

**SPECIFIC CLAIMS TRIBUNAL**

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TRIBUNAL DES REVENDEICATIONS PARTICULIÈRES		
F I L E D	September 14, 2021	D E P O S E
Alexandre Bois		
Ottawa, ON	7	

B E T W E E N:

**COTE FIRST NATION**

Claimant

- and -

**HER MAJESTY THE QUEEN IN RIGHT OF CANADA**

As represented by the Minister of Crown-Indigenous Relations and Northern Affairs

Respondent

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**RESPONSE**

**Pursuant to Rule 42 of the  
*Specific Claims Tribunal Rules of Practice and Procedure***

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This Response is filed under the provisions of the *Specific Claims Tribunal Act* and the *Specific Claims Tribunal Rules of Practice and Procedure*.

TO: Cote First Nation  
As represented by  
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## **I. Overview**

1. The Respondent, Her Majesty the Queen in right of Canada (Canada) is committed to reconciliation and a renewed nation-to-nation relationship with Indigenous peoples based on recognition of rights, respect, cooperation and partnership. This commitment exists within the context of litigation and beyond. Canada endeavours to embody these principles as it assists the Tribunal in its task of adjudicating matters brought before it.
2. Canada favours resolving claims made by Indigenous peoples through negotiation and settlement. Canada will continue to pursue all appropriate forms of resolution as this claim proceeds through the Tribunal process.
3. The claim relates to whether Canada breached statutory and fiduciary obligations to Cote First Nation with respect to the surrender and taking of portions of Indian Reserve No. 64 (IR 64) for road purposes, a land exchange and the return to reserve status of unsold surrendered lands between 1906 and 1976.
4. Canada admits:
  - a) it breached a statutory duty to Cote First Nation regarding a surrender of IR 64 lands in 1911; and
  - b) it breached fiduciary duties to Cote First Nation regarding:
    - i. surrenders of IR 64 lands in 1906 and 1911;
    - ii. takings of IR 64 lands in 1922 and 1936;
    - iii. a land exchange in 1909; and
    - iv. a return of lands to IR 64 in 1916 and 1917.
5. Canada does not admit:
  - a) it breached statutory duties to Cote First Nation regarding:

- i. a surrender of IR 64 lands in 1906;
    - ii. takings of reserve lands in 1922, 1933, 1936, 1943 or 1972; or
    - iii. an asserted taking of reserve lands in 1976; or
  - b) it breached fiduciary duties to Cote First Nation regarding:
    - i. takings of reserve lands in 1933, 1943 or 1972; or
    - ii. an asserted taking of reserve lands in 1976.
6. Cote First Nation has filed a separate claim with the Tribunal regarding asserted mismanagement by Canada of Cote First Nation's Trust accounts from 1903 to the present (SCT-5001-21). To the extent there is any overlap between this claim and the present claim, Canada reserves its right to amend this Response to address such overlap.

## **II. Status of Claim**

7. Canada admits the requirements in paragraph 16(1)(b) of the *Specific Claims Tribunal Act*, SC 2008, c 22 (*SCTA*) are satisfied, as stated in paragraphs 2-4 of the Declaration of Claim. Pertinent facts are as follows:
- a) Cote First Nation's claim was deemed filed with the Minister of Indigenous and Northern Affairs Canada, now the Minister of Crown-Indigenous Relations (the Minister), on September 6, 2017;
  - b) The claim asserted Canada breached its statutory and fiduciary obligations to Cote First Nation by "illegally alienating" parcels of IR 64 for road purposes between 1906 and 1976; and
  - c) As of September 6, 2020, the Minister had not notified Cote First Nation in writing that she had either accepted or declined to negotiate the claim. On August 12, 2021, the Minister sent a written offer to negotiate the claim to Cote First Nation.

8. Canada acknowledges Cote First Nation is not seeking compensation in excess of \$150 million, as stated in paragraph 5 of the Declaration of Claim.
9. Canada admits Cote First Nation's claim falls within section 14(1) of the *SCTA*, as stated in paragraph 6 of the Declaration of Claim.

