

Court File No. T-3594-25

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 and AMNESTY INTERNATIONAL
CANADA

RESPONDENT

AFFIDAVIT OF JASMINE KAUR

I, Jasmine Kaur, of the City of Brampton, in the Province of Ontario, affirm
as follows:

1. I am a law clerk to David Taylor, at Conway Baxter Wilson LLP/s.r.l.,
counsel to the Respondent First Nations Child and Family Caring Society of Canada.
2. I affirm this affidavit in response to Canada's application for judicial review.
3. I have personal knowledge of the facts stated herein, except where stated to be
on information and belief, and where so stated I believe them to be true.

Other procedural elements of the Panel's direction in 2025 CHRT 80

4. I have reviewed the October 22, 2025 Affidavit of Duncan Farthing-Nichol in
this matter. Mr. Farthing-Nichol's affidavit describes a number of the filings related to

the Caring Society's motion seeking Canada's return to discussions under the March 2018 Consultation Protocol; however, it does not note the Case Management Conference Call held on February 5, 2025 on that subject. A copy of the Case Management Conference Call summary provided by the Tribunal on February 13, 2025 is attached to my affidavit as Exhibit "A".

5. Mr. Farthing-Nichol's affidavit also does not include an April 2, 2025 communication from the Panel noting that the February 10, 2025 question from the Panel did not invite evidence to be filed and dealing with necessary extensions to deadlines for submissions from the Assembly of First Nations and Nishnawbe Aski Nation, a true copy of which is attached to my affidavit as Exhibit "B".

6. Mr. Farthing-Nichol's affidavit notes the Case Management Conference Call held on July 25, 2025, but does not note the agenda for that Case Management Conference Call or that there was a two-week delay following the Panel's request for the Case Management Conference Call due to counsel's lack of availability. Attached as Exhibit "C" is an email chain setting out the details of the agenda and the scheduling delay.

7. Mr. Farthing-Nichol's affidavit does not note that a Case Management Conference Call was scheduled for September 26, 2025, in part to discuss the 2025 CHRT 80 ruling. A true copy of the September 17, 2025 email scheduling this Case Management Conference Call and setting out the agenda is attached to my affidavit as Exhibit "D".

8. However, the September 26, 2025 Case Management Conference Call was cancelled due to late filing of material, which led to a need for a longer call. A true copy of the September 26, 2025 email cancelling the Case Management Conference Call is attached to my affidavit as Exhibit "E".

9. A further Case Management Conference Call was held on October 20, 2025. The agenda for this three-hour call, sent on October 16, 2025, include questions from

the parties (if any) regarding the ruling in 2025 CHRT 80 and a discussion on a hearing schedule for long-term reform proceedings. A true copy of the October 16, 2025 email sent on behalf of the Panel is attached as Exhibit “F”.

10. The Tribunal’s summary of the October 20, 2025 Case Management Conference Call, received on October 28, 2025, is attached to my affidavit as Exhibit “G”.

11. The final edited version of 2025 CHRT 80 was received on October 29, 2025. A true copy of the edited ruling as attached to my affidavit as Exhibit “H”.

12. Mr. Farthing-Nichol’s affidavit notes that the Caring Society filed its first monthly update with the Tribunal on September 22, 2025 and that Canada filed its first monthly update with the Tribunal on September 25, 2025. Further monthly updates were filed as follows:

- (a) Caring Society’s second monthly update on October 16, 2025;
- (b) Canada’s second monthly update on November 4, 2025;
- (c) Caring Society’s third monthly update on November 21, 2025;
- (d) Canada’s third monthly update on November 28, 2025;
- (e) Caring Society’s fourth monthly update on December 21, 2025;
- (f) Caring Society’s fifth monthly update on January 29, 2026;
- (g) Caring Society’s sixth monthly update on March 6, 2026; and
- (h) Caring Society’s seventh monthly update on April 10, 2026.

13. Long-term reform plans were filed on behalf of the complainants and on behalf of Canada on December 22, 2025. Canada’s plan specifically noted that it was “with prejudice” to the result of this judicial review proceeding. A true copy of Canada’s

counsel's letter filing Canada's long-term reform plan, as well as the first page of the long-term reform plan (which notes the plan is filed "with prejudice" to the result of this proceeding), is attached as Exhibit "I" to my affidavit.

14. The Tribunal acknowledged receipt of the long-term reform plans on January 7, 2026 and requested availability for a Case Management Conference Call to discuss next steps. A true copy of the January 7, 2026 email sent on behalf of the Tribunal is attached to my affidavit as Exhibit "J".

15. The Case Management Conference Call was ultimately held on January 21, 2026. A true copy of the amended summary January 21, 2026 Case Management Conference Call, provided on January 29, 2026, is attached to my affidavit as Exhibit "K".

16. On January 27, 2026, the Panel provided the parties with further direction regarding the schedule for proceedings on long-term reform outside of Ontario. A true copy of this direction is attached to my affidavit as Exhibit "L".

17. A Case Management Conference Call was scheduled for March 3, 2026; however, it was cancelled due to a health emergency.

18. A further Case Management Conference Call was held on April 30, 2026. A true copy of the agenda for the Case Management Conference Call, set out in an April 28, 2026 email sent on behalf of the Panel, is attached to my affidavit as Exhibit "M".

19. On May 5, 2026, the Panel issued a further direction regarding the long-term reform schedule. A true copy of this direction is attached to my affidavit as Exhibit "N".

20. On May 19, 2026, counsel for the AFN wrote to the Panel on behalf of the parties to set out a time table for long-term reform proceedings that reflected the directions received at the April 30, 2026 Case Management Conference Call and in the

May 5, 2026 direction. A true copy of this correspondence is attached to my affidavit as Exhibit “O”.

21. On May 22, 2026, the Panel issued a direction confirming the schedule set by the parties. A true copy of the Panel’s direction is attached to my affidavit as Exhibit “P”.

22. On June 19, 2026, the Caring Society made a request for clarification of the Panel’s May 22, 2026 direction, as regards the prospect of additional requests for interested party status being received. A true copy of the Caring Society’s letter is attached to my affidavit as Exhibit “Q”.

23. Mr. Taylor informs me, and I believe, that at a Case Management Conference Call held on July 21, 2026, the parties were directed to provide submissions in writing in response to the Caring Society’s June 19, 2026 request for the Tribunal’s consideration prior to releasing a ruling on the clarification.

24. On July 8, 2026, the Tribunal advised the parties that Member Lustig had resigned from the Panel and that Member Marchildon would continue to adjudicate the matter.

Other aspects of the complaint before the Tribunal in 2025

25. In 2025, the Tribunal was managing three distinct aspects of the remedial phase of the complaint:

- (a) Long-term reform of the First Nations Child and Family Services Program, outside of Ontario;
- (b) Consideration of the Ontario Final Agreement (addressing long-term reform of First Nations Child and Family Services within Ontario); and
- (c) Remedial measures related to interim Jordan’s Principle issues dealt within 2025 CHRT 6.

26. The Tribunal received a number of motions from First Nations entities and organizations seeking to become involved in the complaint, addressing either the complaint more broadly or the Ontario-specific proceedings (or both). Specifically, the Tribunal received interested party status motions from:

- (a) Assembly of First Nations Quebec-Labrador and First Nations of Quebec and Labrador Health and Social Services Commission (filed January 31, 2025);
- (b) Assembly of Manitoba Chiefs;
- (c) Our Children Our Way Society;
- (d) Federation of Sovereign Indigenous Nations;
- (e) Taykwa Tagamou First Nation and Chippewas of Georgina Island (joint motion);
- (f) Council of Yukon First Nations;
- (g) Confederacy of Treaty Six First Nations;
- (h) Ugpi'ganiig (Eel River Bar) First Nation;
- (i) Treaty 8 First Nations of Alberta;
- (j) Neqotkuk (Tobique) First Nation of the Wolastoqey Nation;
- (k) Mi'gmaq Child and Family Services of New Brunswick Inc;
- (l) Treaty 7 First Nations Chiefs' Association; and
- (m) Southern Chiefs Organization (received July 31, 2025).

27. Attached as Exhibit "R" and Exhibit "S" are true copies of an April 24, 2025 direction (Exhibit R) and an April 25, 2025 email sent on behalf of the Panel (Exhibit

S) setting out the Panel's approach to dealing with the 12 motions seeking interested party status (including one joint motion) that had been received by the April 15, 2025 deadline that it had set at an earlier case management conference (held on March 22, 2025).

28. Attached as Exhibit "T" is a true copy of an April 28, 2025 email sent on behalf of the Panel identifying the moving parties seeking interested party status.

29. As part of its consideration of the Ontario Final Agreement, the Panel also was called upon to consider the standing of Chiefs of Ontario and Nishnawbe Aski Nation, as Interested Parties to the complaint, to seek final relief that would end the complaint with respect to Ontario, in the absence of the complainant or the respondent as co-moving parties. Attached as Exhibit "U" is a true copy of a May 14, 2025 direction from the Panel setting out a schedule for submissions on Chiefs of Ontario and Nishnawbe Aski Nation's standing to bring the Ontario Final Agreement approval motion.

30. Attached as Exhibit "V" is a true copy of a May 23, 2025 direction from the Panel pausing the previously-ordered Ontario Final Agreement motion schedule pending resolution of the standing issue. Attached as Exhibit "W" is the formal ruling that followed after the May 23, 2025 direction, dated May 29, 2025 and bearing the neutral citation 2025 CHRT 58.

AFFIRMED by Jasmine Kaur at the City of Brampton, in the Province of Ontario, before me at the City of Ottawa, in the Province of Ontario, dated 23rd day of July, 2026 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

}



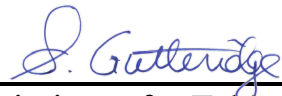
Commissioner for Taking Affidavits
(or as may be)



JASMINE KAUR

Zsuzsanna Terezia Gutteridge, a Commissioner, etc.,
Province of Ontario, for Conway Baxter Wilson LLP/s.r.l.,
Barristers and Solicitors.
Expires August 27, 2027.

This is **Exhibit “A”**
to the affidavit of
Jasmine Kaur
sworn before me this
23rd day of July, 2026



A Commissioner for Taking Affidavits

Zsuzsanna Terezia Gutteridge, a Commissioner, etc.,
Province of Ontario, for Conway Baxter Wilson LLP/s.r.l.,
Barristers and Solicitors.
Expires August 27, 2027.

Canadian Human
Rights Tribunal



Tribunal canadien
des droits de la personne

Ottawa, Canada, K1A 1J4

February 13, 2025

By e-mail

(See Distribution List)

Dear Parties,

Re: First Nations Child and Family Caring Society et al. v. Attorney General of Canada
Tribunal File: T1340/7008

Please see below the summary of the Case Management Conference Call (CMCC) that was held on January 22, 2025. The summary includes any Directions/Orders from the Tribunal.

Sophie Marchildon, Panel Chair

Edward Lustig, Panel Member

David Taylor, Sarah Clarke, Kiana Saint-Macary, Counsel for the Caring Society with Dr. Cindy Blackstock, Brittany Mathews and Stephanie Wellman

Adam Williamson, Counsel for the Assembly of First Nations with Julie McGregor

Anshumala Juyal and Khizer Pervez, Counsel for the Canadian Human Rights Commission

Dayna Anderson, Kevin Staska, Paul Vickery, Sarah-Dawn Norris, Meg Jones, Alicia Dueck-Read Jon Khan, David Shiroky, Counsel for Canada

Maggie Wentle, Darian Baskatawang and Jessie Stirling-Voss, Counsel for the Chiefs of Ontario (COO)

Meaghan Daniel and Jordan Tully, Counsel for the Nishnawbe Aski Nation (NAN)

Panel Chair Marchildon informed the parties that the Panel is in the process of reviewing and editing ruling 2025 CHRT 6 dated January 29, 2025. The ruling was released prior to editing to expedite matters. The parties will receive a new copy indicating the editorial changes in the upcoming weeks.

The purpose of the call was for the Panel to ask any outstanding questions following Canada's submissions on the Caring Society's motion, for the Caring Society to respond and for the other parties to provide any further submissions.

Ms. Anderson began by stating that Canada must ensure that evidence is sent to the panel without settlement privilege and confidentiality, and that Cabinet confidentiality needs to be considered and may require a certificate from the Clerk. Upon questions from Panel Chair Marchildon about the nature of the relief sought in the Caring Society's motion appearing more as a request to returning to negotiation under the consultation protocol ordered by this Tribunal then a substantive request to review the draft settlement agreement, Ms. Anderson stated that part of the issue raised in the motion is whether the consultation protocol has been fully discharged. This may be raised in a cross-motion, but is under consideration.

Ms. Clarke stated that the Caring Society agrees with the Panel Chair's assessment of their motion and that they are not interested in discussing the substantive aspect of the draft settlement agreement, or deal with cabinet confidence or settlement privilege, and that a cross motion will derail the process meant to be dealt with on an expedited basis.

Mr. Williamson asked whether there would be any cross-motions and if so, AFN takes no position on the timelines.

Ms. Wentz stated that COO has no opinion on the process other than a 30 pages limit on submissions. She also pointed out the parties may have a differing opinion on whether the motion is about whether the relief sought by the Caring Society is an order to negotiate or a requirement to consult.

Ms. Daniel stated that NAN has no position on the procedural aspects of the motion.

Ms. Juyal said that CHRC held no position on the procedure but was interested in the details of the relief sought.

Panel Chair Marchildon reiterated the need to establish a realistic schedule especially given the possibility that the new French interested party motion may need to be dealt with prior to the Caring Society's motion.

Panel Chair Marchildon confirmed that the deadlines for triaging the backlog of Jordan's Principle requests in the summary ruling that were previously extended continue to be extended and given the updated information received in Canada's reports (Dec 10, 2024 and January 17, 2025) following the summary ruling, the progress in reducing the backlog and the parties ongoing consultations, the February deadlines in the summary ruling are postponed. Those deadlines were meant to follow the January deadlines that were extended so it just makes sense to extend them now.

The Panel and the parties discussed the motion seeking interested party status filed January 31, 2025 by the Commission de la Santé et des Services Sociaux des Premières Nations du Québec et du Labrador (CSSSPNQL) / First Nations of Quebec and Labrador Health and Social Services Commission (FNQLHSSC), specifically the ability of the parties to deal with the motion in French. Panel Chair Marchildon stated that instructions would follow. The Panel will also seek clarification from the CSSSPNQL.

The Panel provided direction and timelines for submissions on the Caring Society's motion in their letter to the parties dated February 10, 2025.

Should you have any questions, please do not hesitate to contact the Registry Office by e-mail at registry.office@chrt-tcdp.gc.ca by telephone at 613-878-8802 or by fax at 613-995-3484.

Yours truly,

Judy Dubois
Registry Officer

DISTRIBUTION LIST

TO:

David Taylor, Partner
Kiana Saint-Macary, Associate
Barrister & Solicitor
Conway Baxter Wilson LLP
400 – 411 Roosevelt Avenue
Ottawa ON K2A 3X9

Sarah Clarke
Clarke Child and Family Law
950-36 Toronto Street
Toronto ON M5C 2C5

Adam Williamson, Counsel
Assembly of First Nations
55 Metcalfe Street, Suite 1600
Ottawa ON K1P 6L5

Anshumala Juyal, Senior Counsel
Khizer Pervez, Counsel
Canadian Human Rights Commission
344 Slater Street, 8th Floor
Ottawa ON K1A 1E1

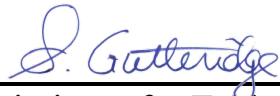
Christopher Rupar, Senior General Counsel
Paul Vickery, Sarah-Dawn Norris, and Meg
Jones, Counsel
Dayna Anderson, General Counsel
Kevin Staska, Senior Counsel
Sarah Bird, Jon Kahn, David Shiroky, Alicia
Dueck-Read
Justice Canada
50 O'Connor Street
Ottawa ON K1A 0H8

Maggie Wente, Partner
Darian Baskatawang, Associate
Barrister & Solicitor
Olthuis, Kleer & Townshend LLP
250 University Ave, 8th Floor
Toronto ON M5H 3E5

Julian Falconer, Partner
Asha James, Partner
Shelby Percival, Associate
Meaghan Daniel, Associate
Falconers LLP
10 Alcorn Avenue, Suite 204
Toronto ON M4V 3A9

Justin Safayeni, Partner
Stephen Aylward, Partner
Stockwoods LLP
Suite 2512 - 150 King Street West
Toronto ON M5H 1J9

This is **Exhibit “B”**
to the affidavit of
Jasmine Kaur
sworn before me this
23rd day of July, 2026



A Commissioner for Taking Affidavits

Zsuzsanna Terezia Gutteridge, a Commissioner, etc.,
Province of Ontario, for Conway Baxter Wilson LLP/s.r.l.,
Barristers and Solicitors.
Expires August 27, 2027.

David Taylor

From: CHRT Registry Office <Registry.Office@chrt-tcdp.gc.ca>
Sent: Wednesday, April 2, 2025 8:40 AM
To: David Taylor; 'sarah@childandfamilylaw.ca'; Kiana Saint-Macary; rstgermain@afn.ca; 'Anshumala.Juyal@chrc-ccdp.gc.ca'; khizer.pervez@chrc-ccdp.gc.ca; 'Vickery, Paul'; 'Norris, Sarah-Dawn'; 'Jones, Meg'; 'Anderson, Dayna (she; her | elle; la)'; 'Staska, Kevin'; Bird, Sarah (she her elle la); Khan, Jon; Dueck-Read, Alicia (she her elle la); Aman.Owais@justice.gc.ca; 'MWente@oktlaw.com'; Jessie Stirling; Ashley Ash; Katelyn Johnstone; jrogers@oktlaw.com; 'julianf@falconers.ca'; Asha James; Shelby Percival; meaghand@falconers.ca; David Schwartz; Jordan Tully; 'justins@stockwoods.ca'; 'Stephen Aylward'; Jasmine Kaur; Lloyd, Michelle (CHRC/CCDP); Darvill, Jillian (she; her | elle; la); Perrault-Werner, Alisia (she her elle la); Anderson, Jackie (she her elle la); Wong, Theresa (she her elle la)
Subject: Panel Direction - FNCFCSC and AFN v. AGC (CHRT File T1340/7008)

Please see the message below from the Panel:

Dear Parties,

The Tribunal clarifies that it did not invite parties to file evidence in its question on long-term at this time. The question was intended to get a quick round of short submissions from the parties. The schedule was extended once and now needs to be extended for a second time in light of unforeseen circumstances at the AFN. The Tribunal now understands that the AFN is without legal counsel and in the process of securing a new counsel. The Tribunal accepts this as a reasonable reason to seek a last minute extension. The March 31, 2025 deadlines have already passed and this has de facto extended the original schedules including those deadlines which followed the March 31, 2025 submissions. Nevertheless, the Tribunal requests the parties who have not provided their concise views on the AFN's extension requests, if any, to provide them by end of day April 3, 2025.

The Tribunal requests all the parties' views, if any, on the NAN's extension requests to provide them by end of day April 3, 2025.

Further, the parties who have already done so for the AFN's extension requests, but have additional views to add can provide them, by end of day April 3, 2025.

The AFN will keep the Tribunal informed and will provide a follow-up on April 4, 2025. The Tribunal will revisit this issue next week.

Thank you.

Judy Dubois

Registry Officer – Canadian Human Rights Tribunal
Administrative Tribunals Support Service of Canada / Government of Canada
240 Sparks Street, 6th floor West, Ottawa ON K1A 1J4
registry.office@chrt-tcdp.gc.ca / Tel: 613-878-8802 / Facsimile: 613-995-3484

Agente du greffe – Tribunal canadien des droits de la personne
Service canadien d'appui aux tribunaux administratifs / Gouvernement du Canada
240, rue Sparks, 6e étage ouest, Ottawa ON K1A 1J4
registry.office@chrt-tcdp.gc.ca / Tél.: 613-878-8802 / Télécopieur: 613-995-3484

This is **Exhibit “C”**
to the affidavit of
Jasmine Kaur
sworn before me this
23rd day of July, 2026



A Commissioner for Taking Affidavits

Zsuzsanna Terezia Gutteridge, a Commissioner, etc.,
Province of Ontario, for Conway Baxter Wilson LLP/s.r.l.,
Barristers and Solicitors.
Expires August 27, 2027.

David Taylor

From: CHRT Registry Office <Registry.Office@chrt-tcdp.gc.ca>
Sent: Wednesday, July 9, 2025 11:40 AM
To: David Taylor; 'sarah@childandfamilylaw.ca'; Kiana Saint-Macary; Peter Mantas; gcyrfasken.com; 'tsun@fasken.com'; 'Anshumala.Juyal@chrc-ccdp.gc.ca'; khizer.pervez@chrc-ccdp.gc.ca; 'Vickery, Paul'; 'Norris, Sarah-Dawn'; 'Jones, Meg'; 'Anderson, Dayna (she; her | elle; la)'; 'Staska, Kevin'; Bird, Sarah (she her elle la); Khan, Jon; Dueck-Read, Alicia (she her elle la); Aman.Owais@justice.gc.ca; 'MWente@oktlaw.com'; Jessie Stirling; Ashley Ash; Katelyn Johnstone; jrogers@oktlaw.com; 'julianf@falconers.ca'; Asha James; Shelby Percival; meaghand@falconers.ca; David Schwartz; Jordan Tully; 'justins@stockwoods.ca'; 'Stephen Aylward'; Jasmine Kaur; Lloyd, Michelle (CHRC/CCDP); Darvill, Jillian (she; her | elle; la); Perrault-Werner, Alisia (she her elle la); Anderson, Jackie (she her elle la); Wong, Theresa (she her elle la)
Subject: Request for CMCC availability - FNCFCSC and AFN v. AGC (CHRT File T1340/7008)

Dear Parties,

As there was no common date identified for a CMCC next week, please provide your availabilities for July 21, 22, 23 and 25.

Thank you.

Judy Dubois

Registry Officer – Canadian Human Rights Tribunal
Administrative Tribunals Support Service of Canada / Government of Canada
registry.office@chrt-tcdp.gc.ca / Facsimile: 613-995-3484

Agente du greffe – Tribunal canadien des droits de la personne
Service canadien d'appui aux tribunaux administratifs / Gouvernement du Canada
registry.office@chrt-tcdp.gc.ca / Télécopieur: 613-995-3484

From: CHRT Registry Office <Registry.Office@chrt-tcdp.gc.ca>
Sent: Monday, July 7, 2025 10:04 AM
To: 'David Taylor' <DTaylor@conwaylitigation.ca>; 'sarah@childandfamilylaw.ca' <sarah@childandfamilylaw.ca>; Kiana Saint-Macary <ksaintmacary@conwaylitigation.ca>; Peter Mantas <pmantas@fasken.com>; gcyrfasken.com; 'tsun@fasken.com' <tsun@fasken.com>; 'Anshumala.Juyal@chrc-ccdp.gc.ca' <Anshumala.Juyal@chrc-ccdp.gc.ca>; khizer.pervez@chrc-ccdp.gc.ca; 'Vickery, Paul' <Paul.Vickery@justice.gc.ca>; 'Norris, Sarah-Dawn' <Sarah-Dawn.Norris@Justice.gc.ca>; 'Jones, Meg' <Meg.Jones@justice.gc.ca>; 'Anderson, Dayna (she; her | elle; la)' <Dayna.Anderson@justice.gc.ca>; 'Staska, Kevin' <Kevin.Staska@justice.gc.ca>; Bird, Sarah (she her elle la) <Sarah.Bird@justice.gc.ca>; Khan, Jon <Jon.Khan@justice.gc.ca>; Dueck-Read, Alicia (she her elle la) <Alicia.Dueck-Read@justice.gc.ca>; Aman.Owais@justice.gc.ca; 'MWente@oktlaw.com' <MWente@oktlaw.com>; Jessie Stirling <jstirling@oktlaw.com>; Ashley Ash <aash@oktlaw.com>; Katelyn Johnstone <kjohnstone@oktlaw.com>; jrogers@oktlaw.com; 'julianf@falconers.ca' <julianf@falconers.ca>; Asha James <ashaj@falconers.ca>; Shelby Percival <ShelbyP@falconers.ca>; meaghand@falconers.ca; David Schwartz <davids@falconers.ca>; Jordan Tully <jordant@falconers.ca>; 'justins@stockwoods.ca' <JustinS@stockwoods.ca>; 'Stephen Aylward' <StephenA@stockwoods.ca>; 'Jasmine Kaur' <JKaur@conwaylitigation.ca>; Lloyd, Michelle (CHRC/CCDP) <michelle.lloyd@chrc-ccdp.gc.ca>; Darvill, Jillian (she; her | elle; la) <Jillian.Darvill@justice.gc.ca>; Perrault-Werner, Alisia (she her elle la) <Alisia.Perrault-Werner@justice.gc.ca>; Anderson, Jackie (she her elle la)

<Jackie.Anderson@justice.gc.ca>; Wong, Theresa (she/her/elle/la) <Theresa.Wong@justice.gc.ca>

Subject: Request for CMCC availability - FNCFCSC and AFN v. AGC (CHRT File T1340/7008)

Dear Parties,

The Tribunal would like to schedule a CMCC in the near future to discuss:

1. The OFA schedule and the recent procedural developments.
2. The need for a follow-up on the consultation orders for Jordan's Principle found in the Tribunal's decision with full reasons released on January 29, 2025. The parties engaged in mediation with the Tribunal over the last 5 months. The Tribunal requests an update on the procedural status of those discussions to assist in determining next steps. For clarity, the Tribunal is not requesting any information on the confidential content of those privileged discussions.
3. How to best move forward to resolve outstanding matters in the best interest of First Nations children and families while keeping with section 48.9(1) of the *CHRA*.

The Tribunal requests that all parties provide their availabilities for a 75 minutes CMCC by **July 9, 2025**. The Tribunal is unavailable this Thursday July 10, 2025, but is available on Friday 11, 2025 and is flexible the week of July 14 to 18 as well.

