

Court File No.: T-1417-18

FEDERAL COURT
CERTIFIED CLASS PROCEEDING

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F I L E D	FEDERAL COURT- COUR FÉDÉRALE
July 24, 2023	
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Between:

REGINALD PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

and

HIS MAJESTY THE KING

Defendant

Brought pursuant to the *Federal Courts Rules*, SOR/98-106

AFFIDAVIT OF LÉA LEMAY LANGLOIS

I, LÉA LEMAY LANGLOIS, of Montréal, in the Province of Quebec, DO SOLEMNLY AFFIRM THAT:

1. I am a lawyer at Dionne Schulze, Counsel for the Quebec Subclass in this proceeding. I have personal knowledge of the matters addressed in this affidavit. Where my knowledge is based on information and belief, I believe the information to be true and reliable because it was provided to me by experienced lawyers or employees of the firm.
2. Nothing in this affidavit is intended to, or does, waive any applicable litigation or solicitor-client privilege over discussions by Class Counsel or Quebec Subclass Counsel with or on behalf of the Representative Plaintiffs or any other Class Members.

I. The law firm's experience

3. Dionne Schulze is a law firm providing legal advice and representation mainly to Indigenous governments, organizations and individuals, in all areas of law but with special expertise in relation to Aboriginal and treaty rights protected by s. 35 of the *Constitution Act, 1982*, as well as statutory and common law rules particular to Indigenous peoples. Our litigation experience includes major class action and important cases against the Crown for breach of fiduciary duty.

4. Our firm represented Chief Ghislain Picard of the Assembly of First Nations of Québec-Labrador (AFNQL) in his class action against the Government of Québec concerning the application of the provincial fuel tax on reserve, contrary to tax exemption in the *Indian Act*. The class action was authorized by the Court in *Picard v. Québec (Procureur général)*, [2007 QCCS 2122](#), and the settlement agreement was approved by the Court ([2011 QCCS 7095](#)).

5. The *Picard* class action paid out \$24.3 million to 27,989 registered Indians residing in Québec and 1,309 registered Indians who were members of a Québec band but did not reside in Québec, as appears from **Exhibit A**, and provided an additional \$2.7 million to the AFNQL in a fund for the benefit of its members, as appears from the approval order. Moreover, as a direct result of the *Picard* litigation and simultaneously with the agreement that settled the class action, the Québec government amended the fuel tax legislation in 2011 to allow registered Indians to buy fuel exempt from tax “at the pump” when purchased on reserve, without having to claim a refund after the purchase, as described in *Leclaire c. Agence du revenu du Québec*, [2013 QCCS 6083](#), para 106- 115, aff'd. [2016 QCCA 666](#). This measure has saved and continues to save registered Indian consumers in Québec millions of dollars every year.

6. Our firm is also representing or has represented plaintiffs in the following certified class actions regarding Indigenous individuals:

- a. *Femmes Autochtones du Québec et Isabelle Paillé c. Procureur général du Canada*, C.S. 500-06-001005-194, on discrimination in the transmission of Indian status under the *Indian Act* (order from the Superior Court of Quebec authorizing the proceeding as a class action attached as **Exhibit B**);

- b. *R.P. et al. c. Procureur général du Canada et al.*, [2022 QCCS 4485](#), on historical abuse in a federally-funded residence for First Nations children that was excluded from the Indian Residential School Settlement Agreement (IRSSA);
- c. *Pierre c. Procureur général du Canada et al.*, [2019 QCCS 5903](#), on the loss of claimants' files by an adjudicator of the Independent Assessment Process (IAP) under the IRSSA.

7. Our firm is also advancing the following class actions towards certification on behalf of Indigenous class members:

- a. *James Jonah c. Procureur général du Canada et al.*, C.S. 500-06-000999-199, on provincial day schools in First Nations communities and Inuit villages in Quebec, awaiting a date for the authorization hearing this year (application for authorization to institute a class action attached as **Exhibit C**);
- b. *Femmes Autochtones du Québec et Lucie Grenier c. Procureur général du Canada*, C.S. 500-06-001128-210, on negligence, breach of fiduciary duty and discrimination in the failure by the Registrar of Indians to register certain individuals correctly, preventing them from transmission of Indian status under the *Indian Act* (application for authorization to institute a class action attached as **Exhibit D**);
- c. *U.T. et M.X. c. CISSS de Lanaudière et al.*, C.S. 705-06-000011-214, on sterilization of Atikamekw women without free and informed consent at Joliette hospital, awaiting judgement on authorization (application for authorization to institute a class action attached as **Exhibit E**).

8. Lawyers at Dionne Schulze represented approximately 80 claimants in the Independent Adjudication Process (IAP) created as part of the IRSSA. One particular claim resulted in an award including compensation for actual income loss, making it the highest IAP award given in Québec and one of the highest in the history of the IAP, according to the adjudicator's fee review decision (omitted as an exhibit due to the IRSSA's confidentiality provisions).

9. Another claim won by our firm was described by the Deputy Chief Adjudicator in his decision on fees as “one of the most complex cases arising from the residential school experience” (exhibit omitted): it was resolved in the claimant’s favour after he had lost in the IAP at the hearing and on review with another firm and lost a re-review brought by Dionne Schulze. It was only resolved as a result of a successful request for directions (RFD) before the Ontario Superior Court of Justice in which Canada revealed previously undisclosed evidence that vindicated the claimant’s case (though the decision on the RFD itself was reversed on other grounds): *Fontaine v Canada (Attorney General)*, [2016 ONSC 4326](#), rev’d. [2017 ONCA 26](#).

10. Our senior partner David Schulze, with other lawyers from the firm, appeared in several of the most important requests for directions (RFDs) heard under the IRSSA:

- a. for the intervener Independent Counsel before the Supreme Court of Canada in [J.W. v. Canada \(Attorney General\)](#), 2019 CSC 20, on the judicial supervision of IAP decision-making;
- b. for Independent Counsel as a party to the IRSSA in *Fontaine v. Canada (Attorney General)*, [2020 ONCA 688](#), on the exclusive jurisdiction of the Ontario Superior Court of Justice to hear an RFD concerning IRSSA class members resident in Ontario;
- c. for an individual claimant in *Fontaine c. Attorney General of Canada*, [2020 QCCA 1806](#), with respect to the same principle as applied to residents of Québec;
- d. for Independent Counsel in *Fontaine v. Canada (Attorney General)*, [2018 BCSC 63](#), aff’d. *Independent Counsel v. Fontaine*, [2019 BCCA 269](#), on Canada’s argument that procedural fairness was excluded from the IAP;
- e. for Independent Counsel in *Fontaine v. Canada (Attorney General)*, [2018 ONCA 421](#), on Canada’s obligations under the IRSSA to disclose evidence obtained in prior related actions;
- f. for the client mentioned above in *Fontaine v Canada (Attorney General)*, [2016 ONSC 4326](#), rev’d. [2017 ONCA 26](#).

11. In addition to residential school claims, Dionne Schulze has represented approximately twenty (20) individuals in cases of historic abuse at a single federal Indian day school in litigation filed before the Indian Day Schools Settlement Agreement (IDSSA) was settled. The firm has also successfully represented two (2) claimants who sought reconsideration after their IDSSA claims were refused and one (1) claimant who was required by the claims administrator to send additional information.

12. David Schulze and I also represented the Intervener Federation of Sovereign Indian Nations (FSIN) in *Jessie Waldron v. His Majesty the King et al.*, FCA, n° A-300-21 (judgment under reserve), on appeal from *McLean v. Canada (Attorney General)*, [2021 FC 987](#), on the issue of whether an IDSSA claim can be amended before a final decision is made on compensation by the claims administrator.

13. Our firm is familiar with the particularities and obstacles involved in cases like this one, as well as their impact at the individual and community levels and their importance as part of individual and community healing from shared trauma. We have developed techniques to ensure our practice follows a trauma-informed approach.

14. Our firm is also a leader in litigation on behalf of Indigenous governments and representative organizations in important appeals on issues of Aboriginal and treaty rights protected by s. 35 of the *Constitution Act*, discrimination under the *Canadian Charter of Rights and Freedoms*, the constitutional division of powers, and the Crown's fiduciary duty, including for:

- a. the Intervener FSIN in *Attorney General of Québec, et al. v. Attorney General of Canada, et al.*, SCC, n° 40061, on appeal from [2022 QCCA 185](#) (judgment under reserve);
- b. the Intervener the Assembly of First Nations Quebec-Labrador (AFNQL) in [Southwind v. Canada](#), 2021 SCC 28.
- c. the Appellant in [Makivik Corporation et al. v. Canada \(Attorney General\) et al.](#), 2021 FCA 184;

- d. the Interveners the Assembly of First Nations (AFN) and the AFNQL in [Quebec \(Attorney General\) v. Picard](#), 2020 FCA 74;
- e. the Intervener AFNQL in [Williams Lake Indian Band v. Canada \(Aboriginal Affairs and Northern Development\)](#), 2018 SCC 4;
- f. the Intervener Makivik Corporation in [Clyde River \(Hamlet\) v. Petroleum Geo-Services Inc.](#), 2017 SCC 40;
- g. the Appellant Makivik Corporation in [Corporation Makivik c. Québec \(Procureur général\)](#), 2014 QCCA 1455;
- h. for the Appellant in [Council of the Innu of Ekuanitshit v. Canada \(Attorney General\)](#), 2014 FCA 189;
- i. for the Intervener the Listuguj Mi'gmaq Nation Government in [Agence du revenu du Québec c. Jenniss](#), 2013 QCCA 1839;
- j. the Interveners the AFNQL and the First Nations of Quebec and Labrador Health and Social Services Commission (FNQLHSSC) in [NIL/TU,O Child and Family Services Society v. B.C. Government and Service Employees' Union](#), 2010 SCC 45;
- k. the Interveners the Grand Council of Waban-Aki Nation and the Band Councils of the Abenaki of Odanak and the Abenakis of Wôlinak in [McIvor v. Canada \(Registrar of Indian and Northern Affairs\)](#), 2009 BCCA 153.

15. The work on *Percival* has been led by David Schulze, founding partner at the firm, who has nearly 30 years of experience in law related to Indigenous peoples. He has been named each year as one of the “Best Lawyers” practicing Indigenous law in Canada by *Best Lawyers in Canada* since 2007, and by *The Canadian Legal Lexpert Directory* since 2013.

16. In addition to his work under the IRSSA representing individuals and appearing in requests for directions, David Schulze oversees all the class actions led by our firm. He has also litigated, given advice and acted as a negotiator in matters concerning the Crown’s duty to consult and accommodate Aboriginal peoples, Aboriginal rights and title and both historic and modern treaties

(land claims agreements), as well as environmental assessment, employment relations, human rights, taxation, access to information and privacy, and corporate governance. He has a deep knowledge not only of the legal issues, but also of the history, context and dynamics of First Nations and Inuit communities in Québec especially but also in other provinces.

17. The legal team working on *Percival* at our firm also includes Maryse Décarie-Daigneault (year of call to the Quebec Bar: 2014), me (year of call to the Quebec Bar: 2019), and Rose Victoria Adams (year of call to the Quebec Bar: 2022).

18. Maryse Décarie-Daigneault holds a LL.M. from McGill University as well as a LL.B. and a B.A. in International Relations and International Law from the Université du Québec à Montréal. She has nearly ten years of practice as a lawyer. She has worked mostly on litigation related to state abuses, including under the IRSSA, as well as Aboriginal rights and title. Before joining Dionne Schulze, she clerked with the Quebec Court of Appeal. She also has extensive experience with non-governmental organizations (NGOs) on issues relating to human rights, state violence and transitional justice.

19. I hold a LL.M. in International Human Rights Law from the University of Notre Dame, as well as a LL.B. and a B.A. in International Relations and International Law from the Université du Québec à Montréal. I focus most of my practice on litigation and negotiation in cases related to historical abuse, including under the IDSSA, individual litigation and class actions. Having worked with survivors in multicultural contexts prior to joining Dionne Schulze, I have helped develop the trauma-informed approach of the firm.

20. Rose Victoria Adams completed her J.D. and LL.B. at McGill University. She is a new addition to the team, having been called to the Quebec Bar in 2022. She has multiple implications on issues related to Indigenous law and she is involved in historical abuse files, specific claims, constitutional litigation, and governance matters. As an Inuk from Kuujjuaq, Nunavik, she brings a most important perspective to the work on *Percival*.

21. Other lawyers have contributed to this case throughout the history of the litigation, including Marie-Eve Dumont, senior lawyer at the firm, Marie-Alice D'Aoust, and Olivier Courtemanche. Paralegals, legal assistants and students have also been involved from time to time

as needed. Dennie Michielsen (LL.M. in International and European Law and LL.B. from Tilburg University) and Julie Gay (LL.M. in Business Law from Université Toulouse and LL.B. from Université de Poitiers) have been the main paralegals on the file.

22. The Quebec Subclass benefited from the work of a solid legal team with diverse and complete qualifications and expertise. Interests of First Nations and Inuit class members in Quebec have been well represented by a team with deep knowledge and experience with their legal, historical, and social realities.

II. Overview of the litigation

23. This class action concerns the establishment, implementation, administration and management by the government of Canada of the boarding homes program aimed at placing Indigenous students in private homes for the purpose of attending school. These actions are alleged to have caused harms to children who participated in the program, including abuse, harassment, and loss of culture, language and community bonding.

24. The action was certified as a class proceeding on consent order from the Federal Court dated June 28, 2019, attached as **Exhibit F**.

25. The parties reached an Agreement in Principle on December 7, 2022, attached as **Exhibit G**.

26. On June 14, 2023, the parties signed a final settlement agreement, attached as **Exhibit H**. The intent of this agreement is to provide a fair, comprehensive and lasting settlement of claims related to the boarding homes program, and promote healing, education, commemoration, and reconciliation.

III. History of the litigation

A. Anne Smith

1. Anne Smith's residential school claim

27. Lawyers from Dionne Schulze met in February 2012 with the client now known as "Anne Smith," the court-authorized pseudonym under which she brought the class action described

below. Anne Smith described her childhood in an Indigenous community¹ in Québec and how, at a very young age, she was sent to St. Philip's Indian Residential School (IRS), also known as Fort George Anglican, in Fort George (now Chisasibi), a Cree community on James Bay in Québec.

28. For seven or eight years, Anne lived in the St. Philip's residence from September to June each year. However, in late August or early September of 1972 or 1973, after Anne had arrived in Fort George for the new school-year, the Department of Indian Affairs and Northern Development (DIAND) placed her with a Cree family living in Fort George. Anne would live with this family for two more years, along with four other girls, while she continued to attend the same school as before.

29. Like most of Dionne Schulze's other IAP clients from Québec, Anne Smith was later enrolled by DIAND in a provincial school in a city in southern Québec, where she completed high school while being boarded with a non-Indigenous family, since the school did not offer the final grades of Québec secondary education.

30. Documents later disclosed as part of Anne's IAP claim revealed that:

- a. DIAND began billeting children with families in Fort George in the fall of 1972, as the implementation of limited secondary schooling at St. Philip's began: the residence was used when additional classrooms were needed for secondary courses, as well as for additional accommodation for the new teachers the courses required;
- b. when the IRS residence rapidly reached full capacity, students were moved into the homes of local families, so that their rooms in the residences could be given to unmarried teachers;
- c. by January 1975, DIAND recognized that the situation some students found themselves in in the private homes was not acceptable, particularly because of lack of space;
- d. at the same time, DIAND noted that the *per capita* cost to lodge a student at the

¹ In keeping with the usage common in Québec, I will use the term "community" in this affidavit to refer to a First Nations reserve or settlement and to an Inuit village.

residence was about \$11,000, including salaries, building costs and food, while the average cost of boarding students in private homes in Fort George was only \$1,500.

31. As later found by the IAP adjudicator who conducted her hearing, during the years that Anne Smith was boarded with the local family, the father and his adult son sexually assaulted her on several occasions in the home, usually when they were drunk.

32. The abuse perpetrated by members of the family in which Anne was billeted had profound impacts in her life:

- a. she struggled for a number of years with drinking and drug abuse problems;
- b. she could not trust any adult, including her husband, around her daughters or granddaughters;
- c. she had and still has feelings of shame and humiliation;
- d. she avoided sexual relations in her marriage because it made her feel like the abuse was occurring again;
- e. she lost employment because of her drug abuse and drinking problem.

33. On August 23, 2012, Anne Smith signed an IAP application, which Dionne Schulze filed on August 31st, shortly before the September 19th deadline. David Schulze had warned her that the location of the abuse made it a complicated claim that might not succeed. In fact, as late as May 2014, the Western Administrative Judge under the IRSSA had simply held that “although the Billeted Students were not included in the CEP [Common Experience Payment], they were permitted to advance claims through the IAP”: *Fontaine v. Canada (Attorney General)*, 2014 BCSC 941, para [57](#). This was subject to the unstated qualifier, however, that they were only eligible to advance IAP claims for abuse suffered on the premises of an Indian residential school.

34. On February 28, 2014, an IAP hearing took place, during which Anne testified about the abuse, the consequential harms and the loss of opportunity she suffered as a result. During the course of the hearing and in his final submissions, Canada’s representative made an unannounced objection to Anne’s claim based on jurisdictional grounds: he argued that during the years in

question, she was attending a federal Indian day school known as Sand Park, not an IRS within the scope of the IAP.

35. This side-issue caused many hours of additional work for Dionne Schulze because the objection was unsupported by documentary evidence at the hearing and required further submissions. While a review from the hearing decision was pending, Canada conducted additional archival research about the process by which, around 1969, the federal government assumed sole responsibility for the operation of St. Philip's IRS from the Anglican Church of Canada, "split" administration of the residences and the schools at all Indian residential schools, then began referring to some or all classrooms at St. Philip's as "Sand Park Federal School." However, this new evidence was not disclosed to the review adjudicator nor to Dionne Schulze until David Schulze learned of their existence from Canada's representative and demanded a copy, which he later filed with the re-review application.

36. The hearing adjudicator Robert Néron found Anne credible and held that she had suffered the abuse alleged. However, he upheld Canada's preliminary objection and concluded she was not attending an IRS at the time of the abuse. He also concluded that abuse suffered by students in the homes of families with whom they were billeted is not covered by the IRSSA, as appears from his decision dated July 22, 2014, produced as Exhibit I.

37. Dionne Schulze filed for a review of Adjudicator Néron's decision on the basis that Sand Park was part of St. Philip's IRS and that the abuse suffered in billeting families fell within the scope of the IAP. Adjudicator Néron's decision was ultimately upheld, as appears from the review decision by Deputy Chief Adjudicator Rodger Linka, dated February 23, 2015, produced as Exhibit J.

38. The decision to reject Anne's claim was upheld a second time, in the Re-Review decision of Adjudicator Anne Wallace, dated May 23, 2016, produced as Exhibit K. Adjudicator Wallace found that the abuse suffered by Anne was not connected to nor did not arise from the operation of an IRS and, therefore, "the elements required by the IAP Model... [had] not been established." Since she held that abuse suffered in a home where a student was billeted was not compensable under the IAP, Adjudicator Wallace held that she did not need to decide whether the school that Anne was attending was a federal day-school or an IRS, as appears from her decision.

39. Since Anne Smith’s claim was unsuccessful, under the IAP rules, Dionne Schulze received no fees for representing her, though lawyers from the firm had travelled to meet her in her community, which is far from Montreal, and appeared at her hearing in Val-d’Or, Québec (525 km from Montreal).

2. The *Anne Smith* class action

a) Limitation-period (prescription) issues

40. Upon receipt of the re-review decision, Dionne Schulze was obliged to carry out the following legal analysis simply to advise Anne Smith on her rights.

41. In 2016, the current version of article [2926.1](#) of the *Civil Code of Québec (CCQ)* had not yet been adopted: that provision now retroactively excludes any prescription (limitation) period for sexual abuse or for physical abuse suffered in childhood. From May 26, 2013, to June 12, 2020, however, the prescription period in Québec for sexual abuse or physical abuse during childhood under the first version of art. [2926.1](#) was considerably more complex: it was ten years for physical abuse and 30 years for sexual abuse, calculated “from the date the victim [became] aware that the injury suffered [was] attributable to that act,” but the statute amending the *Civil Code* provided that it applied “to existing juridical situations only as of the coming into force”: [*An Act to amend the Crime Victims Compensation Act, the Act to promote good citizenship and certain provisions of the Civil Code concerning prescription*](#), SQ 2013, c 8, s. 12.

42. This temporal limitation on the original art. 2926.1 was interpreted by the Québec Court of Appeal to mean that the normal three-year prescription for personal injury (art. [2925](#), *CCQ*) applied to abuse suffered before the amendment, but subject to the existing jurisprudential rule that a psychological impediment can constitute an impossibility to act that suspends prescription (art. [2904](#)) with the result that the three years run from when the impossibility ends: *F.B. c. Therrien (Succession de)*, 2014 QCCA 854, para [74](#). For abuse suffered before May 20, 2013, a cause of action based on sexual abuse would be prescribed if the victim’s psychological impediment had ceased any earlier than May 20, 2010.

43. The IRSSA had effectively waived prescription for compensable claims under the IAP, but Canada had not taken any official position that it would do so in other cases. As a result, Anne

Smith faced the possibility that her cause of action might already be prescribed as of June 2016: it would have been difficult to argue that her impossibility to act extended beyond the time of her IAP application in August 2012 and it would have required expert evidence to establish how much earlier it had ended.

44. The best argument Anne Smith could make was that if her cause of action was not prescribed as of August 31, 2012, then she had interrupted prescription by means of a judicial demand in the form of the IAP application, pursuant to art. [2892](#), *CCQ*, though before the wrong venue. Under the circumstances, since her claim had been dismissed on jurisdictional grounds and “without a decision having been made on the merits of the matter,” assuming her claim was not yet prescribed, then art. [2895](#) would give her an additional three months to file a new judicial demand.

45. Since Adjudicator Wallace’s re-review decision was communicated to Dionne Schulze on June 21, 2016, if Anne Smith’s impossibility to act had ended any earlier than May 23, 2010, and assuming that her IAP application had suspended prescription, she had only until September 21, 2016, to file a new action.

b) Students billeted in Cree communities

46. David Schulze had met with Anne Smith in February 2016 to tell her that he anticipated she would lose on re-review in the IAP but that if she was prepared to continue with a civil action, then his firm was prepared to represent her, to which she agreed.

47. At the same time, documents disclosed in her IAP claim revealed that by early 1975, over 100 students from other communities who attended the IRS in Fort George were boarded in private homes. Dionne Schulze therefore requested and obtained permission from Anne Smith to file not just a civil action on her behalf, but a class action on behalf of all others in the same situation.

48. For the firm, this was also an ethical obligation because of the complex question of prescription: to the extent that other unknown individuals in the same situation as Anne Smith might have claims that were not yet prescribed due to an impossibility to act, filing a class action would suspend prescription (stop time from running) for them as well under art. [2908](#), *CCQ*.

49. As appears from **Exhibit L**, an application for a class action and to obtain the status of representative was therefore filed in Québec Superior Court on September 21, 2016, on behalf of:

“All persons who attended elementary or secondary schools operated by the Government of Canada in Fort George (now Chisasibi), Quebec, between August 1972 and July 1978 and who were billeted with families in the community of Fort George, and who suffered sexual, physical, or psychological abuse in connection with or arising from being placed in the care of those families.”

50. During the following months, Dionne Schulze learned from further research that a situation similar to what Anne Smith experienced in Fort George had existed around the same time in the Cree community of Mistassini (now known as Mistissini).

51. DIAND decided around 1971 to stop sending Cree children in the region to the La Tuque IRS for kindergarten to Grade Six, as it had till 1970. Instead, children from surrounding communities would attend the federal Indian day school in Mistassini and if their parents were away (generally on the traplines), they would be placed either in what DIAND called “cottage-style hostels” or in what DIAND called “nomad homes” operated by local families. By October 1976, some 69 children were in “nomad homes,” though DIAND expected up to 120 such placements that school year.

52. The “cottage-style” or “Mistissini Hostels” were ultimately recognized as an Indian residential school under the IRSSA by consent for the period from September 1, 1971, to June 30, 1978. However, lawyers from Dionne Schulze met with two individuals who had been sent to Mistissini as children and placed in “nomad homes” and whose lawyers had advised them they could not make any claim under the IAP with respect to abuse they suffered in those homes.

53. As appears from **Exhibit M**, on May 29, 2017, Anne Smith’s application was therefore amended to define the class as:

“All persons who attended elementary or secondary schools operated by the Government of Canada in Fort George (now Chisasibi) and in Mistassini (now Mistissini), Quebec, between August 1970 and July 1978 and who were billeted with families in the community of Fort George or Mistassini, and who suffered sexual, physical, or psychological abuse in connection with or arising from being placed in the care of those families.”

c) Canada's information about the Boarding Homes Program

54. On December 8, 2017, the Attorney General of Canada filed what it considered relevant evidence to respond to the application to authorize Anne Smith's class action, as appears from **Exhibit N**. From these documents, Dionne Schulze learned that for DIAND, when elementary and secondary school students like Anne Smith were billeted in private homes in Fort George or Mistassini, its officials were acting pursuant to the Department's Boarding Home Program.

55. This was new information because in Anne Smith's own description, her placement in a local Cree family for the purposes her enrollment at the Indian residential school in Fort George was a different experience from when she was subsequently sent by DIAND to be boarded in a non-Indigenous family in a southern Québec city so that she could complete high school. Dionne Schulze now understood that for DIAND, both billeting in local homes in Indigenous communities and placement in non-Indigenous families in southern cities were part of the same program.

56. From Canada's documents and further research, Dionne Schulze also learned that by the late 1960s, DIAND was actively seeking to close Indian residential schools and replace them with day schools on reserve and, especially at the high-school level, with education in majority non-Aboriginal public schools. However, this change did not mean that DIAND had stopped removing registered Indians and Inuit children for the purpose of education: by 1970-71, some 6,000 students were living in "private boarding homes and group homes" in order to attend school outside their home communities. These placements were funded under DIAND's Boarding Homes Programs, in families chosen by DIAND employees, according to documents filed by Canada.

57. The Boarding Homes Program was significant in Québec where in the 1971-72 school year, maintenance of students in private homes represented 14.3% of the total national budget (\$667,000 out of \$4.67 million), the third-largest amount for any province after Ontario and British Columbia, according to Canada's own documents, **Exhibit N, PGC-8**. Ultimately, the historical research undertaken by Canada and described below would estimate the Quebec Subclass at approximately 20% of the number of students in the Boarding Homes Program.

d) The Wiichihiiwewin Centre and re-amended application

58. As the class action proceeded, Dionne Schulze kept Anne Smith informed of its progress.

In April 2018, she informed us that she could not continue as representative plaintiff because being reminded regularly of the abuse was too difficult for her psychologically, particularly in the absence of any prospect of a speedy resolution.

59. Rather than replacing Anne Smith with another individual class member, Dionne Schulze took advantage of art. [571](#) of the *Code of Civil Procedure*, CQLR c C-25.01, s 571, which allows a corporation or an association to act as representative in a class action if one of its members or directors is a class member.

60. On the advice of elected leaders, David Schulze successfully asked the Wiichihiiwewin Centre (WWC) in Waskaganish to act as representative plaintiff. Operating in a Cree community on James Bay, the Centre offers services to Cree and other communities to assist with addictive, destructive and abusive behavior, suicide prevention and intervention, grief and loss, trauma, stress and anger management, and family dynamics, as appears from **Exhibit O**.

61. In order to preserve a role for Anne Smith and her experience, Dionne Schulze worked with WWC to incorporate the organization in September 2018, as appears from **Exhibit P**, and to adopt by-laws that would create a special category of honorary membership that would allow Anne Smith to be a member while remaining anonymous, as appears from **Exhibit Q**. To this day, the directors and employees of WWC have not been told her identity. This work proved to be fairly complex since in addition to the needs of the class action, Dionne Schulze had to assist WWC in creating the corporate governance structure best suited to its needs, including in registering as a charity, as appears from **Exhibit R**; these services were provided by Dionne Schulze to WWC on a *pro bono* basis.

62. As appears from **Exhibit S**, on October 19, 2018, the application to authorize a class action was amended a third time. It now sought the status of representative plaintiff for WWC, with Anne Smith as a representative member, and the class definition was enlarged from students billeted in Fort George and Mistissini to include:

Aboriginal children and adolescents who, when they were domiciled or resident in Québec, were billeted by the Government of Canada with families other than their own, or in hostels, residences or boarding homes (the “Primary Class”). The Primary Class excludes the claims released against the Government of Canada in respect of institutions covered by Schedules E and F of the Indian Residential Schools Settlement Agreement”; and

All persons who are a spouse or former spouse, child, grandchild or sibling of a member of the Primary Class and who suffered material and/or moral damages as a result of injury to the Primary Class Members (the “Family Class”).

63. The broader class definition was meant to cover all students from Québec enrolled in what, by 1981, DIAND called its Private Home Placement program for *Indian Act* bands, which it defined – without reference to the nature of school attended – as applying to “Indian students who attend elementary or secondary school away from home while residing in private homes or privately operated group homes,” as appears from **Exhibit T**.

64. The Attorney General of Canada had previously waived its right to examine Anne Smith, in view of the IAP hearing, but shortly after receiving the draft Re-amended Application, its lawyers examined David Cheechoo in his capacity as one of WWC’s directors to establish the organization’s ability to represent the class, as appears from **Exhibit U**.

65. For reasons described below, the *WWC and Anne Smith* application ultimately had to be amended twice more: first to add an exclusively federally-funded residence in Louvicourt, Québec, attended exclusively by Algonquin children from the Kitcisakik community between 1975 and 1991; then another time to remove that cause of action which has since then continued as the distinct class action referred to above, *R.P. et al. c. Procureur général du Canada et al.*, [2022 QCCS 4485](#).

66. The *WWC and Anne Smith* proceedings are under case management by Justice Sylvain Lussier of the Québec Superior Court but currently suspended, as appears from **Exhibit V**. Dionne Schulze has continued to meet regularly with representatives of WWC to keep them informed of developments in the *Percival* class action and seek their approval for major decisions.

B. Quebec Subclass in *Percival*

67. Around the same time that Dionne Schulze was preparing the third set of amendments to the Anne Smith proceedings, it learned of the *Percival v. Canada* class action that had been filed by Klein Lawyers on behalf of Reg Percival before this Court on July 24, 2018.

68. After discussions in September 20, 2018, the two firms rapidly agreed that it would be in

the interests of the whole class for a single case to be advanced on behalf of a national class that would include a Quebec Subclass to be represented by Dionne Schulze, with Klein Lawyers representing all other members.

69. Advancing the Quebec Subclass's interests through *Percival* required suspending *WWC and Anne Smith* by consent, with the permission of WWC directors, which after several adjournments was confirmed by Justice Lussier on September 12, 2019, as appears from **Exhibit W**.

70. Participation in *Percival* by a Quebec Subclass also required a new representative plaintiff. By April 2019, Canada had indicated it would consent to certification for a national class including a Quebec Subclass, but Dionne Schulze's legal analysis was that WWC probably did not have standing under Part 5.1 of the *Federal Courts Rules* to be the representative plaintiff before this Court.

71. After consultation with WWC, in April 2019, Dionne Schulze asked Kenneth Weistche of Waskaganish to take on the role of Québec representative plaintiff, based on his own life experience that included time in several boarding homes, as well as his extensive work experience as a support worker and interpreter (English-Cree) in the IAP.

72. Like Anne Smith in her final years of secondary education, Kenneth Weistche had been placed in boarding homes in cities in both southern Québec and Ontario to complete high school because the Fort George IRS did not offer classes that would allow him to obtain a high school diploma, while Waskaganish itself had no high school at all. He was in a position to speak for at least half a generation of Crees who had been forced to participate in the Boarding Homes Programs and live far from their families simply to finish the Québec secondary education program.

73. Maryse Décarie-Daigneault worked with Kenneth to prepare his May 1, 2019 affidavit, which was filed as part of the Plaintiffs' motion to certify this action as a class proceeding pursuant to Rule 334.16 by consent, filed on May 3 and amended June 10, 2019. During the course of her meetings with Kenneth, she learned things about his experience in boarding homes that he had never revealed to David Schulze even though the two of them had worked together since at least

2012 on IAP claims and had spoken often about boarding homes.

74. Since Kenneth Weistche became representative plaintiff for the Quebec Subclass, we have met with him regularly and as negotiations intensified, David Schulze has often spoken to him at least weekly, in order to keep him up to date on the status of the case and to seek his views.

IV. Legal work in the litigation

A. Work to date

1. Pleadings and research

75. As proceedings were based on historic events that took place decades ago, under a government program which class members experienced as children, Dionne Schulze was required to devote considerable time to researching the relevant facts. This work continued throughout the litigation and included:

- a. reviewing documents available in the Anne Smith IAP claim that explained the Boarding Homes Program as she experienced it in Fort George;
- b. interviews not only with Anne Smith and Kenneth Weistche but also with elected leaders named on documents produced by Canada, day-school clients, class members in the *R.P. et al. c. Procureur général du Canada* (Louvicourt residence) class action, as well as other contacts, in order to understand the nature and variety of the experiences of the Boarding Homes Program in Québec communities;
- c. extensive review and cataloguing of contemporary government documents available in the <https://publications.gc.ca/> online collection, as well as access to information requests to Library and Archives Canada;
- d. reviewing the thousands of pages of documents provided to Class Counsel and Quebec Subclass Counsel by the Defendant and the historical report based on those documents, as discussed below.

76. To develop the theory and strategy of the case required:

- a. research into prescription (or limitations) issues, as described above;
- b. reviewing the principles of systemic negligence as a cause of action and the rules governing the Crown's vicarious and direct liability;
- c. researching procedural issues related to class actions in general (with the assistance of more expert counsel at Klein Lawyers) and in particular, the integration of an existing Québec class action into a national class action in Federal Court.

2. Certification

77. The consent certification of this class action did not occur in a vacuum but was the culmination of series of meetings between Class Counsel and Quebec Subclass Counsel and counsel for the Defendant, which allowed the parties to come to a common position on the issue. As well, case management conferences with the Court allowed the parties to prepare a motion record that met the Court's requirements for granting the order.

3. Pre-settlement meetings and case management

a) Discussions

78. By the time Canada's lawyers announced in August 2022 that they had a mandate from their client to negotiate a settlement to the *Percival* class action, lawyers for the parties had already met in person, by conference call or by videoconference on approximately 20 separate occasions, beginning in February 2019. Over 43 months, this represents a meeting almost every other month.

79. The following were the principal topics of discussion, each of which entailed complexities of its own:

- a. the history of the Boarding Homes Program, including its end-date;
- b. the size of the class and the means to calculate it;
- c. the process for compensating class members and the basis on which they would be compensated.

(i) History and documentation

80. The history of the Boarding Homes Program was compiled based on archival research conducted by Canada, which became increasingly difficult and even impossible for certain periods of 2020 and 2021, due to Covid.

81. The research was oriented to Canada's priorities, though Class Counsel and Quebec Subclass Counsel could ask questions about it and suggest research topics. Eventually, a database was created by Class Counsel's consultant and shared with Canada. Canada shared the results of its archival research, which amounted to over 1,000 documents and many of thousands of pages.

82. Canada also commissioned a historical report by the firm of Joan Holmes & Associates, based on a mandate on which Class Counsel and Quebec Subclass Counsel were consulted. The goal of the report was to summarize the database of existing documents, though the firm conducted very limited research of its own. The "emphasis of the report [was] on the development of federal policies and their implementation" of the Boarding Homes Program, with some effort made to "highlight" the "significant regional variations in policy and program delivery," as appears from **Exhibit X**.

83. The documents disclosed by Canada and the historical report did assist both parties in understanding the Boarding Homes Program's scope: whether over time, geographically or the changing number of students enrolled. They also revealed the federal government's own understanding of the program, including its legal framework, governing policies, funding rules, reporting and decision-making structures. Considerable effort was devoted to researching the transfer or devolution of program responsibilities to other organizations, particularly band councils, as well as the reduction or end of the program in other communities.

(ii) Class size

84. While class size beyond a size of two or more members (Rule 334.16(1)(b)) is not relevant to certification, nor liability, it was clear to all parties during their discussions that the number of potential claimants was important for Canada as defendant to decide whether it was prepared to settle and on what terms.

85. In 2019, Canada therefore retained Peter Gorham, F.S.A, F.C.I.A., of JDM Actuarial

Expert Services Inc., pursuant to a mandate on which Class Counsel and Quebec Subclass Counsel were consulted. While information on the early years of the Boarding Homes Program was incomplete, Mr. Gorham had access to aggregate totals for some school years from 1958-59 to 1968-69 and more importantly, detailed information on students in boarding homes and group homes while attending school from about September 1969 to about June 1989.

86. In his draft report of January 8, 2020, Mr. Gorham estimated “that there were between 39,000 and 47,000 students who lived in a boarding home, of whom between 32,000 and 40,000 survive[d] in 2019,” after accounting for mortality.

(iii) Compensation process

87. Well before formal settlement negotiations began, the parties had had intensive discussions on what harms suffered by class members might be compensated under a future settlement agreement and through what process.

(A) The “Nominal Roll”

88. Access to records of who had been enrolled in the Boarding Homes Program and for what periods necessarily informed discussions about how to determine eligibility in a future claims process.

89. The “Nominal Roll” was maintained by DIAND as of about 1969, and listed the full name, date of birth, province, and sometimes the school for students for whom DIAND paid for boarding and sometimes school tuition. Canada admitted the roll had gaps, for instance, when a student was placed after the September beginning of the school-year or changed accommodation during the school-year. Class Counsel and Quebec Subclass Counsel prepared lists of class members with whom they had been in contact and found a close though not perfect correlation.

90. The Nominal Roll had already been discussed by the parties with respect to estimating class size but also became an important part of discussions on how a claims process might function.

(B) Program transfer

91. Similarly, the scope of compensation was the reason for discussing the issue that the parties came to refer to summarily as “band transfers” (though in practice, responsibility for boarding

homes was transferred to organizations other than band councils). In Canada's view, its liability ceased when another organization assumed responsibility for the boarding homes.

92. A similar view by Canada about the limits on federal responsibility had led to a list of federal Indian day schools incorporated into the IDSSA as Schedule K and that restricted eligibility for compensation not only to certain schools but even to certain years of operation, based largely on the dates when Canada concluded it has transferred responsibility to local communities, as appears from **Exhibit Y**.

93. As a matter of law, neither Class Counsel nor Quebec Subclass Counsel admitted that delegation of program administration ended federal liability but more importantly, both expressed concerns about how to determine that Canada had in fact delegated control. For instance, Canada had produced a band council resolution (BCR) in the *Anne Smith* proceedings by which one Cree community "agreed to administer the Room & Board program for foster homes & group-homes, during the fiscal year beginning September 1, and ending March 31, 1978" (**Exhibit N, PGC-10**). However, the signatory chief told David Schulze in an interview on July 8, 2021, that DIAND had drafted the BCR and selected the families while his council had merely issued the payments.

94. Archival research produced an incomplete selection of documents about transfer of control and that took a variety of forms: some transfers were temporary rather than permanent; some were not documented but only presumed from subsequent budgets; some were only for the administration of funds but silent on supervision of the homes; none of the documents explained who had selected the families where children were boarded when administration began, though presumably it was the federal government.

95. Most of all, Canada found itself unable to compile a complete list of when transfers had occurred. The parties therefore agreed upon a mandate by the Court for Mélanie Vincent of Gestion MV Management to survey a selection of 100 bands across the country for their information; in the event, she was able to reach 68 of them. However, in her report of January 14, 2022, Ms. Vincent could only produce information for only a single community in Québec on transfer of control over the placement of local students in boarding homes, as appears from **Exhibit Z**.

96. Eventually, Canada stated that it was unable to produce a definitive list by community,

establishing the date when the boarding homes program either ended or its administration was definitively transferred.

97. Class Counsel and Quebec Subclass Counsel suggested that the parties should simply establish a presumptive end date for the entire Boarding Homes Program, based on general knowledge of the devolution of programs and services to First Nations and the Inuit. This ultimately formed the basis for the eligibility criteria in the settlement agreement.

98. The date proposed was supported, among other things, by information that David Schulze was able to gather while researching the Louvicourt residence class action mentioned above, since most class members were subsequently boarded in families on a nearby reserve or the city of Val-d'Or. Band council employees at Kitcisakik were able to confirm the approximate date when the First Nation took full control of boarding its children and, since this took place in the early 1990s, the date served as a useful outside limit.

(C) Application and compensation

99. Counsel for Canada indicated early on their client's preference for a paper-based claims process, rather than the individual hearings conducted in the IAP created by the IRSSA. Despite his considerable reservations about the process ultimately used in the IDSSA, Kenneth Weistche also instructed David Schulze that the advanced age of the class size meant the IAP model was not feasible (or as he put it, "I'm too old to wait that long").

100. Negotiating the basic form of the claims process meant, among other things, monitoring the IDSSA claims process, which had begun in early 2020. David Schulze in particular was in contact with individuals such as Louise Mayo, the Indian Day School Settlement Project Coordinator who had been hired by the Mohawk Council of Kahnawake to assist members with their IDSSA claims. He was also in contact with lawyers from at least four different firms who represented individual IDSSA claimants who had chosen to waive representation by Gowling as Class Counsel and retain their own lawyers; this was allowed by this Court's order of June 17, 2020, that provided the payment protocol for IDSSA claimants who retained individual counsel, as appears from **Exhibit AA**. In addition, through my work with the community support workers in the community where Dionne Schulze acted for plaintiffs in separate civil cases and my work representing claimants in two (2) reconsiderations and one (1) initial claim under the IDSSA, I

became familiar with the claims process, jurisdictional issues and the experience of one remote community with primarily Indigenous language-speakers who use French as a second language.

101. Throughout 2020 and 2021, Class Counsel and Quebec Subclass Counsel prepared a series of progressively more detailed compensation models for Canada's consideration that they were prepared to recommend. The final proposal formed the basis for discussions at the judicial dispute resolution conference held in Toronto in November and December 2022, which the representative plaintiffs attended.

102. In addition, Class Counsel retained Raven Sinclair, a professor in the Faculty of Social Work at the University of Regina and a Sixties Scoop survivor, to assist in the development of commemorative, healing and restorative projects for a future foundation that would constitute compensation for the family class described in the certification order.

b) Case management

103. Like all class proceedings, this action was actively case-managed by the Court. Not including the dispute resolution conference, the parties participated in at least ten case management conferences to address interlocutory issues, litigation timetables, motions, and provide updates on settlement discussions, as appears from **Exhibit BB**.

104. Class Counsel and Quebec Subclass Counsel also wrote to the Court on over two dozen occasions, including numerous reports on the status of the litigation.

4. Settlement negotiations

105. As mentioned above, it was only in August 2022 that counsel for Canada informed Class Counsel and Quebec Subclass Counsel that they had a formal mandate from their client to negotiate a settlement to the *Percival* class action; by that time, the two firms had done extensive work on the main elements of a potential settlement, including researching claims administration issues based on the nature of the class and the history of the program, as well as submitting detailed compensation models.

106. The work done by Class Counsel and Quebec Subclass Counsel over the preceding four years allowed for a very rapid resolution of the main issues in a dispute resolution conference that

took place before Justice Strickland on November 14 to 16 and December 6 to 7, 2022. The benefits of the settlement agreement, in the estimation opinion of Class Counsel and Quebec Subclass Counsel, are set out below.

107. Class Counsel and Quebec Subclass Counsel had prepared for the dispute resolution conference with a detailed dispute resolution brief. During the preceding months, David Schulze, as counsel for the Quebec Subclass, had reviewed the issues with both Kenneth Weistche as Québec representative plaintiff and the leadership of the Wiichihiiwewin Centre as the applicant in the *WWC* and *Anne Smith* proceedings.

108. Class Counsel and Quebec Subclass Counsel caucused regularly during the dispute resolution conference and benefitted from the presence of both Reginald Percival and Kenneth Weistche. The representative plaintiffs attended all of the dispute resolution conference, explained their concerns and goals, and contributed to internal discussions with their lawyers.

109. Kenneth Weistche in particular caucused with David Schulze, Rose Victoria Adams and I as Quebec Subclass Counsel to review the implications of the agreement-in-principle for class members in Québec.

110. Even after the agreement-in-principle was reached with the assistance of the Court, the parties continued to negotiate unresolved issues, particularly the compensation grid that would determine the compensable abuse and the amounts payable, as well as the provisions concerning support for class members.

5. Communicating with representative plaintiffs, representative Indigenous organizations and class members

111. As indicated above, throughout this litigation, Dionne Schulze was in regular contact with Kenneth Weistche as the representative plaintiff for the Quebec Subclass appointed by this Court and also with the leadership of the Wiichihiiwewin Centre as the applicant in the parallel *WWC* and *Anne Smith* proceedings, whose consent would be required to discontinue that application.

112. Dionne Schulze was also in contact with a significant number of class members: as of July 18, 2023, approximately 380 had contacted the firm. Lawyers from Dionne Schulze were also careful to record information about boarding homes experiences when meeting clients for other

reasons, such as its individual Indian day-school cases or the Louvicourt residence class action mentioned above.

113. In addition, as part of her work on the negotiations, Rose Victoria Adams was able to consult family members about their experiences as Inuit from Nunavik (northern Québec) placed in the Boarding Homes Program.

114. As described above, Dionne Schulze was in regular contact with community support workers and individual claimant counsel to gather information about their experience of the IDSSA claims process to serve as a point of comparison for proposals in this class action. During the settlement negotiations, David Schulze and I were also able to collect information on support services available in the communities from tribal council and regional health authorities, in order to determine the viability of proposals exchanged at the negotiating table.

115. Over the course of the litigation and negotiations, Dionne Schulze also communicated regularly with officials of Indigenous representative organizations:

- a. the Cree Nation Government was informed as soon as the *Anne Smith* proceedings were filed;
- b. the choice of the Wiichihiiwewin Centre as the substituted applicant was the suggestion of the Chief of Waskaganish First Nation;
- c. throughout his time as representative plaintiff for the Quebec Subclass, Kenneth Weistche personally and David Schulze as his lawyer were in regular contact with the Cree Nation Government (CNG), also known as the Grand Council of the Crees, to inform them of the status of the litigation and the settlement negotiations, as appears from **Exhibit CC**;
- d. more particularly:
 - i. in December 2022, Quebec Subclass Counsel and Class Counsel met with Dr. Matthew Coon Come, former Grand Chief of the Grand Council of the Crees and the CNG's special consultant on historic abuse issues, to discuss the agreement-in-principle generally and the proposed foundation in

particular;

- ii. in May 2023, Grand Chief Mandy Gull-Masty wrote personally to the responsible ministers to express both her general satisfaction with the agreement-in-principle and her specific concerns about how the settlement would be integrated with the Resolution Health Support Worker (RHSW) program;
- e. David Schulze prepared a briefing note for the executive committee of the Assembly of First Nations in March 2021 that resulted in a resolution authorizing AFN Legal Affairs to communicate with Quebec Subclass Counsel and Class Counsel about the class action;
- f. a similar briefing note was prepared for the Chiefs' Assembly of the Assembly of First Nations Québec – Labrador in April 2021, after which Dionne Schulze communicated informally with in-house legal counsel for the AFNQL;
- g. Rose Victoria Adams prepared another briefing note for the AFN executive in March 2023 to inform members of the status of the settlement negotiations and she also provided similar information to Legal Affairs at Inuit Tapiriit Kanatami.

116. Since the signing of the Settlement Agreement was announced, the firm has answered several dozen information requests from individual class members. Rose Victoria Adams and I have also answered inquiries from two native friendship centres, as well as several health and social services staff members and elected officials in Québec communities.

117. Finally, David Schulze, Rose Victoria Adams and I have been intensively involved in the work arising from the appointment in March 2023 of Eric Khan of CA2 Inc. as a joint expert of the parties and a consultant to provide advice and assistance on notice to the class. More particularly, we have ensured the availability of French translations of all the relevant documents required for class members to receive adequate notice of the settlement; we have also advised on how to ensure notice reaches the affected Québec communities, as well as Inuit villages.

6. Time and value of work to date

118. Over the course of the seven years since the *Anne Smith* proceedings were filed, our firm has devoted approximately 2,274.92 hours of lawyer, articling and summer student, and paralegal time to work on the *Anne Smith* and *Percival* class actions, as well as related *pro bono* work assisting the Wiichihiiwewin Centre. A summary of time expended by Class Counsel and Quebec Subclass Counsel is attached to Aden Klein's affidavit. A summary of our firm's disbursements in the two class actions and related files up to the same date, in the total amount of \$41,794.46, is attached as **Exhibit DD**.

B. Future work to implement the Settlement Agreement

119. If this Court approves the Settlement Agreement, Class Counsel and Quebec Subclass Counsel anticipate a significant amount of legal work in the future to ensure full and effective implementation.

120. First, the parties have agreed to negotiate the details of a claims administration protocol to be approved by the Court with the benefit of advice from the claims administrator whom the Court names. By proceeding in this way, the parties have accepted the advice of consultants involved in the implementation of other settlements who found that a claims process designed without the involvement of those who would be called upon to administer it could result in inefficient or even unrealistic requirements. They also advised the parties that it is preferable to launch a claims process after some delay for selection of a claims administrator who could participate in planning, rather than to promise implementation immediately after the expiration of any appeals period for settlement approval and without consulting the claims administrator on the process.

121. In addition, if the Settlement Agreement is approved, the following other procedures will be developed with the Claims Administrator and Court approval:

- a. compensation protocols for deceased Primary Class Members who do not have an Estate Executor: s. 6.01(1);
- b. the guidelines for additional compensation of individual counsel for Category 2 claims: s. 11.02(1);

- c. procedures and protocol for reconsideration: s. 7.05;
- d. the Request for Deadline Extension form: s. 7.04;
- e. the Protocol for destruction of Primary Class Member information and documentation, with a right to request return of their information and documentation: s. 14.02.

122. As discussed below, separately from claims administration, Class Counsel and Quebec Subclass Counsel will also be involved in setting up the Foundation provided for in Section 2 of the Settlement Agreement, which will include directors representing First Nations and Inuit from Québec. The Foundation's work will revitalize Indigenous languages, cultures, wellness, and heritage, as well as commemoration of the harms caused by the Boarding Homes Program.

123. With respect to the claims process, the Settlement Agreement provides for the following work that will require Class Counsel's and Quebec Subclass Counsel's involvement:

- a. appointment of the Claims Administrator: s. 8.02;
- b. appointment of the Independent Reviewer: s. 8.03;
- c. participation in the Exceptions Committee appointed by the Court, including by one member of Quebec Subclass Counsel: s. 9.01(1);
- d. more particularly, pursuant to s. 9.01(4), as part of its participation in the Exceptions Committee:
 - i. monitoring the work of the Claims Administrator and the Claims Process;
 - ii. receiving and considering reports from the Claims Administrator, including on administrative costs;
 - iii. giving such directions to the Claims Administrator as may, from time to time, be necessary;
 - iv. considering and determining any disputes between the Parties in relation to

the implementation of this Agreement;

- v. deciding Requests for Deadline Extension;
- vi. considering and determining any Applications referred to it by the Independent Reviewer.

124. With a lawyer from Quebec Subclass Counsel assigned to sit on the Exceptions Committee, Dionne Schulze will be called upon to participate fully in its work of monitoring the implementation of the Settlement Agreement.

125. Among other things, Dionne Schulze's experience representing claimants in the IRSSA and the IDSSA leads us to expect a certain number of jurisdictional issues arising from the determination of eligibility that will go beyond administration of the claims process and will require legal and factual analysis.

126. Quebec Subclass Counsel will also have an important role in monitoring the Claims Administrator's provision of services in French, considering the portion of Quebec Subclass Members from First Nations (such as the Atikamekw) who do not understand or speak English, as well to the Inuit in Nunavik (northern Québec), whose needs and experience are often very different from First Nations.

127. The formal outline of work in the Settlement Agreement entails further work not explicitly set out but that Quebec Subclass Counsel considers itself obliged to carry out, such as:

- a. outreach to Indigenous representative and service organizations;
- b. outreach to local media, such as community radio;
- c. outreach to local support workers and other individuals who will be asked for assistance by class members, such as health and social service employees in the communities or friendship centre employees in urban centres;
- d. information and referral for individual class members, separate from representing them in the claims process.

128. Based on our knowledge of the Boarding Homes Program and our appraisal of the most affected communities in Québec, we anticipate that most of this work will be carried out in remote communities: First Nations accessible only by forestry road and/or at a considerable distance from Montréal and Inuit villages, all of which can only be reached by airplane. As a result, even using videoconferencing and similar technologies as much as possible, we anticipate significant travel time and disbursements to carry out the implementation work described above. Rose Victoria Adams prepared a framework for outreach, assistance, and support specifically for Quebec subclass members, attached as **Exhibit EE**.

129. To give a concrete example of the work we anticipate, the Settlement Agreement includes provisions for compensation to be paid to the estates of Class Members who died on or after July 24, 2016: s. 6.01(1). Many of these claims will necessarily be at Level 1 – in the absence of descriptions of any abuse provided by deceased claimants during their lifetimes – so no fees can be charged: s. 11.02. In practice, it is unusual for members of remote First Nations or Inuit communities to make a will and moreover, the estates provisions of the *Indian Act* do not apply to the Cree or Naskapi of Québec or to the Inuit. Simply answering inquiries, assisting the estates entitled to compensation or referring them to other sources of assistance is likely to take up a significant amount of time for Quebec Subclass Counsel, even with participation in the same work by the Claims Administrator.

V. Complexity of the case and risk in undertaking the litigation

A. Complexity

130. For Dionne Schulze, this case has lasted over a decade, since we first met with Anne Smith about an IAP claim in early 2012. It was both a factual and a legal challenge, as described above, to understand how her experiences and those of others in the Quebec Subclass like Kenneth Weistche formed a part of the national Indian Boarding Homes Program and on what basis a class action could be brought against Canada.

131. As set out above, even after certification by order of this Court on June 28, 2019, and until the most recent amendment to art. [2926.1](#) of the *Civil Code of Québec* took effect on June 12, 2020, cases of historic physical and sexual abuse in Québec were not clearly exempt from prescription (limitation periods). On the contrary, they were subject to a three-year limitation

period from the end of a victim's psychological impossibility to act, which meant that virtually no Québec class member's claim was free from being challenged at the time the *Anne Smith* proceedings were filed and the *Percival* action was amended.

132. In addition, the principal's liability for injury caused by the fault of his subordinates under art. 1463 *CCQ* (vicarious liability) had never been applied to a federal program such as boarding homes. While Canada had accepted it was vicariously liable for Indian residential schools (see *Blackwater v. Plint*, 2003 BCCA 671, para 56), they operated under a clearer statutory framework and their staff were directly employed by Canada for at least part of their history; the families, on the other hand, appeared to be independent contractors. As discussed below, evidence of direct negligence in Canada's placement and supervision would probably have been required to establish liability.

B. Risk incurred by Quebec Subclass Counsel

133. Even after Canada indicated it was prepared to negotiate a settlement agreement, there was no guarantee that a mutually acceptable settlement could be arrived at and a trial avoided, though that was our client's goal. Kenneth Weistche's instructions to David Schulze were that neither the IRSSA nor the IDSSA were models he was prepared to copy and simply apply to this case: for him, the IAP had taken too long, while the IDSSA compensation model had not provided sufficient time or resources.

134. For our firm, the inherent risks in representing the plaintiffs in a class action that lasted seven years (including the *Anne Smith* and *Percival* litigation) – and could have lasted longer – take on a particular dimension because, as set out above, Dionne Schulze is a full-service Aboriginal law boutique.

135.

136. For Dionne Schulze, staff time devoted to such a case paid on a contingency fee comes at the expense of paid work on other files for its existing institutional clients which include substantial and complex mandates. The considerable work on this case by the firm's employees (non-partner lawyers, paralegals, students) constitutes an expenditure in salary for a share of staff time that would otherwise be paid at hourly rates. Along with the inherent risks in contingency fee litigation

– that a law firm might receive nothing if the case is unsuccessful – Dionne Schulze therefore incurs the additional risk that it might lose the opportunity to have billed paying clients instead.

C. Retainer

137. Kenneth Weistche signed a written retainer with Dionne Schulze in August 2021, which is **Exhibit FF**: among other things, the retainer confirmed that he could not pursue this class action through an hourly-rate retainer. (Note that the hourly rates indicated in the retainer were not for settlement purposes but only to determine the minimum payment if the client terminated the mandate and transferred the case to another firm.)

138. In the retainer, Kenneth Weistche agreed that the fees owing would to be 20% if the amount was payable by or on behalf of the Defendant after certification but before discovery and a higher percentage if the case went to trial, provided however that the fees owing would be 15% on any amount payable by the Defendant over \$35,000,000 and 10% on any amount over \$50,000,000.

139. Based on the estimated value of the settlement, counsel for the Quebec Subclass are asking for considerably less than provided for in the retainer.

VI. Terms of the Settlement Agreement

A. Purpose of the Agreement

140. With this Agreement, the parties seek to provide a fair, comprehensive and lasting settlement of claims related to the Boarding Homes Program, and to promote healing, education, commemoration, and reconciliation. These objectives are set out in paragraph G of the preamble to the Settlement Agreement. They are also reflected in the principles governing the Claims Process at 7.03, which is intended to minimize the burden on Claimants and to avoid re-traumatization, including by establishing a presumption in favour of Claimants.

B. Class Membership and Class Period

141. Former boarding home students (“Primary Class Members”) and their family members (“Family Class Members”) are included in the Settlement Agreement. The Settlement provides for individual compensation for the Primary Class. Funding for legacy measures will also be available to both Primary and Family Class Members, as well as their communities.

142. Eligibility for individual compensation is based on placement by the Government of Canada in a boarding home for the purpose of attending school, excluding post-secondary educational institutions. Individuals who were placed between September 1, 1951, and June 30, 1992, are deemed to have been placed by the government of Canada. If they were placed after 1992, they will still be eligible for individual compensation if they were placed prior to the date on which responsibility for such placement was transferred from Canada to an Indigenous governing body.

143. This global approach to class membership is simpler than past experiences with other settlements which included a long list of institutions with varying dates of eligibility. A single time-frame provides greater clarity for Class Members who can know right away whether they are eligible or not. Based on the documentation and historical research conducted by the Parties, instances where transfer of responsibility to an Indigenous governing body was not completed in 1992 are expected to be rare, but the Settlement Agreement provides for the Exceptions Committee to address these situations and ensure no Class Member is left out.

144. The process through which placements in the Boarding Homes Program is verified will be established as part of the claims administration protocol to be developed by the parties and approved by the Court after settlement approval and appointment of the Claims Administrator.

145. Deceased Primary Class Members will be eligible for individual compensation if they died on or after July 24, 2016. The Settlement allows Estate Executors to apply for the compensation to which the deceased Primary Class Member is entitled. A protocol will be established for estate claims where there is no Estate Executor.

C. Compensation

146. The Agreement provides for two categories of individual compensation available to Primary Class Members.

147. A Category 1 payment of \$10,000 will be paid to each Eligible Claimant upon submission of a simple application. This payment recognizes the specific harms associated with placement in a boarding home by Canada.

148. For the Plaintiffs, these harms necessarily include the cultural loss caused by their placement for extended periods of time in non-Indigenous homes far from their own communities, a consequence about which both Reginald Percival and Kenneth Weistche spoke eloquently at the dispute resolution conference.

149. In addition to Category 1 payments, Category 2 payments for instances of abuse will be available through a distinct, separate application. The amount of a Category 2 payment will be determined in accordance with a five-level grid ranging from \$10,000 to \$200,000 and reflecting increasingly severe levels of abuse. As in the IRSSA's IAP and the IDSSA, however, Category 2 compensation is not cumulative and Claimants may only apply for one Category 2 payment, which is meant to correspond to the most severe abuse they suffered.

150. The provision of two separate categories of payment will facilitate prompt payments to Claimants receiving a Category 1 payment and allow them additional time to prepare their claim under Category 2 if they wish. This approach recognizes the struggle for survivors to open up and share their history of abuse, and it seeks to minimize the burden on Claimants by providing them with the time and space they need to prepare their claim.

151. There is no limit to the total amount that will be paid by Canada under the Settlement Agreement. All approved claims will be paid in the amount specified in the Agreement, regardless of the number of claims. This claims-made approach avoids delays and uncertainties associated with a lump-sum approach, where payments are made only after all claims have been received and adjudicated to determine how much each Claimant will receive.

152. Under the claims-made approach and in keeping with the goal of prompt payment set out in the Agreement-in-Principle (s. 9), Eligible Claimants can expect to be paid shortly after their Claims are approved, which is a benefit for an aging class that has already waited many decades to receive justice. In addition, there is no risk of a *pro-rata* reduction if the total number of Claims received is higher than expected.

153. As part of Dionne Schulze's work on civil actions for certain victims of abuse in a federal Indian day school, I had already been in contact with Québec's Ministère de l'Emploi et de la Solidarité sociale, which administers social assistance in the province. The ministry confirmed that

the province intends to amend the [Individual and Family Assistance Regulation](#), CQLR c A-13.1.1, r 1, to make special provisions for amounts received by First Nations or Inuit recipients of social assistance for loss of physical or psychological integrity, whether in individual or class actions, as appears from **Exhibit GG**.

154. On behalf of the Quebec Subclass, we have therefore ascertained that amounts paid under the Agreement will not be counted as social assistance recipients' liquid assets for the purposes of calculating their benefits and – like payments under the IRSSA and the IDSSA – will therefore not reduce their social assistance payments. For the rest of the Primary Class, Canada has undertaken to make best efforts to obtain similar treatment of compensation paid under the Agreement to those on social assistance by other provinces and territories: s. 3.03.

D. Claims Process

155. The Claims Process will be administered by a Claims Administrator to be appointed by the Court. The Administrator will receive Claimants' applications and pay compensation upon approval of their Claims in accordance with the Agreement.