### **III. Canada's Position Regarding the Validity of the Claim**

10. Canada admits certain breaches outlined in paragraphs 50, 51, 68 and 69 of the Declaration of Claim. Specifically:
  - a) breach of a statutory duty to Cote First Nation regarding a surrender of IR 64 lands in 1911; and
  - b) breach of fiduciary duties to Cote First Nation regarding:
    - i. surrenders of IR 64 lands in 1906 and 1911;
    - ii. takings of IR 64 lands in 1922 and 1936;
    - iii. a land exchange in 1909; and
    - iv. a return of lands to IR 64 in 1916 and 1917.
11. Canada does not admit certain asserted breaches outlined in paragraphs 50, 51, 68 and 69 of the Declaration of Claim. Specifically, Canada does not admit:
  - a) it breached statutory duties to Cote First Nation regarding:
    - i. a surrender of IR 64 lands in 1906;
    - ii. takings of reserve lands in 1922, 1933, 1936, 1943 or 1972; or
    - iii. an asserted taking of reserve lands in 1976; or
  - b) it breached fiduciary duties to Cote First Nation regarding:
    - i. takings of reserve lands in 1933, 1943 or 1972; or

- ii. an asserted taking of reserve lands in 1976.

*1906 Surrender*

12. In response to paragraphs 52 and 53 of the Declaration of Claim, Canada states the 1906 surrender was in accordance with the 1906 *Indian Act*.
13. In response to paragraphs 75-77 of the Declaration of Claim, Canada admits it breached its pre-surrender fiduciary duty to Cote First Nation in relation to the 1906 surrender by failing to properly compensate Cote First Nation for the surrendered lands.

*1909 Land Exchange*

14. In response to paragraph 74 of the Declaration of Claim, Canada admits it breached its fiduciary duty to Cote First Nation in relation to the 1909 land exchange by failing to thoroughly explain which lands would be given up by Cote First Nation, and which lands would be received in exchange.

*1911 Surrender*

15. Canada admits it failed to comply with the 1906 *Indian Act* in relation to the 1911 surrender, as stated in paragraphs 56 and 57 of the Declaration of Claim. Canada admits the surrender is invalid.
16. In response to paragraphs 80-81 of the Declaration of Claim, Canada admits it breached its pre-surrender fiduciary duty to Cote First Nation in relation to the 1911 surrender by failing to properly compensate Cote First Nation for the surrendered lands.

*1916-17 Return of Lands to Reserve Status*

17. Canada admits it breached a fiduciary duty to Cote First Nation in relation to the 1916-17 return of lands surrendered in 1913-14 by failing to return the road allowances or securing proper compensation for them. Canada does not admit any other breaches of fiduciary duties to Cote First Nation in relation to the 1916-17

return of lands to reserve status, as asserted in paragraph 71 of the Declaration of Claim.

*1922 Taking*

18. In response to paragraphs 54 and 55 of the Declaration of Claim, Canada states it did not breach any statutory duties to Cote First Nation in relation to the 1922 taking.
19. In response to paragraph 78 of the Declaration of Claim, Canada admits it breached a fiduciary duty to Cote First Nation in relation to the 1922 taking by failing to ensure Cote First Nation was properly compensated for the taken lands. Canada does not admit any other breaches of fiduciary duties to Cote First Nation in relation to the 1922 taking.

*1933 Taking*

20. In response to paragraph 59 of the Declaration of Claim, Canada states it did not breach any statutory duties to Cote First Nation in relation to the 1933 taking.
21. In response to paragraph 83 of the Declaration of Claim, Canada states it did not breach any fiduciary duties to Cote First Nation in relation to the 1933 taking.

*1936 Taking*

22. In response to paragraph 61 of the Declaration of Claim, Canada states it did not breach any statutory duties to Cote First Nation in relation to the 1936 taking.
23. In response to paragraph 84 of the Declaration of Claim, Canada admits it breached a fiduciary duty to Cote First Nation in relation to the 1936 taking by failing to ensure Cote First Nation was properly compensated for the taken lands. Canada does not admit any other breaches of fiduciary duties to Cote First Nation in relation to the 1936 taking.

*1943 Taking*

24. In response to paragraph 63 of the Declaration of Claim, Canada states it did not breach any statutory duties to Cote First Nation in relation to the 1943 taking.
25. In response to paragraph 85 of the Declaration of Claim, Canada states it did not breach any fiduciary duties to Cote First Nation in relation to the 1943 taking.

*1972 Taking*

26. In further response to paragraph 64 of the Declaration of Claim, Canada states it did not breach any statutory duties to Cote First Nation in relation to the 1972 taking.
27. In response to paragraph 86 of the Declaration of Claim, Canada states it did not breach any fiduciary duties to Cote First Nation in relation to the 1972 taking.