Thank you.

Judy Dubois

Registry Officer – Canadian Human Rights Tribunal
Administrative Tribunals Support Service of Canada / Government of Canada
240 Sparks Street, 6th floor West, Ottawa ON K1A 1J4
registry.office@chrt-tcdp.gc.ca / Facsimile: 613-995-3484

Agente du greffe – Tribunal canadien des droits de la personne
Service canadien d'appui aux tribunaux administratifs / Gouvernement du Canada
240, rue Sparks, 6^e étage ouest, Ottawa ON K1A 1J4
registry.office@chrt-tcdp.gc.ca / Télécopieur: 613-995-3484

This is **Exhibit “D”**
to the affidavit of
Jasmine Kaur
sworn before me this
23rd day of July, 2026



A Commissioner for Taking Affidavits

Zsuzsanna Terezia Gutteridge, a Commissioner, etc.,
Province of Ontario, for Conway Baxter Wilson LLP/s.r.l.,
Barristers and Solicitors.
Expires August 27, 2027.

David Taylor

From: CHRT Registry Office <Registry.Office@chrt-tcdp.gc.ca>
Sent: Wednesday, September 17, 2025 11:36 AM
To: David Taylor; 'sarah@childandfamilylaw.ca'; Kiana Saint-Macary; Peter Mantas; gcy@fasken.com; 'tsun@fasken.com'; 'Anshumala.Juyal@chrc-ccdp.gc.ca'; khizer.pervez@chrc-ccdp.gc.ca; 'Vickery, Paul'; 'Norris, Sarah-Dawn'; 'Jones, Meg'; 'Anderson, Dayna (she; her | elle; la)'; 'Staska, Kevin'; Bird, Sarah (she her elle la); Khan, Jon; Dueck-Read, Alicia (she her elle la); Aman.Owais@justice.gc.ca; 'MWente@oktlaw.com'; Jessie Stirling; Ashley Ash; Katelyn Johnstone; Sinéad Dearman; 'julianf@falconers.ca'; Asha James; Shelby Percival; meaghand@falconers.ca; David Schwartz; Jordan Tully; 'justins@stockwoods.ca'; 'Stephen Aylward'; Jasmine Kaur; Lloyd, Michelle (CHRC/CCDP); Darvill, Jillian (she; her | elle; la); Perrault-Werner, Alisia (she her elle la); Anderson, Jackie (she her elle la); Wong, Theresa (she her elle la)
Subject: September 26, 2025 Conference Call information - FNCFCSC and AFN v. AGC (CHRT File T1340/7008)

Dear Parties,

Please find below the information for the next conference call:

Date: September 26, 2025

Time: 11:00 am to 12:00 pm EST.

Agenda

- Discussion with the parties regarding the 2025 CHRT 80 ruling
- Next steps on the interim orders under Jordan's Principle in 2025 CHRT 6

Coordinates

Zoom Link: <https://zoom.us/j/99088653826>

Meeting ID: 990 8865 3826

Passcode: 561449

Video will be turned off for all attendees.

Thank you.

Judy Dubois

(she/her/elle)

Senior Registry Officer / CHRT Registry Services

On behalf of the Canadian Human Rights Tribunal

Administrative Tribunals Support Service of Canada / Government of Canada

judy.dubois@tribunal.gc.ca

Agente principale du greffe / Services du greffe du TCDP

Au nom du Tribunal canadien des droits de la personne

Service canadien d'appui aux tribunaux administratifs / Gouvernement du Canada

judy.dubois@tribunal.gc.ca

This is **Exhibit “E”**
to the affidavit of
Jasmine Kaur
sworn before me this
23rd day of July, 2026



A Commissioner for Taking Affidavits

Zsuzsanna Terezia Gutteridge, a Commissioner, etc.,
Province of Ontario, for Conway Baxter Wilson LLP/s.r.l.,
Barristers and Solicitors.
Expires August 27, 2027.

David Taylor

From: CHRT Registry Office <Registry.Office@chrt-tcdp.gc.ca>
Sent: Friday, September 26, 2025 10:30 AM
To: David Taylor; 'sarah@childandfamilylaw.ca'; Kiana Saint-Macary; Peter Mantas; gcyr@fasken.com; 'tsun@fasken.com'; 'Anshumala.Juyal@chrc-ccdp.gc.ca'; khizer.pervez@chrc-ccdp.gc.ca; 'Vickery, Paul'; 'Norris, Sarah-Dawn'; 'Jones, Meg'; 'Anderson, Dayna (she; her | elle; la)'; 'Staska, Kevin'; Bird, Sarah (she her elle la); Khan, Jon; Dueck-Read, Alicia (she her elle la); Aman.Owais@justice.gc.ca; 'MWente@oktlaw.com'; bbrookwell@oktlaw.com; Sinéad Dearman; Jessie Stirling; Katelyn Johnstone; Ashley Ash; Jenna Rogers; 'julianf@falconers.ca'; Asha James; Shelby Percival; meaghand@falconers.ca; David Schwartz; Jordan Tully; 'justins@stockwoods.ca'; 'Stephen Aylward'; Jasmine Kaur; Lloyd, Michelle (CHRC/CCDP); Darvill, Jillian (she; her | elle; la); Perrault-Werner, Alisia (she her elle la); Anderson, Jackie (she her elle la); Wong, Theresa (she her elle la)
Subject: CANCELLED: September 26, 2025 Conference - FNCFCSC and AFN v. AGC (CHRT File T1340/7008)
Importance: High

Dear Parties,

The Tribunal would like to convey how disappointing it is to receive multiple important and relevant correspondence only an hour and a half before the CMCC (the Tribunal intake team needs time to process correspondence when received and it was only received at 9h35 am this morning while the Panel was already busy preparing for the CMCC).

The Tribunal now requires two consecutive hours not one to discuss all matters.

Therefore, the Tribunal cancels the CMCC and will discuss next steps and write back to the parties at our earliest convenience.

Thank you.

Judy Dubois
(she/her/elle)

Senior Registry Officer / CHRT Registry Services
On behalf of the Canadian Human Rights Tribunal
Administrative Tribunals Support Service of Canada / Government of Canada
judy.dubois@tribunal.gc.ca

Agente principale du greffe / Services du greffe du TCDP
Au nom du Tribunal canadien des droits de la personne
Service canadien d'appui aux tribunaux administratifs / Gouvernement du Canada
judy.dubois@tribunal.gc.ca

This is **Exhibit “F”**
to the affidavit of
Jasmine Kaur
sworn before me this
23rd day of July, 2026



A Commissioner for Taking Affidavits

Zsuzsanna Terezia Gutteridge, a Commissioner, etc.,
Province of Ontario, for Conway Baxter Wilson LLP/s.r.l.,
Barristers and Solicitors.
Expires August 27, 2027.

David Taylor

From: CHRT Registry Office <Registry.Office@chrt-tcdp.gc.ca>
Sent: Thursday, October 16, 2025 10:12 AM
To: David Taylor; Sarah Clarke; Robin McLeod; Kiana Saint-Macary; Peter Mantas; gcyr@fasken.com; 'tsun@fasken.com'; 'Anshumala.Juyal@chrc-ccdp.gc.ca'; khizer.pervez@chrc-ccdp.gc.ca; 'Vickery, Paul'; 'Norris, Sarah-Dawn'; 'Jones, Meg'; 'Anderson, Dayna (she; her | elle; la)'; 'Staska, Kevin'; Bird, Sarah (she her elle la); Khan, Jon; Dueck-Read, Alicia (she her elle la); Aman.Owais@justice.gc.ca; Maggie Wente; Benjamin Brookwell; 'Sinéad Dearman'; Jessie Stirling-Voss; Katelyn Johnstone; Ashley Ash; Jenna Rogers; 'julianf@falconers.ca'; Asha James; Shelby Percival; meaghand@falconers.ca; David Schwartz; Jordan Tully; 'justins@stockwoods.ca'; 'Stephen Aylward'; Jasmine Kaur; Lloyd, Michelle (CHRC/CCDP); Darvill, Jillian (she; her | elle; la); Perrault-Werner, Alisia (she her elle la); Anderson, Jackie (she her elle la); Wong, Theresa (she her elle la)
Subject: CMCC Scheduled October 20, 2025 1 to 4 pm - FNCFCSC and AFN v. AGC (CHRT File T1340/7008)

Dear Parties,

The Panel does not object to the COO's request for their representatives to attend the CMCC. Providing their names in advance and how to identify them on the call would be helpful.

CMCC Agenda October 20, 2025

1. Introductory remarks, comments and questions for the parties.
2. Parties' responses to the questions, if any.
3. Parties' questions on 2025 CHRT 80, as planned in the ruling, if any. Discussion on the parties and the Tribunal's views on long-term reform outside Ontario's hearing schedule.
4. OFA schedule.
5. AGC's, letter dated October 15, 2025, including an objection to some of the evidence recently filed by the opposing party, First Nations Child and Family Caring Society of Canada (Caring Society), and by the Interested Parties, Taykwa Tagamou Nation (TTN) and Chippewas of Georgina Island (CGI).
6. Caring Society's October 10, 2025, request concerning the Status of Paragraph 5 of the Amended Notice of Motion Regarding the OFA.
7. Next steps on the interim orders under Jordan's Principle in 2025 CHRT 6.

Coordinates

Date: October 20, 2025

Time: 1:00 pm to 4:00 pm Eastern

Zoom link: <https://zoom.us/j/91269026396>

Meeting ID: 912 6902 6396

Passcode: 298157

Video will be turned off for all attendees.

Thank you.

Judy Dubois

(she/her/elle)

Senior Registry Officer / CHRT Registry Services

On behalf of the Canadian Human Rights Tribunal

Administrative Tribunals Support Service of Canada / Government of Canada

judy.dubois@tribunal.gc.ca

Agente principale du greffe / Services du greffe du TCDP

Au nom du Tribunal canadien des droits de la personne

Service canadien d'appui aux tribunaux administratifs / Gouvernement du Canada

judy.dubois@tribunal.gc.ca

This is **Exhibit “G”**
to the affidavit of
Jasmine Kaur
sworn before me this
23rd day of July, 2026



A Commissioner for Taking Affidavits

Zsuzsanna Terezia Gutteridge, a Commissioner, etc.,
Province of Ontario, for Conway Baxter Wilson LLP/s.r.l.,
Barristers and Solicitors.
Expires August 27, 2027.

Canadian Human
Rights Tribunal



Tribunal canadien
des droits de la personne

Ottawa, Canada, K1A 1J4

October 28, 2025

By e-mail

(See Distribution List)

Dear Parties,

Re: First Nations Child and Family Caring Society et al. v. Attorney General of Canada
Tribunal File: T1340/7008

Please see below the summary of the Case Management Conference Call (CMCC) that was held on October 20, 2025. The summary includes any Directions/Orders from the Tribunal. Any updates since the CMCC are noted in *italics*. This summary has been written by the Panel.

Sophie Marchildon, Panel Chair, Edward Lustig, Panel Member

David Taylor, Sarah Clarke, Robin McLeod, Counsel with Dr. Cindy Blackstock, Brittany, Matthews, and Laurence Allard for the Caring Society

Peter N. Mantas and Clive Ngan, Counsel with Ashleigh Delaye, Hailey Barkman for the Assembly of First Nations, and Liam Smith, observer for the National Children's Chiefs' Commission (NCCC).

Anshumala Juyal and Khizer Pervez, Counsel for the Canadian Human Rights Commission

Dayna Anderson, Kevin Staska, Sarah Bird, Sarah-Dawn Norris and Alicia Dueck-Read, Counsel for Canada

Maggie Wente, Sinéad Dearman, Jenna Rogers, Jessie Stirling, Ashley Ash, Katelyn Johnstone, Counsel with Nicole Bakes for the Chiefs of Ontario

Meaghan Daniel, Counsel with David Schwartz, Paralegal for the Nishnawbe Aski Nation (NAN)

Spencer Bass, Counsel for Taykwa Tagamou Nation and Chippewas of Georgina Island

Judy Dubois, Registry Officer

1. Introductory remarks, comments and questions for the parties

Panel chair Marchildon made an introduction **emphasizing that the focus of this case is not solely on reconciliation but more importantly, on entirely eliminating the mass removal of First Nations children from their homes and families and communities and Nations which affects the very existence and identity of First Nations, and the core identity of the children. Therefore,**

the matter is urgent. The Panel is willing to continue the work so that systemic discrimination is completely eliminated for generations to come¹.

The Chiefs of Ontario's counsel Maggie Wentz, has objected to the presence of Counsel Liam Smith submitting that his presence on behalf of the NCCC is antagonistic. The Panel members noted the objection and authorized Counsel Smith to remain on the call as an observer.

The Panel chair asked the AFN to provide a clear position on the NCCC's status. The Tribunal panel understands that the NCCC is not a party however, it considers the NCCC as part of the AFN given that they report to the AFN Chiefs-in-Assembly. Counsel Mantas explained that the NCCC is a body that was created, a commission, that was created within the AFN by the Chiefs and Assembly. It's not the AFN. The AFN is the AFN, but it is a body within it that is playing an important role in trying to advance some of the issues.

Counsel Mantas has committed to provide the AFN's clear position to the Tribunal.

Panel chair Marchildon advised that the questions portion of agenda item #1 would be raised by the panel during the discussion of the other items.

2. OFA schedule

Counsel Wentz for the COO agreed to propose a schedule for submissions and hearing dates for the Panel's consideration. The parties agreed to provide their views on the suggested schedule. She clarified that the OFA is crafted in such a way that the earliest possible implementation date would be 60 days after Tribunal approval. But if it can't come into effect for April 1st, 2026, then the First Nations in Ontario will lose a year of funding, because it won't be in effect until, sort of, the next fiscal year.

The Tribunal agreed that the issues on a publication ban and sealing order requests will be addressed by way of motions and, after such motions are filed, that parties to the OFA motion, including the interested parties, can suggest a proposed schedule for brief written submissions on the matter. At the end of the call counsel Clarke asked the Panel if it would be helpful to include the deadlines for the submissions on the preliminary motions in the revised OFA schedule and the Panel chair answered that it would be helpful.

Following the CMCC, the Tribunal received correspondence including proposed schedules for the OFA joint motion on October 21 and 23, 2025, from Chiefs of Ontario and on October 22, 2025, from the Caring Society. The Tribunal has considered this correspondence. The Tribunal agrees with the October 31, 2025, date proposed by the COO, for the preliminary motions to be filed. As counsel Clarke suggested, the Tribunal requests the parties to work together on a revised schedule for the OFA joint motion, once the motions have been filed. The Tribunal appreciates the COO and the Caring Society's efforts to assist in the revised OFA schedule. The revised OFA schedule should include sufficient time for all parties to file submissions on the motions and for the Panel to consider them. Moreover, the schedule should also include the written submissions discussed in item 3 below. The Panel will make its best efforts to rule on all preliminary matters expeditiously. However, as the Panel has not yet received the various motions and submissions, it reserves the right to

¹ The Panel has previously used the terms "**multiple generations**". This is the Panel's view on the meaning of **generations to come**.

postpone the December hearing dates, if necessary, to allow sufficient time to address all preliminary issues.

The Panel chair agreed to counsel Wente's request to provide as part of the Panel's direction, some guidelines about how much in advance the Panel would like notice of any procedural matters to be dealt with at the CMCC. The Panel can now confirm that 4 business days would be appreciated.

The Caring Society did not raise the question of sur-reply in the classic sense but rather in response to their interpretation that the Panel's had contemplated the possibility of having non-affiant witnesses, come forward in relation to this matter and to preserve their right. The Panel chair confirmed that the Caring Society's interpretation was correct.

The Commission counsel mentioned during the CMCC, that she was participating in a hearing with Member Lustig during the week of February 23, 2025. However, this is subject to change and the Tribunal can confirm its availability shortly.

3. AGC's, letter dated October 15, 2025, including an objection to some of the evidence recently filed by the opposing party, First Nations Child and Family Caring Society of Canada (Caring Society), and by the Interested Parties, Taykwa Tagamou Nation (TTN) and Chippewas of Georgina Island (CGI).

Counsel Anderson indicated that the letter was sent on behalf of all moving parties AGC, COO and NAN. This is to strike out, some of the evidence filed by the Caring Society and the interested parties on the grounds that they have, basically insulated them from cross-examination, by not attaching purported expert reports and substantive evidence as exhibits to affidavits filed by others. Therefore, in the joint moving parties' views, this raises some important questions of procedural fairness, because the evidence cannot be tested. The joint moving parties' are also of the view that proportionality doesn't support their inclusion, taking into account the evidence that's been filed to date. One of the Engage First reports, assumes that funding is required for both on and off reserve, which the Tribunal has now clarified is out of scope of this complaint. we could do something similar as what we're doing for the other preliminary matters, and just have short, period for written submissions, and perhaps deal with it that way. That would be the joint moving parties' suggestion.

Counsel for TTN and CGI suggested those issues to be addressed at the hearing.

The Panel chair mentioned that she will discuss this with Member Lustig since sometimes it is better to deal with the matters ahead of the hearing to streamline the issues given the limited hearing days and sometimes it is dealt with at the hearing.

Following the CMCC, the Panel members have decided that this will be decided prior to the hearing by way of written submissions and not at the December 2025 hearing. The parties should include this matter as part of the OFA revised schedule.

4. Caring Society's October 10, 2025, request concerning the Status of Paragraph 5 of the Amended Notice of Motion Regarding the OFA.

Counsel Clarke requested a direction from the Panel on if it considered this still a live issue or if it is considered moot.

Panel Chair Marchildon mentioned that the Panel appreciated that everybody filed extensive submissions on this point, and that was originally to decide paragraph 5. However, Canada has now joined the joint motion. Therefore, the Panel chair confirmed that the issues raised in paragraph 5 are considered moot by the Panel.

5. Parties' questions on 2025 CHRT 80, as planned in the ruling, if any. Discussion on the parties and the Tribunal's views on long-term reform outside Ontario's hearing schedule

Counsel Clarke – Oct 16 letter re: disclosure – there are some documents that require further disclosure in order for the development of a long term National plan to be properly done. Panel chair Marchildon asked if the request for agreements since 2016 meant that they were not considered by the IFSD studies in previous years. Counsel Clarke replied that the Caring Society wants to make sure that they fully understand where everyone is at. This is only out of an abundance of caution. The Caring Society is not asking for these agreements to delay the preparation of reporting to the Tribunal in December 2025. That is certainly not, the Caring Society's aim, or strategy, or anything like that. The Caring Society very much want to move forward, and meet the deadlines that the Tribunal has set.

Canada added that in 2023, they had provided an update to the Tribunal which listed all of the agreements and contained all of them, therefore, that has already been provided.

Caring Society Counsel: the Caring Society has written to Canada counsel to request their confirmation that, capacity funding does fit under the consultation protocol in relation to the activities under 2025 CHRT 80. Canada has not accepted or refused, but they have not been able to give an affirmative date by which they can inform the Caring Society of their decision.

Canada counsel: On consultation funding, they do not have instructions. The Caring Society's request was only received, on October 15th. The consultations that they are seeking funding for do not involve Canada. The request, made to date by the NCCC is not insignificant. It is close to \$9 million, and that does not include funding for the Caring Society and the AFN. Also, as noted in Canada's consultation materials, \$7.6 million was already paid by Canada to the Caring Society, and \$26.4 million to the AFN to the end of last year.

Panel chair Marchildon in response to counsel Anderson's question, confirmed that the date for the National Long-term reform plan is December 22, 2025, and not Saturday December 20, 2025. There are a number of typos in the ruling such as the mention of 2022 CHRT 4 instead of 8 and other editing corrections to be made. The Tribunal will provide a copy identifying the editing changes to the parties shortly.

Panel chair Marchildon on the National long-term reform plan outside Ontario schedule:

The Panel Chair confirmed that the Panel expected the reports to be accompanied by affidavits and supporting materials, and that a process similar to that used for the OFA would be followed to proceed to a hearing.

Sarah Clarke, Caring Society Counsel mentioned that's very helpful to know and with that information, she can take that away and try to work with Ms. Anderson on a proposed, schedule to follow, and report back to the tribunal sometime in mid to late November.

The Panel chair found this acceptable for the Tribunal.

6. Next steps on the interim orders under Jordan's Principle in 2025 CHRT 6.

Caring Society Counsel: the Caring Society advised, the parties to the mediation on Friday that it's their view that there is no prospect at this time for progress on the consultation items ordered in the Tribunal's Jordan's principle decision and are now looking to the panel to provide some direction and guidance on how to move forward with adjudication on those items. The Caring Society is open to concurrently, trying to make progress where possible, outside of an adjudication process, but do feels the time now is to move on the adjudication process, given how long it has been and how impactful the ongoing issues under Jordan's principle are having on children who are waiting.

Counsel Peter Mantas for the AFN: Action should be taken to start moving things along as, as Ms. Clark indicated. the AFN are taking some steps to see if this will allow the negotiations to continue, the mediation to continue, and to perhaps get some progress. There is a need to move and perhaps things can run concurrently.

Counsel Dearman for the COO mentioned that fairly strong efforts were made on all sides. The COO intends to pursue a regional engagement and mediation approach while also participating in the litigation, should that proceed on a national basis. COO will be present to speak to some regional aspects.

Counsel Daniel for the NAN mentioned that the NAN are similarly interested in a regional process, and we'll be also looking to participate in litigation should it proceed.

Counsel Anderson: Canada agrees with the other parties that the consultations are taking a long time, but that does reflect the complexity of the issues, which from an operational standpoint are novel and difficult to implement. So ISC has been working on reviewing and testing options to further clear the backlog. Canada's position is that forcing the issues back into litigation at the same time as mediation is just not going to help the situation. Canada doesn't see it as being necessary to litigate at this time. It would be more helpful to leave the parties at the mediation to work on continuing to test issues and trying to resolve the backlog in that way.

Following the CMCC, the Panel members discussed this matter and confirm that, to date, no motion has been filed with the Tribunal to address the issues raised at the CMCC on this point. Should a motion be filed, the Tribunal will adjudicate it in due course.

Should you have any questions, please do not hesitate to contact the Registry Office by e-mail at registry.office@chrt-tcdp.gc.ca or by fax at 613-995-3484.

Yours truly,

Judy Dubois
Registry Officer

DISTRIBUTION LIST

David Taylor, Sarah Clarke and Kiana Saint-Macary

Counsel for the First Nations Child and Family Caring Society of Canada

Peter N. Mantas, Gabrielle Cyr, Clive Ngan and Tina Sun

Counsel for the Assembly of First Nations

Anshumala Juyal and Khizer Pervez

Counsel for the Canadian Human Rights Commission

Paul Vickery, Sarah-Dawn Norris, Meg Jones, Dayna Anderson, Kevin Staska
Sarah Bird, Jon Kahn,, Alicia Dueck-Read, Aman Owais

Counsel for the Attorney General of Canada

Maggie Wente, Benjamin Brookwell, Sinéad Dearman, Jessie Stirling-Voss, Katelyn Johnstone,
Ashley Ash and Jenna Rogers

Counsel for Chiefs of Ontario

Julian Falconer, Asha James, Shelby Percival and Meaghan Daniel

Counsel for Nishnawbe Aski Nation

Justin Safayeni and Stephen Aylward

Counsel for Amnesty International

This is **Exhibit “H”**
to the affidavit of
Jasmine Kaur
sworn before me this
23rd day of July, 2026



A Commissioner for Taking Affidavits

Zsuzsanna Terezia Gutteridge, a Commissioner, etc.,
Province of Ontario, for Conway Baxter Wilson LLP/s.r.l.,
Barristers and Solicitors.
Expires August 27, 2027.

**Canadian Human
Rights Tribunal**



**Tribunal canadien
des droits de la personne**

Citation: 2025 CHRT 80

Date: August 20, 2025

File No.: T1340/7008

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 and Northern Affairs Canada)

Respondent

- and -

Chiefs of Ontario

- and -

Nishnawbe Aski Nation

- and -

Amnesty International

Interested parties

Ruling

Members: Sophie Marchildon
Edward P. Lustig

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I. Context

[1] In 2016, the Tribunal released *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 2 [Merit Decision] and found that this case is about children and how the past and current child welfare practices in First Nations communities on reserves, across Canada, have impacted and continue to impact First Nations children, their families and their communities. The Tribunal found that Canada racially discriminated against First Nations children on reserve and in the Yukon in a systemic way not only by underfunding the First Nations Child and Family Services Program (FNCFS) but also in the manner that it designed, managed and controlled it. One of the worst harms found by the Tribunal was that the FNCFS Program failed to provide adequate prevention services and sufficient funding. This created incentives to remove First Nations children from their homes, families and communities as a first resort rather than as a last resort. Another major harm to First Nations children was that zero cases were approved under Jordan's Principle given the narrow interpretation and restrictive eligibility criteria developed by Canada. The Tribunal found that beyond providing adequate funding, there is a need to refocus the policy of the program to respect human rights principles and sound social work practice in the best interest of children. The Tribunal established Canada's liability for systemic and racial discrimination and ordered Canada to cease the discriminatory practice, take measures to redress and prevent it from reoccurring, and reform the FNCFS Program and the 1965 Agreement in Ontario to reflect the findings in the Merit Decision. The Tribunal determined it would proceed in phases for immediate, mid-term and long-term relief and program reform and financial compensation so as to allow immediate change followed by adjustments and finally, sustainable long-term relief. This process would allow the long-term relief to be informed by data collection, new studies and best practices as identified by First Nations experts, First Nations communities and First Nations Agencies considering their communities' specific needs, the National Advisory Committee on child and family services reform and the parties, (see 2023 CHRT 44, at paras 16-17).

[2] The Tribunal also ordered Canada to cease applying its narrow definition of Jordan's Principle and to take measures to immediately implement the full meaning and scope of

Jordan's Principle. Jordan's Principle orders and the substantive equality goal were further detailed in subsequent rulings.