156. The Claims Process will be simple and paper-based, with a minimal evidentiary requirement. No testimony or cross-examination will be required from Claimants. The Claims Process is intended to be expeditious, cost-effective, user-friendly, culturally-sensitive and respect Class Members' privacy: s. 7.03(1). In the absence of reasonable grounds to the contrary, Claimants will be assumed to act honestly and in good faith, and all reasonable and favourable inferences will be drawn in their favour: s. 7.03(2).

157. Claimants will have 30 months (two-and-a-half years) to file their claims, with the ability to request an extension up to six months after the end of the Claim Deadline. This deadline compares favorably to similar settlement agreements: for instance, the IDSSA initially provided for a one-year deadline, with a class size estimated at 120,000 to 140,000 survivor members still alive. In response to objections, the IDSSA was amended just before the settlement approval hearing to extend this deadline to two-and-a-half years: *McLean v. Canada*, 2019 FC 1075, para 42. With a Primary Class size estimated at 40,000 Members and the Quebec Subclass estimated at about 20% of that total, we are confident that the proposed Claim Deadline will provide enough time for the overwhelming majority of Claimants to file their application; the right

to request a further six-month extension (s. 7.04) will provide additional flexibility.

158. For Category 1 payments, Claimants will fill out a simple form. The Claims Administrator will verify Claimants' participation in the Boarding Homes Program and pay Category 1 payments to all Eligible Claimants.

159. For Category 2 payments, Claimants will file a more detailed Application in which they describe their experience in the Boarding Homes Program. Each Claimant will self-identify the corresponding level of harm according to the grid attached as Schedule B to the Settlement Agreement. Claimants will provide minimal evidence, mostly in the form of a sworn declaration. Supporting documentation may also be provided.

160. The Claims Administrator will review each application to determine whether it meets the self-identified level of harms. The Claims Administrator will inform Claimants of its determination that their application either meets, exceeds, or does not meet the criteria for the self-identified level of harms.

161. A reconsideration process by an Independent Reviewer (s. 7.06) will be available to Claimants whose Application is denied by the Claims Administrator, or whose Application for a Category 2 payment is assessed at a level lower than the level self-identified by the Claimant. The procedures for reconsideration will be developed by the parties in a protocol to be approved by the Court.

162. When the harm described is not contemplated in the Category 2 compensation grid, or when the Independent Reviewer is unable to determine that Claimants are eligible for any compensation but believes that they should receive compensation, the Independent Reviewer will refer Applications to an Exceptions Committee to be appointed by the Court.

163. The Exceptions Committee (s. 9.01) will be established to monitor the implementation of the Settlement Agreement. It will consist of five members: one Primary Class Member, one member of each counsel team who participated in the negotiation of this Agreement (Class Counsel, Quebec Subclass Counsel, Canada's counsel), and a former jurist agreed to by the Parties who will sit as chair. In addition to reviewing referrals by the Independent Reviewer, the Exceptions Committee will monitor the work of the Claims Administrator and provide direction

as necessary, consider and determine disputes between the Parties regarding implementation of the Agreement, and consider Requests for Deadline Extensions. The Exceptions Committee may also be referred any other matter by the Court.

164. Canada has agreed to pay the costs of administration of the Settlement Agreement. The parties will agree on the firm best suited to serve as Claims Administrator from a short-list of proposals they receive. On behalf of the Plaintiffs, Class Counsel and Quebec Subclass Counsel will make its choice based on the proposed administrator's experience with similar settlements, its size, its geographical presence and its ability to offer services in both English and French, as well as Indigenous languages. The goal will be to implement a claims process that is not only efficient, but also trauma-informed and culturally sensitive.

165. As discussed above, having learned from past experiences with similar settlements, the parties have agreed that the Claims Administration protocol to be approved by the Court will be developed more effectively with input from the Claims Administrator to be appointed by the Court. For this reason, the exact steps in the Claims Process are not part of the Settlement Agreement.

E. Support for Members

166. Throughout the negotiations, Kenneth Weistche as the Quebec Subclass Representative and a former residential school support worker, individual Class Members, elected officials and support workers in Indigenous governments and other organizations emphasized to Dionne Schulze the importance of adequate support for Claimants. Two features of the Settlement Agreement address this important issue.

167. First, Claimants will have the ability to retain counsel of their choice to assist them in the preparation of their claims for Category 2 payments. Although the Claims Process is not akin to formal court litigation, it may nevertheless require legal assistance in the analysis required to identify the appropriate level of harm that fully reflects the experience of the Claimant, to fill out the form, to gather supporting documents if needed, to organize the Application, and to follow up with the Claims Administrator.

168. These requirements can be intimidating for Class Members who may not be used to such formalities, who may distrust processes of this type, and who may not be comfortable with written

English or French, all of which are consequences of the forced assimilation and poor education programs imposed on them, including the Boarding Homes Program. The assistance of Claimant's counsel of choice will therefore offer significant support, help minimize the burden on them and reduce the risk of re-traumatization through a negative experience in the claims process.

169. Canada will pay the Claimant's lawyer an amount equal to five per cent (5%) of the Category 2 payment, plus applicable taxes, without additional Court approval. Canada will also pay up to an additional 5% of the Category 2 payment, plus applicable taxes, upon approval by the Court and according to guidelines to be developed by the parties and approved by the Court. This payment will create an incentive for competent counsel to offer legal services to Claimants who either need or want assistance, including the possibility of additional payment for exceptional services or expenses.

170. The second feature of the Settlement Agreement that will offer support for Class Members is that Canada has committed to making available existing federally-funded mental health and emotional support services to those who file claims under this Agreement. It will be challenging for Class Members to confront traumatic experiences from childhood, and it is important for them to have psycho-social support distinct from legal services, as part of the claims process, as well as outside of it.

171. Existing services funded by Indigenous Services Canada include Resolution Health Support Workers (RHSWs) and cultural support providers that have been funded for many years as part of the Indian Residential Schools Resolution Health Support Program. The RHSWs provide emotional and cultural support services to former Indian Residential School students and their families, which is in addition to mental health counselling services by psychologists and social workers. The RHSWs are present in First Nations and Inuit communities, and they have provided effective support to many survivors.

172. Under the Settlement Agreement in this case, Canada has committed to make the existing RHSW service available to Indian Boarding Homes Program survivors as well as residential school survivors, with the goal of assisting Class Members in the Claims Process.

F. Legacy Measures

173. The class action alleges that the Boarding Homes Program was part of Canada's policy of culturally assimilating Indigenous persons into mainstream Canadian society. In addition to the abuse that occurred in the boarding homes, the prolonged absence from family and community caused loss of culture, language, and community bonding.

174. In order to achieve the goal of contributing to commemoration, healing, restoration of language and culture, and reconciliation, a Foundation will be established under the Settlement Agreement with an amount of \$50 million paid by Canada to fund its activities. Both Primary and Family Class Members will be eligible to benefit from projects funded by the Foundation.

175. The Foundation is intended to be Indigenous-led. Its board of directors will consist of individuals representing First Nations and Inuit from regions across Canada, including Quebec. The directors will be guided by an advisory board consisting of individuals who can provide regional representation, understanding, and knowledge of the loss and revitalization of Indigenous languages, cultures, wellness, and heritage.

176. The Foundation will contribute to full and public disclosure of the truth through the creation of a historical record on the Boarding Homes Program, which will be accessible to the public for future study and use.

G. Releases

177. In consideration of the provisions of the Settlement Agreement, releases were included at s. 10 to ensure finality of the litigation. The releases are drafted broadly in order to achieve this intent.

178. However, it was important for Dionne Schulze as Quebec Subclass Counsel to ensure that such releases would not be used to limit the obligations of counsel who will provide legal assistance to individual Claimants seeking Category 2 compensation under the Settlement Agreement, which is made clear by s. 10.01(3).

H. Legal Fees

179. No portion of the compensation to Class Members or of the Foundation funds will be used

to pay fees to Class Counsel and Quebec Subclass Counsel. Canada will pay the amount that the Court determines to be fair and reasonable for legal fees and disbursements for past and future work on behalf of the class.

180. Furthermore, implementation of the Settlement Agreement will not depend on the determination of the amount payable for legal fees or on any disagreement in relation to the same. If the Court approves the Agreement, its provisions will come into effect regardless of the date on which an order is made or an appeal is decided regarding legal fees. With this provision, Class Counsel and Quebec Subclass Counsel have sought to ensure that the issue of fees will not delay or affect Class Members' right to the benefits of the Agreement.

VII. Results Achieved

181. As Quebec Subclass Counsel, Dionne Schulze considers the key results of this Agreement to be as follows.

182. Recovery is provided to a wide range of survivors given the general approach taken for class membership and class period. The deeming provision in the definition of Primary Class Members avoids lengthy, complex, and potentially inconclusive debates about the exact date on which Canada completed the effective transfer of responsibility for placements in the Boarding Homes Program to a given Indigenous governing body and what would constitute such a transfer. Canada's own research demonstrated that it could not fully document these transfers and the Vincent report established that First Nations had no ready access to the relevant evidence either. Transfer was seldom done at a unique and clear moment; Canada would most often transfer responsibility gradually over time and each situation had its particularities. The deeming provision provides a simple criterion for eligibility that applies to all Primary Class Members.

183. The Agreement provides a simple and straightforward Claims Process which avoids re-traumatization and provides Claimants with enough time and support to share their entire story and receive a compensation fully reflecting the harms they suffered. Category 1 payments provide compensation for placement in the Boarding Homes Program, which caused cultural loss as a result of separation and prolonged absence from the community. Recognition of this specific harm was important to Kenneth Weistche as the Quebec Subclass Representative Plaintiff, who insisted on the harm suffered by all children who were placed in a boarding home. This benefit is a positive

result considering that cultural loss remains a novel claim for compensation, as discussed below.

184. Furthermore, the ability to make a separate application for the abuse suffered was also important for many Class Members who expressed to Quebec Subclass Counsel their dissatisfaction with the IDSSA model: by creating a single form of compensation and making the lowest level so easy to obtain that all class members were said to be eligible, the IDSSA created a strong incentive for claimants unable to describe their trauma to select the first level of compensation, even if they would have been eligible for higher compensation at levels 2 to 5.

185. In addition to the advantages set out above from paid legal representation for Category 2 claims, the availability of RHWs to help survivors of the Boarding Homes Program and the support provisions in the Agreement address another source of dissatisfaction with the IDSSA. Elected officials and support workers in Indigenous governments and other organizations told Dionne Schulze lawyers that the absence of support placed the burden of assisting IDSSA claimants on local Indigenous governments and their employees, even in the absence of dedicated training or funding. This was a burden that they were ill equipped to assume.

186. Lastly, the proposed paper-based Claims Process avoids the stress of hearings and the inevitable delay that scheduling tens of thousands of hearings would cause, while establishing principles governing the claims administration that favour Claimants.

187. The Foundation will contribute to healing projects. Establishing a public record of the history of the Boarding Homes Program is an important part of reconciliation, as it sheds light on the truth and contributes to avoiding reoccurrence of these wrongs. Kenneth Weistche stated at the dispute resolution conference and in public that that the Boarding Homes Program was the missing part of the history of abuse and cultural loss in federal educational programs for Indigenous peoples, after residential schools and days schools. This program was another part of Canada's policy of assimilating Indigenous children, and it caused lasting and specific harms that will be recognized and commemorated.

VIII. The Settlement Agreement is fair, reasonable and in the best interest of the Class

188. Based on our extensive experience in similar class actions, and in litigation and negotiation on behalf of Indigenous clients, Quebec Subclass Counsel believe that this Agreement is fair,

reasonable and in the best interest of the Class. Considering all the circumstances, including litigation risks detailed below, it is the best agreement that could be reached.

189. Negotiations were based on the lessons learned from recent experience in similar settlement agreements. Each party is represented by a team of competent, knowledgeable, and experienced lawyers who have a strong understanding of both the factual underpinnings of the Boarding Homes Program as part of Canada's policy of assimilation and the legal issues raised by this specific class action.

190. The experience of Class Members was central to the negotiations. The Settlement Agreement reflects their concerns and is adapted to their realities. Quebec Subclass Counsel was in constant communication with the Representative Plaintiff and sought input from Indigenous leaders and organizations.

191. As Quebec Subclass Representative Plaintiff, Kenneth Weistche has expressed his satisfaction with such results. Since the announcement of the Settlement Agreement, we have received three (3) unsolicited written expressions of support from Class Members, a verbal expression of support from an elected official in an affected First Nations community and approval from community support workers who assisted members with their IDSSA claims. Members who call to request information have expressed verbal satisfaction with the settlement agreement and we have received no objections to the proposed settlement.

192. The Settlement Agreement is also the product of necessary compromise considering all the circumstances. It provides long overdue access to justice to a large number of individuals whom Canada placed in the Boarding Homes Program and the Agreement avoids the risks and delay inherent in continued litigation.

IX. Risk to Class Members in continuing in the absence of settlement

193. If approved, the Settlement Agreement will provide immediate compensation to an aging class and bring an end to litigation that could be lengthy. While we remain confident about the merits of the action, continued litigation would entail a number of risks which informed our conclusion that the Settlement Agreement is fair and reasonable.

194. In the absence of a settlement, the Parties would have to enter the time-consuming process of preparing the trial on the common issues. In particular, documentary discovery and oral discovery would require an important investment of resources and time. While a significant number of documents has already been exchanged between the Parties, discovery would be needed to address issues such as systemic negligence and the basis for Canada's vicarious liability. It can be reasonably anticipated that discovery would have included many more thousands of documents.

195. Expert evidence would have to be produced on both sides. For instance, although the Joan Holmes report provides a historical overview of the Boarding Homes Programs at the administrative level, it did not address class members' experience of the program in the homes. In addition, quantification of losses, including novel claims such as cultural loss, could not be undertaken by the Court without further expert evidence. Plaintiffs' expert evidence would be followed by responding to expert evidence from Canada as the Defendant. Examination and cross-examination of experts would also have to be scheduled.

196. A trial could be expected to last weeks or even months, simply on the common issues. A decision could take many months, and appeals would be possible, which would result in further delays. Once a final judgement would be rendered on the common issues of whether Canada owed the alleged duties to Class Members and breached any of them, even with judgement in favour of the Plaintiffs, individual assessment trials would begin. Each Class Member would then need to prove class membership and damages caused by their experience in the Boarding Homes Program.

197. In addition to the time and resources involved in pursuing litigation to judgment, Quebec Subclass Counsel has not taken success at trial for granted: this class action raises complex questions and involves legal risks. Cases of historic abuse have inherent risk due to the uncertainty of the quality of documentary evidence available: historical records are often incomplete or damaged. Many witnesses may no longer be alive to testify or the quality of their memory may be fading with age. The impact of trauma on memory also poses a challenge.

198. Establishing Canada's liability would raise many challenges at trial, in particular with regard to the complex issue of transfer of responsibility for the Boarding Homes Program, as discussed above. The parties have spent a great deal of time and resources trying to determine the dates on which Canada transferred responsibility for the program to Indigenous governing bodies

for each community, without being able to arrive at a clear answer. Further research and analysis would be required to make that determination before the Court.

199. As mentioned above, Canada has never admitted to vicarious liability for the faults committed by the families who operated boarding homes. The families probably acted as independent contractors, in which case evidence of a relationship sufficiently close to the federal government would be required to establish its vicarious liability.

200. In fact, vicarious liability by the provincial Crown for foster homes has generally been rejected, and direct negligence in placement and supervision is generally required to establish liability: *K.L.B. v. British Columbia*, [2003 SCC 51](#). Arguably, the federal Crown's responsibility was closer to an *in loco parentis* relationship given the Minister's powers under the *Indian Act* to decide on a child's schooling, but the issue had never been determined in the federal and Indigenous context.

201. At the very least, the Plaintiffs would have had to prove direct negligence as an alternative basis for liability. As a result, any trial on the common issues would have required extensive evidence about how the program was administered.

202. Individual issues of damages and causation would raise significant challenges for Class Members. These would have had to be determined at tens of thousands of hearings with respect to individual questions (Rule 334.26).

203. In addition, not all heads of damage were equally likely to succeed. Several decisions have recognized cultural loss as a viable cause of action: *Gottfriedson v. Canada*, 2015 FC 706, para [33](#). Some class action settlements have also recognized it as a basis for compensation, as in *Sixties Scoop: Riddle v. Canada*, 2018 FC 641, para [38](#). However, loss of language and culture remains a novel claim and no judgment has yet ordered damages payable for such a loss after trial. For instance, with respect to the Sixties Scoop, *Brown v. Canada (Attorney General)*, 2017 ONSC 251, para. [61](#), recognized cultural loss as resulting damages suffered, but it was only determined on a summary judgment motion that Canada had breached its duty to consult.

204. Limitation periods or prescription could also be an obstacle for claims of language and cultural loss. For Québec, article [2926.1](#) of the *Civil Code of Québec* provides that actions for

damages for injury resulting from physical abuse suffered during childhood cannot be prescribed but, to my knowledge, this provision has not been applied where the injury itself is cultural loss rather than physical injury.

205. Both causation issues and the potential defence of double compensation could reduce the award that a Class Member could recover. Many Class Members have suffered harm as a result of other aspects of Canada's policy of assimilation, such as Indian residential schools and Indian day schools. Distinguishing the effects of cascading federal government programs to assess the damages caused by the Boarding Homes Program would be an evidentiary challenge in proving causation. Also, to the extent that these harms may already have been compensated through other settlement agreements, Canada might have a viable defence based on the rule against double recovery at the stage of individual questions.

206. Another risk would be for Family Class members whose form of claim is not always successful before courts. Under Quebec civil law, family members are required to prove, on the balance of probabilities, that they suffered harm as a direct consequence of the alleged fault of the defendant: *Montréal (City) v. Dorval*, 2017 SCC 48, para [29](#). As a result, for example, an indirect harm such as the damages suffered by the children of parents whose substance abuse issues were caused by their experience in a boarding home would probably not be compensable.

207. In addition to legal risks, continued litigation would also create personal risks to individual Class Members who could be examined and cross examined before the Court in order to establish damages and causation. They would have to provide to the Court details about their experience and to have their credibility challenged, which may revive trauma and put them at serious psychological risk. It could also create an incentive for Class Members to avoid the process and lose the possibility of receiving any compensation.

208. Lastly, this process would significantly delay the possibility for survivors to receive compensation. Given the age of many Class Members, many might simply not live long enough to receive compensation, or would be unable to benefit from any awards by the time they received them.

X. Contribution of the Quebec Subclass Representative Plaintiff

209. Mr. Weistche has been involved in each step of the process, and his insight has been crucial to arrive at a Settlement Agreement that we are confident is in the best interest of Quebec Subclass Members. Throughout the proceedings and the negotiations, he has insisted repeatedly on the importance that Quebec Subclass Members not be left alone to deal with their claims by themselves.

210. Mr. Weistche kept his community informed of the developments in this action and consulted Cree leadership on a regular basis; he passed on to Quebec Subclass Counsel the comments and opinions he received.

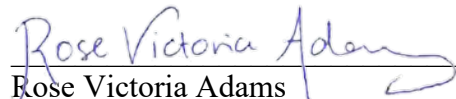
211. Mr. Weistche, together with Representative Plaintiff Reginal Percival, participated actively in the judicial dispute resolution conference held before Justice Strickland in Toronto on November 14 to 16, 2022 and December 6 to 7, 2022. His perspective during the conference was crucial in instructing Counsel and ensuring the interests of Quebec Subclass Members were taken into account.

212. Mr. Weistche's work is reflected in key aspects of the Settlement Agreement, such as:

- a. recognition of cultural loss caused by the Boarding Homes Program with Category 1 payments;
- b. access to legal and mental health support for Class Members; and
- c. a Claims Period allowing sufficient time for Class Members to address and describe their experiences and make a claim through the Claims Process.

213. Mr. Weistche is eager to assist in implementing the Settlement Agreement and is ready to do so once it receives Court approval.

SWORN BEFORE ME in the
City of Montréal, in the
Province of Quebec
this 21st day of July, 2023



Rose Victoria Adams
Barreau du Québec n°358105-5



Léa Lemay Langlois

Court File No.: T-1417-18

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINAL PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

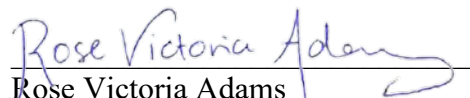
- and -

HIS MAJESTY THE KING

Defendant

EXHIBIT A TO THE AFFIDAVIT OF LÉA LEMAY LANGLOIS

This is Exhibit A to the affidavit of
Léa Lemay Langlois, as solemnly sworn
before me the 21st day of July, 2023


Rose Victoria Adams
Barreau du Québec n°358105-5

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Fuel tax paid by Indians on reserve in Quebec

The Attorney General of Québec and L'Agence du Revenu du Québec

Ghislain Picard v. The Attorney General of Québec and L'Agence du Revenu du Québec
Superior Court, district of Québec, no 200-06-000088-073

Group

You are eligible to file a claim under the present settlement if:

1. you are a registered Indian according to the Indian Act (except for a Cree beneficiary of the James Bay and Northern Québec Agreement (JBNQA)), you are an adult and you reside in Québec or Akwesasne; or
2. you are a registered Indian according to the Indian Act (except for a Cree beneficiary of the JBNQA), you are an adult, you do not reside in Québec however you are a member of a Québec band; or
3. you are a registered Indian according to the Indian Act (except for a Cree beneficiary of the JBNQA), you are an adult, you are not a resident of Québec, you are not a member of a Québec band but you paid the fuel tax on a purchase of fuel at a service station located on an Indian reserve in Québec before July 1, 2007.

Claims Deadline

The completed and signed [Claim Form](#) and the necessary supporting documents must be received before **July 8, 2013**:

Final tables of indemnities

Catégorie*	Number of claims	100% of Total amount of the final indemnity
1 – 18 to 24 years	4031	\$249.92

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Age group	Number of claims	Final indemnity
6 – 65 years and over	3354	\$1,499.54

*** Age the time of signature of the Claim Form**

The base amount has been reduced by 50% for registered Indians who are members of a Québec band, but who do not reside in Québec or Akwesasne.

Catégorie *	Number of claims	50% of Total amount of the final indemnity
1 – 18 to 24 years	136	\$124.96
2 – 25 to 34 years	227	\$249.92
3 – 35 to 44 years	252	\$374.88
4 – 45 to 54 years	295	\$499.85
5 – 55 to 64 years	232	\$624.81
6 – 65 years and over	167	\$749.77

Documents

[Judgment rendered on January 29, 2014 \(French version only\)](#)

[Claim Form](#)

[Notice to members – Long version](#)

[Notice to members – Short version](#)

[Judgment Approving the Notice rendered on May 24, 2012](#)

[Settlement Agreement](#)

[Judgment Approving the Settlement Agreement rendered December 9, 2011_corrected on January 13, 2012](#)

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[CHSLD Herron class action](#)

[United Parcel Service Canada Ltd \(« UPS »\)](#)

[Class action regarding fees for educational services and the purchase of school materials](#)

[Sixties Scoop Settlement](#)

[Colacem Settlement](#)

[Depuy ASR hip implants](#)

[Early Termination Fees](#)

[Excessive levels of noise / Repair work on the Ville-Marie Highway](#)

[Netflix](#)



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Court File No.: T-1417-18

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINAL PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

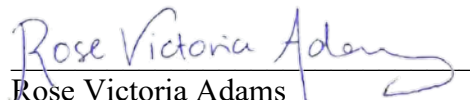
- and -

HIS MAJESTY THE KING

Defendant

EXHIBIT B TO THE AFFIDAVIT OF LÉA LEMAY LANGLOIS

This is Exhibit **B** to the affidavit of
Léa Lemay Langlois, as solemnly sworn
before me the 21st day of July, 2023


Rose Victoria Adams
Barreau du Québec n°358105-5

**COUR SUPÉRIEURE
(ACTIONS COLLECTIVES)**

CANADA
PROVINCE DE QUÉBEC
DISTRICT DE MONTRÉAL

N° : 500-06-001005-194

Le 15 juin 2023

SOUS LA PRÉSIDENTE DE L'HONORABLE SYLVAIN LUSSIER, J.C.S.

FEMMES AUTOCHTONES DU QUÉBEC INC.

et

ISABELLE PAILLÉ

Demanderesses

c

PROCUREUR GÉNÉRAL DU CANADA

Défendeur

**JUGEMENT
SUR LA DEMANDE POUR AUTORISATION D'EXERCER UNE ACTION
COLLECTIVE ET POUR ÊTRE DÉSIGNÉE REPRÉSENTANTE**

[1] **CONSIDÉRANT** la Demande modifiée pour autorisation d'exercer une action collective et pour être désignée représentante des demanderesses;

[2] **VU** les pièces produites au dossier;

[3] **CONSIDÉRANT** les représentations écrites des procureur-es des parties

[4] **CONSIDÉRANT** le consentement du défendeur à l'autorisation, aux avis et au protocole de diffusion des avis;

[5] **CONSIDÉRANT** que les demandresses demandent au Tribunal d'approuver l'avis aux membres et l'avis abrégé aux membres, versions française et anglaise, en Annexe du présent jugement;

[6] **CONSIDÉRANT** que les avis respectent les exigences de l'article 579 du *Code de procédure civile*;

[7] **CONSIDÉRANT** que les demandresses proposent que les avis soient diffusés selon le protocole de diffusion en Annexe du présent jugement;

[8] **VU** les articles 571 et suivants du *Code de procédure civile*;

[9] **POUR CES MOTIFS, LE TRIBUNAL :**

[10] **ACCUEILLE** la *Demande modifiée pour autorisation d'exercer une action collective et pour être désignée représentante*;

[11] **AUTORISE** l'exercice de l'action collective en dommages compensatoires et punitifs contre le défendeur;

[12] **ATTRIBUE** à Femmes Autochtones du Québec le statut de représentante et à Isabelle Paillé le statut de membre désignée, aux fins d'exercer l'action collective pour le compte du groupe de personnes ci-après décrit :

1. CATÉGORIE A (LES PETITS-ENFANTS D'UNE FEMME INDIENNE AYANT PERDU SON STATUT PAR MARIAGE, S'ILS SONT NÉS AVANT LE 17 AVRIL 1985 OU D'UN MARIAGE FORMÉ AVANT CETTE DATE, AINSI QUE LEURS DESCENDANT·E·S DIRECT·E·S)

1. Tout individu au Canada :

a) dont la grand-mère a perdu le statut d'Indienne à la suite de son mariage à un non-Indien avant le 17 avril 1985;

et

b) dont le seul parent indien était éligible au statut d'Indien en vertu de l'alinéa 6(1)c.1) de la *Loi sur les Indiens*, telle qu'amendée en 2010 (*Loi sur l'équité entre les sexes relativement à l'inscription au registre des Indiens*, L.C. 2010, c. 18);

et

c) qui était lui-même éligible au statut d'Indien en vertu de l'alinéa 6(1)c.2) de la *Loi sur les Indiens*, telle qu'amendée en 2017 (*Loi modifiant la Loi sur les Indiens pour donner suite à la décision de la Cour supérieure du Québec dans l'affaire Descheneaux c. Canada (Procureur général)*, L.C. 2017, c. 25);

et

d) qui a eu un enfant inéligible au statut d'Indien avant l'entrée en vigueur de la *Loi sur les Indiens* telle qu'amendée en 2017;

2. de même que ses ascendant·e·s indien·e·s;

3. de même que ses descendant·e·s qui sont éligibles au statut d'Indien en raison des amendements à la *Loi sur les Indiens* adoptés en 2017.

2. CATÉGORIE B (LES FEMMES NÉES HORS MARIAGE D'UN INDIEN ET D'UNE NON-INDIENNE ET LEURS DESCENDANT·E·S DIRECT·E·S)

1. Toute femme au Canada :

a) née hors mariage d'un Indien et d'une non-Indienne avant le 17 avril 1985;

et

b) qui est devenue éligible au statut d'Indien en vertu du paragraphe 6(2) de la *Loi sur les Indiens* à la suite des amendements de 1985 à cette loi;

et

c) qui était éligible au statut d'Indien en vertu de l'alinéa 6(1)c.3) de la *Loi sur les Indiens*, telle qu'amendée en 2017;

2. de même que ses ascendant·e·s indien·ne·s;

3. de même que ses descendant·e·s en ligne directe qui sont éligibles au statut d'Indien en raison des amendements à la *Loi sur les Indiens* adoptés en 2017.

3. CATÉGORIE C (LES MINEUR·E·S ÉMANCIPÉ·E·S ET LEURS DESCENDANT·E·S DIRECT·E·S)

1. Tout individu au Canada :

a) dont le père est Indien ou non déclaré et dont la mère a perdu le statut d'Indienne à la suite de son mariage à un non-Indien avant le 17 avril 1985;

et

b) qui a lui-même perdu le statut d'Indien en raison du mariage de sa mère à un non-Indien après la naissance de cet individu et avant sa majorité;

et

c) qui a recouvré son statut d'Indien en vertu de l'alinéa 6(1)c) de la *Loi sur les Indiens*, à la suite des amendements de 1985 à cette loi;

2. de même que ses ascendant·e·s indien·ne·s;

3. de même que ses descendant·e·s en ligne directe au premier degré qui étaient éligibles au statut d'Indien en vertu de l'alinéa 6(1)c.01) de la *Loi sur les Indiens* telle qu'amendée en 2017 ou ses autres descendant·e·s en ligne directe qui sont éligibles en raison des amendements à la *Loi sur les Indiens* adoptés en 2017.

[13] **IDENTIFIE** ainsi les questions communes à traiter collectivement :

a. Les amendements apportés à l'article 6 de la *Loi sur les Indiens* par l'adoption de la *Loi de 2010* :

i. sont-ils inconstitutionnels, en ce qu'ils portent atteinte à l'art. 15 de la *Charte canadienne des droits et libertés* d'une manière non justifiée par l'article premier de celle-ci ?

ii. constituent-ils une faute ?

iii. violent-ils une obligation de fiduciaire de la Couronne ?

b. Dans l'affirmative, l'immunité de l'État ou l'article 10 de la *Loi de 2017* s'appliquent-ils de sorte à faire échec à la Demande ?

c. Si l'immunité de l'État ou l'art. 10 ne s'appliquent pas, les membres du groupe ont-ils droit à des dommages-intérêts ou à une indemnité en vertu :

i. du paragraphe 24(1) de la *Charte canadienne des droits et libertés* ?

ii. des règles générales de responsabilité civile (art. 1376, 1457 C.c.Q.) ?

iii. des principes de l'enrichissement sans cause (art. 1493 C.c.Q.) ?

iv. de l'obligation de fiduciaire de la Couronne fédérale à l'égard des peuples autochtones ?

[14] **IDENTIFIE** ainsi les conclusions recherchées au mérite de l'action collective :

[15] **ACCUEILLIR** l'action des demanderesse pour le compte de tous les membres du groupe;

[16] **DÉCLARER** que les amendements de 2010 ont maintenu une discrimination contraire à l'article 15 de la *Charte canadienne des droits et libertés* et corrigée seulement par la *Loi de 2017*;

[17] **DÉCLARER** que la doctrine de l'immunité de l'État ou l'article 10 des amendements de 2017 n'empêchent pas de condamner l'État à réparer les dommages subis en raison de cette disposition discriminatoire;

[18] **CONDAMNER** le défendeur à payer aux membres du groupe un montant à être établi au procès :

1. pour les sommes qu'ils auraient dû recevoir, n'eut été des dispositions discriminatoires, notamment mais non limitativement :

a. à titre de prestations en vertu du Programme des Services de santé non assurés de Santé Canada;

b. à titre de à titre de financement en vertu du Programme d'enseignement postsecondaire du ministère des Affaires indiennes et du Nord canadien;

c. à titre d'annuités prévues dans les traités historiques;

d. en vertu du Programme de l'argent des Indiens;

2. à titre de dommages compensatoires, plus intérêts et indemnité additionnelle;

2. à titre de dommages moraux, plus intérêts et indemnité additionnelle;

3. à titre de dommages punitifs, plus intérêts et indemnité additionnelle;

LE TOUT sujet au recouvrement individuel des réclamations à être ordonné conformément aux articles 599 à 601 C.p.c.

[19] **DÉCLARE** qu'à moins de s'être exclus de la présente action collective, les membres du groupe seront liés par tout jugement à intervenir dans la présente action collective;

[20] **FIXE** le délai d'exclusion à 60 jours après la date de l'Avis aux membres; à l'expiration du délai d'exclusion, les membres du groupe qui n'auront pas fait usage des moyens d'exclusion seront liés par tout jugement à rendre;

[21] **APPROUVE** le contenu et la forme des Avis aux membres, en versions abrégées et longues (en français et en anglais), joints comme Annexes A, B, C et D au présent jugement;

[22] **ORDONNE** la publication des Avis aux membres dans les 30 jours du présent jugement, selon les modalités prévues au Protocole de diffusion joint comme Annexe E au présent jugement;

[23] **APPROUVE** le contenu et la forme des Formulaires d'exclusion (en français et en anglais), joints comme Annexes F et G au présent jugement;

[24] **ORDONNE** la scission de l'instance afin de traiter, dans un premier temps, des questions suivantes :

a. Les amendements apportés à l'article 6 de la *Loi sur les Indiens* par l'adoption de la *Loi de 2010* :

i. sont-ils inconstitutionnels, en ce qu'ils portent atteinte à l'art. 15 de la *Charte canadienne des droits et libertés* d'une manière non justifiée par l'article premier de celle-ci ?

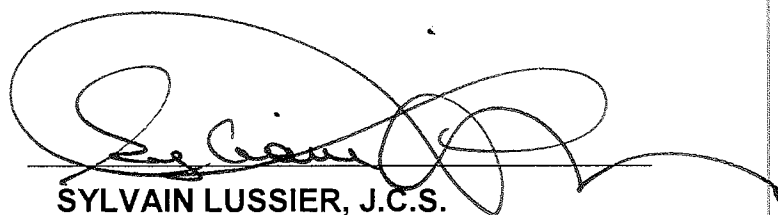
ii. constituent-ils une faute ?

iii. violent-ils une obligation de fiduciaire de la Couronne ?

b. Dans l'affirmative, l'immunité de l'État ou l'article 10 de la *Loi de 2017* s'appliquent-ils de sorte à faire échec à la Demande?

[25] **DÉTERMINE** que l'action collective sera introduite dans le district judiciaire de Montréal;

[26] **LE TOUT SANS FRAIS** de justice, sauf quant aux frais de publication, lesquels sont à la charge du défendeur.



SYLVAIN LUSSIER, J.C.S.

Audition sur dossier

500-06-001005-194

ANNEXE

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ANNEXE A – Avis long (français)

AVIS AUX MEMBRES

De l’action collective concernant les bénéficiaires du Projet de loi S-3 (modifications apportées à la *Loi sur les Indiens* en 2017)

**FEMMES AUTOCHTONES DU QUÉBEC INC. et ISABELLE PAILLÉ c.
PROCUREUR GÉNÉRAL DU CANADA**

PRENEZ AVIS que la Cour supérieure du Québec a autorisé qu’une action collective soit intentée contre le Procureur général du Canada au nom des personnes qui auraient subi certains effets discriminatoires des règles d’inscription de la *Loi sur les Indiens*, telles que maintenues jusqu’à la mise en vigueur des modifications apportées à cette loi en 2017.

L’organisme Femmes Autochtones du Québec et madame Isabelle Paillé ont obtenu respectivement le statut de représentante des membres et le statut de membre désignée de l’action collective. Elles agissent comme demanderesse. Le Canada est le défendeur.

OBJET DE L’ACTION COLLECTIVE

Cette action collective allègue que le Canada a maintenu au registre des Indiens des règles d’inscription qu’il savait discriminatoires sur la base du sexe depuis 1985 et qu’il ne les a pas corrigées par les amendements adoptés en 2010, mais seulement en 2017 à la suite du jugement *Descheneaux*¹. L’action vise à indemniser les membres du groupe ci-dessous, en raison des règles

¹ *Descheneaux c. Canada (Procureur Général)*, 2015 QCCS 3555.

d'inscription discriminatoires à leur égard et à l'égard de leurs enfants, et à obtenir des dommages punitifs à l'encontre du Canada.

L'action collective sera entendue dans le district de Montréal, mais elle vise tout individu au Canada qui répond à la définition du groupe, quel que soit leur lieu de résidence.

QUI EST VISÉ PAR L'ACTION COLLECTIVE ?

Une personne qui fait partie de l'une des trois catégories suivantes est visée par l'action collective :

A. Catégorie A (les petits-enfants d'une femme indienne ayant perdu son statut par mariage, s'ils sont nés avant le 17 avril 1985 ou d'un mariage formé avant cette date, ainsi que leurs descendant·e·s direct·e·s)

1. Tout individu au Canada :

a) dont la grand-mère a perdu le statut d'Indienne à la suite de son mariage à un non-Indien avant le 17 avril 1985;

et

b) dont le seul parent indien était éligible au statut d'Indien en vertu de l'alinéa 6(1)c.1) de la *Loi sur les Indiens*, telle qu'amendée en 2010 (*Loi sur l'équité entre les sexes relativement à l'inscription au registre des Indiens*, L.C. 2010, c. 18);

et

c) qui était lui-même éligible au statut d'Indien en vertu de l'alinéa 6(1)c.2) de la *Loi sur les Indiens*, telle qu'amendée en 2017 (*Loi modifiant la Loi sur les Indiens pour donner suite à la décision de la Cour supérieure du Québec dans l'affaire Descheneaux c. Canada (Procureur général)*, L.C. 2017, c. 25);

et

d) qui a eu un enfant inéligible au statut d'Indien avant l'entrée en vigueur de la *Loi sur les Indiens* telle qu'amendée en 2017;

2. de même que ses ascendant·e·s indien·ne·s;

3. de même que ses descendant·e·s qui sont éligibles au statut d'Indien en raison des amendements à la *Loi sur les Indiens* adoptés en 2017.

B. Catégorie B (les femmes nées hors mariage d'un Indien et d'une non-Indienne et leurs descendantes directes)

1. Toute femme au Canada :

a) née hors mariage d'un Indien et d'une non-Indienne avant le 17 avril 1985;
et

b) qui est devenue éligible au statut d'Indien en vertu du paragraphe 6(2) de la *Loi sur les Indiens* à la suite des amendements de 1985 à cette loi;
et

c) qui était éligible au statut d'Indien en vertu de l'alinéa 6(1)c.3) de la *Loi sur les Indiens*, telle qu'amendée en 2017;

2. de même que ses ascendantes indiennes;

3. de même que ses descendantes en ligne directe qui sont éligibles au statut d'Indien en raison des amendements à la *Loi sur les Indiens* adoptés en 2017.

C. Catégorie C (les mineures émancipées et leurs descendantes directes)

1. Tout individu au Canada :

a) dont le père est Indien ou non déclaré et dont la mère a perdu le statut d'Indienne à la suite de son mariage à un non-Indien avant le 17 avril 1985;
et

b) qui a lui-même perdu le statut d'Indien en raison du mariage de sa mère à un non-Indien après la naissance de cet individu et avant sa majorité;
et

c) qui a recouvré son statut d'Indien en vertu de l'alinéa 6(1)c) de la *Loi sur les Indiens*, à la suite des amendements de 1985 à cette loi;

2. de même que ses ascendantes indiennes;

3. de même que ses descendantes en ligne directe au premier degré qui étaient éligibles au statut d'Indien en vertu de l'alinéa 6(1)c.01) de la *Loi sur les Indiens* telle qu'amendée en 2017 ou ses autres descendantes en ligne directe qui sont éligibles en raison des amendements à la *Loi sur les Indiens* adoptés en 2017.

QUE POURRIEZ-VOUS OBTENIR ?

Vous pourriez obtenir une compensation monétaire pour le préjudice subi du fait de n'avoir pu bénéficier du statut indien, ou du fait que vos descendants n'ont pu bénéficier du statut indien, avant l'entrée en vigueur des amendements à la *Loi sur les Indiens* adoptés en 2017. Cette compensation monétaire est recherchée afin d'indemniser les dommages moraux et les pertes économiques subies, dont notamment les frais liés à des soins de santé non assurés et à des études post-secondaires, le cas échéant.

PROCHAINES ÉTAPES

Aucun montant n'a été accordé pour le moment. L'action collective est à un stade préliminaire. Les allégations n'ont pas encore été prouvées et la Cour n'a pas encore décidé si la demande était bien fondée.

Les demanderesses devront faire valoir leurs arguments devant la Cour, qui déterminera si le Canada doit être condamné à indemniser les membres et si oui, le montant d'une telle indemnité sera déterminé par la suite.

Le jugement d'autorisation a identifié les principales questions qui seront traitées collectivement comme suit :

- a. Les amendements apportés à l'article 6 de la *Loi sur les Indiens* par l'adoption de la *Loi de 2010* :
 - i. sont-ils inconstitutionnels, en ce qu'ils portent atteinte à l'art. 15 de la *Charte canadienne des droits et libertés* d'une manière non justifiée par l'article premier de celle-ci ?
 - ii. constituent-ils une faute ?
 - iii. violent-ils une obligation de fiduciaire de la Couronne ?
- b. Dans l'affirmative, l'immunité de l'État ou l'article 10 de la *Loi de 2017* s'appliquent-ils de sorte à faire échec à la Demande ?
- c. Si l'immunité de l'État ou l'art. 10 ne s'appliquent pas, les membres du groupe ont-ils droit à des dommages-intérêts ou à une indemnité en vertu :
 - i. du paragraphe 24(1) de la *Charte canadienne des droits et libertés* ?
 - ii. des règles générales de responsabilité civile (art. 1376, 1457 *Code civil du Québec*) ?
 - iii. des principes de l'enrichissement sans cause (art. 1493 *C.c.Q.*) ?
 - iv. de l'obligation de fiduciaire de la Couronne fédérale à l'égard des peuples autochtones ?

CONCLUSIONS RECHERCHÉES

Les demandereses réclament ce qui suit :

ACCUEILLIR l'action des demandereses pour le compte de tous les membres du groupe;

DÉCLARER que les amendements de 2010 ont maintenu une discrimination contraire à l'article 15 de la *Charte canadienne des droits et libertés* et corrigée seulement par la *Loi de 2017*;

DÉCLARER que la doctrine de l'immunité de l'État ou l'article 10 des amendements de 2017 n'empêchent pas de condamner l'État à réparer les dommages subis en raison de cette disposition discriminatoire;

CONDAMNER le défendeur à payer aux membres du groupe un montant à être établi au procès :

1. pour les sommes qu'ils auraient dû recevoir, n'eut été des dispositions discriminatoires, notamment mais non limitativement :
 - a. à titre de prestations en vertu du Programme des Services de santé non assurés de Santé Canada;
 - b. à titre de financement en vertu du Programme d'enseignement postsecondaire du ministère des Affaires indiennes et du Nord canadien;
 - c. à titre d'annuités prévues dans les traités historiques;
 - d. en vertu du Programme de l'argent des Indiens;
2. à titre de dommages compensatoires, plus intérêts et indemnité additionnelle;
3. à titre de dommages moraux, plus intérêts et indemnité additionnelle;
4. à titre de dommages punitifs, plus intérêts et indemnité additionnelle;

LE TOUT sujet au recouvrement individuel des réclamations à être ordonné conformément aux articles 599 à 601 C.p.c.

LES AVOCAT·E·S DES MEMBRES DU GROUPE

Le bureau d'avocat·e·s Dionne Schulze représente les membres du groupe de cette action collective, en collaboration avec le bureau Law Office of Mary Eberts.

Les membres du groupe n'auront pas à déboursier les frais de justice de l'action collective. **Être membre du groupe ne vous coûte donc rien.**

Les frais d'avocat·e·s seront payés uniquement si un jugement favorable est rendu. Ces frais seront basés sur la compensation accordée aux membres et seront approuvés par la Cour.

RESTER MEMBRE OU VOUS EXCLURE DE L'ACTION COLLECTIVE

Vous êtes automatiquement membre du groupe si vous correspondez à l'une des catégories ci-dessus (A, B ou C). Tout jugement rendu dans cette action vous liera. Si vous souhaitez continuer de faire partie de cette action collective, vous n'avez pas besoin de faire quoi ce soit.

Toutefois, **si vous désirez vous exclure du groupe**, vous devez remplir le formulaire d'exclusion ci-joint et l'envoyer par courrier au greffe de la Cour supérieure du Québec **avant le ____ 2023**. Il vous est fortement recommandé d'envoyer une copie du formulaire aux avocat·e·s du groupe. Les adresses pertinentes sont les suivantes :

Greffe de la Cour supérieure du Québec
1, rue Notre-Dame Est
Montréal (Québec) H2Y 1B6

DIONNE SCHULZE
507 Place d'Armes, #502
Montréal (Québec) H2Y 2W8
Courriel : paille@dionneschulze.ca

VOUS POUVEZ DEMANDER D'INTERVENIR

Les membres peuvent faire une demande à la Cour pour intervenir dans l'action collective. La Cour autorisera l'intervention si elle est d'avis qu'elle est utile au groupe. Si vous engagez votre propre avocat·e, c'est à vous qu'il revient de payer les honoraires ou les frais pouvant être fixés par ce·tte dernier·ère.

POUR PLUS DE RENSEIGNEMENTS

Vous pouvez vous inscrire à la liste d'envoi auprès de Dionne Schulze pour recevoir des mises à jour sur l'état d'avancement du dossier. Pour ce faire, veuillez remplir le formulaire qui se trouve sur le site internet Dionne Schulze, [ici](#).

ATTENTION : Lorsque vous remplissez le formulaire, vous vous inscrivez seulement à la liste d'envoi. **Vous ne faites pas une réclamation.**

Vous pouvez consulter le Registre central des actions collectives, où sont publiées toutes les procédures : <https://www.registredesactionscollectives.quebec>.

Vous pouvez également contacter les avocat·e·s des demandresses aux coordonnées suivantes :

DIONNE SCHULZE
507 Place d'Armes, #502
Montréal (Québec) H2Y 2W8
Ligne sans frais : 1-833-333-0748
Courriel : paille@dionneschulze.ca

ANNEXE B – Avis abrégé (français)

AVIS D'UNE ACTION COLLECTIVE AUTORISÉE CONTRE LE PROCUREUR GÉNÉRAL DU CANADA

DISCRIMINATION DANS LA *LOI SUR LES INDIENS* (BÉNÉFICIAIRES DU PROJET DE LOI S-3)

LA CAUSE

La Cour supérieure du Québec a autorisé l'organisme Femmes Autochtones du Québec et madame Isabelle Paillé à exercer une action collective contre le Procureur général du Canada au nom des personnes qui auraient subi les effets discriminatoires de certaines règles d'inscription de la *Loi sur les Indiens*, telles qu'elles étaient avant les modifications à la loi de 2017.

L'action collective allègue que le Canada a maintenu au registre des Indiens des règles d'inscription qu'il savait discriminatoires sur la base du sexe depuis 1985 et qu'il n'a pas corrigées par les amendements adoptés en 2010, mais seulement en 2017 à la suite du jugement *Descheneaux*².

Cette action vise à compenser les dommages moraux et économiques subis par les membres du groupe, le cas échéant.

IMPORTANT : Aucun montant n'a été accordé pour le moment. Les allégations n'ont pas encore été prouvées et la Cour n'a pas encore décidé si la demande était bien fondée.

ÊTES-VOUS MEMBRE DE L'ACTION COLLECTIVE ?

Vous faites automatiquement partie de l'action collective si vous faites partie de l'une des trois catégories suivantes :

Catégorie A : les petits-enfants d'une femme indienne ayant perdu son statut par mariage avant le 17 avril 1985, s'ils sont nés avant le 17 avril 1985 ou d'un mariage formé avant cette date, ainsi que leurs descendant·e·s direct·e·s

Catégorie B : les femmes nées hors mariage d'un Indien et d'une non-Indienne avant le 17 avril 1985 et leurs descendant·e·s direct·e·s

Catégorie C : les mineur·e·s émancipé·e·s par le mariage de leur mère indienne avec un non-Indien avant le 17 avril 1985 et leurs descendant·e·s direct·e·s

² *Descheneaux c. Canada (Procureur Général)*, 2015 QCCS 3555.

Nous vous invitons à prendre connaissance de la description détaillée des catégories de membres, reproduite dans l'avis détaillé aux membres du groupe [ici](#).

RESTER MEMBRE OU VOUS EXCLURE DE L'ACTION COLLECTIVE

Si vous désirez rester membre du groupe visé par l'action collective, vous n'avez rien à faire. Être membre du groupe ne vous coûtera rien.

Si vous désirez vous exclure du groupe visé par l'action collective, vous devez remplir le formulaire ci-joint et l'envoyer par courrier au greffe de la Cour supérieure du Québec avant le _____ 2023. Il vous est fortement recommandé d'envoyer une copie du formulaire aux avocat·e·s du groupe. Les adresses pertinentes sont les suivantes :

Greffe de la Cour supérieure du Québec

1, rue Notre-Dame Est
Montréal (Québec) H2Y 1B6

DIONNE SCHULZE, s.e.n.c.

507 Place d'Armes, #502
Montréal (Québec) H2Y 2W8
Courriel : paille@dionneschulze.ca

POUR PLUS DE RENSEIGNEMENTS, vous pouvez consulter une version plus complète de cet avis [ici](#).

Vous pouvez vous abonner à la liste d'envoi auprès de Dionne Schulze pour recevoir des mises à jour sur l'état d'avancement du dossier. Pour ce faire, veuillez remplir le formulaire qui se trouve sur le site internet Dionne Schulze, [ici](#).

ATTENTION : Lorsque vous remplissez le formulaire, vous vous inscrivez seulement à la liste d'envoi. **Vous ne faites pas une réclamation.**

Si vous avez des questions, vous pouvez contacter le bureau d'avocat·e·s qui représente les membres :

DIONNE SCHULZE

507 Place d'Armes, #502
Montréal (Québec) H2Y 2W8
Ligne sans frais : 1-833-333-0748
Courriel : paille@dionneschulze.ca

NOTICE TO MEMBERS

Of a class action regarding beneficiaries of Bill S-3 status amendments to the *Indian Act*

**QUEBEC NATIVE WOMEN INC. AND ISABELLE PAILLÉ V. ATTORNEY
GENERAL OF CANADA**

TAKE NOTICE that the Superior Court of Quebec has authorized a class action to be brought against the Attorney General of Canada on behalf of persons who have allegedly suffered certain discriminatory effects of the registration rules of the *Indian Act*, as they stood until the coming into force of the amendments made to the Act in 2017.

The organisation Quebec Native Women and Ms. Isabelle Paillé have been appointed representative plaintiff and designated member of the class action, respectively. They act as the plaintiffs.

OBJECT OF THE CLASS ACTION

This class action alleges that Canada maintained rules for registration in the Indian register that it knew to be discriminatory on the basis of sex from 1985 on and that it did not correct these rules through the 2010 amendments but corrected them only in 2017 following the judgment in *Descheneaux*. This action aims to compensate the members of the group for the harm suffered due to the rules that discriminated against them and their children, and to obtain punitive damages against Canada.

The class action will be heard in the District of Montreal, but it includes any person in Canada who meets the definition of the group, wherever they may reside.

WHO IS INCLUDED?

Any person who is part of one of the following categories is included in the class action:

- A. **Category A (the grandchildren of an Indian woman who lost her status through marriage, provided that they were born before April 17, 1985 or of a marriage entered into before that date, as well as their direct descendants)**
 - 1. Any individual in Canada:

a) whose grandmother lost her Indian status as a result of her marriage to a non-Indian man before April 17, 1985;

and

b) whose only Indian parent was eligible for Indian status under s. 6(1)c.1) of the *Indian Act*, as amended in 2010 (*Gender Equity in Indian Registration Act* S.C. 2010, c. 18);

and

c) who was himself/herself eligible for Indian status under s. 6(1)c.2) of the *Indian Act*, as amended in 2017 (*An Act to amend the Indian Act in response to the Superior Court of Quebec decision in Descheneaux c. Canada (Procureur général)*, S.C. 2017, c. 25);

and

d) who had a child who was ineligible for Indian status prior to the coming into force of the *Indian Act* as amended in 2017;

2. as well as his or her registered Indian ancestors;

3. as well as his or her direct descendants who are themselves eligible for Indian status as a result of the 2017 amendments to the *Indian Act*.

B. Category B (women born out of wedlock to an Indian man and a non-Indian woman and their direct descendants)

1. Any woman in Canada:

a) who was born out of wedlock to an Indian man and a non-Indian woman before April 17, 1985;

and

b) who became eligible for Indian status under s. 6(2) of the *Indian Act* as a result of the 1985 amendments to that Act;

and

c) who was eligible for Indian status under s. 6(1)c. 3) of the *Indian Act*, as amended in 2017;

2. as well as her registered Indian ancestors;

3. as well as any of her direct descendants who are themselves eligible for Indian status as a result of the 2017 amendments to the *Indian Act*.

C. Category C (enfranchised minors and their direct descendants)

1. Any individual in Canada:
 - a) whose father is Indian or unstated on the birth certificate and whose mother lost her Indian status as a result of her marriage to a non-Indian before April 17, 1985;
 - and
 - b) who lost Indian status as a result of his or her mother's marriage to a non-Indian after the individual's birth and before he or she reached the age of majority;
 - and
 - c) who regained his or her status under s. 6(1)(c) of the *Indian Act*, following the 1985 amendments to that Act;
2. as well as his or her registered Indian ancestors;
3. as well as his or her first-degree direct descendants who are themselves eligible for Indian status under s. 6(1)(c. 01) of the *Indian Act* as amended in 2017, or his or her other direct lineal descendants who are eligible as a result of the amendments to the *Indian Act* adopted in 2017.

WHAT COULD YOU OBTAIN?

You could obtain monetary compensation for the harm that you have suffered because you or your children could not benefit from Indian status until the coming into force of the amendments to the *Indian Act* passed in 2017. This monetary remedy is sought to compensate class members for moral injuries or economic losses suffered, including costs related to uninsured healthcare and post-secondary education, as the case may be.

NEXT STEPS

No amount has been awarded at this time. The class action is at a preliminary stage. The allegations have not yet been proven and the Court has not yet decided if the claim is well founded. The plaintiffs will have to assert their claims before the Court, which will determine whether Canada must be condemned to compensate the members, and, if so, the amount of compensation will be determined later.

The authorization judgment identified the following common issues to be decided by the class action:

- a. Regarding the amendments to s. 6 of the *Indian Act* made by the passage of the *2010 Act*:
 - i. are they unconstitutional, in that they violate s. 15 of the *Canadian Charter of Rights and Freedoms* in a way that is not justified by s. 1?
 - ii. do they constitute a fault?
 - iii. do they violate the Crown's fiduciary duty to Aboriginal peoples?
- b. In the affirmative, does Crown immunity or s. 10 of the *2017 Act* apply such that the Action must fail?
- c. If Crown immunity or s. 10 do not apply, are the class members entitled to damages or an indemnity pursuant to:
 - i. paragraph 24(1) of the *Canadian Charter of Rights and Freedoms*?
 - ii. the general rules of civil liability (articles 1376, 1457 of the *Civil Code of Quebec*)?
 - iii. the principles of unjust enrichment (article 1493 of the *Civil Code of Quebec*)?
 - iv. the federal Crown's fiduciary duty to Aboriginal peoples?

RELIEF SOUGHT

The plaintiffs seek the following relief:

GRANT the Plaintiffs' action on behalf of all the class members;

DECLARE that the 2010 amendments to the *Indian Act* maintained discrimination contrary to s. 15 of the *Canadian Charter of Rights and Freedoms* and that this discrimination was only corrected with the passage of the *2017 Act*;

DECLARE that neither the doctrine of Crown immunity nor s. 10 of the 2017 amendments bar condemnation of the State to remedy the damages suffered as a result of these discriminatory provisions;

CONDEMN the Defendant to pay the class members an amount to be established at trial:

1. for the amounts they would have received, but for the discriminatory provisions, including but not limited to:

- a. payments under the Non-Insured Health Benefits Program of Health Canada;
 - b. funding under the Department of Indian and Northern Affairs' Post-Secondary Education Program;
 - c. annuities under historic treaties;
 - d. under the Indian Moneys Program;
2. as compensatory damages, with interest and the additional indemnity;
 3. as moral damages, with interest and the additional indemnity;
 4. as punitive damages, with interest and the additional indemnity;

THE WHOLE subject to the individual recovery of claims to be ordered pursuant to articles 599 to 601 C.C.P.

THE LAWYERS FOR THE CLASS MEMBERS

The law firm Dionne Schulze represents the members of this class action, in collaboration with the Law Office of Mary Eberts.

Class members will not have to pay the costs of the class action. **Being a member of the class will not cost you anything.**

The lawyers' fees are paid only if a favourable judgment is rendered. These fees will be based on the compensation awarded to the members and will be approved by the Court.

REMAINING A MEMBER OR OPTING OUT OF THE CLASS ACTION

You are automatically a member of the class if you correspond to one of the categories defined above (A, B or C). Any judgment rendered in this action will bind you. If you wish to continue to be a part of this class action, you do not need to do anything.

However, **if you wish to opt out of the class**, you must fill the attached form and send it by mail to the Registry of the Superior Court of Quebec **before __2023**. It is highly recommended that you also send copy of the form to the class's lawyers. Please refer to the following addresses:

Registry of the Superior Court of Quebec
1, rue Notre-Dame Est
Montréal (Québec) H2Y 1B6

DIONNE SCHULZE
507 Place d'Armes, #502

Montréal (Québec) H2Y 2W8
Email: paille@dionneschulze.ca

YOU MAY APPLY TO INTERVENE

Members may make an application to the Court to intervene in the class action. The Court will authorize the intervention if it is of the opinion that the intervention is useful to the class. If you hire your own lawyer, you are responsible for paying any fees or cost that may be set by the lawyer.

FOR MORE INFORMATION

You can subscribe to Dionne Schulze's mailing list to receive updates on the progress of this case. To do so, fill the form found on the Dionne Schulze website, [here](#).

ATTENTION: By filling the form, you are merely subscribing to the mailing list. **You are not making a claim.**

You may consult the Registry of the class actions, where all proceedings are published:
<https://www.registredesactionscollectives.quebec/en>.

You may also contact the plaintiffs' lawyers:

DIONNE SCHULZE, s.e.n.c.
507 Place d'Armes, #502
Montréal (Québec) H2Y 2W8
Toll-free line: 1-833-333-0748
Email: paille@dionneschulze.ca

ANNEXE D – Avis abrégé (anglais)

NOTICE OF A CLASS ACTION AGAINST THE ATTORNEY GENERAL OF CANADA DISCRIMINATION UNDER THE *INDIAN ACT* (BENEFICIARIES OF BILL S-3 STATUS AMENDMENTS)

THE CASE

The Superior Court of Québec has authorized the Quebec Native Women association and Ms. Isabelle Paillé to bring a class action against the Attorney General of Canada on behalf of persons who have allegedly suffered discriminatory effects of certain registration rules in the *Indian Act*, as they were before they were amended in 2017.

The class action alleges that Canada maintained rules for registration in the Indian Register that it knew to be discriminatory on the basis of sex from 1985 on, and that it did not correct them with the 2010 amendments but only with those of 2017 (Bill S-3), following the judgment in *Descheneaux*.

The action aims to compensate the moral damages and economic harms suffered by the members of the class, as the case may be.

IMPORTANT: No amount has been awarded at this time. The allegations have not yet been proven and the Court has not yet decided if the claim is well founded.

ARE YOU A MEMBER OF THE CLASS ACTION?

You are automatically a member of the class action if you are a part of one of the three following categories:

Category A: the grandchildren of an Indian woman who lost her status through marriage, provided that they were born before April 17, 1985 or of a marriage entered into before that date, as well as their direct descendants

Category B: women born out of wedlock to an Indian man and a non-Indian woman and their direct descendants

Category C: minors enfranchised due to the marriage of their mother to a non-Indian man before April 17, 1985 and their direct descendants

We invite you to consult the detailed description of the categories of members, reproduced in the detailed notice to class members [here](#).

REMAINING A MEMBER OR OPTING OUT OF THE CLASS ACTION

If you wish to remain in the class, you do not need to do anything. Being a member of the class will not cost you anything.

If you wish to opt-out from the class, you must fill out the attached form and send it by mail to the Registry of the Superior Court of Quebec before _____ 2023. It is highly recommended that you also send copy of the form to the class's lawyers. Please refer to the following addresses:

Registry of the Superior Court of Quebec
1, rue Notre-Dame Est
Montréal (Québec) H2Y 1B6

DIONNE SCHULZE
507 Place d'Armes, #502
Montréal (Québec) H2Y 2W8
Email: paille@dionneschulze.ca

FOR MORE INFORMATION, you may consult a more detailed version of this notice [here](#). You can subscribe to Dionne Schulze's mailing list to receive updates on the progress of this case. To do so, fill the form found on the Dionne Schulze website, [here](#).

