

**SPECIFIC CLAIMS TRIBUNAL**

BETWEEN:

COTE FIRST NATION

and

HIS MAJESTY THE KING IN RIGHT OF CANADA  
as represented by the Minister of Crown-Indigenous Relations

Respondent

SPECIFIC CLAIMS TRIBUNAL		
TRIBUNAL DES REVENdicATIONS PARTICULIÈRES		
F I L E D	January 7, 2026	D É P O S É
Susie Thorsley		
Ottawa, ON	6	

Claimant

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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*, SC 2008, c 22, and the *Specific Claims Tribunal Rules of Practice and Procedure*, SOR/2011-119.

TO: Cote First Nation  
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## Overview

1. Canada is committed to reconciliation and a renewed nation-to-nation relationship with Indigenous peoples based on recognition of rights, respect, cooperation and partnership. Canada endeavours to embody these principles as it assists the Tribunal in its task of adjudicating matters brought before it.
2. Canada admits it had a fiduciary duty when approving reserve land allotments for Cote First Nation war veterans (Cote veterans) and when issuing associated location tickets, certificates of possession, and certificates of occupation to Cote veterans. Canada did not breach any legal obligations when approving land allotments to Cote veterans on Cote First Nation reserve lands, nor did Canada breach any legal obligations in the administration of grants or loans to Cote veterans under the *Soldier Settlement Act, 1917*, SC 1917, c. 21 (*Soldier Settlement Act*) and *Veterans' Land Act, 1942*, c.33 (*Veterans' Land Act*).
3. This Response includes terminology now recognized as antiquated. This is only when required for legal accuracy or when referring to or quoting from historical sources.

### I. Status of Claim

4. Canada admits Cote First Nation is a Saskatchewan First Nation within the meaning of section 2 of the *Specific Claims Tribunal Act, 2008*, c 22 (*SCTA*), as pled in paragraph 1 of the Declaration of Claim (Claim).
5. In response to paragraphs 2 and 3 of the Claim, Canada admits the Claim meets the condition precedent in paragraph 16(1)(b) of the *SCTA*. Three years have elapsed since the Claim was filed with the Minister on October 11, 2022, and the Minister has not notified Cote First Nation in writing of her decision to negotiate the claim.
6. Canada acknowledges Cote First Nation is not seeking compensation in excess of \$150 million for the purposes of this claim, as pled in paragraph 4 of the Claim.

7. In response to paragraph 5 of the Claim, Canada acknowledges Cote First Nation has filed this Claim under paragraphs 14(1)(a), (b), (c), (d), and (e) of the *SCTA*.

## **II. Canada's Position with Respect to Validity of the Claim**

8. Canada's position is the Claim is not valid. Canada did not breach any legal obligations when approving location tickets, certificates of possession, or certificates of occupation to Cote veterans on Cote First Nation reserve lands, nor did Canada breach any legal obligations in the administration of grants or loans to Cote veterans under the *Soldier Settlement Act* and *Veterans' Land Act*.
9. In response to paragraphs 18, 26, and 40 of the Claim, Canada had no obligation to ensure individual Cote veterans applied for and received benefits under the *Soldier Settlement Act* and *Veterans' Land Act*. Any benefits provided by Cote First Nation to its veterans in lieu of *Soldier Settlement Act* and *Veterans' Land Act* benefits were provided at Cote First Nation's discretion. Cote First Nation cannot claim for losses on the basis individual Cote veterans did not apply for benefits under these Acts. Canada says further that Cote First Nation cannot claim for losses of any Cote First Nation veteran who participated in an *ex-gratia* payment program for First Nations veterans administered by Canada beginning in 2002.
10. In further response to paragraph 26 of the Claim, Canada admits it had a fiduciary duty when approving reserve land allotments for Cote veterans and when issuing associated location tickets, certificates of possession, and certificates of occupation to veterans on Indian Reserve No. 64 (IR 64). Canada does not admit it breached Treaty, fiduciary, statutory, or any other legal obligations that may flow from the approval of location tickets, certificates of possession and occupation, or band custom land grants to Cote veterans. Canada says it maintained the Honour of the Crown at all times in its associated dealings.
11. In response to paragraphs 27-31 and 36-38 of the Claim, Canada admits Treaty 4 requires Cote First Nation's consent to dispositions of reserve land but says

neither Cote First Nation's allotment of reserve land nor Canada's approval of allotments to Cote veterans were dispositions of reserve land. Cote First Nation chose independently to allot reserve land to its members, and land held under allotments remains part of IR 64. Canada says further that Cote First Nation consented to all land allotments to veterans associated with the *Soldier Settlement Act* and *Veterans' Land Act*.