[3] The Tribunal determined all the above need to be adequately funded. This means in a meaningful and sustainable manner so as to eliminate the systemic discrimination and prevent it from reoccurring, (see 2023 CHRT 44, at para 18).

[4] The Panel was clear in 2016 CHRT 10 that it hoped that reconciliation could be advanced through the parties resolving remedial issues through negotiations rather than adjudication (para 42). The Panel noted in 2016 CHRT 16 that some of the parties cautioned the Tribunal about the potential adverse impacts that remedial orders could have (para 13). Accordingly, the Tribunal strongly encouraged the parties to negotiate remedies, including on the issue of compensation.

[5] The Tribunal issued a series of rulings and orders to completely reform the Federal First Nations Child and Family Services Program, including long-term reform orders focused on prevention, in 2022 CHRT 8. In 2019, the Tribunal ruled and found Canada's systemic and racial discrimination caused harms of the worst kind to First Nations children and families. The Tribunal ordered compensation to victims/survivors and, at the request of the complainants and interested parties, the Tribunal made binding orders against Canada to provide compensation to victims/survivors. The Tribunal then issued a series of compensation process decisions at the parties' requests and this process came to an end in late 2020 when Canada decided to judicially review the Tribunal's compensation decisions and halt the completion of the compensation process's last stages which would have allowed distribution of the compensation to victims/survivors, (see 2023 CHRT 44, at para 19). The Tribunal, after partially rejecting an initial Settlement Agreement on compensation, approved a Final Settlement Agreement on compensation in 2023.

[6] The Tribunal encouraged the parties for years to resolve issues.

[7] On February 10, 2025, the Tribunal requested submissions from the parties on how best to proceed with what is still outstanding in the long-term phase of remedies in the best interests of First Nations children and in accordance with section 48.9(1) of the *Canadian*

Human Rights Act, R.S.C., 1985, c. H-6 (CHRA). In making its decision, the Tribunal has received and considered all of those submissions.

[8] The Tribunal has decided to move forward without further delay into the long-term phase of remedies both for Ontario and the National FNCFS long-term reform concurrently but separately. Given the orders below, which include a broad consultation component, and to avoid a situation similar to the one found in 2022 CHRT 41 concerning the parties interpretation of the Tribunal's final orders, the Tribunal finds it necessary to provide clarity on its 2016 CHRT 2 final order against Canada to: cease the discriminatory practices found and reform the FNCFS Program and *1965 Agreement* to reflect the findings in this decision and cease applying its narrow definition of Jordan's Principle and to take measures to immediately implement the full meaning and scope of Jordan's principle. This will be explained in detail below.

[9] This ruling does not decide the Consultation Motion brought by the Caring Society, which is broader in scope and will require a lengthier consultation process, as it encompasses Jordan's Principle long-term reform. The orders in this ruling are necessary to best inform the Tribunal on the appropriate next steps and are made in keeping with the Tribunal's previous rulings and section 48.9(1) of the CHRA, regardless of whether the Tribunal grants the Consultation Motion. If the Tribunal grants the motion, the National FNCFS long-term reform plan will assist the parties in their discussions. If the Tribunal does not grant the motion, or if Canada—being unwilling to return to negotiations—disagrees with the Tribunal, the Tribunal will nonetheless already have something tangible on which to rely and can move forward with the assistance of the parties outside the Consultation Motion proceedings. This serves as a safeguard to protect First Nations children from undue delays in receiving justice in the event that the Consultation Motion decision results in prolonged negotiation or further potential proceedings before the Courts. The Tribunal hopes that the parties and First Nations will recognize the well-intentioned and creative nature of the orders set out in this ruling.

[10] The Tribunal finds it important to elaborate on the purpose and intent of the dialogic approach, including what it is not intended to be. This will be explained below.

II. Moving forward on a National FNCFS long-term reform concurrently and separately from Ontario

[11] On February 10, 2025, the Tribunal wrote to the parties

The Tribunal signaled in 2018 CHRT 4 that it had entered the long-term remedial phase. The Tribunal ordered studies to inform the long-term remedies. The Panel reminds Canada that it can end the process at any time with a settlement on compensation, immediate relief and long-term relief that will address the discrimination identified and explained at length in the Decision. Otherwise, the Panel considers this ruling to close the immediate relief phase unless its orders are not implemented. The Panel can now move on to the issue of compensation and long-term relief. (see 2018 CHRT 4 at, para. 385).

In 2022, the parties came back to this Tribunal asking for what they described as approximately 80% of the long-term remedial consent orders and that they would have a full reformed program by March 2023. This Tribunal issued its orders on consent of the parties in March 2022, nearly 3 years ago and has waited since and is still waiting.

2022 CHRT 8:

25. On December 31, 2021, the Parties announced that they had reached an Agreement-in-Principle on long-term reform. As part of that Agreement-in-Principle, the Parties committed to reforming the FNCFS Program by March 31, 2023, as well as improving compliance with and reforming Jordan's Principle.

Also, in the Agreement-in-Principle, the parties have agreed that the Reformed CFS Funding Approach will accommodate First Nations and FNCFS service providers experiencing exceptional circumstances, to be defined in the Final Settlement Agreement, which may require a longer transition to the Reformed CFS.

26. In addition, the terms of the consent order sought in this consent motion (see paras 1-9 under "orders sought") were annexed to the Agreement-in-Principle.

Following the execution of the Agreement-in-Principle, the Caring Society, the AFN, and Canada agreed to seek this order as soon as possible.

VIII. Retention of Jurisdiction

[175] Pending a complete and final agreement on long term relief on consent or otherwise and consistent with the approach to remedies taken in this case

and referred to above, the Panel retains jurisdiction on the Consent Orders contained in this ruling. The Panel will revisit its retention of jurisdiction once the parties have filed a final and complete agreement on long-term relief or as the Panel sees fit considering the upcoming evolution of this case.

The Tribunal has been flexible and patient, however, is seriously considering options to move forward with the long-term remedial phase in accordance with its mandate under the *CHRA*, its rulings and in the best interest of First Nations children. The dialogic approach was adopted to move things forward in this case with an emphasis on consultation and reconciliation; however, the dialogic approach is not meant to be waiting for years and years of delay without finality. The Tribunal as master of its own house, has the power to control its own process and not idly wait for parties to unilaterally decide when and how to come back to the Tribunal and how many years to wait before the Tribunal can close the long-term remedial phase chapter.

It is far better for children to complete the long-term remedial phase shortly rather than wait for long periods of time. Reform may take longer but can be projected with the assistance of the studies. The Panel gave guidance on long-term remedy on multiple occasions and recently in 2025 CHRT 6. The Panel continues to rely on this rationale.

The Panel is giving an opportunity for the parties to share their views on the above for the Panel's consideration before it decides next steps. This question does not include Jordan's Principle for the time being. The parties will respond by:

Caring Society, AFN, COO and NAN by February 24, 2025
Commission by March 3, 2025
Canada by March 17, 2025

[12] The parties filed submissions in response to the Tribunal's questions and those submissions are summarized below.

[13] The First Nations Child and Family Caring Society (the "Caring Society") writes further to the Panel's direction of February 10, 2025, and in response to Canada's submission of March 17, 2025, regarding the long-term reform phase of this human rights complaint. It has been over nine years since the Merits Decision and much has been accomplished.

[14] The Tribunal's retention of jurisdiction remains essential, at this time, to ensuring that Canada's discriminatory conduct is eradicated from child and family services and Jordan's Principle and is not repeated for future generations.

[15] The Caring Society submits that the First Nations-in-Assembly, the National Children's Chiefs Commission (the "NCCC"), and the Caring Society are ready, along with the research regarding First Nations child and family services ("FNCFS") and Jordan's Principle, to build, through dialogue with Canada, an enduring end to Canada's discriminatory conduct and ultimately resolve the complaint. Yet without Canada at the table, we cannot move forward. To this end, the Caring Society's view on the issues raised by the Panel in its February 10, 2025, letter centres on requiring Canada to consult on long-term reform solutions that are grounded in the evidence, which is now ready, with the co-complaints, and with the NCCC. Canada's suggestion that the Ontario Final Settlement Agreement form the basis for national long-term reform of FNCFS is wholly inappropriate, given that many of the terms therein were considered and ultimately rejected by First Nations outside of Ontario.

[16] The Caring Society submits that First Nations and the National Children's Chiefs Commission are ready.

[17] In October 2024, First Nations-in-Assembly passed resolutions directing a reset of work towards long-term reform, including the establishment of the NCCC and the inclusion of the Caring Society in FNCFS and Jordan's Principle negotiations and long-term reform. Since October 2024, the Caring Society has been working with technical experts across Canada to support the implementation of the direction of First Nations-in-Assembly, including collaboration with the NCCC when requested.

[18] The First Nations-in-Assembly resolutions set out clear direction for FNCFS reform, guided by the NCCC, that is informed by evidence and protects First Nations children from discrimination now and forever. Through collective decision-making and affirmed resolutions, First Nation leaders have called for the development of a national umbrella agreement, with regional agreements that take full account of the distinct circumstances, cultures and the inherent rights of the children and the First Nations they belong to. First Nations-in-Assembly were clear in their expectations of a nation-to-nation relationship with the government of Canada and have repeatedly insisted on the importance of Canada fulfilling its obligations under the United Nations Declaration on the Rights of Indigenous

Peoples (UNDRIP), the honour of the Crown and asserting their right to Free, Prior and Informed Consent.

[19] The Caring Society supports the approach set forth by the First Nations-in-Assembly and is confident that if (and when) Canada returns to the table in good faith, consistent with direction of the First Nations-in-Assembly, First Nations children, youth and families will be protected from discrimination now and into the future. Canada's refusal to continue consultations and meaningfully engage in the dialogic approach to end discrimination for all First Nations children evidences the need for the Tribunal to maintain its jurisdiction in this regard.

[20] The Caring Society submits that the research is ready and the studies will be completed by March 31, 2025.

[21] The Caring Society shares the Panel's concerns regarding the delay in achieving long-term reform and recognizes that the Tribunal cannot indefinitely remain seized of this complaint. However, the Caring Society sees Canada's refusal to return to discussions with First Nations outside of Ontario and recent unilateral actions on Jordan's Principle, which appear to dramatically narrow the scope of the support Canada is willing to provide, as demonstrating that the progress since the Merits Decision is still not yet entrenched. As such, it is the Caring Society's position that a premature release of jurisdiction risks eroding the hard work undertaken over the last nine years, including from the lessons learned from First Nations outside of Ontario in their calls for a new approach to long-term reform.

[22] The Caring Society further submits that Canada's reliance on the Ontario Final Settlement Agreement (FSA) to inform national First Nations Child and Family Services (FNCFS) long-term reform contradicts the direction of First Nations rights holders and the express resolutions of the First Nations-in-Assembly. The Ontario FSA was rejected by First Nations outside of Ontario and cannot serve as the blueprint for national reform, as it fails to meet the goal of ending and preventing discrimination. Canada must be deterred from using the Ontario FSA as a national template, as it does not reflect the diverse needs of First Nations children, youth, and families across the country. While the Ontario FSA should proceed with care for those it impacts, national FNCFS long-term reform must advance

concurrently through evidence-informed consultation in accordance with First Nations-in-Assembly guidance.

[23] Much of the work needed to meet these milestones has been completed. With Canada at the table, the Caring Society is confident that long-term reform can be achieved. Even if there are some disagreements on certain aspects of reform, the dialogic approach has assisted the Parties in the past, as evidenced by the approach taken to the Compensation Framework Order and the Revised Final Settlement Agreement on compensation.

[24] The Caring Society and the AFN Executive, supported by the NCCC, have a pathway for achieving long-term reform. Consultation regarding FNCFS and Jordan's Principle is essential to ensure First Nations children, youth and families benefit from a fulsome consultation process, bringing together the NCCC and First Nations, national and regional experts, the co-complaints and Canada in manner that upholds the principles of fairness and good faith negotiations and substantive equality.

[25] The Caring Society submits that now is the time to move swiftly and effectively to implement the dialogic approach now that the research, the experts and the First Nations in-Assembly have set the table for evidence-informed solutions for FNCFS and Jordan's Principle. First Nations and the NCCC is ready, the EAC is ready, the research is ready and so is the Caring Society. It is Canada that is the source of delay and requires encouragement from this Tribunal to make itself ready.

[26] The AFN is in agreement with the Caring Society's submission that the main obstacle to long-term reform is Canada's refusal to continue consultations, and meaningfully engage in the dialogic approach in relation to continuing to develop a national agreement on long-term reform of First Nations child and family services, with regional variations which substantively address the distinct circumstances, cultures, and inherent rights of First Nations children and families.

[27] The AFN has reviewed the National Children's Chiefs Commission's ("NCCC") correspondence requesting that Canada immediately re-engage with the NCCC, AFN Executive, and the Caring Society to complete negotiations of a long-term reform

agreement. The AFN agrees with the NCCC's statement in its February 21, 2025, letter that a national long-term reform agreement is within reach and merely requires Canada to return to the negotiation table to work with the NCCC, the AFN Executive, and the Caring Society in good faith.

[28] The COO respects that the Chiefs in other regions were not agreeable to move ahead with the proposed reforms, as is their right. COO and NAN have been working closely together on long-term reform that suits the needs of First Nations in Ontario and as mandated by their respective Chiefs-in-Assembly to do so. Ontario Regional Chief Abram Benedict and Grand Chief Alvin Fiddler formally invited Canada to enter into negotiations to achieve reform to the FNCFS Program in Ontario. On December 30, 2024, Canada announced to COO and NAN it had received a mandate to negotiate with COO and NAN to implement the reforms contained in the rejected national agreement, but specifically in Ontario.

[29] A provisional Ontario Final Agreement and the Trilateral Agreement Respecting the 1965 Agreement were reached on February 10, 2025, and will be the subject of ratification votes by the NAN Chiefs and Ontario Chiefs-in-Assembly on February 25 and 26, 2025, respectively.

[30] The COO submits that if the draft agreements are ratified by the NAN and Ontario Chiefs, the COO expects to bring a joint motion in March 2025 along with the NAN and Canada seeking a Tribunal order that the draft Ontario Final Agreement and the Trilateral Agreement Respecting the 1965 Agreement meet the Tribunal's prior orders and consequently that the Tribunal's jurisdiction over the long-term reform of the FNCFS Program in Ontario (but not Jordan's Principle) is ended.

[31] The NAN submits that with respect to the Panel's concerns regarding long-term reform, specifically the delay in reaching long-term reform through efforts towards consultation, The NAN advises that the Assembly of First Nations (AFN), Chiefs of Ontario (COO), NAN, and Canada reached a draft Final Agreement on long-term reform in July 2024. In October 2024, NAN and COO each and separately held successful ratification

votes on the draft Final Agreement. However, the draft Final Agreement was ultimately rejected by the First Nations in Assembly of the AFN in October 2024.

[32] While the AFN, by majority, rejected the draft Final Agreement, Chiefs in the Ontario region were largely supportive. The Ontario region Chiefs therefore directed the leadership within NAN and COO to pursue a regionalized version of the reforms contained in the draft Final Agreement.

[33] On December 30, 2024, Canada informed the NAN and the COO that it had a mandate to negotiate a regionalized version of the draft Final Settlement Agreement for long-term reform in Ontario only.

[34] The NAN submits that between December 30, 2024, and February 10, 2025, Canada, the NAN, and the COO negotiated a provisional Ontario Final Agreement (OFA) and a Trilateral Agreement Respecting the 1965 Agreement. These two draft agreements will be voted on in a Special Chiefs Assembly by NAN Chiefs on February 25, 2025, and by Special Chiefs Assembly by Ontario Chiefs on February 26, 2025. Without in any way pre-determining the will of the Chiefs in the above-noted Special Chiefs Assemblies; if so instructed, the NAN, the COO, and Canada intend to bring a joint motion to the Tribunal. The relief sought on this motion would be to end the Tribunal's jurisdiction over the long-term reform of the First Nation Child and Family Services Program in Ontario based on a new Ontario Final Agreement settlement.

[35] The NAN submits that as the Tribunal is aware, dating back to 2016, NAN has strongly advocated for the development of a remoteness quotient that would address the unique challenges faced by remote communities in the delivery of child and family services. This work has culminated in the development of a form of indexing for remoteness termed the Remoteness Quotient Adjustment Factor (RQAF). The RQAF indexing coupled with important terms around remoteness data collection and research represent gains that NAN, in partnership with the COO and Canada, has sought to preserve in the new proposed OFA. If so mandated by the Chiefs, it is NAN's intention to file materials with the Tribunal that elaborate on these significant reforms.

[36] The specific motion materials are the subject of discussions with the COO and Canada but will reflect the context and factual foundation of the work that has been done to conclude long-term reform in Ontario.

[37] Following the COO and the NAN's submissions above, and the resolutions from a majority of the Chiefs-in-Assembly in Ontario, the NAN and the COO brought a joint motion seeking the Tribunal's approval of a final settlement agreement for long-term reform in Ontario. Both the COO and the NAN request the joint motion to proceed expeditiously.

[38] The Commission's view is that it is respectfully the decision of the Tribunal to determine how to advance the long-term remedial stage. The Commission has not been involved in negotiations on long-term reform. Instead, the development of remedies on long-term reform was led by the First Nations bodies with ties to the First Nations children, families, and communities harmed by Canada's discriminatory practices. The Commission acknowledges the Tribunal's jurisdiction over this matter. As noted by the Tribunal, the parties entered the long-term remedial phase in 2018 and committed to reforming the FNCFS Program by March 2023. In the spirit of consultation and reconciliation, the Tribunal adopted the dialogic approach to provide the parties with an opportunity to engage in good faith negotiations to advance this matter while seeking direction from the Tribunal as needed.

[39] While being supportive of the dialogic approach, the Commission is concerned with the amount of time it has taken to achieve long-term reform of the FNCFS Program. As explained by the Federal Court, while negotiations are a way to realize the goal of reconciliation, good will in the negotiation process must be encouraged and fostered "before the passage of time makes an impact on those negotiations." The Commission agrees with the Tribunal's rationale that "[i]t is far better for children to complete the long-term remedial phase shortly rather than wait for long periods of time."

[40] As the Tribunal recently expressed, it has always hoped for a settlement on long-term reform by way of consent order requests by the parties. If this is not possible, however, the Tribunal stated that it "can make systemic long-term orders informed by the parties to eliminate the systemic discrimination found".

[41] Canada submits that as the Tribunal is aware, Canada, the Chiefs of Ontario (COO) and the Nishnawbe Aski Nation (NAN) recently entered into an agreement to reform the FNCFS Program in Ontario (Ontario Final Agreement), as well as a Trilateral Agreement respecting the 1965 Agreement. These agreements were ratified by the NAN Chiefs and the Ontario Chiefs-in-Assembly on February 25 and 26, 2025 respectively. On March 7, 2025, the COO and the NAN filed a joint motion for approval of the Ontario Final Agreement, which Canada has supported.

[42] These agreements come after years of research, study, consultation and negotiation with the Assembly of First Nations (AFN), the First Nations Child and Family Caring Society of Canada (Caring Society), COO and NAN, all in an effort to secure agreement on the long-term reform of the FNCFS Program nationally, the specifics of which are set out in the Affidavit of Duncan Farthing-Nichol, filed on March 13, 2025, in response to the Caring Society's consultation motion. These specifics include:

- completion of the December 31, 2021, Agreement in Principle;
- the funding and work of multiple committees and tables to provide advice and consider general and specific reform issues;
- regular meetings between the parties, including multiple full day negotiation meetings;
- Indigenous Services Canada's (ISC) financial support of the development of research in a number of areas. This included funding, amongst other research, of contracts between the AFN and the Institute of Fiscal Studies and Democracy (IFSD), and between the Caring Society and IFSD, to inform the development of an alternative funding system.

[43] Canada submits that it is of note that during most of the period of consultation and negotiation on long-term reform of the FNCFS Program, the Caring Society, the AFN, COO and NAN were active participants in either consultations or negotiations with Canada. The Caring Society ceased their participation in negotiations between December 2023 and February 2024. The AFN did not participate in the negotiation of the Ontario specific agreement in January 2025 but was otherwise an active participant in the negotiations.

[44] With this context in mind, Canada respectfully submits that the best way to move forward with the long-term remedial phase is for the Tribunal to first consider the joint motion

from COO and NAN respecting long-term reform of the FNCFS program in Ontario. This motion, if granted, would finally resolve and remedy all issues respecting the FNCFS Program in Ontario. For the benefit of First Nation children and families in Ontario, it is imperative that this motion proceed without delay. Further, the outcome of the joint motion is likely to inform the path forward in these proceedings, including the use of the dialogic approach and the completion of the long-term remedial phase outside of Ontario.

[45] Canada respectfully urges the Tribunal to honour the effort and urgency expressed by the COO and the NAN to address the joint motion. Canada also urges the Tribunal to facilitate the consideration of the Ontario Final Agreement, which is conditional on Tribunal approval, by placing the Caring Society's consultation motion temporarily into abeyance. Consideration of national reform continues to be extremely important to Canada. It is Canada's perspective that the Tribunal's analysis of the Ontario Final Agreement will inform the next steps on national reform.

[46] Canada submits that the FNCFS Program today is very different than it was in 2016. Canada has done significant work and has implemented important reforms. During consultations and negotiations, Canada made considerable reforms to the Program in keeping with the parties' recommendations and the orders from this Tribunal (including on consent). Canada has and continues to implement this Tribunal's orders. Further, Canada has and continues to provide funding beyond the Tribunal's orders, including with respect to housing and First Nations Representative Services outside Ontario. Recipients who are eligible to receive funding under the FNCFS Program continue to benefit from these reforms. Approximately \$3.6 billion in funding was provided in 2023-2024, which stands in stark contrast with the \$676.8 million in funding spent on the FNCFS Program in 2015-2016, when this complaint was substantiated. Effectively Canada is more than honouring the Tribunal's orders. As such, Canada is asking the Tribunal to honour the urgency of the COO and the NAN's joint motion and focus first on Ontario Final Agreement. It is Canada's perspective that the work of final national reforms will benefit from and be informed by the Tribunal's review of the Ontario final reforms.

[47] Canada has since filed an amended joint OFA motion, specifying that it has joined COO and NAN as co-moving parties.

III. Analysis

[48] On January 26, 2016, this Panel rendered its decision on the merits (see, 2016 CHRT 2, <https://canlii.ca/t/gn2vg>, (Merit Decision)). This Merit Decision was long awaited by First Nations Peoples and was positively received. This was the result of the enormous collective efforts of the parties especially, the co-complainants, the First Nations Child and Family Society (Caring Society) and the Assembly of First Nations (AFN) and the Canadian Human Rights Commission (Commission). The decision was publicly described as historic, landmark and groundbreaking. Canada accepted the decision through its Justice Minister Jody Wilson Raybould, as she then was. Minister Wilson Raybould made powerful public comments on the Tribunal's Merit Decision: "We believe that this decision is pointing us in the right direction, as a country, and we will not seek a judicial review of the decision. This is part of the new relationship and spirit of reconciliation that our government is committed to." <https://www.cbc.ca/news/politics/federal-government-not-appeal-children-reserves-1.3458969>

[49] In its 182 pages Merit Decision, the Tribunal made a whole array of findings including on: intergenerational trauma, international law, residential schools, the sixties scoop, substantive equality, and much more, in support of its orders.

[50] The Tribunal wrote: AANDC (now Indigenous Services Canada) is ordered to cease its discriminatory practices and reform the FNCFS Program and 1965 Agreement to reflect the findings in this decision. AANDC is also ordered to cease applying its narrow definition of Jordan's Principle and to take measures to immediately implement the full meaning and scope of Jordan's principle.

[51] At, paragraph 482, the Tribunal found:

More than just funding, there is a need to refocus the policy of the program to respect human rights principles and sound social work practice. In the best interest of the child, all First Nations children and families living on-reserve should have an opportunity "...equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society" (*CHRA* at s. 2).

[52] In the Missing and Murdered Indigenous Women and Girls' November 1, 2017, interim report, *Interim Report the National Inquiry into Missing and Murdered Indigenous Women and Girls: Our Women and Girls are sacred*, made findings and recommendations based on the Tribunal's Merit Decision:

This legal case, as well as a substantial number of the reports we reviewed, recognizes strong links between the child welfare system and violence against Indigenous women and girls in Canada, at. page. 45.

(...)

The National Inquiry calls for:

immediate action for: Full compliance with the Canadian Human Rights Tribunal ruling (2016) that found that Canada was racially discriminating against First Nations children, at. pages 80- 81.

[53] The Tribunal takes judicial notice that Canada accepted the interim report. (See for example, at, https://search.open.canada.ca/qpnotes/record/wage%2CWAGE-2020-QP-00005?utm_source).

[54] While the stronger legally binding step from Canada was when the Justice Minister decided not to judicially review the Merit Decision, the recommendations from the MMIWG accepted by Canada reinforce Canada's public commitments.

[55] The United Nations Committee on Economic, Social and Cultural Rights (CESCR) recommended that Canada review and increase its funding to family and child welfare services for Indigenous Peoples living on reserves and fully comply with the Tribunal's January 2016 Decision. The CESCR also called on Canada to implement the Truth and Reconciliation Commission's recommendations with regards to Indian Residential Schools. (see Economic and Social Council, CESCR, concluding observations on the sixth periodic report of Canada, March 23, 2016, E/C.12/CAN/CO/6, paras 35-36; See also Affidavit of Dr. Cindy Blackstock, December 17, 2016, at para 33, Exhibit L).

