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### ***Via Email***

Our File Number: LEX-500219273

August 21, 2026

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

Dear Member Marchildon,

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

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We acknowledge receipt of your correspondence dated August 13, 2026 and thank you for the opportunity to respond.

At the outset, Canada reiterates the importance of the Ontario Final Agreement, the significance of the issues addressed in the March 30, 2026 Letter Decision, and the genuine interest of all parties in receiving a more complete explanation of the Tribunal's reasoning. Canada appreciates the substantial work that has been devoted to the preparation of the further detailed reasons and agrees that all parties would benefit from receiving them.

At the same time, Canada continues to view the present issue as a question of lawful authority, not one of agreement, acceptance, or consent. If there is a lawful basis upon which the further detailed reasons may properly be issued as reasons of the Panel as constituted at the time of the Letter Decision, that authority exists independently of Canada's position. Conversely, if such authority is lacking, it cannot be supplied by the parties' agreement or acquiescence.

Collectively, we are faced with an unusual sequence of events that now presents difficult questions regarding the Tribunal's authority and the legal path forward in circumstances for which we have found no directly applicable authority. While we do not suggest that those circumstances were intentionally created by anyone, Canada is not in a position, through agreement, acceptance, or consent, to resolve those questions or provide the Tribunal with a lawful basis for proceeding. Rather, Canada can only provide its position on the resulting legal issues, based on the information presently available.

Canada has already provided detailed submissions respecting the legal consequences of Member Lustig's resignation, the Panel's loss of quorum, and the information shared

**Canada** 

regarding the preparation, review, approval and issuance of the further detailed reasons.<sup>1</sup> We do not propose to repeat those submissions here. They reflect Canada's considered position on the legal issues raised by these highly unusual circumstances, consistent with the Attorney General of Canada's public law responsibilities.

The Tribunal now has Canada's position. We respect that the Tribunal must determine its next steps as it considers appropriate.

Yours truly,



**Dayna Anderson**

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<sup>1</sup> See Canada's July 28, 2026 letter to the Tribunal (Chairperson Khurana), Canada's August 4, 2026 letter to the Tribunal (Member Marchildon) and Canada's August 14, 2026 Reply Submissions (Panel Recomposition Request).

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