ATTENTION: By filling the form, you are merely subscribing to the mailing list. **You are not making a claim.**

If you have questions, you can contact the law firm representing the class members:

DIONNE SCHULZE
507 Place d'Armes, #502
Montréal (Québec) H2Y 2W8
Toll-free line: 1-833-333-0748
Email: paille@dionneschulze.ca

ANNEXE E – Protocole de diffusion des avis aux membres

Greffes de la Cour supérieure du district de Montréal	<p>Dépôt des avis aux membres :</p> <ul style="list-style-type: none"> • Versions intégrales française et anglaise • Versions abrégées française et anglaise
Registre des actions collectives	<p>Publication des avis aux membres :</p> <ul style="list-style-type: none"> • Versions intégrales française et anglaise • Versions abrégées française et anglaise
Site Web de Dionne Schulze	<p>Publication des avis aux membres :</p> <ul style="list-style-type: none"> • Versions intégrales française et anglaise • Versions abrégées française et anglaise
Site Web FAQ	<p>Publication des avis aux membres :</p> <ul style="list-style-type: none"> • Versions intégrales française et anglaise • Versions abrégées française et anglaise
Comptes Facebook, Instagram et compte Twitter de FAQ	<p>Publication des avis aux membres :</p> <ul style="list-style-type: none"> • Versions abrégées française et anglaise (avec lien vers versions intégrales)
Courriels à diverses associations autochtones	<p>Transmission des avis aux membres :</p> <ul style="list-style-type: none"> • Versions abrégées française et anglaise (avec lien vers versions intégrales) <p>Associations destinataires :</p> <p>Associations qui consentent à publier l’avis :</p> <ol style="list-style-type: none"> 1. Yukon Aboriginal Women’s Council 2. The Native Women’s Association of the Northwest Territories : publication sur leur page Facebook et affichage sur le babillard de leur bureau 3. Institute for the Advancement of Aboriginal Women (Alberta): publication sur leur page Facebook 4. BC Association of Friendship Centres : publication sur leurs pages Facebook, Twitter et Instagram et

	<p>transmission par infolettre aux 25 centres d'amitié autochtone en Colombie-Britannique</p> <p>5. Under One Sky (Nouveau-Brunswick) : publication sur leur site internet et sur leurs pages Facebook et Instagram</p> <p>6. Mi'kmaw Native Friendship Centre (Nouvelle-Écosse): publication sur leur site internet, sur leur page Facebook</p> <p>Autres associations :</p> <p>7. Amautiit Nunavut Inuit Women's Association 8. British Columbia Native Women's Association 9. Manitoba Moon Voices Inc. 10. Temiskaming Native Women's Support Group (Ontario) 11. Indigenous Women of the Wabanaki Territories (New Brunswick) 12. Nova Scotia Native Women's Association 13. Newfoundland Native Women's Association 14. Association nationale des centres d'amitié 15. Ontario Federation of Indigenous Friendship Centres 16. Regroupement des centres d'amitié autochtones du Québec 17. Alberta Native Friendship Centres Association 18. Aboriginal Friendship Centres of Saskatchewan 19. Manitoba Association of Friendship Centres 20. Northwest Territories/Nunavut Council of Friendship Centres 21. Feminist Alliance for International Action 22. Ontario Native Women's Association 23. Labrador Friendship Centre 24. St. John's First Light Native Friendship Centre 25. Skookum Jim Friendship Centre</p>
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ANNEXE F – Formulaire d'exclusion (français)

FORMULAIRE D'EXCLUSION
ACTION COLLECTIVE *Femmes Autochtones du Québec inc. et Isabelle Paillé c.*
Procureur général du Canada
(n° de dossier : 500-06-001005-194)

Le présent formulaire **n'est pas un formulaire de réclamation.**

Si vous souhaitez vous exclure de l'action collective, vous devez remplir le présent formulaire. En remplissant le présent formulaire, **vous vous excluez donc de l'action collective et vous renoncez à tout droit de recevoir une indemnité** si un jugement favorable est rendu ou si une entente est conclue dans le cadre de cette action collective.

FORMULAIRE D'EXCLUSION	
Nom de famille :	
Prénom :	
Adresse :	
Ville :	
Code postal :	
Téléphone :	
Courriel :	
En apposant ma signature ci-dessous, j'atteste que je désire m'exclure définitivement de l'action collective n° 500-06-001005-194 et je comprends qu'en m'excluant, je ne serai pas lié.e par les jugements de la Cour dans cette action collective et je renonce à toute possibilité d'indemnisation qui pourrait en découler.	
Date : _____	Signature : _____

Pour que votre exclusion soit valide, vous devez envoyer le présent formulaire par courrier avant le 2023 au greffe de la Cour supérieure du Québec, à l'adresse suivante :

Greffe de la Cour supérieure du Québec
1, rue Notre-Dame Est
Montréal (Québec) H2Y 1B6

Il vous est fortement recommandé d'envoyer une copie de votre formulaire aux avocat·e·s du groupe à l'adresse suivante :

DIONNE SCHULZE
507 Place d'Armes, #502
Montréal (Québec) H2Y 2W8
Courriel : paille@dionneschulze.ca

ANNEXE G – Formulaire d'exclusion (anglais)

OPT-OUT FORM
CLASS ACTION *Quebec Native Women Inc. and Isabelle Paillé v. Attorney General Of Canada*
(n° 500-06-001005-194)

This is **not a claim form**.

If you wish to be excluded from the class action, you must fill out this form. Completing this form will exclude you from the class and you will not receive any compensation arising from a favourable judgment or from a settlement in the class action.

OPT-OUT FORM	
First name:	
Last name:	
Address:	
City:	
Postal code:	
Telephone:	
Email:	
By signing below, I certify that I wish to opt out from class action n° 500-06-001005-194 and I understand that by opting out, I will not be bound by any of the Court's decisions in this class action and will not receive any compensation that may arise from this class action.	
Date : _____	Signature : _____

For a valid exclusion, you must send this form by mail to the Registry of the Superior Court of Quebec before 2023, at the following address:

Registry of the Superior Court of Quebec
1, rue Notre-Dame Est
Montréal (Québec) H2Y 1B6

It is also highly recommended that you send a copy of your form to the class's lawyers at the following address:

DIONNE SCHULZE
507 Place d'Armes, #502
Montréal (Québec) H2Y 2W8
Email : paille@dionneschulze.ca

Court File No.: T-1417-18

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINAL PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

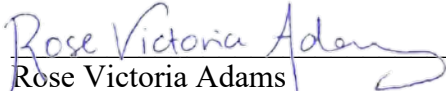
- and -

HIS MAJESTY THE KING

Defendant

EXHIBIT C TO THE AFFIDAVIT OF LÉA LEMAY LANGLOIS

This is Exhibit C to the affidavit of
Léa Lemay Langlois, as solemnly sworn
before me the 21st day of July, 2023


Rose Victoria Adams
Barreau du Québec n°358105-5

CANADA
PROVINCE DE QUÉBEC
DISTRICT DE MONTRÉAL
N° : 500-06-000999-199

COUR SUPÉRIEURE
Action collective

James Jonah

Demandeur

c.

Procureur général du Canada

et

Procureur général du Québec, dont l'adresse pour signification est au 1 est rue Notre-Dame, ch. 8.00, Montréal, district de Montréal, province de Québec, H2Y 1B6

et

Centre de services scolaire de l'Or-et-des-Bois, personne morale de droit public instituée en vertu de la *Loi sur l'instruction publique*, RLRQ c I-13.3, dont le siège social est situé au 799, boulevard Forest, Val-d'Or (Québec), J9P 2L4

et

Centre de services scolaires du Littoral, personne morale de droit public instituée en vertu de la *Loi concernant la commission scolaire de la Côte Nord du golfe Saint-Laurent*, (1966-67) 15-16 Elizabeth II, chap. 125, dont le siège social est situé au 1581, boulevard Docteur-Camille-Marcoux, Blanc-Sablon (Québec), G0G 1C0

et

Centre de services scolaires Harricana, personne morale de droit public instituée en vertu de la *Loi sur l'instruction publique*, RLRQ c I-13.3, dont le siège

social est situé au 341, rue Principale Nord, Amos (Québec), J9T 2L8

et

Centre de services scolaires du Fer, personne morale de droit public instituée en vertu de la *Loi sur l'instruction publique*, RLRQ c I-13.3, dont le siège social est situé au 30 rue Comeau, Sept-Îles (Québec), G4R 4N2

et

Centre de services scolaire du Lac-Témiscamingue, personne morale de droit public instituée en vertu de la *Loi sur l'instruction publique*, RLRQ c I-13.3, dont le siège social est situé au 2, rue Maisonneuve, Ville-Marie (Québec), J9V 1V4

et

Centre de services scolaire René-Lévesque, personne morale de droit public instituée en vertu de la *Loi sur l'instruction publique*, RLRQ c I-13.3, dont le siège social est situé au 145, avenue Louisbourg, Bonaventure (Québec), G0C 1E0

et

Centre de services scolaire de la Baie-James, personne morale de droit public instituée en vertu de la *Loi sur l'instruction publique*, RLRQ c I-13.3, dont le siège social est situé au 596, 4e Rue Chibougamau (Québec), G8P 1S3

Défendeurs

DEMANDE REMODIFIÉE POUR AUTORISATION D'EXERCER UNE ACTION COLLECTIVE ET POUR ÊTRE REPRÉSENTANT (7 SEPTEMBRE 2022)

(art. 12, 49, 571 et ss. et 577 *C.p.c.*)

AU SOUTIEN DE SA DEMANDE, LE DEMANDEUR EXPOSE RESPECTUEUSEMENT CE QUI SUIT :

A. Description du groupe

1. Le Demandeur James Jonah désire exercer une action collective pour le compte des personnes faisant partie des sous-groupes ci-après décrits (formant ensemble le « groupe ») :

Groupe des survivants – réserves ou établissements indiens : « Toute personne assujettie à la *Loi sur les Indiens* et ayant fréquenté entre 1906 et 2014, (...) au Québec, une école de jour provinciale, (...) publique ou religieuse, située dans une communauté autochtone (réserve ou établissement indien) et dont le ministre des Affaires indiennes pouvait ou prétendait pouvoir enjoindre la fréquentation. »

Groupe familial – réserves ou établissements indiens : « Tout époux ou conjoint uni civilement, tout frère ou sœur et toute personne descendante directe au premier ou au deuxième degré d'une personne assujettie à la *Loi sur les Indiens* et ayant fréquenté entre 1906 et 2014, (...) au Québec, une école de jour provinciale, (...) publique ou religieuse, située dans une communauté autochtone (réserve ou établissement indien) et dont le ministre des Affaires indiennes pouvait ou prétendait pouvoir enjoindre la fréquentation, ainsi que tout époux ou conjoint uni civilement de tout frère, sœur, ou personne descendante directe au premier ou deuxième degré d'une telle personne. »

Groupe des survivants – villages inuits : « Toute personne ayant fréquenté entre 1906 et 1978, au Québec, une école de jour provinciale, (...) publique ou religieuse située dans un village inuit et dont le ministre de l'Éducation du Québec pouvait ou prétendait pouvoir enjoindre la fréquentation. »

Groupe familial – villages inuits : « Tout époux ou conjoint uni civilement, tout frère ou sœur et toute personne descendante directe au premier ou au deuxième degré d'une personne ayant fréquenté entre 1906 et 1978, au Québec, une école de jour provinciale, (...) publique ou religieuse, située dans un village inuit et dont le ministre de l'Éducation du Québec pouvait ou prétendait pouvoir enjoindre la fréquentation, ainsi que tout époux ou conjoint uni civilement de tout frère, sœur, ou personne descendante directe au premier ou deuxième degré d'une telle personne. »

B. La nature de l'action

2. La nature du recours que le Demandeur entend exercer à l'encontre des Défendeurs pour le compte des membres du groupe est une action en dommages et intérêts compensatoires et en dommages et intérêts punitifs.

C. Les faits qui donnent ouverture à la demande

1. Les écoles de jour

a. Le contexte du système des écoles de jour autochtones

3. Le système des écoles de jour autochtones tant fédérales que provinciales, (...) publiques ou religieuses (ci-après « le système des écoles de jour autochtones »), établi, supervisé ou administré par le gouvernement du Canada, avait pour objectif de favoriser l'assimilation culturelle des enfants autochtones.
4. Les enfants ayant fréquenté les écoles de jour autochtones ont été les victimes d'un programme d'assimilation culturelle mené par le gouvernement du Canada, en plus d'être souvent victimes d'abus psychologiques, physiques et sexuels de la part d'enseignants, d'administrateurs et d'autres employés de ces écoles. Plusieurs enfants ont aussi été victimes d'abus du même type, de la part d'autres enfants fréquentant la même école de jour.
5. L'établissement et l'opération des écoles de jour autochtones par le gouvernement du Canada a eu notamment pour conséquences la perte pour de nombreux enfants de leur langue maternelle autochtone, la perte de leur culture autochtone, du mode de vie traditionnel de leur communauté et de leur identité.
6. La fréquentation obligatoire des écoles de jour autochtones a eu notamment pour conséquences l'assimilation forcée des enfants autochtones à un mode de vie sédentaire.
7. La perte culturelle a eu de graves répercussions sur le bien-être spirituel et sur la santé psychologique et physique des enfants autochtones ayant fréquenté les écoles de jour.
8. Le rapport final de la Commission de vérité et réconciliation du Canada a formulé 94 appels à l'action afin de permettre d'avancer le processus de réconciliation. Parmi ceux-ci, l'appel à l'action 29 reconnaît la nécessité pour le gouvernement du Canada « de travailler en collaboration avec les demandeurs qui ne sont pas visés par la Convention de règlement relative aux pensionnats indiens afin de cerner les questions en litige et d'établir rapidement une entente sur un ensemble de faits. » Cet appel fait référence notamment aux « élèves qui ont fréquenté des écoles financées par le gouvernement qui n'étaient pas identifiées comme étant des pensionnats », tel qu'il apparaît de l'extrait du *Sommaire du rapport final de la Commission de vérité et réconciliation du Canada*, **pièce P-2**.

9. Dans les faits, le Canada s'est adjoind des gouvernements des provinces et des territoires ainsi que de commissions scolaires et des institutions religieuses pour mettre en place et opérer bon nombre d'écoles de jour autochtones à travers le Canada.
10. À l'instar des écoles de jour mises en place par le gouvernement fédéral, les écoles provinciales au Nunavik participaient à un objectif d'assimilation forcée à la société non-autochtone. Elles étaient établies et opérées dans un objectif politique d'affirmation québécoise au Nunavik.
11. Une entente de règlement, **pièce P-32**, est récemment intervenue entre le gouvernement fédéral et les survivants autochtones pour les abus sexuels, physiques et psychologiques subis alors qu'ils étudiaient dans les écoles de jour administrées, surveillées et gérées entièrement par le gouvernement fédéral : *McLean c. Canada*, 2019 CF 1075, par. 14-18.
12. Or, cette entente ne vise pas les membres du groupe que le Demandeur entend représenter, dans la mesure où ceux-ci avaient fréquenté une école de jour pour laquelle le Canada avait conclu un accord soit avec une province, un territoire, une commission d'écoles publiques ou séparées, ou encore une institution religieuse ou de charité. Cette entente ne vise pas non plus les membres du groupe ayant fréquenté une école provinciale dans un village inuit.
13. L'expérience des membres du groupe dans ces écoles de jour n'est pas non plus visée par la Convention de règlement relative aux pensionnats indiens.

b. La fréquentation obligatoire

i. Au fédéral

14. Durant la période où le Canada établissait, supervisait ou administrait les écoles de jour autochtones, il était obligatoire pour les enfants indiens de fréquenter les écoles désignées par le ministre des Affaires indiennes : *Loi des Indiens*, LRC 1927, c 81, art. 10; *Loi sur les Indiens*, LRC 1952, c 149, art. 115; *Loi sur les Indiens*, LRC 1970, c I-6, art. 116.
15. Plus précisément, le ministre des Affaires indiennes pouvait ou prétendait pouvoir enjoindre aux enfants indiens entre six (6) et dix-huit (18) ans de fréquenter l'école de son choix et il pouvait à cette fin conclure une entente avec les provinces, territoires, commissions scolaires publiques ou institutions religieuses ou encore établir des écoles lui-même, que ce soit des écoles de jour ou des pensionnats : *Loi sur les Indiens*, LRC 1952, c 149, art. 113, 122; *Loi sur les Indiens*, LRC 1970, c I-6, art. 114, 122.
16. Les agents de surveillance nommés par le ministre des Affaires indiennes avaient le pouvoir de contraindre les enfants indiens à fréquenter l'école et disposaient, à cette fin, des pouvoirs d'un agent de la paix : *Loi des Indiens*, LRC 1927, c 81, par. 10(3); *Loi sur les Indiens*, LRC 1952, c 149, par. 118(1); *Loi sur les Indiens*, LRC 1970, c I-6, art. 119.

17. De plus, si un enfant indien ne fréquentait pas l'école, ses parents étaient susceptibles d'être accusés d'avoir commis une infraction punissable par amende ou jusqu'à dix (10) jours d'emprisonnement : *Loi des Indiens*, LRC 1927, c 81, art. 10(4); *Loi sur les Indiens*, LRC 1952, c 149, par. 118(3); *Loi sur les Indiens*, LRC 1970, c I-6, art. 119(3).
18. En droit, les dispositions identiques de la *Loi sur les Indiens*, LRC 1985, c I-5, n'ont été abrogées que par la *Loi sur la modification et le remplacement de la Loi sur les Indiens*, LC 2014, c 38.
19. Toutefois, dans la pratique, il y a eu un transfert progressif des services de l'éducation aux conseils de bande à partir de 1973, mouvement qui s'est accéléré pendant les années 1980 et ce, même si l'existence d'écoles gérées par les Premières Nations n'était pas prévue par la *Loi sur les Indiens*.

ii. Au provincial

20. Dans les villages inuits, la fréquentation scolaire des écoles provinciales était aussi obligatoire pour les enfants âgés de six (6) à quinze (15) ans : *Loi de l'instruction publique*, SR 1941, c 59, art. 290a; *Loi sur l'instruction publique*, SR 1964, c. 235, art. 272; *Loi sur l'instruction publique*, 1977, c. I-14, art. 256.
21. Les contrôleurs d'absence nommés par les commissions scolaires avaient le pouvoir de contraindre les enfants à fréquenter l'école et disposaient, à cette fin, des pouvoirs d'un constable : *Loi de l'instruction publique*, SR 1941, c 59, art. 290o; *Loi sur l'instruction publique*, SR 1964, c. 235, art. 286; *Loi sur l'instruction publique*, 1977, c. I-14, art. 270.
22. Si un enfant ne fréquentait pas l'école, ses parents étaient susceptibles d'être accusés d'avoir commis une infraction punissable par amende : *Loi de l'instruction publique*, SR 1941, c 59, art. 290s; *Loi sur l'instruction publique*, SR 1964, c. 235, art. 290; *Loi sur l'instruction publique*, 1977, c. I-14, art. 274. Les contrôleurs d'absence, les tuteurs et les directeurs d'écoles ayant fait preuve de négligence à cet égard pouvaient aussi se voir imposer une telle amende : *Loi de l'instruction publique*, SR 1941, c 59, art. 290x; *Loi sur l'instruction publique*, SR 1964, c. 235, art. 295; *Loi sur l'instruction publique*, 1977, c. I-14, art. 279.

2. Les écoles provinciales, (...) publiques ou religieuses

23. (...)

a. Au « Nouveau-Québec »

24. Le 8 avril 1963, le Québec créait la Direction générale du Nouveau-Québec (« DGNQ »), sous la responsabilité du ministère des Richesses naturelles (MRN).

25. La DGNQ avait pour objectif de coordonner l'administration québécoise du Nunavik et d'une partie de Eeyou Istchee (c'est-à-dire le territoire des Cris du Québec).
26. (...)
27. Ce réseau d'écoles était (...) dirigé directement par la DGNQ et sur réserve ou dans un établissement indien, en collaboration ou avec l'autorisation du Canada, conformément à l'art. 113(b) de la *Loi sur les Indiens*, LRC 1952, c. 149.
28. À partir de septembre 1963, le gouvernement du Québec établissait et administrait des écoles dans les villages inuits dans le cadre de ses efforts d'affirmation de sa souveraineté sur le territoire et les habitants du Nunavik. Ces écoles faisaient concurrence aux écoles de jour fédérales en prenant l'espace inoccupé par ces dernières ou encore en forçant les parents à choisir entre l'une ou l'autre.
29. Bien que le Québec annonçait vouloir promouvoir la langue et la culture inuites, aucune consultation et participation réelle n'étaient conférées aux Inuit, qui se sont vus imposer une structure administrative conçue pour le sud mais inadaptée aux réalités du Nunavik.
30. La DGNQ a aussi établi des écoles pour les Cris à Fort-George (Chisasibi), Paint Hills (Wemindji) et Rupert House (Waskaganish) à partir de 1965-1966.
31. En 1967, le gouvernement du Canada transférait au ministère de l'Éducation du Québec (MEQ) des installations lui appartenant afin que celui-ci y opère l'école catholique à Waskaganish, tel qu'il appert de la *Proposition du ministère des Affaires indiennes et du développement du Nord au Conseil du Trésor datée du 29 septembre 1967, pièce P-38.*
32. En juillet 1968, l'Assemblée législative du Québec a créé la Commission scolaire du Nouveau-Québec (« CSNQ »), dont l'administrateur était nommé par le Conseil exécutif du Québec, qui devait entériner ou désavouer toutes ses ordonnances. La CSNQ n'a jamais été dirigée par des commissaires élus par les Cris ou les Inuit: chez les Cris et les Inuit, la CSNQ n'était que l'*alter ego* de la province.
33. L'administrateur de la CSNQ a été nommé en avril 1970; en décembre 1971, elle a reçu le transfert des écoles de la DGNQ grâce à une entente entre le MRN et le MEQ.
34. En 1978, les écoles de la CSNQ (...) ont été combinées avec l'infrastructure fédérale pour créer la Commission scolaire Kativik chez les Inuit et la Commission scolaire crie, sous le contrôle des Autochtones, tel que prévu par la *Convention de la Baie-James et du Nord québécois* (CBJNQ) de 1975.

b. Sur la Côte-Nord, en Abitibi-Témiscamingue et en Gaspésie

35. Dans certaines communautés innues (autrefois appelés « Montagnais ») sur la Côte-Nord, algonquines (ou Anishnabeg) en Abitibi-Témiscamingue et micmaques en Gaspésie, le

Canada a convenu à partir de 1967 de confier l'administration des écoles aux commissions scolaires locales. (...)

i. La Commission scolaire du Littoral à l'est de Nutashkuan

36. En avril 1967, l'Assemblée législative du Québec crée la Commission scolaire de la Côte-Nord du Golfe St-Laurent, dont le nom a été changé le 18 juin 1975 pour celui de la Commission scolaire du Littoral (« CSL »); elle était responsable de 15 localités, s'échelonnant de Kégaska à Blanc-Sablon, sur un territoire de 400 kilomètres non relié au réseau routier, opérant des écoles francophones et anglophones sur une base non confessionnelle.
37. Durant toute la période pertinente, la CSL fut dirigée par un administrateur nommé par le Conseil exécutif du Québec, qui devait entériner ou désavouer les ordonnances de ce dernier; elle n'a jamais été dirigée par des commissaires élus par les Innus.
38. La CLS aussi, bien qu'elle portât le nom de commission scolaire, n'en possédait (...) pas l'un des attributs fondamentaux et n'était que l'*alter ego* de la province.
39. Dans la région sous la responsabilité de la CSL, le Canada a convenu de confier à cette commission scolaire la gestion des écoles dans les communautés innues de La Romaine (Unamen Shipu) jusqu'en 1990, tel qu'il appert des ententes sur les frais de scolarité de 1975 et de 1984, pièces P-39 et P-40, et de Saint-Augustin (Pakuashipi) jusqu'en 1991, tel qu'il appert des ententes sur les frais de scolarité de 1980 et 1982, pièces P-41 et P-42. La CSL a ainsi pris le contrôle à La Romaine, en 1968, d'une école du ministère des Affaires indiennes et du Nord Canada fondée vers 1948.

ii. Les autres communautés au Québec

40. Ailleurs, le Canada a confié la gestion des écoles situées dans des communautés autochtones aux commissions scolaires locales, agissant au nom du gouvernement du Québec.
41. De cette façon :
 - a. la Commission scolaire Schefferville opérait l'école dans la communauté innue de Matimekush-Lac-John pour certaines périodes entre 1970 et 1987, tel qu'il appert de l'Entente sur les frais de scolarité avec la Commission scolaire de Schefferville datée du 6 novembre 1975, pièce P-43;
 - b. la Commission scolaire d'Amos opérait l'école dans la communauté algonquine de Pikogan entre 1968 et 1980;
 - c. la Commission scolaire de Val d'Or opérait l'école dans la communauté algonquine de Lac-Simon entre 1975 et 1991, tel qu'il appert de l'Entente sur les frais de scolarité avec la Commission scolaire de Val d'Or datée du 2 septembre 1975 et

ses annexes A et B, pièces P-44, P-45 et P-46, ainsi que de l'Entente sur les frais de scolarité avec la Commission scolaire de Val d'Or datée du 2 septembre 1981, pièce P-47;

- d. la Commission scolaire Lac-Témiscamingue opérait l'école dans la communauté algonquine de Winneway (Long Point) pour certaines périodes à partir de 1958, tel qu'il appert de l'Entente de contribution en capital avec la Commission scolaire Lac-Témiscamingue datée du 17 février 1982, pièce P-48;
- e. la Commission scolaire de Pointe-à-la-Croix opérait l'école dans la communauté micmaque de Listuguj (anciennement Restigouche) à partir de 1960, tel qu'il appert de l'Entente avec la Commission scolaire de Pointe-à-la-Croix datée du 1^{er} juin 1961, pièce P-49;
- f. la Commission scolaire de Maria opérait l'école dans la communauté micmaque de Gesgapegiag à partir de 1963, tel qu'il appert de l'Entente avec la Commission scolaire de Maria datée du 26 novembre 1963, pièce P-50.

c. (...)

42. (...)

43. (...)

44. (...)

45. (...)

46. (...)

D. Les parties

1. Le Demandeur

- 47. The Plaintiff James Jonah was born on April 18, 1968 in Rupert House (now Waskaganish), where he also grew up. He works as a school re-adaptation officer in Waskaganish.
- 48. From around 1972 at the age of four and until the school ceased to exist in 1978, James Jonah attended Notre Dame Roman Catholic Indian Day School in Rupert House, also known as École Notre Dame de Fort-Rupert or Father Provencher's School. It was distinct from the Rupert House Indian Day School, which was English Protestant, but operated during the same period, exclusively in and for the Cree community of Rupert House.
- 49. Both schools were administered by the Defendants Canada, Quebec and the predecessor of the school service center of James Bay until 1978, when the Cree School Board took over

all schools in Cree communities under the *James Bay and Northern Québec Agreement* (JBNQA).

50. The English school was clearly operated by Canada, while the French school, attended by the Plaintiff, was operated in collaboration with the province of Québec but on lands where Canada could and did exercise its powers over James Jonah's education pursuant to the *Indian Act*.

51. While attending Notre Dame, James Jonah suffered [REDACTED] abuse inflicted by employees of the school. He also witnessed abuse inflicted on others.

52. [REDACTED] abuse suffered by James Jonah includes:

a. [REDACTED];

b. [REDACTED];

c. [REDACTED];

d. [REDACTED];

e. [REDACTED];

f. [REDACTED];

g. [REDACTED];

53. The psychological abuse he suffered includes witnessing assaults of varying degrees of severity, such as:

a. students being dragged by their hair and having their hair pulled out with flesh stuck to it;

b. students being prevented from using the washroom, resulting in their soiling themselves and having to mop the wet floor in front of laughing children;

c. students being molested (sexual touching, masturbation) by other students on the school grounds, without intervention by the teachers;

d. students being forced to eat spoiled food by staff and being forced to swallow their own resulting vomit;

- e. hearing other children being beaten in the school;
 - f. on one occasion, seeing a boy's genitals exposed and manipulated by other boys on the schoolground, while teachers laughed;
 - g. students having to sit on teachers' laps and being moved up and down;
 - h. on one occasion, a student was hit so hard at his head by a teacher that he had to get stitches at the clinic. The students who witnessed the beating where given candies not to talk about what they saw and the parents were told it was an accident;
 - i. one student had his ear pulled by a teacher in front of other children until it ripped;
 - j. one student had gum in his mouth and the teacher grabbed him by the neck and forced his whole head in the garbage can;
 - k. on one occasion, the Plaintiff and other students saw through a window a kid being beaten by a teacher while in detention with two other students: the teacher grabbed him, pushed him against the desk, and hit him on the head while the other two students had to watch the door.
54. James Jonah and other students were also intimidated and humiliated by teachers: they were attacked for their Aboriginal identity such as when teachers told students they were "savages who lived like animals until the priest saved them."
55. James Jonah did not feel safe during recess because there was so much bullying with little intervention; some teachers intervened, but most did not and even seemed to want to watch. He saw school as something he had to survive without being attacked.
56. If a teacher did something to hurt the children, the Roman Catholic priest would send leading Catholic members of the community to talk to the children and say the physical abuse was the children's fault because they were making the teachers angry. Parents were also told not to intervene on behalf of their children because the parents were no longer responsible for them while the children were in school.
57. Today, when James Jonah thinks about the school, he realizes there was not a day that he was not afraid to go to school. From the tent in which James Jonah was raised to the school was a short distance, but he would go as slowly as he could in order to avoid school. When he refused to go, his mother told him that the priest said that if he did not attend, she would lose their family allowance cheque and the two of them would have nothing to eat: he felt responsible for supporting his family.
58. James Jonah believes his parents did not have a choice: they were controlled and manipulated like the children. Most of the year, his father was away hunting and his mother

and James were left to themselves, barely able to survive. It was only when the family allowance cheque arrived that they could eat food from the store.

59. James Jonah's mother told him that if he did not go to school, her family allowance cheque would be cut off by Canada's employees; he thought of going to school as being essential to their survival. The Roman Catholic priest distributed to cheques to Cree who lived at the mission and controlled which of them received the family allowance.
60. As a consequence of attending Notre Dame, James Jonah was deprived of his language and culture. He felt disconnected from his parents.
61. James Jonah suffered direct and severe injuries as a result of his attending Notre Dame Indian Day School, including nightmares and trauma; it led to bad choices he made, including substance abuse problems. He still battles with depression to this day despite treatment and healing process.
62. James Jonah feels he passed his anger to his daughter and that it will take a whole generation for his community to be healed.
63. When James Jonah thinks about why most of his classmates grew up to have substance abuse problems and have achieved so little in their working lives, he believes it was because they were traumatized at school every day and because of the poor quality of education they received.

2. Le Demandeur est en mesure d'assurer une représentation adéquate des membres du groupe

a. Le Demandeur

64. James Jonah is a member of the class and has a claim against the Defendants Canada, Quebec and the predecessor of the school service center of James Bay.
65. James Jonah has an honest and strong desire to represent the interests of the class members. He is willing to cooperate fully with his lawyers in order to diligently carry out the action. He has reviewed this procedure before it was filed at court.
66. James Jonah's lawyers will translate for him all documents that are in the French language so that he has a full understanding of them.
67. Through his position as a school re-adaptation officer, James Jonah contributes actively to individual and collective healing from past abuses.
68. James Jonah has no interests that conflict with those of other members of the class.

b. Les procureurs du Demandeur

69. En plus de ses qualités personnelles, le Demandeur est représenté par des avocats qui ont l'expérience, les connaissances et les ressources pour faire avancer le dossier dans l'intérêt des membres.
70. Le Demandeur a mandaté un cabinet d'avocats spécialisé en droit des peuples autochtones et ayant une vaste expérience dans divers domaines de droit, particulièrement dans ses relations avec la Couronne.
71. Les avocats du cabinet ont représenté plus d'une centaine d'Autochtones victimes d'abus sexuels durant leur enfance, dont plusieurs dans le contexte du Processus d'Évaluation Indépendant (« PEI ») de la *Convention de règlement relative aux pensionnats indiens* (« CRPI »). Ils sont familiers avec les particularités et les obstacles que représentent les demandes de cette nature, ainsi que leurs impacts sur les plans individuel et communautaire.
72. De plus, l'associé principal M^e David Schulze, avec d'autres avocates de son bureau, a comparu dans plusieurs parmi les plus importantes requêtes pour directives entendues en vertu de la CRPI dont notamment pour les avocats indépendants à titre d'intervenants *pro bono* dans *J.W. c. Canada (Procureur général)*, 2019 CSC 20.
73. Le cabinet Dionne Schulze a aussi représenté le Chef de l'Assemblée des Premières Nations du Québec et du Labrador, Ghislain Picard, à titre de demandeur dans un recours collectif au nom de tous les Indiens (sauf les Cris) qui au Québec avaient été obligés par la province à payer la taxe sur les carburants nonobstant l'exemption dans la *Loi sur les Indiens* (...) qui a donné lieu à un règlement approuvé par la Cour dans *Picard c. Québec (Procureur général)*, 2011 QCCS 7095. (...)
74. Le Demandeur a également mandaté un cabinet d'avocats spécialisé en actions collectives depuis plus de vingt ans, le cabinet Trudel Johnston & Lespérance (TJL). Les actions collectives entreprises par TJL ont donné lieu à des arrêts de principe, y compris d'importantes décisions de la Cour suprême du Canada.
75. La représentation des victimes d'agressions sexuelles par TJL comprend notamment les dossiers réglés de *Sebastian c. Commission scolaire English-Montréal et Renwick Spence* (victimes mineures d'un enseignant), de *Bissonnette c. Ville de Westmount* (victimes mineures d'un surintendant du département des parcs et loisirs), ainsi que (...) de *l'Association des jeunes victimes de l'Église c. Paul-André Harvey et al.*

3. Les Défendeurs

a. Le Procureur général du Canada

76. L'article 23 (1) de la *Loi sur la responsabilité civile de l'État et le contentieux administratif*, LRC 1985, c C-50, requiert que les poursuites exercées contre l'État ou un

organisme mandataire de l'État soient « exercées contre le Procureur général du Canada » (ci-après « le Canada »).

77. En vertu de l'article 3 a) (i) de la *Loi sur la responsabilité civile de l'État et le contentieux administratif* (L.R.C. 1985, ch. C-50), « l'État est assimilé à une personne pour [...] le dommage causé par la faute de ses préposés ». Il en est de même pour les délits civils commis par ses préposés dans les autres provinces : art. 3b)(i) (...).
78. Pendant toute période pertinente au présent litige, le Canada était responsable, tant en droit civil qu'en *common law*, des dommages causés au Demandeur par la faute de ses préposés. Il va sans dire que la relation d'emploi du Canada avec ses préposés est à son tour dirigée et gérée par d'autres préposés dont le Canada est responsable.
79. Pendant toute période pertinente au litige, le gouvernement du Canada détenait les pouvoirs et la compétence législative sur les membres du groupe, en vertu de l'art. 91 (24) de la *Loi constitutionnelle de 1867* et de la *Loi sur les Indiens*.
80. En vertu de cette compétence, le Canada jouissait d'un pouvoir et d'une discrétion sur des aspects importants de la vie des peuples autochtones et assumait une obligation de fiduciaire à leur égard.

b. Le Procureur général du Québec

81. L'article 96 du Code de procédure civile, c. C-25.01, requiert qu'une demande qui porte sur les droits et obligations du gouvernement soient « dirigée contre le procureur général du Québec ».

i. Le gouvernement

82. Le Québec était tenu d'assurer le bien-être et la sécurité des enfants fréquentant des écoles publiques et privées aux Québec, en vertu des pouvoirs de supervision à l'égard des écoles attribués, à partir de 1909, à un conseil de l'instruction, agissant sous les ordres du lieutenant-gouverneur en conseil, puis, à partir de 1964, au ministre de l'Éducation, en vertu des différentes lois portant sur l'instruction publique.
83. Au moins jusqu'au 30 juin 1989, le Québec a maintenu des obligations à l'égard de la conclusion et de la mise en œuvre des ententes en vertu desquelles le Canada s'adjoignait les commissions scolaires pour l'administration des écoles de jour. Lorsque le Canada a confié l'administration des écoles sur réserve ou dans les établissements indiens aux commissions scolaires, celles-ci « agissaient au nom du gouvernement » du Québec : *Loi du ministère des Affaires intergouvernementales*, LQ 1974, c 15, art. 20. En effet, ces commissions scolaires ne pouvaient pas conclure d'entente avec le Canada sans l'autorisation du Conseil exécutif du Québec: *Loi du ministère des affaires intergouvernementales*, LQ 1974, c 15, art. 20, voir aussi *De l'Instruction publique*, SR (1909), Titre V, art. 2724; *Loi de l'instruction publique*, SR 1925, c 133, art. 238; *Loi de*

l'instruction publique, SR 1941, c 59, art. 238; *Loi sur l'instruction publique*, SR 1964, c. 235, art. 226; *Loi sur l'instruction publique*, 1977, c I-14, art. 215.

c. Les centres de services scolaires

84. L'article 96 du *Code de procédure civile*, c. C-25.01 requiert qu'une demande qui porte sur les droits et obligations d'une personne morale de droit public soit exercée directement contre elle.
85. Les centres de services scolaires sont des personnes morales de droit public instituées en vertu de la *Loi sur l'instruction publique*, RLRQ c I-13.3. Depuis le 15 juin 2020, les centres de services scolaires ont remplacé les commissions scolaires existantes, à l'exception des commissions scolaires anglophones, et ont hérité de leurs droits et obligations. Ces commissions scolaires avaient elles-mêmes repris les droits et obligations des commissions scolaires qui avaient conclu des ententes avec le Canada aux fins d'opérer les écoles de jour visées par le litige.
86. Durant toute la période pertinente au litige, les centres de services scolaires (alors commissions scolaires) étaient responsables de s'assurer que les élèves relevant de leur compétence reçoivent des services éducatifs de qualité, ce qui incluait de veiller à ce que ces établissements offrent un milieu d'apprentissage sain et sécuritaire, libre de violence et, au moins à partir de 1976, libre de discrimination.
87. Durant toute la période pertinente au présent litige, les prédécesseurs des centres de services scolaires (les commissions scolaires) agissaient à titre de commettants des individus opérant et travaillant dans les écoles publiques, incluant les instituteurs et les directeurs d'école. En effet, ils avaient un pouvoir de contrôle, de direction et de surveillance sur les préposés qu'ils embauchaient, rémunéraient et pouvaient congédier, conformément aux différentes lois en vigueur en matière d'instruction publique : *De l'Instruction publique*, SR (1909), Titre V, art. 2709; la *Loi sur l'instruction publique*, SR 1925, c 33, art. 221; *Loi sur l'instruction publique*, SR 1941, c 59, art. 221; *Loi de l'instruction publique*, SR 1964, c 235, art. 203; *Loi sur l'instruction publique*, LRQ 1977, c I-14, art. 189; *Loi sur l'instruction publique*, LQ 1988, c 84, art. 259, 261 et la *Loi sur l'instruction publique*, RLRQ, c I-13.3, art. 259, 261. Les centres de services scolaires sont conséquemment responsables des dommages causés au Demandeur par la faute des préposés de leurs prédécesseurs.

E. Demande de mise sous scellés

88. Le Demandeur Jonah demande par la présente à la Cour de mettre sous scellés, pour toutes les procédures judiciaires dans le présent dossier, les documents contenant des informations sur la nature des sévices et des abus qu'il a subis.
89. À cet effet, le Demandeur Jonah a déposé au greffe de cette Cour la présente Demande dans sa version caviardée, afin de conserver confidentielle l'information sur la nature des

séances et des abus subis. Une version non caviardée a aussi été déposée sous scellés au greffe.

90. Le Demandeur Jonah demande aussi à ce que ce soit la version caviardée qui soit déposée au Registre des actions collectives.
91. Le Demandeur Jonah vit, travaille et a grandi dans une petite communauté et ne veut pas que les membres de sa communauté soient informés de la nature des abus qu'il a subis alors qu'il était enfant.
92. Son désir de garder secrète cette partie la plus intime de sa vie privée est plus que compréhensible et est un sentiment commun parmi les survivants d'abus alors qu'ils étaient enfants.
93. Le fait d'ordonner la mise sous scellés des documents contenant des informations sur les séances et les abus qu'il a subis encouragera également les autres victimes d'abus semblables à porter plainte, sachant que leur vie privée sera respectée.

F. La faute (...) des Défendeurs

1. Le Procureur général du Canada

a. Le manquement à l'obligation de fiduciaire

94. Le Canada entretient une relation de fiduciaire avec les peuples autochtones du Canada. Durant toute la période pertinente, la relation du Canada avec les membres du groupe était empreinte d'une relation de dépendance et de confiance, le Canada s'étant engagé à agir dans l'intérêt supérieur des membres du groupe.
95. Parmi les intérêts substantiels et légaux des membres de groupe se trouvaient notamment leur santé, leur bien-être, ainsi que leur identité autochtone et culturelle.
96. Durant toute la période pertinente, le Canada a assumé un pouvoir discrétionnaire sur la protection et la préservation de la santé, du bien-être, de l'identité et de la culture des membres du groupe équivalant à une administration directe et unilatérale de ces intérêts.
97. L'obligation de fiduciaire du Canada envers les membres du groupe était, à tout moment des faits reprochés, une obligation qui ne pouvait pas être déléguée.
98. Or, en mettant en place le système des écoles de jour dans un but avoué d'assimilation culturelle, et en imposant aux membres du groupe la fréquentation obligatoire et contraignante de ces écoles, le Canada a violé son obligation de fiduciaire à leur égard.
99. Le Canada a manqué à son obligation de fiduciaire alors qu'il savait ou aurait dû savoir que ce système causait ou allait causer des dommages culturels, psychologiques, spirituels et physiques profonds et permanents pour les membres du groupe.

b. La négligence du Canada et de ses préposés

100. Le Canada a agi de manière contraire à la norme de la personne raisonnable, prudente et diligente envers les membres du groupe. Il va sans dire que la négligence du Canada est celle constituée par la faute de ses préposés.
101. Le Canada était tenu à un devoir de diligence pour protéger non seulement la santé et le bien-être des membres du groupe, mais leur identité et culture, car il y avait un lien suffisamment étroit qui découle de la relation fiduciaire unique et importante entre le Canada et les peuples autochtones ainsi que de la relation de proximité créée par la mise en place du système des écoles de jour et l'imposition de la fréquentation scolaire obligatoire.
102. Le Canada n'a pas délégué de façon complète et exclusive ses responsabilités à l'égard de l'éducation des membres du groupe en concluant des ententes avec la province et les commissions scolaires.
103. Au contraire, par ces ententes, le Canada exerçait son pouvoir prévu à l'art. 114 de la *Loi sur les Indiens*, LRC 1952, c 149 de mettre en place des normes de construction, d'installation, d'enseignement, d'inspection et de discipline relativement aux écoles.
104. De plus, le Canada conservait un rôle dans l'éducation des membres du groupe conformément à ces ententes, notamment :
- a. il déterminait de concert avec la province ou la commission scolaire le contenu des services spéciaux, incluant ceux liés à l'identité et à la culture autochtones, qui devaient être fournis aux membres du groupe;
 - b. il était impliqué dans la mise en œuvre et la révision périodique des ententes relatives au contenu des services éducatifs fournis aux membres du groupe;
 - c. il devait assurer la fréquentation scolaire et le respect de certains standards d'hygiène des membres du groupe;
 - d. il payait les frais de scolarité ainsi que les services non couverts par ceux-ci;
 - e. il conservait le droit de visiter les écoles;

tel qu'il appert notamment de l'Entente sur les frais de scolarité avec la Commission scolaire du Littoral datée du 21 novembre 1984, **pièce P-40**, de l'Entente sur les frais de scolarité avec la Commission scolaire de Val d'Or datée du 2 septembre 1975, **pièce P-44** et de l'Entente avec la Commission scolaire de Pointe-à-la-Croix datée du 1^{er} juin 1961, **pièce P-49**.

105. Le Canada a fait preuve de négligence en ne prenant pas de mesures raisonnables pour protéger l'identité et la culture autochtones des membres du groupe, alors qu'il savait ou aurait dû savoir qu'un risque important d'atteinte les menaçait puisqu'il avait lui-même mis en place le système des écoles de jour autochtones.
106. À titre d'exemple, à Malioténam, l'administration de l'école qui jusqu'alors faisait partie du pensionnat du ministère des Affaires indiennes et du Nord Canada fut séparée de la résidence vers 1959 et confiée à la Commission Oblate des Indiens et Esquimaux (INDIANESCOM), tout en gardant les mêmes employés, tel qu'il appert de la pièce P-37. Malgré le transfert, les actes de violence à l'égard des élèves se poursuivirent, tel qu'il appert de la pièce P-31.
107. Les mesures raisonnables que le Canada aurait dû prendre afin de se conformer à son devoir de diligence incluent notamment :
- a. imposer des règles quant au respect et à la protection de la culture et l'identité des membres du groupe dans les écoles de jour autochtones;
 - b. s'assurer que les communautés soient adéquatement consultées et impliquées dans le développement des aspects culturellement spécifiques du curriculum scolaire;
 - c. vérifier la mise en œuvre adéquate des services spéciaux prévus dans les ententes pour préserver la culture et l'identité autochtones.
108. En conséquence de la négligence du Canada, les membres du groupe n'ont pas eu accès à un enseignement culturellement approprié. Au contraire, le Demandeur et les membres du groupe ont subi une humiliation constante en raison de leur identité autochtone. Ils se sont vus empêchés d'exprimer leur culture notamment par l'interdiction de parler leur langue et par l'obligation de couper leurs cheveux. Ils ont fait l'objet d'intimidation, de propos dégradants et de discrimination. Dans certaines écoles, les membres du groupe étaient systématiquement placés dans des classes « spéciales » destinées à l'apprentissage technique ou aux élèves ayant des difficultés d'apprentissage.

2. La négligence du Québec

109. Le Québec a agi de manière contraire à la norme de la personne raisonnable, prudente et diligente envers les membres du groupe.
110. Le Québec détenait des obligations légales à l'égard de l'éducation, du bien-être et de la sécurité des membres du groupe, en vertu notamment des pouvoirs de contrôle et de supervision attribués au conseil de l'instruction publique agissant sous les ordres du lieutenant-gouverneur en conseil, puis, à partir de 1964, attribués au ministre de l'Éducation sous les différentes versions des lois portant sur l'instruction publique.
111. Entre 1909 et 1963, ces pouvoirs incluaient notamment :

- a. le pouvoir du lieutenant-gouverneur en conseil de nommer des inspecteurs d'école, chargés de visiter les écoles publiques et de s'assurer du respect de la loi et des règlements, et le pouvoir de les destituer : *De l'Instruction publique*, SR (1909), Titre V, art. 2551, 2569, 2570, 2573; *Loi de l'instruction publique*, SR 1925, c 133, art. 32, 51-52, 55; *Loi de l'instruction publique*, SR 1941, c 59, art. 32, 51-52, 55;
 - b. le pouvoir du conseil de l'instruction publique de procéder ou de faire procéder à une enquête contre tout inspecteur d'école : *De l'Instruction publique*, SR (1909), Titre V, art. 2551; *Loi de l'instruction publique*, SR 1925, c 133, art. 32; *Loi de l'instruction publique*, SR 1941, c 59, art. 32;
 - c. le pouvoir du conseil de l'instruction publique et de ses deux comités de faire et d'ordonner des enquêtes sur toutes les questions concernant l'éducation sous leur juridiction : *De l'Instruction publique*, SR (1909), Titre V, art. 2562; *Loi de l'instruction publique*, SR 1925, c 133, art. 43; *Loi de l'instruction publique*, SR 1941, c 59, art. 43;
 - d. le pouvoir du président du conseil de l'instruction publique et des membres de ses deux comités de visiter les écoles publiques : *De l'Instruction publique*, SR (1909), Titre V, art. 2564-2566; *Loi de l'instruction publique*, SR 1925, c 133, art. 46-48; *Loi de l'instruction publique*, SR 1941, c 59, art. 46-48;
 - e. le pouvoir des comités du conseil de l'instruction publique de révoquer les brevets d'enseignement d'instituteur pour cause de mauvaise conduite, d'immoralité, d'ivrognerie ou d'infraction grave : *De l'Instruction publique*, SR (1909), Titre V, art. 2550; *Loi de l'instruction publique*, SR 1925, c 133, art. 31; *Loi de l'instruction publique*, SR 1941, c 59, art. 31.
112. À partir de 1964 et jusqu'à la refonte de la *Loi sur l'instruction publique* en 1988, les mécanismes gouvernementaux de surveillance des écoles et de protection des élèves étaient exercés par le ministre de l'Éducation. Ce dernier était chargé, notamment, des pouvoirs suivants :
- a. le pouvoir de recevoir et trancher les plaintes à l'encontre d'instituteurs accusés de mauvaise conduite, d'immoralité, d'ivrognerie ou d'infraction grave dans l'exécution de leurs devoirs, incluant le pouvoir de suspendre temporairement un individu visé par une plainte : *Loi sur l'instruction publique*, SR 1964, c. 235, art. 18; *Loi sur l'instruction publique*, 1977, c I-14, art. 18;
 - b. Le pouvoir de nommer des inspecteurs d'école, chargés de visiter les écoles publiques et de s'assurer du respect de la loi et des règlements, et le pouvoir de les destituer : *Loi sur l'instruction publique*, SR 1964, c 235, art. 19, 25, 26, 29, 31, 32; *Loi sur l'instruction publique*, 1977, c I-14, art. 19, 25, 26, 29, 31, 32;

- c. le pouvoir de procéder ou de faire procéder à une enquête contre tout inspecteur d'école accusé de mauvaise conduite, d'immoralité, d'ivrognerie ou d'infraction grave dans l'exécution de ses fonctions : *Loi sur l'instruction publique*, SR 1964, c 235, art. 19; *Loi sur l'instruction publique*, 1977, c I-14, art. 19;
 - d. le pouvoir de visiter toutes les écoles du Québec : *Loi sur l'instruction publique*, SR 1964, c 235, art. 20; *Loi sur l'instruction publique* 1977, c I-14, art. 20;
 - e. le pouvoir de faire des enquêtes, notamment sur toute matière se rapportant à l'administration ou au fonctionnement d'une commission scolaire ou d'une commission régionale : *Loi sur l'instruction publique*, SR 1964, c. 235, art. 13; *Loi sur l'instruction publique* 1977, c I-14, art. 14.
113. Au moins jusqu'au 30 juin 1989, le Québec était aussi tenu de superviser les ententes conclues entre les commissions scolaires et le Canada aux fins de l'opération des écoles de jour, puisque ces ententes étaient conclues au nom du gouvernement du Québec. Le Québec devait donc s'assurer de la légalité de ces ententes, de même que de leur mise en œuvre appropriée, conformément aux obligations légales de la province en matière d'instruction publique.
114. Depuis la refonte de la *Loi sur l'instruction publique* en 1988, entrée en vigueur le 1^{er} juillet 1989, la responsabilité gouvernementale à l'égard de la sécurité des élèves subsiste toujours. Les pouvoirs du ministre de l'Éducation incluent notamment les pouvoirs suivants :
- a. le pouvoir de recevoir et trancher des plaintes à l'égard d'un enseignant pour inconduite, immoralité ou faute grave : *Loi sur l'instruction publique*, LQ 1988, c 84, art. 26-34;
 - b. le pouvoir de visiter les écoles : *Loi sur l'instruction publique*, LQ 1988, c 84, art. 94;
 - c. le pouvoir de désigner une personne pour vérifier si les dispositions de la loi et des règlements sont respectés par les commissions scolaires : *Loi sur l'instruction publique*, LQ 1988, c 84, 478;
 - d. le pouvoir de désigner une personne pour enquêter sur quelque matière se rapportant à la qualité des services éducatifs, à l'administration, à l'organisation ou au fonctionnement d'une commission scolaire : *Loi sur l'instruction publique*, LQ 1988, c 84, 478;
 - e. le pouvoir de suspendre les fonctions ou pouvoirs d'une commission scolaire pendant la tenue d'une vérification ou d'une enquête : *Loi sur l'instruction publique*, LQ 1988, c 84, art. 34-35, 479.

115. De plus, la Loi sur l'instruction publique précise désormais que le ministre de l'Éducation est tenu de veiller à la qualité des services éducatifs dispensés par les commissions scolaires : Loi sur l'instruction publique, LQ 1988, c 84, art. 459.
116. Durant toute la période pertinente au litige, le Québec a fait preuve de négligence en ne prenant pas de mesures raisonnables pour protéger la sécurité des membres du groupe, alors qu'il savait ou aurait dû savoir qu'un risque important d'atteinte les menaçait.
117. Le Québec a aussi fait preuve de négligence en ne prenant pas de mesures raisonnables pour s'assurer de la qualité des services éducatifs offerts aux membres du groupe. Au contraire, le Québec a permis, en vertu de certaines ententes conclues avec le Canada, que les membres du groupe reçoivent une éducation technique ou réservée aux élèves ayant des difficultés d'apprentissage.
118. Les mesures raisonnables que le Québec aurait dû prendre afin de se conformer à son devoir de diligence incluent notamment :
- a. superviser la négociation des ententes conclues entre les commissions scolaires et le Canada, ainsi que leur mise en œuvre conformément aux obligations légales de en matière de services éducatifs;
 - b. visiter les écoles de jour opérant en vertu des ententes avec le Canada;
 - c. s'assurer de la qualité de l'éducation offerte par ces écoles de jour;
 - d. effectuer ou faire effectuer des enquêtes à l'égard de ces écoles lorsque requis, et faire cesser les abus physiques et moraux;
 - e. en cas de plainte à l'encontre d'un instituteur ou d'un inspecteur scolaire, s'assurer que le processus d'enquête soit mis en place et prendre la décision opportune à l'issue de l'enquête pour protéger la sécurité des enfants fréquentant l'école visée.
119. En conséquence de la négligence du Québec, les membres du groupe n'ont pas eu accès à un enseignement de qualité. Au contraire, le Demandeur et les membres du groupe ont reçu une éducation de piètre qualité, affectant leur capacité à entreprendre des études post-secondaires. La violence et l'humiliation qui régnaient dans les écoles de jour ont plutôt contribué à maintenir les membres du groupe loin des bancs d'école une fois la période de fréquentation obligatoire terminée, ce qui a eu des impacts majeurs sur leur capacité à gagner leur vie et à s'épanouir professionnellement. De surcroît, dans certaines écoles, les membres du groupe étaient placés dans des classes « spéciales » destinées à l'apprentissage technique ou aux élèves ayant des difficultés d'apprentissage et recevaient donc, sans que cela ne soit justifié, un enseignement de moindre qualité que les autres étudiants fréquentant des écoles provinciales.

120. En conséquence de la négligence du Québec, le Demandeur et les membres du groupe ont aussi subi des atteintes à leur intégrité durant leur fréquentation des écoles de jour. Ils ont subi des abus physiques, sexuels et psychologiques répétés de la part d'instituteurs négligents, sans que le Québec n'agisse pour prévenir et sanctionner des tels manquements graves, malgré son devoir de veiller à la sécurité et au bien-être des enfants fréquentant des établissements sous sa juridiction.
121. L'ampleur des sévices vécus et vus par le demandeur, décrits ci-dessous, témoignent eux aussi de la négligence du Québec dans la supervision et le contrôle des écoles visées par le présent litige. En effet, si des visites avaient été réalisées avec la diligence et le soin requis par la loi, et si des enquêtes avaient été menées, de tels sévices n'auraient pu continuer à être perpétrés sur une aussi longue période de temps sans conséquence.

3. Les commissions scolaires

a. Le manquement à l'obligation de fiduciaire

122. Les commissions scolaires détiennent une obligation de fiduciaire à l'égard de leurs élèves parce qu'elles exercent un pouvoir ayant une incidence sur leurs intérêts fondamentaux et personnels de droit privé, pouvoir qui est celui ou similaire à celui d'un tuteur envers son pupille ou d'un parent envers son enfant.
123. Les lois sur l'instruction publique applicables établissent un engagement d'agir dans les intérêts des élèves ou constituent le fondement d'un tel engagement.
124. Or, les commissions scolaires ont manqué à leur obligation de fiduciaire alors qu'elles savaient ou auraient dû savoir que leurs institutions telles qu'organisée ainsi que leurs préposés tels que choisis et supervisés causaient ou allaient causer des dommages culturels, psychologiques, spirituels et physiques profonds et permanents aux membres du groupe.

b. La négligence dans l'engagement et la supervision des préposés

125. Les prédécesseurs des centres de services scolaires, les commissions scolaires, par le biais de leurs préposés, ont agi de manière contraire à la norme de la personne raisonnable, prudente et diligente envers les enfants qui étaient sous leur garde dans les écoles de jour autochtones.
126. Les commissions scolaires ont été négligentes dans l'embauche et la supervision de leurs préposés qui ont commis des abus sur les enfants qui leur étaient confiés, y compris le Demandeur James Jonah et les autres membres du groupe. Elles devaient pourtant veiller à ce que ces préposés interagissent de manière sécuritaire avec les élèves.
127. Les commissions scolaires savaient ou auraient dû savoir qu'avant d'être engagés, certains de leurs préposés avaient déjà commis des abus de nature physique ou sexuelle sur des

- enfants, notamment des enfants pour lesquels leurs préposés se trouvaient en situation d'autorité.
128. Les sévices vécus et vus par le demandeur Jonah, décrits ci-dessus, témoignent eux aussi de la négligence des commissions scolaires dans l'embauche et la supervision des préposés qui ont commis des abus sur les enfants qui leur étaient confiés.
129. Au moins jusqu'au 30 juin 1989, les commissaires scolaires étaient tenus de visiter au moins une fois tous les six mois les écoles sous leur contrôle, afin notamment de vérifier le caractère et la capacité des instituteurs et toutes autres choses relatives à la régie des écoles : Loi sur l'instruction publique, SR 1925, c 33, art. 221, al. 8; Loi sur l'instruction publique, SR 1941, c 59, art. 221, al. 8; Loi de l'instruction publique, SR 1964, c 235, art. 203, al. 9; Loi sur l'instruction publique, LRQ 1977, c I-14, art. 189, al. 9.
130. Les commissions scolaires savaient donc ou auraient dû savoir que des abus de nature psychologique, physique et sexuelle étaient commis ou allaient être commis sur des enfants dans le cadre du système des écoles de jour autochtones alors qu'elles en avaient le contrôle ou en assuraient l'administration ou la supervision.
131. La relation d'autorité créée entre les membres du groupe et les préposés des commissions scolaires créait l'obligation pour les commissions scolaires de se plier aux règles de conduite qui s'imposaient à elles suivant les circonstances. Plus précisément, les commissions scolaires avaient le devoir de :
- a. s'assurer que leurs employés et préposés n'aient pas d'antécédents d'abus sexuels ou physiques envers des enfants;
 - b. s'assurer que leurs employés et préposés soient entraînés et surveillés d'une manière qui reflète l'importance de leurs tâches et responsabilités;
 - c. s'assurer que leurs employés et préposés ne commettent pas d'abus de nature psychologique, physique ou sexuelle sur des enfants sous leur garde dans le cadre de leurs fonctions;
 - d. s'assurer que les enfants sous leur garde étaient adéquatement protégés contre les abus potentiels des personnes en situation d'autorité;
 - e. en cas de plainte ou d'abus de la part d'un préposé, s'assurer qu'un processus d'enquête soit mis en place et que les victimes soient dirigées vers des services appropriés, notamment des services de soutien psychologique.
132. Les commissions scolaires, par le biais de leurs préposés, étaient aussi soumises depuis au moins 1975 au devoir de signalement énoncé à l'article 24 de la *Loi sur la protection de la jeunesse*, LRQ, c P-34 (1975), puis à l'article 24 de la *Loi sur la protection de la jeunesse*, RLRQ c P-34.1 (1977), qui requérait que « toute personne, même liée par le secret

professionnel, qui a des motifs raisonnables de croire qu'un enfant est soumis à de mauvais traitements physiques » signale la situation (...).

133. Les commissions scolaires ont sciemment camouflé les abus psychologiques, physiques et sexuels perpétrés par leurs préposés au détriment des victimes qui étaient sous leur garde, les membres du groupe, afin de préserver leur réputation et de protéger leurs intérêts au détriment de la santé physique et mentale des membres du groupe.

c. Les abus commis par les préposés

134. Durant toute la période pertinente au litige, les commissions scolaires étaient responsables de la faute commise par les personnes dont ils avaient le contrôle, y compris leurs préposés, en vertu de l'article 1054 du *Code civil du Bas-Canada* puis de l'article 1463 du *Code civil du Québec* (...).
135. En ce qui concerne la responsabilité des commissions scolaires pour les actes illégaux, hors de leur compétence ou non autorisé de leurs préposés, le Demandeur invoque la règle établie par l'art. 1464 du *Code civil du Québec*.
136. Les commissions scolaires ont créé le risque à l'origine des fautes de leurs préposés en les employant dans leurs postes ou en leur permettant de développer un lien d'autorité et avec les membres du groupe, fournissant ainsi l'occasion à leurs préposés d'abuser de leur pouvoir.
137. Les commissions scolaires n'ont pas, ou n'ont pas adéquatement surveillé la performance et la conduite de leurs préposés afin de s'assurer que leur performance et leur conduite étaient comparables à celles d'un employé raisonnable, qualifié et prudent.
138. Les actions ou omissions des commissions scolaires décrites précédemment constituent de la négligence dans l'emploi ou la supervision de leurs préposés et le défaut de protéger les intérêts des membres du groupe alors qu'ils étaient sous leur supervision.

G. La composition du groupe rend difficile ou peu pratique l'application des règles sur le mandat d'ester en justice pour le compte d'autrui ou sur la jonction d'instance

139. Au Québec, on peut estimer que plusieurs (...) milliers d'enfants ont fréquenté des écoles de jour autochtones provinciales, (...) publiques ou religieuses, alors qu'elles étaient administrées, supervisées ou contrôlées par les Défendeurs.
140. Le nombre exact de membres composant le groupe ne peut être établi actuellement, mais il présente un caractère déterminable et les membres sont identifiables. Ceux-ci résident dans différents districts judiciaires à travers le Québec.
141. Il s'avère impossible pour le Demandeur d'avoir accès aux listes des personnes faisant partie du groupe et de connaître leur identité. Ces informations se trouvent vraisemblablement entre les mains des Défendeurs.

142. Dans ces circonstances, il est difficile, voire même impossible, d'obtenir un mandat de la part de chacun des membres du groupe et il serait contraire aux principes de la saine administration de la justice d'exiger que chaque membre entreprenne une action individuelle contre les Défendeurs.
143. Il en découle que l'action collective représente la seule procédure appropriée afin de permettre aux membres d'obtenir la représentation nécessaire pour faire valoir leurs droits et avoir accès à la justice.