The general orders in 2016 CHRT 2

[56] The word **cease** found in the order is taken directly from the quasi-constitutional CHRA:

53 (2) If at the conclusion of the inquiry the member or panel finds that the complaint is substantiated, the member or panel may, subject to section 54, make an order against the person found to be engaging or to have engaged in the discriminatory practice and include in the order any of the following terms that the member or panel considers appropriate:

- (a) that the person cease the discriminatory practice and take measures, in consultation with the Commission on the general purposes of the measures, to redress the practice or to prevent the same or a similar practice from occurring in future, including
 - (i) the adoption of a special program, plan or arrangement referred to in subsection 16(1), or
 - (ii) making an application for approval and implementing a plan under section 17;

[57] In 2018 CHRT 4, at. para 34, the Tribunal explicitly stated that section 53(2)(a) of the CHRA grants it jurisdiction to make a “cease and desist order”, the Tribunal stated clearly:

[34] Section 53(2)(a) of the *CHRA* gives this Tribunal the jurisdiction to make a cease and desist order. In addition, if the Tribunal considers it appropriate to prevent the same or a similar practice from occurring in the future, it may order certain measures including the adoption of a special program, plan or arrangement referred to in subsection 16(1) of the *CHRA* (see *National Capital Alliance on Race Relations (NCARR) v. Canada (Department of Health & Welfare)* T.D.3/97, pp. 30-31). The scope of this jurisdiction was considered by the Supreme Court of Canada in *CN v. Canada (Canadian Human Rights Commission)*, 9 [1987] 1 SCR 1114, [Action Travail des Femmes]). In adopting the dissenting opinion of MacGuigan, J. in the Federal Court of Appeal, the Court stated that:

...s. 41(2)(a), [now 53(2)(a)], was designed to allow human rights tribunals to prevent future discrimination against identifiable protected groups, but he held that "prevention" is a broad term and that it is often necessary to refer to historical patterns of discrimination, in order to design appropriate strategies for the future... (at page 1141).

[35] The Supreme Court also said in reference to the Order made by the Tribunal in that case:

...When confronted with such a case of "systemic discrimination", [as was the case with Canadian National Railway], it may be that the type of order issued

by the Tribunal is the only means by which the purpose of the *Canadian Human Rights Act* can be met.

In any program of employment equity, there simply cannot be a radical dissociation of "remedy" and "prevention". Indeed, there is no prevention without some form of remedy... (at pages 1141 to 1142).

[36] The Court pointed out that:

Unlike the remedies in s. 41(2)(b)-(d), [now Section 53], the remedy under s. 41(2)(a), is directed towards a group and is therefore not merely compensatory but is itself prospective. The benefit is always designed to improve the situation for the group in the future, so that a successful employment equity program will render itself otiose. (at page 1142)

[37] As in the *NCARR* case referred to above, the Panel is not dealing with employment equity issues however, there is nothing in the *CHRA* that restricts remedies under section 53 (2) (a) to employment equity issues. Similar to the analysis in *NCARR*, the Panel believes this is applicable to the case at hand.

[38] In fact as an example, the words in section 16 (1) of the *CHRA* are not earmarked for employment situations only:

Special programs

16 (1) It is not a discriminatory practice for a person to adopt or carry out a special program, plan or arrangement designed to prevent disadvantages that are likely to be suffered by, or to eliminate or reduce disadvantages that are suffered by, any group of individuals when those disadvantages would be based on or related to the prohibited grounds of discrimination, by improving opportunities respecting goods, services, facilities, accommodation or employment in relation to that group. (emphasis added).

[39] Moreover, the Federal Court of Canada in regards to remedies stated in *Grover v. Canada (National Research Council)* (1994), 24 CHRR D/390 (FC) at para. 40 [Grover], "[s]uch a task demands innovation and flexibility on the part of the Tribunal in fashioning effective remedies and the *Act* is structured so as to encourage this flexibility." (emphasis added).

[40] The Tribunal made extensive findings in 2016 CHRT 2 and provided very detailed reasons as to how it arrived at its findings. The Panel specifically mentioned that reform must address the findings in the Decision. This case is about underfunding, policy, authorities and, the National Program that were found to be discriminatory.(...) .

[41] Canada must accept that liability was found and that remedies flow from this finding. The Decision was not a recommendation; it is legally binding.

[42] To the same extent that funds must be provided to comply with Court decisions, funds must also flow from the Tribunal's Decision. Treasury Board decisions cannot be above the *CHRA* when it comes to expenses for liability.

[43] The Panel to date has not made orders prescribing specific amounts of funding. It has chosen to make orders flowing from its findings which were accepted by Canada.

[58] The Tribunal in 2019 CHRT 7, at paragraph 52 described this power as an injunction-like power.

[59] In *Canada (human Rights Commission) v. Taylor*, 1990 CanLII 26 (SCC), [1990] 3 SCR 892 (Taylor), the Supreme Court made findings on a Canadian Human Rights Tribunal decision which found the Western Guard Party had repeatedly sent telephonic hate messages directed at Jewish individuals—constituting a discriminatory practice under section 13(1) of the CHRA. The Tribunal ordered the messages to cease, effectively commanding the conduct stop immediately. To summarize Chief Justice Dickson's comments in the Taylor decision, the fact that the Act imposes no criminal sanction is particularly important. Section 13(1) is not aimed at punishing an individual for expression. Rather, in conjunction with s. 53(2)(a), it provides a remedy for discriminatory expression in the form of a cease and desist order. This is a remedial order, not a penal one. It is forward-looking and aimed at preventing the continuation of discriminatory practices. The order does not involve a fine or imprisonment, and does not attract a criminal record.

[60] This shows that a Tribunal's cease-order under section 53(2)(a) of the CHRA is treated the same as an injunction.

[61] The Tribunal made this order to cease the systemic discriminatory practices found as an order meant to protect First Nations and families for generations to come. It is a forward-looking order aimed at preventing the continuation of the discriminatory practice found and as mentioned multiple times in previous rulings in this case, prevent future practices to reoccur.

[62] Without this assurance of both a final and long-term order to cease the discriminatory practice and prevent its recurrence, respondents, especially the ones found liable in systemic cases, could cease their discriminatory practices until such time as the Tribunal no

longer has jurisdiction and there would be no safeguard in place should the systemic discrimination start again years later. This would leave the victims of the systemic discrimination to start their case all over again. Such an unreasonable result is the opposite of access to justice. Moreover, it is the opposite of judicial economy and is undoubtedly unjust.

[63] The Tribunal confirms the final nature of the general orders in 2016 CHRT 2, at paragraph 481, to cease the discriminatory practice that are akin to an injunction:

AANDC is ordered to cease its discriminatory practices and reform the FNCFS Program and 1965 Agreement to reflect the findings in this decision. AANDC is also ordered to cease applying its narrow definition of Jordan's Principle and to take measures to immediately implement the full meaning and scope of Jordan's principle, (emphasis added).

[64] The Tribunal will next turn to the dialogic approach and examine its proper relationship to the final 2016 CHRT 2 orders explained above.

The Tribunal's Dialogic approach

[65] The Federal Court, in a judicial review initiated by Canada in this case, in *Canada (Attorney General) v. First Nations Child and Family Caring Society of Canada*, 2021 FC 969, in dismissing all of Canada's arguments, made important comments on the Tribunal's approach to remedies in this case:

[135] The fact that the Tribunal has remained seized of this matter has allowed the Tribunal to foster dialogue between the parties. The Commission states that the leading commentators in this area support the use of a dialogic approach in cases of systemic discrimination involving government respondents (Gwen Brodsky, Shelagh Day & Frances M Kelly, "The Authority of Human Rights Tribunals to Grant Systemic Remedies", (2017) 6:1 Can J of Human Rights 1). The Commission described this approach as bold considering the nature of the Complaint and the complexity of the proceedings.

[136] The dialogic approach contributes to the goal of reconciliation between Indigenous people and the Crown. It gives the parties opportunities to provide input, seek further direction from the Tribunal if necessary, and access information about Canada's efforts to bring itself in compliance with the decisions. As discussed later in my analysis of the Eligibility Decision, this

approach allowed the Tribunal to set parameters on what it is able to address based on its jurisdiction under the *CHRA*, the Complaint, and its remedial jurisdiction.

[137] The Commission states that the dialogic approach was first adopted in this proceeding in 2016 and has been repeatedly affirmed since then. It submits that the application of the dialogic approach is relevant to the reasonableness considerations in that Canada has not sought judicial review of these prior rulings.

[138] I agree with the Tribunal's reliance on *Grover v Canada (National Research Council)* (1994), 1994 CanLII 18487 (FC), 24 CHRR 390 [Grover] where the task of determining "effective" remedies was characterized as demanding "innovation and flexibility on the part of the Tribunal..." (2016 CHRT 10 at para 15). Furthermore, I agree that "the [*CHRA*] is structured so as to encourage this flexibility" (2016 CHRT 10 at para 15). The Court in *Grover* stated that flexibility is required because the Tribunal has a difficult statutory mandate to fulfill (at para 40). The approach in *Grover*, in my view, supports the basis for the dialogic approach. This approach also allowed the parties to address key issues on how to address the discrimination, as my summary in the Procedural History section pointed out.

...

[162] I disagree with the Applicant's characterization of the decisions following the Merit Decision as an "open-ended series of proceedings." Rather, the subsequent proceedings reflect the Tribunal's management of the proceedings utilizing the dialogic approach. The Tribunal sought to enable negotiation and practical solutions to implementing its order and to give full recognition of human rights. As well, significant portions of the proceedings following the Merit Decision were a result of motions to ensure Canada's compliance with the various Tribunal orders and rulings. (emphasis added)

...

[281] As noted above, I have determined that the Tribunal did not change the nature of the Complaint in the remedial phase. The Tribunal, exercising extensive remedial jurisdiction under the quasi-constitutional *CHRA*, provided a detailed explanation of what had transpired previously and what would happen next in each ruling/decision (See e.g. 2016 CHRT 16 at para 161). In so doing, it was relying on a dialogic approach. Such an approach was necessary considering the scope of the discrimination and the corresponding efforts to remedy or prevent future discrimination. Most importantly, the Tribunal was relying on established legal principles articulated in *Chopra v Canada (AG)*, 2007 FCA 268 at para 37 and *Hughes* 2010 at para 50 (Merit

Decision at paras 468, 483). I do not agree that the Tribunal did not provide the parties with notice of matters to be determined. (emphasis added)

...

[301] In my view, the procedural history of this case has demonstrated that there is, and has been, good will resulting in significant movements toward remedying this unprecedented discrimination. However, the good work of the parties is unfinished. The parties must decide whether they will continue to sit beside the trail or move forward in this spirit of reconciliation.

[302] I find that the Applicant has not succeeded in establishing that the Compensation Decision is unreasonable. The Tribunal, utilizing the dialogic approach, reasonably exercised its discretion under the *CHRA* to handle a complex case of discrimination to ensure that all issues were sufficiently dealt with and that the issue of compensation was addressed in phases. The Tribunal ensured that the nexus of the Complaint, as discussed in the Merit Decision, was addressed throughout the remedial phases. Nothing changed. All of this was conducted in accordance with the broad authority the Tribunal has under the *CHRA*.

[66] The Dialogic approach does not supplant a final “cease the discriminatory practice” order grounded in the evidence and the *CHRA*; rather, it operates as a mechanism for implementing such an order. The cease order in this matter, addressing systemic racial discrimination, is firmly grounded in the extensive evidentiary record underlying the Merit Decision and is issued pursuant to the Tribunal’s authority under the *CHRA*. Its purpose is to provide immediate and enduring protection to the victims of such discrimination and to ensure that the same or similar practices do not recur.

[67] The Tribunal affirms that this order has never been negotiable and was not issued on an interim basis. The “cease the discriminatory practices” order in 2016 CHRT 2 is final and binding. It is not subject to variation under the Dialogic approach, nor to derogation or abrogation by any future decision in these proceedings, or to amendment through any agreement between the parties. The cease order determines what the authors of the discrimination must do—stop—while the Dialogic approach addresses how compliance is to be achieved, and the orders implemented. There may be multiple effective methods for remedying discrimination, and flexibility is permitted in selecting among them, provided that

the discrimination is fully and effectively addressed. What remains non-negotiable is the requirement to end systemic discrimination permanently.

[68] The dialogic approach is helpful in the phased remedy portion of this case; however, it cannot be elevated above final orders or be a means to stagnate long-term reform.

[69] In a recent case management conference, the Tribunal emphasized that the findings and orders in 2016 CHRT 2 are intended to be lasting. The Tribunal considers its general orders akin to an injunction to cease and desist the systemic racial discrimination identified and to prevent its recurrence, to constitute final orders that cannot subsequently be modified by this Panel or by future members.

[70] Moreover, while the Panel has no authority to bind Tribunal members in other cases, in this instance, the final orders found in 2016 CHRT 2 cannot be abrogated or amended by this Panel or by any new Panel members, if applicable.

[71] The Tribunal interpreted the principle of finality of its orders in 2022 CHRT 41 and continues to rely on the same reasoning:

[178] Moreover, the parties could not contract out or ask the Tribunal to amend its evidence-based findings establishing systemic racial discrimination and related orders in the Merit Decision to a finding that there never was racial discrimination and, therefore, no remedy is required. In the same vein, if evidence-based findings are made that victims/survivors have suffered and should be compensated, the parties cannot contract out or ask the Tribunal to amend its previous evidence-based findings and related orders to a finding that certain victims/survivors entitled by this Tribunal have not suffered and should no longer receive compensation.

[179] This is significantly different than asking the Tribunal to make a finding based on new evidence presented that demonstrates that some aspects of the discrimination found by this Tribunal has ceased in compliance with the injunction-like order made by this Panel to cease the discriminatory practice or that some amendment requests may enhance the Tribunal's previous orders to eliminate discrimination (2022 CHRT 8). The Tribunal's retention of jurisdiction is to ensure its orders are effectively implemented. This includes not narrowing its orders (see for example Jordan's Principle definition in 2017 CHRT 14) and eliminating the discrimination found in a complex nation-wide case involving First Nations from all regions. This is done through reporting, motions, clarification requests, etc. and findings are made on the evidence.

[72] However, as was also raised during the case management conference, numerous immediate and mid-term orders were intended to be superseded by sustainable long-term orders, with the assistance and input of the parties. The objective was to issue final long-term orders that would constitute an improvement upon the immediate orders, which had been made on the basis of the best evidence then available. The parties submitted that further studies and additional data collection were necessary to inform best practices in relation to long-term remedies.

[73] This Tribunal agreed and took a phased approach to the remedies in dividing them in categories: general orders in 2016 CHRT 2, immediate relief, mid-term relief, long-term relief, reform and compensation. This allowed the Tribunal to make immediate relief orders three months after the Merit Decision and in many subsequent decisions.

[74] This was to allow for change to occur immediately while studies and data collection would be completed. This was explained in previous rulings. This is how the dialogic approach was adopted by this Tribunal.

[75] The dialogic approach was never intended to continually revisit previous orders or to confine the proceedings within an endless cycle of interim measures. Its purpose is to facilitate the transition from immediate and mid-term orders based on the best evidence then available, to long-term, sustainable, culturally appropriate, evidence-based, orders, whether by consent or determination of the Tribunal (based on the parties' evidence and submissions), designed to benefit future generations. Moreover, long-term orders must be informed by First Nations' perspectives and guided by First Nations-led solutions.

[76] Furthermore, waiting months and years because some parties are not in agreement or do not want to negotiate anymore will not assist the Panel in determining the outstanding issues. The Tribunal has authority to move things forward to find meaningful, effective, sustainable, culturally appropriate, needs- based, long-term solutions for generations to come, that incorporate the distinct needs of First Nations without hearing directly from each one of them.

[77] The Tribunal cannot possibly hear directly from all 634 First Nations, organizations, experts, agencies etc. This was clear from the beginning of the proceedings and the dialogic approach did not change this:

This process would allow the long-term relief to be informed by data collection, new studies and best practices as identified by First Nations experts, First Nations communities and First Nations Agencies considering their communities' specific needs, the National Advisory Committee on child and family services reform and the parties, (see 2023 CHRT 44, at paras. 16-17).

[78] The parties and the NCCC can consult them, and the parties can bring their perspectives to the Tribunal.

[79] In 2016 CHRT 11, at para 14, the Tribunal stated that: the Tribunal's remedial clarification and implementation process is not to be confused with a commission of inquiry or a forum for consultation with any and all interested parties.

[80] In 2022 CHRT 26, at paragraphs. 41-42 the Tribunal stated that:

[41] Moreover, in this wide-ranging case, impacting First Nations communities in Canada, the Tribunal has to consider that every First Nation community or organization could seek to intervene in these proceedings to share their unique knowledge, experience, culture and history. Would they have expertise to offer? Absolutely. However, it is impossible for all of the First Nations to join this case without halting the work of the Tribunal. The Tribunal is informed by three large organizations representing First Nations (AFN, COO, NAN) and an organization with expertise in child welfare and other services offered to First Nations children regardless of where they reside (Caring Society) to consult with First Nations by different means and bring their perspectives to these proceedings.

[42] Moreover, the Panel recognizes that the rights holders are First Nations people and First Nations communities and governments. While it is ideal to seek every Nations' perspective again, these proceedings are not a commission of inquiry, a truth and reconciliation commission or a forum for consultation. The Panel relies on the evidence, the parties in this case and the work that they do at the different committees such as the National Advisory Committee on Child Welfare (NAC), tables, forums and community consultations to inform its mid and long-term findings.

[81] In 2020 CHRT 31, at para 28, the Tribunal reiterated the same principle, quoting 2016 CHRT 11.

[82] In 2022 CHRT 8, the Tribunal on consent of the parties, made long-term relief orders focused on prevention and in line with the Merit Decision's findings on the need to reform and shift the approach from protection to prevention in the FNCFS Program. The Tribunal found that the Federal FNCFS Program focused on protection and created an incentive to remove Indigenous children from their families.

[83] Indeed, as this Tribunal already stated in these proceedings, this shift is necessary to stop the mass removal of children 2018 CHRT 4, at. paragraph 47:

[47] More importantly, this case is vital because it deals with mass removal of children. There is urgency to act and prioritize the elimination of the removal of children from their families and communities.

[84] The Tribunal finds that the parties' commitment to return to the Tribunal with a National FNCFS long-term agreement by end of 2023 is overdue. The Tribunal, at the time that it made the consent orders in 2022 CHRT 8, was urged by the parties to remove the part of its compensation order that ensured compensation was owed to the victims/survivors of the discrimination until the systemic discrimination had ended. This was a powerful deterrent, and it was upheld by the Federal Court. The Tribunal given the prevention orders and, in foreseeing a long-term reform agreement in approximately a year's time, agreed to remove the ongoing aspect of the compensation and change it for a 2022 cut-off date.

[85] We are now in August 2025, and it is time for swift action.

[86] On January 29, 2025, the Tribunal made interim Jordan's Principle consultation orders. The parties opted for Tribunal-assisted mediation with a different Tribunal member than this Panel to resolve the 9 items. Six months later, the Tribunal is still waiting, and there is no indication of any agreement to date. The Tribunal was informed by Canada that the Tribunal-assisted mediation was terminated by the member on August 13, 2025, even though two outstanding items remained to be resolved under the Tribunal's orders. This mediation concerned interim orders under Jordan's Principle, not a complete long-term reform of the FNCFS Program or Jordan's Principle.

[87] Of note, in 2024, the AFN and Canada had discouraged the Tribunal to make interim Jordan's Principle orders given that a final Jordan's Principle long-term reform settlement

agreement was forthcoming in March 2025. The Tribunal rejected that argument based on its extensive experience in these proceedings and the low probability of obtaining such an agreement in that time frame. The parties could not agree on the 9 interim Jordan's Principle items in the time frame anticipated by the AFN and Canada to arrive to a complete long-term reform agreement for Jordan's Principle.

[88] This is not to cast blame on anyone however, it does show that with the best of intentions, deadlines may not be met. This is consistent with many instances in these proceedings and informs the Tribunal's approach in this ruling.

[89] Consequently, the Tribunal finds it more efficient to complete the long-term reform of the FNCFS Program in the short-term and deal with the long-term reform of Jordan's Principle afterward, rather than attempting both together and risking long delays for each.

[90] During the conference management call on July 25, 2025, Member Lustig mentioned that the FNCFS Program will always be undergoing change and that there is no perfect solution. Further, he mentioned that there needs to be some compromise from all sides to arrive to an agreement.

[91] The Tribunal further clarifies that compromise is one that is reasonable and respects the rights of First Nations children and in line with the spirit of the Tribunal's findings and orders.

[92] Furthermore, at the case management conference call on July 25, 2025, the Tribunal had intended to discuss how best to advance long-term reform based on the parties' submissions and further discussion at the CMCC. However, due to time constraints, this discussion was postponed, and the Tribunal informed the parties that another CMCC would be scheduled for this purpose.

[93] Following the CMCC, the Tribunal deliberated on the parties' responses to its Jordan's Principle consultation orders and other emerging issues. The Tribunal was also informed that the mediation process between the parties had been terminated by the Tribunal mediator. Canada expressed its willingness to continue discussions with the parties

to resolve two outstanding issues and indicated that it will provide an update in September 2025.

[94] The Tribunal's consent orders were issued in November 2024, with reasons to follow, aiming for an expeditious process for interim solutions and further orders.

[95] This delay is very concerning and informs the Tribunal on the proceedings moving forward.

[96] Five months from now, it will be the tenth anniversary of the Tribunal's decision on the merits.

[97] The Tribunal believes it is now time to proceed towards completion on FNCFS long-term reform and further CMCCs can be scheduled following the Tribunal's orders below.

[98] While the Tribunal fully agrees to proceed with the OFA, it does not agree to delay the National FNCFS long-term reform until the OFA motion has been determined. This would be unhelpful for several reasons. The OFA will not apply to other regions, and the Tribunal will not rely on the OFA to determine a National FNCFS long-term reform remedy. Therefore, delaying the National FNCFS long-term reform proceedings until the OFA has been decided is neither reasonable nor in the best interests of First Nations children and families outside Ontario, and it is inconsistent with the Tribunal's previous orders and with section 48.9(1) of the *CHRA*.

[99] The Tribunal directs that both the OFA and the National FNCFS long-term reform matters proceed concurrently. Should one be decided before the other, both matters will nonetheless have advanced and will proceed to hearings within a reasonably proximate timeframe.

[100] The Tribunal has received an unprecedented number of motions seeking interested party status. A recurring submission in these motions is that, if approved, the OFA may serve as a precedent for the National long-term reform. As noted above, the Tribunal has determined that this will not be the case, except insofar as certain general statements may be made regarding the Tribunal's previous orders, findings, process and approach to remedies.

[101] Another recurring submission is that Canada has refused to return to negotiations, resulting in a halt in the National long-term reform. While the Tribunal does not determine the multiple motions for interested party status in this ruling, the order issued in this ruling may nonetheless address aspects of the recurring submissions that have generated concern among numerous First Nations governments and organizations that are not parties to these proceedings.

[102] The broad consultation for long-term reform orders explained in 2018 CHRT 4 were directed at Canada.

[103] Moreover, the Caring Society submits that now is the time to move swiftly and effectively to implement the dialogic approach now that the research, the experts and the First Nations in-Assembly have set the table for evidence-informed solutions for the FNCFS. First Nations and the NCCC is ready, the EAC is ready, the studies will be completed by March 31, 2025, the research is ready and so is the Caring Society and much of the work needed to meet these milestones has been completed.

[104] In considering Canada's submissions above and its willingness to sign a National long-term agreement that was ultimately rejected, Canada must be taken to have a clear understanding of what long-term reform entails from its perspective.

[105] The ideal solution would be for an agreement on consent of all the parties if Canada returns to the table and such an agreement is possible. However, if not, the Tribunal cannot allow the parties to dictate a very slow pace in achieving finality on long-term reform contrary to the *CHRA*'s requirements and the best interest of First Nations children and families and their respective Nations.

[106] The Tribunal in the objective of avoiding the possibility of an imposed final solution, urges Canada to return to the table of negotiations to listen to the NCCC and the co-complainants and consider the research, the experts and the evidence-informed solutions for long-term reform of the FNCFS Program.

[107] If Canada refuses, the Tribunal, the other parties, the NCCC, the experts, the First Nations Chiefs, governments and organizations, should not be forced to wait till the OFA is

completed to see what Canada decides to do for National long-term reform. Canada was ordered to complete long-term reform. Canada can agree to negotiate or not however, one thing that Canada cannot do is simply wait and let time go by. Therefore, should Canada refuse to return to the table to meet the NCCC and hear them out, the Tribunal will hear the co-complainants' evidence-based solutions representing the NCCC and multiple First Nations' viewpoints and Canada's and then choose between the long-term reform order requests.

[108] The Tribunal values all expert viewpoints of First Nations. However, the Tribunal is not and cannot invite them directly into these proceedings without creating a paralysis of these proceedings that would negatively affect the very children that are at the heart of these proceedings.

[109] The Tribunal has limited resources and is not mandated and does not have capacity to hear directly from every First Nation to make its orders. This is clearly expressed in considering the whole body of decisions rendered by this Tribunal in this case.

[110] The Tribunal finds that the Caring Society, the AFN and the NCCC, can aptly consult and gather relevant Nations specific, local and regional perspectives, other First Nations experts and First Nations organization's perspectives and incorporate them in their National long-term reform plan and requested orders for the Tribunal's consideration.

[111] Canada is encouraged to join them or to work on a separate plan informed by the recent evidence and recent studies and incorporate this in their National long-term reform plan and requested orders for the Tribunal's consideration.

[112] The Tribunal renders this creative and innovative decision, consistent with the *Grover* decision referred to above, in an effort to advance proceedings in the best interest of First Nations children and families in circumstances marked by limited collaboration among the parties, who have become increasingly adversarial, and in the face of unforeseen delays.