*1976 Taking*

28. In response to paragraphs 65 and 87 of the Declaration of Claim, Canada states there is currently no evidence that the asserted widening of Highway 8 through IR 64 ever occurred, or that IR 64 lands were surrendered or taken for that purpose. Canada states it did not breach any statutory or fiduciary duties to Cote First Nation in relation to the proposed widening of Highway 8.
29. Should new evidence come to light regarding these transactions, Canada will consider whether amendments to this Response are appropriate.
30. Canada states paragraphs 66-67, 82 and 88-90 of the Declaration of Claim are legal argument and are not appropriate for a pleading. Canada will respond to the legal argument at the appropriate time in these proceedings.
31. For those breaches of statutory and fiduciary duties Canada admits, Canada states it owes Cote First Nation compensation pursuant to paragraphs 20(1)(e), (g) and (h) of the *SCTA*.

32. Solicitor-client costs requested in paragraph 91(e) of the Declaration of Claim are not appropriate in this case.

#### **IV. Canada's Position Regarding Allegations of Fact in the Declaration of Claim**

33. Canada admits paragraph 1 of the Declaration of Claim and states Cote First Nation is a "First Nation" within the meaning of subsection 2(a) of the *SCTA* and a "band" within the meaning of the *Indian Act*, RSC 1985, c I-5 and Treaty 4. Canada further states IR 64 is located in southeastern Saskatchewan.
34. Canada admits paragraph 10 of the Declaration of Claim and states Chief Gabriel Cote signed Treaty 4 at Qu'Appelle, Saskatchewan in 1874 on behalf of Cote First Nation.
35. Canada admits paragraph 11 of the Declaration of Claim and states Treaty 4 included an undertaking that Canada would set aside reserves for each adherent band.
36. In response to paragraph 12 of the Declaration of Claim, Canada states IR 64 was surveyed in 1877, was 36,160 acres in size and was confirmed by Order-in-Council PC 1151 on May 17, 1889. In response to the remainder of paragraph 12, while not admitting the specific years and acreages pled by Cote First Nation, Canada acknowledges IR 64 was reduced in size in the early twentieth century through a series of surrenders and takings of reserve lands. Canada later returned some of the surrendered lands to reserve status.
37. Canada admits paragraph 7 of the Declaration of Claim and states the *Dominion Lands Act*, SC 1872, c 23 introduced the Dominion Land Survey System, used to survey and subdivide lands in western Canada into grid-based townships, sections and quarter sections. Road allowances were located between townships and sections, but their acreage was considered part of townships.
38. Canada admits paragraph 8 of the Declaration of Claim and states most road allowances in Saskatchewan are 66 feet wide. However, some road allowances in

southeastern Saskatchewan, including most road allowances on IR 64, are 99 feet wide. These wider road allowances were surveyed between 1871 and 1880.

39. In response to paragraph 13 of the Declaration of Claim, Canada states Order-in-Council PC 1841 authorized the Canadian Northern Railway Company to purchase 241.94 acres surrendered from IR 64 from the Department of Indian Affairs (DIA) for the Kamsack town site in 1904. Order-in-Council PC 1841 did not authorize the purchase of 30.06 acres surrendered from IR 64 for station grounds. Canada admits the remainder of paragraph 13 and states 44.56 acres of IR 64 were sold to the Canadian Northern Railway Company in 1903 for a railway right of way across the reserve. Order-in-Council PC 1173, dated July 14, 1903, authorized the sale.
40. Canada admits paragraph 14 of the Declaration of Claim and states Cote First Nation surrendered approximately 18,044 acres of IR 64 on December 14, 1905. Approximately 12,000 acres were surrendered for sale, and approximately 6,000 acres were surrendered in exchange for haylands. The surrender included subsequently surveyed road allowances. Order-in-Council PC 3, dated January 12, 1906, authorized the surrender.
41. Canada admits paragraph 15 of the Declaration of Claim and states IR 64 was divided into townships and sections in 1906.
42. Canada admits paragraph 16 of the Declaration of Claim and states Cote First Nation surrendered 10,683 acres of IR 64 on June 20, 1907. Order-in-Council PC 1886, dated August 21, 1907, authorized the surrender.
43. Canada admits paragraph 17 of the Declaration of Claim and states Cote First Nation surrendered 10,422 acres of IR 64 on November 20, 1913. The surrender included road allowances. Order-in-Council PC 3066, dated December 8, 1913, authorized the surrender. Some of the lands surrendered overlapped with lands surrendered in 1905.
44. Canada admits paragraph 18 of the Declaration of Claim and states Cote First Nation surrendered 164 acres of IR 64 in 1914. Order-in-Council PC 1321, dated

May 18, 1914, authorized the surrender. These lands were inadvertently omitted from the 1913 surrender.