H. La réparation du préjudice subi

1. Dommages compensatoires

144. Les abus vécus par les membres du groupe ont eu de graves impacts physiques et psychologiques sur leur vie, dont certains sont permanents.
145. Le Demandeur demande que les membres du groupe se voient accorder des dommages et intérêts non pécuniaires pour les dommages physiques et psychologiques, ainsi que pour les souffrances et les douleurs morales, temporaires ou permanentes, qu'ils subissent en raison des fautes des Défendeurs et de leurs préposés, incluant la perte de langue et de culture.
146. Le Demandeur demande aussi que les membres du groupe se voient accorder des dommages et intérêts pécuniaires notamment pour les pertes financières liées aux difficultés qu'ils ont éprouvées ou qu'ils éprouvent dans le cadre de leurs études ou de leurs emplois ainsi que pour les services d'aide psychologique qui sont nécessaires pour pallier leurs problèmes physiques et souffrances d'ordres psychologique et moral causées par les fautes des Défendeurs et de leurs préposés.
147. Les Défendeurs sont solidairement responsables de réparer le préjudice causé aux membres du groupe puisque celui-ci découle d'une obligation extracontractuelle : article 1526 du Code civil du Québec.
148. Les Défendeurs ont contribué par leurs fautes extracontractuelles aux préjudices physiques et psychologiques de nature non pécuniaire et pécuniaire. Ces préjudices sont indivisibles et doivent être considérés comme un même et unique préjudice.

2. Dommages punitifs

149. Les Défendeurs et leurs préposés ont agi en violation du droit à l'intégrité et à la dignité des membres du groupe, contrevenant ainsi à l'article premier et à l'article 4 de la *Charte des droits et libertés de la personne*, RLRQ, c. C -12.
150. Les Défendeurs et leurs préposés ont agi en violation du droit des membres du groupe à la protection, à la sécurité et à l'attention, contrevenant ainsi à l'article 39 de la *Charte des droits et libertés de la personne*.

151. Les Défendeurs et leurs préposés ont agi en violation du droit des membres du groupe à maintenir et faire progresser leur propre vie culturelle avec les membres de leur groupe, contrevenant ainsi à l'article 43 de la *Charte des droits et libertés de la personne*.
152. En raison des antécédents de certains de leurs préposés au moment de leur embauche et en leur accordant une position de confiance et d'autorité dans le cadre de leurs fonctions vis-à-vis des membres du groupe, les Défendeurs ont agi en connaissance de l'extrême probabilité que leurs préposés commettent des agressions de nature sexuelle ou physique sur les enfants qui étaient sous leur supervision, ce qui justifie l'octroi de dommages et intérêts punitifs en vertu de l'article 49 de la *Charte des droits et libertés de la personne*.
153. De plus, la négligence dont ont fait preuve les Défendeurs dans l'embauche et la surveillance de préposés ayant déjà commis des abus de nature physique ou sexuelle sur des enfants constitue un comportement malveillant, opprimant et abusif qui justifie l'octroi de dommages et intérêts punitifs en *common law*.
154. En camouflant les abus commis par leurs préposés, les Défendeurs ont, de manière illicite et intentionnelle, placé leurs intérêts au-dessus de ceux des victimes, en violation de leur intégrité spirituelle, psychologique et physique, et se sont ainsi conduits de manière malveillante, opprimante et abusive, ce qui justifie l'octroi de dommages et intérêts punitifs en vertu de l'article 49 de la *Charte des droits et libertés de la personne*, ainsi qu'en *common law*.
155. En établissant, supervisant et administrant le système des écoles de jour autochtones, dans un but d'assimilation avoué, les Défendeurs ont violé de manière illicite et intentionnelle les droits des membres du groupe à la dignité et à l'intégrité spirituelle, psychologique et physique, et se sont ainsi conduits de manière malveillante, opprimante et abusive, ce qui justifie l'octroi de dommages punitifs en vertu de l'article 49 de la *Charte des droits et libertés de la personne*, ainsi qu'en *common law*.
156. La responsabilité du Québec pour les actes de ses préposés, en vertu de l'article 1376 du Code civil du Québec et celle du Canada en vertu de l'article 3 de la Loi sur la responsabilité de l'État englobent le recours en dommages et intérêts punitifs prévu par la *Charte des droits et libertés de la personne*, art. 49, et en *common law*.

I. L'impossibilité d'agir

157. Le Demandeur invoque l'imprescriptibilité au sens de l'art. 2926.1 du Code civil du Québec en ce qui concerne tout préjudice résultant d'une agression à caractère sexuel ou de la violence subie pendant l'enfance.
158. De surcroît, depuis qu'ont été commises les fautes mentionnées plus haut, le Demandeur a souffert de l'impossibilité d'agir et d'entreprendre une action en justice contre les Défendeurs plus tôt, ce qui a eu pour effet de suspendre la prescription en vertu de l'art. 2232 du Code civil du Bas-Canada et de l'art. 2904 du Code civil du Québec (...).

159. L'impossibilité du Demandeur d'agir plus tôt est le résultat direct des abus subis. En raison de la honte liée aux abus qu'il a subi, le Demandeur a vécu jusqu'à présent dans la crainte de dénoncer les abus dont il a été victime, notamment la crainte de la réaction de ses proches et des autres membres de la communauté, s'ils venaient à apprendre que le Demandeur a été victime d'abus psychologiques, physiques ou sexuels durant son enfance.
160. En raison de ce climat d'abus, de crainte et de secret, le Demandeur a développé des mécanismes de défense psychologiques, comme le déni, la dépression, la dissociation et la culpabilité.
161. L'impossibilité d'agir du Demandeur est aussi le résultat direct de la politique d'acculturation menée par les Défendeurs en contravention de l'obligation de fiduciaire de la Couronne. La perte de sa culture autochtone, du mode de vie traditionnel de sa communauté et de son identité a elle aussi entraîné chez le demandeur le développement de tels mécanismes de défense psychologiques.
162. Ces mécanismes de défense ont eu comme conséquences d'empêcher le Demandeur de réaliser et de comprendre que les fautes commises par les Défendeurs lui avaient causé de graves dommages ou de révéler les abus subis, et encore moins d'intenter un recours judiciaire.

J. Les questions de droit ou de fait identiques, similaires ou connexes

163. Les faits qui donnent ouverture à un recours individuel de la part de chacun des membres du groupe contre les Défendeurs soulèvent les questions de droit ou de fait identiques, similaires ou connexes suivantes, lesquelles le Demandeur souhaite qu'elles soient déterminées par l'action collective :
- a. Des abus de nature psychologique, physique et sexuelle ont-ils été commis par des préposés des prédécesseurs des centres de services scolaires ou d'autres personnes sur les enfants qui leur étaient confiés?
- b. Dans le cas d'une réponse affirmative à la question précédente, le Canada, le Québec ou les prédécesseurs des centres de services scolaires et leurs préposés ont-ils agi avec diligence pour prévenir et faire cesser les abus psychologiques, physiques et sexuels commis par certains des préposés sur des enfants qui leur avaient été confiés?
- c. Dans le cas d'une réponse affirmative à la première question, les Défendeurs, par le biais de leurs préposés, ont-ils violé leur devoir de signalement en ne dénonçant pas les abus psychologiques, physiques et sexuels subis par les membres du groupe alors qu'ils fréquentaient les écoles de jour autochtones?

- d. Les Défendeurs ont-ils violé leurs obligations légales ou fiduciaires envers les membres du groupe en établissant, supervisant ou administrant les écoles de jour autochtones?
- e. Les prédécesseurs des centres de services scolaires ont-ils engagé leur responsabilité à titre de commettant ou à tout autre titre pour les abus commis par leurs préposés ou d'autres personnes auxquelles ils ont permis la surveillance ou la garde des membres du groupe?
- f. Le Québec a-t-il engagé sa responsabilité légale en faisant preuve de négligence à l'égard de la sécurité et du bien-être des membres du groupe qui étaient soumis au régime d'instruction publique provincial?
- g. Le système des écoles de jour autochtones établi, supervisé et administré par les Défendeurs a-t-il causé des dommages spirituels, physiques et psychologiques aux membres du groupe?
- h. Quel est le montant de dommages compensatoires auquel les membres du groupe ont droit en compensation des dommages communs à tous (les dommages d'expérience commune)?
- i. Les Défendeurs doivent-ils être condamnés solidairement au paiement des dommages compensatoires?
- j. Les Défendeurs ou leurs préposés ont-ils violé de manière illicite et intentionnelle les droits des membres du groupe protégés par la *Charte des droits et libertés de la personne* ou encouru leur responsabilité pour les dommages punitifs reconnus en *common law*?
- k. Dans l'affirmative, quel est le montant de dommages punitifs auquel les Défendeurs doit être condamnés à verser à chaque membre du groupe?

K. Les questions de faits ou de droit particulières à chacun des membres

164. Les questions de faits ou de droit particulières à chacun des membres sont les suivantes :
- a. Outre les dommages recouvrés collectivement, quels autres dommages ont été subis par chaque membre du groupe par la faute des Défendeurs ou de leurs préposés?
 - b. Quel est le montant des dommages compensatoires auquel chacun des membres du groupe a droit selon la nature des abus, les préjudices et séquelles subis et les paramètres établis par le tribunal?
 - c. Les Défendeurs doivent-ils être condamnés solidairement au paiement des dommages compensatoires?

L. Les conclusions recherchées par le Demandeur

165. Le Demandeur, en son nom et pour le compte des membres du groupe, recherchera les conclusions suivantes :

Accueillir l'action collective du Demandeur pour le compte de tous les membres du groupe;

Condamner solidairement les Défendeurs à payer à chacun des membres du groupe la somme de 20 000\$ en dommages-intérêts moraux à titre de « dommages d'expérience commune », sauf à parfaire, majorée de l'intérêt au taux légal et de l'indemnité additionnelle prévue à l'article 1619 du Code civil du Québec, depuis la signification de la présente demande;

Ordonner le recouvrement collectif des réclamations des membres du groupe à titre de « dommages d'expérience commune »;

Condamner solidairement les Défendeurs à payer à chacun des membres du groupe une somme à titre de dommages-intérêts moraux et pécuniaires supplémentaires, dont le quantum sera à déterminer subséquemment selon les sévices particuliers subis par les membres du groupe, majoré de l'intérêt au taux légal et de l'indemnité additionnelle prévue à l'article 1619 du Code civil du Québec, depuis la signification de la présente demande;

Ordonner le recouvrement individuel des réclamations des membres du groupe à titre de dommages-intérêts moraux et pécuniaires pour sévices particuliers;

Condamner chaque Défendeur à payer à chacun des membres du groupe la somme de 20 000\$ à titre de dommages-intérêts punitifs, sauf à parfaire;

Ordonner le recouvrement collectif des réclamations des membres du groupe à titre de dommages punitifs;

Rendre toute autre ordonnance que le Tribunal estime indiquée pour sauvegarder les droits des parties;

Condamner solidairement les Défendeurs aux dépens, y compris les frais d'avis, d'administration et d'expertises.

M. Le demandeur propose que l'action collective soit exercée devant la Cour supérieure siégeant dans le district de Montréal pour les raisons suivantes :

166. Les Défendeurs le Procureur général du Canada et le Procureur général du Québec sont domiciliés dans le district de Montréal.

167. Les centres de services scolaires sont domiciliés dans différents districts du Québec.
168. Les procureurs du Demandeur ont leurs bureaux dans le district de Montréal.
169. Les membres du groupe sont domiciliés à travers le Québec.

N. Conclusions

POUR CES MOTIFS, PLAISE À LA COUR :

ACCUEILLIR la présente Demande;

ORDONNER la mise sous scellés des documents non caviardés contenant des informations sur la nature des sévices et abus subis par le Demandeur James Jonah;

ORDONNER le dépôt d'une version caviardée des procédures au Registre des actions collectives;

AUTORISER le Demandeur James Jonah à exercer la présente action collective dans l'intérêt des membres du groupe;

AUTORISER l'exercice de l'action collective ci-après :

- Une action en dommages-intérêts et en dommages punitifs;

ATTRIBUER au Demandeur le statut de représentants aux fins d'exercer la présente action collective pour le compte des membres du groupe ci-après décrits :

Groupe des survivants – réserves ou établissements indiens :
« Toute personne assujettie à la *Loi sur les Indiens* et ayant fréquenté entre 1906 et 2014 (...) au Québec, une école de jour provinciale, (...) publique ou religieuse, située dans une communauté autochtone (réserve ou établissement indien) et dont le ministre des Affaires indiennes pouvait ou prétendait pouvoir enjoindre la fréquentation. »

Groupe familial – réserves ou établissements indiens : « Tout époux ou conjoint uni civilement, tout frère ou sœur et toute personne descendante directe au premier ou au deuxième degré d'une personne assujettie à la *Loi sur les Indiens* et ayant fréquenté entre 1906 et 2014, (...) au Québec une école de jour provinciale, (...) publique ou religieuse, située dans une communauté autochtone (réserve ou établissement indien) et dont le ministre des Affaires indiennes pouvait ou prétendait pouvoir enjoindre la fréquentation, ainsi que tout époux ou conjoint uni civilement de tout frère, sœur, ou personne

descendante directe au premier ou deuxième degré d'une telle personne. »

Groupe des survivants – villages inuits : « Toute personne ayant fréquenté entre 1906 et 1978, au Québec, une école de jour provinciale, (...) publique ou religieuse située dans un village inuit et dont le ministre de l'Éducation du Québec pouvait ou prétendait pouvoir enjoindre la fréquentation. »

Groupe familial – villages inuits : « Tout époux ou conjoint uni civilement, tout frère ou sœur et toute personne descendante directe au premier ou au deuxième degré d'une personne ayant fréquenté entre 1906 et 1978, au Québec, une école de jour provinciale, (...) publique ou religieuse, située dans un village inuit et dont le ministre de l'Éducation du Québec pouvait ou prétendait pouvoir enjoindre la fréquentation, ainsi que tout époux ou conjoint uni civilement de tout frère, sœur, ou personne descendante directe au premier ou deuxième degré d'une telle personne. »

IDENTIFIER comme suit les principales questions de faits ou de droit qui seront traitées collectivement :

- a. Des abus de nature psychologique, physique et sexuelle ont-ils été commis par des préposés des prédécesseurs des centres de services scolaires ou d'autres personnes sur les enfants qui leur étaient confiés?
- b. Dans le cas d'une réponse affirmative à la question précédente, le Canada, le Québec ou les prédécesseurs des centres de services scolaires et leurs préposés ont-ils agi avec diligence pour prévenir et faire cesser les abus psychologiques, physiques et sexuels commis par certains des préposés sur des enfants qui leur avaient été confiés?
- c. Dans le cas d'une réponse affirmative à la première question, les Défendeurs, par le biais de leurs préposés, ont-ils violé leur devoir de signalement en ne dénonçant pas les abus psychologiques, physiques et sexuels subis par les membres du groupe alors qu'ils fréquentaient les écoles de jour autochtones?
- d. Les Défendeurs ont-ils violé leurs obligations légales ou fiduciaires envers les membres du groupe en établissant, supervisant ou administrant les écoles de jour autochtones?
- e. Les prédécesseurs des centres de services scolaires ont-ils engagé leur responsabilité à titre de commettant ou à tout autre titre pour les abus commis par

leurs préposés ou d'autres personnes auxquelles ils ont permis la surveillance ou la garde des membres du groupe?

- f. Le système des écoles de jour autochtones établi, supervisé et administré par les Défendeurs a-t-il causé des dommages spirituels, physiques et psychologiques aux membres du groupe?
- g. Quel est le montant de dommages compensatoires auquel les membres du groupe ont droit en compensation des dommages communs à tous (les dommages d'expérience commune)?
- h. Les Défendeurs doivent-ils être condamnés solidairement au paiement des dommages compensatoires?
- i. Les Défendeurs ou leurs préposés ont-ils violé de manière illicite et intentionnelle les droits des membres du groupe protégés par la *Charte des droits et libertés de la personne* ou encouru la responsabilité pour les dommages punitifs reconnus en *common law*?
- j. Dans l'affirmative, quel est le montant de dommages punitifs auquel les Défendeurs doivent être condamnés à verser à chaque membre du groupe?

IDENTIFIER comme suit les principales questions de faits ou de droit qui seront traitées individuellement :

- a. Outre les dommages recouverts collectivement, quels autres dommages ont été subis par chaque membre du groupe par la faute des Défendeurs ou de (...) leurs préposés?
- b. Quel est le montant de dommages compensatoires auquel chacun des membres du groupe a droit selon la nature des abus, les préjudices et séquelles subis et les paramètres établis par le tribunal?
- c. Les Défendeurs doivent-ils être condamnés solidairement au paiement des dommages compensatoires?

IDENTIFIER comme suit les conclusions recherchées qui s'y rattachent :

Accueillir l'action collective du Demandeur pour le compte de tous les membres du groupe;

Condamner solidairement les Défendeurs à payer à chacun des membres du groupe la somme de 20 000\$ en dommages-intérêts moraux à titre de « dommages d'expérience commune », sauf à parfaire, majorée de l'intérêt au taux légal et de

l'indemnité additionnelle prévue à l'article 1619 du Code civil du Québec, depuis la signification de la présente demande;

Ordonner le recouvrement collectif des réclamations des membres du groupe à titre de « dommages d'expérience commune »;

Condamner solidairement les Défendeurs à payer à chacun des membres du groupe une somme à titre de dommages-intérêts moraux et pécuniaires supplémentaires, dont le quantum sera à déterminer subséquemment selon les sévices particuliers subis par les membres du groupe, majoré de l'intérêt au taux légal et de l'indemnité additionnelle prévue à l'article 1619 du Code civil du Québec, depuis la signification de la présente demande;

Ordonner le recouvrement individuel des réclamations des membres du groupe à titre de dommages-intérêts moraux et pécuniaires pour sévices particuliers;

Condamner chaque Défendeur à payer à chacun des membres du groupe la somme de 20 000\$ à titre de dommages-intérêts punitifs, sauf à parfaire;

Ordonner le recouvrement collectif des réclamations des membres du groupe à titre de dommages punitifs;

Rendre toute autre ordonnance que le Tribunal estime indiquée pour sauvegarder les droits des parties;

Condamner solidairement les Défendeurs aux dépens, y compris les frais d'avis, d'administration et d'expertises.

DÉCLARER qu'à moins d'exclusion, les membres du groupe seront liés par tout jugement à intervenir sur le recours collectif de la manière prévue par la loi;

FIXER le délai d'exclusion à soixante (60) jours après la date de l'avis aux membres, délai à l'expiration duquel les membres du groupe qui ne se seront pas prévalus des moyens d'exclusion seront liés par tout jugement à intervenir;

ORDONNER la publication d'un avis aux membres dans les termes et selon les modalités à être déterminés par le tribunal;

RÉFÉRER le dossier au juge en chef pour la détermination du district judiciaire dans lequel l'action collective devra être exercée et la désignation du juge qui en sera saisi;

ORDONNER au greffier de cette Cour, advenant le cas où le recours devrait être exercé dans un autre district, de transmettre le dossier, dès décision du juge en chef, au greffier de cet autre district;

PRONONCER toute autre ordonnance jugée nécessaire ou utile par le Tribunal pour assurer la protection de l'intérêt des membres;

Le tout avec frais.

Montréal, le 7 septembre 2022

Dionne Schulze

M^e David Schulze

M^e Léa Lemay Langlois

M^e Maryse Décarie-Daigneault

Dionne Schulze

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Procureur.es du demandeur

James Jonah

Demandeur

c.

Procureur général du Canada

Défendeur

LISTE DE PIÈCES

- a) **PIÈCE P-1** : (...);
- b) **PIÈCE P-2** : Extraits du Sommaire du rapport final de la Commission de vérité et réconciliation du Canada;
- c) **PIÈCE P-3 à P-30** : (...);
- d) **PIÈCE P-31** : Article du Journal the Gazette intitulé « 'Administrative split' left some residential school victims ineligible for compensation » consulté le 5 septembre 2019;
- e) **PIÈCE P-32** : Ordonnance de la Cour fédérale rendue le 19 août 2019, McLean c. Canada, 2019 CF 1074;
- f) **PIÈCE P-33** : (...);
- g) **PIÈCE P-34** : (...);
- h) **PIÈCE P-35** : (...);
- i) **PIÈCE P-36** : (...);
- j) **PIÈCE P-37** : Récit sur le Pensionnat indien de Sept-Îles, produit par le Gouvernement du Canada dans le cadre de sa réponse au litige et à la Convention de règlement relative aux pensionnats indiens.

- k) PIÈCE P-38 : Proposition du ministère des Affaires indiennes et du développement du Nord au Conseil du Trésor datée du 29 septembre 1967;
- l) PIÈCE P-39 : Entente sur les frais de scolarité avec la Commission scolaire de la Côte Nord du Golfe Saint-Laurent datée du 27 juin 1975;
- m) PIÈCE P-40 : Entente sur les frais de scolarité avec la Commission scolaire du Littoral datée du 21 novembre 1984;
- n) PIÈCE P-41 : Entente sur les frais de scolarité avec la Commission scolaire du Littoral datée du 23 octobre 1980;
- o) PIÈCE P-42 : Entente sur les frais de scolarité avec la Commission scolaire du Littoral datée du 1^{er} septembre 1982;
- p) PIÈCE P-43 : Entente sur les frais de scolarité avec la Commission scolaire de Schefferville datée du 6 novembre 1975;
- q) PIÈCE P-44 : Entente sur les frais de scolarité avec la Commission scolaire de Val d'Or datée du 2 septembre 1975;
- r) PIÈCE P-45 : Annexe A de l'Entente sur les frais de scolarité avec la Commission scolaire de Val d'Or datée du 2 septembre 1975;
- s) PIÈCE P-46 : Annexe B de l'Entente sur les frais de scolarité avec la Commission scolaire de Val d'Or datée du 2 septembre 1975;
- t) PIÈCE P-47 : Entente sur les frais de scolarité avec la Commission scolaire de Val d'Or datée du 2 septembre 1981;
- u) PIÈCE P-48 : Entente de contribution en capital avec la Commission scolaire Lac-Témiscamingue datée du 17 février 1982;
- v) PIÈCE P-49 : Entente avec la Commission scolaire de Pointe-à-la-Croix datée du 1^{er} juin 1961;
- w) PIÈCE P-50 : Entente avec la Commission scolaire de Maria datée du 26 novembre 1963.

Montréal, le 7 septembre 2022

Dionne Schulze

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Procureur.es du demandeur

NO : 500-06-000999-199

COUR SUPÉRIEURE
(CHAMBRE CIVILE)

CANADA
PROVINCE DE QUÉBEC
DISTRICT DE MONTRÉAL

JAMES JONAH

Demandeur

c.

PROCUREUR GÉNÉRAL DU CANADA

ET AL.

Défendeurs

**DEMANDE REMODIFIÉE POUR AUTORISATION
D'EXERCER UNE ACTION COLLECTIVE ET
POUR ÊTRE REPRÉSENTANT**

(7 SEPTEMBRE 2022)

(art. 12, 49, 571 et ss. et 577 C.p.c.)

ORIGINAL

Me David Schulze
Me Marie-Eve Dumont
Me Léa Lemay-Langlois
Dionne Schulze, s.e.n.c.
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BG4209

Dossier no : 5100-007

Court File No.: T-1417-18

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINAL PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

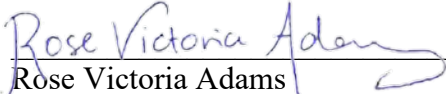
- and -

HIS MAJESTY THE KING

Defendant

EXHIBIT D TO THE AFFIDAVIT OF LÉA LEMAY LANGLOIS

This is Exhibit **D** to the affidavit of
Léa Lemay Langlois, as solemnly sworn
before me the 21st day of July, 2023


Rose Victoria Adams
Barreau du Québec n°358105-5

CANADA

**COUR SUPÉRIEURE
(Chambre des actions collectives)**

PROVINCE DE QUÉBEC
DISTRICT DE MONTRÉAL
N° 500-06-001128-210

**FEMMES AUTOCHTONES DU QUÉBEC
INC.**

- et -

LUCIE GRENIER, domiciliée et résidant au
329 Waban-Aki à Odanak, J0G 1H0, dans le
district judiciaire de Sorel

Demanderesse

c.

PROCUREUR GÉNÉRAL DU CANADA

Défendeur

**DEMANDE MODIFIÉE POUR AUTORISATION D'EXERCER UNE ACTION
COLLECTIVE
ET POUR ÊTRE DÉSIGNÉE REPRÉSENTANTE**
(art. 571 et ss. C.p.c.)

**À L'UN DES HONORABLES JUGES DE LA COUR SUPÉRIEURE, SIÉGEANT EN
CHAMBRE DES ACTIONS COLLECTIVES DANS LE DISTRICT DE MONTRÉAL, LES
DEMANDERESSES EXPOSENT RESPECTUEUSEMENT CE QUI SUIT :**

1. Les demanderesse Femmes Autochtones du Québec (ci-après « FAQ ») et [...] Lucie Grenier désirent exercer une action collective à titre, respectivement, de représentante et de membre désignée, pour le compte des personnes faisant partie du groupe ci-après décrit, dont [...] Lucie Grenier est elle-même membre, à savoir :

1. Tout individu [...] :

a) né hors mariage, avant le 17 avril 1985, d'une mère indienne et d'un père non indien;

et

b) à l'égard de qui le Registraire n'a jamais rendu une décision ou déclaration finales que l'individu n'était pas éligible au statut d'Indien parce que son père était non indien;

et

c) qui a été inscrit comme Indien par le Registraire après le 17 avril 1985 en vertu de l'alinéa 6(1)c) (devenu l'al. 6(1)a.1) depuis le 15 août 2019) ou du paragraphe 6(2) de la *Loi sur les Indiens* nonobstant son droit à l'inscription en vertu [...] de l'alinéa 6(1)a);

2. de même que ses ascendants indiens;

3. de même que ses descendants en ligne directe au premier ou deuxième degré qui sont eux-mêmes éligibles au statut d'Indien en vertu de l'alinéa 6(1)a) ou du paragraphe 6(2) de la *Loi sur les Indiens*, ainsi que ses autres descendants en ligne directe éligibles au statut d'Indien.

I. Les parties

A. La représentante Femmes autochtones du Québec

2. Femmes autochtones du Québec est une association personnifiée sans but lucratif fondée en 1974 dont la mission principale est de représenter et défendre les intérêts des femmes autochtones, de leurs familles et de leurs communautés à travers le Québec, tel qu'il appert de la constitution et des règlements généraux de FAQ, datés d'avril 2016, produits au soutien de la présente comme pièce **P-1**.

3. Femmes autochtones du Québec est constituée d'un Conseil des élues comptant dix-sept (17) membres : trois (3) membres de l'exécutif, neuf (9) représentantes des Nations, une représentante (1) des femmes autochtones vivant en milieu urbain, une (1) représentante des jeunes, une (1) représentante des aînées, une (1) représentante des employées et la directrice générale.

4. Les représentantes siégeant au Conseil des élues sont élues au sein de leur nation respective, et les membres du conseil exécutif sont élues en assemblée générale.

5. Son siège social est situé dans la réserve indienne de Kahnawake.

B. La membre désignée [...] Lucie Grenier

6. [...] Lucie Grenier désire agir dans le présent litige à titre de membre désignée de FAQ, dont elle est membre.

7. La membre désignée [...] Lucie Grenier est une Indienne inscrite [...] dont la grand-mère paternelle a eu un fils hors mariage avec un non-Indien en [...] 1940, son père, qui [...] fut inscrit comme Indien sous [...] l'alinéa 6(1)c) de la Loi sur les Indiens après le 17 avril 1985, avec l'entrée en vigueur du projet de loi C-31 [...]. Toutefois, le défendeur reconnaît

depuis 2007 le droit du père de Mme Grenier d'être inscrit sous l'alinéa 6(1) a) en vertu des amendements de 1985, droit qu'il aurait transmis à sa fille, mais le défendeur ne les a jamais informés de sa nouvelle interprétation de la loi.

8. [...] Les enfants de la membre désignée ne pouvaient donc être reconnus comme Indiens avant 2019 : de leur naissance jusqu'en 2007, en raison de l'application erronée des règles d'inscription au registre des Indiens à leur grand-père; et de 2007 jusqu'à l'amendement de la *Loi sur les Indiens* en 2019, en raison de l'omission par le défendeur d'appliquer à leur grand-père et à la membre désignée sa nouvelle interprétation des règles d'inscription.
9. [...] Le défendeur a omis d'appliquer au père de la membre désignée et à elle-même et à ses enfants l'interprétation du droit à l'inscription des enfants nés hors mariage d'une mère indienne et d'un père non indien qui leur était favorable; plus précisément, le défendeur n'a informé ni le public, ni les registraires qui assurent l'inscription des membres dans les différentes bandes indiennes à travers le pays d'une interprétation qui aurait donné le droit à l'inscription aux enfants de la membre désignée en 2007 au plus tard.
10. Ainsi, pendant [...] plus d'une décennie, [...] la membre désignée aurait pu être reconnue comme « pleinement » Indienne – c'est-à-dire inscrite sous le paragraphe 6(1) plutôt que sous le paragraphe 6(2) – et les [...] enfants de celle-ci auraient pu être inscrits au registre des Indiens au plus tard à l'adolescence n'eût été l'omission du défendeur; d'autres dans la même situation auraient aussi pu et pourraient encore être inscrits si le Registraire avait rendu publique sa nouvelle interprétation, mais tous l'ignoraient.

C. Le défendeur

11. Le défendeur Procureur général du Canada est, en vertu des articles 2 et 23(1) de la *Loi sur la responsabilité civile de l'État et le contentieux administratif*, L.R.C., 1985, c. C-50, le représentant de Sa Majesté la Reine du Chef du Canada (ci-dessous le « gouvernement fédéral » ou le « Canada »), et possède un bureau régional à Montréal.
12. Le défendeur Procureur général du Canada représente le ministre des Services aux Autochtones, LC 2019, c 29, art 336, lequel est chargé de l'administration de la *Loi sur les Indiens* en vertu de l'article 3 de la même loi et plus particulièrement des règles d'inscription au registre des Indiens.
13. Le registraire des Indiens est « [l]e fonctionnaire du ministère responsable du registre des Indiens et des listes de bande tenus au ministère » en vertu de l'article 3 de la *Loi sur les Indiens* (« le Registraire »). Le registre des Indiens est le registre de personnes tenu en vertu de l'article 5 de la même loi « où est consigné le nom de chaque personne ayant le droit d'être inscrite comme Indien » (« le Registre »).

II. Le contexte historique, législatif et judiciaire

[...]

A. Avant 1850

14. Avant 1850, le « statut indien » n'était pas défini dans les lois coloniales de l'Amérique du Nord Britannique et chaque peuple autochtone décidait lui-même des règles d'appartenance à la communauté.
15. L'appartenance à la communauté s'obtenait de diverses façons, notamment par la naissance, le mariage, l'adoption ou la résidence, sans distinction entre les sexes.
16. Par exemple, l'effectif d'un peuple autochtone pouvait comprendre les enfants nés d'unions entre des étrangers qui s'unissaient à des membres de la nation.

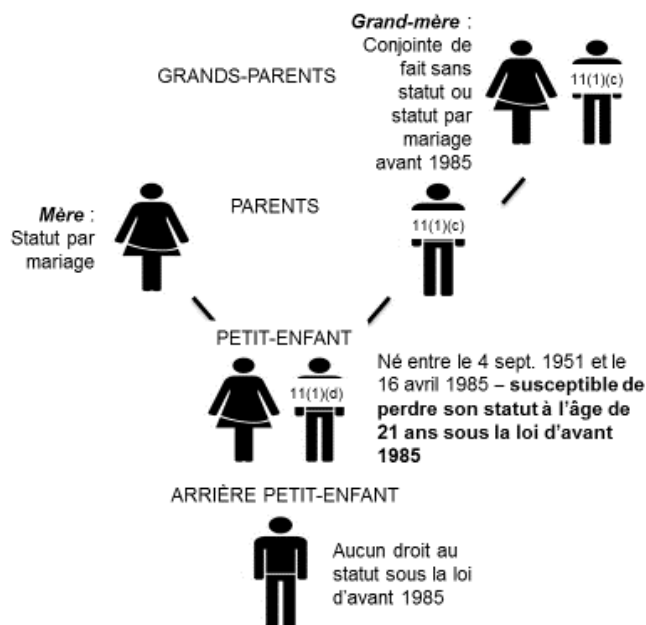
B. De 1850 à la Loi de 1985

17. En 1850, dans l'*Acte pour mieux protéger les terres et les propriétés des sauvages dans le Bas-Canada*, Statuts provinciaux du Canada, 1850, chapitre 42, à l'article V, la législature du Canada-Uni a pour la première fois défini le terme « Sauvage » pour le Bas-Canada (future province de Québec) à des fins reliées au droit de propriété, de possession ou d'occupation des terres des Indiens, lui donnant un sens large inspiré des critères des peuples autochtones afin qu'il puisse englober non seulement les personnes « sauvages pur sang » appartenant à une tribu indienne, mais aussi « toutes les personnes mariées à des sauvages, et résidant parmi eux, et les descendants des dites personnes ».
18. L'année suivante, l'*Acte pour abroger et amender un acte intitulé : Acte pour mieux protéger les terres et les propriétés des sauvages dans le Bas-Canada*, Statuts provinciaux du Canada, 1851, chapitre 59, à l'article 2, a modifié la loi de 1850 pour exclure de la définition de « Sauvage » les non-Indiens qui épousaient une Indienne, mais a continué à considérer leurs enfants comme Indiens.
19. En 1867, le paragraphe 91(24) de l'*Acte de l'Amérique du Nord britannique, 1867*, 30 et 31 Vict. c. 3, a conféré au Parlement l'autorité législative exclusive sur « les Indiens et les terres réservées aux Indiens ».
20. En 1869, dans l'*Acte pourvoyant à l'émancipation graduelle des Sauvages, à la meilleure administration des affaires des Sauvages, et à l'extension des dispositions de l'acte trente-et-un Victoria*, chapitre quarante-deux, S.C. 1869, c. 6, à l'article 6, le Parlement fédéral a retranché le statut indien et le statut de membre de leur communauté d'origine aux Indiennes mariées « à un autre qu'un Sauvage », de même qu'à leurs enfants.
21. En 1876, cependant, dans l'*Acte pour amender et refondre les lois concernant les Sauvages*, Lois refondues du Canada, 1876, chapitre 18, à l'article 3, le Parlement a décidé qu'un homme indien transmettrait dorénavant son statut indien à sa femme, indienne ou non, et à ses enfants.
22. Les dispositions des Lois de 1869 et 1876 attribuant des effets différents aux mariages exogames sur le statut indien, selon qu'il s'agit d'Indiennes ou d'Indiens, ont été maintenues dans les refontes subséquentes de la *Loi sur les Indiens* jusqu'à la *Loi de 1985*.

23. Entre 1876 et 1951, la règle était que l'enfant illégitime d'une Indienne et d'un non-Indien pouvait en tout temps être exclu de la liste de bande par une décision du surintendant général des Indiens, à moins que cet enfant n'ait obtenu, avec le consentement de la bande, sa part dans les argents de la bande pendant plus de deux ans.
24. Les articles 5 et suivants de la *Loi sur les Indiens* de 1951 (L.C. 1951, c. 29), ont instauré le registre des Indiens – en sus des listes de bande existantes – et, comme condition préalable au statut indien et aux bénéfiques rattachés à ce statut, l'inscription audit Registre selon les règles établies par la *Loi sur les Indiens*.
25. Les règles d'inscription de la *Loi sur les Indiens* de 1951 prévoyaient notamment :
- a. que si les Indiennes épousaient un non-Indien :
 - i. elles continuaient à perdre le statut indien, leur appartenance à leur bande d'origine, leur droit de résider dans une réserve indienne et leur capacité de transmettre le droit à l'inscription au registre des Indiens à leurs descendants : al. 12(1)b);
 - ii. elles risquaient en outre que sur rapport de leur mariage par le Ministre des Affaires indiennes, elles seraient déclarées avoir été « émancipées » à compter de leur mariage, auquel cas elles étaient réputées ne pas être Indiennes aux fins de la *Loi sur les Indiens* ou de toute autre loi : par. 108(2);
 - iii. à partir de 1956, tous leurs enfants mineurs étaient émancipés à compter de la date du mariage et ce, même si leur père naturel était un Indien : par. 108(2), tel qu'amendé;
 - b. qu'une personne née d'un mariage contracté après le 4 septembre 1951 perdait son statut indien à l'âge de 21 ans si sa mère avait obtenu le statut indien par mariage avec un Indien et si sa grand-mère paternelle n'était pas née avec le droit d'être inscrite au registre des Indiens : sous-al. 12(1)a)(iv) (règle dite « mère grand-mère » ou de la « double mère »);

[...]
 - c. que sous réserve de la règle « mère grand-mère » énoncée au sous-paragraphe c. ci-dessus, les Indiens continuaient à conférer le statut indien (dorénavant appelé le droit à l'inscription au registre des Indiens) à leur épouse non indienne et à leurs enfants : par. 11d) et f);
 - d. que l'enfant illégitime d'une Indienne avait droit à l'inscription au registre des Indiens, à moins que le registraire des Indiens soit « satisfait » que le père de l'enfant n'était pas indien et qu'il déclare que l'enfant n'a pas droit à l'inscription : par. 11e).

La règle « mère grand-mère » : 1951-1985



26. Avec la création du registre des Indiens en 1951, l'article 11 de la *Loi sur les Indiens* (devenu l'article 12 dans la refonte de 1970) prévoyait :

a. à partir du 4 septembre 1951, que :

11. Sous réserve de l'article douze, une personne a le droit d'être inscrite si :

[...]

e) elle est l'enfant illégitime d'une personne du sexe féminin décrite à l'alinéa a), b) ou d), à moins que le registraire ne soit convaincu que le père de l'enfant n'était pas un Indien et n'ait déclaré que l'enfant n'a pas le droit d'être inscrit.

b. à partir du 14 août 1956, que :

11. Sous réserve de l'article douze, une personne a le droit d'être inscrite si :

[...]

e) elle est l'enfant illégitime d'une personne du sexe féminin décrite à l'alinéa a), b) ou d);

[...]

(2) L'addition, à une liste de bande, du nom d'un enfant illégitime décrit à l'alinéa e) de l'article 11 peut faire l'objet d'une protestation en tout temps dans les douze mois de l'addition et si, à la suite de la protestation, il est décidé que le père de

l'enfant n'était pas un Indien, l'enfant n'a pas le droit d'être inscrit selon l'alinéa e) de l'article 11.

27. Avant la reconnaissance de la « règle *McIvor I* », discutée ci-dessous, le Registraire interprétait ces dispositions comme une exclusion du droit à l'inscription pour toute personne née hors mariage, avant le 14 août 1956, d'une Indienne et d'un père identifiable comme non indien.
28. Une modification apportée à la *Loi sur les Indiens* en 1956 prévoyait que l'enfant illégitime d'une Indienne serait inscrit à la liste de bande mais que cette inscription pourrait faire l'objet d'une protestation dans un délai de douze mois et que le nom de l'enfant serait retranché du Registre si, à la suite de la protestation, il était décidé que le père de l'enfant n'était pas un Indien. La modification a aussi mis le fardeau sur la personne ayant formulé une protestation contre l'inscription de l'enfant illégitime d'une mère indienne de démontrer que le père de l'enfant était non indien : L.C. 1956, c. 40, par. 2(2), 3(2).
29. Les refontes de 1952 et de 1970 ont maintenu dans la *Loi sur les Indiens* les mêmes règles d'inscription au Registre des Indiens et les mêmes règles d'exclusion de celui-ci : L.R.C. 1952, c. 149, art. 10, 11, 12, 108; L.R.C. 1970, c. I-6, art. 10, 11, 12, 109.
30. On peut donc constater qu'en vertu des règles établies depuis plus d'un siècle par le Parlement, le statut indien et, depuis l'année 1951, le droit à l'inscription au Registre des Indiens, dépendaient le plus souvent de la filiation indienne dans la lignée paternelle.

C. La Loi de 1985 (projet de loi C-31)

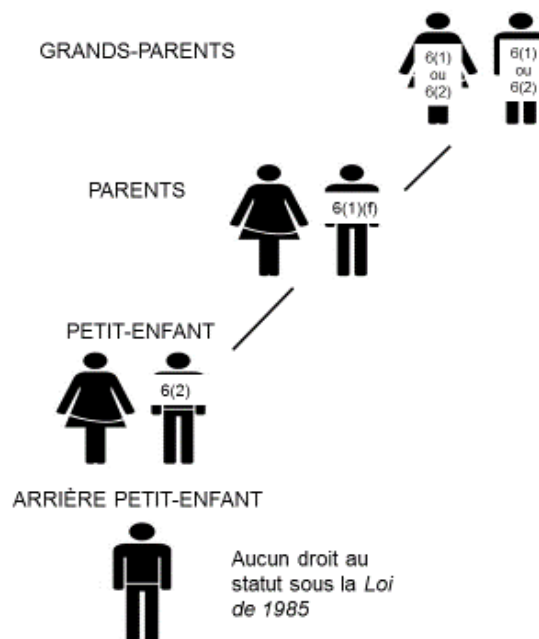
31. En 1985, le Parlement a adopté la *Loi modifiant la Loi sur les Indiens*, L.C. 1985, c. 27 (la « *Loi de 1985* »), dans le but proclamé de rendre les règles d'inscription au registre des Indiens compatibles avec la *Charte canadienne des droits et libertés* et les instruments internationaux, tels la *Convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes* et le *Pacte international relatif aux droits civils et politiques*, auxquels le Canada avait souscrit.
32. La *Loi de 1985* a été sanctionnée le 28 juin 1985, mais elle est entrée en vigueur avec effet rétroactif au 17 avril 1985, date d'entrée en vigueur de l'art. 15 de la *Charte canadienne des droits et libertés*.
33. La *Loi de 1985* maintient le contrôle du gouvernement fédéral sur l'attribution du « statut indien », au moyen de l'inscription au registre des Indiens.
34. Alors que les bandes indiennes pouvaient dorénavant adopter des règles d'appartenance moins restrictives que les règles pour bénéficier du statut indien, les membres ainsi inclus ne devenaient pas des Indiens inscrits et, sauf exception, les bandes dont ils devenaient membres ne recevaient pas de fonds du défendeur pour les programmes et services fournis aux membres non-inscrits.
35. Les règles d'inscription énoncées à l'article 6 de la *Loi sur les Indiens* tel que modifié par la *Loi de 1985*, ont notamment pour but ou pour effet :

- a. de préserver l'inscription ou le droit à l'inscription au registre des Indiens acquis avant l'entrée en vigueur de la *Loi de 1985*;
 - b. d'éliminer l'acquisition ou la perte du statut indien par mariage;
 - c. de permettre l'inscription ou la réinscription, au registre des Indiens, des personnes nées avec le statut indien et l'ayant subséquemment perdu en vertu des règles discriminatoires des versions antérieures de la loi, dont notamment :
 - i. les Indiennes ayant marié un non-Indien;
 - ii. les enfants inscrits d'Indiennes, rayés du Registre avant la majorité en raison du mariage de leur mère à des non-Indiens;
 - iii. les enfants illégitimes d'Indiennes rayés du Registre en vertu du paragraphe 12(2) de la *Loi sur les Indiens* de 1970 ou du paragraphe 11(e) de la *Loi sur les Indiens* de 1951;
 - iv. les personnes antérieurement visées par la règle « mère grand-mère »;

en vertu de l'alinéa 6(1)c) de la *Loi de 1985* (devenu l'al. 6(1)a.1) depuis l'entrée en vigueur des derniers amendements le 15 août 2019);
 - d. de permettre l'inscription ou la réinscription d'autres catégories de personnes – dont il ne sera pas question dans le présente litige – qui avaient perdu le statut indien en vertu de certaines règles sur l'émancipation volontaire ou forcée et ce, en vertu des alinéas (6)(1)d) et e); et
 - e. de permettre l'inscription des enfants de ces personnes en vertu du paragraphe 6(2) de la *Loi de 1985* si l'autre parent n'avait pas le statut indien ou en vertu de l'alinéa 6(1)f) si l'autre parent avait aussi le droit d'être inscrit.
36. En vertu de l'article 6 de la *Loi sur les Indiens* tel que modifié par la *Loi de 1985*, le statut indien ne s'acquiert pour l'avenir que par filiation, naturelle ou adoptive, selon l'une ou l'autre des deux (2) catégories suivantes :
- a. le statut « 6(1) » transmissible, pour la personne dont les deux parents ont droit à l'inscription au registre des Indiens;
 - b. le statut « 6(2) » non transmissible, pour la personne dont l'un des parents a droit à l'inscription au registre des Indiens avec statut 6(1) et dont l'autre parent n'a pas droit à l'inscription.
37. Par ailleurs, toutes les personnes inscrites ou ayant droit à l'inscription au registre des Indiens avant l'entrée en vigueur de la *Loi de 1985* ont droit au statut transmissible en vertu de l'alinéa 6(1)a) de cette loi, même en cas d'erreur : *Marchand v. Canada (Registrar, Indian and Northern Affairs)*, 2000 BCCA 642.

38. La personne qui possède le statut 6(1) peut en toutes circonstances transmettre le droit à l'inscription au registre des Indiens à son enfant, tandis que celle qui n'a que le statut 6(2) ne peut le faire que si l'autre parent de son enfant a droit à l'inscription.
39. La personne dont un seul parent a droit à l'inscription au registre des Indiens n'a donc pas droit à l'inscription si le statut du parent est 6(2).
40. En 1985, les « enfants illégitimes » visés par l'article 11 de la *Loi sur les Indiens* de 1951 (devenu l'article 12 dans la refonte de 1970) devenaient donc éligibles au statut 6(2), selon le Registraire, puisqu'on leur reconnaissait alors un parent indien et un parent non indien.
41. Il s'agit là de la règle connue sous le nom de « second generation cut-off », similaire à l'ancienne règle « mère grand-mère » : après deux générations de parents indiens ayant des enfants avec des non-Indiens, la troisième génération n'a pas droit à l'inscription.
42. La règle de l'inadmissibilité de la deuxième génération n'est toutefois entrée en vigueur qu'avec la *Loi de 1985* et toute personne qui avait le droit d'être inscrite comme indienne en vertu des anciennes règles aura droit à l'inscription en vertu de l'alinéa 6(1)a) de la loi actuelle

L'inadmissibilité de la seconde génération



43. Pour la personne née avant 1985 et qui a des enfants nés après 1985, il y a donc un avantage incontestable à être inscrite sous le par. 6(1) plutôt que le par. 6(2), car ses propres enfants auront droit à l'inscription même si l'autre parent n'est pas un Indien.
44. En pratique, le statut sous l'alinéa 6(1)a) sera reconnu à l'enfant né avant le 17 avril 1985 qui est :

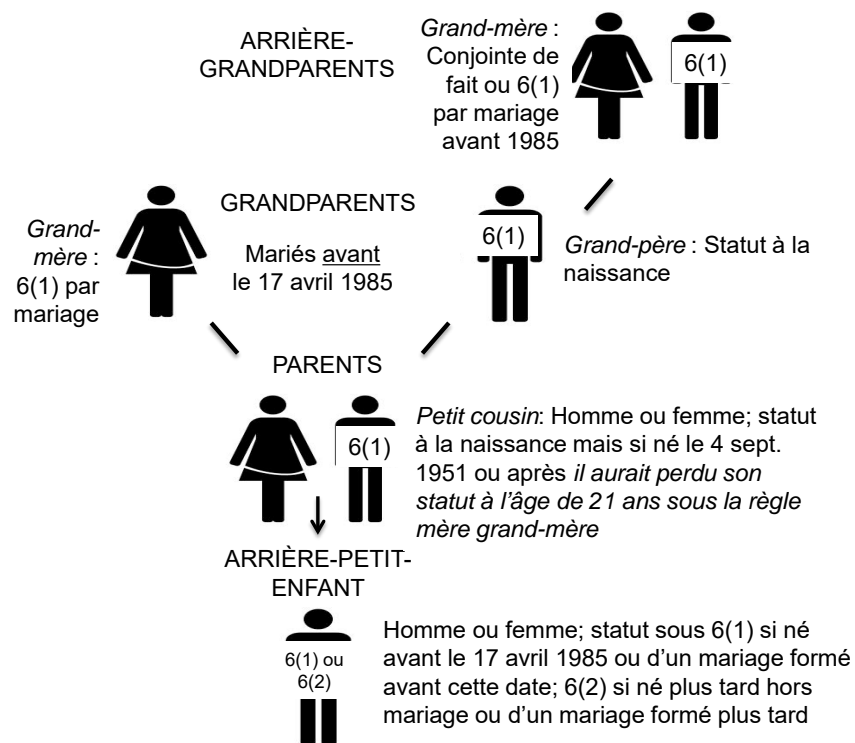
- a. né d'un père indien dont la conjointe ou l'épouse était également indienne et ce, qu'elle ait eu son statut à sa naissance ou en raison de son mariage à un Indien;
 - b. l'enfant masculin né hors mariage d'un père indien et d'une mère non indienne¹;
ou
 - c. né hors mariage d'une mère indienne et d'un père non déclaré ou, si l'identité de ce dernier était connue et que le père n'était pas un Indien, si le nom de l'enfant ne fut pas omis du registre des Indiens en raison d'une décision du Registraire concernant son père.
45. Le père de la membre désignée tombait dans cette dernière catégorie, à tout le moins depuis l'adoption de la règle *McIvor 1* en 2007 exposée ci-dessous.
- [...]

D. La Loi de 2010 (projet de loi C-3)

46. Les règles d'inscriptions introduites en 1985 demeurèrent inchangées, jusqu'à ce que la Cour d'appel de Colombie-Britannique se penche sur la question dans l'arrêt *McIvor v. Canada (Registrar of Indian and Northern Affairs Canada)*, 2009 BCCA 153, où elle a jugé que les règles d'inscription au registre des Indiens, telles que modifiées par la *Loi de 1985*, violaient l'article 15 de la *Charte canadienne des droits et libertés* en créant certaines distinctions discriminatoires fondées sur le sexe.
47. Plus précisément, la Cour d'appel a jugé que l'abrogation de la règle mère grand-mère par la *Loi de 1985* a renforcé la lignée masculine par rapport à la lignée féminine en donnant aux descendants d'un Indien ayant eu des enfants avec une non-Indienne la possibilité de transmettre le statut au-delà de la deuxième génération par ses descendants masculins, même si ces derniers mariaient des non-Indiennes – une nette amélioration par rapport à la *Loi sur les Indiens* de 1951 et ses refontes ultérieures.
48. Par conséquent, la Cour a déclaré les alinéas 6 (1)a) et 6 (1)c) de la *Loi sur les Indiens* nuls et sans effet, mais elle a suspendu son ordonnance afin de permettre au Parlement de corriger la situation.
49. Cela a mené à l'adoption de la *Loi favorisant l'équité entre les sexes relativement à l'inscription des Indiens en donnant suite à la décision de la Cour d'appel de la Colombie-Britannique dans l'affaire McIvor v. Canada, L.C. 2010, c. 18* (la « *Loi de 2010* »), aussi connu comme « projet de loi C-3 », en vertu de laquelle les enfants des femmes indiennes ayant perdu leur statut indien par mariage pouvaient obtenir le statut transmissible à certaines conditions.

¹ La fille d'une telle union avait seulement droit au statut sous le par. 6(2) à partir de 1985, puis au statut sous l'al. 6(1)c.3) depuis 2017 (devenu 6(1)a.2) en 2019).

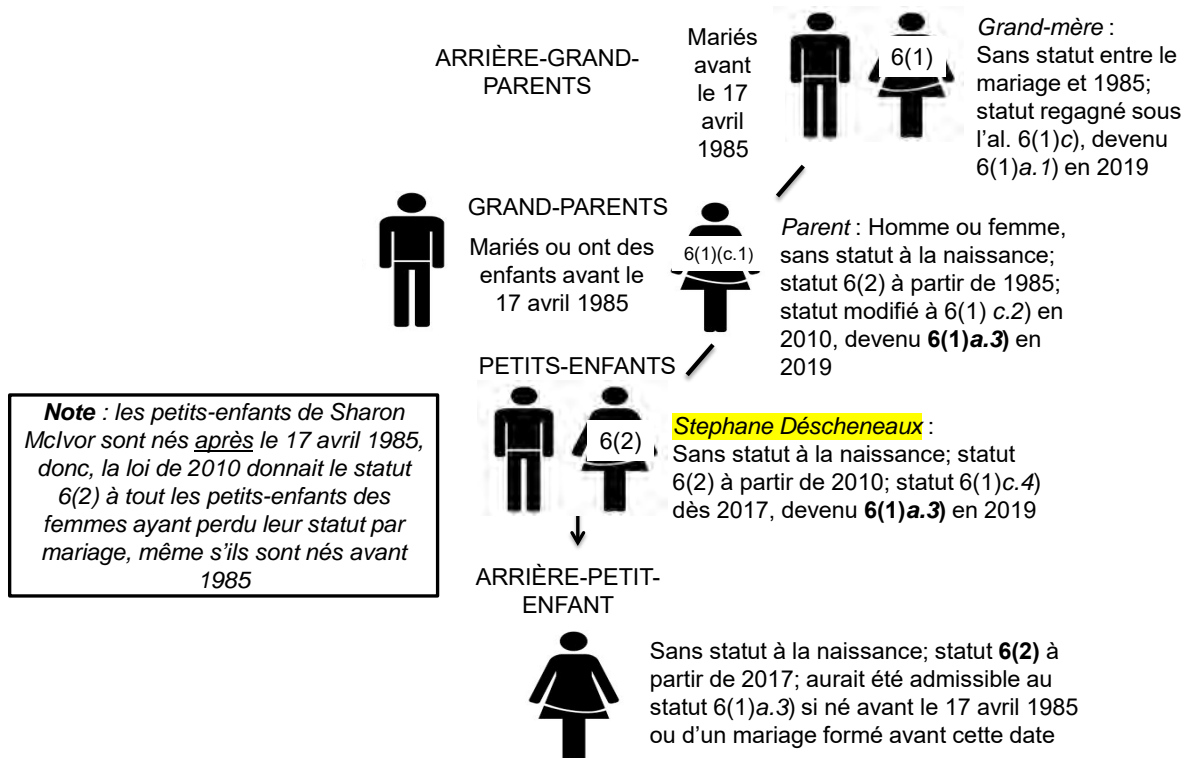
Groupe comparateur : Descendant d'un grand-père qui aurait marié une non-Indienne avant 1985



50. La correction effectuée par la Loi de 2010 avait toutefois trois limites :

- a. premièrement, elle ne touchait que les enfants d'une Indienne ayant perdu son statut par mariage que si elle avait eu des enfants ou s'était mariée après le 4 septembre 1951, date de l'entrée en vigueur de la règle mère grand-mère;
- b. deuxièmement, un nouveau statut sous le par. 6(2) était accordé aux petits-enfants d'une Indienne ayant perdu son statut par mariage dans tous les cas et ce, même s'ils sont nés avant le 17 avril 1985 – alors que les petits-enfants d'un Indien qui avait épousé une non-Indienne nés avant la même date auraient eu le statut sous le par. 6(1);
- c. enfin, les filles nées hors mariage entre le 4 septembre 1951 et le 17 avril 1985 d'un père indien et d'une mère non indienne restaient inscrites sous le par. 6(2) alors que leurs frères étaient inscrits sous l'al. 6(1)a) (« la règle des frères et sœurs »).

Petits-enfants d'une femme Indienne ayant perdu statut par mariage et ses descendants



E. La Loi de 2017 (projet de loi S-3)

1. La première mouture

51. En 2017, le Parlement a modifié les règles d'inscription au registre des Indiens pour se conformer, encore une fois, à une ordonnance judiciaire.
52. Dans la décision *Descheneaux et al. c. Canada (Procureur général)*, 2015 QCCS 3555, l'honorable Chantal Masse a jugé que les règles d'inscription au registre des Indiens, telles que modifiées par la *Loi de 2010*, violaient toujours l'article 15 de la *Charte canadienne des droits et libertés* en ce qu'elles perpétuaient certaines distinctions discriminatoires fondées sur le sexe.
53. La Cour a déclaré les alinéas 6 (1)a), c) et f) et le paragraphe 6(2) de la *Loi sur les Indiens* inopérants, mais elle a suspendu son ordonnance afin de permettre au Parlement de corriger la situation.
54. Le projet de loi S-3 a reçu la sanction royale le 12 décembre 2017, et est entré en vigueur le 22 décembre 2017 [...] : L.C. 2017, c. 25 (la *Loi de 2017*). Ses effets principaux ont été d'accorder le statut sous le par. 6(1) :

- a. à tous des descendants d'une Indienne ayant perdu son statut par mariage s'ils sont nés entre le 4 septembre 1951 et le 17 avril 1985 ou d'un mariage formé entre ces dates (le cas des enfants du demandeur Stéphane Descheneaux);
- b. à la fille née hors mariage entre le 4 septembre 1951 et le 17 avril 1985 d'un père indien et d'une mère non indienne, ainsi qu'à ses descendants nés entre les mêmes dates ou d'un mariage formé entre ces dates (le cas des demandresses Susan et Tammy Yantha);
- c. aux descendants nés entre le 4 septembre 1951 et le 17 avril 1985 des enfants mineurs émancipés lors du mariage de leurs mères indiennes à un non Indien.

2. Les amendements de 2019

- 55. La Loi de 2017 permettait toutefois au gouverneur en conseil d'aller plus loin et d'éliminer par décret la date limite de 1951, c'est-à-dire la règle voulant que les amendements de 2010 et de 2017 n'accordaient le nouveau statut sous le par. 6(1) qu'aux descendants nés après le 4 septembre 1951 (date de l'entrée en vigueur de la règle mère grand-mère).
- 56. Ce dernier changement aux règles d'inscription est communément appelé « 6(1)(a) all the way » car son effet était d'accorder le statut sous le nouveau al. 6(1)a.1) à tous les descendants de femmes ayant perdu leur statut en raison du mariage depuis 1869 dans la mesure où ces descendants sont nés avant le 17 avril 1985 ou d'un mariage formé avant cette date. Le changement a été effectué par le décret TR/2019-85, 153 Gaz. Can. II, vol.153, 6072 (le décret de 2019), qui a fixé au 15 août 2019 la date d'entrée en vigueur des nouveaux amendements à l'art. 6.
- 57. La situation des personnes visées par la règle *McIvor 1* n'a toutefois pas fait l'objet des amendements apportés par la *Loi de 2010* ni par la *Loi de 2017* ou le décret de 2019, sauf que les amendements de 2019 ont changé la numérotation des alinéas pertinents du par. 6(1) de la *Loi sur les Indiens*.

III. Le traitement des enfants nés hors mariage à une Indienne avec paternité non indienne non déclarée

A. L'application des règles avant 2007

1. L'interprétation originale de l'al. 6(1)a) par le Registraire

- 58. Il est vrai qu'à partir de 1988 à tout le moins, le Registraire a reconnu que si un enfant était né hors mariage d'une mère indienne et d'un père non indien après le 14 août 1956 et qu'il n'avait jamais fait l'objet d'une protestation, il avait le droit d'être inscrit sous l'al. 6(1)a) en vertu des nouvelles règles, tel qu'il appert des pièces P-11 et P-12.
- 59. L'importance de la date du 14 août 1956 est qu'elle correspond à l'entrée en vigueur de la *Loi modifiant la Loi sur les Indiens*, L.C. 1956, c. 40, , qui, en vertu des art. 2 et 3, a limité le droit du Registraire de retrancher le nom de l'enfant illégitime d'une Indienne aux cas qui faisaient l'objet d'une protestation déposée dans un délai de douze mois; les

amendements de 1956 ont aussi mis le fardeau de la preuve de paternité non indienne sur la personne ayant formulé la protestation.

60. Toutefois, selon le Registraire, il pouvait quand même tenir compte de la paternité de l'enfant né hors mariage d'une mère indienne et d'un père non indien avant le 14 août 1956 et il inscrivait cette personne sous l'al. 6(1)c) comme si son nom avait été retranché du Registre ou d'une liste de bande à l'enfance, même en l'absence de toute enquête ou de toute protestation déposée en vertu de l'ancienne loi.
61. Cette interprétation des règles par le Registraire n'a pas bénéficié d'une large diffusion : le *Entitlement Officers Manual* de 1988 (P-12) était un document interne, alors que le guide publié par le MAINC datant de 1991 n'est plus publié et n'a jamais été mis à jour, les interprétations ultérieures restant réservées aux agents à l'inscription : pièce P-2, aux pp. 12-13.
62. Si certaines femmes savaient avant 1985 que leurs enfants nés hors mariage auraient le droit à l'inscription sous l'ancienne loi si le père non indien restait non identifié, cela n'était pas connu de toutes. Il était d'autant plus difficile pour quelqu'un comme la membre désignée de comprendre qu'après 1985, non seulement son père avait acquis le droit d'être inscrit, mais qu'il était traité comme si sa paternité demeurait inconnue, que le mariage de ses parents en 1962 donnait rétroactivement le statut d'Indienne à sa mère et que la membre désignée elle-même était donc censée être admissible à l'inscription dès sa naissance en 1965.
63. Dans tous les cas, tous les membres du groupe dépendaient du défendeur pour bien comprendre leur droit à l'inscription et celui de leurs enfants. Même si l'interprétation de la *Loi de 1985* par le Registraire donnait à certains le droit d'être inscrit sous l'al. 6(1)a) dès l'adoption de la loi, ces enfants et leurs parents n'avaient peu ou pas de moyens de le savoir et d'exiger une correction lorsqu'elle était requise. Par conséquent lorsque certains enfants nés hors mariage entre 1956 et 1985 – comme Patrick Boileau décrit ci-dessous – furent inscrits de manière non conforme aux interprétations-mêmes du Registraire, émises avant 2007, ils étaient incapables, tout comme leurs parents, d'identifier l'erreur et de la faire corriger.

