) of the Canadian Human Rights Tribunal (**Tribunal**), with reasons to follow, in the matter of *First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada*, Tribunal file number T1340/7008, in which the Tribunal “approved without condition” the *Final Agreement on Long-Term Reform of the First Nations Child and Family Services Program in Ontario* (**Ontario Final Agreement**) as a long-term remedy that satisfies the Tribunal’s order in 2016 CHRT 2 (**Merit Decision**) that Canada cease its discrimination relating to the First Nations Child and Family Services (FNCFS) Program in Ontario and the 1965 Canada-Ontario *Memorandum of Agreement Respecting Welfare Programs for Indians* (**1965 Agreement**), while simultaneously exempting two First Nations communities in Ontario – Georgina Island First Nation (**GIFN**) and Taykwa Tagamou Nation (**TTN**) – from the application of the Ontario Final Agreement and ordering that Canada consult on, establish and implement custom interim remedies for those communities pending longer term solutions. Canada welcomes and fully accepts the Tribunal’s approval of the Ontario Final Agreement as a comprehensive, non-discriminatory remedy in Ontario. This application challenges only those portions of the Decision that exempt GIFN and TTN from the Ontario Final Agreement and require that Canada consult on, establish and implement interim remedies for those First Nations communities (**Exemption Orders**).

The Applicant makes an application for:

1. An order pursuant to section 18.1 of the *Federal Courts Act*, RSC 1985, c F-7, in the nature of *certiorari*, setting aside the Tribunal’s Exemption Orders, as set out in the Decision at Part IV, (a), (b) and (c).

2. Such further and other relief as this Court considers appropriate.

The grounds for the application are:

1. In the Merit Decision, the Tribunal found that Canada's design, management and control of the FNCFS Program, along with its corresponding funding formulas and related provincial/territorial agreements, resulted in a denial of services and created adverse impacts for First Nations children and families living on reserves. The Tribunal ordered that Canada cease its discriminatory practices and reform the FNCFS Program and 1965 Agreement to reflect the findings in the Merit Decision and cease applying its narrow definition of Jordan's Principle and take measures to immediately implement the full meaning and scope of Jordan's Principle.
2. Following the Merit Decision, the Tribunal retained remedial jurisdiction and structured the remedial process into stages addressing immediate, mid-term and long-term reform. Since 2016, the Tribunal issued numerous orders requiring immediate and mid-term reform of the FNCFS Program, some of which were entered into on consent of all parties.
3. After years of negotiations, in early 2025 the Chiefs of Ontario (COO), Nishnawbe Aski Nation (NAN) and Canada finalized the Ontario Final Agreement and the *Trilateral Agreement in Respect of Reforming the 1965 Agreement (Trilateral Agreement)*. Together, these agreements were intended to fully and finally satisfy the Tribunal's order in the Merit Decision that Canada cease its discrimination relating to the FNCFS Program in Ontario and the 1965 Agreement. The Ontario Final Agreement in particular was intended to provide a single, comprehensive remedial framework in Ontario to reform

the FNCFS Program, and to replace all interim orders relating to the FNCFS Program in Ontario.

4. In March 2025, COO and NAN – later joined by Canada – filed a joint motion with the Tribunal, requesting orders that:
 - a. the Tribunal approve the Ontario Final Agreement without condition;
 - b. the Ontario Final Agreement and the Trilateral Agreement satisfy the Tribunal’s order in the Merit Decision that Canada cease its discrimination relating to the FNCFS Program in Ontario and the 1965 Agreement;
 - c. the Ontario Final Agreement supersedes and replaces all other remedial orders related to the discrimination found by the Tribunal in relation to the FNCFS Program in Ontario and the 1965 Agreement; and
 - d. the Tribunal ends its jurisdiction over all elements of the complaint in Tribunal file number T1340/7008 (**Complaint**) in Ontario and all associated proceedings, save for those relating to Jordan’s Principle.
5. On March 30, 2026, the Tribunal released the Decision, with reasons to follow, in which it ordered that the Ontario Final Agreement is approved without condition; the Ontario Final Agreement and the Trilateral Agreement satisfy the Tribunal’s order in the Merit Decision that Canada cease its discrimination relating to the FNCFS Program in Ontario; the Ontario Final Agreement satisfies and supersedes all interim remedial orders related to the discrimination found by the Tribunal in relation to the FNCFS Program in Ontario and the 1965 Agreement; and the Tribunal ends its jurisdiction over all elements of the

Complaint in Ontario only and all associated proceedings, save for jurisdiction over those elements of the Complaint and associated proceedings related to Jordan's Principle.

6. Despite finding that the Ontario Final Agreement remedies the discrimination found in the Merit Decision and ending its jurisdiction over all elements of the Complaint and proceedings relating to the FNCFS Program in Ontario, the Tribunal also issued the Exemption Orders, exempting two Ontario First Nations communities – GIFN and TTN – from the operation of the Ontario Final Agreement and ordering that Canada consult on, establish and implement interim solutions for GIFN and TTN within 90 days of the Ontario Final Agreement's "effective date", as defined in the Ontario Final Agreement, pending longer-term solutions.
7. The Tribunal's Exemption Orders are unreasonable and should be quashed because:
 - a. the Tribunal did not base its decision on an internally coherent reasoning that is both rational and logical;
 - b. the exemptions and requirement to consult on, establish and implement interim solutions cannot be justified in light of the applicable legal and factual constraints;
 - c. the Tribunal unreasonably interpreted its statutory authority under section 53 of the *Canadian Human Rights Act*, RSC 1985, c H-6;
 - d. the Tribunal unreasonably exercised its jurisdiction; and
 - e. the Tribunal unreasonably failed to consider the evidence and submissions before it.

8. *Federal Courts Act*, RSC 1985, c F-7, sections 18 and 18.1.
9. *Federal Courts Rules*, SOR/98-106.
10. *Canadian Human Rights Act*, RSC 1985, c H-6.
11. *An Act respecting First Nations, Inuit and Métis children, youth and families*, SC 2019, c 24.
12. Such further and other grounds as counsel may advise and this Honourable Court may permit.

This application will be supported by the following material:

1. The Tribunal's Certified Tribunal Record.
2. The Tribunal's Decision, dated March 30, 2026.
3. The Tribunal's written reasons for the Decision, when available.
4. The affidavits to be filed in support of this application and the exhibits attached thereto.
5. Such further and other material as counsel may advise and this Honourable Court may permit.

THE ATTORNEY GENERAL OF CANADA REQUESTS, pursuant to Rule 317 of the *Federal Courts Rules*, SOR/98-106, that the Tribunal transmits a certified copy of all material relevant to

this application that are not in Canada's possession, including relevant materials that were before the Tribunal at the time it rendered the Decision dated March 30, 2026 and its reasons to follow.

Dated April 29, 2026



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