45. Canada admits paragraph 19 of the Declaration of Claim and states in 1915, government officials determined unsold lands surrendered by Cote First Nation should be returned to IR 64.
46. Canada admits paragraph 20 of the Declaration of Claim and states Order-in-Council PC 2162, dated September 17, 1915, transferred some undeveloped road allowances on surrendered IR 64 lands to Saskatchewan, including road allowances surrendered in 1913 and 1914.
47. In response to paragraphs 21 and 70 of the Declaration of Claim, Canada states Order-in-Council PC 556 returned 4,875 acres to IR 64 in 1917, not Order-in-Council PC 5666. Canada admits the remainder of paragraphs 21 and 70 and states Order-in-Council PC 1106, dated May 11, 1916, returned 5,383 acres to IR 64. The lands returned in 1917 did not include approximately 270 acres of undeveloped road allowances surrendered in 1913 and 1914, which had been transferred to Saskatchewan.
48. Canada admits paragraph 22 of the Declaration of Claim and states Order-in-Council PC 963, dated June 27, 1963, returned unsold lands surrendered in 1905 to IR 64. The transfer did not include some road allowances that had been transferred to Saskatchewan in 1915.
49. In response to paragraph 23 of the Declaration of Claim, Canada states Order-in-Council PC 2004, dated September 25, 1909, returned some lands to IR 64. These returned lands did not include the intervening road allowances. Canada is currently unable to confirm the total acreage of road allowances within the returned lands.
50. Canada admits paragraph 24 of the Declaration of Claim and states there were three road allowances with roads built on them within IR 64.
51. Canada admits paragraph 25 of the Declaration of Claim and states that in 1905, the Government of the Northwest Territories requested that land be reserved for a road

along the north-east limit of the Canadian Northern Railway entering the Town of Kamsack.

52. Canada admits paragraphs 26 and 28 of the Declaration of Claim and states Cote First Nation surrendered 20 acres of IR 64 for road purposes on December 15, 1906. Order-in-Council PC 57, dated January 14, 1907, authorized the surrender. Cote First Nation was not compensated for the surrendered lands.
53. Canada admits paragraph 27 of the Declaration of Claim and states Order-in-Council PC 634, dated March 26, 1919, annulled the 1906 surrender of approximately 1.5 acres. These lands were never returned to IR 64.
54. In response to paragraph 29 of the Declaration of Claim, Canada states a road was surveyed on IR 64 in 1922 to provide access between two nearby road allowances. One road allowance was within the lands surrendered by Cote First Nation in 1905, and the other had been surveyed in 1906. Canada states the proposed road was 10.56 acres in size, not 1.58 acres.
55. Canada admits paragraph 30 of the Declaration of Claim regarding the 1922 provincial Department of Highways application to transfer a road allowance not included with the 1915 transfer of road allowances to Saskatchewan, except that Order-in-Council PC 2162 was passed on September 17, 1915, not September 19, 1915.
56. Canada admits paragraph 31 of the Declaration of Claim regarding the 1922 transfer of a road allowance to Saskatchewan, and states the road allowance was not surrendered or expropriated, and was transferred to Saskatchewan without compensation to Cote First Nation.
57. Canada admits paragraphs 32 and 33 of the Declaration of Claim regarding the construction of Highway 8 in two stages or sections. The first section was surveyed in 1908 and required IR 64 lands were surrendered in 1911. The second section was surveyed in 1924 with road improvements and modifications on IR 64 in 1933, 1936 and 1943.