2. Les individus nés hors mariage entre 1956 et 1985 et mal inscrits : le cas de Patrick Boileau inscrit par erreur sous le par. 6(2)

64. L'expérience [...] de Patrick Boileau démontre que le Registraire ne suivait pas toujours sa propre interprétation : les nouvelles règles de la *Loi de 1985* furent appliquées à Patrick Boileau comme s'il était né après son entrée en vigueur et il a été inscrit sous le par. 6(2) comme s'il n'avait pas le droit à l'inscription dès la naissance, ce qui a aussi privé ses enfants de leur droit à l'inscription.
65. La mère de Patrick Boileau, Leona Bonspille, [...] était inscrite sous le paragraphe 6(1)a) de la *Loi*. Le 10 juillet 1982, elle a donné naissance à son fils, Patrick Boileau. [...] Elle se maria deux ans plus tard, le 16 juin 1984, au père de Patrick, Michel Boileau, un non-Indien. Son mariage n'ayant été déclaré au Registraire que lorsqu'elle a demandé

l'inscription de ses enfants, après 1985, Leona Bonspille n'a jamais cessé d'être inscrite, tel qu'il appert de la lettre du Registraire en date du 21 octobre 1986, pièce P-14. Selon l'interprétation du Registraire, Patrick Boileau avait donc le droit d'être inscrit sous l'alinéa 6(1)a, après l'entrée en vigueur du projet de loi C-31, en 1985.

66. Mais Patrick Boileau fut plutôt inscrit sous le paragraphe 6(2) de la Loi de 1985, tel qu'il appert de la lettre du Registraire en date du 30 avril 1987, pièce P-15. Patrick Boileau a lui-même eu deux enfants de son union avec Annick Currie : Mikaël Boileau, né le 12 février 2004, et Laurie Boileau, née le 25 mai 2007. Ni Mikaël ni Laurie ne furent inscrits au registre des Indiens à leur naissance, leur père étant alors inscrit sous le paragraphe 6(2) et leur mère étant non indienne.
67. À aucun moment [...] Leona Bonspille ou son fils ne furent contactés par un préposé du défendeur pour être informés de [...] la bonne règle d'interprétation à l'égard des enfants nés hors mariage avant 1985 d'une Indienne et d'un non-Indien, comme c'était le cas de Patrick Boileau. L'expérience de ce dernier fut tout le contraire de celle d'Henri Grenier, décrit ci-dessous, à l'égard duquel le Registraire a corrigé l'inscription sous le par. 6(2) à celle en vertu du par. 6(1) dès qu'il a constaté que le mariage de sa mère à un non Indien était postérieur à sa naissance.
68. Ce n'est qu'en mars 2016, après une discussion avec un avocat quant à la situation de ses enfants, que [...] Leona Bonspille fut informée de l'existence d'une nouvelle interprétation pouvant potentiellement avoir un effet sur l'inscription de son fils et celle de ses petits-enfants.
69. Le 12 avril 2018, le procureur de Patrick Boileau écrit à la Registraire pour demander que l'inscription de celui-ci soit réétudiée et modifiée pour qu'il soit désormais inscrit sous l'alinéa 6(1)a, et que ses enfants soient inscrits sous le paragraphe 6(2), tel qu'il appert d'une demande à Nathalie Nepton, produite au soutien de la présente comme pièce P-4.
70. Cette demande fut accordée et confirmée par une lettre du 13 novembre 2018, [...] tel qu'il appert de lettres de Nathalie Nepton, Registraire, à Patrick Boileau, produites en liasse au soutien de la présente comme pièce P-5, et de la lettre du Registraire du 13 novembre 2018 au Conseil mohawk de Kanasatake, pièce P-16.
71. Ainsi, pendant [...] plus de vingt (20) ans, Patrick Boileau aurait pu être reconnu comme « pleinement » Indien – c'est-à-dire inscrit sous le paragraphe 6(1) – et [...] ses enfants auraient pu être inscrits au registre des Indiens [...] n'eût été l'omission du défendeur. En aucun moment, le Registraire n'a expliqué comment ou pourquoi il avait mal inscrit Patrick Boileau au Registre et il n'a jamais présenté des excuses pour avoir ainsi privé ses enfants de leur droit à l'inscription.

B. La règle *McIvor 1* (2007) en théorie et en pratique

1. Le jugement

72. En 2006, dans le cadre de l'appel en vertu de l'article 14.3 de la *Loi sur les Indiens* opposant le défendeur à Sharon McIvor, le Registraire a admis que madame McIvor était éligible au statut indien à la naissance en 1948 puisque :
- a. ses parents étaient tous les deux nés hors mariage d'une Indienne et un non-Indien et qu'ils n'avaient jamais fait l'objet d'une décision par le Registraire ni d'une protestation quant à leur paternité respective : *McIvor et al. v. The Registrar, Indian and Northern Affairs and al.*, 2007 BCSC 26, par. 12-14, 18;
 - b. elle était elle-même née hors mariage le 9 octobre 1948 : *McIvor* 2007 BCSC 827, par. 90-92.
73. Jusqu'en 2006, le Registraire considérait que Sharon McIvor n'avait pas eu droit à l'inscription avant [...] l'adoption de la Loi de 1985 parce qu'elle était née avant le 14 août 1956. Elle fut inscrite par le Registraire sous le paragraphe 6(2) en 1987 et ce, malgré les objections de madame McIvor.
74. Après la révision de sa position en 2006, le Registraire [...] a plutôt inscrit Sharon McIvor en vertu de l'alinéa 6(1)c) – comme elle l'avait demandé dans une protestation en date du 29 mai 1987 –, jugeant qu'elle aurait dû être inscrite à la naissance mais qu'elle aurait perdu son statut lorsqu'elle a marié un non-Indien en 1970; son fils Jacob Grismer né de ce mariage fut alors inscrit en vertu du paragraphe 6(2) : *McIvor*, 2007 BCSC 26, par. 10-14; *McIvor*, 2007 BCSC 827, par. 92-94, 98-100, 116-118.
75. Le jugement dans *McIvor 1* a été rendu de consentement et reflétait une nouvelle interprétation des règles applicables à [...] des personnes nées avant le 14 août 1956 tels que Sharon McIvor et [...] ses parents; l'interprétation fut adoptée seulement la veille du procès qui devait porter sur la question constitutionnelle : *McIvor v. The Registrar, Indian and Northern Affairs Canada*, 2007 BCSC 827, par. 113.
76. Le Registraire, à titre de défendeur, s'est servi de la règle dans *McIvor 1* comme fondement à une requête en [...] jugement sommaire pour rejet de l'action, plaidant qu'une fois que Sharon McIvor était reconnue avoir droit à l'inscription en vertu de l'alinéa 6(1)c) et Jacob Grismer en vertu du paragraphe 6(2), ils n'avaient plus d'intérêt dans le débat constitutionnel sur l'application de l'article 15 de la *Charte canadienne des droits et libertés* à l'égard de l'inscription en vertu de la *Loi sur les Indiens*. La Cour a toutefois rejeté ce moyen préliminaire : *McIvor*, 2007 BCSC 827, par. 114.

2. La nouvelle interprétation de la loi

77. Depuis ce jugement, le Registraire présume que tout enfant illégitime d'une Indienne et d'un non-Indien était éligible au statut sous l'ancienne loi, à moins que le Registraire ait déterminé, avant 1985, que le père était non indien : témoignage de madame Linda McLenachan, agente aux protestations et appels au bureau du Registraire, 8 janvier 2015,

C.S. 500-17-048861-093, dont un extrait est produit au soutien de la présente comme pièce **P-2**, aux pp. 24, 26.

78. Plus précisément, depuis le jugement *McIvor*, 2007 BCSC 26, le Registraire a révisé sa position antérieure et inscrit sous le par. 6(1)a) les enfants nés hors mariage avant le 14 août 1956 d'une mère indienne et d'un père non indien, tel qu'il appert des Notes de service des 13 juin 2011 et 18 janvier 2012, émises par le ministère des Affaires indiennes et du Nord Canada (« MAINC »), produites en liasse au soutien de la présente comme pièce **P-3**.
79. L'effet du jugement à l'égard uniquement des personnes nées avant le 14 août 1956 pourrait très bien être ce que le Registraire entend par « la règle *McIvor I* », mais dans la présente demande, le même terme est utilisé dans un sens plus large.
80. En effet, la « règle *McIvor I* » dépasse la situation de l'enfant né hors mariage d'une mère indienne et d'un père non indien avant le 14 août 1956 : cette règle marque la reconnaissance définitive par le Registraire du fait qu'il a agi illégalement, à partir du 17 avril 1985, lorsqu'il tenait compte de la paternité d'un enfant né hors mariage d'une mère indienne avant cette date, en l'absence d'une enquête ou d'une protestation en vertu de l'ancienne loi.
81. Dans une Note de service signée par le registraire des Indiens et datée du 13 juin 2011, le Registraire admet :
- a. qu'il avait pris en considération « la non-paternité [indienne] pour les individus nés avant le 17 avril 1985 » même en l'absence de toute décision prise sous l'ancienne loi, mais que le Registraire avait « cessé la pratique pour les individus nés après le 4 septembre 1951 » à une date indéterminée;
 - b. que dans *McIvor I*, la Cour avait jugé cette pratique illégale dans tous les cas et déterminé « que le Registraire n'a pas l'autorité de considérer la paternité non-indienne même si celui-ci/celle-ci est satisfait(e) que le père du requérant était un non-Indien »;
- tel qu'il appert à la page 1 de la Note de service du 13 juin 2011, pièce **P-3**.
82. Il ressort des deux guides publiés par le MAINC et destiné aux agents à l'inscription que pendant une période indéterminée après l'adoption de la *Loi de 1985*, le Registraire :
- a. n'avait pas inclus parmi ceux qui ont droit à l'inscription sous l'al. 6(1)a) les individus comme Sharon McIvor, c'est-à-dire les enfants nés hors mariage avant le 14 août 1956 d'une mère indienne et d'un père non indien connu mais dont le nom n'avait jamais été omis ou retranché du registre des Indiens sous l'ancienne loi;
 - b. ne réservait donc pas l'inscription sous l'al. 6(1)c) aux individus dont les noms avaient effectivement été retranchés;

tel qu'il appert des publications *La Loi sur les Indiens hier et aujourd'hui : Un guide des lois régissant l'inscription et le droit à l'inscription*, publiée par le MAINC en 1991, à la page 21, pièce P-11, et *Entitlement Officers Manual*, émis par le MAINC – sans toutefois être diffusé au public – en août 1988, aux pages 75 et 87, pièce P-12.

83. En effet, de l'entrée en vigueur de la *Loi de 1985* jusqu'au jugement dans *McIvor I* en 2007, le Registraire a considéré que l'individu né avant le 14 août 1956 d'une mère indienne et d'un père non-indien connu avait « droit à l'inscription en vertu de l'alinéa 6(1)(c) comme omis [de l'inscription au Registre] pour raison de paternité non indienne ».
84. Ce faisant, le Registraire traitait l'individu comme si son nom avait été retranché du Registre en vertu du par. 12(2) de l'ancienne loi en raison de sa paternité et ce, même si le Registraire n'avait pris aucune décision à l'égard de l'individu, tel qu'il appert des pages 1 et 2 de la Note de service du 13 juin 2011, pièce P-3.
85. Le Registraire a confirmé en 2011 sa nouvelle interprétation [...] pour considérer un tel individu comme ayant généralement droit à l'inscription sous l'al. 6(1)a) dans la mesure où il était en vie après le 4 septembre 1951, tel qu'il appert de la deuxième page de la Note de service du 18 janvier 2012, pièce P-3.
86. Malheureusement, cette interprétation reste erronée en ce qui concerne les personnes décédées avant le 4 septembre 1951 parce que, selon la conclusion de cette honorable Cour dans *Landry c. Procureur général du Canada (Registraire du registre des Indiens)*, 2017 QCCS 433, au par. 333, les individus qui avaient le droit à l'inscription avant 1985 devraient être inscrits en vertu de l'alinéa 6(1)a) sans égard à leur date de décès.
87. Depuis 2011, en vertu de l'interprétation de [...] la règle *McIvor I* énoncée par le Registraire, les enfants illégitimes nés avant le [...] 14 août 1956 :
- a. [...] devraient être inscrits en vertu de l'alinéa 6(1)c) (devenu l'al. 6(1)a.1) depuis le 15 août 2019) s'ils sont décédés avant le 4 septembre 1951 et qu'ils n'avaient pas fait l'objet d'une décision du surintendant général de les exclure de la liste de bande [...];
 - b. [...] devraient être inscrits en vertu de l'alinéa 6(1)a) s'ils étaient en vie [...] après le 4 septembre 1951 et n'ont pas fait l'objet d'une déclaration par le Registraire qu'ils étaient exclus [...] ni d'une décision finale d'accepter une protestation fondée sur leur paternité;
- selon les [...] Notes de service produites comme pièce P-3.
88. Les filles illégitimes en vie [...] nées avant le 14 août 1956 et ayant marié un non-Indien avant 1985, comme ce fut le cas pour Sharon McIvor, [...] devraient quant à elles inscrites en vertu de l'alinéa 6(1)c) comme si elles avaient perdu par mariage le droit à l'inscription qu'elles avaient à la naissance : Note de service du 13 juin 2011, P-3, à la p. 2; Note de service du 10 janvier 2012, P-3, à la 3^e page.

89. Tel qu'il sera démontré ci-dessous, cette interprétation par le Registraire de la « règle *McIvor 1* » n'a toutefois jamais été publiée et ses effets, sauf exception, sont restés théoriques pour plusieurs des individus qui auraient dû en bénéficier.

3. Une règle appliquée au gré du Registraire

90. Une fois que la règle *McIvor 1* ne lui était plus utile pour faire rejeter le recours de Sharon McIvor, le Registraire semble avoir perdu intérêt dans ses effets sur d'autres individus.
91. En effet, dans les années qui ont suivi l'énonciation de la règle *McIvor 1*, le Bureau du Registraire a décidé qu'en ce qui concerne les individus nés avant le 15 août 1956 et inscrits en vertu du par. 6(2), il ne prendrait « aucune mesure pour repérer et effectuer des recherches ou rectifier des décisions antérieures », lesquelles n'étaient pourtant plus fondées à la lumière de la nouvelle interprétation : Affaires indiennes et du Nord Canada, Note de service du 13 juin 2011, P-3, à la 2^e page; Note de service du 18 janvier 2012, P-3, à la 3^e page.
92. Tout au plus, le Registraire a daigné accorder aux individus le statut auquel ils avaient droit s'ils entraient en contact avec son bureau pour d'autres raisons, tel que l'inscription en vertu de la *Loi de 2010* : pièce P-2, à la p. 36. Selon madame Linda McLenachan, agente aux protestations et appels : « we didn't go and actually seek out previous applications. So when it came to our attention, as it comes to our attention, that's when we look at it again and make any amendments accordingly ».
93. Un exemple de l'attention occasionnelle portée à la règle *McIvor 1* par le Registraire est le cas du directeur général du Conseil des Abénakis d'Odanak, monsieur Daniel Nolett : né sans statut en tant que fils d'une Indienne ayant perdu son statut avant 1985 en raison de son mariage à un homme qui n'était pas alors un Indien inscrit, Daniel a été inscrit à partir de 1985 sous le par. 6(2). Lorsque Daniel Nolett a voulu être inscrit sous l'al. 6(1)c.1) en vertu des amendements effectués par la *Loi de 2010* – de sorte à permettre à ses enfants d'être inscrits sous le par. 6(2) – le Registraire l'a informé que son père était le descendant en ligne patrilinéaire directe du fils né hors mariage au 19^e siècle d'une Indienne d'Odanak et d'un père non Indien. Le 10 novembre 2011, Daniel Nolett fut donc inscrit sous l'al. 6(1)a) et ses enfants, sous le par. 6(2)².

4. L'expérience de la membre désignée, de son père et de ses enfants

a) Son père Henri Robert dit Grenier

94. La grand-mère de la membre désignée était Marie Gracia Robert O'Bomsawin (communément appelée Gracia), née le 6 juillet 1921 de l'union de Frédéric Robert O'Bomsawin et de Rose-Alba René; elle fut inscrite sur la liste de bande des Abénakis d'Odanak.

² Les enfants ont maintenant le droit d'être inscrits sous l'al. 6(1)a.3) à titre de descendants en ligne directe d'une femme ayant perdu son statut par mariage.

95. Gracia O'Bomsawin a été victime d'une agression sexuelle commise par un membre de sa parenté. Elle est tombée enceinte et à l'âge de 18 ans, elle a accouché d'un fils, Joseph Donald Henri, le 14 avril 1940, à l'Hôpital de la Miséricorde à Montréal, une maternité prodiguant des soins aux femmes célibataires, aux filles-mères et aux enfants nés hors mariage. Le lendemain de sa naissance, l'enfant fut baptisé à l'hôpital avec le nom de famille Robert et l'indication qu'il était « fils de parents inconnus », tel qu'il appert à la pièce P-17.
96. Gracia O'Bomsawin a ramené son fils à Odanak pour vivre avec ses parents, mais le 22 mars 1941, elle a épousé Liboire Grenier, un veuf non Indien de Pierreville, sous pression de ses parents. Son nouveau mari n'a pas adopté son fils et de fait, il était encore marié en 1940; Liboire Grenier est décédé le 6 novembre 1954.
97. Le père de la membre désignée fut appelé Henri Robert pendant les 22 premières années de sa vie. Lors de son propre mariage en 1962 à Nicole Simoneau, une non Indienne, le Service social de Nicolet lui offre d'être adopté par sa propre mère, tel qu'il appert de la pièce P-18. L'adoption a été accordée par un jugement de la Cour supérieure rendu le 14 novembre 1963, sur la foi d'un affidavit signé par Gracia Grenier qui déclarait qu'elle « a cet enfant sous sa garde et protection... depuis le 14 avril 1940 », soit, la date de sa naissance, tel qu'il appert à la pièce P-19.
98. Depuis 1996, Henri Robert dit Grenier multiplie les efforts pour changer son nom de famille à celui de son origine, O'Bomsawin. Une première demande a été rejetée par le Directeur de l'état civil le 16 septembre 1996, mais il a déposé une nouvelle demande d'analyse préliminaire en juin 2021.
99. Le 8 avril 1986, Henri Grenier fut inscrit au Registre sous le par. 6(2). Toutefois, le 15 novembre 1989, le Registraire a corrigé son inscription sous l'al. 6(1)c) après avoir été informé que le mariage de sa mère à un non Indien était postérieur à sa naissance, tel qu'il appert de la pièce P-20 (en liasse). Le Registraire lui a écrit :
- J'ai un certificat de mariage indiquant que sa mère, Marie Gratia O'Bomsawin, qui est inscrite au numéro 635 de la Bande d'Odanak, a épousé Liboire Grenier, un non-Indien, le 22 mars 1941. Vu que Joseph Donald Henri Grenier est né avant la perte de statut de sa mère, il a le droit d'être inscrit conformément à l'alinéa 6(1)(c) et 11(1)(c) de la Loi sur les Indiens en se basant sur l'omission de son nom du registre des Indiens, résultant d'une paternité non Indien [sic]. Ces changements sont, par la présente, inscrit [sic] sur le registre des Indiens et sur la liste de la Bande d'Odanak.
100. Malgré la formulation incohérente des motifs – l'enfant illégitime d'une mère Indienne ayant eu droit à l'inscription en vertu de l'al. 11(1)e) de l'ancienne loi plutôt qu'en vertu de l'al. 11(1)c) – Henri Grenier a subi le même sort que les autres enfants nés avant 1956 d'une mère Indienne et d'un père non déclaré, soit, l'inscription sous l'al. 6(1)c) de la nouvelle loi avec le résultat que leurs enfants, nés d'un autre parent qui n'était pas Indien, n'avaient droit qu'au statut non transmissible sous le par. 6(2).

101. Le 30 août 2019, le Registraire a modifié l’inscription d’Henri Grenier sous l’al. 6(1)(a.1) en conformité avec les amendements de 2019, mais il ne l’a jamais informé de son droit à l’inscription dès la naissance en vertu de l’al. 6(1)a).

b) Lucie Grenier et ses enfants

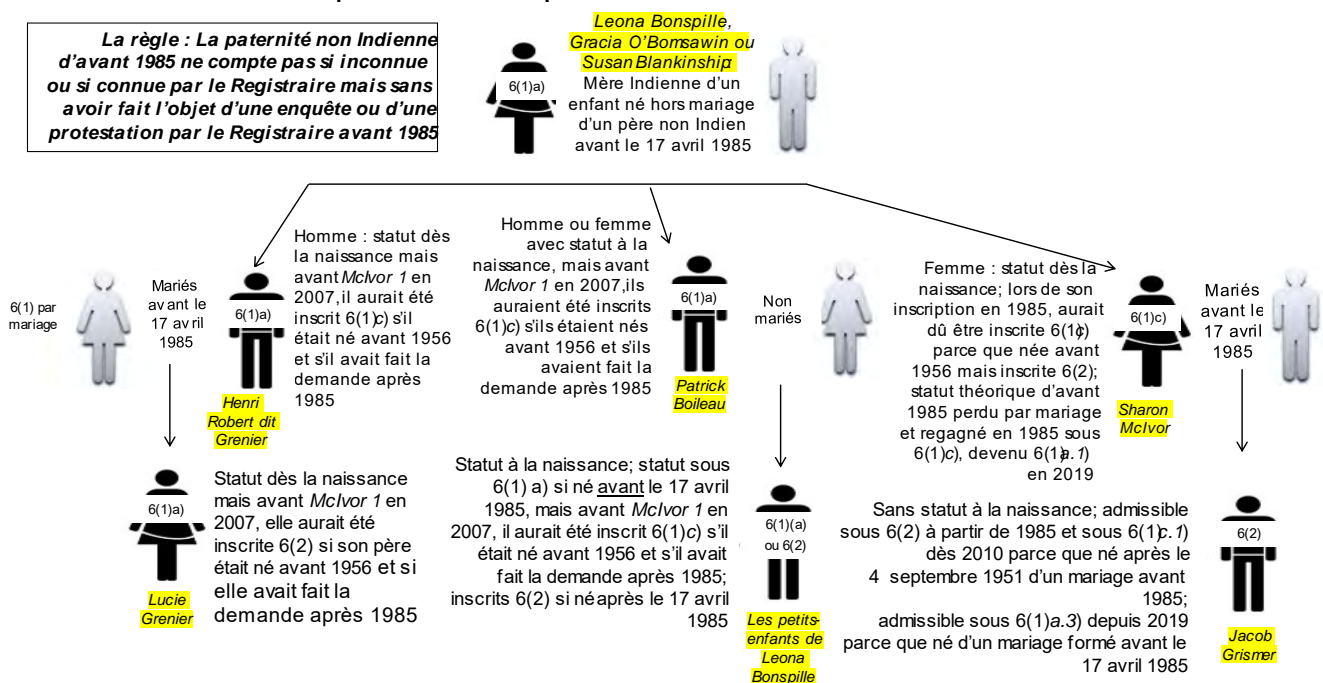
102. De son mariage à Nicole Simoneau, Henri Robert a eu trois filles, dont la membre désignée, Lucie Grenier, née le 21 avril 1965, qui a été inscrite au Registre le 18 décembre 1989 sous le par. 6(2).

103. En 1986, Lucie Grenier a marié un non Indien avec qui elle a eu un fils, Antoine Henry, né le 6 août 1987, et une fille, Anne Henry, née le 8 août 1990. Selon l’interprétation faite par le Registraire en 1989 des droits de la membre désignée et de son père, les enfants de Lucie Grenier n’avaient aucun droit d’être inscrits.

104. Le 27 septembre 2019, le Registraire a modifié l’inscription de Lucie Grenier à l’al. 6(1)(a.3), tel qu’il appert de la pièce P-19, en raison de sa descendance directe d’une Indienne ayant perdu son statut par mariage et en conformité avec les amendements de 2019; toutefois, le Registraire ne l’a jamais informée de son droit à l’inscription en vertu de l’al. 6(1)a).

105. Ses enfants ont déposé une demande d’inscription au Registre après le changement du statut de leur mère en raison des amendements de 2019, mais ils sont toujours en attente d’une décision du Registraire à leur égard. Or, ils avaient le droit d’être inscrits dès la naissance ou au plus tard en 2007, tel que reconnu par la règle *McIvor 1*.

Conséquences de la paternité non déclarée avant 1985



IV. Responsabilité du défendeur

106. Plusieurs personnes dans la situation de la membre désignée, de son père et de ses enfants sont [...] éligibles au statut d'Indien et l'ignorent mais de les tenir dans l'ignorance de leurs droits est tout à fait cohérent avec l'approche antérieure du Registraire.
107. Tel que le démontre l'expérience de [...] Patrick Boileau, contrairement à la politique écrite du Registraire, la pratique de ce dernier pouvait aussi être d'inscrire sous le par. 6(2) les individus nés hors mariage après le 4 septembre 1951 d'une mère indienne et d'un père non indien et ce, même si la connaissance de la paternité par le Registraire datait d'après le 17 avril 1985.
108. L'effet aberrant de cette pratique est d'avoir accordé un traitement moins avantageux aux individus n'ayant jamais fait l'objet d'une décision par le Registraire sous l'ancienne loi qu'à ceux qui avaient perdu leur statut en raison d'une protestation fondée sur leur paternité. En effet, dans le deuxième cas, l'enfant aurait acquis un droit clair à l'inscription sous l'al. 6(1)c) dès 1985 (devenu l'al. 6(1)a.1) depuis 2019).
109. Les impacts de [...] l'omission par le Registraire d'inscrire les membres du groupe correctement sont vastes puisque, en raison de l'application « rétrospective » des règles d'inscription que la Loi de 1985 prévoit, une personne dont le grand-parent, voire l'arrière-grand-parent, est visé par la règle *McIvor I*, pourrait aujourd'hui être inscrite au Registre, de même que ses enfants. En effet, [...] la membre désignée Lucie Grenier est née seulement en 1965 et ses enfants sont inscrits sous 6(2), mais un individu dans la même situation né en 1952 aurait pu avoir des enfants avant le 17 avril 1985 avec le droit à l'inscription sous 6(1) et donc des petits-enfants inscrits sous le paragraphe 6(2).
110. L'inscription sous l'un ou l'autre des alinéas du paragraphe 6(1) a des effets sérieux, même pour une personne qui était inscrite sous l'al. 6(1)c) (devenu l'al. 6(1)a.1) depuis 2019) alors qu'elle avait plutôt droit à l'inscription sous l'al. 6(1)a) :
- a. en effet, l'inscription sous 6(1)a) n'est que la reconnaissance dans la Loi de 1985 que la personne avait droit à l'inscription sous l'ancienne loi, ce qui implique aussi le droit pour tous ses descendants nés avant le 17 avril 1985 d'être inscrits sous 6(1)a).
 - b. par contre, l'inscription sous 6(1)c) (devenu l'al. 6(1)a.1) depuis 2019) est un nouveau droit créé depuis la Loi de 1985 pour ceux dont les noms avaient été retranchés du Registre sous l'ancienne loi;
 - c. pour cette dernière catégorie d'individus, l'inscription de leurs descendants suit les nouvelles règles dont notamment l'application du par. 6(2) à leurs enfants et l'inadmissibilité de leurs petits-enfants (à moins que l'autre parent soit indien).
111. On peut voir ces effets dans le cas de Sharon McIvor :

- a. sa mère Susan Blankinship étant née en 1925 d'une mère indienne et d'un père non indien, le Registraire l'a inscrite en vertu de l'al. 6(1)c) de la *Loi de 1985* de façon posthume et ce, même si son nom n'avait jamais été retranché de sa liste de bande;
 - b. puisque Sharon McIvor est née hors mariage en 1948 d'une mère indienne inscrite sous l'al. 6(1)c) de la nouvelle loi et d'un père qui n'était alors pas reconnu comme indien³ :
 - i. en 1987, le Registraire a inscrit Sharon McIvor sous le par. 6(2); et
 - ii. en même temps, il a refusé d'inscrire son fils Jacob Grismer, né en 1971;
 - c. en 2006, le Registraire a reconnu que :
 - i. Susan Blankinship avait le droit d'être inscrite sous la *Loi sur les Indiens* de 1951 en raison de sa mère et parce que le Registraire n'avait jamais fait de déclaration concernant sa paternité en vertu de l'al. 11e) la même loi;
 - ii. sa fille née hors mariage Sharon McIvor avait le droit d'être inscrite sous l'ancienne loi pour les mêmes raisons, mais puisqu'elle aurait perdu son statut par mariage avant 1985, elle était inscrite sous l'al. 6(1)c);
 - iii. Jacob Grismer avait le droit d'être inscrit sous le par. 6(2)⁴.
112. L'inscription erronée de Susan Blankinship sous 6(1)c) plutôt que 6(1)a)⁵ a donc produit des effets sur deux générations de ses descendants et plus particulièrement a privé Jacob Grismer de son droit à l'inscription pendant deux décennies.
113. Or, même lorsque le Registraire a finalement conclu que les enfants nés hors mariage avant le 4 septembre 1951 et en vie après cette date ont droit à l'inscription sous l'al. 6(1)a) – comme dans le cas de Sharon McIvor, n'eût été son mariage –, il a tenu à préciser que son bureau « ne réexaminera[it] pas les dossiers fermés pour y appliquer la présente directive », tel qu'il appert de la deuxième page de la Note de service du 18 janvier 2012, pièce **P-3**.
114. Il est pourtant clair du suivi donné aux amendements effectués par le décret de 2019 et de l'exemple de la membre désignée que le Registraire devrait être en mesure de retracer les membres du groupe et de corriger leurs inscriptions :

³ Son père Ernest McIvor est lui aussi né hors mariage d'une mère indienne et d'un père non indien, un fait découvert plus tard : *McIvor*, 2007 BCSC 26, par. 6.

⁴ Si Jacob Grismer avait été né hors mariage, il aurait eu lui aussi le droit d'être inscrit sous l'ancienne loi et sous l'al. 6(1)a) de la nouvelle loi. Comme Sharon McIvor s'était plutôt mariée à un non-Indien en 1970, il a fallu attendre le jugement final dans sa cause et les amendements de 2010 pour que Jacob Grismer devienne éligible à l'inscription sous l'actuel al. 6(1)a.3) et que ses enfants (nés après 1985 d'une mère non Indienne) deviennent éligibles à l'inscription sous le par. 6(2).

⁵ Rappelons que toutes les personnes qui avaient le droit à l'inscription devraient être inscrits en vertu de l'alinéa 6(1)a) sans égard à leur date de décès : *Landry c. Canada*, 2017 QCCS 433, par. 333.

En 2019, le Ministère a procédé automatiquement à la modification des catégories d'inscription de certaines personnes déjà inscrites conformément aux nouvelles dispositions. L'inscription de 124 000 personnes a ainsi été modifiée dans le Registre des Indiens. De ce nombre, 57 000 personnes auparavant inscrites en vertu du paragraphe 6(2) sont désormais inscrites en vertu du paragraphe 6(1). Ainsi, elles peuvent transmettre leur statut à leurs descendants, qui étaient jusque-là inadmissibles en raison de l'exclusion après la deuxième génération. En vertu de la *Loi sur les Indiens*, elles peuvent transmettre leur statut à au moins une autre génération.

Ministère des Services aux autochtones Canada, *Rapport au parlement - Examen du projet de loi S-3*, Décembre 2020, p. 20, produit au soutien de la présente comme pièce P-13.

115. En omettant d'identifier les personnes visées par ses décisions antérieures — et à l'égard desquelles la règle *McIvor 1* ou le fait de tenir compte sans droit de la paternité non indienne pourraient avoir un effet —, de les informer de l'existence de cette [...] interprétation les affectant, eux et leurs descendants, et de rectifier de son propre chef ses décisions antérieures à cet égard, le défendeur a commis une faute, un abus de pouvoir, un manquement à ses obligations de fiduciaire et a fait preuve de mauvaise foi.
116. Ce faisant, il a causé des dommages à toutes les personnes visées par le paragraphe précédent et [...] dont le statut sous l'alinéa 6(1)c) (devenu l'al. 6(1)a.1) en 2019) ou sous le par. 6(2) devrait plutôt être 6(1)a), mais qui ignorent leur droit.
117. Si le défendeur avait respecté ses obligations, ces personnes ou leurs descendants seraient soit inscrites au registre des Indiens depuis plusieurs années, soit leur inscription sous le paragraphe 6(2) serait corrigée pour le paragraphe 6(1).

V. Les faits qui donneraient ouverture à un recours individuel de la part de la membre désignée [...] contre le défendeur

A. Situation personnelle et familiale

118. La membre désignée [...] Lucie Grenier est inscrite sous le paragraphe 6(1)a.3) de la *Loi* depuis 2019 alors qu'elle avait droit à l'inscription comme Indienne dès sa naissance et à l'inscription sous l'al. 6(1)a) depuis l'entrée en vigueur de la *Loi de 1985* ou au plus tard, dès l'adoption de la règle *McIvor 1* dans le jugement accordé à l'initiative du défendeur en 2007.
119. L'omission par le défendeur de corriger l'inscription du père de la membre désignée à la première occasion et en même temps, l'inscription de ses enfants, a causé des dommages concrets à Lucie Grenier.
120. Lucie Grenier s'est divorcée de son mari le 12 mars 2002 et a obtenu la garde de leurs enfants. Quelques années plus tard, la pension alimentaire minimale de 79,23 \$ par semaine qui lui était due, ainsi que les arrérages accumulés, furent annulés en raison de l'impossibilité par son ex-mari de les payer.

121. Pendant vingt ans, Lucie Grenier a travaillé comme préposée au centre de santé des Sœurs grises à Nicolet. Elle a élevé ses enfants comme mère monoparentale et sans contribution financière aucune de la part de leur père, alors qu'elle travaillait pour un salaire minimal, vu qu'elle n'avait pas de formation officielle; elle n'avait pas non plus accès à un plan d'assurances collectives.
122. Vers 2013, Lucie Grenier a obtenu son diplôme d'études professionnelles comme infirmière auxiliaire du Centre de formation professionnelle des métiers de la santé à Kirkland. Elle a déjà travaillé au Centre de santé d'Odanak et depuis plus d'un an, elle travaille pour les Conseil des Innus de Nutashkuan, une réserve en région éloignée sur la Basse Côte Nord.
123. Lucie Grenier a habité à Nicolet jusqu'à son divorce et après, à Drummondville; elle a déménagé à Odanak avec son fils seulement en 2008. Il est à noter que jusqu'à l'adoption par les Abénakis d'Odanak de leur propre code d'appartenance – adoption validée malgré les objections du défendeur par la Cour d'appel fédérale dans *Première Nation des Abénakis d'Odanak c. Canada (Affaires indiennes et du Nord canadien)*, 2008 CAF 126 – ses enfants n'avaient pas le droit d'hériter de sa maison puisqu'ils n'étaient pas alors des Indiens inscrits.
124. En aucun moment, Lucie Grenier n'a bénéficié du programme des services de santé non assurés (SSNA) du défendeur pour ses enfants. Ce programme paie pour les médicaments, les soins dentaires et de la vue, l'équipement médical et les fournitures médicales, le counseling en santé mentale et le transport pour raison médicale pour les Indiens inscrits; il lui aurait été d'un grand secours alors qu'elle subvenait seule à ses enfants et gagnait un revenu minimal.
125. De la même façon, les enfants de Lucie Grenier n'ont pu bénéficier du financement fourni dans le cadre du Programme d'enseignement postsecondaire du défendeur qui, par l'entremise des conseils de bande, offre un financement des frais de scolarité, du coût des livres, du coût des déplacements, et des frais de subsistance d'Indiens inscrits qui suivent des programmes d'études postsecondaires.
126. Avant d'être informée du présent litige, Lucie Grenier ignorait qu'elle, son père et ses enfants, avaient tous eu droit à l'inscription comme Indiens depuis leur naissance. Dans les faits, même la registraire d'Odanak qui bénéficie pourtant d'une expérience de presque deux décennies, ignorait tout de la règle *McIvor I* avant d'être informée du présent litige.
127. Dès lors, la membre désignée a compris qu'elle, [...] et ses enfants avaient subi une perte découlant de l'omission du défendeur de les informer de cette nouvelle interprétation, qui pouvait pourtant avoir un effet considérable sur leurs vies.

B. Dommages subis

128. La membre désignée a subi divers dommages découlant de la faute du défendeur qui a sciemment omis de l'informer, de même que [...] ses enfants, de l'existence [...] de la

bonne interprétation du droit à l'inscription applicable aux personnes dans la situation de son fils.

129. Elle a subi des dommages moraux découlant du fait que [...]:
- a. elle-même ne bénéficiait que d'un statut non transmissible 6(2), ce qui sous-entend qu'elle était « moins Indienne » qu'une personne bénéficiant du statut 6(1) transmissible; et
 - b. ses [...] enfants [...] n'étaient pas reconnus comme Indiens en raison du fait que leur grand-père était né hors mariage à une Indienne, contrairement au fils d'un homme indien qui serait également né hors mariage avant le 14 août 1956 à une mère non Indienne et dont les enfants et petits-enfants auraient eu droit au statut;
 - c. de plus, ses enfants auraient pu plus facilement s'établir sur la communauté d'Odanak s'ils avaient été reconnus comme Indiens parce que leur droit aux services fournis par le Conseil et financés par le défendeur – dont notamment l'éducation primaire et secondaire – n'aurait pas été remis en question, ni par ailleurs leur droit d'hériter de toute résidence dans laquelle leur mère aurait voulu s'établir.
130. Elle a de plus subi des dommages pécuniaires en raison de l'aide financière qu'elle a apportée afin de supporter les coûts de soin de santé ou d'éducation post-secondaire de ses [...] enfants, lesquels auraient été couverts par le Programme des SSNA ou le programme d'éducation post-secondaire n'eût été l'ignorance dans laquelle le défendeur les a maintenus, elle, son père et ses enfants, concernant la nouvelle interprétation des règles d'inscription.
131. N'eût été la décision du défendeur de ne pas informer la membre désignée ou son père de [...] la bonne interprétation de la loi et de son droit à l'inscription et celui de ses enfants, elle aurait réalisé les démarches beaucoup plus tôt pour [...] faire inscrire ses enfants [...], qui auraient pu bénéficier du Programme des SSNA ou du programme d'éducation post-secondaire dès 2007 au plus tard.

VI. La nature du recours que les demandresses entendent exercer pour le compte des membres du groupe est une action en dommages-intérêts

132. Les demandresses entendent faire reconnaître et compenser, pour les membres du groupe, la peine, la frustration et le sentiment d'injustice subis par les membres du groupe en raison de :
- a. l'omission volontaire du défendeur de les informer de la nouvelle interprétation (la règle *McIvor 1*) adoptée par le défendeur à l'égard des individus nés hors mariage, avant le 14 août 1956, d'une mère indienne et d'un père non indien;
 - b. son omission volontaire de corriger l'inscription erronée de ces individus, comme lui permettait l'art 5 de la Loi sur les Indiens; et

- c. son omission volontaire de corriger toute autre inscription fondée sur le fait que le Registraire a, sans droit, tenu compte après le 17 avril 1985 de la paternité non indienne d'un enfant né hors mariage avant cette même date d'une mère indienne, sans qu'il n'y ait eu d'enquête ou de protestation, comme le prévoyait l'ancienne loi.

133. Plus précisément, ces dommages moraux découlent du fait que [...] :

- a. pour les individus nés avant le 14 août 1956 et que le Registraire admet être visés par la règle *McIvor I* :

- i. soit le Registraire n'a pas eu à réexaminer leur dossier d'inscription pour une autre raison et alors :

(1) eux-mêmes ne sont toujours pas inscrits sous le paragraphe 6(1)a) et, ainsi, ne sont pas reconnus comme étant « pleinement » Indiens;

(2) dans le cas des ascendants indiens, leurs enfants ou petits-enfants ne sont pas pleinement reconnus comme étant Indiens [...] ou ne sont pas reconnus comme Indiens;

(3) dans le cas des descendants, eux-mêmes ne sont pas reconnus comme Indiens ou ne sont pas pleinement reconnus comme étant Indiens;

- ii. soit le Registraire a effectivement modifié leur statut pour qu'il soit conforme à la règle *McIvor I*, et alors ces membres du groupe ont subi les mêmes dommages que ceux énumérés au sous-paragraphe i. ci-dessus, à l'exception que ces dommages ont été subis [...] avant les changements de statut apportés par le Registraire;

- b. pour tout autre individu né hors mariage avant le 17 avril 1985 d'une mère indienne et d'un père non indien, si après cette même date le Registraire a illégalement tenu compte de la paternité de cet individu en l'absence de protestation ou d'enquête sous l'ancienne loi :

- i. soit le Registraire n'a pas eu à réexaminer le dossier d'inscription pour une autre raison et alors :

(1) l'individu lui-même n'est toujours pas inscrit sous le paragraphe 6(1)a) et, ainsi, n'est pas reconnu comme étant « pleinement » Indien;

(2) dans le cas des ascendants indiens de l'individu, leurs enfants ou leurs petits-enfants ne sont pas pleinement reconnus comme étant Indiens ou ne sont point reconnus comme Indiens;

- (3) dans le cas des descendants de l'individu, ils ne sont pas reconnus comme Indiens ou ne sont pas pleinement reconnus comme étant Indiens;
- ii. soit le Registraire a effectivement modifié le statut d'un tel individu pour qu'il soit conforme à la loi et alors ce membre du groupe a subi les mêmes dommages que ceux énumérés au sous-paragraphe i ci-dessus, à l'exception que ces dommages ont été subis [...] avant le changement de statut apporté par le Registraire.
134. Les demandresses entendent également faire reconnaître et compenser les dommages pécuniaires subis par les membres en raison de l'omission du défendeur de les informer de l'adoption de la règle McIvor 1 ou de l'éligibilité générale à l'inscription sous l'al. 6(1)a de tout autre individu né hors mariage avant le 17 avril 1985 d'une mère indienne et d'un père non indien, en l'absence de protestation ou d'enquête sous l'ancienne loi, et de l'éligibilité subséquente à l'inscription [...] de leurs enfants.
135. Plus précisément, les dommages pécuniaires subis sont les suivants :
- a. les frais médicaux, dentaires et autres couverts par le Programme des SSNA que les membres ont dû assumer, que ce soit pour eux-mêmes et/ou leurs descendants;
 - b. les frais d'études post-secondaires que les membres ont dû assumer, pour eux-mêmes et/ou leurs descendants;
 - c. le paiement ou le versement de l'argent des Indiens en vertu de la Loi sur les Indiens qui n'ont pas été reçus;
 - d. les annuités et autres droits exigibles en vertu de traités conclus avec la Couronne fédérale qui n'ont pu être perçus; et
 - e. le partage de montants versés aux membres d'une bande à même la compensation payée par la Couronne fédérale pour les revendications particulières.
136. Ces dommages moraux et pécuniaires ont été causés par les actes, omissions et fautes du défendeur.
137. Le défendeur s'est par ailleurs enrichi de manière injustifiée grâce à ces actes, omissions et fautes, puisqu'il n'a pas fourni les services ou paiements ci-dessus énumérés, auxquels les membres avaient droit.
138. Les demandresses entendent finalement faire condamner le défendeur à des dommages punitifs en raison de la mauvaise foi dont il a fait preuve en vertu de l'art. 24 de la Charte canadienne des droits et libertés et de la common law, ainsi que pour atteinte illicite et intentionnelle au Québec à leurs droits protégés par les art. 10, 43, 44 et 45 de la Charte des droits et libertés de la personne, RLRQ c C-12 (« Charte québécoise »), en vertu de l'art. 49 de la Charte québécoise.

VII. Les faits donnant naissance à un recours individuel à l'égard de chaque membre du groupe

139. Chaque membre est d'ascendance et de descendance indiennes.
140. Chaque membre du groupe a subi des dommages moraux et pécuniaires découlant du fait que lui-même ou ses descendants n'étaient pas reconnus comme Indiens ou comme « pleinement » Indiens, le cas échéant, et ce, en raison de la faute du défendeur.
141. Tous les membres sont qui plus est en droit de réclamer des dommages-intérêts en vertu des articles 2, 3 et 5 de la *Loi canadienne sur les droits de la personne*, LRC 1985, c H-6 (« *LCDP* »), les membres au Québec en vertu des art. 10, 43, 44 et 45 de la *Charte québécoise*, et tous les membres en vertu de l'article 24 de la *Charte canadienne des droits et libertés* puisque :
- a. leur droit à l'égalité protégé par la *LCDP* ou par la *Charte canadienne des droits et libertés* a été enfreint et plus particulièrement leur droit d'être protégés contre la discrimination fondée sur le sexe de l'ascendant inscrit comme Indien – c'est-à-dire la mère, grand-mère ou arrière-grand-mère – et la situation familiale ou l'état civil de l'enfant, en l'occurrence d'être né hors mariage;
 - b. au Québec, leur droit d'être protégés contre la discrimination fondée sur le sexe de l'ascendant inscrit comme Indien en vertu de l'art. 10 de la *Charte québécoise* a été enfreint, ainsi que leurs droits de faire progresser leur propre vie culturelle avec les autres membres de leur groupe ethnique en vertu de l'art. 43, à l'information dans la mesure prévue par la loi en vertu de l'art. 44, et aux mesures d'assistance financière et sociales prévues par la loi en vertu de l'art. 45; et
 - c. l'octroi de dommages-intérêts constitue une réparation convenable, qui remplit à la fois des fonctions d'indemnisation, de défense des droits des membres et de dissuasion à l'égard du défendeur.
142. Cette réparation en vertu de l'article 24 de la *Charte canadienne des droits et libertés* peut être rétroactive car :
- a. le défendeur a agi de mauvaise foi ou de façon abusive en omettant sciemment d'informer les personnes susceptibles d'être visées par la règle *McIvor 1*, alors que celles-ci ne peuvent autrement en avoir connaissance;
 - b. il serait inéquitable que chaque membre du groupe ne puisse être compensé pour les dommages qu'il a subis en raison des fautes et de la mauvaise foi du défendeur à son égard;
 - c. une réparation pour les pertes subies par les membres du groupe n'empiéterait pas indûment sur le pouvoir du gouvernement fédéral de répartir les ressources publiques.

VIII. Les questions communes que les demandresses entendent faire trancher par l'action collective

143. Les questions de fait et de droit identiques, similaires ou connexes reliant chaque membre du groupe au défendeur et que les demandresses entendent faire trancher par l'action collective sont :

- a. En omettant d'identifier les personnes à l'égard desquelles la règle *McIvor I* pourrait avoir un effet, de les informer de l'existence de cette nouvelle interprétation et de rectifier de son propre chef ses décisions antérieures à cet égard, le défendeur a-t-il commis une faute, un abus de pouvoir, un manquement à ses obligations de fiduciaire et/ou a-t-il fait preuve de mauvaise foi ?
- b. En omettant d'identifier les autres individus nés hors mariage avant le 17 avril 1985 d'une mère indienne et d'un père non indien à l'égard de qui, après cette date, le Registraire a illégalement tenu compte de leur paternité en l'absence de protestation ou enquête sous l'ancienne loi, le défendeur a-t-il commis une faute, un abus de pouvoir, un manquement à ses obligations de fiduciaire et/ou a-t-il fait preuve de mauvaise foi ?
- c. Dans l'affirmative, le Registraire a-t-il privé les membres du groupe de la protection et du bénéfice de la loi en faisant preuve de discrimination fondée sur la race, l'origine nationale ou ethnique, le sexe, l'état civil, l'état matrimonial, ou la situation de famille ? Subsidiairement, le Registraire s'est-il fondé sur ces mêmes motifs pour priver les membres du groupe de ses services ou pour les défavoriser à l'occasion de leur fourniture ?
- d. Dans l'affirmative, les membres du groupe peuvent-ils obtenir des dommages-intérêts en vertu :
 - i. des art. 2, 3 et 5 de la Loi canadienne sur les droits de la personne, des art. 10, 43, 44 et 45 de la Charte québécoise au Québec ou du paragraphe 24(1) de la Charte canadienne des droits et libertés ?
 - ii. des règles générales de responsabilité civile (art. 1376, 1457 C.c.Q. ou en vertu de la *common law*) ?
 - iii. des principes de l'enrichissement sans cause (art. 1493 C.c.Q. ou en vertu de la *common law*) ?
 - iv. de l'obligation de fiduciaire de la Couronne fédérale à l'égard des peuples autochtones ?

[...]

IX. La composition du groupe rend difficile ou peu pratique l'application des règles portant sur le mandat d'ester en justice pour le compte d'autrui ou sur la jonction d'instance

144. Les demanderessees ne sont pas actuellement en mesure d'estimer le nombre de membres du groupe en l'absence de renseignements de la part du Canada sur le nombre de personnes affectées par la règle *McIvor 1* ou par l'action illégale du Registraire lorsqu'il a tenu compte de la paternité, après le 17 avril 1985, de tout autre individu né hors mariage avant cette date d'une mère indienne et d'un père non indien, malgré l'absence de protestation ou d'enquête sous l'ancienne loi.
145. Toutefois, les impacts de l'application de la règle *McIvor 1* ou de la reconnaissance générale qu'il était illégal pour le Registraire de tenir compte de la paternité non indienne (en l'absence de protestation ou enquête sous l'ancienne loi) sont vastes :
- a. tout individu né hors mariage avant le 14 avril 1985 d'une mère indienne et d'un père non indien [...] avait alors le droit à l'inscription s'il n'y avait eu aucune protestation contre son inscription [...] et il a le droit à l'inscription en vertu du paragraphe 6(1)a) sous la *Loi de 1985*;
 - b. il en va de même pour les enfants d'un tel individu s'ils sont nés avant le 17 avril 1985 (sous réserve des descendantes qui auraient marié des non-Indiens avant cette date mais qui sont maintenant éligibles à l'inscription sous l'al. 6(1)a.1)), alors que les petits-enfants sont dans tous les cas éligibles à l'inscription, à tout le moins sous le par. 6(2);
 - c. mais si l'individu a été inscrit sous l'al. 6(1)c) ou le par. 6(2) et qu'il n'y a eu aucune protestation contre son inscription erronée, l'individu est dans l'ignorance de son droit au statut 6(1)a) sauf avis de la part du Registraire et ses descendants ignorent également leur droit à l'inscription.
146. On peut présumer que le nombre de [...] cas d'enfants nés hors mariage a augmenté sensiblement et rapidement au cours des années 1970 et 1980, alors que les préjugés contre les unions de fait diminuaient rapidement, mais que la perte du droit à l'inscription était encore la conséquence légale du mariage d'une Indienne à un non-Indien.
147. Le nombre de membres composant le groupe est trop élevé et ils sont trop dispersés pour que chaque membre soit personnellement demandeur ou demanderesse à une instance conjointe. Il serait également impossible pour la représentante Femmes autochtones du Québec d'obtenir le mandat de la part de chaque membre potentiel du groupe, puisqu'elle ne possède évidemment pas les noms et les adresses de tous les membres.

X. Les demanderessees sont en mesure d'assurer une représentation adéquate des membres

148. La demanderesse FAQ, en tant qu'association sans but lucratif dont la mission principale est de représenter et défendre les intérêts des femmes autochtones et de leurs communautés,

est en mesure de représenter adéquatement et équitablement les intérêts des membres du groupe.

149. Femmes autochtones du Québec est intervenue à plus d'une reprise dans le cadre de travaux portant sur les règles d'inscription au registre des Indiens, tel qu'en font foi, notamment :
- a. son intervention devant le Comité permanent des Affaires indiennes et du développement du Nord canadien au sujet du projet de loi C-31, tel qu'il appert de la pièce **P-6**, aux pp. 24:5 à 24:31;
 - b. les témoignages de certaines de ses membres devant la Commission royale sur les peuples autochtones, tel qu'il appert de la pièce **P-7**;
 - c. son intervention devant le Comité permanent des Affaires autochtones et du développement du Grand Nord au sujet du caractère incomplet et lacunaire du projet de loi C-3, tel qu'il appert des pièces **P-8** et **P-9**; et
 - d. son intervention devant le Comité sénatorial permanent des peuples autochtones au sujet du projet de loi S-3 : Sénat, *Délibérations du Comité sénatorial permanent des peuples autochtones*, 1^{ère} sess., 42^e légis., fascicule no. 14 (29 novembre 2016), dont l'extrait est produit au soutien de la présente comme pièce **P-10**.
150. La structure représentative de FAQ, sa gestion démocratique et les ressources dont elle dispose lui octroient la compétence requise pour remplir les fonctions de représentante du groupe.
151. Les membres du conseil d'administration et les employées de FAQ sont disponibles pour gérer les différentes instances du recours et collaborer pleinement avec les procureurs mandatés par FAQ.
152. La représentante FAQ est déterminée à mener à bien le dossier jusqu'à sa résolution finale, au bénéfice des membres du groupe.
153. La membre désignée [...] Lucie Grenier a l'intérêt à poursuivre puisqu'elle est la [...] fille d'un individu né hors mariage, avant le 14 août 1956, d'une mère indienne et d'un père non [...] identifié à l'égard de qui le Registraire n'a jamais décidé ou déclaré qu'il n'était pas éligible au statut d'Indien parce que son père était non indien et qui a été inscrit comme Indien par le Registraire après le 17 avril 1985 en vertu du paragraphe 6(1)c) de la *Loi sur les Indiens* nonobstant son droit à l'inscription en vertu du paragraphe 6(1)a).
154. L'intérêt de la membre désignée [...] Lucie Grenier dans l'action est lié à l'objet pour lequel la représentante FAQ a été constituée, soit la représentation et la défense des intérêts des femmes autochtones, de leur famille et de leur communauté.
155. La membre désignée [...] Lucie Grenier comprend la nature de l'action et possède la capacité nécessaire pour représenter les membres du groupe.

156. Ni la représentante ni la membre désignée n'ont d'intérêts qui entrent en conflit avec les intérêts des autres membres du groupe.

XI. Le présent recours n'est pas prescrit

157. Les actes et omissions reprochés au défendeur par les membres du groupe constituent à la fois une faute ainsi qu'un manquement par la Couronne à ses obligations de fiduciaire : leur droit d'action en responsabilité extracontractuelle ne pouvait prendre naissance qu'au moment où chaque membre pouvait raisonnablement découvrir le caractère fautif des actes du défendeur et le lien entre ces actes et les préjudices qu'il a subis.

158. Or, le Registraire s'est abstenu de publier ou de communiquer de quelque autre façon l'existence de la nouvelle interprétation qu'il a adoptée en 2017 à l'égard des enfants nés hors mariage, avant le 14 août 1956, d'une Indienne et d'un non-Indien.

159. Quant à une personne comme Patrick Boileau, inscrit en tenant compte illégalement de sa paternité, il lui fallait et il aurait fallu à d'autres dans la même position les conseils d'un avocat spécialisé afin de comprendre son droit à l'inscription sous l'al. 6(1)a) et le droit de ses enfants à l'inscription sous le par. 6(2) sans égard à l'identité de l'autre parent.

160. La grande majorité des membres ignorent donc que le défendeur a commis une faute et un manquement à leur égard au moment d'introduire la présente demande.

161. La prescription a été valablement interrompue par la signification le 27 mai 2019 au défendeur de la demande pour autorisation d'exercer une action collective dans le dossier n° 500-06-001005-194.

XII. Les demanderesses proposent que l'action collective soit exercée dans le district de Montréal

162. Les membres du groupe sont dispersés dans plusieurs districts judiciaires du Canada.

163. La représentante FAQ a son siège social dans le district judiciaire de Longueuil, alors que la membre désignée [...] Lucie Grenier réside dans le district judiciaire de Sorel.

164. Le défendeur a des bureaux à travers le Canada, mais il a des procureurs disponibles à Montréal pour le représenter dans des actions judiciaires qui le concernent.

165. Les procureurs à qui les demanderesses ont confié le présent dossier ont leurs bureaux dans le district de Montréal, où ils exercent leur profession.

166. Pour ces raisons, le district de Montréal est le plus approprié pour que soit exercée l'action collective.

XIII. Conclusions

POUR CES MOTIFS, PLAISE À LA COUR :

ACCUEILLIR la Demande en autorisation d'exercer une action collective et pour être désignée représentante;

AUTORISER l'action collective en dommages compensatoires et punitifs contre le défendeur;

ATTRIBUER à Femmes autochtones du Québec le statut de représentante et à [...] Lucie Grenier le statut de membre désignée par celle-ci, aux fins d'exercer une action collective pour le compte des personnes suivantes :

1. Tout individu [...] :
 - a) né hors mariage, avant le 17 avril 1985, d'une mère indienne et d'un père non indien;

et

 - b) à l'égard de qui le Registraire n'a jamais rendu une décision ou déclaration finales que l'individu n'était pas éligible au statut d'Indien parce que son père était non indien;

et

 - c) qui a été inscrit comme Indien par le Registraire après le 17 avril 1985 en vertu de l'alinéa 6(1)c) (devenu l'al. 6(1)a.1) depuis le 15 août 2019) ou du paragraphe 6(2) de la Loi sur les Indiens nonobstant son droit à l'inscription en vertu [...] de l'alinéa 6(1)a);
2. de même que ses ascendants indiens;
3. de même que ses descendants en ligne directe en premier ou deuxième degré qui sont eux-mêmes éligibles au statut d'Indien en vertu du paragraphe 6(1) ou 6(2) de la *Loi sur les Indiens*, ainsi que ses autres descendants en ligne directe éligibles au statut d'Indien.

IDENTIFIER ainsi les questions communes à traiter collectivement :

167. En omettant d'identifier les personnes à l'égard desquelles la règle *McIvor 1* pourrait avoir un effet, de les informer de l'existence de cette nouvelle interprétation et de rectifier de son propre chef ses décisions antérieures à cet égard, ainsi que leurs ascendants et descendants, le défendeur a-t-il commis une faute, un abus de pouvoir, un manquement à ses obligations de fiduciaire et/ou a-t-il fait preuve de mauvaise foi ?

168. En omettant d'identifier les autres individus nés hors mariage avant le 17 avril 1985 d'une mère indienne et d'un père non indien à l'égard de qui, après cette date, le Registraire a illégalement tenu compte de leur paternité en l'absence de protestation ou enquête sous l'ancienne loi, le défendeur a-t-il commis une faute, un abus de pouvoir, un manquement à ses obligations de fiduciaire et/ou a-t-il fait preuve de mauvaise foi ?
169. En omettant d'identifier les autres individus nés hors mariage avant le 17 avril 1985 d'une mère indienne et d'un père non indien à l'égard de qui, après cette date, le Registraire a illégalement tenu compte de leur paternité en l'absence de protestation ou enquête sous l'ancienne loi, le défendeur a-t-il commis une faute, un abus de pouvoir, un manquement à ses obligations de fiduciaire et/ou a-t-il fait preuve de mauvaise foi ?
170. Dans l'affirmative, le Registraire a-t-il privé les membres du groupe de la protection et du bénéfice de la loi en faisant preuve de discrimination fondée sur la race, l'origine nationale ou ethnique, le sexe, l'état civil, l'état matrimonial, ou la situation de famille ? Subsidiairement, le Registraire s'est-il fondé sur ces mêmes motifs pour priver les membres du groupe de ses services ou pour les défavoriser à l'occasion de leur fourniture ?
171. Dans l'affirmative, les membres du groupe peuvent-ils obtenir des dommages-intérêts en vertu :
- des art. 2, 3 et 5 de la Loi canadienne sur les droits de la personne, des art. 10, 43, 44, 45 et 49, 2^e al., de la Charte québécoise au Québec, ou du paragraphe 24(1) de la Charte canadienne des droits et libertés ?
 - des règles générales de responsabilité civile (art. 1376, 1457 C.c.Q. ou en vertu de la *common law*) ?
 - des principes de l'enrichissement sans cause (art. 1493 C.c.Q. ou en vertu de la *common law*) ?
 - de l'obligation de fiduciaire de la Couronne fédérale à l'égard des peuples autochtones ?

IDENTIFIER ainsi les conclusions recherchées au mérite de l'action collective :

ACCUEILLIR l'action des demandresses pour le compte de tous les membres du groupe;

DÉCLARER que le défendeur a commis une faute, un abus de pouvoir, a manqué à ses obligations de fiduciaire et a fait preuve de mauvaise foi en omettant d'identifier les personnes à l'égard desquelles la règle *McIvor 1* ou le fait d'avoir illégalement tenu compte après le 17 avril 1985 de la paternité non indienne d'un individu né hors mariage avant cette date (en l'absence d'une enquête ou protestation sous l'ancienne loi) pourraient avoir un effet, de les informer de l'existence de cette [...] interprétation et de rectifier de son propre chef ses décisions antérieures à cet égard;

DÉCLARER qu'il incombe au Registraire d'exercer son pouvoir en vertu de l'art. 5 de la Loi sur les Indiens afin de corriger l'inscription au Registre de tout membre du groupe inscrit erronément pour ces motifs, notamment en vertu de l'alinéa 6(1)c) (devenu l'al. 6(1)a.1) depuis l'entrée en vigueur des derniers amendements le 15 août 2019) ou du par. 6(2), et de les aviser de la modification, ainsi que leurs descendants;

CONDAMNER le défendeur à payer aux membres du groupe un montant à être établi au procès :

1. pour les sommes qu'ils auraient dû recevoir, n'eut été des dispositions discriminatoires, notamment mais non limitativement :
 - a. à titre de prestations en vertu du Programme des Services de santé non assurés anciennement offert par Santé Canada et maintenant offert par Services Autochtones Canada;
 - b. à titre de financement en vertu du Programme d'enseignement postsecondaire [...] anciennement offert par le ministère des Affaires indiennes et du Nord canadien et maintenant offert par Services Autochtones Canada;
 - c. à titre d'annuités prévues dans les traités historiques;
 - d. en vertu du Programme de l'argent des Indiens;
 - e. le partage de montants versés aux membres de leurs bandes à même la compensation payée par la Couronne fédérale pour les revendications particulières;
2. à titre de dommages compensatoires, plus intérêts et indemnité additionnelle;
3. à titre de dommages moraux, plus intérêts et indemnité additionnelle;
4. à titre de dommages punitifs, plus intérêts et indemnité additionnelle;

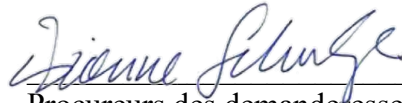
LE TOUT sujet au recouvrement individuel des réclamations à être ordonné conformément aux articles 599 à 601 C.p.c.