[113] The Tribunal, in issuing the following orders, establishes non-exhaustive parameters, which have been referenced in prior rulings. Long-term reform remedies shall:

1. Have lasting effects, be adequately resourced, and remain sustainable for present and future generations;
2. Be flexible and improve upon the Tribunal's previous orders;
3. Incorporate regional and local First Nations perspectives;
4. Be evidence-based, relying on the best currently available research and studies, without delay for additional studies;
5. Align with the spirit of the Tribunal's findings and rulings in a non-rigid manner;
6. Be First Nations-centered and respectful of their distinct needs and perspectives;
7. Be culturally appropriate, respect substantive equality, reflect the best interests of the child through an Indigenous lens and respect the specific needs of First Nations children and families;
8. Comply with domestic and international human rights, especially the Convention on the Rights of the Child, the United Nations Declaration on the Rights of Indigenous Peoples and the United Nations Declaration on the Rights of Indigenous Peoples Act; and
9. Strive for excellence rather than perfection, without narrowing the Tribunal's findings and orders.

[114] The National FNCFS long-term reform plan and requested remedies outside Ontario shall include detailed deadlines and clear, measurable targets based on the most recent studies, evidence, and the diverse viewpoints of First Nations and other experts. The National long-term reform plan and requested remedies outside Ontario shall demonstrate how its implementation will clearly and effectively cease the systemic racial discrimination identified in the Tribunal's findings and prevent its recurrence for multiple generations. The National FNCFS long-term reform plan and requested remedies outside Ontario will focus on the long-term reform of the FNCFS currently before the Tribunal and described at length in its previous rulings. The National FNCFS long-term reform plan and requested remedies outside Ontario will improve upon the Tribunal's current orders, whether by mirroring them or by adopting different approaches, as supported by the evidence and First Nations' perspectives.

[115] The parties' commitment to this ruling and orders will inform the Tribunal on next steps and may impact the Tribunal's approach toward the other matters before it.

[116] The consultations shall be conducted efficiently and shall prioritize virtual meetings over in-person meetings in light of time and financial constraints.

[117] The Tribunal, in an effort to advance the matter, finds that, given the extended timeline for completing the remaining long-term orders originally intended to be finalized in 2023 as explained in 2022 CHRT 8 and the continued delays in these proceedings, there is a need for monthly reporting to the Tribunal. The parties engaged in the consultations shall provide the Tribunal with a monthly progress report.

IV. Orders

[118] Pursuant to section 48.9(1) and 53(2) of the CHRA, the dialogic approach, the Tribunal's previous orders and the Tribunal's retention of jurisdiction, the Tribunal orders:

[119] Canada shall inform the Tribunal, by August 29, 2025, whether it agrees to meet with the National Children's Chiefs Commission to discuss National FNCFS long-term reform outside Ontario, or whether it will reconsider meeting with the AFN and the Caring Society, on a voluntary basis, for the same purpose.

[120] Within four months of the date of this ruling (December 22, 2025), the Caring Society and the AFN shall consult, in accordance with the parameters set out above, with the National Children's Chiefs Commission, First Nations Chiefs, and other experts, including First Nations and First Nations organizations outside Ontario, as well as those that have filed interested party motions, to develop an evidence-based, comprehensive National FNCFS long-term reform plan and requested remedies outside Ontario. The completed plan, together with supporting affidavit evidence and materials, shall be filed with the Tribunal for its consideration.

[121] The consultations shall ensure that French speaking First Nations who desire to communicate and read materials in French will have the opportunity to do so.

[122] The determination of the OFA motion shall not be contingent upon the Tribunal's conclusion of its consideration of the National FNCFS long-term reform plan and requested remedies outside Ontario referred to in paragraph 120.

[123] The determination of the National FNCFS long-term reform plan and requested remedies outside Ontario shall not be contingent upon the Tribunal's conclusion of its consideration of the OFA motion for Ontario.

[124] The Caring Society, the AFN and Canada shall provide monthly updates to the Tribunal.

[125] Should Canada agree to participate in the consultations referred to in paragraph 120, it shall do so in accordance with the parameters set out above and the orders in this ruling. Where possible, a National FNCFS long-term reform plan and requested remedies outside Ontario, agreed to on consent by the Caring Society, the AFN, and Canada, together with supporting affidavit evidence and materials, shall be filed with the Tribunal at the conclusion of the consultations.

[126] If a National FNCFS long-term reform plan and requested remedies outside Ontario cannot be reached on consent, or if Canada declines to participate in the consultations, Canada shall, within four months of the date of this ruling (December 22, 2025), file with the Tribunal its evidence-based National plan on long-term reform remedies outside Ontario. The completed plan shall be supported by affidavit evidence and materials for the Tribunal's consideration.

[127] As already directed, the Ontario region and the OFA will have its separate hearing and parties in favour or opposing will have an opportunity to be heard. The Tribunal is aiming to hold a hearing in 2025, in the absence of unforeseen circumstances.

[128] The orders above do not include Jordan's Principle long-term reform.

V. Retention of jurisdiction

[129] Pending a complete and final agreement on long-term relief on consent or otherwise (a National long-term reform plan as ordered in this ruling) and consistent with the dialogic approach to remedies taken in this case and referred to above, the Panel retains jurisdiction on the Orders contained in this ruling and all its previous orders except its compensation orders. The Panel will revisit its retention of jurisdiction once the parties have filed a National

long-term reform plan as ordered in this ruling or a final and complete agreement on long-term reform or as the Panel sees fit considering the upcoming evolution of this case.

Case Management Conference Call (CMCC)

[130] The Tribunal will organize a CMCC shortly, to discuss the implementation of the Orders and answer any questions and/or clarifications, if necessary. The Tribunal will also discuss the long-term reform outside Ontario's hearing schedule. While the Tribunal will receive either a single National Plan filed on consent or two National FNFCS long-term reform plans with supporting evidence within approximately the same timeframe, the parties will have an opportunity to respond to the report(s). The schedule governing those submissions, any reply evidence, and the cross-examination of affiants and other witnesses if any, will be addressed before or at the CMCC.

Signed by

Sophie Marchildon
Panel Chairperson

Edward P. Lustig
Tribunal Member

Ottawa, Ontario
August 20, 2025

Canadian Human Rights Tribunal

Parties of Record

Tribunal File: T1340/7008

Style of Cause: First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)

Ruling of the Tribunal Dated: August 20, 2025

Written representations by:

David P. Taylor, Sarah Clarke, Kiana Saint-Macary and Robin McLeod, counsel for the First Nations Child and Family Caring Society of Canada, the Complainant

Anshumala Juyal and Khizer Pervez, counsel for the Canadian Human Rights Commission

Paul Vickery, Sarah-Dawn Norris, Meg Jones, Dayna Anderson, Kevin Staska, Sarah Bird, Jon Khan, Alicia Dueck-Read and Aman Owais, counsel for the Attorney General of Canada, the Respondent

Maggie Wente, Jessie Stirling, Ashley Ash and Katelyn Johnstone, counsel for the Chiefs of Ontario, Interested Party

Julian Falconer, Asha James, Shelby Percival and Meaghan Daniel, counsel for the Nishnawbe Aski Nation, Interested Party

This is **Exhibit “I”**
to the affidavit of
Jasmine Kaur
sworn before me this
23rd day of July, 2026



A Commissioner for Taking Affidavits

Zsuzsanna Terezia Gutteridge, a Commissioner, etc.,
Province of Ontario, for Conway Baxter Wilson LLP/s.r.l.,
Barristers and Solicitors.
Expires August 27, 2027.



Department of Justice
Canada

Ministère de la Justice
Canada

Prairie Regional Office
(Winnipeg)
National Litigation Sector
601-400 St. Mary Avenue
Winnipeg, MB R3C 4K5

Bureau régional des Prairies (Winnipeg)
Secteur national du contentieux
400, avenue St. Mary, pièce 601
Winnipeg (Manitoba) R3C 4K5

Telephone/
Téléphone: 204-294-5563
Fax /Télécopieur: 204-983-3636
Email/Courriel: Dayna.Anderson@justice.gc.ca

Via Titanfile

Our File Number: LEX-500219273

December 22, 2025

Canadian Human Rights Tribunal
240 Sparks Street, 6th Floor West
Ottawa, Ontario K1A 1J4

Dear Members Marchildon and Lustig:

**Re: First Nations Child and Family Caring Society of Canada et al. v.
the Attorney General of Canada et al.
Tribunal File: T1340/7008
2025 CHRT 80 – Canada’s National Plan for Long Term Reform**

In accordance with the Tribunal’s August 20, 2025 Ruling, 2025 CHRT 80, please find attached the following:

- Canada’s National Plan on Long-Term Reform and Requested Remedies Outside Ontario;
- Affidavit of Duncan Farthing Nichol, affirmed December 22, 2025;
- Affidavit of Kyle McKenzie, affirmed on December 22, 2025;
- Affidavit of Kirsten Mattison, affirmed on December 22, 2025;
- Affidavit of Richard Goodyear, affirmed on December 22, 2025; and
- Affidavit of Lisa Smylie, affirmed on December 22, 2025.

Canada’s National Plan contemplates providing the Tribunal with updated evidence in October 2026, with the matter being heard and decided before April 1, 2027. Canada is endeavouring to work with the other parties on a mutually agreeable procedural schedule towards a timely hearing. In the meantime, we suggest that a Case Management Conference Call in early January 2026 may be of assistance.

Sincerely,

Dayna Anderson
Senior General Counsel

Encls.

Canada

CC:

David Taylor and Kiana Saint-Macary
Conway Baxter Wilson LLP
400-411 Roosevelt Avenue
Ottawa, Ontario K2A 3X9
Email: dtaylor@conwaylitigation.ca
ksaintmacary@conwaylitigation.ca

Sarah Clarke and Robin McLeod
Clarke Child and Family Law
36 Toronto Street, Suite 950
Toronto, Ontario M5C 2C5
Email: sarah@childandfamilylaw.ca
robin@childandfamilylaw.ca

Maggie Wente, Sinéad Dearman, Benjamin Brookwell, Jessie Stirling-Voss, Ashley Ash, Katelyn Johnstone and Jenna Rogers
Olthuis Kleer Townshend LLP
250 University Avenue, 8th Floor
Toronto, Ontario M5H 3E5
Email: mwente@oktlaw.com
sdearman@oktlaw.com
bbrookwell@oktlaw.com
jstirling@oktlaw.com
aash@oktlaw.com
kjohnstone@oktlaw.com
jrogers@oktlaw.com

Peter N. Mantas, Gabrielle Cyr and Clive Ngan
Fasken Martineau DuMoulin LLP
55 Metcalfe Street, Suite 1300
Ottawa, Ontario K1P 6L5
Email: pmantas@fasken.com
gcyr@fasken.com
cngan@fasken.com

Anshumala Juyal and Khizer Pervez
Canadian Human Rights Commission
344 Slater Street, 8th Floor
Ottawa, Ontario K1A 1E1
Email: Anshumala.Juyal@chrc-ccdp.gc.ca
khizer.pervez@chrc-ccdp.gc.ca

Julian N. Falconer, Asha James, Shelby Percival and Meghan Daniel
Falconers LLP
10 Alcorn Avenue, Suite 204
Toronto, Ontario M4V 3A9
Email: julianf@falconers.ca
ashaj@falconers.ca
shelbyp@falconers.ca
meghand@falconers.ca

Justin Safayeni and Stephen Aylward
Stockwoods LLP
TD North Tower
77 King Street West, Suite 4130
Toronto, Ontario M5K 1H1
Email: justins@stockwoods.ca
stephenA@stockwoods.ca

CANADIAN HUMAN RIGHTS TRIBUNAL

B E T W E E N :

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

Complainants

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

ATTORNEY GENERAL OF CANADA
(representing the Minister of Indigenous Services Canada)

Respondent

- and -

**CHIEFS OF ONTARIO and
AMNESTY INTERNATIONAL CANADA and NISHNAWBE ASKI NATION**

Interested Parties

**Canada's National First Nations Child and Family Services
Long-Term Reform Plan and Requested Remedies Outside Ontario**

Caveat: This plan is filed by the Attorney General of Canada, representing the Minister of Indigenous Services Canada, in compliance with this Tribunal's orders in 2025 CHRT 80, but is expressly provided with prejudice to the outcome of Canada's related judicial review application in *Attorney General of Canada v. First Nations Child and Family Caring Society of Canada et al*, Federal Court File No. T-3594-25.

This is **Exhibit “J”**
to the affidavit of
Jasmine Kaur
sworn before me this
23rd day of July, 2026



A Commissioner for Taking Affidavits

Zsuzsanna Terezia Gutteridge, a Commissioner, etc.,
Province of Ontario, for Conway Baxter Wilson LLP/s.r.l.,
Barristers and Solicitors.
Expires August 27, 2027.

David Taylor

From: CHRT Registry Office <Registry.Office@chrt-tcdp.gc.ca>
Sent: Wednesday, January 7, 2026 2:56 PM
To: David Taylor; Sarah Clarke; Robin McLeod; Kiana Saint-Macary; Peter Mantas; Clive Ngan; gcyr@fasken.com; 'tsun@fasken.com'; 'Anshumala.Juyal@chrc-ccdp.gc.ca'; khizer.pervez@chrc-ccdp.gc.ca; 'Vickery, Paul'; 'Norris, Sarah-Dawn'; 'Jones, Meg'; 'Anderson, Dayna (she; her | elle; la)'; 'Staska, Kevin'; Bird, Sarah (she her elle la); Khan, Jon; Dueck-Read, Alicia (she her elle la); Aman.Owais@justice.gc.ca; Lupinacci, Adam (he him his il le lui); Maggie Wentz; Benjamin Brookwell; 'Sinéad Dearman'; Jessie Stirling-Voss; Katelyn Johnstone; Ashley Ash; Jenna Rogers; 'julianf@falconers.ca'; Asha James; Shelby Percival; meaghand@falconers.ca; David Schwartz; Jordan Tully; 'justins@stockwoods.ca'; 'Stephen Aylward'; Jasmine Kaur; Lloyd, Michelle (CHRC/CCDP); Darvill, Jillian (she; her | elle; la); Perrault-Werner, Alisia (she her elle la); Anderson, Jackie (she her elle la); Wong, Theresa (she her elle la); Adatia, Shireen (she her elle la); Moores, James (he him il lui); Lo, Mae Loraine (she her elle la)
Subject: Request for CMCC - FNCFCSC and AFN v. AGC (CHRT File T1340/7008)

Dear Parties,

The Tribunal confirms receipt of the two National Long-Term Reform Plans submitted on December 22, 2025. The Panel thanks the Parties for their diligent work in preparing and providing these plans.

The Panel wishes to schedule a Case Management and Conference Call (CMCC) to discuss next steps and would appreciate receiving the Parties' availabilities for a one-hour CMCC at their earliest convenience.

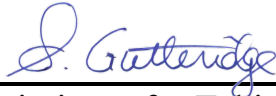
Kind regards,

Judy Dubois
(she/her/elle)

Senior Registry Officer / CHRT Registry Services
On behalf of the Canadian Human Rights Tribunal
Administrative Tribunals Support Service of Canada / Government of Canada
judy.dubois@tribunal.gc.ca

Agente principale du greffe / Services du greffe du TCDP
Au nom du Tribunal canadien des droits de la personne
Service canadien d'appui aux tribunaux administratifs / Gouvernement du Canada
judy.dubois@tribunal.gc.ca

This is **Exhibit “K”**
to the affidavit of
Jasmine Kaur
sworn before me this
23rd day of July, 2026



A Commissioner for Taking Affidavits

Zsuzsanna Terezia Gutteridge, a Commissioner, etc.,
Province of Ontario, for Conway Baxter Wilson LLP/s.r.l.,
Barristers and Solicitors.
Expires August 27, 2027.

Canadian Human
Rights Tribunal



Tribunal canadien
des droits de la personne

Ottawa, Canada, K1A 1J4

January 27, 2026

By e-mail

(See Distribution List)

Dear Parties,

Re: First Nations Child and Family Caring Society et al. v. Attorney General of Canada
Tribunal File: T1340/7008

Please see below the summary of the Case Management Conference Call (CMCC) that was held on January 21, 2026. This summary has been written by the Panel.

Sophie Marchildon, Panel Chair, Edward Lustig, Panel Member

David Taylor, Sarah Clarke, Robin McLeod, Counsel with Dr. Cindy Blackstock, Brittany, Matthews, and Laurence Allard for the Caring Society

Peter N. Mantas and Clive Ngan, Counsel for the Assembly of First Nations.

Khizer Pervez, Counsel for the Canadian Human Rights Commission

Dayna Anderson, Paul Vickery, Sarah Bird and Alicia Dueck-Read, Counsel for Canada

Maggie Wentz and Sinead Dearman, Counsel with Nicole Bakes for the Chiefs of Ontario

Meaghan Daniel, Counsel with David Schwartz, Paralegal for the Nishnawbe Aski Nation (NAN)

Summary

The Panel discussed the status of the National Long-Term Reform Plans filed in December 2025, including the Minister of Indigenous Services Canada's announcement of a \$4.4-billion annual funding commitment after 2034 to ensure the sustainability of services. The Minister indicated that this commitment reflected what she had heard First Nations were seeking, with regional consultations scheduled to begin in January 2026.

The Panel sought clarification on the caveat in the AGC's submissions indicating they were filed "without prejudice" to the judicial review, and how that caveat aligned with the public funding commitment. The AGC explained that the "without prejudice" language was included to preserve the Minister's flexibility depending on the outcome of the judicial review; however, it did not alter the publicly announced commitment to sustainable child and family services program funding. The Panel asked the AGC to provide further details on the proposed schedule, including any guidance or instructions regarding engagement with the complainants and the NCCC on a potential hybrid plan, as publicly articulated by the Minister. The AGC indicated that it did not have any instructions to

convey regarding the possibility of a hybrid plan. Canada had previously presented a proposed procedural schedule that included various deadlines and opportunities for regional negotiations.

The Panel addressed the parties' concerns regarding the proposed schedule for the national long-term reform plans hearing.

Canada's proposed schedule follows a format similar to that used in the Ontario Final Agreement (OFA) motion and includes deadlines for potential interested parties' motions, evidence, submissions, and cross-examinations, with an opportunity to provide updates arising from regional negotiations by September 30. The complainants strongly opposed the AGC's proposed schedule, which extends into early 2027. They indicated their intention to review Canada's plan and emphasized the Tribunal's expectation that a hearing take place by the end of the year, as stated in paragraph 127 of the CHRT-80 decision. With respect to the proposed plan, the Caring Society and the AFN submitted a proposed hearing timeline, which Canada opposed. The Panel indicated that it would rule on the proposed plan by the following week. Regarding the transcription issue, the Caring Society requested additional time to address the partial transcription problem, while Canada and other parties raised concerns about potential delays. The Panel agreed to consider the case law and options presented by the parties and determine the appropriate next steps.

Next steps

- Panel: Rule on the proposed schedule/timetable for the National Long-Term Reform Plans proceedings expeditiously, at the latest by next week.
- Caring Society: Report back to panel by end of the week on transcript resolution efforts.
- Chiefs of Ontario and Caring Society: Submit case law/authorities by end of calendar day.
- Attorney General of Canada: When possible, file a redacted affidavit of L. Smiley and provide paper copies to the Tribunal.
- Panel: Review case law submissions and make ruling on transcript issue and procedural next steps.

Should you have any questions, please do not hesitate to contact the Registry Office by e-mail at registry.office@chrt-tcdp.gc.ca or by fax at 613-995-3484.

Yours truly,

Judy Dubois
Registry Officer

DISTRIBUTION LIST

David Taylor, Sarah Clarke and Kiana Saint-Macary

Counsel for the First Nations Child and Family Caring Society of Canada

Peter N. Mantas, Gabrielle Cyr, Clive Ngan and Tina Sun

Counsel for the Assembly of First Nations

Anshumala Juyal and Khizer Pervez

Counsel for the Canadian Human Rights Commission

Paul Vickery, Sarah-Dawn Norris, Meg Jones, Dayna Anderson, Kevin Staska
Sarah Bird, Jon Kahn,, Alicia Dueck-Read, Aman Owais

Counsel for the Attorney General of Canada

Maggie Wente, Benjamin Brookwell, Sinéad Dearman, Jessie Stirling-Voss, Katelyn Johnstone,
Ashley Ash and Jenna Rogers

Counsel for Chiefs of Ontario

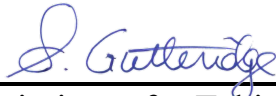
Julian Falconer, Asha James, Shelby Percival and Meaghan Daniel

Counsel for Nishnawbe Aski Nation

Justin Safayeni and Stephen Aylward

Counsel for Amnesty International

This is **Exhibit “L”**
to the affidavit of
Jasmine Kaur
sworn before me this
23rd day of July, 2026



A Commissioner for Taking Affidavits

Zsuzsanna Terezia Gutteridge, a Commissioner, etc.,
Province of Ontario, for Conway Baxter Wilson LLP/s.r.l.,
Barristers and Solicitors.
Expires August 27, 2027.

Canadian Human
Rights Tribunal



Tribunal canadien
des droits de la personne

Ottawa, Canada, K1A 1J4

January 27, 2026

By e-mail

(See Distribution List)

Dear Parties,

Re: First Nations Child and Family Caring Society et al. v. Attorney General of Canada
Tribunal File: T1340/7008

Please find below directions from the Tribunal:

The Tribunal is in the process of determining a hearing schedule for the National long-term reform plans. Before setting that schedule, the Tribunal offers the following observations and requests that the parties work collaboratively toward a middle-ground solution, failing which the Tribunal may be required to impose a schedule that could prove unworkable.

The Tribunal recognizes the importance of the AFN's Annual General Assembly, particularly as it relates to providing Chiefs with the opportunity to approve the revised National long-term reform plan. The Tribunal also notes that the parties' proposed timelines for submitting comments on the opposing party's National plan are not significantly divergent. In this regard, the Tribunal is of the view that limited amendments to the proposed schedules could assist in accommodating this aspect.

The Tribunal agrees that the filing of motions by interested parties is, at this stage, speculative. However, such speculation is informed by the recent procedural history of this matter. Accordingly, it is reasonable to plan for this possibility; however, providing for this contingency twice within the proposed schedule appears excessive.

With respect to the Attorney General of Canada's request to file evidence concerning potential regional agreements, the Tribunal is of the view that excluding this possibility from the schedule could amount to a pre-determination of their National plan before the Tribunal has had the benefit of hearing the evidence. The Tribunal is not prepared to take such an approach.

The Tribunal further observes that the parties' overall timing proposals, one seeking approximately 11 months and the other approximately 13 months, are relatively close and both approach a full year to address this issue, which was not the Tribunal's original intention. Nevertheless, the Tribunal is prepared to accept a schedule of this duration should the parties be able to reconcile their remaining schedule differences.

The Tribunal does not agree to be bound by a two-month deadline to render its decision.

Finally, this process was not intended to encompass Ontario-specific issues or issues relating to Jordan's Principle. This is the reason the Chiefs of Ontario and the Nishnawbe Aski Nation were not included in the proposed schedule. Should Ontario-related issues or Jordan's Principle issues arise, those parties will be afforded the opportunity to make submissions. In this regard, the Tribunal relies on its prior rulings concerning interested party status and the scope of permitted interventions in this matter.

The Complainants and Respondent should file their amended schedule by February 25, 2026.

Should you have any questions, please do not hesitate to contact the Registry Office by e-mail at registry.office@chrt-tcdp.gc.ca or by fax at 613-995-3484.

Yours truly,

Judy Dubois
Registry Officer

DISTRIBUTION LIST

David Taylor, Sarah Clarke and Kiana Saint-Macary

Counsel for the First Nations Child and Family Caring Society of Canada

Peter N. Mantas, Gabrielle Cyr, Clive Ngan and Tina Sun

Counsel for the Assembly of First Nations

Anshumala Juyal and Khizer Pervez

Counsel for the Canadian Human Rights Commission

Paul Vickery, Sarah-Dawn Norris, Meg Jones, Dayna Anderson, Kevin Staska
Sarah Bird, Jon Kahn,, Alicia Dueck-Read, Aman Owais

Counsel for the Attorney General of Canada

Maggie Wente, Benjamin Brookwell, Sinéad Dearman, Jessie Stirling-Voss, Katelyn Johnstone,
Ashley Ash and Jenna Rogers

Counsel for Chiefs of Ontario

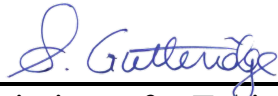
Julian Falconer, Asha James, Shelby Percival and Meaghan Daniel

Counsel for Nishnawbe Aski Nation

Justin Safayeni and Stephen Aylward

Counsel for Amnesty International

This is **Exhibit “M”**
to the affidavit of
Jasmine Kaur
sworn before me this
23rd day of July, 2026



A Commissioner for Taking Affidavits

Zsuzsanna Terezia Gutteridge, a Commissioner, etc.,
Province of Ontario, for Conway Baxter Wilson LLP/s.r.l.,
Barristers and Solicitors.
Expires August 27, 2027.

David Taylor

From: CHRT Registry Office <Registry.Office@chrt-tcdp.gc.ca>
Sent: Tuesday, April 28, 2026 9:49 AM
To: David Taylor; Sarah Clarke; Robin McLeod; Kiana Saint-Macary; Peter Mantas; Clive Ngan; gcyr@fasken.com; tsun@fasken.com; Anshumala.Juyal@chrc-ccdp.gc.ca; khizer.pervez@chrc-ccdp.gc.ca; Paul Vickery; Sarah-Dawn Norris; Meg Jones; Dayna Anderson; Kevin Staska; Sarah Bird; Jon Khan; Alicia Dueck-Read; Aman.Owais@justice.gc.ca; Adam Lupinacci; Maggie Wenthe; Benjamin Brookwell; Sinéad Dearman; Jessie Stirling-Voss; Katelyn Johnstone; Ashley Ash; Jenna Rogers; Julian Falconer; Asha James; Shelby Percival; Meaghan Daniel; David Schwartz; Erin McMurray; Jordan Tully; JustinS@stockwoods.ca; Stephen Aylward; Jasmine Kaur; Michelle Lloyd; Jillian Darvill; Alisia Perrault-Werner; Jackie Anderson; Theresa Wong; Shireen Adatia; James Moores; Mae Loraine Lo
Subject: April 30, 2026 CMCC - FNCFCSC and AFN v. AGC (T1340/7008)

Dear Parties,

Please find below the agenda and dial-in information for Thursday's case management conference call.