12. In response to paragraphs 32-34 of the Claim, Canada says at all relevant times it acted in accordance with its statutory duties and any fiduciary duties that may flow from the *Soldier Settlement Act*, *Veterans' Land Act*, *Indian Act*, RSC 1985, c I-5 (*Indian Act*) or earlier versions of the *Indian Act*.
13. In response to paragraphs 35 and 39 of the Claim, Canada admits it has statutory and fiduciary duties to properly manage the funds in Cote First Nation's capital and revenue accounts in accordance with the *Indian Act* but says it did not breach a fiduciary or statutory duty when Cote First Nation expended trust funds to reacquire allotted land from its members.
14. In response to paragraphs 41-43 of the Claim, Canada says the Honour of the Crown is not a standalone cause of action and that Canada acted at all relevant times in accordance with the Honour of the Crown.

### **III. Canada's Position with Respect to Assertions of Fact**

15. In response to paragraph 6 of the Claim, Canada admits Gabriel Cote signed Treaty 4 at Qu'Appelle on September 15, 1874, on behalf of Cote First Nation. Canada further admits IR 64 was: surveyed in 1877, 36,160 acres in size, and confirmed by Order-in-Council PC 1151 on May 17, 1889, for the benefit of Cote First Nation.
16. In response to paragraph 7 of the Claim, Canada admits an estimated 169 acres were farmed by approximately 20 Cote First Nation families on IR 64 in 1903.

17. In response to paragraph 8 of the Claim, Canada admits First Nations surrendered land from Indian Reserves between 1896 and 1911.
18. In response to paragraphs 9, 10, and 20 of the Claim, Canada admits only that Canada and Cote First Nation executed a series of land transactions between 1906 and 1917 which reduced the acreage of IR 64. The transactions included surrenders, a land exchange, and returns of land to reserve status. None of these transactions are part of the Claim.
19. In response to paragraphs 11-12 of the Claim, Canada admits approximately 56 Cote First Nation members voluntarily enlisted in the Canadian military and approximately 53 members served during the First World War, Second World War, and the Korean War.
20. In response to paragraph 13 of the Claim, Canada admits it enacted the *Soldier Settlement Act* and *Veterans' Land Act*, which were intended to provide benefits to returning war veterans.
21. In response to paragraph 14 of the Claim, Canada says the *Soldier Settlement Act* and *Indian Act* granted Canada the power to issue allotments on reserve land by location tickets to First Nation veterans returning from the First World War. The *Veterans' Land Act* provided monetary assistance for veterans, including First Nation veterans, rather than land grants.
22. In response to paragraph 15 of the Claim, Canada admits reserve land could be divided and location tickets issued under the *Indian Act* beginning in 1876. Canada issued location tickets under the *Indian Act* to many returning First Nation veterans. First Nation veterans used location tickets to obtain *Soldier Settlement Act* benefits.
23. In response to paragraph 16 of the Claim, Canada admits in 1943 the Superintendent of Reserves and Trusts, Indian Affairs Branch, suggested legislating an "Indian Veterans' Land Act" or amending the *Indian Act* to include provisions specific to First Nation veterans. Canada further admits section 35A

was added to the *Veterans' Land Act* in 1945, which allowed First Nation veterans to apply for a non-repayable grant when settling on reserve land to cover costs for, among other things, land acquisition, building materials, equipment, stock, land clearing, and building construction.