DÉCLARER qu'à moins de s'être exclus de la présente action collective dans les 30 jours de l'avis aux membres, les membres du groupe seront liés par tout jugement à intervenir dans la présente action collective;

ORDONNER la publication d'un avis aux membres selon les modalités à être déterminées par la Cour;

LE TOUT AVEC FRAIS DE JUSTICE, y compris les frais d'avis.

Montréal, le 25 janvier 2023



Procureurs des demandereses

M^e David Schulze

M^e Marie-Eve Dumont

M^e Sara Andrade

M^e Mary Eberts

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CANADA

COUR SUPÉRIEURE
(Chambre des actions collectives)

PROVINCE DE QUÉBEC
DISTRICT DE MONTRÉAL
N° 500-06-001128-210

**FEMMES AUTOCHTONES DU QUÉBEC
INC.**

- et -

LUCIE GRENIER, domiciliée et résidant au
329 Waban-Aki à Odanak, J0G 1H0, dans le
district judiciaire de Sorel

Demandereses

c.

PROCUREUR GÉNÉRAL DU CANADA

Défendeur

LISTE DE PIÈCES

P-1	Femmes autochtones du Québec, Constitution et règlements généraux (révisés), avril 2016
P-2	Témoignage de madame Linda McLenachan, agente aux protestations et appels au bureau du Registraire, <i>Descheneaux et al c. Procureur général du Canada</i> , C.S. 500-17-048861-093, 8 janvier 2015 (extrait)
P-3	En liasse : Ministère des Affaires indiennes et du Nord Canada, Note de service, 13 juin 2011 Ministère des Affaires indiennes et du Nord Canada, Note de service, 18 janvier 2012

P-4	Lettre de Patrick Boileau à Nathalie Nepton, Registraire des Indiens, datée du 12 avril 2018
P-5	En liasse : Lettre de Nathalie Nepton, Registraire des Indiens, à Patrick Boivin, datée du 13 novembre 2018 Lettre de Nathalie Nepton, Registraire des Indiens, à Mikaël Boileau et Patrick Boileau, datée du 13 novembre 2018 Lettre de Nathalie Nepton, Registraire des Indiens, à Laurie Boileau et Patrick Boileau, datée du 13 novembre 2018
P-6	Canada, Chambre des communes, Comité permanent des Affaires indiennes et du développement du Nord canadien, Procès-verbaux et témoignages, 1 ^{ère} sess., 33 ^e légis., fascicule no. 24, 26 mars 1985
P-7	Commission royale d'enquête sur les peuples autochtones, vol. 4, « Perspectives et réalités », chapitre 2, « Femmes », 1996 (extraits)
P-8	Femmes autochtones du Québec, mémoire présenté au Comité permanent des affaires autochtones et du développement du Grand Nord Chambre des communes à propos du projet de loi C-3, 20 avril 2010
P-9	Canada, Chambre des communes, Comité permanent des affaires autochtones et du développement du Grand Nord, Témoignages, 3 ^e sess., 40 ^e légis., fascicule no. 10, 20 avril 2010
P-10	Canada, Sénat, Délibérations du comité sénatorial permanent des peuples autochtones, 1 ^{ère} sess., 42 ^e légis., fascicule no. 14, 29 novembre 2016 (extrait)
P-11	Ministère des Affaires indiennes et du Nord canadien, « <i>La Loi sur les Indiens</i> hier et aujourd'hui : Un guide des lois régissant l'inscription et le droit à l'inscription », 1991
P-12	Ministère des Affaires indiennes et du Nord canadien, « Entitlement Officers Manual », août 1988 (version complète)
P-13	Ministère des Services aux Autochtones Canada, « Rapport au parlement - Examen du projet de loi S-3 », décembre 2020

P-14	Lettre de L.G. Smith, Registraire des Indiens, à Leona Bonspille datée du 21 octobre 1986
P-15	Lettre de L.G. Smith, Registraire des Indiens, à Leona Bonspille datée du 30 avril 1987
P-16	Lettre de Nathalie Nepton, Registraire des Indiens, au Conseil de bande de Kanesatake, datée 13 novembre 2018
P-17	Extrait du registre des Baptêmes, Mariage et Sépultures de l'hôpital de la Miséricorde (Montréal) pour l'année 1940, signé par le Père Léopold Thibault
P-18	Service social de Nicolet, Rapport concernant l'adoption de Henri Grenier, du 13 décembre 1962 au 7 mai 1963
P-19	Cour Supérieure du Québec, jugement d'adoption, de l'honorable Jean-L. Marchand, j.c.s, daté du 14 novembre 1963 et affidavit de Gracia Grenier, daté du 8 novembre 1963
P-20	En liasse : Lettre de M.F. Bradley, Registraire des Indiens intérimaire, au directeur régional des Terres, revenus et fiducies, datée du 15 novembre 1989 Lettre du Registraire des Indiens à Henri Grenier, datée du 8 avril 1986

NO : 500-06-001128-210

COUR SUPÉRIEURE

CANADA
PROVINCE DE QUÉBEC
DISTRICT DE MONTRÉAL

FEMMES AUTOCHTONES DU QUÉBEC INC.

- ET -

LUCIE GRENIER

Demanderesses

c.

PROCUREUR GÉNÉRAL DU CANADA

Défendeur

DEMANDE MODIFIÉE DES DEMANDERESSES
POUR LA MODIFICATION DE LEUR DEMANDE
POUR AUTORISATION D'EXERCER UNE
ACTION COLLECTIVE ET POUR LA
SUBSTITUTION DE LA MEMBRE DÉSIGNÉE

ORIGINAL

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BG4209

Dossier no : 7535-003

Court File No.: T-1417-18

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINAL PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

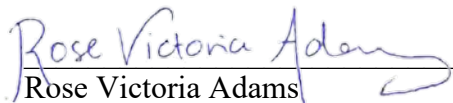
- and -

HIS MAJESTY THE KING

Defendant

EXHIBIT E TO THE AFFIDAVIT OF LÉA LEMAY LANGLOIS

This is Exhibit E to the affidavit of
Léa Lemay Langlois, as solemnly sworn
before me the 21st day of July, 2023


Rose Victoria Adams
Barreau du Québec n°358105-5

CANADA

PROVINCE DE QUÉBEC
DISTRICT DE JOLIETTE

N° 705-06-000011-214

COUR SUPÉRIEURE
(Chambre des actions collectives)

U.T. (un pseudonyme)

- et -

M.X. (un pseudonyme)

Demandereses

c.

**CENTRE INTÉGRÉ DE SANTÉ ET DE SERVICES
SOCIAUX DE LANAUDIÈRE**

- et -

RICHARD MONDAY

- et -

YVONNE BRINDUSA VASILIE

- et -

**PHILIPPE TURCOT, ès qualités de liquidateur de la
SUCCESSION DE MARCEL TURCOT, résidant et
domicilié au 440 Chemin des Patriotes sud au Mont St-
Hilaire, Québec, J3H 3G8, dans le district judiciaire de
Saint-Hyacinthe**

- et -

**ISABELLE TURCOT, ès qualités de liquidatrice de la
SUCCESSION DE MARCEL TURCOT, résidant et
domiciliée au 675 Place Roussain à Joliette, Québec, J6E
5J9, dans le district judiciaire de Joliette**

Défendeurs

**DEMANDE MODIFIÉE POUR AUTORISATION D'EXERCER UNE ACTION
COLLECTIVE, POUR ÊTRE DÉSIGNÉE REPRÉSENTANTE ET POUR
L'UTILISATION D'UN PSEUDONYME ET ORDONNANCE DE MISE SOUS SCHELLÉS
(19 OCTOBRE 2022)**

(art. 12 et 571 et ss. C.p.c.)

À L'UN DES HONORABLES JUGES DE LA COUR SUPÉRIEURE, SIÉGEANT EN CHAMBRE DES ACTIONS COLLECTIVES DANS LE DISTRICT DE JOLIETTE, LES DEMANDERESSES EXPOSENT RESPECTUEUSEMENT CE QUI SUIT :

I. Description du groupe

1. Les demanderesse désirent exercer une action collective à titre de représentantes, pour le compte des personnes faisant partie du groupe ci-après décrit, dont elles sont elles-mêmes membres, à savoir :

« Toutes les femmes d'origine atikamekw qui ont subi une intervention chirurgicale ayant porté atteinte à leur fertilité sans avoir donné leur consentement libre et éclairé, notamment en raison du contexte de discrimination systémique auquel a contribué chacun des Défendeurs, au CISSS de Lanaudière, depuis décembre 1971, ainsi que leurs proches ayant subi des dommages à titre de victimes par ricochet ».

II. Introduction

2. La discrimination systémique à l'endroit des membres des Premières Nations et des Inuit est une réalité bien présente dans le contexte des services publics fournis par l'état québécois. De manière générale, le rapport de la Commission Viens a établi que « les membres des Premières Nations et les Inuit ne se sentent pas en sécurité lorsque vient le temps de mettre leur santé entre les mains des services publics », tel qu'il appert du Rapport de la Commission Viens : **pièce P-1 (extraits)**, à la p. 215 et à la p. 392 du Rapport.
3. Dans le contexte plus spécifique des soins de santé fournis aux usagers par le CISSS de Lanaudière, la discrimination systémique a pour effet de perpétuer les inégalités vécues par les personnes d'origine atikamekw au sein de l'établissement, tel qu'il appert du rapport d'enquête de la coroner concernant le décès de Joyce Echaquan : **pièce P-2**.
4. La discrimination systémique se traduit notamment par des préjugés et des stéréotypes, souvent inconscients, qui sont généralisés tant chez les médecins que chez les membres du personnel soignant, mais également par des politiques et des pratiques qui ont des effets discriminatoires sur les Atikamekw et sur les femmes atikamekw, tout spécialement.
5. En raison de ce contexte, un climat de crainte existe au CISSS de Lanaudière. Plusieurs membres de la communauté atikamekw de Manawan craignent de devoir se rendre à l'hôpital de Joliette pour obtenir des soins, même nécessaires, en raison des nombreuses expériences négatives, voire traumatisantes, vécues par des membres de la communauté. Certains membres de la communauté vont même jusqu'à éviter de se rendre à l'hôpital à Joliette, préférant se rendre à Trois-Rivières pour recevoir des soins, afin d'être traités de façon humaine, tel qu'il appert des notes sténographiques de la Commission Viens (28 septembre 2018) : **pièce P-3**, aux pp. 109 et ss.
6. Parmi les pratiques discriminatoires graves qui ont cours au CISSS de Lanaudière, il existe un phénomène répandu de stérilisations subies par les femmes atikamekw sans leur

consentement ou sans que ce consentement ne soit libre et éclairé. C'est notamment le cas des deux demanderesses.

7. Les évènements vécus par les demanderesses et par les membres du groupe s'inscrivent dans le contexte d'une pratique historique et actuelle de stérilisations imposées touchant de façon disproportionnée les femmes autochtones au Canada, tel qu'il appert du rapport du Comité sénatorial permanent des droits de la personne, *Les cicatrices que nous portons : La stérilisation forcée et contrainte de personnes au Canada – Partie II* : **pièce P-3.1.**
8. Les demanderesses souhaitent donc obtenir l'autorisation d'exercer une action collective et de représenter les membres du groupe, afin d'obtenir réparation pour les atteintes discriminatoires et violentes à leur sûreté, leur intégrité, leur liberté et leur dignité, causées par la faute des défendeurs.

III. La nature du recours

9. La nature du recours que les demanderesses entendent exercer pour le compte des membres du groupe est une action en dommages-intérêts et dommages punitifs.

IV. Les demandes d'utilisation d'un pseudonyme et d'ordonnance de mise sous scellés

10. Les demanderesses demandent par la présente l'autorisation de la Cour pour pouvoir ester en justice sous les pseudonymes de « U.T. » et de « M.X. », et ce, pour toutes les procédures judiciaires dans le présent dossier.
11. Les demanderesses demandent également à être autorisées à ce que leurs dossiers médicaux et toutes autres informations personnelles les concernant elles-mêmes ou les autres membres du groupe à être déposées dans le contexte des procédures judiciaires dans le présent dossier soient mises sous scellés.
12. Dans la mesure où elle sert à protéger les personnes contre une atteinte à leur dignité, la vie privée constitue un intérêt public important et un tribunal peut faire une exception au principe de la publicité des débats judiciaire si elle est sérieusement menacée.
13. Les abus subis par les demanderesses et d'autres membres du groupe se comparent à des abus de nature sexuelle puisqu'ils ont été commis dans un contexte de relation de pouvoir et qu'ils ont visé certains des aspects les plus intimes de la vie des demanderesses, soit leur sexualité et leur capacité à donner la vie. Parmi les conséquences psychologiques de ces abus, les demanderesses ressentent notamment de la honte et un fort sentiment de culpabilité.
14. De plus, les femmes autochtones qui dénoncent publiquement la pratique de stérilisation imposée s'exposent à de potentielles réactions discriminatoires susceptibles de réveiller leurs traumatismes : **pièce P-3.1**, aux p. 21-22.
15. Les demanderesses et les autres membres du groupe vivent ou ont grandi dans une petite communauté d'environ 3 000 habitants et ne veulent pas que les membres de leurs familles et de leur communauté soient informés des abus qu'elles ont subis.

16. Le désir des demanderesse de garder secret cette partie la plus intime de leur vie privée est plus que compréhensible et est un sentiment commun parmi les survivantes de violences similaires. La publicité de l'identité et des informations personnelles concernant les demanderesse porterait ici atteinte de façon significative à la dignité et à l'intégrité psychologique des demanderesse.
17. Le fait d'autoriser les demanderesse à demeurer anonymes encouragera les autres victimes d'abus semblables à porter plainte, sachant que leur vie privée sera respectée et que leur identité sera gardée confidentielle. Une ordonnance autorisant l'utilisation de pseudonymes facilitera donc un plus grand accès à la justice.
18. Les noms et adresses des demanderesse seront fournis sous scellés dans la **pièce P-4**, laquelle sera signifiée aux défendeurs avec la présente demande, dans la mesure où cette information est protégée et tenue confidentielle.

V. Les parties

A. La Demanderesse U.T.

19. U.T. est née le [REDACTED] et elle a grandi dans la communauté Atikamekw de Manawan. Sa langue maternelle est l'atikamekw et sa langue seconde est le français. [REDACTED]
20. U.T. a accouché cinq fois à l'hôpital de Joliette, dont deux accouchements naturels et trois accouchements par césarienne.
21. Elle a subi une intervention chirurgicale stérilisante sans y avoir consenti, lors de la naissance de son dernier enfant.

A. La Demanderesse M.X.

22. M.X. est née le [REDACTED] et elle a grandi dans la communauté atikamekw de Manawan. Sa langue maternelle est l'atikamekw et sa langue seconde est le français. [REDACTED]
23. M.X. est [REDACTED] à l'hôpital de Joliette. Elle a eu quatre accouchements naturels et un accouchement par césarienne.
24. Elle a subi une chirurgie stérilisante sans y avoir consenti, après la naissance de son dernier enfant.

B. Le Défendeur CISSS de Lanaudière

25. Le Centre intégré de santé et de services sociaux de Lanaudière (ci-après « CISSS de Lanaudière ») est un établissement public constitué en personne morale en vertu de la *Loi sur les services de santé et les services sociaux*, RLRQ c S-4.2 (ci-après « LSSSS ») et

fournissant des services de santé et des services sociaux dans les divers centres qu'il exploite (art. 79, 94 et 98 LSSSS).

26. À ce titre, la CISSS de Lanaudière est une entité juridique dotée de capacités et de responsabilités légales, détenant un permis du ministère de la Santé et des Services sociaux : Glossaire – Définition de termes relatifs au réseau de la santé et des services sociaux : **Pièce P-5**, à la p. 1.
27. Parmi les centres qu'il exploite, le CISSS de Lanaudière regroupe deux centres hospitaliers, soit le Centre hospitalier de Lanaudière (communément et ci-après appelé « hôpital de Joliette ») et l'Hôpital Pierre-Le Gardeur.
28. Le Centre hospitalier de Lanaudière, ou hôpital de Joliette, est un centre particulièrement fréquenté par les femmes atikamekw pour des raisons géographiques. Situé à environ 180 kilomètres de la communauté atikamekw de Manawan, il est le centre hospitalier situé le plus près de la communauté.
29. L'hôpital de Joliette fournit des services diagnostiques et des soins médicaux généraux et spécialisés, notamment les domaines de la gynécologie-obstétrique, de la chirurgie et de l'anesthésie (art. 81 et 185 LSSSS).

C. Le Défendeur Richard Monday

30. Le défendeur Richard Monday a pratiqué la gynécologie-obstétrique au CISSS de Lanaudière pendant plusieurs années. Il était alors détenteur d'un permis d'exercice régulier obtenu le 17 juin 1975 et enregistré sous le numéro 75129.
31. Il a été inscrit comme médecin retraité en 2011. Sa démission a ensuite été soumise au Collège des médecins le 1^{er} juillet 2016.
32. Dans le cadre de son exercice professionnel à l'hôpital de Joliette, il a procédé à la stérilisation de plusieurs femmes atikamekw, incluant la Demanderesse M.X., sans leur consentement ou sans leur consentement libre et éclairé.

D. La Défenderesse Yvonne Brindusa Vasilie

33. La Défenderesse Yvonne Brindusa Vasilie est membre du Collège des médecins et a pratiqué la gynécologie-obstétrique au CISSS de Lanaudière pendant quelques années, jusqu'en 2007.
34. Son exercice professionnel s'est continué par la suite à l'Hôpital Général du Lakeshore. Elle est détentrice d'un permis régulier enregistré sous le numéro 00261 depuis le 28 juin 2000.
35. Dans le cadre de son exercice professionnel à l'hôpital de Joliette, elle a procédé à la stérilisation d'une ou de plusieurs femmes atikamekw, incluant la demanderesse U.T., sans leur consentement ou sans leur consentement libre et éclairé.

E. Le Dr Marcel Turcot

36. Le Dr Marcel Turcot a pratiqué la gynécologie-obstétrique au CISSS de Lanaudière pendant plusieurs années. Il était alors détenteur d'un permis d'exercice régulier obtenu en 1968 et enregistré sous le numéro 68286.
37. Le Dr Marcel Turcot a pris sa retraite en décembre 2011 et sa démission a été soumise au Collège des médecins le 19 juillet 2016.
38. Il est décédé le 10 août 2019, tel qu'il appert de l'avis de décès, **pièce P-5.1.**
39. Philippe Turcot et Isabelle Turcot sont liquidateur et liquidatrice de la succession de Marcel Turcot.
40. Dans le cadre de son exercice professionnel à l'hôpital de Joliette, le Dr Turcot a procédé à la stérilisation d'une ou de plusieurs femmes atikamekw, incluant des membres du groupe, sans leur consentement ou sans leur consentement libre et éclairé.

VI. Les faits qui donneraient ouverture à un recours individuel de la part des demanderesse

F. La Demanderesse U.T.

41. Mis à part pour ses accouchements, U.T. a fréquenté la clinique de gynécologie-obstétrique du CISSS de Lanaudière pour diverses raisons, notamment pour des suivis de grossesses dont trois se sont soldées par des avortements. Elle se souvient avoir senti de la pression de la part des médecins et du personnel soignant de l'hôpital de Joliette pour qu'elle consente à ces interventions, dont elle ne comprenait pas la nécessité.
42. À l'époque, sa compréhension du français n'était pas aussi bonne qu'elle ne l'est aujourd'hui, et aucun interprète ou membre du personnel de l'hôpital d'origine atikamekw n'était présent avec elle lors de ces rencontres médicales.
43. Le [REDACTED], U.T. a été admise à l'hôpital de Joliette pour son cinquième accouchement prévu par césarienne.
44. Tout comme pour ses deux césariennes précédentes, U.T. a rempli le formulaire de consentement à la césarienne et à l'anesthésie, tel qu'il appert de son dossier médical du CISSS de Lanaudière : **pièce P-6 (extraits).**
45. À aucun moment avant l'intervention, U.T. n'a eu d'échange avec Dre Vasilie ou tout autre membre du personnel soignant au sujet d'une intervention chirurgicale stérilisante.
46. Malgré l'absence de toute connaissance de la procédure envisagée et encore moins du consentement de U.T. à cette intervention, la défenderesse Dre Vasilie a procédé à l'installation de clips de Filshie lors de la césarienne : **pièce P-6 (extraits).**

47. Après l'opération, Dre Vasilie n'a rien dit à U.T. concernant sa stérilisation et n'a fait aucun suivi concernant son accouchement. U.T. ne l'a plus revue par la suite et c'est un autre médecin qui a fait les suivis.
48. Dans les mois qui ont suivi l'opération, U.T. a souffert de dérèglements dans son cycle menstruel et elle a été hospitalisée au mois de [REDACTED] pour saignements abondants : pièce **P-6 (extraits)**.
49. À plusieurs reprises entre [REDACTED], U.T. a cru être enceinte à nouveau, tel qu'il appert des multiples tests de grossesse notés à son dossier du Centre de santé de Manawan : pièce **P-6 (extraits)**.
50. Vers la même époque, soit [REDACTED], U.T., qui croyait alors être à nouveau enceinte, a appris qu'elle avait subi une stérilisation lors de son dernier accouchement par césarienne. Elle était sous le choc et ne comprenait pas pourquoi on avait procédé à cette intervention.
51. L'imposition d'une stérilisation et la perte des fonctions reproductives ont entraîné des conséquences graves pour U.T., dont plusieurs subsistent à ce jour, incluant des dérèglements hormonaux, de l'incompréhension, un sentiment d'humiliation, de la culpabilité, de la colère, de la peur ainsi que la perte de son identité à titre de femme atikamekw.
52. Aujourd'hui, U.T. est famille d'accueil pour une petite fille de sa communauté, qu'elle considère comme sa véritable fille.

G. La Demanderesse M.X.

53. M.X. a été suivie par le défendeur Dr Monday pour ses grossesses, tel qu'il appert de son dossier médical au CISSS de Lanaudière : **pièce P-7 (extraits)**.
54. Elle ne s'est jamais sentie à l'aise avec Dr Monday, à un point où elle avait même peur de lui. Il était méchant avec elle, son ton était menaçant et il faisait souvent des remarques racistes ou désobligeantes envers les Autochtones.
55. Dès la troisième grossesse de M.X., Dr Monday a commencé à insister pour qu'elle subisse une chirurgie stérilisante. Il lui expliquait qu'elle avait assez d'enfants et qu'elle devait arrêter d'en avoir.
56. Lors de leurs rencontres, le Dr Monday avait des propos dégradants envers M.X., comme par exemple : « tu es encore enceinte » ; « c'est le temps de te faire une ligature » ; « tu as trop de problèmes » ; « tu as trop d'enfants » ; « tu ne dois pas avoir de maison et tu dois être sur le 'bs' » ; « où est-ce qu'ils vont dormir tes enfants » ; « vous les Autochtones vous avez tous des problèmes d'alcool » ; « on va tout enlever tes problèmes ».
57. À ce moment, M.X. était encore jeune et elle souhaitait avoir d'autres enfants. Elle voulait à tout prix avoir un garçon et elle prévoyait continuer d'avoir des grossesses jusqu'à ce qu'elle y parvienne, même si elle devait avoir dix enfants.

58. Après son dernier accouchement, Dr Monday a recontacté M.X. pour insister à nouveau afin qu'elle subisse une opération chirurgicale stérilisante. M.X. a fini par céder aux pressions du Dr Monday en raison de son statut professionnel et puisqu'elle avait des craintes ; Dr Monday lui répétait qu'elle avait des problèmes et qu'elle devait subir une opération chirurgicale stérilisante.
59. Dr Monday a donc planifié et procédé à la ligature des trompes de M.X., sans que celle-ci n'ait donné son consentement libre et éclairé. En [REDACTED], il a procédé à une ligature des trompes de M.X., qui avait alors environ [REDACTED], tel qu'il appert de son dossier médical au CISSS de Lanaudière : **pièce P-7 (extraits)**.
60. Après la stérilisation, M.X. a commencé à éprouver des difficultés dans sa relation amoureuse et son conjoint l'a quittée. Il a ensuite eu un garçon avec sa nouvelle conjointe, ce qui a provoqué de grandes souffrances pour M.X. qui s'est sentie jalouse et brisée. Elle a d'ailleurs consulté les services de psychologie du CISSS de Lanaudière à ce moment : **pièce P-7 (extraits)**.
61. Quelques années plus tard, M.X. a entamé une nouvelle relation amoureuse. Elle et son conjoint souhaitaient avoir d'autres enfants. Comme Dr Monday lui avait dit que l'opération, qui consistait à mettre des clips sur ses trompes de Fallope, était réversible, elle a consulté un médecin à l'hôpital de Chicoutimi afin d'enlever les clips, tel qu'il appert de son dossier médical du complexe hospitalier de la Sagamie : **pièce P-8 (extraits)**.
62. En [REDACTED], M.X. a subi une réanastomose afin d'enlever les clips de Filshie sur ses trompes de Fallope. Elle a été hospitalisée pendant quatre jours après l'opération, qui fut complexe et très douloureuse : pièce P-8 (extraits).
63. Après plusieurs essais, M.X. n'a pas pu avoir d'autres enfants. Elle a à nouveau rencontré des difficultés dans sa relation amoureuse, qui s'est terminée. Après la rupture en [REDACTED], M.X. a fait une dépression incluant des pensées suicidaires, tel qu'il appert de son dossier médical au CISSS de Lanaudière : **pièce P-7 (extraits)**.
64. M.X. ressent de la douleur et une grande culpabilité pour avoir cédé aux pressions du Dr Monday.
65. L'imposition d'une stérilisation et la perte des fonctions reproductives ont entraîné des conséquences graves pour M.X. dont plusieurs subsistent à ce jour, incluant de l'incompréhension, un sentiment d'humiliation, de la culpabilité, de la colère, de la peur, des difficultés dans ses relations amoureuses, des souffrances psychologiques menant à la dépression et des pensées suicidaires, ainsi que la perte de son identité à titre de femme atikamekw.
66. Aujourd'hui, M.X. est famille d'accueil pour une fille et un garçon, qui l'appelle « maman ».

VII. Les faits qui donneraient naissance à un recours individuel à l'égard de chaque membre du groupe

67. En raison de la faute des Défendeurs, des membres du groupe ont subi une opération chirurgicale stérilisante sans avoir obtenu l'information nécessaire, ni fourni de consentement libre et éclairé, contrairement au principe de l'inviolabilité de la personne et en violation de leur droit à l'intégrité, à la sécurité, à la liberté et à la dignité : art. 10 et 11 CcQ ; art. 1 et 4 *Charte des droits et libertés de la personne*, R.L.R.Q., c. C-12 (ci-après « la *Charte québécoise* »). Les actes et les omissions des Défendeurs ont également compromis l'exercice par les membres du groupe de leurs droits à l'accès aux services, à la liberté de conscience, au droit à l'information et à la protection contre le harcèlement et contre le refus de conclure un acte juridique : art. 15, 3, 44, 10.1 et 12 de la *Charte québécoise*. En raison du caractère discriminatoire des actes et omissions des Défendeurs, chacune des membres du groupe a aussi subi une atteinte à leur droit à l'égalité protégé par l'art. 10 de la *Charte québécoise* dans l'exercice de ces droits.
68. A.B. a fréquenté le CISSS de Lanaudière pour ses suivis de grossesse. Elle a eu son quatrième et dernier enfant à l'âge de [REDACTED] par accouchement naturel à Manawan, avant d'être transférée à l'hôpital de Joliette en raison d'une rétention placentaire et de saignements abondants.
69. À la suite de cet accouchement, A.B. se rappelle que le Dr Monday lui a dit que ce serait trop risqué d'avoir des enfants et qu'elle devait se faire ligaturer. Elle a ressenti beaucoup de pressions de la part de Dr Monday, car il lui disait qu'elle mettrait à risque sa vie et celle de l'enfant si elle avait une autre grossesse. A.B. ne comprenait pas bien en quoi consistait une ligature des trompes et elle voulait avoir d'autres enfants. À cette époque, elle avait de la difficulté à comprendre et à s'exprimer en français, sa langue maternelle étant l'atikamekw.
70. En [REDACTED], le Dr Turcot a procédé à une ligature des trompes de A.B., qui était âgée de [REDACTED] à ce moment. Alors qu'elle ne comprenait ni la nature de cette intervention ni ses conséquences irréversibles, le Dr Turcot a plutôt noté à son dossier qu'elle désirait une stérilisation à titre de planification familiale et que son mari y consentait. Son dossier médical ne contient aucune mention d'un quelconque danger pour elle ou pour l'enfant relié à une éventuelle grossesse, contrairement à l'information qui lui a été donnée afin d'obtenir son consentement à la ligature des trompes.
71. Cette violation de leurs droits fondamentaux a eu pour conséquence d'enlever définitivement la capacité des membres du groupe de donner la vie, leur retirant ainsi toute capacité de prendre leurs propres décisions en ce qui a trait à leur fertilité. En raison des actions ou omissions des Défendeurs, les membres du groupe ont subi un préjudice corporel se traduisant par des dommages corporels, moraux et pécuniaires, notamment :
- a. incapacité à donner la vie ;
 - b. débalancement hormonal ;
 - c. dysfonctions sexuelles ;

- d. ménopause précoce ;
 - e. pertes de cheveux ;
 - f. souffrances psychologiques liées à la perte des fonctions reproductives et l'incapacité d'avoir d'autres enfants, incluant dépression et anxiété ;
 - g. isolement social et difficulté à maintenir une relation de couple ;
 - h. perte d'identité et d'estime de soi à titre de personne et de femme autochtone;
 - i. toutes autres conséquences médicales d'une ligature des trompes ou d'une hystérectomie.
72. Les actions et omissions des Défendeurs ont aussi entraîné des conséquences directes et immédiates pour les proches des membres du groupe ayant perdu la capacité de donner la vie, incluant leurs conjoints, leurs enfants et leurs parents. Certains ont été visés directement par les actions et omissions à caractère discriminatoire des Défendeurs lorsqu'ils accompagnaient leurs proches au moment des interventions chirurgicales stérilisantes ou des suivis médicaux entourant celles-ci. Considérant l'importance des enfants et du projet familial pour les membres du groupe, les proches ont notamment souffert les dommages suivants à titre de victimes par ricochet :
- a. souffrances psychologiques liées à la perte des fonctions reproductives et l'incapacité d'avoir d'autres enfants de leur proche, incluant dépression et anxiété ;
 - b. isolement social et difficulté à maintenir une relation de couple ;
 - c. perte d'identité et d'estime de soi à titre de personne autochtone.
73. Les actes commis par les Défendeurs Dr Richard Monday, Dre Yvonne Brindusa Vasilie et Dr Marcel Turcot constituent une atteinte illicite et intentionnelle au droit à l'intégrité des membres du groupe, donnant droit aux dommages et intérêts punitifs prévus à l'art. 49, al. 2 de la *Charte québécoise*.
74. Le caractère intentionnel des actes est notamment démontré par le contexte des discussions à caractère raciste et paternaliste ayant précédé l'opération chirurgicale stérilisante de M.X. et par le contexte plus général de racisme systémique qui existe à l'hôpital de Joliette.
75. Les médecins et les employés du CISSS de Lanaudière ne pouvaient pas non plus ignorer qu'une pratique d'opérations chirurgicales stérilisantes non consenties existait au sein de l'établissement. Certaines membres du groupe ont appris avoir subi l'opération lors de rendez-vous médicaux subséquents à l'hôpital de Joliette, alors qu'elles consultaient, car elles croyaient être enceintes ou qu'elles avaient des questions concernant leur fertilité.
76. En laissant une telle pratique se continuer en toute impunité, le Défendeur CISSS de Lanaudière connaissait ou devait connaître les conséquences préjudiciables immédiates et naturelles, ou extrêmement probables, de ses actes ou omissions, donnant droit aux dommages punitifs prévus à l'art. 49, al. 2 de la *Charte québécoise*.

77. Les Défendeurs sont solidairement responsables de réparer le préjudice causé aux membres du groupe puisque celui-ci découle d'une obligation extracontractuelle : art. 1526 CcQ.

VIII. Responsabilité des Défendeurs Dr Richard Monday, Dre Yvonne Brindusa Vasilie et de Dr Marcel Turcot

78. Les Défendeurs Richard Monday, Yvonne Brindusa Vasilie et Marcel Turcot ont procédé à des stérilisations non consenties sur les membres du groupe, en violation de leurs obligations déontologiques et civiles d'informer et d'obtenir le consentement libre et éclairé de leurs patientes avant de pratiquer une intervention chirurgicale : art. 9 LSSSS ; art. 28 et 29 *Code de déontologie des médecins du Québec*, RLRQ c M-9, r 17.

79. Avant de pratiquer une chirurgie stérilisante sur les membres du groupe, les Défendeurs avaient l'obligation de s'assurer que leurs patientes aient reçu les explications pertinentes, qu'elles avaient une bonne compréhension de la nature, du but et des conséquences possibles de l'opération.

80. Dans le contexte d'une chirurgie non essentielle et non urgente, comme pour les chirurgies stérilisantes subies par les membres du groupe, l'obligation d'information des Défendeurs Richard Monday, Yvonne Brindusa Vasilie et Marcel Turcot était particulièrement élevée.

81. Le Défendeur Dr Richard Monday a notamment exercé des menaces ou des pressions indues sur la Demanderesse M.X., pour que celle-ci subisse une opération chirurgicale stérilisante, violant ainsi ses obligations relatives au consentement libre et éclairé.

82. Contrairement à son devoir, Dr Richard Monday n'a pas fourni les informations nécessaires à M.X. afin que celle-ci prenne une décision éclairée, lui laissant croire, au contraire, que cette opération était nécessaire compte tenu de sa situation médicale ou socio-économique.

83. La Défenderesse Yvonne Brindusa Vasilie a notamment procédé à une opération chirurgicale stérilisante sur la Demanderesse U.T. sans que celle-ci n'y ait consenti ni qu'elle n'ait même été mise au courant de l'opération qu'elle allait subir au moment de son accouchement par césarienne, violant ainsi ses obligations relatives au devoir d'information et au consentement libre et éclairé.

84. Le Défendeur Marcel Turcot a notamment procédé à une opération stérilisante sur les membres du groupe, dont A.B., sans que celles-ci n'y aient consenti, violant ainsi ses obligations relatives au devoir d'information et au consentement libre et éclairé.

85. Les actes fautifs des Défendeurs Richard Monday, Yvonne Brindusa Vasilie et du Dr Marcel Turcot constituent des actes discriminatoires, car fondés sur des stéréotypes ou des préjugés voulant qu'en raison de leur origine ethnique ou nationale, leur condition sociale ou leur sexe, la fertilité des membres du groupe devait être limitée, voir éliminée.

86. De par leurs actions, les Défendeurs Richard Monday, Yvonne Brindusa Vasilie et le Dr Marcel Turcot ont ainsi violé l'intégrité physique et psychologique des Demanderesses et des autres membres du groupe, ainsi que leur dignité, contrevenant à leurs droits

fondamentaux : art. 1 et 4 *Charte québécoise*. Les actes et les omissions des Défendeurs ont également compromis l'exercice par les membres du groupe de leurs droits à l'accès aux services, à la liberté de conscience, au droit à l'information et à la protection contre le harcèlement et contre le refus de conclure un acte juridique (art. 15, 3, 44, 10.1 et 12 de la Charte québécoise). En raison du caractère discriminatoire des actes et omissions des Défendeurs Richard Monday, Yvonne Brindusa Vasilie et le Dr Marcel Turcot, ils ont aussi porté atteinte au droit à l'égalité des membres du groupe tel que protégé par l'art. 10 de la *Charte québécoise dans l'exercice de ces droits*.

87. Les Défendeurs ont également bafoué les droits des membres du groupe de recevoir des soins de santé adéquats (art. 5 LSSSS) et d'être informées des différentes options thérapeutiques qui s'offraient à elles (art. 8 LSSSS).
88. De plus, les Défendeurs ont fait défaut d'assurer le suivi médical requis à la suite des interventions ayant porté atteinte à la fertilité des membres du groupe, afin d'évaluer et de traiter les conséquences médicales de ces interventions (art. 32 Code de déontologie des médecins).
89. Une opération chirurgicale stérilisante constitue non seulement une faute déontologique et civile, mais elle peut également constituer un acte criminel, soit des voies de fait causant des lésions corporelles : art. 265 à 267, *Code criminel*, L.R.C. (1985), ch. C-46.

IX. Responsabilité du Défendeur CISSS de Lanaudière

90. Le CISSS de Lanaudière a l'obligation de surveiller la qualité professionnelle des soins administrés aux patients qui fréquentent l'établissement.
91. Le CISSS de Lanaudière doit ainsi s'assurer que tous les patients soient en sécurité et qu'ils reçoivent des soins adéquats au sein de son établissement, quels que soient leur sexe, leur origine nationale ou ethnique et leur condition sociale : art. 5 et 100 LSSSS.
92. Toute institution hospitalière a également l'obligation expresse, depuis au moins 1986, d'obtenir et de conserver au dossier des patients le consentement écrit de ceux-ci à toute anesthésie ou intervention chirurgicale, faisant état de l'obtention des informations appropriées et contresigné par le médecin traitant : art. 19, Règlement modifiant le Règlement sur l'organisation et l'administration des établissements, Décret 545-86, 23 avril 1986.
93. Pourtant, le CISSS de Lanaudière a élaboré, maintenu ou appliqué des politiques et pratiques, notamment par les éléments identifiés aux paragraphes 121 à 127, créant et maintenant un environnement propice à la commission d'atteintes à la fertilité des femmes atikamekw sans leur consentement ou sans leur consentement libre et éclairé.
94. Le CISSS de Lanaudière a ainsi permis, par ses actions ou par sa négligence, que des actes fautifs ou de nature criminelle soient perpétrés en toute impunité par des équipes médicales, dans le contexte des soins fournis au sein même de son établissement, engageant ainsi sa responsabilité civile directe : art. 1457 CcQ.

95. Subsidiairement, le Défendeur CISSS de Lanaudière, par le biais de ses employés, connaissait ou devait connaître l'existence d'une pratique répandue de stérilisations non consenties des femmes atikamekw au sein de son établissement.
96. De par leurs actions, les employés du Défendeur ont ainsi violé l'intégrité physique et psychologique des Demanderesses et des autres membres du groupe, ainsi que leur dignité, contrevenant à leurs droits fondamentaux : art. 1 et 4 *Charte québécoise*. Les actes et les omissions des Défendeurs ont également compromis l'exercice par les membres du groupe de leurs droits à l'accès aux services, à la liberté de conscience, au droit à l'information et à la protection contre le harcèlement et contre le refus de conclure un acte juridique : art. 15, 3, 44, 10.1 et 12 de la *Charte québécoise*. En raison du caractère discriminatoire des actes et omissions de ses employés, le Défendeur a aussi porté atteinte au droit à l'égalité des membres du groupe tel que protégé par l'art. 10 de la *Charte québécoise* dans l'exercice de ces droits.
97. À titre d'institution publique, le CISSS de Lanaudière est également assujéti à la *Charte canadienne des droits et libertés*, Loi constitutionnelle de 1982, Annexe B de la Loi de 1982 sur le Canada (R-U), 1982, c 11 (ci-après « *Charte canadienne* »), car il exerce un pouvoir de décision en vertu d'une loi provinciale.
98. Les actes et omissions du CISSS de Lanaudière ont ainsi entraîné une violation du droit à l'égalité protégé par l'article 15 de la *Charte canadienne*. Cette violation ouvre la voie une réparation en vertu de l'article 24 de la *Charte canadienne*.
99. Bien que le devoir d'information et d'obtenir le consentement des patientes relève ultimement du médecin traitant, des employés du CISSS de Lanaudière participent activement à fournir les informations préopératoires, aux opérations ainsi qu'aux rendez-vous postopératoires. C'est notamment le cas des infirmières qui pratiquent dans l'unité des naissances à l'hôpital de Joliette.
100. Ces infirmières, comme tous les infirmières et infirmiers du Québec, ont l'obligation de « prendre les moyens nécessaires pour assurer le respect de la dignité, de la liberté et de l'intégrité du client » : art. 3.1, *Code de déontologie des infirmières et infirmiers*, c I-8, r. 9.
101. Par leurs actes, leur silence et leur inaction, les infirmières et les autres employés du CISSS de Lanaudière qui pratiquent dans l'unité des naissances de l'hôpital de Joliette se sont rendus complices des abus commis à l'endroit des membres du groupe et ont fait en sorte qu'ils continuent, violant leurs obligations déontologiques et engageant ainsi la responsabilité du CISSS de Lanaudière en tant que commettant : art. 1463 CcQ.

X. Le présent recours n'est pas prescrit

102. La présente action, une action en réparation du préjudice corporel résultant d'un acte pouvant constituer une infraction criminelle, est imprescriptible puisqu'elle résulte d'une agression à caractère sexuel : art. 2926.1 CcQ.

103. Subsidiairement, les membres du groupe ont été dans l'impossibilité psychologique d'agir et de dénoncer les actes fautifs qu'elles ont subis en raison du contexte colonial et de la crainte qu'elles éprouvent plus spécifiquement à l'endroit des médecins et du personnel travaillant au CISSS de Lanaudière. Comme pour plusieurs autres membres des Premières Nations, cette impossibilité d'agir s'est continuée au moins jusqu'au dépôt du rapport de la coroner Géhane Kamel au sujet de la mort de Joyce Echaquan, tel qu'expliqué en entrevue à CBC par le Grand Chef de la Nation Atikamekw : **pièce P-9**.
104. Le courage de madame Echaquan a permis aux membres du groupe de trouver la force de dénoncer les actes fautifs subis au CISSS de Lanaudière. La prescription était donc suspendue et ne pouvait courir contre elles jusqu'au 1^{er} octobre 2021. Leur cause d'action n'est donc pas prescrite : art. 2904 CcQ.
- 1. L'action est imprescriptible puisqu'elle résulte d'une agression à caractère sexuel**
105. La stérilisation sans leur consentement ou sans consentement libre et éclairé constitue une agression à caractère sexuel bénéficiant de l'imprescriptibilité prévue à l'article 2926.1 CcQ.
106. En effet, la stérilisation pratiquée sans le consentement libre et éclairé de la patiente est une agression commise dans des circonstances de nature sexuelle portant atteinte à l'intégrité sexuelle, puisque la victime est alors privée de sa capacité de procréer, une faculté essentielle de sa sexualité.
107. La capacité de donner la vie est au cœur de l'identité des femmes autochtones, notamment atikamekw, pour qui les grossesses et les accouchements sont des marqueurs temporels et géographiques. Cette capacité est donc connectée avec le lien unique qui relie les femmes atikamekw au territoire et leur rôle dans la transmission de l'identité et des savoirs.
108. En décidant ou en permettant que des femmes atikamekw soient privées de leurs fonctions reproductives sans le consentement de celles-ci, les Défendeurs ont imposé leur volonté sur le corps des victimes et plus particulièrement sur leurs organes sexuels. Ils ont enlevé définitivement aux membres du groupe la capacité de donner la vie et de prendre leurs propres décisions en ce qui a trait à leur fertilité.
109. De plus, la nature du préjudice causé par une stérilisation imposée correspond aux traumatismes distinctifs qui découlent généralement des agressions à caractère sexuel. En plus des conséquences physiologiques telles que la vulvodynie, la dysfonction sexuelle et le dérèglement hormonal, les membres du groupe ont subi des souffrances psychologiques qui incluent la honte, la culpabilité, la dépression et l'anxiété, de l'isolement social ainsi qu'une perte d'identité et d'estime de soi à titre de personnes et de femmes atikamekw.
110. La présente action étant fondée sur des actes pouvant constituer des agressions à caractère sexuel, elle est imprescriptible.

2. Impossibilité d'agir

111. Même si l'action était prescriptible, ce qui n'est pas par les présentes admis, mais expressément nié, les membres du groupe ont été dans l'impossibilité en fait d'agir et d'entreprendre une action en justice plus tôt, ce qui a eu pour effet de suspendre la prescription jusqu'au 1^{er} octobre 2021, conformément à l'article 2904 CcQ.

a. Contexte colonial

112. Les actes qui sont reprochés aux Défendeurs ont une nature particulière puisqu'ils s'inscrivent dans un contexte colonial et discriminatoire : l'imposition de mesures visant à entraver les naissances au sein d'un groupe constitue en effet l'un des actes génocidaires décrits dans le cadre de l'Enquête nationale sur les femmes et les filles autochtones disparues et assassinées (ci-après « ENFADDA »), tel qu'il appert du rapport de l'ENFADDA : **pièce P-10 (extraits)**, rapport supplémentaire sur l'analyse juridique du génocide, à la p. 18 ainsi que du rapport du Comité sénatorial permanent sur les droits de la personne : **pièce P-3.1** à la p. 10.

113. Cet héritage colonial entraîne une impossibilité psychologique systémique d'agir pour les femmes autochtones victimes de stérilisation imposée, qui se trouvent empêchées de dénoncer ces agissements pour des raisons structurelles liées aux traumatismes intergénérationnels causés par la colonisation.

114. Plusieurs facteurs découlant de l'héritage colonial contribuent à cette impossibilité d'agir, notamment :

- a. l'imposition de politiques, structures et institutions coloniales patriarcales et discriminatoires qui ont entraîné la marginalisation des femmes autochtones en discréditant et en contestant leur identité, tel qu'il appert du rapport de l'ENFADDA : **pièce P-10 (extraits)**, volume 1, aux pp. 247 à 348 ;
- b. les actes de violence et d'abus d'autorité commis envers les femmes autochtones en toute impunité se traduisant par une perte de confiance et par une crainte généralisées envers les institutions, particulièrement le système de justice : **pièce P-10 (extraits)**, rapport complémentaire sur le Québec, à la p. 103 et **pièce P-3.1**, à la p. 37 ;
- c. la capacité juridique des femmes autochtones affectée par les profondes inégalités socio-économiques qui touchent les peuples autochtones : **pièce P-10 (extraits)**, rapport complémentaire sur le Québec aux pp. 36 à 38 ;
- d. les obstacles à l'accès réel à la justice qui incluent l'éloignement géographique, les moyens financiers limités, la langue et l'accès limité à l'information disponible : **pièce P-1 (extraits)** aux pp. 331 à 333 du Rapport.
- e. les réactions racistes et violentes vécues par plusieurs femmes ayant dénoncé la situation des stérilisations imposées à travers le Canada, qui ont contribué à un

sentiment d'insécurité les empêchant de dévoiler leur stérilisation : pièce P-3.1. aux p. 21-22.

115. L'héritage colonial est présent au sein du système de santé québécois et il se traduit par des barrières spécifiques à l'accès aux services et à la qualité des soins et des interventions qui sont fournis aux Autochtones, lesquelles ont été reconnues par la Commission Viens : **pièce P-1 (extraits)** aux pp. 389 à 432 du Rapport.
116. Les impacts de l'héritage colonial sur le système de santé québécois ont entraîné une perte de confiance et une crainte généralisée envers cette institution, particulièrement chez les Atikamekw de Manawan qui ont vécu des circonstances traumatisantes dans ce contexte.
117. À titre d'exemple, le rapport l'ENFADDA fait état de plusieurs enfants atikamekw disparus après avoir été évacués de la communauté pour des raisons médicales dans les années 1950-1970 au Québec : **pièce P-10 (extraits)**, rapport complémentaire sur le Québec aux pp. pp. 64-65, 81-83, 86-87 et 109-110.
118. Plus récemment, la discrimination systémique a produit des conséquences tragiques pour Joyce Echaquan, une femme atikamekw originaire de Manawan dont le décès à l'hôpital de Joliette a été causé en partie en raison du racisme et des préjugés auxquels elle a fait face : **pièce P-2** à la p. 20.
119. Le contexte colonial et ses conséquences sur le système de santé québécois a donc eu pour effet de placer les femmes autochtones victimes de stérilisation imposée dans l'impossibilité en fait d'agir et d'entreprendre une action en justice. La prescription étant suspendue à l'égard des membres du groupe, leur recours n'est pas prescrit.

b. Crainte à l'égard du CISSS

120. La discrimination qui affecte les Atikamekw fréquentant le CISSS de Lanaudière est connue. Elle se manifeste notamment par les éléments suivants :
 - a. manque de respect de la part du personnel et propos racistes ou désobligeants, notamment en ce qui concerne la consommation et les problèmes de dépendance, l'hygiène et les conditions socio-économiques ;
 - b. méconnaissance des réalités autochtones et absence de formation ;
 - c. barrière de langue et culturelle (ex. visites par des familles nombreuses non autorisées) et absence de ressources à cet égard ;
 - d. difficulté à obtenir de l'information sur la situation des patientes et sur les soins et traitements administrés ;
 - e. soins refusés ou inadéquats ;
 - f. crainte poussant les Atikamekw à refuser de se rendre à l'hôpital de Joliette ou à se rendre à d'autres hôpitaux, par exemple Trois-Rivières ou Montréal, tel qu'il appert

de la **pièce P-1 (extraits)**, et des témoignages entendus dans le contexte de la Commission Viens : **pièce P-11 (extraits en liasse)**.

121. La discrimination systémique crée un climat de crainte chez les Atikamekw qui fréquentent le CISSS de Lanaudière. Ceci fait en sorte que les femmes qui ont vécu des chirurgies stérilisantes non consenties sont dans l'impossibilité psychologique de dénoncer, par crainte de représailles, notamment par crainte de ne plus avoir accès aux soins de santé qu'elles reçoivent au CISSS de Lanaudière.
122. L'impossibilité psychologique d'agir est le résultat des agissements des Défendeurs, qui ont échoué à assurer un climat de soins sécuritaire pour les Atikamekw qui fréquentent le CISSS de Lanaudière, et ce, de manière encore plus flagrante pour les membres du groupe.
123. Par leurs agissements, les Défendeurs ont participé à, ou cautionné, des politiques et des pratiques ayant des effets discriminatoires, créant et maintenant un environnement propice à la commission d'actes médicaux fautifs sur le corps des femmes atikamekw.
124. Sur le plan social, ces agissements sont le résultat du contexte plus général lié à l'héritage colonial qui alimentent le racisme systémique vécu par les Autochtones dans le réseau de la santé, tel que décrit dans la sous-section précédente. Ce contexte ne saurait toutefois restreindre la responsabilité des Défendeurs pour leurs propres actions.
125. Le processus de plainte inadapté du CISSS de Lanaudière constitue un autre obstacle concret à la possibilité d'agir pour les membres du groupe. La coroner Me Géhane Kamel a reconnu que le processus de plainte du CISSS de Lanaudière « doit être repensé ». La méfiance légitime à l'égard du CISSS de Lanaudière a pour effet de rendre « difficile pour une personne d'origine autochtone d'entamer le processus de plainte, puis de faire cheminer celle-ci » : **pièce P-2** à la p. 18.
126. Cette difficulté s'est avérée insurmontable pour les membres du groupe qui ont subi des atteintes violentes à leurs droits fondamentaux, leur laissant ainsi croire qu'elles n'étaient pas dignes d'exercer leurs propres choix concernant leur fertilité et leur intégrité physique.

XI. Les questions communes que les Demanderesses entendent faire trancher par l'action collective

127. Les questions de fait et de droit identiques, similaires ou connexes soulevées par cette Demande d'action collective sont les suivantes :
 - a. Est-ce que les Défendeurs Richard Monday, Yvonne Vasilie Brindusa et le Dr Marcel Turcot ont imposé des interventions ayant porté atteinte à la fertilité de leurs patientes Atikamekw, incluant les Demanderesses, c'est-à-dire sans obtenir le consentement libre et éclairé de leurs patientes, constituant ainsi une violation de l'art. 44 de la Charte des droits et libertés de la personne du Québec ou une faute au sens du Code civil du Québec?

- b. Est-ce que les Défendeurs Richard Monday, Yvonne Vasilie Brindusa et le Dr Marcel Turcot ont posé des interventions stérilisantes dans le cas de leurs patientes Atikamekw en raison de stéréotypes ou des préjugés voulant que la préservation de leur fertilité soit moins importante en raison de leur origine ethnique ou nationale, leur condition sociale ou leur sexe, constituant ainsi une violation de l'art. 10 de la *Charte des droits et libertés de la personne du Québec* ou une faute au sens du *Code civil du Québec*?
- c. Est-ce que l'insistance des Défendeurs individuels auprès de leurs patientes Atikamekw constituait alors du harcèlement interdit par l'art. 10.1 de la *Charte des droits et libertés de la personne du Québec* ou constituant une faute au sens du *Code civil du Québec*?
- d. Est-ce que le comportement des Défendeurs individuels auprès de leurs patientes Atikamekw empêchait celles-ci d'avoir accès ou d'obtenir les soins de santé qui sont normalement disponibles au CISSS de Lanaudière, constituant ainsi une violation des art. 12 ou 15 de la *Charte des droits et libertés de la personne du Québec* ou une faute au sens du *Code civil du Québec*?
- e. Est-ce que le CISSS de Lanaudière a manqué à son obligation d'assurer un milieu de soins sécuritaire pour tous les patients fréquentant son établissement, en s'assurant notamment que les femmes Atikamekw reçoivent le même niveau et la même qualité de soin que les autres patients?
- f. Le CISSS de Lanaudière a-t-il favorisé des pratiques discriminatoires envers les Atikamekw ou omis de prendre des mesures pour les empêcher ou les faire cesser, constituant ainsi une violation de la *Charte des droits et libertés de la personne du Québec* ou une faute au sens du *Code civil du Québec*?
- g. Les politiques et pratiques de racisme et de discrimination systémiques à l'égard des femmes atikamekw qui prévalent au CISSS de Lanaudière ont-elles facilité ou contribué à la pratique de stérilisations sans consentement ou sans consentement libre et éclairé, constituant ainsi une violation de la *Charte des droits et libertés de la personne du Québec* ou une faute au sens du *Code civil du Québec*?
- h. Est-ce que les préposés du CISSS de Lanaudière ont posé ou permis des interventions stérilisantes dans le cas de ses patientes Atikamekw en raison de stéréotypes ou des préjugés voulant que la préservation de leur fertilité soit moins importante en raison de leur origine ethnique ou nationale, leur condition sociale ou leur sexe, constituant ainsi une violation de l'art. 10 de la *Charte des droits et libertés de la personne du Québec* ou une faute au sens du *Code civil du Québec*?
- i. Est-ce que l'insistance des préposés du CISSS de Lanaudière auprès de ses patientes Atikamekw constituait alors du harcèlement interdit par l'art. 10.1 de la *Charte des droits et libertés de la personne du Québec* ou constituant une faute au sens du *Code civil du Québec*?

- j. Est-ce que le comportement des préposés du CISSS de Lanaudière auprès de leurs patientes Atikamekw empêchait celles-ci d'avoir accès ou d'obtenir les soins de santé qui sont normalement disponibles au CISSS de Lanaudière, constituant ainsi une violation des art. 12 ou 15 de la *Charte des droits et libertés de la personne du Québec* ou une faute au sens du *Code civil du Québec*?
- k. Par leurs actes, leur silence et leur inaction, les infirmières et les autres employés du CISSS de Lanaudière qui pratiquent dans l'unité des naissances de l'hôpital de Joliette se sont-elles rendues complices des abus commis à l'endroit des membres du groupe, faisant en sorte qu'ils continuent, violant leurs obligations déontologiques et engageant ainsi la responsabilité du CISSS de Lanaudière en tant que commettant au sens de l'art. 1463 du *Code civil du Québec*?
- l. L'atteinte à la fertilité sans consentement ou sans consentement libre et éclairé a-t-elle causé des dommages spirituels, physiques ou psychologiques aux membres du groupe?
- m. Si oui, quel est le montant des dommages communs à toutes les membres du groupe?
- n. Les actes et omissions des Défendeurs ont-ils porté atteinte au droit des membres du groupe à la sauvegarde de leur dignité, de leur honneur et de leur réputation constituant ainsi une violation de l'art. 3 de la *Charte des droits et libertés de la personne du Québec* ou une faute au sens du *Code civil du Québec*?
- o. Les actes et omissions des Défendeurs constituent-ils des atteintes illicites et intentionnelles aux droits des membres du groupe qui sont protégés par la *Charte des droits et libertés de la personne du Québec*, justifiant l'octroi de dommages punitifs?
- p. Si oui, quel montant doit être octroyé à titre de dommages punitifs?
- q. Les actes et les omissions du CISSS de Lanaudière violent-ils le droit à l'égalité des membres du groupe, justifiant une réparation en vertu de la *Charte canadienne des droits et libertés*?
- r. Les Défendeurs sont-ils solidairement responsables des dommages pécuniaires et non pécuniaires causés aux membres du groupe?
- s. Les politiques et pratiques de racisme et de discrimination systémiques qui prévalent au CISSS de Lanaudière ont-elles mené à la non-dénonciation desdites stérilisations sans consentement ou sans consentement libre et éclairé auprès des autorités provinciales?
- t. La stérilisation sans consentement ou sans consentement libre et éclairé constitue-t-elle une agression à caractère sexuel bénéficiant de l'imprescriptibilité prévue à l'article 2926.1 du *Code civil du Québec*?

- u. Subsidiairement, le climat de crainte et de racisme et discrimination systémiques envers les femmes atikamekw qui prévalait au CISSS de Lanaudière, empiré par l'héritage de la colonisation, entraîne-t-il une impossibilité psychologique systémique d'agir pour les membres du groupe?

XII. Les questions particulières à chacune des membres du groupe

128. Les questions individuelles de fait et de droit particulières à chacune des membres du groupe sont les suivantes :
- a. Est-ce que les Demanderesses et des membres du groupe ont subi une intervention ayant porté atteinte à leur fertilité imposée au CISSS de Lanaudière?
 - b. Les proches des membres ayant subi une atteinte à leur fertilité sans consentement ou sans consentement libre et éclairé ont-ils subi des dommages qui sont une suite directe et immédiate des fautes commises par les Défendeurs?
 - c. Outre les dommages communs à toutes les membres du groupe, quels autres dommages ont été subis par chaque membre du groupe par la faute des Défendeurs?
 - d. Quel est le montant des dommages compensatoires auquel chacune des membres du groupe a droit selon la nature des fautes, les préjudices et séquelles subis et les paramètres établis par le tribunal?

XIII. Les conclusions que les Demanderesses recherchent

129. Les Demanderesses identifient comme suit les conclusions rattachées à l'action collective :

ACCUEILLIR l'action des Demanderesses pour le compte de toutes les membres du groupe ;

CONDAMNER solidairement les Défendeurs à payer à chaque membre du groupe une somme à être établie au procès à titre de dommages-intérêts non pécuniaires, majorée de l'intérêt au taux légal et de l'indemnité additionnelle prévue à l'article 1619 du *Code civil du Québec*, depuis la signification de la présente Demande ;

CONDAMNER solidairement les Défendeurs à payer à chaque membre du groupe une somme à être établie au procès à titre de dommages-intérêts pécuniaires, majorée de l'intérêt au taux légal et de l'indemnité additionnelle prévue à l'article 1619 du *Code civil du Québec*, depuis la signification de la présente Demande ;

CONDAMNER chacun des Défendeurs à payer à chaque membre du groupe une somme à être établie au procès à titre de dommages punitifs, majorée de l'intérêt au taux légal et de l'indemnité additionnelle prévue à l'article 1619 du *Code civil du Québec*, depuis la signification de la présente Demande ;

LE TOUT sujet au recouvrement individuel et collectif des réclamations à être ordonné conformément aux articles 595 à 601 du *Code de procédure civile* ;

RENDRE toute autre ordonnance que le Tribunal estime indiquée pour sauvegarder les droits des parties ;

CONDAMNER solidairement les Défendeurs aux dépens, y compris les frais d'avis, d'administration et d'expertises.

XIV. La composition du groupe rend difficile ou peu pratique l'application des règles portant sur le mandat d'ester en justice pour le compte d'autrui ou sur la jonction d'instance

130. Les membres du groupe proviennent principalement de la communauté Atikamekw de Manawan, située à environ 180 km de Joliette. Parmi sa population inscrite totale de 3 056 membres, 1 277 femmes vivent dans la communauté et 255 femmes vivent hors de celle-ci, notamment à Joliette, tel qu'il appert du profil de la Première Nation des Atikamekw de Manawan : **pièce P-12**.
131. Les Demanderesses et leurs procureur.e.s ont été en mesure de contacter au moins douze membres du groupe, mais des difficultés empêchent plusieurs membres de se manifester.
132. En raison de la crainte qu'elles éprouvent à l'égard du CISSS de Lanaudière et qui découle des agissements des Défendeurs qui échouent à assurer un climat de sécurité pour recevoir des soins, les membres du groupe s'avèrent dans l'impossibilité de dénoncer les stérilisations imposées dont elles ont été victimes.
133. Cette difficulté est exacerbée par la honte, les traumatismes psychologiques et les tabous associés à la stérilisation imposée.
134. La crainte à l'égard du CISSS de Lanaudière et du système de santé dans son ensemble ont aussi empêché certaines membres du groupe qui soupçonnent avoir été stérilisées sans leur consentement d'entreprendre des démarches afin de confirmer leurs inquiétudes, par exemple en consultant le personnel soignant ou en demandant l'accès à leur dossier médical.
135. Dans ces circonstances, il est difficile, voire impossible d'identifier, de contacter et d'obtenir un mandat de la part de chacune des membres du groupe et il serait contraire aux principes de la saine administration de la justice d'exiger que chaque membre entreprenne une action individuelle contre les Défendeurs.
136. La présente action fera en sorte de réduire le tabou, en faisant la lumière sur le problème, permettant ainsi aux femmes de prendre du pouvoir sur leur vie et de se manifester comme membres probables du groupe.
137. Par ailleurs, il est clair que dans les circonstances, la composition du groupe rend difficile ou peu pratique l'application des règles sur la jonction d'instance. À titre d'exemple, après la conclusion de la Convention de règlement relative aux pensionnats indiens, près d'un quart des survivant.e.s ne se sont manifesté.e.s que dans les six mois précédant la date limite pour présenter une réclamation dans le cadre du processus d'évaluation indépendant

mis en place pour compenser les sévices subis au pensionnat, tel qu'il appert du Rapport final du comité de surveillance du Processus d'évaluation indépendant (extraits), pièce P-13.