CMCC Agenda

1. Opening remarks on process moving forward, ground rules
2. Clarification on National long-term reform plans hearing process and COO and NAN's
3. Questions related to Jordan's Principle
4. Hearing Schedule
5. Discussion on Jordan's Principle interim issues, Jordan's Principle long-term reform
6. Process on how to move forward in a fair and expeditious manner
7. Varia

Coordinates

Date: April 30, 2026

Time: 11:00 am to 1:00 pm Eastern

Zoom link: <https://zoom.us/j/92431361282>

Meeting ID: 924 3136 1282

Passcode: 390907

Video will be turned off for all attendees. When entering Zoom, please rename yourself to include your party name.

Thank you.

Judy Dubois
(she/her/elle)

Senior Registry Officer / CHRT Registry Services
On behalf of the Canadian Human Rights Tribunal

Administrative Tribunals Support Service of Canada / Government of Canada

judy.dubois@tribunal.gc.ca

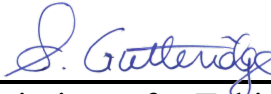
Agente principale du greffe / Services du greffe du TCDP

Au nom du Tribunal canadien des droits de la personne

Service canadien d'appui aux tribunaux administratifs / Gouvernement du Canada

judy.dubois@tribunal.gc.ca

This is **Exhibit “N”**
to the affidavit of
Jasmine Kaur
sworn before me this
23rd day of July, 2026



A Commissioner for Taking Affidavits

Zsuzsanna Terezia Gutteridge, a Commissioner, etc.,
Province of Ontario, for Conway Baxter Wilson LLP/s.r.l.,
Barristers and Solicitors.
Expires August 27, 2027.

Canadian Human
Rights Tribunal



Tribunal canadien
des droits de la personne

Ottawa, Canada, K1A 1J4

May 5, 2026

By e-mail

Re: First Nations Child and Family Caring Society et al. v. Attorney General of Canada
Tribunal File: T1340/7008

Tribunal Direction

Dear Parties,

Following the Case Management Conference Call held on April 30, 2026, and in response to the Caring Society's request, the Tribunal provides the following direction regarding the anticipated timeline for ruling on motions for interested party status by Regional First Nations organizations that have signed settlement agreements with Canada on long-term reform of the FNCFS Program outside Ontario.

The Tribunal anticipates that approximately one month will be required to issue decisions on such motions, with reasons to follow, provided that the motions comply with the Tribunal's directions and are limited to the issue of interested party status. Motions that raise additional issues, more appropriately addressed if and when status is granted, may result in delay.

The Tribunal emphasizes that it is composed of a panel of two members and cannot adjudicate additional matters beyond its current capacity. It is presently prioritizing the drafting of the OFA reasons, which constitute a particularly complex, extensive, and time-sensitive decision, as well as addressing other outstanding motions. The Tribunal is also proceeding with matters relating to long-term reform of the Program outside Ontario. As indicated in 2022 CHRT 8 and subsequent rulings, the Tribunal has remained seized of the matter to complete long-term reform rather than to address interim issues aside from those relating to Jordan's Principle. It will address Jordan's Principle interim orders following 2025 CHRT 6 and, in due course, long-term reform of Jordan's Principle. For greater certainty, the reference to Jordan's Principle interim orders does not alter the Tribunal's determination that newly admitted interested parties will not participate in that process.

The Tribunal will consider appropriate procedural measures to streamline the proceedings and advance outstanding issues in a fair and efficient manner.

The Tribunal had anticipated issuing its ruling, including reasons on the linguistic issue raised in the FNQLHSSSC-AFNQL motion, in April 2026. Due to unforeseen circumstances, the Tribunal now

expects to issue this decision by mid-May 2026, subject to no additional further unforeseen circumstances.

The Panel members remain fully committed to the adjudication of this matter. All adjudicative functions, including the assessment of evidence and the drafting of decisions, are carried out exclusively by the Panel members themselves and not by staff. These responsibilities are substantial, time-intensive, and must be undertaken with the care and rigor required of the Tribunal's mandate. In light of the scope and complexity of the current proceedings, the Tribunal will continue to actively manage the process to ensure its orderly and efficient progression.

This being said, in order to assist the Tribunal in determining the matter of long-term reforms, the newly admitted interested parties are permitted to file affidavit evidence.

The Tribunal issues the following direction:

- 1- Newly admitted interested parties, namely NCCC, AMC, SCO, FNQLHSSSC-AFNQL, and OCOWS, may file affidavit evidence in relation to the National long-term Program reform outside Ontario. Each party is limited to one affidavit, not exceeding 50 pages inclusive of exhibits. Evidence already properly before the Tribunal need not be refiled as exhibits.
- 2- These interested parties may present their affiants and conduct examinations in chief and re-examinations within time limits to be set by the Tribunal. Parties shall take this direction into account when proposing hearing schedules.
- 3- Where regional settlement agreements are concluded and motions seeking interested party status are brought and granted, the parties may file affidavit evidence, submit the settlement agreement, and conduct examinations in chief and re-examinations.
- 4- Any motion concerning a regional settlement agreement between Canada and First Nations shall be brought by Canada or jointly with the First Nations parties to the agreement.

The Tribunal expects all parties and interested parties to comply with its directions and to proceed in a manner that supports the efficient and fair resolution of the matters before it.

Directive du Tribunal

Chères parties,

À la suite de la conférence de gestion de l'instance tenue le 30 avril 2026 et en réponse à la demande de la Société de soutien à l'enfance et à la famille des Premières Nations du Canada, le Tribunal rend la directive suivante concernant le délai anticipé pour statuer sur les requêtes visant à obtenir le statut de partie intéressée présentées par des organisations régionales des Premières Nations ayant conclu des ententes de règlement avec le Canada relativement à la réforme à long terme du Programme des services à l'enfance et à la famille des Premières Nations à l'extérieur de l'Ontario.

Le Tribunal prévoit qu'un délai d'environ un mois sera nécessaire pour rendre des décisions sur ces requêtes avec motifs à suivre, pourvu que celles-ci soient conformes aux directives du Tribunal et limitées à la question du statut de partie intéressée. Les requêtes soulevant des questions

additionnelles, qui seraient plus adéquatement traitées si et lorsque le statut est accordé, pourraient entraîner des délais.

Le Tribunal souligne qu'il est composé d'une formation de deux membres et qu'il ne peut instruire de nouvelles questions au-delà de sa capacité actuelle. Il accorde présentement la priorité à la rédaction des motifs relatifs à l'entente finale de règlement de l'Ontario, lesquels constituent une décision particulièrement complexe, étendue et urgente, ainsi qu'au traitement d'autres requêtes en suspens. Le Tribunal poursuit également les procédures relatives à la réforme à long terme du Programme des services à l'enfance et à la famille des Premières Nations (SEFPN) à l'extérieur de l'Ontario. Comme il est indiqué dans 2022 TCDP 8 et dans des décisions subséquentes, le Tribunal demeure saisi de l'affaire afin de mener à terme la réforme à long terme, et non pour traiter de questions intérimaires, sauf celles liées au principe de Jordan. Il traitera des ordonnances intérimaires relatives au principe de Jordan à la suite de 2025 TCDP 6 et, en temps opportun, de la réforme à long terme du principe de Jordan. Pour plus de certitude, la référence aux ordonnances intérimaires liées au principe de Jordan ne modifie pas les décisions du Tribunal selon lesquelles les parties intéressées nouvellement admises ne participeront pas à ce processus.

Le Tribunal examinera les mesures procédurales appropriées afin de gérer l'instance de manière ordonnée et de faire progresser les questions en suspens de manière équitable et efficace.

Le Tribunal prévoyait rendre sa décision, y compris les motifs relatifs à la question linguistique soulevée dans la requête de la CSSSPNQL-APNQL, en avril 2026. En raison de circonstances imprévues, il prévoit désormais rendre cette décision d'ici la mi-mai 2026, sous réserve de toute autre circonstance imprévue.

Les membres de la formation demeurent pleinement engagés dans l'instruction de cette affaire. Toutes les fonctions quasi juridictionnelles, y compris l'évaluation de la preuve et la rédaction des décisions, sont exercées exclusivement par les membres de la formation et non par le personnel du Tribunal. Ces responsabilités sont importantes, exigeantes en temps et doivent être accomplies avec le soin et la rigueur requis par le mandat du Tribunal. Compte tenu de l'ampleur et de la complexité des procédures en cours, le Tribunal continuera de gérer activement l'instance afin d'en assurer le déroulement ordonné et efficace.

Cela dit, afin d'aider le Tribunal à déterminer les questions de réformes à long-terme, les parties intéressées nouvellement admises sont autorisées à déposer de la preuve par affidavit.

Le Tribunal rend les directives suivantes :

- 1- Les parties intéressées nouvellement admises, soit la CNCE, AMC, SCO, CSSSPNQL-APNQL et OCOWS, peuvent déposer une preuve par affidavit relativement à la réforme nationale à long terme du Programme à l'extérieur de l'Ontario. Chaque partie est limitée à une déclaration sous serment ne dépassant pas 50 pages, pièces comprises. Les éléments de preuve déjà versés au dossier du Tribunal n'ont pas à être produits de nouveau comme pièces.
- 2- Ces parties intéressées peuvent faire témoigner leurs et procéder à leur interrogatoire principal ainsi qu'à leur ré interrogatoire, dans les délais qui seront fixés par le Tribunal. Les parties doivent tenir compte de cette directive lors de la préparation de leurs propositions d'horaire d'audience.

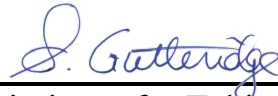
- 3- Dans l'éventualité où des ententes de règlement régionales seraient conclues et que des requêtes pour l'obtention de statut de partie intéressée seraient présentées et accueillies, les parties pourront déposer une preuve par affidavit, soumettre l'entente de règlement et procéder à l'interrogatoire principal et au ré-interrogatoire de leur affiant.
- 4- Toute requête relative à une entente régionale de règlement entre le Canada et les Premières Nations doit être présentée par le Canada ou conjointement avec les parties des Premières Nations à l'entente.

Le Tribunal s'attend à ce que toutes les parties et parties intéressées se conforment à ses directives et procèdent de manière à favoriser un règlement équitable et efficace des questions dont il est saisi.

Regards/Cordialement,

Amanda Wiebe
Registry Officer

This is **Exhibit “O”**
to the affidavit of
Jasmine Kaur
sworn before me this
23rd day of July, 2026



A Commissioner for Taking Affidavits

Zsuzsanna Terezia Gutteridge, a Commissioner, etc.,
Province of Ontario, for Conway Baxter Wilson LLP/s.r.l.,
Barristers and Solicitors.
Expires August 27, 2027.

FASKEN

Fasken Martineau DuMoulin LLP
Barristers and Solicitors
Patent and Trade-mark Agents

55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Canada

T +1 613 236 3882
+1 877 609 5685
F +1 613 230 6423
fasken.com

May 19, 2026

Peter Mantas

BY EMAIL

Registry.office@chrt-tcdp.gc.ca

+1 613 696 6886 (Ottawa)
pmantas@fasken.com

Canadian Human Rights Tribunal
240 Sparks Street, 6th Floor West
Ottawa, ON K1A 1J4
Attn: Registrar

Dear Registrar and Tribunal:

Re: First Nations Child and Family Caring Society of Canada, Assembly of First Nations v. Attorney General of Canada, et al. - Tribunal File: T1340/7008

I write on behalf of the Assembly of First Nations (“AFN”), jointly with the First Nations Child and Family Caring Society of Canada (“**Caring Society**”) with respect to timetabling on the national long-term reform matter. Counsel for Canada have had an opportunity to review a draft of this letter.

Further to your oral direction during the case management conference on April 30, 2026, as well as your further written directions dated May 5, 2026 and May 12, 2026, the AFN, Caring Society, and Canada have engaged in additional discussions with respect to scheduling the remaining steps in this proceeding.

These negotiations have successfully culminated in a mutually acceptable timetable proposal. The proposed timetable is appended as Annex “A” to this letter. Please note that the proposed schedule does not adopt the term “regional settlement agreements” that was used in the Tribunal’s May 5, 2026 direction, as the AFN and the Caring Society are of the view that Canada cannot “settle” the complaint with non-parties. These are instead referred to as regional agreements, as part of the plan that Canada is submitting with respect to the final orders to dispose of this part of the complaint. Canada does not agree with this characterization.

Amongst other things, the Parties jointly propose an oral evidence hearing of up to ten days over the weeks of January 11 and 18, 2027 (subject to the Tribunal’s availability) and that oral submissions be heard, also subject to the Tribunal’s availability, on March 8-10, 2027.

Canada has advised that it is of utmost importance to it that a hearing be held prior to April 1, 2027, as that is the beginning of its fiscal year and when it seeks to implement its plan. The AFN and the Caring Society are cognisant of the Tribunal’s January 27, 2026 direction that it would not be bound to a two-month timeline to render a decision. While both the AFN and Caring Society welcome a hearing and a decision on long-term reform remedies as soon as possible, they do not seek to impose a specific timeframe on the Tribunal’s decision. Canada recognizes that it may not

FASKEN

be possible for the Tribunal to rule by April 1, 2027, but wishes to leave it open to the Tribunal to do so.

The January dates have been canvassed with counsel for the interested parties (Chiefs of Ontario, Amnesty International, Nishnawbe Aski Nation, Assembly of Manitoba Chiefs, Southern Chiefs' Organization, Our Children Our Way Society, Assembly of First Nations Quebec-Labrador and First Nations of Quebec and Labrador Health and Social Services Commission, and the National Children's Chiefs Commission. COO, NAN, AMC, OCOW and the NCCC are available for these January dates, while AFNQL/FNQLHSSC confirmed availability but indicated a preference for weeks other than the week of January 11. Counsel for SCO are not available on January 11-12. No response was received from Amnesty International.

Given that agreement on the proposed timetable was reached over the Victoria Day long weekend, counsel have not yet had the occasion to canvass the proposed filing dates or the proposed March 8-10, 2027 hearing dates with the interested parties. We have also not had the opportunity to seek the Canadian Human Rights Commission's position on this schedule.

In the process of canvassing the January dates, counsel for COO and NAN also indicated they would agree to participate in the annexed timetable in this matter on the same basis as other admitted interested parties and to abide by the parameters established in the Tribunal's direction dated May 5, 2026, with respect to filing affidavit evidence and participating in the evidentiary portion of the hearing. Furthermore, COO and NAN have advised that their materials and submissions would be confined to Ontario-related issues and issues relating to Jordan's Principle, to the extent that such issues are identified by COO and NAN.

Finally, I can advise that all of the AFN, Caring Society, Canada, Commission, COO and NAN are available on Friday, June 5, 2026 from 2:00 PM to 3:00 PM Eastern, or from 4:00 PM to 5:00 PM Eastern to continue the discussion regarding next steps on interim items related to Jordan's Principle, which was commenced at the April 30, 2026 case management conference.

We thank the Tribunal in advance for your attention to this matter and look forward to receiving your direction with respect to the timetable.

Yours truly,

FASKEN MARTINEAU DuMOULIN LLP



Peter Mantas

Cc:

David Taylor, Henna Mohan, and Sarah Clarke – Counsel for the First Nations Child and Family Caring Society of Canada

FASKEN

Dayna Anderson, Paul Vickery, Sarah Bird and Alicia Dueck-Read – Counsel for the Attorney General of Canada

Maggie Wente, Sinéad Dearman, Jenna Rogers, Jessie Stirling-Voss, Ashley Ash, and Katelyn Johnstone – Counsel for the Chiefs of Ontario

Julian Falconer and Meaghan Daniel – Counsel for the Nishnawbe Aski Nation

Justin Safayeni, Stephen Aylward and Geneviève Citron – Counsel for Amnesty International

Harold Cochrane, K.C. and Alyssa Cloutier – Counsel for the Southern Chiefs' Organization Inc.

Carly Fox and Jason Erbeznik – Counsel for the Assembly of Manitoba Chiefs

Alexandra Heine and Dan Goudge – Counsel for Our Children, Our Way Society

Pierre-Simon Cleary and Sophie Gagné – Counsel for the First Nations of Quebec and Labrador Health and Social Services Commission and the Assembly of First Nations Quebec-Labrador

Liam Smith, Tuma Young, K.C., Scott Smith, Alexander DeParde – Counsel for the National Children's Chiefs Commission

Anshumala Juyal and Khizer Pervez – Counsel for the Canadian Human Rights Commission



FASKEN

Annex A

Friday, June 5, 2026 (Revised Plans): Deadline for Canada, AFN and/or Caring Society to file a revised plan (if any).

Monday, July 27, 2026 (Caring Society/AFN Supplemental Affidavit Evidence): Deadline for Caring Society/AFN to file supplemental affidavit evidence restricted to an update on their presentation to the AFN Annual General Assembly.

Monday October 5, 2026 (Canada Supplemental Evidence): Deadline for Canada to file supplemental affidavit evidence restricted to:

1. update on the status of regional negotiations; and
2. updates to proposed National Framework, including further co-developments, modifications or supplements required by regional long-term FNCFS Program reform agreements.

Monday, October 5, 2026 (Interested Party Motions): Deadline for proposed interested parties, if any, to file motions and written submissions for interested party status with respect to the national long-term reform plans (outside Ontario)

Monday October 19, 2026 (Interested Party Motions – Responding Written Submissions): Deadline for Caring Society/AFN and Canada to file written submissions in response to any motions for interested party status.

Friday, October 23, 2026 (Interested Party Motions - Reply): Deadline for proposed interested parties, if any, to file reply written submissions with respect to their motions for interested party status.

Monday November 23, 2026 - Based on the Tribunal's direction of May 5, 2026, this is the date the Tribunal approximates it will be able to issue a decision on interested party status motions.

Friday, November 27, 2026: Subject to further direction from the Tribunal, deadline for all interested parties to file evidence regarding long term reform. The Parties jointly propose that this deadline be communicated by the Registry to any new interested parties who file a motion for interested party status prior to October 5, 2026 immediately after their motion is filed.

Monday December 14, 2026 - (Reply Affidavit Evidence):

- Deadline for Canada and AFN/Caring Society to file evidence, if any, responding to the other party's plan filed on December 22, 2025 and June 5, 2026;
- Deadline for Canada and AFN/Caring Society to file evidence, if any, responding to the November 27, 2026 affidavit evidence of the interested parties;
- Deadline for Canada to file evidence, if any, responding to the AFN/Caring Society's July 27, 2026 affidavit evidence;
- Deadline for AFN/Caring Society to file evidence, if any, responding to Canada's October 5, 2026 affidavit evidence.

FASKEN

Monday, January 11, 2026 to Friday, January 22, 2026 (Examinations): Each party, including interested parties, may present evidence, including a summary of the evidence filed through evidence-in-chief, and/or conduct cross-examinations and re-examinations, subject to further direction of the Tribunal.

- The Parties jointly submit that the number of days required for the evidentiary portion of the proceedings may need to be revisited at a later point depending on the volume of evidence that arrives via interested parties.

Tuesday, February 16, 2027 (Written Submissions): Deadline for the AFN/Caring Society, Canada and any parties who are granted interested party status to file written submissions

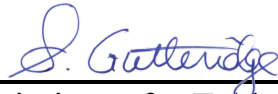
Friday, February 26, 2027 (Reply Written Submissions): Deadline for Caring Society/AFN and Canada and interested parties to file reply written submissions

Monday, March 8, 2027 to Wednesday, March 10, 2027 - subject to availability of the Tribunal – oral submissions by all parties and interested parties.

- AFN/Caring Society: one day.
- Canada: one day.
- Interested Parties: half day.
- Reply for AFN/Caring Society and Canada: half day.



This is **Exhibit “P”**
to the affidavit of
Jasmine Kaur
sworn before me this
23rd day of July, 2026



A Commissioner for Taking Affidavits

Zsuzsanna Terezia Gutteridge, a Commissioner, etc.,
Province of Ontario, for Conway Baxter Wilson LLP/s.r.l.,
Barristers and Solicitors.
Expires August 27, 2027.

Canadian Human
Rights Tribunal



Tribunal canadien
des droits de la personne

Ottawa, Canada, K1A 1J4

May 22, 2026 / le 22 mai 2026

By e-mail / par courriel

**Re: First Nations Child and Family Caring Society et al. v. Attorney General of Canada
Tribunal File: T1340/7008**

**Société de soutien à l'enfance et à la famille des Premières Nations du Canada et autres
c. Procureur général du Canada
Dossier du Tribunal : T1340/7008**

Dear Parties,

The Tribunal is in receipt of the proposed timetable dated May 19, 2026.

1- The Panel agrees and accepts the timetable submitted by the parties, subject to the following instructions:

Period to rule on potential interested party motions

The one-month period to rule on potential interested party motions is limited to regional agreements between First Nations in a region and Canada. While the Tribunal agrees that non-parties cannot settle the complaint with Canada and that the term regional settlement agreements may be referred to as regional agreements, this is not reflected in your proposed timetable. Given that parties often publish documents online, if the terms remain as proposed, it could convey the message that any group could still file a motion and have it considered within one month. This is not what the Tribunal has decided.

The Tribunal already has sufficient parties to assist it in determining the matter. This deadline applies only to those who will be part of a regional agreement with Canada. This is what informed the Tribunal's approximate timeline. It is the Tribunal's view that the likelihood of granting interested party status to a moving party that has concluded a regional agreement with Canada is high, given the importance of hearing from parties to the regional agreement and the assistance such participation could provide to the Tribunal. This is the context for this point.

2- Hearing days

With respect to hearing days, if all parties and interested parties can agree, this is ideal. However, the Tribunal has been clear that newly added interested parties will have to abide by the Tribunal's timelines. Newly interested parties cannot impose or delay hearing dates.

Moreover, interested parties have submitted that they would comply with all Tribunal deadlines, and the Tribunal issued orders to ensure this. Moreover, the hearing dates proposed by the parties are not next month, they are in 2027.

These proceedings involve many parties, and finding common dates for both the Tribunal and the parties is already challenging, let alone if one or two limited interested parties are unavailable. Interested parties are there to assist the Tribunal in determining the matter, not to hinder the scheduling of hearing days.

3- Timetable for issuance of a decision following oral arguments

The latter part of the OFA hearing timetable proved challenging and left the Tribunal with little time to consider the OFA joint motion. The Tribunal, out of deep concern and love for First Nations children, families and Nations in Ontario, diligently and without pause, to issue a letter decision to ensure that one year of funding would not be lost. This was challenging. In retrospect, the Tribunal will not agree to accommodate parties' schedules when doing so places undue pressure on the Tribunal to issue a decision within an unreasonable timeframe.

Moreover, given the recent developments and the prospect of an even larger decision outside Ontario, the Tribunal may opt to issue full reasons in due course rather than a letter decision.

The Tribunal is available on all the dates proposed and would like to schedule a Case management conference call on June 5, 2026, from 2 to 3 pm EDT, to discuss Jordan's Principle interim issues. The Tribunal will send an invitation with an agenda and information to join the CMCC shortly.

4- Ruling with reasons FNQLHSSC-AFNQL

The Tribunal has completed its ruling with reasons on the FNQLHSSC-AFNQL joint motion in English to ensure that both members of the formation could fully review and understand it. The ruling will be sent shortly for expedited translation into French.

The Tribunal will be in a position to release the ruling to the parties once the French translation is completed, unless the joint moving parties advise the Tribunal that they would prefer to receive an English version on Monday, May 25, 2026, while awaiting the French translation.

Cher(ère)s parties,

Le Tribunal a reçu l'échéancier proposé daté du 19 mai 2026.

1- La formation du Tribunal accepte l'échéancier soumis par les parties, sous réserve des instructions suivantes :

Période pour statuer sur les éventuelles requêtes en qualité de partie intéressée

La période d'un mois prévue pour statuer sur les éventuelles requêtes en qualité de partie intéressée est limitée aux ententes régionales conclues entre les Premières Nations d'une région et le Canada. Bien que le Tribunal convienne que des non-parties ne peuvent régler la plainte avec le Canada et que le terme ententes de règlement régionales puisse être désigné comme ententes régionales, cela ne ressort pas de l'échéancier proposé. Étant donné que les parties publient souvent des documents en ligne, si les termes demeurent tels que proposés, cela pourrait laisser entendre que tout groupe pourrait encore déposer une requête et la voir examinée dans un délai d'un mois. Ce n'est pas ce que le Tribunal a décidé.

Le Tribunal compte déjà un nombre suffisant de parties pour l'aider à trancher l'affaire. Ce délai s'applique uniquement à ceux qui feront partie d'une entente régionale avec le Canada. C'est ce qui a guidé l'échéancier approximatif d'un mois du Tribunal. De l'avis du Tribunal, la probabilité d'accorder le statut de partie intéressée à une partie requérante ayant conclu une entente régionale avec le Canada est élevée, compte tenu de l'importance d'entendre les parties à l'entente régionale et de l'aide qu'une telle participation pourrait apporter au Tribunal. Tel est le contexte de ce point.

2- Journées d'audience

En ce qui concerne les journées d'audience, si toutes les parties et parties intéressées peuvent s'entendre, cela est idéal. Toutefois, le Tribunal a clairement indiqué que les nouvelles parties intéressées devront respecter les échéanciers du Tribunal. Les nouvelles parties intéressées ne peuvent imposer ou retarder les dates d'audience. De plus, les parties intéressées ont indiqué qu'elles se conformeraient à tous les délais fixés par le Tribunal, et celui-ci a rendu des ordonnances à cette fin. Par ailleurs, les dates d'audience proposées par les parties ne sont pas prévues le mois prochain, mais en 2027.