24. In response to paragraph 17 of the Claim, Canada admits the “Indian Agent’s References and Regulations”, issued by the Department of Indian Affairs, indicated a location ticket could serve as evidence of land title for First Nations veterans who applied for benefits under the *Veterans Land Act*.
25. In response to paragraph 19 of the Claim, Canada does not currently have sufficient information to confirm whether and how much land Saskatchewan First Nations surrendered to settle First Nation veterans on agricultural lands. Canada says reserve land allotted to First Nation veterans through location tickets, certificates of possession, and certificates of occupation remains reserve land and is not surrendered.
26. In response to paragraph 21 of the Claim, Canada admits the 1919 Department of Indian Affairs Annual Report states 22 Cote First Nation men enlisted to serve in the First World War and five Cote First Nation veterans received allotments on IR 64.
27. In response to paragraphs 22 and 23 of the Claim, Canada admits on May 11, 1954, the Superintendent of the Pelly Indian Agency, J.A. Davis, acknowledged a complaint from Cote First Nation regarding overpopulation on IR 64. Davis also acknowledged most allotted land was not being farmed by Cote First Nation members.
28. In further response to paragraph 23 of the Claim, Canada says at the time of the complaint in May 1954, there were 29 land allotments on IR 64 held under location tickets, certificates of occupation, or certificates of possession. Of these 29 allotments, 12 were associated with *Veterans' Land Act* files.

29. In response to paragraph 24 of the Claim, Canada says on April 2, 1957, Cote First Nation issued a Band Council Resolution (BCR) stipulating it would pay \$1,500 per quarter section for the acquisition of allotted reserve land from their revenue or capital account. On May 28, 1957, Director H.M. Jones of the Indian Affairs Branch communicated to the Deputy Minister of the Indian Affairs Branch a plan to acquire allotted Cote First Nation reserve lands from members.
30. In response to paragraph 25 of the Claim, Canada admits Cote First Nation allotted approximately 4,000 acres of IR 64 to its veterans associated with *Soldier Settlement Act* and *Veterans' Land Act* files. Canada further admits Cote First Nation expended funds from its trust account to acquire some of the allotted land from its members.
31. Canada says Cote First Nation is not entitled to the relief sought in paragraph 44 of the Claim. In the event the Tribunal finds Canada breached a duty, Canada states Cote First Nation has not suffered any loss. In the further event the Tribunal finds compensation is owed, Canada states any compensation must be assessed in accordance with prevailing legal principles and section 20 of the *SCTA*.

#### **IV. Canada's Statements of Fact**

32. IR 64, consisting of 36,160 acres, was confirmed by Order-in-Council PC 1151 on May 17, 1889, for the benefit of Cote First Nation.
33. The *Indian Act*, SC 1876, c 18, provided for lawful possession of reserve land by individual First Nation members through a mechanism whereby a band or council could "locate" a member on a parcel of reserve land, evidenced by a location ticket approved by the Superintendent General of Indian Affairs.
34. Amendments to the *Indian Act*, SC 1890, c 29 in 1890 permitted the Indian Commissioner to issue, prior to location tickets, "certificates of occupancy" which entitled individual First Nation members to possession of reserve lands subject to cancellation at any time. The 1906 version of the *Indian Act* updated

and generally maintained the location ticket and certificates of occupancy provisions from previous versions of the Act.

35. On August 29, 1917, Canada enacted the *Soldier Settlement Act* to assist veterans of the First World War in settling and farming land. The *Soldier Settlement Act* gave the Minister of Interior the power to grant a settler up to 160 acres of Dominion Lands and to offer loans for buildings and farming equipment secured against granted land.
36. The *Soldier Settlement Act* did not exclude nor explicitly include provisions relating to settlement of First Nation veterans. Amendments to the *Indian Act* in 1919 made provisions of the *Soldier Settlement Act* applicable to First Nation veterans settling on reserves. The amendments provided that *Soldier Settlement Act* benefits for First Nation veterans would be administered by the Department of Indian Affairs, and that the Deputy Superintendent General of Indian Affairs could acquire land for veterans “as well without as within an Indian reserve” and could set apart reserve land for a First Nation veteran without the consent of the First Nation.
37. Approximately 17 members of Cote First Nation served in the First World War.
38. Between July 1919 and May 1921, five Cote First Nation First World War veterans applied for loans under the *Soldier Settlement Act* secured against land they held on IR 64. Four of the five veterans were in possession of their land on IR 64 prior to being discharged from military service. A fifth veteran obtained his land from his father after being discharged from military service.
39. Between December 1919 and August 1921, Canada approved and issued *Soldier Settlement Act* loans to four Cote First Nation applicants. Canada approved a loan for the fifth applicant, but it is unclear based on the current documentary evidence whether the loan was issued.
40. First Nation veterans who applied for *Soldier Settlement Act* loans typically proved possession of land through a location ticket or BCR. None of the five

Cote veterans approved for *Soldier Settlement Act* loans had location tickets or BCRs to show formal possession of their land at the time Canada approved their loans.