138. Il en découle que l'action collective représente la seule procédure appropriée afin de permettre aux membres d'obtenir la représentation nécessaire pour faire valoir leurs droits et avoir accès à la justice.

XV. Les Demanderesses sont en mesure d'assurer une représentation adéquate des membres

139. La Demanderesse U.T. est membre du groupe et elle a une cause d'action contre le Défendeur CISSS de Lanaudière et la Défenderesse Dre Yvonne Brindusa Vasilie.

140. La Demanderesse M.X. est membre du groupe et elle a une cause d'action contre le Défendeur CISSS de Lanaudière et le Défendeur Dr Richard Monday.

141. Les Demanderesses désirent représenter les intérêts des membres du groupe et elles sont prêtes à coopérer pleinement avec leurs avocat.e.s afin de mener l'action de façon diligente.

142. U.T. et M.X. sont originaires de la communauté Atikamekw de Manawan, où elles ont grandi et résidé durant une bonne partie de leur vie. Leur langue maternelle est l'atikamekw et elles s'expriment aussi couramment en français. Elles entretiennent des liens étroits tant avec les membres de la communauté qui résident à Manawan qu'avec celles et ceux qui résident en milieu urbain à Joliette.

143. U.T. et M.X. 

144. Elles n'ont pas de conflit d'intérêts avec les autres membres du groupe proposé.

145. En plus de leurs qualités personnelles, les Demanderesses ont mandaté des avocat.e.s qui ont l'expérience, les connaissances et les ressources pour faire avancer le dossier dans l'intérêt des membres. Le cabinet mandaté se spécialise en droit des peuples autochtones et possède une vaste expérience dans divers domaines de droit, particulièrement dans ses relations avec la Couronne et y compris en matière d'actions collectives.

146. Les avocat.e.s du cabinet ont représenté plus d'une centaine d'Autochtones victimes d'abus sexuels durant leur enfance, dont plusieurs dans le contexte du Processus d'Évaluation Indépendant (« PEI ») de la Convention de règlement relative aux pensionnats indiens (« CRPI »). Ils et elles ont aussi représenté des dizaines de membres de la communauté de

Manawan dans des recours en responsabilité civile devant la Cour supérieure du Québec en lien avec les abus subis lors de leur fréquentation de l'école de jour fédérale. Les avocat.e.s du cabinet sont donc familier.ère.s avec les particularités et les obstacles que représentent les demandes de cette nature, ainsi que leurs impacts sur les plans individuel et communautaire.

XVI. Conclusions

POUR CES MOTIFS, PLAISE À LA COUR :

AUTORISER les Demanderesses à ester en justice sous les pseudonymes de « U.T. » et « M.X. », et ce, pour toutes les procédures judiciaires dans le présent dossier ;

ORDONNER que les dossiers médicaux et toutes autres informations personnelles à être déposées dans le contexte des procédures judiciaires dans le présent dossier soient mis sous scellés ;

ACCUEILLIR la Demande en autorisation d'exercer une action collective et pour être désignées représentantes ;

AUTORISER l'action collective en dommages-intérêts compensatoires et punitifs contre les Défendeurs ;

ATTRIBUER à U.T. et à M.X. le statut de représentantes aux fins d'exercer une action collective pour le compte des personnes suivantes :

« Toutes les femmes d'origine atikamekw qui ont subi une intervention chirurgicale ayant porté atteinte à leur fertilité sans y avoir donné leur consentement libre et éclairé, notamment en raison du contexte de discrimination systémique auquel a contribué chacun des Défendeurs, au CISSS de Lanaudière, depuis décembre 1971, ainsi que leurs proches ayant subi des dommages à titre de victimes par ricochet ».

IDENTIFIER ainsi les principales questions de faits ou de droit communes à traiter collectivement :

- a. Est-ce que les Défendeurs Richard Monday, Yvonne Vasilie Brindusa et le Dr Marcel Turcot ont posé des interventions ayant porté atteinte à la fertilité de leurs patientes Atikamekw, incluant les Demanderesses, sans obtenir le consentement libre et éclairé de leurs patientes, constituant ainsi une violation de l'art. 44 de la Charte des droits et libertés de la personne du Québec ou une faute au sens du Code civil du Québec?
- b. Est-ce que les Défendeurs Richard Monday, Yvonne Vasilie Brindusa et le Dr Marcel Turcot ont posé des interventions stérilisantes dans le cas de leur patientes Atikamekw en raison de stéréotypes ou des préjugés voulant que la préservation de leur fertilité soit moins importante en raison de leur origine ethnique ou nationale, leur condition sociale ou leur sexe, constituant ainsi une violation de l'art. 10 de la

Charte des droits et libertés de la personne du Québec ou une faute au sens du Code civil du Québec?

- c. Est-ce que l'insistance des Défendeurs individuels auprès de leurs patientes Atikamekw constituait alors du harcèlement interdit par l'art. 10.1 de la Charte des droits et libertés de la personne du Québec ou constituant une faute au sens du Code civil du Québec?
- d. Est-ce que le comportement des Défendeurs individuels auprès de leurs patientes Atikamekw empêchait celles-ci d'avoir accès ou d'obtenir les soins de santé qui sont normalement disponibles au CISSS de Lanaudière, constituant ainsi une violation des art. 12 ou 15 de la Charte des droits et libertés de la personne du Québec ou une faute au sens du Code civil du Québec?
- e. Est-ce que le CISSS de Lanaudière a manqué à son obligation d'assurer un milieu de soins sécuritaire pour tous les patients fréquentant son établissement, en s'assurant notamment que les femmes Atikamekw reçoivent le même niveau et la même qualité de soin que les autres patients?
- f. Le CISSS de Lanaudière a-t-il favorisé des pratiques discriminatoires envers les Atikamekw ou omis de prendre des mesures pour les empêcher ou les faire cesser, constituant ainsi une violation de la Charte des droits et libertés de la personne du Québec ou une faute au sens du Code civil du Québec?
- g. Les politiques et pratiques de racisme et de discrimination systémiques à l'égard des femmes atikamekw qui prévalent au CISSS de Lanaudière ont-elles facilité ou contribué à la pratique de stérilisations sans consentement ou sans consentement libre et éclairé, constituant ainsi une violation de la Charte des droits et libertés de la personne du Québec ou une faute au sens du Code civil du Québec?
- h. Est-ce que les préposés du CISSS de Lanaudière ont posé ou permis des interventions stérilisantes dans le cas de ses patientes Atikamekw en raison de stéréotypes ou des préjugés voulant que la préservation de leur fertilité soit moins importante en raison de leur origine ethnique ou nationale, leur condition sociale ou leur sexe, constituant ainsi une violation de l'art. 10 de la Charte des droits et libertés de la personne du Québec ou une faute au sens du Code civil du Québec?
- i. Est-ce que l'insistance des préposés du CISSS de Lanaudière auprès de ses patientes Atikamekw constituait alors du harcèlement interdit par l'art. 10.1 de la Charte des droits et libertés de la personne du Québec ou constituant une faute au sens du Code civil du Québec?
- j. Est-ce que le comportement des préposés du CISSS de Lanaudière auprès de leurs patientes Atikamekw empêchait celles-ci d'avoir accès ou d'obtenir les soins de santé qui sont normalement disponibles au CISSS de Lanaudière, constituant ainsi une violation des art. 12 ou 15 de la Charte des droits et libertés de la personne du Québec ou une faute au sens du Code civil du Québec?

- k. Par leurs actes, leur silence et leur inaction, les infirmières et les autres employés du CISSS de Lanaudière qui pratiquent dans l'unité des naissances de l'hôpital de Joliette se sont-elles rendues complices des abus commis à l'endroit des membres du groupe, faisant en sorte qu'ils continuent, violant leurs obligations déontologiques et engageant ainsi la responsabilité du CISSS de Lanaudière en tant que commettant au sens de l'art. 1463 du *Code civil du Québec*?
- l. L'atteinte à la fertilité sans consentement ou sans consentement libre et éclairé a-t-elle causé des dommages spirituels, physiques ou psychologiques aux membres du groupe?
- m. Si oui, quel est le montant des dommages communs à toutes les membres du groupe?
- n. Les actes et omissions des Défendeurs ont-ils porté atteinte au droit des membres du groupe à la sauvegarde de leur dignité, de leur honneur et de leur réputation constituant ainsi une violation de l'art. 3 de la *Charte des droits et libertés de la personne du Québec* ou une faute au sens du *Code civil du Québec*?
- o. Les actes et omissions des Défendeurs constituent-ils des atteintes illicites et intentionnelles aux droits des membres du groupe qui sont protégés par la *Charte des droits et libertés de la personne du Québec*, justifiant l'octroi de dommages punitifs?
- p. Les actes et les omissions du CISSS de Lanaudière violent-ils le droit à l'égalité des membres du groupe, justifiant une réparation en vertu de la *Charte canadienne des droits et libertés*?
- q. Si oui, quel montant doit être octroyé à titre de dommages punitifs?
- r. Les Défendeurs sont-ils solidairement responsables des dommages pécuniaires et non pécuniaires causés aux membres du groupe?
- s. Les politiques et pratiques de racisme et de discrimination systémiques qui prévalent au CISSS de Lanaudière ont-elles mené à la non-dénonciation desdites stérilisations sans consentement ou sans consentement libre et éclairé auprès des autorités provinciales?
- t. La stérilisation sans consentement ou sans consentement libre et éclairé constitue-t-elle une agression à caractère sexuel bénéficiant de l'imprescriptibilité prévue à l'article 2926.1 C.c.Q.?
- u. Subsidiairement, le climat de crainte et de racisme et discrimination systémiques envers les femmes atikamekw qui prévalait au CISSS de Lanaudière, amplifié par l'héritage de la colonisation, entraîne-t-il une impossibilité psychologique systémique d'agir pour les membres du groupe?

IDENTIFIER ainsi les principales questions de faits ou de droit à traiter individuellement :

- a. Est-ce que les Demanderessees et des membres du groupe ont subi une intervention ayant porté atteinte à leur fertilité imposée au CISSS de Lanaudière?
- b. Les proches des membres ayant subi une atteinte à leur fertilité sans consentement ou sans consentement libre et éclairé ont-ils subis des dommages qui sont une suite directe et immédiate des fautes commises par les Défendeurs?
- c. Outre les dommages communs à toutes les membres du groupe, quels autres dommages ont été subis par chaque membre du groupe par la faute des Défendeurs?
- d. Quel est le montant des dommages compensatoires auquel chacune des membres du groupe a droit selon la nature des fautes, les préjudices et séquelles subis et les paramètres établis par le tribunal?

IDENTIFIER ainsi les conclusions recherchées au mérite de l'action collective :

ACCUEILLIR l'action des Demanderessees pour le compte de toutes les membres du groupe ;

CONDAMNER solidairement les Défendeurs à payer à chaque membre du groupe une somme à être établie au procès à titre de dommages-intérêts non pécuniaires, majorée de l'intérêt au taux légal et de l'indemnité additionnelle prévue à l'article 1619 du *Code civil du Québec*, depuis la signification de la présente Demande ;

CONDAMNER solidairement les Défendeurs à payer à chaque membre du groupe une somme à être établie au procès à titre de dommages-intérêts pécuniaires, majorée de l'intérêt au taux légal et de l'indemnité additionnelle prévue à l'article 1619 du *Code civil du Québec*, depuis la signification de la présente Demande ;

CONDAMNER chaque Défendeurs à payer à chaque membre du groupe une somme à être établie au procès à titre de dommages punitifs, majorée de l'intérêt au taux légal et de l'indemnité additionnelle prévue à l'article 1619 du *Code civil du Québec*, depuis la signification de la présente Demande ;

LE TOUT sujet au recouvrement individuel et collectif des réclamations à être ordonné conformément aux articles 595 à 601 du *Code de procédure civile* ;

RENDRE toute autre ordonnance que le Tribunal estime indiquée pour sauvegarder les droits des parties ;

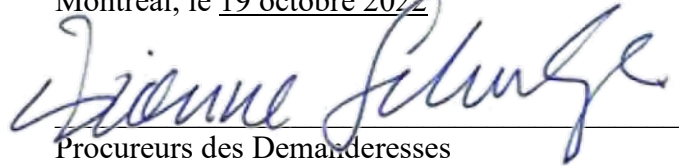
CONDAMNER solidairement les Défendeurs aux dépens, y compris les frais d'avis, d'administration et d'expertises.

DÉCLARER qu'à moins de s'être exclus de la présente action collective dans les 60 jours de l'avis aux membres, les membres du groupe seront liés par tout jugement à intervenir dans la présente action collective ;

ORDONNER la publication d'un avis aux membres selon les modalités à être déterminées par la Cour ;

LE TOUT AVEC FRAIS DE JUSTICE, y compris les frais d'avis.

Montréal, le 19 octobre 2022



Procureurs des Demanderesses

M^e David Schulze

M^e Léa Lemay Langlois

M^e Sarah-Maude Belleville-Chénard

DIONNE SCHULZE

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Télec. : 514-842-9983

notifications@dionneschulze.ca

NO : 705-06-000011-214
COUR SUPÉRIEURE
ACTION COLLECTIVE

CANADA
PROVINCE DE QUÉBEC
DISTRICT DE JOLIETTE

U.T. (un pseudonyme)
- et -
M.X. (un pseudonyme)

Demanderesses

c.

**CENTRE INTÉGRÉ DE SANTÉ ET DE SERVICES
SOCIAUX DE LANAUDIÈRE**

- et -

RICHARD MONDAY

- et -

YVONNE BRINDUSA VASILIE

- et -

**PHILIPPE TURCOT, ès qualités de liquidateur de la
SUCCESSION DE MARCEL TURCOT**

- et -

**ISABELLE TURCOT, ès qualités de liquidatrice de la
SUCCESSION DE MARCEL TURCOT**

Défendeurs

**DEMANDE MODIFIÉE POUR AUTORISATION
D'EXERCER UNE ACTION COLLECTIVE, POUR ÊTRE
DÉSIGNÉE REPRÉSENTANTE ET POUR
L'UTILISATION D'UN PSEUDONYME ET
ORDONNANCE DE MISE SOUS SCELLÉS
(19 OCTOBRE 2022)**

ORIGINAL

**Me David Schulze
Me Léa Lemay Langlois
Me Sarah-Maude Belleville-Chénard
Dionne Schulze, s.e.n.c.
507, Place d'Armes, Suite 502
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Tél. 514-842-0748
Télec. 514-842-9983
notifications@dionneschulze.ca
BG4209**

Dossier no : 5100-011

Court File No.: T-1417-18

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINAL PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

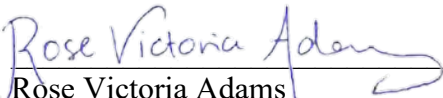
- and -

HIS MAJESTY THE KING

Defendant

EXHIBIT F TO THE AFFIDAVIT OF LÉA LEMAY LANGLOIS

This is Exhibit F to the affidavit of
Léa Lemay Langlois, as solemnly sworn
before me the 21st day of July, 2023


Rose Victoria Adams
Barreau du Québec n°358105-5

Federal Court



Cour fédérale

Date: 20190628

Docket: T-1417-18

Ottawa, Ontario, June 28, 2019

PRESENT: Madam Justice Strickland

CLASS PROCEEDING

BETWEEN:

**REGINALD PERCIVAL, ALLAN MEDRICK
MCKAY, IONA TEENA MCKAY AND
LORNA WATTS**

Plaintiffs

and

HER MAJESTY THE QUEEN

Defendant

ORDER

UPON MOTION in writing, brought pursuant to Rules 369 and 334.12(2) of the *Federal Courts Rules*, SOR/98-106 [Rules], seeking an order:

- a) certifying this action as a class proceeding;
- b) certifying the class and subclass;
- c) appointing the representative Plaintiffs;
- d) setting out the common issues of fact or law for the class and subclass; and
- e) appointing class and subclass counsel;

AND UPON review of the Amended Notice of Motion filed by the Plaintiffs on June 10, 2019;

AND UPON considering that the Plaintiffs and the Defendant have, on June 10, 2019, filed a joint consent to the Amended Notice of Motion and to the form of a draft order;

AND UPON considering that this action, commenced on July 24, 2018, concerns allegations by the Plaintiffs that Canada breached common law and fiduciary duties owed to Indigenous people in relation to “boarding home” programs that Canada operated in connection with providing educational programs to Indigenous students. These boarding home programs are alleged to have involved Canada placing Indigenous students in private homes, away from their families and communities, where they were not provided with reasonable access to their language, culture, identity, religion, heritage, customs and Aboriginal and treaty rights and where it is alleged that they experienced racism and physical, psychological, and sexual abuse, all as set out in the Statement of Claim;

AND UPON considering that a related proposed class action commenced in the Quebec Superior Court on September 21, 2016, *Anne Smith v Attorney General of Canada*, in the District of Montreal, Court file no. 500-06-000812-160, is proposed to be incorporated in this proposed class action by way of the proposed subclass. The Quebec proposed class action deals with similar subject matter, the boarding home program. However, because it also raises common questions of civil law that are not shared by all of the proposed class members from common law jurisdiction provinces, the proposed subclass has been identified;

AND UPON considering the certification conditions that must be met and, the matters to be considered as set out in Rule 334.16;

AND UPON being satisfied that this is an appropriate proceeding for certification as a class action on the proposed terms;

THIS COURT ORDERS that:

1. This action is certified as a class proceeding against the Defendant, Her Majesty the Queen in Right of Canada;
2. The classes in this proceeding are defined as follows:
 - (a) Primary Class means persons who were placed by the Government of Canada in private homes for the purpose of attending school, excluding placements made for the purpose of attending a post-secondary educational institution;
 - (b) Family Class means all persons who have a derivative claim in accordance with applicable family law legislation arising from a family relationship with a member of the Primary Class;

The Primary Class and the Family Class and their members are collectively described as the “Class” or “Class Members”;

3. A subclass in this proceeding, in which subclass members are Class Members but are separately represented, is defined as follows:
 - (a) Quebec Subclass means Class Members resident in Quebec at the time of their placement by Canada in such private homes;
4. The following persons are appointed as Representative Plaintiffs for the Class:
 - (a) Reginald Percival;
 - (b) Allan Medrick McKay;

(c) Iona Teena McKay; and

(d) Lorna Watts

5. The following person is appointed as the Representative Plaintiff in the Quebec

Subclass:

(a) Kenneth Weistche

6. Klein Lawyers LLP is appointed as Class Counsel;

7. Dionne Schulze S.E.N.C. is appointed as Quebec Subclass Counsel;

8. The following common questions of fact or law in this proceeding are certified for both the Class and the Quebec Subclass:

(a) Did Canada owe duties to Class Members as alleged in the Statement of Claim?

(b) If the answer to (a) is yes, did Canada breach any of those duties?

9. The relief sought by the Class is as set out in the Statement of Claim;

10. The parties shall, as a part of a joint litigation plan, specify the time and manner for Class Members to opt out of the Class proceeding, and shall bring an informal motion seeking to amend this Order to reflect the opt out provisions, all pursuant to Rules 334.17(1)(f) and 334.19. Should the parties fail to reach an agreement, a formal motion shall be brought in writing for determination by the Court;

11. No costs are payable on this Motion for certification, in accordance with Rule 334.39.

“Cecily Y. Strickland”

Judge

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINAL PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

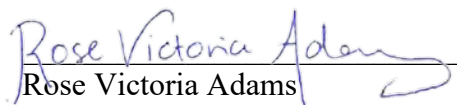
- and -

HIS MAJESTY THE KING

Defendant

EXHIBIT G TO THE AFFIDAVIT OF LÉA LEMAY LANGLOIS

This is Exhibit **G** to the affidavit of
Léa Lemay Langlois, as solemnly sworn
before me the 21st day of July, 2023


Rose Victoria Adams
Barreau du Québec n°358105-5

**FEDERAL COURT
CLASS PROCEEDING**

BETWEEN:

REGINALD PERCIVAL, ALLAN MEDRICK MCKAY, IONA TEENA MCKAY AND
LORNA WATTS

Plaintiffs

and

HIS MAJESTY THE KING

Defendant

Brought pursuant to the *Federal Courts Rules*, SOR/98-106

AGREEMENT IN PRINCIPLE

PREAMBLE

1. WHEREAS this class action was certified on consent by order of Madam Justice Strickland, dated June 28, 2019 (the "Certification Order");
2. AND WHEREAS a dispute resolution conference was held in this proceeding in Toronto before Madam Justice Strickland on November 14-16, 2022, and December 6-7, 2022 (the "Dispute Resolution Conference");
3. AND WHEREAS the Parties have reached this Agreement in Principle at the Dispute Resolution Conference and have committed to work together to prepare a final settlement



Handwritten signatures and initials in blue ink, including a signature that appears to be 'AS' and the initials 'CM.'.

agreement (the "Settlement Agreement") and supporting documents for claims administration and notice;

THE PARTIES AGREE AS FOLLOWS:

CLASS DEFINITION AND CLASS PERIOD

4. The class definition is as defined in the Certification Order, but it shall be modified to be temporally bounded to include a class period with a start date of September 1, 1951 and an end date of June 30, 1992.

5. There may be individuals who fall within the class definition but outside the class period. The Settlement Agreement will include a procedure for those individuals to participate in the settlement. For greater certainty, band or private placements are not included.

INDIVIDUAL COMPENSATION

6. Payments shall be made to eligible Primary Class Members ("Claimants") for general damages in accordance with a compensation grid.

7. The claims determination process will be simple, user-friendly, and culturally sensitive. The intent is to minimize the burden on the Claimants in pursuing their claims and to mitigate any likelihood of re-traumatization through the claims process. In the absence of reasonable grounds to the contrary, it will be assumed that a Claimant is acting honestly and in good faith. In considering a claim, all reasonable and favourable inferences that can be drawn in favour of the Claimant shall be drawn. Any doubt as to whether a claim has been established shall be resolved in favour of the Claimant.

8. There will be no limit or cap on Canada's total obligation to pay approved claims. All approved claims will be paid fully by Canada.



9. Claimants may apply for Category 1 compensation and make a separate application for Category 2 compensation. This will facilitate prompt payments to Claimants receiving awards under Category 1, and allow Claimants additional time to prepare claims under Category 2 if they wish.

10. There will be a deadline by which Claimants must submit Category 1 and 2 claims, subject to any provision in the Settlement Agreement for extension of the claims deadlines.

11. A Claimant may qualify for payment under both Category 1 and Category 2. Claimants will not, however, qualify for more than one payment under Category 2.

12. Upon submission of a simple application, every class member will be eligible for a Category 1 payment of \$10,000 for placement in a boarding home by Canada.

13. Claimants may apply for Category 2 compensation in accordance with a five-level grid as follows:

2A - \$10,000

2B - \$50,000

2C - \$100,000

2D - \$150,000

2E - \$200,000

Criteria for each level will be in the Settlement Agreement reflecting increasing degrees of severity of abuse.

14. Claimants will specify the level of compensation claimed (i.e., Category 2 A, B, C, D, or E). The Claims Administrator will have authority to award compensation at a higher or lower level than the one specified by the Claimant in their claim form and may request further information from the Claimant with respect to the claim. A reconsideration process will be developed for Claimants who were awarded a lower level of compensation than they applied for.

15. The Parties specifically agree that the payments for both Category 1 and Category 2 are in the nature of non-pecuniary damages and not referable to income.



COMMEMORATION, HEALING, LANGUAGES AND CULTURE

16. A foundation will be created to further the objects of commemoration, healing, languages and culture (the "Foundation"). Canada will support reconciliation projects for the benefit of class members including payment of \$50 million to be administered by the Foundation. The precise terms of the reconciliation projects and work of the Foundation will be subject to further negotiation by the Parties; however, the objectives of the Foundation will not include the generation of profit.

NOTICE AND ADMINISTRATION

17. The Parties shall jointly agree on a notice program and administration process to be paid for by Canada.

CLASS MEMBER SUPPORT AND ASSISTANCE

18. The Parties will agree to culturally sensitive health, information, and other supports to be provided to Claimants for the duration of the claims process as well as funding to deliver support to Claimants who suffer or may suffer trauma, to be paid by Canada.

RELEASES

19. The class members agree to release Canada from any and all claims that have been pleaded or could have been pleaded with respect to this action and agree to limit any claims against any third parties to prevent the third party from claiming over against Canada

SETTLEMENT APPROVAL

20. The Parties agree that the Settlement Agreement shall be approved in the Federal Court.

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PARALLEL PROCEEDINGS

21. The Parties shall co-operate to obtain the stay or dismissal or other suitable final disposition of related class proceedings in other jurisdictions covered by the Settlement Agreement. The Parties are presently aware of only one such action, filed in the Quebec Superior Court as *Anne Smith v. Attorney General of Canada*, District of Montreal, Court File No. 500-06-00812-160.

EXCEPTIONAL CIRCUMSTANCES

22. The Parties agree to establish a mechanism to consider exceptional circumstances that may arise out of the claims process.

SOCIAL BENEFITS

23. Canada will make its best efforts to obtain the agreement of the provinces and territories that the receipt of any payments pursuant to the Settlement Agreement will not affect the quantity, nature, or duration of any social benefits or social assistance benefits payment to a Claimant pursuant to any legislation of any province or territory of Canada.

24. Canada will make its best efforts to obtain the agreement of the necessary federal government departments that the receipt of any payments pursuant to the Settlement Agreement will not affect the quantity, nature or duration of any social benefits or social assistance benefits payable to a Claimant pursuant to any social benefit program of Canada such as Old Age Security and Canada Pension Plan.

FAMILY CLASS

25. The Family Class Members shall not receive direct compensation under the Settlement Agreement but rather such claims will be recognized and addressed by the indirect compensation made available through reconciliation projects supported by the Foundation.



ESTATE CLAIMS

26. The Parties shall work collaboratively with the Claims Administrator to design claims forms and procedures to permit claims to be made by representatives of deceased Primary Class Members. The intention of such procedures is to provide a cost-effective procedure for the surviving family members of a deceased Primary Class Member to obtain compensation on behalf of the Class Member even where the Class Member did not leave a will.

27. Estate claims can be made where the deceased Class Member was alive on or after July 24, 2016.

INDIVIDUAL LEGAL SERVICES TO CLASS MEMBERS

28. If the Claimant has been assisted by a lawyer, Canada will pay the Claimant's lawyer an amount equal to 5% of the Claimant's Category 2 award plus applicable taxes without additional Court approval beyond the approval of the Settlement Agreement. Canada may pay up to an additional 5% of the Claimant's Category 2 award plus applicable taxes for legal fees and/or disbursements provided such amount is approved by the Federal Court in accordance with Rule 334.4 and guidelines to be agreed by the Parties and approved by the Court. Canada will not pay any legal fees or disbursements associated with a claim under Category 1.

LEGAL FEES FOR CLASS COUNSEL

29. The Parties will enter into a separate agreement ("Fee Agreement") as to the legal fees, disbursements and related taxes owing to Class Counsel and Quebec Subclass Counsel in relation to the work 1) on the common issues up to the date of settlement approval, and 2) for the benefit of the Class during the implementation of the settlement. Approval of the Settlement Agreement is not contingent on approval of the Fee Agreement.

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Signed at Toronto this 7th day of December, 2022

His Majesty the King (“Canada”), as represented by the Attorney General of Canada by:



Attorney General of Canada
For the Defendant

The Plaintiffs, as represented by Class Counsel by:



Klein Lawyers LLP
For the Plaintiffs

Kenneth Weistche, as represented by Quebec Subclass Counsel by:



Dionne Schulze, s.e.n.c.
For the Quebec Subclass

Court File No.: T-1417-18

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINAL PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

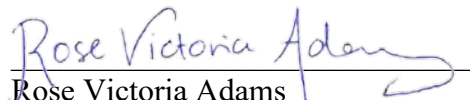
- and -

HIS MAJESTY THE KING

Defendant

EXHIBIT H TO THE AFFIDAVIT OF LÉA LEMAY LANGLOIS

This is Exhibit **H** to the affidavit of
Léa Lemay Langlois, as solemnly sworn
before me the 21st day of July, 2023


Rose Victoria Adams
Barreau du Québec n°358105-5

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINALD PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

and

HIS MAJESTY THE KING

Defendant

Brought pursuant to the *Federal Courts Rules*, SOR/98-106

SETTLEMENT AGREEMENT

WHEREAS

- A. *Reginald Percival et al v. His Majesty the King* (T-1417-18) was commenced in Federal Court on July 24, 2018 (“Percival”);
- B. An application for authorization to institute a class action was filed in the Quebec Superior Court in the District of Montreal, *Wiichihiiwewin Centre of Waskaganish and Anne Smith v. Attorney General of Canada* (500-06-00812-160), which has not been authorized (the “Quebec Claim”);
- C. Both the Percival action and the Quebec Claim action seek compensation and other benefits for students who were part of the federal Indian Boarding Homes Program. The Parties agree that this Settlement Agreement will resolve both Percival and the Quebec Claim. By order from the Quebec Superior Court dated April 1st, 2021, the Quebec Claim is currently stayed until a 60-days period after final judgment to be rendered in the Percival action, considering that the Quebec Claim cause of action is subsumed in the Percival certification order;

- D. Commencing in 1951, Indigenous students across Canada were placed by Canada in private homes for the purpose of attending school, other than a post-secondary institution. Certain abuses were committed against them and harms were suffered by students placed in the Indian Boarding Homes Program;
- E. Over time, responsibility for the placement of students was transferred from Canada to Indigenous governing bodies;
- F. Percival was certified on consent as a class proceeding by order of Madam Justice Strickland, dated June 28, 2019;
- G. A dispute resolution conference was held in Percival in Toronto before Madam Justice Strickland on November 14 – 16, 2022, and December 6 – 7, 2022;
- H. On December 7, 2022, the Parties entered into an Agreement in Principle with respect to the settlement of Percival. The Parties have committed to work together to prepare a final settlement agreement (the “Settlement Agreement”) and supporting documents for claims administration and notice;
- I. The Parties intend there to be a fair, comprehensive and lasting settlement of claims related to the Indian Boarding Homes Program, and further desire the promotion of healing, education, commemoration, and reconciliation. They have negotiated this Settlement Agreement with these objectives in mind;
- J. Subject to the Approval Order and the expiry of the Opt Out Period without the Opt Out Threshold having been met or waived by the Defendant, the claims of the Primary Class Members and Family Class Members, save and except for the claims of Primary Class Members who have opted out of the Class Action before the end of the Opt Out Period, shall be settled on the terms contained in this Agreement;

NOW THEREFORE in consideration of the mutual agreements, covenants, and undertakings set out herein, the Parties agree as follows:

SECTION ONE

INTERPRETATION

1.01 Definitions

In this Agreement, the following definitions apply:

“Agreement in Principle” means the Agreement in Principle dated December 7, 2022, and attached hereto as Schedule A;

“Application” means a claim for compensation by a Claimant submitted to the Claims Administrator;

“Approval Order” means the order or orders of the Court approving this Agreement;

“Business Day” means a day other than a Holiday;

“Canada” means His Majesty the King in Right of Canada, the Attorney General of Canada, and their legal representatives, employees, agents, servants, predecessors, successors, executors, administrators, heirs, and assigns;

“Category 1 Payment” means a payment of \$10,000;

“Category 2 Payment” means the further payment in accordance with a compensation grid attached as Schedule B;

“Category 2 Compensation Grid” means the compensation grid attached as Schedule B;

“Certification Order” means the order of the Federal Court dated June 28, 2019, certifying this Class Action under the *Federal Courts Rules*;

“Claimant” means a Primary Class Member or an Estate Executor, or Personal Representative, who makes a claim by completing and submitting an Application to the Claims Administrator;

“Claim Deadline” means the date that is two years and six months after the Implementation Date;

“Claims Administrator” means such entity as may be designated by the Parties from time to time and appointed by the Court to carry out the duties assigned to it in this Agreement;

“Claims Process” means the process outlined in this Agreement and related forms, for the submission, assessment, determination and payment of compensation to Primary Class Members;

“Class Action” or **“Percival”** means the class action certified by the Federal Court on June 28, 2019, with the style of cause: *Reginald Percival, Allan Medrick McKay, Iona Teena McKay and Lorna Watts v. His Majesty the King* (Federal Court File #T-1417-18);

“Class Counsel” means Klein Lawyers LLP;

“Class Members” means Primary Class Members and Family Class Members;

“Court” means the Federal Court unless the context otherwise requires;

“Eligible Claimant” means a Claimant who has made an Application in accordance with this Agreement which has been approved for payment by the Claims Administrator;

“Estate Executor” means the executor, administrator, trustee or liquidator of a deceased Primary Class Member's estate;

“Exceptions Committee” means the committee established in Section 9;

“Family Class Member” means a person who has a derivative claim in accordance with applicable family law legislation arising from a family relationship with a Primary Class Member;

“Family Class Releasers” means each Family Class Member who has not opted out of the Class Action on or before the expiry of the Opt Out Period as set out in section

10.02(1);

“Federal Indian Boarding Home Program” or **“Indian Boarding Home Program”** or **“IBHP”** means the program administered by Canada whereby Indigenous children were placed in private homes for the purpose of attending school, excluding post-secondary education;

“Foundation” means the foundation established pursuant to Section 2.01;

“Holiday” means any Saturday or a Sunday or a day observed as a holiday under the laws of the Province or Territory in which the person who needs to take action pursuant to this Agreement is situated, or a holiday under the federal laws of Canada as set out in the *Interpretation Act*, RSC 1985, c I-21, s 35 or a holiday as set out in the *Federal Courts Rules*, SOR/98-106, s 2;

“Implementation Date” means the latest of:

- a) thirty (30) days after the expiry of the Opt-Out Period; and
- b) the day following the last day on which a Primary Class Member or the Family Class Member may appeal or seek leave to appeal the Approval Order; and
- c) the date of the final determination of any appeal brought in relation to the Approval Order;

“Independent Reviewer” means the person or persons appointed by the Court to carry out the duties of the Independent Reviewer as specified in this Agreement and in the Claims Process;

“Opt Out Period” means the period from publication of the notice of certification of the Class Action as a class proceeding until a date set by the Court that is at least sixty (60) days from the Approval Order;

“Opt Out Threshold” means the Opt Out Threshold set out in Section 5.02;

“Parties” means the signatories to this Agreement;

“Person Under Disability” means a person who is unable to manage or make reasonable judgments or decisions in respect of their affairs by reason of mental incapacity and for whom a Personal Representative has been appointed;

“Personal Representative” means the person appointed to manage or make reasonable judgments or decisions in respect of the affairs of a Person Under Disability;

“Primary Class Member” means a person who was placed by the Government of Canada in a private home for the purpose of attending school, excluding placements made for the purpose of attending a post-secondary educational institution, and includes any person participating in the IBHP during the period from and including September 1, 1951, and ending on June 30, 1992. A person who participated in the IBHP between September 1, 1951, and June 30, 1992, is deemed to be placed by Canada. A person who was placed in a private home for the purpose of attending school, excluding placements made for the purpose of attending a post-secondary educational institution after June 30, 1992, is a Primary Class Member if that person was placed prior to the date on which responsibility for such placement was transferred from Canada to an Indigenous governing body;

“Primary Class Releasers” means Each Primary Class Member or their Estate Executor or Personal Representative who has not opted out of the Class Action on or before the expiry of the Opt Out Period as set out in section 10.01(1);

“Quebec Subclass Counsel” means Dionne Schulze S.E.N.C.;

“Request for Deadline Extension” means a request for an extension of the Claim Deadline made by a Claimant in accordance with Section 7.04 of this Agreement;

“Settlement Agreement” or **“Agreement”** means this Agreement and the Schedules attached hereto.

1.02 No Admission of Liability

This Agreement shall not be construed as an admission of liability by the Defendant.

1.03 Headings

The division of this Agreement into sections and the use of headings are for convenience of reference only and do not affect the construction or interpretation of this Agreement.

1.04 Extended Meanings

In this Agreement, words importing the singular number include the plural and *vice versa*, words importing any gender include all genders and words importing persons include individuals, partnerships, associations, trusts, unincorporated organizations, corporations, and governmental authorities. The term “including” means “including without limiting the generality of the foregoing”.

1.05 No *Contra Proferentem*

The Parties acknowledge that they have reviewed and participated in settling the terms of this Agreement and they agree that any rule of construction to the effect that any ambiguity is to be resolved against the drafting Parties is not applicable in interpreting this Agreement.

1.06 Statutory References

In this Agreement, unless something in the subject matter or context is inconsistent therewith or unless otherwise herein provided, a reference to any statute is to that statute as enacted on the date thereof or as the same may from time to time have been amended, re-enacted, or replaced and includes any regulations made thereunder.

1.07 Day For Any Action

Where the time on or by which any action required to be taken hereunder expires or falls on a day that is a Holiday, such action may be done on the next succeeding day that is a Business Day.

1.08 Final Order

For the purpose of this Agreement, a judgment or order becomes final when the time for appealing or seeking leave to appeal the judgement or order has expired without an appeal being taken or leave being sought or, in the event that an appeal is taken or leave to appeal is sought, when such appeal or leave to appeal and such further appeals as may be taken have been disposed of and the time for further appeal, if any, has expired.

1.09 Currency

All references to currency herein are to lawful money of Canada.

1.10 Compensation Inclusive

The amounts payable to Primary Class Members under this Agreement are inclusive of any prejudgment or post-judgment interest or other amounts that may be claimed by Primary Class Members against Canada for claims arising out of Percival.

1.11 Schedules

The following Schedules to this Agreement are incorporated into and form part of this Agreement:

Schedule A	Agreement in Principle
Schedule B	Category 2 Compensation Grid
Schedule C	Percival Statement of Claim
Schedule D	Quebec Claim Amended Application for Authorization
Schedule E	Certification Order
Schedule F	Draft Federal Court Approval Order

1.12 No Other Obligations

All actions, causes of action, liabilities, claims, and demands whatsoever of every nature or kind for damages, contribution, indemnity, costs, expenses, and interest which any Primary Class Member or Family Class Member ever had, now has, or may hereafter have arising in relation to Percival against Canada, whether such claims were made or could have been made in any proceeding, will be finally settled based on the terms and conditions set out in this Agreement upon the Implementation Date, and Canada will have no further liability except as set out in this Agreement.

1.13 Entire Agreement

This Agreement constitutes the entire agreement among the Parties with respect to the subject matter hereof and cancels and supersedes any prior or other understandings and agreements between or among the Parties with respect thereto. There are no representations, warranties, terms, conditions, undertakings, covenants or collateral agreements, express, implied, or statutory between or among the Parties with respect to the subject matter hereof other than as expressly set forth or referred to in this Agreement.

1.14 Benefit of the Agreement

This Agreement will enure to the benefit of and be binding upon the Parties, Class Members and their respective heirs, Estate Executors, and Personal Representatives.

1.15 Applicable Law

This Agreement will be governed by and construed in accordance with the laws of the Province or Territory where the Primary Class Member or Family Class Member resides and the laws of Canada applicable therein.

1.16 Counterparts

This Agreement may be executed in any number of counterparts, each of which will be deemed to be an original and all of which taken together will be deemed to constitute one and the same Agreement.

1.17 Official Languages

A French translation of this Agreement will be prepared as soon as practicable after the execution of this Agreement. Canada will pay for the costs of a translation, to be approved by the Parties. The French version shall be of equal weight and force at law.

1.18 Date when Binding and Effective

On the Implementation Date, this Agreement will become binding and effective on the Parties and all Primary Class Members and Family Class Members. The Approval Order constitutes approval of this Settlement Agreement by all Primary Class Members who have not exercised their right to opt out of the Class Action.

1.19 Effective in Entirety

Subject to Section 11.01(2), none of the provisions of this Agreement will become effective unless and until the Federal Court approves this Agreement.

SECTION TWO

LEGACY MEASURES

2.01 Establishing the Foundation

(1) As part of the legacy of the IBHP, the Parties are committed to implementing the Settlement Agreement in a manner that contributes to commemoration, healing, languages, culture and reconciliation. The Parties agree that these essential objectives will be supported and promoted through the funding of certain projects. To this end, the Foundation will be established under the *Canada Not-for-Profit Corporations Act* prior to the Implementation Date.

(2) The Parties agree that the intention of the Foundation is to promote and support Class Members and their descendants in healing, wellness, education, languages, cultures, heritage, commemoration and reconciliation activities and programs. The activities and programs will not duplicate those of the Government of Canada.

2.02 Directors

- (1) The Foundation will have at least five first directors, to be appointed by the Parties.
- (2) The board of directors of the Foundation will consist of individuals providing national First Nations and Inuit representation, including Québec. The board of directors will include one director appointed by Canada. The director appointed by Canada will not be an employee or public servant of Canada.
- (3) The Foundation's directors shall supervise the activities and affairs of the Foundation, which will receive, hold, invest, manage, and disburse the Foundation's monies for the Foundation's purposes as described in the Settlement Agreement.

2.03 Advisory Board

- (1) The directors of the Foundation will be guided by an advisory board consisting of individuals, appointed by the directors, who provide regional representation, understanding and knowledge of the loss and revitalization of Indigenous languages, cultures, wellness, and heritage.

2.04 Funding

- (1) Canada will provide fifty million dollars (\$50,000,000.00) to the Foundation to fund the Foundation's activities. These funds will be paid to the Foundation within 30 days after the Implementation Date.
- (2) The Foundation will have a small administrative staff and will retain financial consultants to provide investment advice. Once funds have been invested, the expenses of the Foundation will be paid from its capital and its investment income.

2.05 Commemoration

- (1) In order to satisfy the Class Members' call for full and public disclosure of the truth, the Foundation shall take measures to commemorate and memorialize the harms caused

by the Indian Boarding Homes Program by creating a historical record that is accessible to the public for future study and use; this record is intended to be based on both investigation and testimony.

SECTION THREE

COMPENSATION FOR INDIVIDUAL CLAIMANTS

3.01 Payment to Primary Class Members

- (1) Payments shall be made to Eligible Claimants for general damages; specifically,
 - (a) a Category 1 Payment of \$10,000 for placement in the IBHP; and,
 - (b) a further Category 2 Payment in accordance with the Category 2 Compensation Grid.
- (2) A Claimant who applies for a Category 1 Payment may make a separate Application for a Category 2 Payment. A Claimant may not apply for more than one Category 2 Payment.

3.02 Transfer of Funds by Canada

Canada will transfer funds directly to the Claims Administrator to provide for payment to Eligible Claimants, as described in the Claims Process.

3.03 Social Benefits

- (1) Canada will make its best efforts to obtain the agreement of the provinces and territories that the receipt of any payments pursuant to this Agreement will not affect the quantity, nature or duration of any social benefits or social assistance benefits payable to a Primary Class Member pursuant to any legislation of any province or territory of Canada.
- (2) Further, Canada will make its best efforts to obtain the agreement of the necessary Departments of the Government of Canada that the receipt of any payments pursuant to

this Agreement will not affect the quantity, nature or duration of any social benefits or social assistance benefits payable to a Primary Class Member pursuant to any Canadian social benefit programs including Old Age Security and Canada Pension Plan.

SECTION FOUR

IMPLEMENTATION OF THIS AGREEMENT

4.01 Quebec Claim

An application to discontinue the Quebec Claim shall be filed within thirty (30) days of the Implementation Date, without costs and without conditions.

4.02 Federal Court Approval Order

The Parties agree that an Approval Order of this Settlement Agreement will be sought from the Federal Court substantially in the form attached as Schedule F and shall include the following provisions:

- (1) incorporating by reference this Agreement in its entirety including all Schedules;
- (2) ordering and declaring that the Approval Order is binding on all Primary Class Members and Family Class Members, including Persons Under Disability, unless they have opted out on or before the expiry of the Opt Out Period; and
- (3) ordering and declaring that on the expiry of the Opt Out Period, no Primary Class Members save and except those who have opted out on or before expiry of the Opt Out Period, and no Family Class Members may commence proceedings against Canada seeking compensation or other relief arising from or in relation to a Primary Class Member's participation in the Indian Boarding Homes Program.

SECTION FIVE

OPTING OUT

5.01 Right to Opt Out

Primary Class Members and Family Class Members have the right to opt out of the Class Action in accordance with the opt out procedures stipulated by the Court in an order to be obtained by the Parties approving a notice to the class of the certification of this action as a class proceeding and of the right to opt out.

5.02 Opt Out Threshold

If the number of Primary Class Members opting out of the Class Action exceeds 4,000, this Settlement Agreement will be void and the Approval Order will be set aside in its entirety subject only to the right of Canada, in its sole discretion, to waive compliance with this section. Canada has the right to waive compliance with this provision at any time, but within no more than thirty (30) days after the end of the Opt Out Period. The Opt Out Threshold does not include opt outs filed by Family Class Members.

SECTION SIX

PAYMENTS TO ESTATE EXECUTORS OR PERSONAL REPRESENTATIVES

6.01 Compensation if Deceased

(1) If a Primary Class Member died or dies on or after July 24, 2016, and an Application has been submitted to the Claims Administrator by a Claimant prior to the Primary Class Member's death, or by his or her Estate Executor after the Primary Class Member's death, the Estate Executor shall be paid the compensation to which the deceased Primary Class Member would have been entitled under this Settlement Agreement as if the Primary Class Member had not died. If there is no Estate Executor, the compensation to which the deceased Primary Class Member would have been entitled under this Settlement Agreement will be paid in accordance with a protocol to be agreed upon by the Parties and approved by the Court.

(2) No payment under this Settlement Agreement is available for Primary Class Members who died before July 24, 2016.

6.02 Person Under Disability

If a Primary Class Member who submitted an Application to the Claims Administrator within the Claims Deadline is or becomes a Person Under Disability prior to their receipt of compensation, the Personal Representative of the Primary Class Member will be paid the compensation to which the Primary Class Member would have been entitled under this Settlement Agreement

6.03 Canada, Claims Administrator, Class Counsel, Quebec Subclass Counsel, Independent Reviewer and Exceptions Committee and its Members, Held Harmless

Canada, the Claims Administrator, Class Counsel, Quebec Subclass Counsel, the Independent Reviewer and the Exceptions Committee and its members shall be held harmless from any and all claims, suits, actions, causes of action, or demands whatsoever by reason of or resulting from a payment to a Personal Representative or Estate Executor pursuant to this Settlement Agreement.

SECTION SEVEN

CLAIM PROCESS

7.01 Claims Process

The Claims Administrator will pay compensation to a Claimant provided that:

- a) the Application is submitted to the Claims Administrator in accordance with the provisions of this Agreement;
- b) the Application is received by the Claims Administrator prior to the Claim Deadline or any extension thereof;
- c) the Primary Class Member was alive on July 24, 2016; and
- d) an award of compensation has been approved in accordance with this

Agreement including the Claims Process.

7.02 Compensation for Primary Class Members

(1) It is the intention of the Parties that Category 1 Payments will be paid to all Eligible Claimants for the Primary Class Members' participation in the IBHP.

(2) It is the intention of the Parties that Category 2 Payments will be paid for Primary Class Members who suffered psychological, physical, and sexual abuse at the boarding home. The amount of the Category 2 Payments will be determined in accordance with the Category 2 Compensation Grid. Compensation will only be paid for Primary Class Members whose Applications have been approved as eligible for compensation in accordance with this Settlement Agreement.

7.03 Principles Governing Claims Administration

(1) The Claims Process is intended to be expeditious, cost-effective, user-friendly and culturally sensitive and respect Class Member's privacy. The intent is to minimize the burden on the Claimant in pursuing their claims and to mitigate any likelihood of re-traumatization through the Claims Process.

(2) The Claims Administrator, Independent Reviewer, and Exceptions Committee and its members, shall, in the absence of reasonable grounds to the contrary, assume that a Claimant is acting honestly and in good faith. In considering an Application, the Claims Administrator, Independent Reviewer, and Exceptions Committee and its members, shall draw all reasonable and favourable inferences that can be drawn in favour of the Claimant, as well as resolving any doubt as to whether a claim has been established in favour of the Claimant.

7.04 Request for Deadline Extension

(1) The Parties recognize that in extraordinary circumstances a Claimant should receive relief from the strict application of the Claim Deadline. Requests for Deadline Extension will be decided by the Exceptions Committee.

(2) The Request for Deadline Extension form will be a single form that includes all of the information required to support an Application as well as information as to why the Claim Deadline was not met by the Claimant.

(3) The deadline for making a Request for Deadline Extension will be six months after the Claim Deadline. A Request for Deadline Extension will not be considered if the Request for Deadline Extension is transmitted after that date.

7.05 Reconsideration

A Claimant whose Application is denied by the Claims Administrator may seek a reconsideration of the Application by the Independent Reviewer. A Claimant whose Application for a Category 2 Payment is assessed by the Claims Administrator at a level lower than the level the Claimant has identified in the Application may seek a reconsideration by the Independent Reviewer. The procedures for reconsideration will be set out in a protocol to be developed by the Parties and approved by the Court.

7.06 Referrals to the Exceptions Committee

(1) The Independent Reviewer shall refer an Application to the Exceptions Committee in the following circumstances:

- a) Where harm described in the Application is not contemplated in the Category 2 Compensation Grid; or
- b) Where the Independent Reviewer, is unable to determine that a Claimant is eligible for any compensation but, having regard to the object, intention and spirit of the Settlement Agreement, the circumstances are such that the Claimant, in the opinion of the Independent Reviewer, should receive compensation.

(2) The Independent Reviewer shall forward reasons for the referral, together with the Application being referred.

7.07 Finality of Decisions

(1) A decision of the Claims Administrator is final and binding upon the Claimant without any recourse or appeal, except as set out in the Settlement Agreement and Claims Process.

(2) A decision of the Independent Reviewer is final and binding upon the Claimant and the Claims Administrator without any recourse or appeal, except as set out in the Settlement Agreement and Claims Process.

(3) A decision of the Exceptions Committee is final and binding, and is not subject to any review, recourse or appeal.

SECTION EIGHT

THE CLAIMS ADMINISTRATOR

8.01 Duties of the Claims Administrator

The Claims Administrator's duties and responsibilities include the following:

- a) developing, installing, and implementing systems, forms, information, guidelines and procedures for processing and making decisions on Applications in accordance with this Agreement;
- b) developing, installing, and implementing systems and procedures for making payments of compensation in accordance with this Agreement;
- c) providing personnel in such reasonable numbers as are required for the performance of its duties, and training and instructing them;
- d) keeping or causing to be kept accurate accounts of its activities and its administration, preparing such financial statements, reports, and records as are required by the Court;
- e) reporting to the Exceptions Committee on a monthly basis respecting:

- i. Applications received and determined;
 - ii. Applications qualified outside the class period
- f) responding to enquiries respecting Applications, reviewing Applications and making decisions in respect of Applications and giving notice of decisions in accordance with this Agreement;
- g) communicating with Claimants in either English or French, as the Claimant elects, and if a Claimant expresses the desire to communicate in a language other than English or French, making best efforts to accommodate the Claimant;
- h) such other duties and responsibilities as the Court may from time to time direct.

8.02 Appointment of the Claims Administrator

The Claims Administrator will be appointed by the Court on the recommendation of the Parties.

8.03 Appointment of the Independent Reviewer

The Independent Reviewer will be appointed by the Court on the recommendation of the Parties.

8.04 Costs of Claims Process

The costs of the Claims Process including those of the Claims Administrator and the Independent Reviewer will be paid by Canada.

SECTION NINE

EXCEPTIONS COMMITTEE

9.01 Exceptions Committee

(1) There shall be an Exceptions Committee appointed by the Court consisting of five members: a Primary Class Member, one member of Class Counsel and one member of Quebec Subclass Counsel who participated in the negotiation of this Agreement, one of Canada's legal counsel who participated in the negotiation of this Agreement, and a former jurist agreed to by the Parties who will sit as chair.

(2) The Exceptions Committee shall endeavour to reach consensus. If consensus cannot be reached, the individual agreed to by the Parties to chair shall cast the deciding vote.

(3) Any of the five members to the Exceptions Committee may be substituted by agreement of the Parties.

(4) The Exceptions Committee is a monitoring body established under this Settlement Agreement with the following responsibilities:

- a) monitoring the work of the Claims Administrator and the Claims Process;
- b) receiving and considering reports from the Claims Administrator, including on administrative costs;
- c) giving such directions to the Claims Administrator as may, from time to time, be necessary;
- d) considering and determining any disputes between the Parties in relation to the implementation of this Agreement;
- e) deciding Requests for Deadline Extension;
- f) considering and determining any Applications referred to it by the

Independent Reviewer;

- g) referring to the Parties for determination and resolution, if appropriate and in a manner consistent with this Agreement, claims for compensation that were the subject of a report by the Claims Administrator under 9.01(e);
- h) dealing with any other matter referred to the Exceptions Committee by the Court.

(5) Canada will pay the costs of the Primary Class Member and former jurist appointed to the Exceptions Committee.

9.02 Dispute Resolution

The Parties agree that any dispute between them in relation to the implementation of this Agreement will be finally determined by the Exceptions Committee.

9.03 Decisions are Final and Binding

The decisions of the Exceptions Committee are final and binding.

9.04 Jurisdiction Limited

The Exceptions Committee will have no authority or jurisdiction to consider or determine matters other than as specifically set out in this Agreement. The Exceptions Committee is not a further level of appeal or review and has no jurisdiction to consider or determine motions or applications of any kind from Claimants or their counsel or anyone else. The Exceptions Committee has no jurisdiction to extend deadlines beyond those set out in this Agreement.

SECTION TEN

RELEASES

10.01 Primary Class Member Releases

The Approval Order issued by the Court will declare that:

(1) Each Primary Class Member or their Estate Executor or Personal Representative who has not opted out of the Class Action on or before the expiry of the Opt Out Period (hereinafter “Primary Class Releasers”) has fully, finally and forever released Canada, her servants, agents, officers and employees, from any and all actions, causes of action, common law, Quebec civil law and statutory liabilities, contracts, claims, and demands of every nature or kind available, asserted or which could have been asserted whether known or unknown including for damages, contribution, indemnity, costs, expenses, and interest which any such Primary Class Releaser ever had, now has, or may hereafter have, directly or indirectly, arising from or in any way relating to or by way of any subrogated or assigned right or otherwise in relation to the individual claims relating to Percival, and this release includes any such claim made or that could have been made in any proceeding, whether asserted directly by the Primary Class Releaser or by any other person, group, or legal entity on behalf of or as representative for the Primary Class Releaser.

(2) For greater certainty, Primary Class Releasers are deemed to agree that if they make any claim or demand or take any actions or proceedings against another person or persons in which any claim could arise against Canada for damages or contribution or indemnity and/or other relief over, whether by statute or the common law, Quebec civil law in relation to the individual claims under Percival, the Primary Class Releaser will expressly limit those claims so as to exclude any portion of Canada's responsibility.

(3) Upon a final determination of an Application made under and in accordance with the Claims Process, Primary Class Releasers are also deemed to agree to release the Parties, Class Counsel, Quebec Subclass Counsel and counsel for Canada, the Claims Administrator, and the Independent Reviewer with respect to any claims that arise or

could arise out of the application of the Claims Process, including but not limited to the sufficiency of the compensation received. Primary Class Releasors are not deemed to release any claim arising from the preparation of their individual Applications as against the lawyer or lawyers retained to assist them in the preparation of the Application.

10.02 Family Class Member Releases

The Approval Order issued by the Court will declare that:

(1) Each Family Class Member who has not opted out of the Class Action on or before the expiry of the Opt Out Period (“Family Class Releasors”) has fully, finally and forever released Canada, her servants, agents, officers and employees, from any and all actions, causes of action, common law, Quebec civil law and statutory liabilities, contracts, claims, and demands of every nature or kind available, asserted or which could have been asserted whether known or unknown including for damages, contribution, indemnity, costs, expenses, and interest which any such Family Class Releasor ever had, now has, or may hereafter have, directly or indirectly, arising from or in any way relating to or by way of any subrogated or assigned right or otherwise in relation to the individual claims under Percival, and this release includes any such claim made or that could have been made in any proceeding, whether asserted directly by the Family Class Releasor or by any other person, group, or legal entity on behalf of or as representative for the Family Class Releasor.

(2) For greater certainty, Family Class Releasors are deemed to agree that if they make any claim or demand or take any actions or proceedings against another person or persons in which any claim could arise against Canada for damages or contribution or indemnity and/or other relief over, whether by statute, the common law, or Quebec civil law, in relation to the individual claims under Percival, the Family Class Releasor will expressly limit those claims so as to exclude any portion of Canada's responsibility.

10.03 Deemed Consideration by Canada

Canada's obligations and liabilities under this Agreement constitute the consideration for the releases and other matters referred to in this Agreement and such consideration is in

full and final settlement and satisfaction of any and all claims referred to therein and the Primary Class Releasors and Family Class Releasors are limited to the benefits provided and compensation payable pursuant to this Agreement, in whole or in part, as their only recourse on account of any and all such actions, causes of actions, liabilities, claims, and demands.

SECTION ELEVEN

LEGAL FEES

11.01 Class Counsel and Quebec Subclass Counsel Fees

(1) Canada agrees to pay Class Counsel and Quebec Subclass Counsel collectively the amount the Court determines is fair and reasonable in respect of legal fees and disbursements for their past and future work on behalf of the class as a whole (“Class Counsel Fees”). Canada will pay this amount as directed in writing by Klein Lawyers LLP and Dionne Schulze SENC within the latest of: a) the Implementation Date; b) thirty (30) days after the date on which the Court makes its order as to Class Counsel Fees; c) thirty (30) days after the date of the final determination of any appeal brought in relation to the Class Counsel Fee order.

(2) No part of the Class Counsel Fee will be paid by Class Members and there will be no reduction in any amount payable to a Class Member to pay for Class Counsel Fees.

(3) Class Counsel and Quebec Subclass Counsel will jointly bring a motion for approval of a Class Counsel Fee. Canada will have the right to make responding submissions.

(4) If the Court approves this Agreement, the provisions of this Agreement will come into effect on the Implementation Date regardless of the date on which an order is made or appeal determined regarding Class Counsel Fees.

(5) Class Counsel and Quebec Subclass Counsel will continue to provide services for the benefit of the class after the Implementation Date on all matters related to the implementation and administration of this Settlement Agreement, including providing information and advice to class members, persons or organizations that serve class members, the media, and members of the public. No further or other Class Counsel Fee will be paid for those services. Individual fees, as provided for in Section 11.02, may be paid to Class Counsel or Quebec Subclass Counsel for assisting Claimants with the preparation of their individual claims.

11.02 Individual Legal Fees

(1) Claimants may retain the counsel of their choice to assist them with the preparation of their individual claims. If the Claimant has been assisted by a lawyer, Canada will pay the Claimant's lawyer an amount equal to 5% of the Claimant's Category 2 Payment plus applicable taxes without additional Court approval beyond the approval of this Agreement. Canada will pay up to an additional 5% of the Claimant's Category 2 Payment plus applicable taxes for legal fees and/or disbursements provided such amount is approved by the Federal Court in accordance with Rule 334.4 of the *Federal Courts Rules* and guidelines to be agreed upon by the Parties and approved by the Court.

(2) Canada will not pay any legal fees or disbursements associated with a claim for a Category 1 Payment.

(3) No amount, including for legal fees or disbursements, may be charged to Claimants in respect of compensation under this Settlement Agreement or any other advice relating to this Settlement Agreement unless prior Court approval of such amounts has been obtained by motion to the Court and on notice to the Parties.

11.03 No Other Fees to be Charged

The Parties agree that it is their intention that all payments to Primary Class Members under this Agreement are to be made without any deductions on account of legal fees or disbursements.

SECTION TWELVE

CLASS MEMBERS SUPPORT

12.01 Class members support

Canada agrees that Class members covered by this Agreement will have access to existing Government of Canada mental health and emotional support services and agrees to make those services available to those who are resolving claims under this Agreement.

SECTION THIRTEEN

TERMINATION AND OTHER CONDITIONS

13.01 Termination of Agreement

This Agreement will continue in full force and effect until all obligations under this Agreement are fulfilled.

13.02 Amendments

Except as expressly provided in this Agreement, no amendment may be made to this Agreement unless agreed to by the Parties in writing and approved by the Federal Court.

13.03 No Assignment

(1) No amount payable under this Agreement can be assigned and any such assignment is null and void except as expressly provided for in this Agreement.

(2) Payment will be made to each Claimant by direct deposit or by cheque mailed to his or her home address. Where the Claimant is deceased or is a Person Under Disability, payment will be made to their Estate Executor or Personal Representative by direct deposit or by cheque.

SECTION FOURTEEN

CONFIDENTIALITY

14.01 Confidentiality

(1) Any information provided, created or obtained in the course of this settlement, whether written or oral, will be kept confidential by the Parties, Class Counsel and Quebec Subclass Counsel, all Primary Class Members and Family Class Members, the Claims Administrator and the Independent Reviewer and will not be used for any purpose other than this Agreement unless otherwise agreed by the Parties.