La présente instance implique de nombreuses parties, et il est déjà difficile de trouver des dates convenant à la fois au Tribunal et aux parties, sans compter la disponibilité d'une ou deux parties intéressées limitées. Les parties intéressées sont présentes pour aider le Tribunal à trancher l'affaire, et non pour nuire à la planification des journées d'audience.

3- Échéancier pour le prononcé d'une décision à la suite des plaidoiries orales

La dernière partie de l'échéancier de l'audience relative à l'OFA s'est révélée difficile et a laissé au Tribunal peu de temps pour examiner la requête conjointe relative à l'OFA. Le Tribunal, animé d'une profonde préoccupation et d'un profond attachement envers les enfants, les familles et les Nations des Premières Nations en Ontario, a travaillé avec diligence et sans interruption afin de rendre une décision par lettre pour veiller à ce qu'une année de financement ne soit pas perdue. Cela a été difficile. Avec le recul, le Tribunal

n'acceptera pas d'accommoder les horaires des parties lorsque cela exerce une pression induite sur lui afin de rendre une décision dans un délai déraisonnable.

De plus, compte tenu des développements récents et de la perspective d'une décision encore plus vaste à l'extérieur de l'Ontario, le Tribunal pourrait choisir de rendre des motifs complets en temps opportun plutôt qu'une décision par lettre.

Le Tribunal est disponible à toutes les dates proposées et souhaite tenir une Conférence de gestion de cas le 5 juin 2026, de 14 h à 15 h (HAE), afin de discuter des questions intérimaires liées au Principe de Jordan. Le Tribunal transmettra sous peu une invitation accompagnée d'un ordre du jour et des renseignements nécessaires pour participer à la Conférence de gestion de cas.

4- Décision motivée de la CSSSPNQL-APNQL

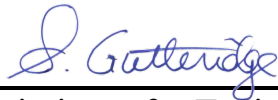
Le Tribunal a terminé sa décision motivée sur la requête conjointe du CSSSPNQL-APNQL en anglais afin de veiller à ce que les deux membres de la formation puissent l'examiner et la comprendre pleinement. La décision sera transmise sous peu pour une traduction accélérée vers le français.

Le Tribunal sera en mesure de communiquer la décision aux parties une fois la traduction française terminée, à moins que les parties requérantes conjointes n'informent le Tribunal qu'elles préfèrent recevoir une version anglaise le lundi 25 mai 2026, dans l'attente de la traduction française.

Yours truly / Salutations cordiales,

Amanda Wiebe
Registry Officer / Agent du greffe

This is **Exhibit “Q”**
to the affidavit of
Jasmine Kaur
sworn before me this
23rd day of July, 2026



A Commissioner for Taking Affidavits

Zsuzsanna Terezia Gutteridge, a Commissioner, etc.,
Province of Ontario, for Conway Baxter Wilson LLP/s.r.l.,
Barristers and Solicitors.
Expires August 27, 2027.

June 19, 2026

VIA EMAIL Registry.Office@chrt-tcdp.gc.ca

Amanda Wilkes
Registry Operations
Canadian Human Rights Tribunal
240 Sparks Street, 6th Floor West
Ottawa, ON K1A 1J4

Dear Ms. Wilkes:

RE: FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA ET AL V ATTORNEY GENERAL OF CANADA – T#1340/7008
OUR MATTER ID: 5204-002

I write to seek clarification of the Panel's May 22, 2026 direction, pursuant to the oral direction made at the June 5, 2026 CMC. A draft of this letter was shared with counsel for the Assembly of First Nations, counsel for the National Children's Chiefs Commission, and with counsel for Canada prior to submission.

The Tribunal's May 22, 2026 direction addressed the joint timetable regarding next steps on long-term reform of First Nations child and family services, filed on May 19, 2026. In the context of dealing with that timetable's provision for potential further motions for interested party status, the Panel stated:

The one-month period to rule on potential interested party motions is limited to regional agreements between First Nations in a region and Canada. While the Tribunal agrees that non-parties cannot settle the complaint with Canada and that the term regional settlement agreements may be referred to as regional agreements, this is not reflected in your proposed timetable. Given that parties often publish documents online, if the terms remain as proposed, it could convey the message that any group could still file a motion and have it considered within one month. This is not what the Tribunal has decided.

The Tribunal already has sufficient parties to assist it in determining the matter. This deadline applies only to those who will be part of a regional agreement with Canada. This is what informed the Tribunal's approximate timeline. It is the Tribunal's view that the likelihood of granting interested party status to a moving

party that has concluded a regional agreement with Canada is high, given the importance of hearing from parties to the regional agreement and the assistance such participation could provide to the Tribunal. This is the context for this point.

The Caring Society understands that the one-month period for determining interested party motions is limited to motions brought by regional First Nations organizations that are party to a regional agreement with Canada. The Caring Society seeks clarification as to whether the Panel's May 22, 2026 direction should be understood as foreclosing, in advance, the ability of other First Nations or entities to bring interested party motions.

If so, the Caring Society respectfully raises a serious procedural fairness concern. Canada's National Plan contemplates applying its national framework unilaterally to First Nations who do not reach an agreement with Canada effective April 1, 2027. Any interpretation or application of the Panel's May 22, 2026 direction that precludes motions from First Nations who do not reach an agreement risks creating an asymmetrical process in which only those aligned with Canada's National Plan may be heard. This raises concerns regarding equality of participation and the completeness of the evidentiary record before the Panel.

Further, First Nations who dissent from a regional agreement will be operating at an informational disadvantage, as they will not be privy to negotiations conducted under conditions of confidentiality. As a result, it is reasonable to expect that affected First Nations would not be able to advance their concerns until the regional agreement in question is concluded and publicly released in both official languages. Canada's National Plan also contemplates concluding regional negotiations on September 30, 2026 (a day set aside for remembrance, ceremony and reflection for the children who did not return from Residential Schools, for Survivors, and for the families and Nations enduring the intergenerational harms of Canada's residential schools system), with filing on October 4, 2026.

Any procedural framework that limits or discourages participation shortly after any regional agreements become public risks prejudicing dissenting First Nations through no fault of their own—particularly where the existence, scope and implications of such agreements are not yet known. At the very least, even if regional agreements are circulated to First Nations prior to negotiations concluding on September 30, it is reasonable to anticipate that First Nations governments, leaders and experts may be properly engaged in ceremony, remembrance and community obligations at this time.

Experience before the Tribunal demonstrates that dissenting First Nations have provided relevant and necessary assistance. The participation of Taykwa Tagamou Nation and Georgina Island First Nation in the Ontario Final Agreement proceeding is illustrative in this regard.

The Caring Society also respectfully submits that the Panel's indication that the likelihood of granting interested party status to parties to Canada's regional agreements is "high" should not be understood as establishing a presumptive pathway for one category of First Nations or organizations to participate in this proceeding, to the exclusion of others. As reflected in the

Tribunal's practice during these proceedings, applications for interested party status are contextual and determined on their specific circumstances. Any indication of a general presumption risks creating, in effect, a preferential pathway for signatories to Canada's Plan while leaving the position of dissenting First Nations uncertain and constraining the Panel's discretion.

Relatedly, the Caring Society is concerned about any procedural approach that affords Canada additional practical advantages in advancing its National Plan that are not equally available to the complainants. Canada is advancing its regional discussions with a fully resourced, government-led framework, with centralized control over information, timelines and negotiations. By contrast, the complainants, who are advancing Loving Justice, do not have comparable access to resources, information or mechanisms for implementation in advance of a Tribunal decision. The procedural approach selected must be mindful of this imbalance.

The Caring Society is not seeking to prescribe a specific timeline for future motions from dissenting First Nations. As is the case with all motions for interested party status, those should not delay the evidentiary hearing in January 2027 and the steps following. Rather, at this stage, the Caring Society seeks confirmation that the Panel's May 22, 2026 direction is not intended to foreclose, or unduly constrain, the ability of First Nations to seek participation where doing so may assist the Tribunal and not further delay the proceedings.

The Caring Society wishes to acknowledge and respect the Panel's ongoing efforts to manage these complex proceedings in a fair and efficient manner, including its careful attention to timeliness and procedural clarity. At the same time, given the Tribunal's prior findings regarding systemic discrimination and the inherent imbalance of power and resources between the respondent and the complainants, it is essential that the procedural framework continue to safeguard the full participatory rights of the complainants. This includes ensuring that the process does not, intentionally or in effect, amplify structural advantages available to Canada or constrain the ability of complainants and supporting First Nations to meaningfully contribute to the evidentiary record. Maintaining this balance will be critical to ensuring that the proceedings remain consistent with principles of procedural fairness and the Tribunal's mandate to fully and fairly adjudicate the issues before it.

Counsel for the AFN and the NCCC did not have comments regarding the foregoing. A draft was provided to Canada on June 17, 2026, but Canada indicated it would not be able to provide comments until the week of June 22, 2026.

Yours truly and respectfully submitted,



David P. Taylor

Copy to: Dayna Anderson, Kevin Staska, Alicia Dueck-Read, Paul Vickery, Sarah-Dawn Norris, Meg Jones, Sarah Bird, Aman Owais and Margaret Girard
Counsel for the Attorney General of Canada

Peter N. Mantas, Gabrielle Cyr, Tina Sun and Clive Ngan
Counsel for the Assembly of First Nations

Anshumala Juyal and Khizer Pervez
Counsel for the Canadian Human Rights Commission

Maggie Wente, Jessie Stirling-Voss, Ashley Ash and Katelyn Johnstone
Counsel for the Interested Party, Chiefs of Ontario

Justin Safayeni, Stephen Aylward and Geneviève Citron
Counsel for the Interested Party, Amnesty International

Julian Falconer and Meaghan Daniel
Counsel for the Interested Party, Nishnawbe Aski Nation

Carly Fox and Jasen Erbezniuk
Counsel for the Interested Party, Assembly of Manitoba Chiefs

Harold Cochrane, K.C. and Alyssa Cloutier
Counsel for the Interested Party, Southern Chiefs' Organization Inc.

Alexandra Heine and Dan Goudge
Counsel for the Interested Party, Our Children Our Way

Sophie Gagné and Pierre-Simon Cleary
Counsel for the Interested Party Assembly of First Nations Quebec-Labrador and First Nations Quebec-Labrador Health and Social Services Commission

Liam Smith, Tuma Young, K.C., Scott Smith, Alexander DeParde and Taskeen Nawab
Counsel for the Interested Party, National Children's Chiefs Commission

Sarah Clarke, Robin McLeod and Henna Mohan
Co-counsel for the complainant First Nations Child and Family Caring Society of Canada

This is **Exhibit “R”**
to the affidavit of
Jasmine Kaur
sworn before me this
23rd day of July, 2026



A Commissioner for Taking Affidavits

Zsuzsanna Terezia Gutteridge, a Commissioner, etc.,
Province of Ontario, for Conway Baxter Wilson LLP/s.r.l.,
Barristers and Solicitors.
Expires August 27, 2027.

Canadian Human
Rights Tribunal



Tribunal canadien
des droits de la personne

Ottawa, Canada, K1A 1J4

April 24, 2025

By e-mail

(See Distribution List)

Dear Parties,

**Re: First Nations Child and Family Caring Society et al. v. Attorney General of Canada
Tribunal File: T1340/7008**

The Panel wishes to advise the parties of the following regarding the motions for interested party status:

The Tribunal's approach in setting a deadline and limited page numbers with no affidavit was in anticipation of several interested party status motions. As parties already know, in the past the Tribunal has accepted a letter in lieu of a formal motion, a motion without an affidavit and motions with affidavits depending on the different circumstances.

The Tribunal has now received 13 motions seeking interested party status for the joint motion including some with broader requests. This is unprecedented and does have an impact on several aspects. Two of them are that the parties who are already working on Jordan's Principle negotiations following the Tribunal's orders and on other matters will also have to respond to all the motions, and the Tribunal will have to determine them all within a reasonable timeframe. In order to move forward with the COO-NAN joint motion request as expeditiously as possible, the Tribunal will first address whether to grant interested party status for the COO-NAN joint motion. The Tribunal will deal with the portion of those requests seeking broader participation at a later date. As such, parties are asked to limit any submissions to whether the proposed interested parties should participate in the COO-NAN joint motion.

At this stage, the Tribunal will similarly consider the CSSSPNQL-AFNQL's request to participate to the extent that it relates to participation in the COO-NAN joint motion. For the CSSSPNQL-AFNQL motion, the schedule set by the Tribunal remains in place for the other request to join the entire proceedings moving forward.

The Tribunal has set the outstanding dates for the Caring Society's consultation motion so that it can start considering it as soon as possible.

The Tribunal is setting this schedule for the joint motion aspect of the interested party status motions to move forward with the COO-NAN's joint motion.

The Tribunal will coordinate, as much as possible, the schedule on the other aspects of the motions seeking interested party status with the schedule set for the CSSSPNQL-AFNQL motion.

Schedule for the joint motion aspect of interested party status motions:

The parties who support one or more of the interested party status motions will file their submissions of ten pages maximum for each motion they support by **May 8, 2025**.

The parties who do not support one or more of the interested party status motions will file their submissions of ten pages maximum for each motion they oppose by **May 15, 2025**.

Moving parties' replies, if necessary, of 7 pages maximum, by **May 22, 2025**.

Should the Tribunal have outstanding questions on the motions that may assist in determining the matters, the Tribunal reserves the right to ask its questions, and, in that case, the Tribunal will provide an opportunity for the moving parties and the parties to provide submissions, if any. This may apply to one or more of the moving parties depending on the nature of the questions from the Tribunal.

The schedule for the aspect of the interested party status motions to join the proceedings more generally will follow.

This letter will be sent to the moving parties as well.

Should you have any questions, please do not hesitate to contact the Registry Office by e-mail at registry.office@chrt-tcdp.gc.ca by telephone at 613-878-8802 or by fax at 613-995-3484.

Yours truly,

Judy Dubois
Registry Officer

DISTRIBUTION LIST

TO:

David Taylor, Sarah Clarke and Kiana Saint-Macary
Counsel for the First Nations Child and Family Caring Society of Canada

Peter N. Mantas
Counsel for the Assembly of First Nations

Anshumala Juyal and Khizer Pervez
Counsel for the Canadian Human Rights Commission

Paul Vickery, Sarah-Dawn Norris, Meg Jones, Dayna Anderson, Kevin Staska
Sarah Bird, Jon Kahn,, Alicia Dueck-Read, Aman Owais
Counsel for the Attorney General of Canada

Maggie Wente, Jessie Stirling-Voss, Ashley Ash and Katelyn Johnstone
Counsel for Chiefs of Ontario

Julian Falconer, Asha James, Shelby Percival and Meaghan Daniel
Counsel for Nishnawbe Aski Nation

Justin Safayeni and Stephen Aylward
Counsel for Amnesty International

This is **Exhibit “S”**
to the affidavit of
Jasmine Kaur
sworn before me this
23rd day of July, 2026



A Commissioner for Taking Affidavits

Zsuzsanna Terezia Gutteridge, a Commissioner, etc.,
Province of Ontario, for Conway Baxter Wilson LLP/s.r.l.,
Barristers and Solicitors.
Expires August 27, 2027.

David Taylor

From: CHRT Registry Office <Registry.Office@chrt-tcdp.gc.ca>
Sent: Thursday, April 24, 2025 1:59 PM
To: David Taylor; 'sarah@childandfamilylaw.ca'; Kiana Saint-Macary; Peter Mantas; 'Anshumala.Juyal@chrc-ccdp.gc.ca'; khizer.pervez@chrc-ccdp.gc.ca; 'Vickery, Paul'; 'Norris, Sarah-Dawn'; 'Jones, Meg'; 'Anderson, Dayna (she; her | elle; la)'; 'Staska, Kevin'; Bird, Sarah (she her elle la); Khan, Jon; Dueck-Read, Alicia (she her elle la); Aman.Owais@justice.gc.ca; 'MWente@oktlaw.com'; Jessie Stirling; Ashley Ash; Katelyn Johnstone; jrogers@oktlaw.com; 'julianf@falconers.ca'; Asha James; Shelby Percival; meaghand@falconers.ca; David Schwartz; Jordan Tully; 'justins@stockwoods.ca'; 'Stephen Aylward'; Jasmine Kaur; 'vsthelene@fasken.com'; Lloyd, Michelle (CHRC/CCDP); Darvill, Jillian (she; her | elle; la); Perrault-Werner, Alisia (she her elle la); Anderson, Jackie (she her elle la); Wong, Theresa (she her elle la)
Subject: Motions for Interested Party status - FNCFCSC and AFN v. AGC (CHRT File T1340/7008)

Dear Parties,

The Panel wishes to advise the parties of the following:

Schedule for the portion of the motions for Interested party status seeking to join the proceedings more generally.

The Tribunal directs the following schedule:

The responding parties' submissions to be filed with the Tribunal, by June 16, 2025, and for the Commission, June 23, 2025, and must not exceed 10 pages.

The moving parties' replies to be filed with the Tribunal, by June 30, 2025, and must not exceed 7 pages.

Note: The Tribunal has already established a schedule for the CSSSPNQL-AFNQL motion therefore, this schedule does not apply to them.

Calendrier pour la portion des requêtes cherchant à obtenir le statut de partie intéressée à l'instance, de manière générale.

Le Tribunal établit l'horaire suivant:

Les soumissions écrites des parties en réponse aux parties requérantes n'excédant pas 10 pages, seront soumises au Tribunal, le 16 juin 2025 et pour la Commission, le 23 juin, 2025.

Les répliques des parties requérantes n'excédant pas 7 pages, soumises au Tribunal, le 30 juin, 2025.

Note : Puisque le Tribunal a déjà établi un horaire pour la requête de la CSSSPNQL-AFNQL, cet horaire ne s'appliquera pas en ce qui les concerne.

Thank you.

Judy Dubois
(she / her / elle)

Registry Officer – Canadian Human Rights Tribunal
Administrative Tribunals Support Service of Canada / Government of Canada
registry.office@chrt-tcdp.gc.ca / Tel: 613-878-8802 / Facsimile: 613-995-3484

Agente du greffe – Tribunal canadien des droits de la personne
Service canadien d'appui aux tribunaux administratifs / Gouvernement du Canada
registry.office@chrt-tcdp.gc.ca / Tél.: 613-878-8802 / Télécopieur: 613-995-3484

This is **Exhibit “T”**
to the affidavit of
Jasmine Kaur
sworn before me this
23rd day of July, 2026



A Commissioner for Taking Affidavits

Zsuzsanna Terezia Gutteridge, a Commissioner, etc.,
Province of Ontario, for Conway Baxter Wilson LLP/s.r.l.,
Barristers and Solicitors.
Expires August 27, 2027.

David Taylor

From: CHRT Registry Office <Registry.Office@chrt-tcdp.gc.ca>
Sent: Monday, April 28, 2025 1:41 PM
To: David Taylor; 'sarah@childandfamilylaw.ca'; Kiana Saint-Macary; Peter Mantas; gcy@fasken.com; 'tsun@fasken.com'; 'Anshumala.Juyal@chrc-ccdp.gc.ca'; khizer.pervez@chrc-ccdp.gc.ca; 'Vickery, Paul'; 'Norris, Sarah-Dawn'; 'Jones, Meg'; 'Anderson, Dayna (she; her | elle; la)'; 'Staska, Kevin'; Bird, Sarah (she her elle la); Khan, Jon; Dueck-Read, Alicia (she her elle la); Aman.Owais@justice.gc.ca; 'MWente@oktlaw.com'; Jessie Stirling; Ashley Ash; Katelyn Johnstone; jrogers@oktlaw.com; 'julianf@falconers.ca'; Asha James; Shelby Percival; meaghand@falconers.ca; David Schwartz; Jordan Tully; 'justins@stockwoods.ca'; 'Stephen Aylward'; Jasmine Kaur; Lloyd, Michelle (CHRC/CCDP); Darvill, Jillian (she; her | elle; la); Perrault-Werner, Alisia (she her elle la); Anderson, Jackie (she her elle la); Wong, Theresa (she her elle la)
Cc: Carly Fox; Jodie Currie; Dan Goudge; Alexandra Heine; Kaelan Unrau; Aria Laskin; Karey Brooks; Jade Dumoulin; Maya Ollek; 'Aaron Christoff'; Boucher, Schawn (SD/DS); 'Harold Cochrane'; Alyssa Cloutier; Neil Perley; Roy T. Stewart; Alexandra L. Strang
Subject: Clarification on motions filed - FNCFCSC and AFN v. AGC (CHRT File T1340/7008)
Attachments: 2025-04-16 Treaty 7-Intent to file Interested party submissions-T1340.pdf; 2025-04-24 CHRT-Request for submissions-Treaty 7 Motion for Interested Party status-T1340.pdf

Dear Parties and Moving parties,

The moving parties are included in cc in this email in order that they may be easily identified.

The Tribunal received motions from the CSSSPNQL and APNQL (a joint motion) earlier than the other interested party status motions, which included specific linguistic and legal questions unique to this joint motion. Their filing schedule was already established and materials were in the process of being filed for the entirety of their joint motion. Later, the CSSSPNQL and APNQL clarified with the Tribunal that they also wanted to be included for consideration in the Chiefs of Ontario (COO) and Nishnawbe Aski Nation (NAN) joint motion. The Tribunal determined a way to include them as part of the COO-NAN' s joint motion without disrupting the established schedule.

By April 15, 2025 the Tribunal received motions from the following:

- Assembly of Manitoba Chiefs
- Our Children Our Way
- Federation of Sovereign Indigenous Nations
- Taykwa Tagamou First Nation and Chippewas of Georgina Island (joint motion but were originally counted as two)
- Council of Yukon First Nations
- Confederacy of Treaty Six First Nations
- Ugpi'ganiig (Eel River Bar) First Nation
- Treaty 8 First Nations of Alberta
- Neqotkuk (Tobique) First Nation of the Wolastoqey Nation
- Mi'gmaq Child and Family Services of New Brunswick Inc.

The Chiefs of the Treaty 7 First Nations Chiefs Association (T7FNCA) and its member Nations the Bearspaw Nation, Chiniki Nation, Goodstoney Nation and the Tsuut'ina Nation also sent correspondence seeking interested

party status (letter attached). The Tribunal sought clarification from the Treaty 7 First Nations Chiefs Association (see email attached). The Tribunal will keep the parties and moving parties informed.

The Tribunal hopes that this provides clarification.

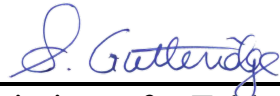
Thank you.

Judy Dubois
(*she / her / elle*)

Registry Officer – Canadian Human Rights Tribunal
Administrative Tribunals Support Service of Canada / Government of Canada
240 Sparks Street, 6th floor West, Ottawa ON K1A 1J4
registry.office@chrt-tcdp.gc.ca / Tel: 613-878-8802 / Facsimile: 613-995-3484

Agente du greffe – Tribunal canadien des droits de la personne
Service canadien d'appui aux tribunaux administratifs / Gouvernement du Canada
240, rue Sparks, 6e étage ouest, Ottawa ON K1A 1J4
registry.office@chrt-tcdp.gc.ca / Tél.: 613-878-8802 / Télécopieur: 613-995-3484

This is **Exhibit “U”**
to the affidavit of
Jasmine Kaur
sworn before me this
23rd day of July, 2026



A Commissioner for Taking Affidavits

Zsuzsanna Terezia Gutteridge, a Commissioner, etc.,
Province of Ontario, for Conway Baxter Wilson LLP/s.r.l.,
Barristers and Solicitors.
Expires August 27, 2027.

David Taylor

From: CHRT Registry Office <Registry.Office@chrt-tcdp.gc.ca>
Sent: Wednesday, May 14, 2025 8:28 AM
To: David Taylor; 'sarah@childandfamilylaw.ca'; Kiana Saint-Macary; Peter Mantas; gcy@fasken.com; 'tsun@fasken.com'; 'Anshumala.Juyal@chrc-ccdp.gc.ca'; khizer.pervez@chrc-ccdp.gc.ca; 'Vickery, Paul'; 'Norris, Sarah-Dawn'; 'Jones, Meg'; 'Anderson, Dayna (she; her | elle; la)'; 'Staska, Kevin'; Bird, Sarah (she her elle la); Khan, Jon; Dueck-Read, Alicia (she her elle la); Aman.Owais@justice.gc.ca; 'MWente@oktlaw.com'; Jessie Stirling; Ashley Ash; Katelyn Johnstone; jrogers@oktlaw.com; 'julianf@falconers.ca'; Asha James; Shelby Percival; meaghand@falconers.ca; David Schwartz; Jordan Tully; 'justins@stockwoods.ca'; 'Stephen Aylward'; Jasmine Kaur; Lloyd, Michelle (CHRC/CCDP); Darvill, Jillian (she; her | elle; la); Perrault-Werner, Alisia (she her elle la); Anderson, Jackie (she her elle la); Wong, Theresa (she her elle la)
Subject: Amended Joint Notice of Motion of COO and NAN - FNCFCSC and AFN v. AGC (CHRT File T1340/7008)

The Panel wishes to advise the parties as follows:

Dear Parties,

The issue raised in the COO and the NAN's Amended Joint Notice of Motion dated May 7, 2025, at paragraph 5 (reproduced below), is central and the Tribunal wishes to address it as expeditiously as possible before ruling on all the interested party status requests to participate in this motion.

5. If COO's and NAN's status as interested parties restricts them from filing this motion to partially settle the Complaint as it relates to Ontario as described in paragraph 2, COO and NAN request that the Tribunal make an order granting COO and NAN additional participation rights for the purposes of bringing this motion or whatever relief the Tribunal deems just pursuant to its responsibility under s.48.9(1) of the Canadian Human Rights Act to ensure proceedings are conducted as informally and expeditiously as the requirements of natural justice and the rules of procedure allow, (emphasis added).