41. In November 1921, Canada requested Cote First Nation issue BCRs to formally allocate the land to the five Cote veterans with approved *Soldier Settlement Act* loans.
42. In June and July 1922, Indian Agent C.A. Bradbrooke reported Cote First Nation recognized the land as “belonging” to the veterans but was “averse” to issuing location tickets. Bradbrooke understood the veterans held their parcels under Cote First Nation “custom and squatters’ rights.”
43. Cote First Nation eventually issued BCRs approving allotments for some of the parcels held by its First World War veterans beginning in 1946. However, *Soldier Settlement Act* benefits to Cote veterans were only ever secured against land held informally by custom and squatters’ rights.
44. The 1927 version of the *Indian Act* generally maintained the location ticket and certificates of occupancy provisions from previous versions of the *Indian Act*.
45. In August 1942, Canada enacted the *Veterans’ Land Act* to assist veterans of the Second World War and later the Korean War to settle in Canada as full-time farmers, part-time farmers, and commercial fishermen. Assistance was also available under the Act to veterans who wished to act as their own contractors in the construction of their homes.
46. Unlike the *Soldier Settlement Act*, which provided land grants to approved returning veterans and loans secured against those lands, benefits under the *Veterans’ Land Act* were strictly monetary in the form of either loans or grants. All lending and grants to veterans under the *Veterans’ Land Act* ceased as of March 31, 1977.

47. In 1945, the *Veterans' Land Act* was amended to add provisions specific to First Nation veterans. The amended section 35A allowed First Nation veterans to apply for a non-repayable grant when settling on reserve land to cover certain costs for land acquisition, building materials, machinery, livestock, land clearing and preparation, building construction, and equipment for the home, farming, fishing, trapping, and fur farming.
48. Amendments to the *Indian Act* in 1951 converted and renamed existing location tickets to "certificates of possession." Band councils had the authority to initiate allotments of reserve land to members. The Minister had discretion to approve allotments and issue certificates of possession, evidencing lawful possession. The Minister could also withhold approval and instead issue certificates of occupation authorizing members to occupy lands subject to conditions for up to four years. At term expiry, the Minister could issue certificates of possession.
49. Approximately 33 members of Cote First Nation served in the Second World War and three members served in the Korean War.
50. Twenty-one Cote First Nation veterans from the Second World War and two veterans from the Korean War applied for benefits under the *Veterans' Land Act* in connection with land on IR 64. Canada approved and issued benefits to all but one applicant. The rejected applicant did not possess allotted land necessary to obtain benefits.
51. Of the 22 veterans Canada approved for *Veterans' Land Act* benefits, 14 received allotments by location ticket, certificate of possession, or certificate of occupation, approved by BCRs. The remaining 8 received allotments by BCR alone.
52. Between 1945 and 1954, Cote First Nation liberally allotted land to both veteran and non-veteran members.

53. In January 1946, Indian Agent J.L. Bryant reported First Nations in the Pelly agency, which included Cote First Nation, were “generally in favour of the allotment system” and that he was unaware of any opposition to allotments.
54. Some Cote veterans received benefits under the *Veterans’ Land Act* secured against IR 64 lands allotted to them prior to their military service.
55. On several occasions between 1945 and 1957, Canada withheld or delayed approval of allotments to Cote First Nation veterans on IR 64 where the veteran had not made sufficient progress cultivating the land or where Canada was concerned the veteran may not be able to sufficiently farm the land.
56. On April 2, 1957, Cote First Nation issued a BCR stipulating it would pay \$1,500 per quarter section from its trust account to acquire allotted reserve land.
57. Between 1959 and 1964, Cote First Nation expended trust account monies to acquire some of the allotted IR 64 land from its veteran members.

**V. Relief**

58. Canada seeks the following relief:
  - a. Dismissal of the Declaration of Claim;
  - b. In the alternative, should Canada be found to have breached a lawful obligation, Canada relies upon s. 20(3) of the *SCTA* and seeks to set off the value of any benefit received by Cote First Nation from any compensation deemed owing;
  - c. Canada may decide not to seek costs upon the final determination of the Claim; however, it reserves the right to seek such costs;
  - d. Such further relief as this Honorable Tribunal deems just.

## VI. Communication

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

Department of Justice (Canada)  
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Dated this 7<sup>th</sup> day of January, 2026.



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