58. In response to paragraphs 34-36, 79 and 80 of the Declaration of Claim regarding the 1911 survey and surrender of 72.49 acres of IR 64 for road purposes, Canada states Saskatchewan requested IR 64 lands for the first section of Highway 8 in April 1911. Cote First Nation surrendered 72.49 acres of IR 64 without compensation in June 1911, and the surrender was confirmed by Order-in-Council P.C. 1649 on July 22, 1922. The recommendation to the Governor in Council to accept the surrender stated that the road would be of use for the public and the Band. The portions of paragraph 80 containing legal allegations are addressed at paragraph 16 of this Response.
59. Canada admits paragraphs 37 and 38 of the Declaration of Claim regarding the survey and planning of the second section of Highway 8 and states a survey was prepared in 1924 to straighten the highway. Some of this straightening would be on IR 64.
60. In response to paragraphs 39, 40 and 59 of the Declaration of Claim regarding the 1933 transfer of 35.64 acres of IR 64 to Saskatchewan for road purposes, Canada states Cote First Nation received sufficient compensation for the taken lands. At the time of the taking, both Canada and Saskatchewan had considered providing Cote First Nation with compensation. The reason for the taking was that Highway 8 as constructed diverted a few feet in some places from the original road allowance that had previously been expropriated and transferred to Saskatchewan. The purpose of the 1933 taking was to regularize the deviations from the original road allowance. This was achieved by Saskatchewan abandoning to Canada lands previously expropriated for the original road allowance and a new transfer by Canada to Saskatchewan of almost identical IR 64 lands.
61. Canada admits paragraph 58 of the Declaration of Claim regarding the 1933 transfer of 35.64 acres of IR 64 to Saskatchewan for road purposes. In further response to paragraph 59, Canada states that, in addition to receiving compensation, Cote First Nation received notice of the 1933 taking in accordance with statutory requirements.

62. Canada admits paragraphs 41, 42 and 60 of the Declaration of Claim regarding the 1936 taking of 0.028 acres of IR 64 for improvements to Highway 8 without compensation to Cote First Nation. Order-in-Council P.C. 56 dated January 11, 1936 authorized the taking and provided that “the construction would be of sufficient benefit to the reserve lands to justify its transfer without compensation.”
63. Canada admits paragraphs 43, 44 and 62 of the Declaration of Claim regarding the 1943 taking of two parcels of IR 64 totalling 1.63 acres to create two curves in Highway 8. These parcels were surveyed in 1937 and the taking was authorized by Order-in-Council P.C. 3659 May 4, 1943 under section 48 of the 1927 *Indian Act*. Cote First Nation received \$57.05 in compensation for the taken lands.
64. Canada admits the facts pled in paragraphs 45-47 and 64 of the Declaration of Claim regarding the 1972 taking of 74.29 acres of IR 64 to widen part of Highway 8 and create a new road right of way, except that Cote First Nation received \$4,506.50 in compensation for the taken lands, not \$3,706.50. The taking was authorized by Order-in-Council P.C. 1972-2633 dated November 16, 1972 pursuant to section 35 of the 1970 *Indian Act*. Simultaneously, three parcels of land totalling 37.298 acres were returned to IR 64. The portions of paragraph 64 containing legal allegations are addressed at paragraph 26 of this Response.
65. In response to paragraphs 48 and 49 of the Declaration of Claim regarding the asserted widening of Highway 8 through IR 64 in 1976, Canada states there is currently no evidence the widening occurred.
66. Canada admits paragraphs 72 and 73 of the Declaration of Claim regarding the 1905 surrender of approximately 18,044 acres of IR 64, described as a single block of land. Order-in-Council P.C. 2004 dated September 25, 1909 added lands to IR 64 in exchange for the lands surrendered in 1905. While the 1905 surrendered lands included road allowances, the 1909 lands added to IR 64 in exchange did not.

## **V. Canada's Statement of Facts**

67. On September 24, 1874, Chief Gabriel Cote signed Treaty 4 at Qu'Appelle, Saskatchewan on behalf of Cote First Nation.
68. Canada surveyed IR 64 in 1877. Order-in-Council PC 1151 confirmed IR 64 on May 17, 1889. IR 64 was located in southeastern Saskatchewan, east of the Assiniboine River, and had an area of 36,160 acres.
69. Portions of IR 64 were surrendered or otherwise taken and sold in the twentieth century. Canada later returned some of these lands to reserve status.

### *1906 Surrender*

70. In 1906, Saskatchewan sought 20 acres of IR 64 for the construction of a road to access a nearby bridge over the Assiniboine River. The DIA sought Cote First Nation's agreement to surrender the required lands. Cote First Nation provided a surrender on December 15, 1906, and Orders-in-Council PC 50 and PC 57 approved the surrender on January 14, 1907. Cote First Nation was not compensated for the surrendered lands.

