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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”), in response to the submissions of the Attorney General of Canada (“Canada”) dated August 4, 2026 with respect to the Tribunal’s proposed approach for the issuance of its reasons on the Ontario Final Agreement (“OFA”) and pursuant to the direction of the Tribunal on the same date.

As the AFN previously stated in its last correspondence to the Tribunal on this issue, the AFN supports and adopts the submissions of the Chiefs of Ontario (“COO”) and Nishnawbe Aski Nation (“NAN”), and, accordingly, consents to the Tribunal’s proposed approach. Notably, as detailed in their respective submissions of August 4, 2026, all of the First Nations parties, including Taykwa Tagamou Nation and the Chippewas of Georgina Island, as well as the First Nations Child and Family Caring Society of Canada, consent to the Tribunal’s proposed approach.

As COO and NAN submitted, the CHRA contains no general quorum requirement for an inquiry panel under the *Canadian Human Rights Act* (“CHRA”). The CHRA remains the relevant statutory framework that governs membership of the Panel. Canada’s assertion that the Panel is now inquorate incorrectly relies on the *Interpretation Act*. The AFN’s submission to Chairperson Khurana on August 7, 2026, continues to reflect its position on the composition of the Panel as a whole, as well as in the specific matter relating to the OFA. In sum, the AFN opposes Canada’s position and its reasoning.

The determination on the OFA matter has already been made; the remaining task is to complete the Tribunal’s reasons for that determination, in circumstances where Member Marchildon has indicated that she is bound by the decision jointly rendered before Member Lustig’s resignation from the case.

As COO and NAN rightfully noted, the OFA approval decision addresses foundational questions regarding First Nations self-determination, long-term reform of child and family services, substantive equality, accountability, implementation of the OFA, and the continuing effect of the

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Tribunal's remedial orders. The detailed reasons will therefore serve an important practical function for affected First Nations, including as guidance for implementation of the OFA and as a reference point for future disputes relating to the OFA.

For these reasons, the AFN submits that Canada's position should be rejected. The CHRA does not require the Tribunal to abandon or diminish the detailed reasons contemplated by the March 30, 2026 Letter Decision. Member Marchildon should be permitted to complete and issue those reasons as reasons of the Tribunal, or, if the Tribunal considers any further procedural step necessary, through any lawful mechanism that permits their completion and issuance.

Yours truly,

FASKEN MARTINEAU DuMOULIN LLP



Peter Mantas

Cc:

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

*Julian Falconer, Meaghan Daniel, and Erin McMurray – Counsel for the Nishnawbe Aski Nation
David Taylor, Henna Mohan, Sarah Clarke, Robin McLeod – Counsel for the First Nations Child and Family Caring Society of Canada*

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

Justin Safayeni and Spencer Bass – Counsel for Georgina Island First Nation and Taykwa Tagamou Nation

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