The Tribunal directs the parties to provide detailed submissions in writing in accordance with the schedule below.

COO and NAN's joint detailed submissions by May 21, 2025;

Canada's detailed submissions by May 28, 2025 (Canada consents to the amended joint motion);

Caring Society and AFN's detailed joint or separate submissions by June 4, 2025 (the co-complainants in this case);

Commission by June 11, 2025 (the Tribunal invites the Commission to provide a position given its mandate and expertise on the CHRA's regime and the public interest of such a central question. The Commission has indicated that it prefers responding after the Indigenous parties);

COO and NAN's joint reply by June 18, 2025.

Thank you.

Judy Dubois
(she / her / elle)

Registry Officer – Canadian Human Rights Tribunal
Administrative Tribunals Support Service of Canada / Government of Canada
240 Sparks Street, 6th floor West, Ottawa ON K1A 1J4
registry.office@chrt-tcdp.gc.ca / Tel: 613-878-8802 / Facsimile: 613-995-3484

Agente du greffe – Tribunal canadien des droits de la personne
Service canadien d'appui aux tribunaux administratifs / Gouvernement du Canada
240, rue Sparks, 6e étage ouest, Ottawa ON K1A 1J4
registry.office@chrt-tcdp.gc.ca / Tél.: 613-878-8802 / Télécopieur: 613-995-3484

This is **Exhibit “V”**
to the affidavit of
Jasmine Kaur
sworn before me this
23rd day of July, 2026



A Commissioner for Taking Affidavits

Zsuzsanna Terezia Gutteridge, a Commissioner, etc.,
Province of Ontario, for Conway Baxter Wilson LLP/s.r.l.,
Barristers and Solicitors.
Expires August 27, 2027.

Canadian Human
Rights Tribunal



Tribunal canadien
des droits de la personne

Ottawa, Canada K1A 1J4

May 23, 2025

By Email

(See Distribution List)

Dear Parties:

**Re: First Nations Child and Family Caring Society et al. v. Attorney General of Canada
Tribunal File: T1340/07008**

The Tribunal has reviewed the parties' submissions on the issue of whether the partial joint COO-NAN motion schedule released by this Tribunal on April 8, 2025, should remain or be modified.

As it was previously mentioned The COO and the NAN's Amended Joint Notice of Motion dated May 7, 2025, included the following paragraph:

5. If COO's and NAN's status as interested parties restricts them from filing this motion to partially settle the Complaint as it relates to Ontario as described in paragraph 2, COO and NAN request that the Tribunal make an order granting COO and NAN additional participation rights for the purposes of bringing this motion or whatever relief the Tribunal deems just pursuant to its responsibility under s.48.9(1) of the Canadian Human Rights Act to ensure proceedings are conducted as informally and expeditiously as the requirements of natural justice and the rules of procedure allow.

The Tribunal advised the parties that it viewed this issue as central, and that the Tribunal wished to address it as expeditiously as possible before ruling on all the interested party status requests to participate in this motion.

The Tribunal directed the parties to provide detailed submissions on this issue and the round of submissions is set to be completed on June 18, 2025.

The Tribunal has discretion to determine the process to be followed to deal with the issues before it. The Tribunal does not want to unduly delay the matters; however, for several reasons that will be further explained at a later date, the Tribunal finds it appropriate to answer the important question found at paragraph 5, on a preliminary basis before pursuing with the partial joint motion schedule and determining the related interested parties' motions¹.

Given the upcoming filing deadline of May 30, 2025, in the joint COO-NAN motion, the Tribunal is advising the parties at the earliest occasion and will provide more fulsome reasons in an upcoming ruling.

The Tribunal directs that the OFA partial schedule is now paused until the Tribunal has decided the preliminary questions referred to above in paragraph 5.

Should you have any questions, please do not hesitate to contact the Registry Office by e-mail at registry.office@chrt-tcdp.gc.ca by telephone at (613) 878-8802 or by fax at 613-995-3484.

Yours truly,

Michelle Hannah for Judy Dubois
Registry Officer

¹ *Canada (Canadian Human Rights Commission) v. Canada (Attorney General)*, 2012 FC 445 (CanLII), [2013] 4 FCR 545, at paras. 144 –147.

DISTRIBUTION LIST

David Taylor, Sarah Clarke and Kiana Saint-Macary
Counsel for the First Nations Child and Family Caring Society of Canada

Peter N. Mantas, Gabrielle Cyr and Tina Sun
Counsel for the Assembly of First Nations

Anshumala Juyal and Khizer Pervez
Counsel for the Canadian Human Rights Commission

Paul Vickery, Sarah-Dawn Norris, Meg Jones, Dayna Anderson, Kevin Staska
Sarah Bird, Jon Kahn,, Alicia Dueck-Read, Aman Owais
Counsel for the Attorney General of Canada

Maggie Wente, Jessie Stirling-Voss, Ashley Ash and Katelyn Johnstone
Counsel for Chiefs of Ontario

Julian Falconer, Asha James, Shelby Percival and Meaghan Daniel
Counsel for Nishnawbe Aski Nation

Justin Safayeni and Stephen Aylward
Counsel for Amnesty International

This is **Exhibit “W”**
to the affidavit of
Jasmine Kaur
sworn before me this
23rd day of July, 2026



A Commissioner for Taking Affidavits

Zsuzsanna Terezia Gutteridge, a Commissioner, etc.,
Province of Ontario, for Conway Baxter Wilson LLP/s.r.l.,
Barristers and Solicitors.
Expires August 27, 2027.

**Canadian Human
Rights Tribunal**



**Tribunal canadien
des droits de la personne**

Citation: 2025 CHRT 58

Date: May 29, 2025

File No.: T1340/7008

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 and Northern Affairs Canada)

Respondent

- and -

Chiefs of Ontario

- and -

Nishnawbe Aski Nation

- and -

Amnesty International

Interested parties

Ruling

Members: Sophie Marchildon
Edward P. Lustig

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I. Context – Timetable Variation Joint Motion

[1] On April 8, 2025, the Tribunal directed filing deadlines in relation to the Chiefs of Ontario (COO) and Nishnawbe Aski Nation (NAN)'s Joint Motion (Joint Motion), (seeking an order to approve a Settlement Agreement with Canada that would address the long-term reform of the delivery of child and family services for Ontario, have all the Tribunal orders concerning Ontario replaced by the terms of the Settlement Agreement and of relevance to this ruling, settle the part of the complaint that deals with Ontario) to : May 30, 2025, for those taking no position or supporting the Joint Motion; and June 16, 2025, for those seeking to oppose the Joint Motion, including the requirement that those opposing the Joint Motion file their affidavits by June 16, 2025.

[2] The Tribunal granted leave to the COO and the NAN to file an Amended Joint Motion and the Amended Joint Notice of Motion was filed with the Tribunal on May 7, 2025, included the following paragraph:

5. If the COO's and the NAN's status as interested parties restricts them from filing this motion to partially settle the Complaint as it relates to Ontario as described in paragraph 2, the COO and the NAN request that the Tribunal make an order granting the COO and the NAN additional participation rights for the purposes of bringing this motion or whatever relief the Tribunal deems just pursuant to its responsibility under s.48.9(1) of the Canadian Human Rights Act to ensure proceedings are conducted as informally and expeditiously as the requirements of natural justice and the rules of procedure allow.

[3] On May 14, 2025, after reception of this Amended Joint Notice of Motion, the Tribunal wrote to the parties indicating that the issue raised in the COO and the NAN's Amended Joint Notice of Motion dated May 7, 2025, at paragraph 5 above, is central and the Tribunal wishes to address it as expeditiously as possible before ruling on all the interested party status requests to participate in this Joint Motion.

[4] The Tribunal directed the parties to provide detailed submissions in writing in accordance with the schedule below:

The COO and the NAN's joint detailed submissions by May 21, 2025.

Canada's detailed submissions by May 28, 2025 (Canada consents to the Amended Joint Motion).

The First Nations Child and Family Caring Society of Canada (Caring Society) and the Assembly of First Nations (AFN)'s detailed joint or separate submissions by June 4, 2025 (the co-complainants in this case).

The Commission's submissions by June 11, 2025 (the Tribunal invites the Commission to provide a position given its mandate and expertise on the *CHRA*'s regime and the public interest of such a central question. The Commission has indicated that it prefers responding after the Indigenous parties).

The COO and the NAN's joint reply by June 18, 2025.

[5] On May 14, 2025, the Caring Society wrote to the Tribunal asking for a change of the Joint Motion schedule set on April 8, 2025. The same day, the COO wrote to the Tribunal requesting the opportunity to reply to the Caring Society's submission by end of day on May 16, 2025, given the filing deadlines with respect to the Joint Motion which they are attending to, and will need time to seek instruction from their client and to confer with the NAN.

[6] On May 15, 2025, the Tribunal invited the COO and any other party who wished to file a response to the Caring Society's May 14, 2025, submission to vary the Joint Motion schedule to do so by end of day May 16, 2025. The Caring Society was allowed to file a reply, if any, by May 21, 2025.

[7] On May 23, 2025, the Tribunal found that it had discretion to determine the process to be followed to deal with the issues before it. The Tribunal stated that it did not want to unduly delay the matters; however, for several reasons that would be further explained at a later date, the Tribunal found it appropriate to answer the important question found at paragraph 5 of the Amended Joint Notice of Motion, on a preliminary basis before pursuing with the partial Joint Motion schedule.

[8] This ruling provides the detailed reasons following the Tribunal's May 23, 2025, direction.

II. Parties' submissions on the current Joint Motion schedule set on April 8, 2025

[9] In sum, the Caring Society submits that when the Tribunal set the partial Joint Motion schedule, the April 15, 2025, deadline for Interested Party Motions had not passed (and therefore the number of requests was unknown) and the issue now raised in the Amended Joint Notice of Motion was unknown.

[10] These developments now place all responding parties to the Joint Motion on uncertain ground, as it remains to be seen whether and to what extent there will be interested parties participating, whether those interested parties will be granted leave to file evidence, and what specific relief will be sought in the Joint Motion. The May 30, 2025, and the June 16, 2025, deadlines will be challenging to meet and raise particular procedural concerns for all responding parties, as requiring parties to take a position before fully understanding the relief sought is prejudicial and may cause further procedural hurdles as the Joint Motion moves forward.

[11] To this end, the Caring Society requests that the Panel amend the existing deadlines set out in the April 8, 2025 direction, and direct that the deadlines for those parties taking no position or supporting the Joint Motion, and those parties seeking to oppose the Joint Motion be set for some time after the Panel has ruled on the issue raised in the Amended Joint Notice of Motion.

[12] The COO and the NAN say the Caring Society seeks to extend its own timelines to reply to the Joint Notice of Motion on the Ontario Final Agreement (OFA) approval, in particular its deadline for stating its position on the Joint Motion (being May 30, 2025 or June 16, 2025, depending on whether the Caring Society takes no position on, approves of, or opposes the OFA) until after the Interested Party Motions have been determined and in particular until after the evidence of Chippewas of Georgina Island and Taykwa Tagamou Nation has been filed (if they are granted interested party status). This would result in a delay for the Caring Society to be able to file its position and evidence last, even after any interested parties, resulting in what would be a substantial delay to the hearing of the OFA Motion. That result would cause prejudice to the COO and the NAN and is not in the best interests of children.

[13] The Caring Society suggests they are prejudiced by the direction to file their positions on the Joint Motion because the COO and the NAN have proposed amendments to their Joint Motion to seek clarification of their rights as interested parties.

[14] The COO submits that the timetable should proceed as planned without delay. There is no prejudice to the Caring Society.

[15] The amendments to the Joint Motion raise a limited issue of clarification of the COO's and the NAN's rights as interested parties in the proceeding, which is largely a legal question. The affidavit evidence filed by the COO and the NAN on May 15, 2025, closes the evidence of the moving parties on the Joint Motion (save for reply), including the amendments. The question of clarification of the Moving Parties' rights to request the relief sought in the Joint Motion on OFA Approval does not at all affect the merits of the OFA Approval Motion or the relief sought on the merits of the Joint Motion. It does not change the amount of time that the Caring Society has had to consider its position, or the evidence filed by the Moving Parties and Canada. There is no prejudice to the Caring Society.

[16] As the Tribunal has now directed the COO and the NAN to file their positions on the relief sought by the proposed amendments by May 21, with other parties to follow, the Tribunal can decide this as a preliminary matter. The COO and the NAN will file a draft order regarding this discrete matter to accompany the submissions that the Tribunal has directed them to make by May 21, 2025, so there can be no mistake about the relief sought. Should the Tribunal find that the COO and the NAN have interested party status that extends to a right to bring the Joint Motion, then the Joint Motion can continue as planned.

[17] All parties are now on equal footing with regard to the issue of the COO's and the NAN's rights as interested parties, with submissions on that point due in short order. The Caring Society's ability to take a position on the merits of the OFA Motion, and what information they have before them in formulating that position, remains exactly the same as if there was no amendment sought.

[18] Had the proposed amendments been included in the original Joint Motion, the Caring Society would not have been able to delay taking a position and filing evidence. Their status is unaffected by the proposed amendments and therefore they are not prejudiced.

[19] The COO submits that the OFA Joint Motion should proceed without delay.

[20] The NAN submits that the issue raised in the Amended Joint Notice of Motion regards the Moving Parties' rights to seek the relief as outlined; it is intended to clarify a question of process. This is not a substantive amendment to the OFA Approval Motion, and the evidence, merits, and relief concerning the same, remain as it was initially filed on March 7, 2025. As such, nothing in the Amended Joint Notice of Motion places a responding party on new or uncertain ground, nor prejudices their ability to finalize their position. NAN submits that the only prejudice to be concerned with is that which arises from delay.

[21] Canada supports the positions filed by the COO and the NAN, in response to this request. Canada agrees with the points made by the COO and the NAN, including that their request for expanded participatory rights is irrelevant to the merits of the OFA Joint Motion and the responding parties' ability to formulate a position. Canada requests that the current OFA Motion deadlines remain in place.

[22] The Caring Society submits in reply that the principle concern is the procedural pathway of the Joint Motion: if the COO and the NAN do not have standing to bring the Joint Motion or the Tribunal places parameters on the scope of the relief they can seek as interested parties, it will be essential for all parties to have this information before filing any material on the merits of the Joint Motion.

[23] The Caring Society is concerned about the sequencing, as expending significant resources to prepare for both deadlines (as the Caring Society continues to consider its position) is particularly challenging when it remains unclear whether the COO and the NAN have standing and, if so, what the parameters of that standing may be in relation to the Tribunal's jurisdiction of a human rights complaint brought by the Caring Society and the Assembly of First Nations. Requiring the Caring Society to fully form its position and expend resources before understanding the scope of the relief is procedurally challenging and may be prejudicial to the Caring Society.

[24] In the spirit of supporting access to justice, Caring Society counsel undertakes Tribunal related work on a pro bono basis. Amending the existing deadlines to a date following the Panel's determination of the COO and the NAN's relief set out in paragraph 5

of the Amended Joint Notice of Motion will ensure efficiency of resources in this regard. The Caring Society notes that they rarely seek extensions to timelines and they generally work quickly to compress the schedule on all matters before the Tribunal and requests this to be considered in the determination of the Caring Society's request.

[25] The Tribunal has reviewed the parties' submissions on the issue of whether the partial Joint Motion schedule released by this Tribunal on April 8, 2025, should remain or be modified. The analysis is explained below. This ruling does not deal with the Caring Society's request in their May 8, 2025, submissions for the opportunity to finalize their position on the Joint Motion after the Chippewas of Georgina Island and Taykwa Tagamou Nation file their evidence, to the extent the Panel grants their requested relief as interested parties.

III. Law

[26] Section 48.9 (1) of the *Canadian Human Rights Act, R.S.C., 1985, c. H-6*, (CHRA), stipulates that: "Proceedings before the Tribunal shall be conducted as informally and expeditiously as the requirements of natural justice and the rules of procedure allow."

[27] The Old Rules of procedure have recently been revised in *Canadian Human Rights Tribunal Rules of Procedure, 2021*, SOR/2021-137 (the "New Rules"). Given that this case is ongoing and was initiated under the Old Rules, the Old Rules continue to govern these proceedings.

[28] Rule 1 of the Old Rules stipulate that:

1(1) These Rules are enacted to ensure that

- (a) all parties to an inquiry have the full and ample opportunity to be heard;
- (b) arguments and evidence be disclosed and presented in a timely and efficient manner; and
- (c) all proceedings before the Tribunal be conducted as informally and expeditiously as possible.

1(2) These Rules shall be liberally applied by each Panel to the case before it so as to advance the purposes set out in 1(1).

[29] The Tribunal in these proceedings previously relied on a decision of the Federal Court of Appeal describing as an inherent authority for a Tribunal to control its process, 2019 CHRT 1, at paragraph 26.

[30] *In Canada (Human Rights Commission) v. Canada Post Corp.*, 2004 FC 81 [Canada Post Corp.], at paras. 13-15, the Federal Court discussed the Tribunal's ability to control its process and protect it from abuse:

[13] Administrative tribunals are masters of their own procedure. As Sopinka, J. stated in *Prasad v. Canada (Minister of Employment and Immigration)*, 1989 CanLII 131 (SCC), [1989] 1 S.C.R. 560, at para. 16,

In order to arrive at the correct interpretation of statutory provisions that are susceptible of different meanings, they must be examined in the setting in which they appear. We are dealing here with the powers of an administrative tribunal in relation to its procedures. As a general rule, these tribunals are considered to be masters in their own house. In the absence of specific rules laid down by statute or regulation, they control their own procedures subject to the proviso that they comply with the rules of fairness and, where they exercise judicial or quasi-judicial functions, the rules of natural justice.

[14] A Consequently, it would seem to be perfectly proper for the Tribunal, at the outset of an inquiry, to entertain preliminary motions so as to clear the procedural underbrush. That is precisely what the Tribunal did in this case. It considered the preliminary motion by CPC which argued that it would be an abuse of the Tribunal's process to hold an inquiry into a matter over eight years old that had been subject to two arbitrations and a separate complaint to the Commission. Tribunal member Groarke, on the basis of a motion explicitly addressing the issue of abuse of process, came to the conclusion that an inquiry into that part of the matter related to the transfer request would indeed be an abuse of the Tribunal's process. This was not a review of the decision to refer by the Commission. Rather, it was a de novo decision in which the member was determining how best to deal with the issues which had been referred to the Tribunal.

[15] It strikes me as evident that one cannot maintain that the Tribunal is the "master in its own house" if it cannot protect its own process from abuse.

[31] *In Canada (Canadian Human Rights Commission) v. Canada (Attorney General)*, 2012 FC 445, former Tribunal Chair MacTavish deciding a matter in these proceedings as

a Federal Court Justice, discussed the Tribunal's authority to decide issues on a preliminary basis, at paras. 119 and 144 – 147:

[119] I need not resolve this issue as I am satisfied that the Tribunal correctly concluded that it had the authority to determine the process to be followed in deciding the issues raised by a human rights complaint. The Tribunal also correctly decided that it does not always have to hold a full evidentiary hearing in relation to each and every issue raised by a complaint in order to decide substantive issues coming before it.

[...]

[144] There may also be cases where it is appropriate to decide issues raised by a complaint in stages, in a particular order, so that the hearing may unfold in an efficient manner.

[145] For example, it may be entirely appropriate for the Tribunal to choose to hear and decide a truly discrete or threshold question in advance of the full hearing on the merits of the complaint, particularly if the determination of the question has the potential to narrow the issues, focus the hearing, or dispose of the case altogether.

[146] A hypothetical example discussed during the course of the hearing illustrates this point. The Tribunal could be faced with a pay equity case that would potentially involve a two-year-long hearing, in which a question arises as to whether the relationship between the complainants and the respondent is such that the respondent was in fact an "employer" within the meaning of section 11 of the *Act*. In such a case, it might well be appropriate for the Tribunal to hear and decide this issue first, as a negative decision on this point might dispose of the entire complaint.

[147] Indeed, it would make no sense in this hypothetical scenario to compel the parties to go through the time and expense of a two-year-long hearing, if the legal status of the relationship between the complainants and the respondent was potentially dispositive of the complaint, and could quickly and fairly be determined before a full examination of the wage discrimination issue.

[32] Moreover, the Newfoundland Court of Appeal in *Newfoundland (Human Rights Commission) v. Newfoundland (Health)*, 1998 CanLII 18107 (NL CA), found that the Board of Inquiry can exercise discretion regarding whether to deal with an issue of jurisdiction as a preliminary matter or not. The Board of Inquiry is neither required to deal with an issue of jurisdiction as a preliminary matter, nor to hold a full hearing before determining a

jurisdictional issue. The Board of Inquiry has discretion to determine what is appropriate in the circumstances.

Para 18:

[18] “(...) *Rose (in Memorial University v. Rose)* (1990), 1990 CanLII 6496 (NL CA), 87 Nfld. & P.E.I.R. 233), is an illustration of the application of the principle stated above that in each case a board of inquiry must determine how the issue is to be dealt with in light of what is just and convenient in the circumstances.” (Full Reference for *Rose* added).

Para 21:

[21] When faced with an application to determine a point of law the board of inquiry must decide if it is to exercise its discretion to do so prior to the hearing (...).

IV. Analysis

[33] The Tribunal advised the parties that it viewed this issue as central, and that the Tribunal wished to address it as expeditiously as possible before ruling on all the interested party status requests to participate in this Joint Motion. The Tribunal directed the parties to provide detailed submissions on this issue and the round of submissions is set to be completed on June 18, 2025. Following this round of submissions, the Tribunal must answer the following questions:

- A. Does the COO's and the NAN's status as interested parties restrict them under the CHRA from filing this Joint Motion to partially settle the Complaint as it relates to Ontario as described in paragraph 2 of the Amended Joint Notice of Motion?
- B. Can the Tribunal make an order granting the COO and the NAN additional participation rights for the purposes of bringing a Joint Motion seeking to partially settle a complaint?
- C. Is there a relief that the Tribunal deems just, in the specific context of this case and the COO and the NAN's Amended Joint Notice of Motion, pursuant to its responsibility under s.48.9(1) of the Canadian Human Rights Act to ensure proceedings are conducted as informally and expeditiously as the requirements of natural justice and the rules of procedure allow?

[34] Given the nature of the questions that must be answered, the Tribunal does not find it efficient to rule on all the Interested Party Status Motions prior to answering the questions above especially if the questions were to be answered in the negative. Given the complexity and volume of materials in the underlying Joint Motion (including multiple interested party requests), the potential benefits of addressing the standing and jurisdictional issue on a preliminary basis is an efficient use of the Tribunal and the parties' resources. If the COO and the NAN do not have standing to bring the Joint Motion, addressing this issue on a preliminary basis may render the Interested Party Status Motions moot. Furthermore, if orders are made by the Tribunal under the third question above, this may require new submissions from the parties and/or from those who are seeking Interested Party Status in the Joint Motion.

[35] If the Tribunal answers question one or two in the affirmative, the Tribunal can expeditiously determine all the Interested Party Status Motions and set the rest of the Joint Motion schedule without too much delay.

[36] Moreover, the Tribunal does not believe that it is appropriate to maintain the current partial schedule given the multiple possibilities of answers to the questions above that may impact the status of the Joint Motion.

[37] Furthermore, this Joint Motion involves two hearings, one for the cross-examinations of the affiants and one to hear arguments which involves significant resources for the parties and the Tribunal. It is in no one's interest to wait until the two hearings are completed to answer the questions above. Akin to the reasoning of Justice MacTavish above, it would make no sense to compel the parties to go through the time and expense of two hearings, if the Tribunal can quickly and fairly determine the questions above, before a full examination of the Joint Motion.

[38] The Tribunal finds that it is just and convenient in the circumstances, to suspend the current Joint Motion partial schedule and determine the questions above, on a preliminary basis.

[39] The Tribunal views the questions above as holding a public interest and having precedential value given the significant aspects of the questions above that involve the statutory regime of the *CHRA*.

[40] The Tribunal believes that it is correctly applying its discretion to suspend the partial Joint Motion schedule and to determine the questions above on a preliminary manner in accordance with the law explained in the previous section.

V. Procedural Order

[41] As previously communicated to the parties:

- A. The Tribunal will deal with the question of the COO and the NAN's ability to bring the COO-NAN Joint Motion on the Ontario Final Agreement (as set out in paragraph 5 of their Amended Joint Notice of Motion) on a preliminary basis.
- B. The remaining schedule to address the COO-NAN Joint Motion on the Ontario Final Agreement is suspended.

Signed by

Sophie Marchildon
Panel Chairperson

Edward P. Lustig
Tribunal Member

Ottawa, Ontario
May 29, 2025

Canadian Human Rights Tribunal

Parties of Record

Tribunal File: T1340/7008

Style of Cause: First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)

Ruling of the Tribunal Dated: [Click here to enter a date.](#)

Dealt with in writing without appearance of parties

Written representations by:

David P. Taylor, Sarah Clarke, Kiana Saint-Macary and Robin McLeod, counsel for the First Nations Child and Family Caring Society of Canada, the Complainant

Anshumala Juyal and Khizer Pervez, counsel for the Canadian Human Rights Commission

Paul Vickery, Sarah-Dawn Norris, Meg Jones, Dayna Anderson, Kevin Staska, Sarah Bird, Jon Khan, Alicia Dueck-Read and Aman Owais, counsel for the Attorney General of Canada, the Respondent

Maggie Wente, Jessie Stirling, Ashley Ash and Katelyn Johnstone, counsel for the Chiefs of Ontario, Interested Party

Julian Falconer, Asha James, Shelby Percival and Meaghan Daniel, counsel for the Nishnawbe Aski Nation, Interested Party