### *1909 Land Exchange*

71. Cote First Nation surrendered approximately 20,000 acres of IR 64 to Canada on December 14, 1905. The surrender included road allowances on the surrendered lands. Order-in-Council PC 3, dated January 12, 1906, approved the surrender. In 1909, a comparable amount of land was added to the reserve. Road allowances were not included in these lands. Order-in-Council PC 2004, dated September 25, 1909, finalized the transaction.

### *1911 Surrender*

72. Saskatchewan sought 72.49 acres of IR 64 for the construction of a road leading north from the Town of Kamsack in 1911. The DIA sought Cote First Nation's agreement to surrender the required lands, which was given on June 12, 1911. The

surrender was approved by Order-in-Council PC 1649 on July 22, 1911. Cote First Nation was not compensated for the surrendered lands.

*1916-17 Return of Lands to Reserve Status*

73. In 1916 and 1917 Canada returned 10,258 acres of unsold surrendered lands to IR 64 for the use and benefit of Cote First Nation. Orders-in-Council PC 1106 and PC 556, dated May 11, 1916 and February 28, 1917 respectively, authorized these transfers. Undeveloped road allowances previously surrendered by Cote First Nation in 1913 and 1914 were not returned to IR 64.

*1922 Taking*

74. In 1922, Canada transferred 10.56 acres of IR 64 to Saskatchewan for road purposes, pursuant to section 46 of the 1906 *Indian Act*. Order-in-Council PC 1324, dated June 29, 1922, authorized the taking. Cote First Nation was not compensated for the taken lands.

*1933 Taking*

75. In 1933, Canada transferred 35.64 acres of IR 64 to Saskatchewan for road purposes, pursuant to section 48 of the 1927 *Indian Act*. Order-in-Council PC 342, dated March 4, 1933, authorized the taking. Cote First Nation received compensation for the taken lands. Adjacent lands were previously transferred to Saskatchewan for road purposes, but Highway 8 as actually constructed deviated a few feet in some places from the original road allowance. The purpose of the 1933 taking was to regularize the deviations from the original road allowance. This was achieved by Saskatchewan abandoning to Canada lands previously expropriated for the original road allowance and a new transfer by Canada to Saskatchewan of almost identical IR 64 lands.

*1936 Taking*

76. Canada transferred 0.028 acres of IR 64 to Saskatchewan for road purposes in 1936, pursuant to section 48 of the 1927 *Indian Act*. Order-in-Council PC 56, dated

January 11, 1936, authorized the taking. Saskatchewan returned these lands to Canada on July 29, 1971. Cote First Nation was not compensated for the taken lands.

*1943 Taking*

77. Canada transferred 1.63 acres of IR 64 to Saskatchewan for road purposes in 1943, pursuant to section 48 of the 1927 *Indian Act*. Order-in-Council PC 3659, dated May 4, 1943, authorized the taking. Cote First Nation and two members directly affected by the taking received a total of \$57.05 in compensation.

*1972 Taking*

78. Canada transferred 74.29 acres of IR 64 to Saskatchewan for road purposes in 1972, pursuant to section 35 of the 1970 *Indian Act*. Order-in-Council PC 2633, dated November 16, 1972, authorized the taking. Cote First Nation received compensation of \$4,506.50 for the taken lands. By the same Order-in-Council, 37.298 acres were returned to IR 64.

*1976 Taking*

79. In 1976, Saskatchewan began developing a project to widen Highway 8. Part of this work was planned to be done through IR 64. Cote First Nation granted permission to the Saskatchewan Department of Highways to survey the required right of way along Highway 8 through Band Council Resolution No. 356, dated August 12, 1976. Canada, Saskatchewan and Cote First Nation discussed compensation for the project in 1977. A plan for the road widening was completed and filed in 1978, but the project was abandoned in 1980.

**VI. Canada's Statement of Relief**

80. Canada seeks the following relief:
  - a. Dismissal of those portions of the Declaration of Claim Canada does not admit;

- b. For those portions of the Declaration of Claim Canada admits, an assessment of compensation owing to Cote First Nation;
- c. Costs as determined appropriate by the Tribunal; and
- d. Such further relief as counsel may request and this Honourable Tribunal deem just.

**VII. Communication (R. 42(g))**

The Respondent's address for the service of documents is:

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Dated this 14<sup>th</sup> day of September, 2021.



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