(2) Except as may otherwise be agreed between the Parties, the undertaking of confidentiality as to the discussions and all communications, whether written or oral, made in and surrounding the negotiations leading to the Agreement in Principle and this Agreement continues in force.

14.02 Destruction of Primary Class Member Information and Records

The Claims Administrator will destroy all Primary Class Member information and documentation in its possession on a schedule beginning no sooner than two years after completing the compensation payments, according to a protocol to be developed by the Parties and approved by the Court. The protocol to be approved by the Court will provide a right for a Class Member or their Estate Executor or Personal Representative to specifically request the return to them of their information and documentation by the Claims Administrator.

SECTION FIFTEEN

COOPERATION

15.01 Cooperation with Canada

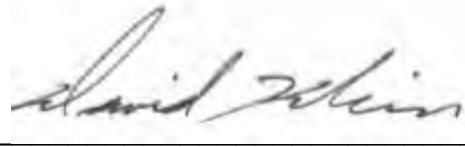
Upon execution of this Agreement, the representative plaintiffs appointed in Percival, Class Counsel and Quebec Subclass Counsel will cooperate with Canada and make

best efforts to obtain approval of this Agreement and to obtain the support and participation of Primary Class Members and Family Class Members in all aspects of this Agreement.

15.02 Public Announcements

At the time agreed upon, the Parties will make public announcements in support of this Agreement and continue to speak publicly in favour of the Agreement.

IN WITNESS WHEREOF the Parties have executed this Settlement Agreement as of this _____ day of June, 2023.



For the Representative Plaintiffs,
Reginald Percival, Allan Medrick
McKay, Iona Teena McKay, and
Lorna Watts

By their counsel, David A. Klein



For the Quebec Subclass
Representative Plaintiff, Kenneth
Weistche

By his counsel, David Schulze

**Bess,
Darlene**

Digitally signed by
Bess, Darlene
Date: 2023.06.14
16:29:08 -04'00'

For the Defendant,

Darlene Bess
Chief, Finances, Results and Delivery
Officer,
Crown-Indigenous Relations and
Northern Affairs Canada

Schedule A

**FEDERAL COURT
CLASS PROCEEDING**

BETWEEN:

REGINALD PERCIVAL, ALLAN MEDRICK MCKAY, IONA TEENA MCKAY AND
LORNA WATTS

Plaintiffs

and

HIS MAJESTY THE KING

Defendant

Brought pursuant to the *Federal Courts Rules*, SOR/98-106

AGREEMENT IN PRINCIPLE

PREAMBLE

1. WHEREAS this class action was certified on consent by order of Madam Justice Strickland, dated June 28, 2019 (the "Certification Order");
2. AND WHEREAS a dispute resolution conference was held in this proceeding in Toronto before Madam Justice Strickland on November 14-16, 2022, and December 6-7, 2022 (the "Dispute Resolution Conference");
3. AND WHEREAS the Parties have reached this Agreement in Principle at the Dispute Resolution Conference and have committed to work together to prepare a final settlement



agreement (the "Settlement Agreement") and supporting documents for claims administration and notice;

THE PARTIES AGREE AS FOLLOWS:

CLASS DEFINITION AND CLASS PERIOD

4. The class definition is as defined in the Certification Order, but it shall be modified to be temporally bounded to include a class period with a start date of September 1, 1951 and an end date of June 30, 1992.


5. There may be individuals who fall within the class definition but outside the class period. The Settlement Agreement will include a procedure for those individuals to participate in the settlement. For greater certainty, band or private placements are not included.

INDIVIDUAL COMPENSATION

6. Payments shall be made to eligible Primary Class Members ("Claimants") for general damages in accordance with a compensation grid.

7. The claims determination process will be simple, user-friendly, and culturally sensitive. The intent is to minimize the burden on the Claimants in pursuing their claims and to mitigate any likelihood of re-traumatization through the claims process. In the absence of reasonable grounds to the contrary, it will be assumed that a Claimant is acting honestly and in good faith. In considering a claim, all reasonable and favourable inferences that can be drawn in favour of the Claimant shall be drawn. Any doubt as to whether a claim has been established shall be resolved in favour of the Claimant.

8. There will be no limit or cap on Canada's total obligation to pay approved claims. All approved claims will be paid fully by Canada.



9. Claimants may apply for Category 1 compensation and make a separate application for Category 2 compensation. This will facilitate prompt payments to Claimants receiving awards under Category 1, and allow Claimants additional time to prepare claims under Category 2 if they wish.

10. There will be a deadline by which Claimants must submit Category 1 and 2 claims, subject to any provision in the Settlement Agreement for extension of the claims deadlines.

11. A Claimant may qualify for payment under both Category 1 and Category 2. Claimants will not, however, qualify for more than one payment under Category 2.

12. Upon submission of a simple application, every class member will be eligible for a Category 1 payment of \$10,000 for placement in a boarding home by Canada.

13. Claimants may apply for Category 2 compensation in accordance with a five-level grid as follows:

2A - \$10,000

2B - \$50,000

2C - \$100,000

2D - \$150,000

2E - \$200,000

Criteria for each level will be in the Settlement Agreement reflecting increasing degrees of severity of abuse.

14. Claimants will specify the level of compensation claimed (i.e., Category 2 A, B, C, D, or E). The Claims Administrator will have authority to award compensation at a higher or lower level than the one specified by the Claimant in their claim form and may request further information from the Claimant with respect to the claim. A reconsideration process will be developed for Claimants who were awarded a lower level of compensation than they applied for.

15. The Parties specifically agree that the payments for both Category 1 and Category 2 are in the nature of non-pecuniary damages and not referable to income.



COMMEMORATION, HEALING, LANGUAGES AND CULTURE

16. A foundation will be created to further the objects of commemoration, healing, languages and culture (the "Foundation"). Canada will support reconciliation projects for the benefit of class members including payment of \$50 million to be administered by the Foundation. The precise terms of the reconciliation projects and work of the Foundation will be subject to further negotiation by the Parties; however, the objectives of the Foundation will not include the generation of profit.

NOTICE AND ADMINISTRATION

17. The Parties shall jointly agree on a notice program and administration process to be paid for by Canada.

CLASS MEMBER SUPPORT AND ASSISTANCE

18. The Parties will agree to culturally sensitive health, information, and other supports to be provided to Claimants for the duration of the claims process as well as funding to deliver support to Claimants who suffer or may suffer trauma, to be paid by Canada.

RELEASES

19. The class members agree to release Canada from any and all claims that have been pleaded or could have been pleaded with respect to this action and agree to limit any claims against any third parties to prevent the third party from claiming over against Canada

SETTLEMENT APPROVAL

20. The Parties agree that the Settlement Agreement shall be approved in the Federal Court.

Handwritten signatures in black ink, including a stylized signature on the left and a signature with initials 'AM' on the right.

PARALLEL PROCEEDINGS

21. The Parties shall co-operate to obtain the stay or dismissal or other suitable final disposition of related class proceedings in other jurisdictions covered by the Settlement Agreement. The Parties are presently aware of only one such action, filed in the Quebec Superior Court as *Anne Smith v. Attorney General of Canada*, District of Montreal, Court File No. 500-06-00812-160.

EXCEPTIONAL CIRCUMSTANCES

22. The Parties agree to establish a mechanism to consider exceptional circumstances that may arise out of the claims process.

SOCIAL BENEFITS

23. Canada will make its best efforts to obtain the agreement of the provinces and territories that the receipt of any payments pursuant to the Settlement Agreement will not affect the quantity, nature, or duration of any social benefits or social assistance benefits payment to a Claimant pursuant to any legislation of any province or territory of Canada.

24. Canada will make its best efforts to obtain the agreement of the necessary federal government departments that the receipt of any payments pursuant to the Settlement Agreement will not affect the quantity, nature or duration of any social benefits or social assistance benefits payable to a Claimant pursuant to any social benefit program of Canada such as Old Age Security and Canada Pension Plan.

FAMILY CLASS

25. The Family Class Members shall not receive direct compensation under the Settlement Agreement but rather such claims will be recognized and addressed by the indirect compensation made available through reconciliation projects supported by the Foundation.



ESTATE CLAIMS

26. The Parties shall work collaboratively with the Claims Administrator to design claims forms and procedures to permit claims to be made by representatives of deceased Primary Class Members. The intention of such procedures is to provide a cost-effective procedure for the surviving family members of a deceased Primary Class Member to obtain compensation on behalf of the Class Member even where the Class Member did not leave a will.

27. Estate claims can be made where the deceased Class Member was alive on or after July 24, 2016.

INDIVIDUAL LEGAL SERVICES TO CLASS MEMBERS

28. If the Claimant has been assisted by a lawyer, Canada will pay the Claimant's lawyer an amount equal to 5% of the Claimant's Category 2 award plus applicable taxes without additional Court approval beyond the approval of the Settlement Agreement. Canada may pay up to an additional 5% of the Claimant's Category 2 award plus applicable taxes for legal fees and/or disbursements provided such amount is approved by the Federal Court in accordance with Rule 334.4 and guidelines to be agreed by the Parties and approved by the Court. Canada will not pay any legal fees or disbursements associated with a claim under Category 1.

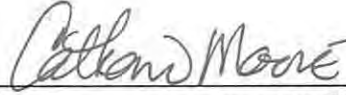
LEGAL FEES FOR CLASS COUNSEL

29. The Parties will enter into a separate agreement ("Fee Agreement") as to the legal fees, disbursements and related taxes owing to Class Counsel and Quebec Subclass Counsel in relation to the work 1) on the common issues up to the date of settlement approval, and 2) for the benefit of the Class during the implementation of the settlement. Approval of the Settlement Agreement is not contingent on approval of the Fee Agreement.



Signed at Toronto this 7th day of December, 2022

His Majesty the King ("Canada"), as represented by the
Attorney General of Canada by:




Attorney General of Canada
For the Defendant

The Plaintiffs, as represented by Class Counsel by:



Klein Lawyers LLP
For the Plaintiffs

Kenneth Weistche, as represented by Quebec Subclass
Counsel by:



Dionne Schulze, s.e.n.c.
For the Quebec Subclass

Schedule B

Schedule B
Category 2 Compensation Grid

Category 2A \$10,000.00

- Sexual comments or sexualized provocation
- Unreasonable or disproportionate acts of discipline or punishment
- One or more incidents of mocking, denigration (such as belittling or abusive language), humiliation or shaming
- Threats of violence or intimidating statements or gestures
- One incident of abuse, such as:
 - unreasonable confinement (e.g., being locked in a room)
 - being deprived of food, medical care, adequate clothing, heating or bedding
 - being forced to do unpaid labour (in excess of normal domestic tasks)
 - being forced to consume alcohol, narcotics or noxious substances
 - being prevented from attending school

Category 2B \$50,000.00

- One or more incidents of:
 - Forced exposure to pornography
 - Nude photographs taken
 - Individuals exposing themselves
 - Touching genitals or private parts (directly or through clothing), fondling or kissing
 - Simulated intercourse
- One or more physical assaults causing:
 - Serious but temporary harm (such as a black eye, bruise, abrasion, laceration, or incapacitation that led to or should have led to bed rest)
 - Minor impairment or disfigurement that was not permanent (such as loss of consciousness or broken bones, loss of or damage to teeth)
- Two or more incidents of abuse, such as:
 - unreasonable confinement (e.g., being locked in a room)
 - being deprived of food, medical care, adequate clothing, heating or bedding
 - being forced to do unpaid labour (in excess of normal domestic tasks)
 - being forced to consume alcohol, narcotics or noxious substances

- being prevented from attending school

Category 2C \$100,000.00

- One incident of:
 - Masturbation
 - Oral or attempted oral intercourse
 - Attempted penetration (including vaginal or anal, digital penetration or penetration with an object)
- Recurring physical assaults causing:
 - Serious but temporary harm (such as a black eye, bruise, abrasion, laceration or incapacitation that led to or should have led to bed rest)
 - Minor impairment or disfigurement that was not permanent (such as loss of consciousness, broken bones, loss of or damage to teeth)

Category 2D \$150,000.00

- One incident of penetration (including vaginal or anal, digital penetration or penetration with an object)
- Two or more incidents of:
 - Attempted oral intercourse
 - Attempted penetration
- One or more physical assaults causing permanent or long-term mental or physical impairment, injury or disfigurement

Category 2E \$200,000.00

- Two or more incidents of:
 - Masturbation
 - Oral intercourse
 - Penetration (including vaginal or anal, digital penetration or penetration with an object)
- Any pregnancy resulting from an incident of sexual assault (including pregnancy interrupted by miscarriage or therapeutic abortion)
- One or more physical assaults causing permanent mobility loss or brain injury

Schedule C

Court File No.:

**FEDERAL COURT
PROPOSED CLASS PROCEEDING**

BETWEEN:

e-document	T-1417-18
F I L E D	FEDERAL COURT COUR FÉDÉRALE Jul 24, 2018
Joyce Fan	
Vancouver, BC	

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P
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S
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D
RALD PERCIVAL, ALLAN MEDRICK MCKAY,
NA TEENA MCKAY AND LORNA WATTS

Plaintiffs

and

HER MAJESTY THE QUEEN

Defendant

Brought pursuant to the *Federal Courts Rules*, SOR/98-106

STATEMENT OF CLAIM

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a solicitor acting for you are required to prepare a statement of defense in Form 171B prescribed by the Federal Courts Rules, serve it on the plaintiffs' solicitor or, where the plaintiffs do not have a solicitor, serve it on the plaintiffs, and file it, with proof of service, at a local office of this Court, WITHIN 30 DAYS after this statement of claim is served on you, if you are served within Canada.

If you are served in the United States of America, the period for serving and filing your statement of defense is forty days. If you are served outside Canada and the United States of America, the period for serving and filing your statement of defense is sixty days.

Copies of the Federal Courts Rules, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO DEFEND THIS PROCEEDING, judgment may be given against you in your absence and without further notice to you.

Date: _____

Issued by: _____
(Registry Officer)

Address of local office: Pacific Centre
P.O. Box 10065
701 West Georgia Street,
Vancouver, British Columbia
V7Y 1B6

TO: Her Majesty the Queen
Office of the Deputy Attorney General of Canada
British Columbia Regional Office
Department of Justice Canada
900 – 840 Howe Street,
Vancouver, British Columbia
V6Z 2S9

Relief Sought

1. The Plaintiffs, Reginald Percival, Allan Medrick McKay, Iona Teena McKay and Lorna Watts, claim on their own behalf and on behalf of a class of similarly situated persons:
 - a. an order certifying this action as a class proceeding and appointing Reginald Percival, Allan Medrick McKay, Iona Teena McKay and Lorna Watts as representative plaintiffs under the Federal Courts Rules, SOR/98-106;
 - b. general damages plus damages equal to the costs of administering the plan of distribution;
 - c. special damages in an amount to be determined, including but not limited to past and future medical expenses and out-of-pocket expenses;
 - d. exemplary and punitive damages;
 - e. punitive damages pursuant to the *Charter of Human Rights and Freedoms*, CQLR c C-12 and the *Civil Code of Quebec*, CQLR c C-1991;
 - f. disgorgement by the Defendant of its profits;
 - g. recovery of health care costs incurred by the Ministry of Health and its predecessor Ministries and Departments and other provincial and territorial health insurers on behalf of the Plaintiffs and other Class Members pursuant to the *Health Care Costs Recovery Act*, SBC 2008, c 27 and comparable legislation in the other provinces and territories;
 - h. damages pursuant to the *Family Law Act*, RSO 1990 c F-3 and comparable legislation in other provinces and territories;
 - i. pre-judgment and post-judgment interest;
 - j. costs; and
 - k. such further and other relief as this Honourable Court may deem just.

Nature of this Action

2. This action concerns the establishment, implementation, administration and management by the Defendant, Her Majesty the Queen (“Canada”), of the Boarding Home Program for Indian Students, an educational program designed to advance Canada’s policy of culturally assimilating Indigenous persons into mainstream Canadian society.

3. Pursuant to the Boarding Home Program for Indian Students, Indigenous children and adolescents (collectively “children”) were forcibly removed from their families and Indigenous communities by Canada and then transported to urban communities to stay with boarding families and to attend public, non-Indigenous schools.

4. Canada placed the Indigenous children in boarding homes primarily with non-Indigenous families and, at times, with Indigenous families belonging to a different First Nation, Inuit ethnic group or ancestral Métis community than their own. Canada screened and monitored the boarding homes and provided funding, for each Indigenous child in care, to those that operated the boarding homes.

5. As a consequence of the Boarding Home Program, Indigenous children were separated by large geographical distances from their families and communities and were unreasonably denied access to their language, culture, traditions, customs and aboriginal and treaty rights and benefits.

6. The individuals operating the boarding homes were often predators who inflicted physical, sexual, emotional and psychological abuse on the Indigenous children they housed. And the children were often subjected to child slavery and unpaid labour. Canada knew of this abuse and tolerated, acquiesced and, in some cases, encouraged it. Canada failed to remove Indigenous children from abusive boarding homes in a timely manner or at all.

7. At all material times, Canada had a duty to protect and preserve the culture and identity of the Indigenous children. Canada also had a duty to prevent injury to Indigenous children and to ensure their mental and physical health and well-being.

8. Canada’s conduct and the conduct of its servants in establishing, implementing, administering and managing the Boarding Home Program for Indian Students caused extreme and ongoing harm to the Plaintiffs and other class members.

9. Class members experienced a loss of their Indigenous culture, language and identity, suffered extreme sexual, physical and psychological abuse and lost the opportunity to exercise

their aboriginal and treaty rights. These harms continue to have devastating intergenerational effects on Indigenous families and communities.

Parties and Class

10. The Plaintiff, Reginald Percival, is an Indian as defined by the *Indian Act*, RSC 1985, c I-5 and a member of the Nisga'a Nation. Pursuant to the Boarding Home Program for Indian Students, Canada forcibly removed Mr. Percival from his family and Nisga'a community when he was 13 years old. Mr. Percival currently resides in Gitlaxt'aamiks, British Columbia.

11. The Plaintiff, Iona Teena McKay, is an Indian as defined by the *Indian Act*, RSC 1985, c I-5 and a member of the Nisga'a Nation. Pursuant to the Boarding Home Program for Indian Students, Canada forcibly removed Ms. McKay from her family and Nisga'a community when she was 12 years old. Ms. McKay currently resides in Terrace, British Columbia.

12. The Plaintiff, Allan Medrick McKay, is an Indian as defined by the *Indian Act*, RSC 1985, c I-5 and a member of the Nisga'a Nation. Pursuant to the Boarding Home Program for Indian Students, Canada forcibly removed Mr. McKay from his family and Nisga'a community when he was 14 years old. Mr. McKay currently resides in Terrace, British Columbia.

13. The Plaintiff, Lorna Watts, is an Indian as defined by the *Indian Act*, RSC 1985, c I-5 and a member of the Nisga'a Nation. Pursuant to the Boarding Home Program for Indian Students, Canada forcibly removed Ms. Watts from her family and Nisga'a community when she was 12 years old. Ms. Watts currently resides in Kincolith, British Columbia.

14. After their apprehension by Canada, the Plaintiffs were all placed in boarding homes with non-Indigenous and non-Nisga'a families in urban communities across British Columbia.

15. From a time prior to contact with Europeans to the present, the Nisga'a Nation has sustained its people, communities and distinctive culture by exercising Nisga'a laws, customs and traditions in relation to citizenship, adoption, family care, marriage, property and use of resources.

16. The Plaintiffs bring this action on their own behalf and on behalf of a proposed class of Indigenous persons in Canada who were taken from their families and Indigenous communities and placed in boarding homes with non-Indigenous families or with Indigenous families belonging to a different First Nation, Inuit ethnic group or ancestral Métis community than their own (“Class Members”, to be further defined in the Plaintiffs’ application for class certification). The Class is composed of Indians, Inuit and Métis persons.

17. The Plaintiffs and Class Members are aboriginals within the meaning of section 35 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982 c 11. The Plaintiffs and Class Members’ aboriginal and treaty rights existed and were exercised at all relevant times pursuant to section 35 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982 c 11.

18. The Plaintiffs also bring this action on behalf of each person who, by reason of his or her relationship to a Class Member, is entitled by legislation to make a claim as a result of injury to the Class Member (collectively “Secondary Class Members”). This legislation includes but is not limited to the *Family Law Act*, RSO 1990, c F-3; the *Tort-Feasors Act*, RSA 2000, c T-5; *The Tortfeasors and Contributory Negligence Act*, CCSM, c T-90; the *Tortfeasors Act*, RS 1989, c 471; the *Tortfeasors Act*, RSNB 2011, c 231; the *Civil Code of Quebec*; comparable legislation in other provinces and territories; and the common law.

19. The Defendant Canada was, at all relevant times, responsible for the administration of the *Indian Act*, RSC 1985, c I-5 and its predecessor statutes. Canada has exclusive jurisdiction in respect of Indigenous persons pursuant to section 91(24) of the *Constitution Act, 1867*, 30 & 31 Victoria, c 3 (UK) and the common law.

20. Canada’s liability arises from its negligence and breach of fiduciary duty, and from the conduct, negligence and malfeasance of individuals who were at all material times Canada’s employees, agents and servants. Canada had authority and control over these employees, agents and servants and is vicariously liable for their torts and for the damage caused by their faults,

pursuant to section 3 of the *Crown Liability and Proceedings Act*, RSC 1985, c C-50 and its predecessor legislation.

The Boarding Home Program for Indian Students

21. In or around the early 1950s, Canada determined that the assimilation of Indigenous children into mainstream Canadian society could be accelerated if Indigenous students were removed from Indigenous communities or segregated residential schools and put into public provincial schools in urban municipalities. To further this policy objective, Canada created and implemented the Boarding Home Program for Indian Students.

22. The Boarding Home Program for Indian Students operated throughout Canada and continued until the early 1980s.

23. At all relevant times, the program was operated, administered and maintained by Canada's Department of Indian Affairs and Northern Development and its predecessor Ministries and Departments.

24. To facilitate the implementation of the Boarding Home Program, Canada sought out boarding homes for the children, offering funding for the room and board of each Indigenous child in care.

25. Canada also entered into agreements with the provinces and territories pursuant to which the provinces and territories would permit Indigenous children to attend provincial and territorial public schools, and Canada would provide payments to the provinces and territories to cover the cost of tuition, books and supplies for each Indigenous child in attendance.

26. Pursuant to the Boarding Home Program, Canada apprehended Indian, Inuit and Métis children, transported them to urban municipalities and placed them in boarding homes to live with strangers – sometimes hundreds of kilometres from their families and Indigenous communities.

Student Experiences

Loss of Culture

27. Canada's conduct in the creation, administration, maintenance, funding and operation of the Boarding Home Program for Indian Students furthered Canada's policy of forcibly assimilating Indigenous peoples, and it systematically eradicated the culture, society, language, customs, traditions, practices and spirituality of the Plaintiffs and other Class Members.

28. Pursuant to the Boarding Home Program, Class Members were forced to live in boarding homes for extended stays – sometimes for years – far removed from their families, cultural communities and language.

29. Class Members were expected to assimilate into non-Indigenous culture and were taught to be ashamed of their Indigenous culture and identity.

30. Given the significant change in their environment, Class Members often suffered from culture shock, accompanied by depression and anxiety.

31. Class Members were discouraged or forbidden from maintaining contact with their Indigenous families. Given the geographical distance of the urban boarding homes from many Indigenous communities, the families of Class Members were often unable to visit. And when families did undertake the expense and lengthy travel to visit, they were often denied the ability to see and interact with their loved ones.

32. Class Members were denied any reasonable opportunity to practice and maintain their Indigenous identity, language, culture, rights, customs and traditions. The boarding home families did not speak Indigenous languages and did not teach Class Members about their Indigenous cultural traditions and practices.

33. Class Members were often deprived of their aboriginal and treaty rights and monetary benefits to which they were entitled under the *Indian Act* and related legislation and policies.

34. The denial of familial and cultural connections caused significant emotional and financial harm for the Plaintiffs and other Class Members.

Physical, Sexual and Psychological Abuse

35. The Boarding Home Program for Indian Students was poorly executed and managed. Canada insufficiently vetted boarding homes and failed to ensure that Indigenous students in the care of boarding home families were safe and secure. Consequently, Class Members were subjected to egregious physical, sexual, emotional and psychological abuse perpetrated by their boarding home families. This abuse was systemic and existed within the Boarding Home Program at large.

36. Through its policies, acts and omissions, Canada created an environment where abuse of Class Members was commonplace, condoned and, arguably, encouraged.

37. Given the financial incentive for hosting Indigenous students, boarding home families often housed more students than they had room for. Students were often housed in overcrowded conditions, often with other students and often segregated from the boarding home family's primary living space, either through locks or through physical restraints.

38. Class Members – children and adolescents – were repeated fondled, raped and sodomized by members of their boarding home families.

39. Class Members – children and adolescents – were frequently required to perform fellatio on members of their boarding home families.

40. Class Members were frequently beaten by members of their boarding home families and subjected to racism and psychological abuse.

41. Class Members were often required to perform slave labour for their boarding home families.

42. Many Class Members were malnourished as they were not fed nutritional meals and, often, were denied food for extended periods of time. The fridges in boarding homes were often padlocked.

43. Class Members often had no one to report the abuse and other harm to. When abuse and other injustices were reported to counsellors and other servants of Canada, no meaningful and timely action was taken to safeguard Class Members against further abuse and harm. And the perpetrators were not sufficiently punished.

Representative Plaintiffs

Reginald Percival

44. Mr. Percival was born on August 13, 1955 in Gitlaxt'aamiks, British Columbia.

45. As a young child and in order to avoid being sent to a residential school or boarding home, Mr. Percival's parents often hid him to evade his apprehension by agents of Canada.

46. However, at the age of 13 – one week after his father died in a logging accident – Mr. Percival and about 500 other Nisga'a children were apprehended by Canada pursuant to the Boarding Home Program for Indian Students. The children were forced to leave their families and Nisga'a communities and were transported by bus loads to municipalities in British Columbia and Alberta, far from their Nisga'a homes. Mr. Percival recalls the sea of children being led onto the buses.

47. Mr. Percival felt scared and alone.

48. When Mr. Percival's bus arrived in Vancouver, a counsellor from Indian Affairs and Northern Development called out his name and the names of the other children, and they were matched with their boarding home families. Mr. Percival never again saw most of the children who were apprehended that day.

49. Mr. Percival's boarding home family was non-Indigenous. When Mr. Percival first met them, they threw his bag in the back of their pick-up truck and told him to climb in the back with

his bag. They then drove off without saying anything further to Mr. Percival. He recalls sitting in the back of the truck, petrified as the truck sped off. He wondered if he would ever again see his family and his Nisga'a community.

50. When Mr. Percival arrived at his boarding home in Surrey, British Columbia, he was told that he would be staying in the basement of the house with four other boarding home children. He and the other children were segregated from his boarding home family and rarely able to interact with them.

51. Mr. Percival recalls the extreme racism he endured at the hands of his boarding home family. He frequently heard his boarding home parents say that they "were getting back their taxes" by housing Indian children.

52. Mr. Percival's boarding home family did not speak his Nisga'a language. Neither did the other children in the boarding home. Mr. Percival's boarding home parents discouraged any contact with his family and denied Mr. Percival any reasonable opportunity to practice his Nisga'a language, culture, customs, heritage and traditions. He was also denied any reasonable opportunity to practice his aboriginal rights as a Nisga'a member.

53. Mr. Percival was, in reality, forced to forget his Nisga'a language and culture and "act white" in order to survive. He didn't feel like a person. He was known in many contexts only by his "number": 6770042601.

54. Mr. Percival's boarding home family would often keep the monthly allowance he received from Canada – \$20 – which was meant to buy clothes and other necessities.

55. Mr. Percival attended Johnston Heights Secondary School in Surrey where he encountered physical and verbal abuse from the non-Indigenous students. On Mr. Percival's first day there, one of the older students called him a "squaw". Before he could react, Mr. Percival's shirt was grabbed from behind by a teacher. The teacher told him that any retaliatory action on his part would result in him being kicked out of school.

56. Mr. Percival was frequently called a “dumb Indian” and a “dirty Indian” by both students and teachers and was often beaten up by non-Indigenous students. These students were defended by the teachers even when the teachers heard the students’ racist insults. Mr. Percival recalls the teachers simply smirking and allowing the violence to continue.

57. The non-Indigenous students at the school would throw food at the back of Mr. Percival’s head during lunch break.

58. Mr. Percival was never allowed to play sports. He was never invited to or allowed to participate in any track and field events and was made to sit on the bench during basketball games. His non-Indigenous peers were never treated this way.

59. The racism Mr. Percival experienced every day at Johnston Heights Secondary School caused him to feel ashamed of his Nisga’a identity. He never felt like he belonged at the school or anywhere. He felt alone, anxious and depressed.

60. Despite his constant complaints to his counsellor from Indian Affairs and Northern Development, neither the counsellor nor any other servant of Canada intervened or otherwise tried to help Mr. Percival. Consequently, he internalized his pain and became too ashamed to talk about his experiences.

61. Eventually, alone and overwhelmed by shame, he turned to alcohol to ease his pain.

62. Mr. Percival did not return home immediately after completing the Boarding Home Program for Indian Students – he did not feel that he had a home to return to.

63. After completing post-secondary education, Mr. Percival worked with the Union of BC Indian Chiefs in Vancouver. He returned to Gitlaxt’aamiks when he was offered a position with the Nisga’a Health Authority in 1989. He was 34.

64. On returning home to his family and Nisga'a community, Mr. Percival felt displaced and isolated. The emotional and physical separation from his family and community at such a young age had permanently impacted his ability to fit in with his Nisga'a family and community.

65. As a result of Canada's Boarding Home Program for Indian Students, Mr. Percival lost his Nisga'a language, identity, heritage and culture. He also lost monetary benefits to which he was entitled under the *Indian Act*.

66. It's taken Mr. Percival several years to rebuild his place in his Nisga'a community. He has undergone counselling and now acts as a counsellor for others who are survivors of the Boarding Home Program and the residential school system. Mr. Percival also works as an Administrative Review Officer for the Nisga'a Lisims Government.

67. Mr. Percival continues to be haunted by his Boarding Home Program experience and has for years struggled with depression and anxiety. He has nightmares about being taken away from his family – and still hears the cries of the parents as their children were herded onto the buses.

68. Mr. Percival's depression and anxiety prevented him from bringing an action against Canada in respect of his injury, damage or loss caused by the Boarding Home Program for Indian Students. Mr. Percival has always felt silenced and has never felt safe or capable of sharing his experiences.

69. It was only in the summer of 2018, after meeting several other survivors of the Boarding Home Program and hearing their stories of abuse and loss of culture, that he felt compelled to give a public voice to their stories. The support of his Nisga'a community had the effect of sufficiently stabilizing his depression and anxiety so he could consider commencing this litigation.

Iona Teena McKay

70. Ms. McKay was born on October 10, 1955 in Laxgalts'ap, British Columbia.

71. Although her father had successfully hidden Ms. McKay in her early years to avoid her apprehension, Ms. McKay was apprehended by Canada when she was 12. Ms. McKay and her family were advised that she was being apprehended pursuant to the Boarding Home Program for Indian Students, and that she would be sent to live with a boarding home family elsewhere to attend public school.

72. Ms. McKay recalls being incapacitated by fear and deep sadness. Not only was she being taken from her family, she was, at age 12, about to be transported to a whole new life.

73. Ms. McKay was transported by boat and then bus, along with several other Indigenous children, to Terrace, British Columbia, to start her new life.

74. When she arrived in Terrace, Ms. McKay was met by a counsellor from Indian Affairs and Northern Development. She was told that she would be living with a non-Indigenous family from Holland.

75. Ms. McKay's boarding home family was racist and treated her like a second-class citizen.

76. In addition to the psychological abuse Ms. McKay had to endure, she was physically and sexually abused by her boarding home father.

77. On one occasion, Ms. McKay snuck out of the house to watch a movie. After being caught, her boarding home father beat her repeatedly with his belt. As he was doing so, he told her that she was "stupid" and that she would "be like every other Indian in this world – waiting in the welfare line".

78. One night, while Ms. McKay was asleep, her boarding home father came into her room and started fondling her labia and clitoris before inserting his fingers into her vagina. Ms. McKay was petrified.

79. When Ms. McKay disclosed the sexual assault to her boarding home mother, her boarding home mother called Ms. McKay – only 12 – a "dirty Indian whore" and kicked her out of their home.

80. Ms. McKay reported the abuse to her Indian Affairs and Northern Development counsellor. To Ms. McKay's knowledge, her boarding home father was never punished.

81. After being kicked out of her first boarding home, Ms. McKay's counsellor sent Ms. McKay to live with another boarding home family in Terrace.

82. Ms. McKay endured psychological and sexual abuse in her new boarding home.

83. Ms. McKay had two boarding home brothers at this second home. The older brother would often come into Ms. McKay's bedroom at night while he was naked and drunk. Every night, Ms. McKay felt terrified – worried that he would come into her room naked again.

84. Once, Ms. McKay awoke from her sleep to find herself being raped by the younger of her two boarding home brothers. He was lying naked on top of her, his penis inside her, with his hand over her mouth to prevent her from screaming. She was 14.

85. Eventually, Ms. McKay was put into a third boarding home where she remained until she finished grade 12.

86. Ms. McKay's school teachers and fellow students were racist and mean. She was often bullied.

87. Ms. McKay felt ashamed, isolated and hopeless. At the age of 13 she started turning to alcohol and drugs to numb her pain.

88. Ms. McKay suffered from extreme depression and suicidal ideation. She began taking anti-depressants.

89. At age 16, Ms. McKay tried to kill herself.

90. Ms. McKay didn't ever feel at home in Terrace. None of her boarding home families spoke her Nisga'a language and they didn't know or understand her culture.

91. While in the Boarding Home Program for Indian Students, Ms. McKay was denied any reasonable opportunity to maintain contact with her family and her Nisga'a community. She was denied any reasonable opportunity to learn and practice her Nisga'a language, culture, customs, heritage and traditions. She was also denied any reasonable opportunity to practice her aboriginal rights as a Nisga'a member.

92. When Ms. McKay returned to Laxgalts'ap after grade 12, she was disheartened to still feel alone and isolated. Laxgalts'ap no longer felt like the home she'd remembered. She didn't speak the language or know the customs of her Nisga'a people.

93. As a result of Canada's Boarding Home Program for Indian Students, Ms. McKay lost her Nisga'a identity, language, heritage customs and culture. She also lost monetary benefits to which she was entitled under the *Indian Act*.

94. As a consequence of her experiences in the Boarding Home Program, Ms. McKay never had the opportunity to learn life skills or parenting skills from her parents. Because of this and because of the sexual and physical abuse she endured, Ms. McKay was not able to properly parent her children.

95. To this day, Ms. McKay suffers from extreme depression and anxiety. Ms. McKay regularly seeks mental health support for the ongoing impacts of the sexual and physical abuse she endured and the trauma of having been torn away from her biological family. Ms. McKay lives her life in fear and keeps herself isolated within her home.

96. Ms. McKay's depression and anxiety were so severe that they prevented her from bringing an action against Canada in respect of her injury, damage or loss caused by her apprehension by Canada and placement in the Boarding Home Program for Indian Students. Ms. McKay's interests and circumstances were so pressing that she could not reasonably commence an action.

97. It was not until the summer of 2018, after meeting with Mr. Percival and other Nisga'a Boarding Home survivors, that she finally felt sufficiently supported to share her experience and to try and bring about resolution and healing for herself and other Class Members.

Allan McKay

98. Mr. McKay was born on June 22, 1953 in Middle Bay, British Columbia. When he was a young child, his family moved to Laxgalts'ap.

99. When Mr. McKay was 13, he was apprehended by Canada pursuant to the Boarding Home Program for Indian Students. He was terrified, having never left his family or Nisga'a community before.

100. Mr. McKay was sent by train, along with approximately 40 other Indigenous children, to Mission, British Columbia, to live with a non-Indigenous boarding home family and to attend a predominantly non-Indigenous school.

101. Mr. McKay's first boarding home family was an elderly couple. The couple hosted four other boarding home students. The couple noted, on numerous occasions, that they were boarding the students because they needed money to make their mortgage payments.

102. Mr. McKay and the other children were confined to the basement of the house and were allowed upstairs only to eat.

103. In this home, he endured child slavery, constant racism and psychological abuse.

104. The couple used Mr. McKay and the other children as free labour to renovate their "fixer-upper" homes. Once the fixer-upper was renovated, the couple would sell the home and move to another fixer-upper, which Mr. McKay and the other children would renovate. And the cycle continued. Mr. McKay and the other children never received any pay for their work on these houses.

105. Mr. McKay also experienced extreme culture shock. Moving from his small Nisga'a community to a primarily Caucasian urban city – and attending a large school – was overwhelming. Within 6 weeks, Mr. McKay collapsed from exhaustion and was put on bed rest for 2 weeks.

106. At school, Mr. McKay and the other children experienced severe racism from the non-Indigenous students. They were called names such as “dirty drunken Indians” and were constantly bullied. Mr. McKay was often challenged to fist fights after school. The teachers encouraged these fights.

107. Eventually, Mr. McKay was moved to a home in Port Moody with a non-Indigenous family. Again, he endured constant racism and psychological abuse.

108. While at this home, he was required to share a bed with other boarding home students. One night, Mr. McKay woke up to find another male student, naked in bed next to him, trying to rape him.

109. In his third boarding home, he was malnourished and constantly denied food. His boarding home family kept a padlock on the fridge; only the family had access to the food.

110. Mr. McKay then lived with a boarding home family in Prince Rupert. He continued to endure racism and psychological abuse.

111. No matter where Mr. McKay lived, he was an outcast. He was unloved – housed only to earn money for his boarding home families.

112. In grade 11, feeling desperate and alone, Mr. McKay turned to drugs and alcohol to numb his pain. He dropped out of school.

113. While in the Boarding Home Program for Indian Students, Mr. McKay was denied any reasonable opportunity to maintain contact with his family and his Nisga'a community.

114. Mr. McKay was denied any reasonable opportunity to practice his aboriginal rights as a Nisga'a member. And he was denied any reasonable opportunity to practice his Nisga'a language, culture, customs, heritage and traditions.

115. Mr. McKay lost his ability to speak his Nisga'a language. And, having been unable to participate in the Nisga'a feasts growing up, failed to learn the Nisga'a way of life. He lost his Nisga'a identity. Mr. McKay also lost monetary benefits to which he was entitled under the *Indian Act*.

116. Suffering from alcoholism and depression, Mr. McKay chose to be a fisherman in Prince Rupert and remain distant from his Nisga'a people, believing he would never again fit in.

117. When Mr. McKay finally returned to Laxgalts'ap in his late 20s, he felt alone and unable to fit in with his Nisga'a community.

118. Because Mr. McKay's life was void of nurturing and love during his formative years, he never learned to give and receive love. It is difficult for Mr. McKay to form bonds with people and to maintain relationships. His Boarding Home Program experience has left him with permanent emotional scars.

119. Mr. McKay has worked for decades to better himself and to learn his Nisga'a language and culture. He quit drinking and, at 46, graduated from high school. He has become a Hereditary Chief of his Nisga'a people.

120. To this day, Mr. McKay suffers from depression and regularly attends counselling sessions to help him cope. His depression is triggered by memories of his time living in boarding homes.

121. Mr. McKay's interests and circumstances were so pressing that he could not reasonably consider commencing an action against Canada in respect of his injury, damage or loss caused by

his apprehension by Canada and his placement in the Boarding Home Program for Indian Students.

122. It was not until the summer of 2018, after meeting with Mr. Percival and other Nisga'a Boarding Home survivors, that he felt capable of telling his story of survival and commencing this litigation.

Lorna Watts

123. Ms. Watts was born on October 7, 1955 in Kincolith, British Columbia.

124. Ms. Watts was apprehended by Canada when she was 12. She and several other Indigenous children were put onto boats and taken to Prince Rupert. She remembers the pain and fear she felt that day, being taken from her parents at such a young age.

125. From Prince Rupert, Ms. Watts and other Indigenous children were taken by bus to Burnaby, British Columbia. Ms. Watts recalls the children being herded off the buses.

126. The children were met by a counsellor for the Department of Indian Affairs and Northern Development. The children had numbers taped on their bodies and it was by this number – not their names – that the counsellor called the children and matched them to their respective boarding home families. Ms. Watts remembers feeling not only scared, but also embarrassed. She felt like an animal, not a child.

127. Ms. Watts' siblings had also been on the bus, but she was not allowed to say goodbye to them before she was taken away by her boarding home family.

128. Ms. Watts was boarded with a non-Indigenous family, along with three other female children. Her boarding home parents were racist and abusive.

129. When Ms. Watts and the other girls arrived, they were required to sprinkle the insecticide dichlorodiphenyltrichloroethane (DDT) on their beds, being told they “may have bugs on their bodies from the reserve”.

130. Ms. Watts and the other girls had long black hair. Ms. Watts’ boarding home mother suspected that one of the girls had lice, so Ms. Watts and the other girls were forced to get short, boyish haircuts. Ms. Watts recalls sobbing as her cut hair fell to the floor; long, braided hair was a source of pride in her Nisga’a community.

131. Ms. Watts and the other girls were confined to the basement of the house. The basement had no heating; it was damp and cold.

132. Ms. Watts and the other girls were fed insufficient amounts of food by their boarding home parents and became malnourished. They were not allowed to eat meals with their boarding home parents. Instead, their plates were left on a tray at the top of the stairs to the basement. Their boarding home mother would holler when the tray was placed, and Ms. Watts or one of the other children would retrieve the tray. Since the small table in the basement could only seat two, Ms. Watts and the other girls would take turns eating.

133. After dinner, Ms. Watts and the girls were always given wine to drink. They were told it was “non-alcoholic dinner wine.” They were also told not to tell anyone about the wine – it was a “secret”.

134. At the insistence of their boarding home father, they were ordered by their boarding home mother to sleep naked.

135. The boarding home father would come into the basement at night to watch Ms. Watts and the other girls sleep. Ms. Watts suspects that, while in a deep sleep from the wine, their boarding home father would sexually abuse them.

136. Ms. Watts told an older schoolmate about how she and the other girls were being treated at the boarding home. The older student informed the school counsellor and, eventually, Ms. Watts and the other girls were removed from the home.

137. Ms. Watts was sent to live with another non-Indigenous boarding home family in Burnaby. This family was racist. The family frequently referred to Ms. Watts as “squaw” and, in fact, rarely called her by her name.

138. Ms. Watts had to share a bed with another boarding home student.

139. Ms. Watts was required to sleep in the unheated basement, and she was required to hide from any household guests.

140. Ms. Watts’ boarding home parents used her for free labour. Ms. Watts was expected to do all of the household chores and was constantly required to squeeze tubs of grapes to make wine. Ms. Watts would serve her boarding home family meals in the dining room, and then was relegated to the kitchen to eat whatever was left in the pots and pans. Ms. Watts felt like a slave.

141. Her boarding home parents kept Ms. Watts’ allowance that she was given by Canada – which was meant to allow Ms. Watts money for clothes and other necessities. On one occasion, Ms. Watts and another boarding home student, Darlene, noticed a mug with money in it and a piece of paper that said “Lorna and Darlene’s allowance”. They took the money believing that it was theirs. Later, they were apprehended by the police for stealing the money. The boarding home family threatened punishment and more chores when the police took Ms. Watts and Darlene back to the house.

142. When Ms. Watts was approximately 14, she was sent to live in her third boarding home with a young non-Indigenous couple in New Westminster, British Columbia.

143. Ms. Watts was again used as free child labour. She was expected to get up early in the morning to pick bushels of fruit. She was told she would get paid depending on how much she picked. She was never paid for the work she did.

144. Once, when her boarding home mother left for the day, her boarding home father's brother got naked and approached Ms. Watts who screamed and ran upstairs.

145. Ms. Watts was eventually moved to another non-Indigenous boarding home in Terrace.

146. Ms. Watts recalls being treated like a servant in this house. She was regularly late to school because she was expected to do several chores before she could leave the house in the morning.

147. By this time, Ms. Watts was 16 and struggling with depression. She started to skip classes in the hope that she would be expelled from school and removed from the home. When this finally happened, the boarding home father kicked her and told her that he didn't want "her kind" in his house again.

148. At the various schools she attended, Ms. Watts was surrounded by non-Indigenous students and teachers who constantly subjected her to racist jokes and remarks. She always felt like an outsider.

149. As a young teenager, Ms. Watts turned to alcohol to cope. She felt worthless, uncared for and alone.

150. Later in her life, Ms. Watts found out that her biological family had been trying to contact her throughout the years that she was gone. She was never told about any of their messages.

151. While in the Boarding Home Program for Indian Students, Ms. Watts was denied any reasonable opportunity to maintain contact with her family and her Nisga'a community. She was denied any reasonable opportunity to learn and practice her Nisga'a language, culture, customs, heritage and traditions. She was also denied any reasonable opportunity to practice her aboriginal rights as a Nisga'a member.

152. When Ms. Watts finally returned to Kincolith in her late teens, she felt isolated. She had changed so much that her grandmother did not recognize her. She felt like a stranger in her own community. She didn't speak the Nisga'a language or know the customs of her Nisga'a people.

153. As a result of Canada's Boarding Home Program for Indian Students, Ms. Watts lost her Nisga'a identity, language, heritage customs and culture. She also lost monetary benefits to which she was entitled under the *Indian Act*.

154. Ms. Watts' experiences in the Boarding Home Program have left her emotionally scarred.

155. To this day, Ms. Watts suffers from depression. She was regularly attending counselling sessions but had to stop because it was too painful to speak about her experiences in boarding homes. She also struggles to maintain employment.

156. Ms. Watts struggled with alcoholism for much of her life and was only able to stop when her husband became ill and needed her to care for him.

157. Ms. Watts still has nightmares about her years in the Boarding Home Program. Her interests and circumstances were so pressing that she could not reasonably consider commencing an action against Canada in respect of her injury, damage or loss caused by her apprehension by Canada and her placement in the Boarding Home Program for Indian Students.

158. It was not until the summer of 2018, after meeting with Mr. Percival and other Nisga'a Boarding Home survivors, that she felt capable of telling her story of survival and commencing this litigation. She wants to bring about closure and healing for her and the other Boarding Home Program survivors.

Duties of the Defendant

Generally

159. In establishing, implementing, administering and managing the Boarding Home Program for Indian Students, Canada had a duty to protect and preserve the identity, culture, language, heritage, religion, rights, spirituality and traditions of the Plaintiffs and other Class Members. Canada also had a duty to ensure the safety and well-being of the Plaintiffs and other Class Members, and to ensure that that the boarding homes in which they were placed were free of physical, sexual, psychological and emotional abuse.

160. Indigenous people are entitled to a special duty of care, good faith, honesty and loyalty from Canada.

161. At all relevant times, Canada was responsible for:

- a. the administration of the *Indian Act*, RSC 1985, c I-5 and its predecessor statutes as well as any other statutes relating to Indians and all Regulations promulgated under these Acts and their predecessors;
- b. the promotion of the physical and mental health, safety and well-being of the Plaintiffs and other Class Members;
- c. the management, operation and administration of the Department of Indian Affairs and Northern Development and its predecessor Ministries and Departments;
- d. the decisions of, procedures of, regulations promulgated by, and operations and actions taken by the Department of Indian Affairs and Northern Development, its employees, servants, officers and agents and their predecessors;
- e. the hiring and supervision of employees, officers and management at the Department of Indian Affairs and Northern Development and its predecessor Ministries and Departments, including the Indian Commissioner and including the counsellors who dealt directly with the Plaintiffs and other Class Members, all of whom were Canada's servants and agents and all of whom were within Canada's direction and control;

- f. the establishment, creation, operation, management, maintenance and administration of the Boarding Home Program for Indian Students;
- g. the vetting, financing and supervision of the boarding homes which housed the Plaintiffs and other Class Members;
- h. the financing of Indigenous education; and
- i. the preservation of the aboriginal and treaty rights of the Plaintiffs and other Class Members, including the right to:
 - i. retain their status as Indians;
 - ii. benefit from Indigenous laws, customs and traditions in relation to education, citizenship, adoption, family care, marriage, property and use of resources;
 - iii. retain and practice their culture, religion, language and traditions;
 - iv. fully learn their culture, religion, language and traditions from their families and communities; and
 - v. obtain monetary benefits under the *Indian Act*, RSC 1985, c I – 5 and its predecessor statutes and related legislation and policies.

Fiduciary Duty

162. Canada stands in a fiduciary relationship with Canada's Indigenous peoples. Canada's relationship with the Plaintiffs and other Class Members was, at all material times, one of dependence, trust and reliance; Canada had undertaken to act in the best interests of the Plaintiffs and other Class Members.

163. Canada has an ongoing obligation to consult with Indigenous peoples on matters relevant to their interests.

164. At all material times, the Plaintiffs and other Class Members were particularly vulnerable and – being children taken away from their families, homes and Indigenous communities – were in need of protection. With respect to these Class Members, Canada assumed *loco parentis* responsibility for their care and supervision while they were part of the Boarding Home Program for Indian Students.

165. The health and welfare of the Plaintiffs and other Class Members and their Indigenous identity and culture were legal or substantial practical interests of the Plaintiffs and other Class Members. Canada was required to take steps to safeguard, monitor, preserve, secure and protect these interests.

166. At all material times, Canada assumed such a degree of discretionary control over the protection and preservation of the health, welfare, identity and culture of the Plaintiffs and other Class Members that it amounted to a direct administration of those interests. The protection and preservation of the health, welfare, identity and culture of the Plaintiffs and other Class Members were within the power, discretion or control of Canada and were subject to the unilateral exercise of Canada's power, discretion or control.

167. Canada's fiduciary duty owed to the Plaintiffs and other Class Members was, at all material times, a non-delegable duty.

Common Law Duty

168. At all material times, Canada owed a common law duty of care to the Plaintiffs and other Class Members, who were unwilling participants in the Boarding Home Program for Indian Students, to take steps to prevent them from losing their Indigenous identity and culture and to ensure their physical and mental safety and well-being.

169. Canada had a duty to consult with Indigenous communities regarding the provision of educational programs to Indigenous children. A special relationship – to which the law attached a duty of care – existed as between Canada and Indigenous communities. This special relationship, by extension, existed as between Canada and Class Members, all of whom were apprehended, pursuant to an educational program, and placed in boarding homes.

170. In the alternative, a common law duty of care arose by virtue of the relationship of proximity that existed between Canada and Class Members.

171. There is a long-standing historical and constitutional relationship between Canada and Indigenous peoples that has evolved into a unique and important relationship premised on trust.

172. At all material times, the Plaintiffs and other Class Members were under Canada's reasonable care and control. The Plaintiffs and other Class Members reasonably expected that they would not be harmed – physically, sexually, psychologically, culturally and emotionally – while participating in Canada's Boarding Home Program for Indian Students. The Plaintiffs and Class Members were, while living in boarding homes, wards of Canada. A relationship of proximity existed as between Canada and Class Members.

173. Given the relationship of proximity that existed between Canada and Class Members, Canada knew or ought to have known that a failure on its part to take reasonable care in establishing, implementing, administering and managing the Boarding Home Program for Indian Students would cause significant harm to the Plaintiffs and other Class Members.

174. Canada was required to exercise a reasonable standard of care in establishing, implementing, administering and managing the Boarding Home Program for Indian Students. The standard of care required by Canada included but was not limited to:

- a. taking proper and reasonable steps to prevent injury to the Plaintiffs and other Class Members' health, safety and well-being;
- b. ensuring that boarding homes were environments free from racism and sexual, physical, emotional and psychological abuse;
- c. ensuring that the language, culture, identity, religion, heritage, customs and rights of the Plaintiffs and other Class Members were protected and preserved;
- d. ensuring that adequate services and resources were provided to the Plaintiffs and other Class Members to enable them to exercise, practice and maintain their language, culture, identity, religion, heritage, customs and rights;
- e. preventing the cultural assimilation of the Plaintiffs and other Class Members;
- f. preserving and protecting the Plaintiffs' and other Class Members' monetary benefits under the *Indian Act*, RSC 1985 c I-5 and its predecessor statutes and related legislation and policies;
- g. consulting with Indian Bands and other Indigenous stakeholders about the Boarding Home Program for Indian Students;

- h. ensuring that counsellors and other staff who administered and managed the Boarding Home Program for Indian Students – all of whom were Canada’s servants and agents and all of whom were within Canada’s direction and control – were appropriately trained and educated and understood that the abuse of Class Members would not be tolerated;
- i. ensuring that staff was sufficiently supervised;
- j. using reasonable care in the establishment, implementation, administration and management of the Boarding Home Program for Indian Students;
- k. establishing, implementing and enforcing appropriate policies, guidelines and procedures to ensure that the Plaintiffs and other Class Members would be free from sexual, physical, emotional, cultural and psychological abuse;
- l. ensuring that sufficient systems were in place for reporting incidents of abuse and other harms;
- m. investigating and addressing complaints and allegations of abuse and other harms in a timely manner; and
- n. ensuring that perpetrators of abuse and other harms were appropriately punished.

Breach of the Defendant’s Duties

175. With respect to the Plaintiffs and other Class Members who participated in the Boarding Home Program for Indian Students, Canada and its servants breached its duties by, among other things:

- a. failing to take proper and reasonable steps to prevent injury to the Plaintiffs and other Class Members’ health, safety and well-being;
- b. failing to prevent the systemic sexual, physical, emotional and psychological abuse of the Plaintiffs and other Class Members;
- c. failing to establish, implement and enforce appropriate policies, guidelines and procedures to ensure that the Plaintiffs and other Class Members would be free from sexual, physical, emotional and psychological abuse;
- d. failing to ensure that the Boarding Home Program for Indian Students delivered appropriate child welfare and educational services for Indigenous children;

- e. supporting or acquiescing in the apprehension and removal of the Plaintiffs and other Class Members from their Indigenous families and communities;
- f. failing to take reasonable steps to prevent the Plaintiffs and other Class Members from being placed in the care of non-Indigenous boarding homes or in boarding homes with Indigenous families belonging to a different First Nation, Inuit ethnic group or ancestral Métis community than their own;
- g. having occupied a position analogous to that of a parent, failing to establish and maintain systems to protect the Plaintiffs and other Class Members as a good parent should;
- h. failing to take reasonable steps to prevent the Plaintiffs and other Class Members from losing their Indigenous identity and culture;
- i. failing to ensure that adequate services and resources were provided to the Plaintiffs and other Class Members to enable them to exercise, practice and maintain their Indigenous language, culture, identity, religion, heritage, customs and rights during the period of placement in boarding homes;
- j. supporting or acquiescing in denying the Plaintiffs and other Class Members a reasonable opportunity to exercise their rights as Indigenous peoples, including their aboriginal and treaty rights;
- k. failing to take reasonable steps to preserve and protect the Plaintiffs' and other Class Members' monetary benefits under the *Indian Act*, RSC 1985 c I-5 and its predecessor statutes and related legislation and policies
- l. failing to ameliorate the harmful effects of the Boarding Homes Program for Indian Students;
- m. failing to ensure that Indigenous children were made aware of their aboriginal and treaty rights;
- n. permitting unqualified and otherwise unsuitable individuals operate boarding homes without adequate screening and supervision;
- o. failing to protect the Plaintiffs and other Class Members from harm and injury while they were resident in boarding homes;
- p. failing to properly monitor and oversee the provision of funding it made to the Boarding Home Program for Indian Students;

- q. failing to properly monitor and oversee the provision of funding it made to boarding home families;
- r. failing to properly monitor and oversee the provision of funding it made to provincial and territorial public schools;
- s. failing to establish, implement and enforce appropriate policies, guidelines and procedures to ensure that the Plaintiffs and other Class Members would have reasonable access to their families and Indigenous communities;
- t. failing to ameliorate the harmful effects to the Plaintiffs and other Class Members of extended stays away from their families and Indigenous communities;
- u. failing to ensure that Boarding Home Program staff and staff of the Department of Indian Affairs and Northern Development and its predecessor Ministries and Departments was appropriately trained and educated and understood that the abuse of Class Members would not be tolerated;
- v. failing to ensure that Boarding Home Program staff and staff of the Department of Indian Affairs and Northern Development and its predecessor Ministries and Departments was appropriately supervised;
- w. failing to consult with Indigenous communities and other Indigenous stakeholders about the Boarding Home Program for Indian Students, the provision of funding to the program for that purpose, and the policies and practices that would be adopted in operating and administering that program;
- x. actively promoting a policy of cultural assimilation;
- y. investigating and addressing complaints and allegations of abuse and other harms in a timely manner; and
- z. ensuring that perpetrators of abuse and other harms were appropriately punished.

176. The acts and omissions of Canada were systemic and were acts of fundamental disloyalty and betrayal to the Plaintiffs and other Class Members.

177. Canada's conduct was in breach of its constitutional obligations arising under section 91(24) of the *Constitution Act, 1867*, 30 & 31 Victoria, c 3 (UK) and section 35 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982 c 11.

178. Pursuant to the *Crown Liability and Proceedings Act*, RSC 1985, c C-50 and its predecessor legislation, Canada is vicariously liable for the negligent acts and omissions of its employees, servants and agents.

International Law

179. On November 12, 2010, Canada issued a statement of support for the *United Nations Declaration on the Rights of Indigenous Peoples* (“UNDRIP”). The actions of Canada in establishing, implementing, administering and managing the Boarding Home Program for Indian Students were contrary to the spirit of UNDRIP as well as the commitments set out in Article 1 and Article 8 of UNDRIP.

180. Article 1 of UNDRIP states:

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.

181. Article 8 of UNDRIP states:

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
 - a. Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
 - b. Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
 - c. Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
 - d. Any form of forced assimilation or integration;
 - e. Any form of propaganda designed to promote or incite racial or ethnic

discrimination directed against them.

Ongoing Loss and Damage

182. The Plaintiffs and other Class Members are Indigenous persons who, as children, enjoyed or were entitled to enjoy aboriginal and treaty rights, including the right to:

- a. benefit from Indigenous laws, customs and traditions in relation to education, citizenship, adoption, family care, marriage, property and use of resources;
- b. retain and practice their Indigenous culture, religion, language, heritage and traditions; and
- c. fully learn their Indigenous culture, religion, language, heritage and traditions from their families and communities.

183. As a consequence of Canada's breaches of its fiduciary and common law duties and the fault and negligence of its servants, as set out above, the Plaintiffs and other Class Members were and are subjected to ongoing damage. Particulars of the past and ongoing loss or damage suffered by the Plaintiffs and other Class Members include:

- a. loss of their Indigenous culture and identity;
- b. loss of their Indigenous customs, language, heritage, religion, spirituality and traditions;
- c. loss of the opportunity to exercise their aboriginal rights;
- d. loss of the opportunity to exercise their treaty rights;
- e. loss of the opportunity to participate in traditional methods of education;
- f. loss of their status as Indians;
- g. isolation from their families, Indigenous communities and traditional homelands;
- h. physical, sexual, emotional, spiritual and psychological abuse and suffering;
- i. post-traumatic stress disorder;
- j. loss of self-esteem and diminished self-worth;
- k. repeated and ongoing nightmares;
- l. depression;

- m. anxiety;
- n. difficulty in coping with emotional stress;
- o. suicidal ideation;
- p. attempted suicide;
- q. feelings of guilt, responsibility, and self-blame;
- r. nervous shock;
- s. mental anguish;
- t. insomnia;
- u. forced cultural assimilation;
- v. deprivation of one's ability to pass one's culture and identity on to one's children;
- w. social dysfunctionality, failed relationships and alienation from family, spouses and children;
- x. loss of ability to obtain proper education or employment;
- y. loss of income, loss of competitive advantage in the employment field, loss of income earning potential and loss of income earning capacity;
- z. loss of ability to parent;
- aa. addiction, including addiction to alcohol, prescription and non-prescription drugs;
- bb. pain and suffering;
- cc. loss of consortium;
- dd. loss of enjoyment of life; and
- ee. the cost of psychological, psychiatric and medical treatment, including but not limited to the cost of counselling, rehabilitation, therapy, medication and hospitalization.

184. As a consequence of Canada's breaches of its fiduciary and common law duties and the fault and negligence of its servants, as set out above, Secondary Class Members have also sustained and will continue to sustain injury, loss and damages, including but not limited to:

- a. actual expenses reasonably incurred for the benefit of Class Members;
- b. actual expenses incurred while supporting Class Members during counselling and/or recovery; and

- c. loss of income and/or the value of services provided by Secondary Class Members to Class Members, where such services, including nursing and housekeeping, have been provided.

185. Secondary Class Members seek compensation for the costs set out in paragraph 184 as well as compensation for loss of support, guidance, consortium, care and companionship that they might reasonably have expected to have received from Class Members. Such loss and damage was reasonably foreseeable by Canada

Punitive Damages

186. A punitive damage award in this case is necessary to express society's condemnation of Canada's conduct and to achieve the goals of both general and specific deterrence.

187. The conduct of Canada was systemic, deliberate, lasted for decades and represented a marked departure from ordinary standards of decent behaviour. Canada had detailed knowledge of the breach of aboriginal and treaty rights and the widespread psychological, emotional, sexual and cultural abuses of the Plaintiffs and other Class Members. Despite this knowledge, Canada did nothing to remedy the situation and continued to administer the Boarding Home Program for Indian Students, thus continuing to permit the perpetration of grievous harm to the Plaintiffs and other Class Members. Canada deliberately planned the eradication of the identity, language, religion and culture of the Plaintiffs and other Class Members.

188. Canada's acts and omissions and the acts of omissions of its agents and servants, as set out in detail in this claim, showed a callous disregard for the rights and well-being of the Plaintiffs and other Class Members.

189. Compensatory damages are insufficient in this case. The conduct of Canada merits punishment and warrants a claim for punitive damages.

Disgorgement

190. The Plaintiffs and other Class Members were deprived of financial benefits to which they were entitled pursuant to the *Indian Act*, RSC 1985, c I-5 and its predecessor legislation and policies. Canada wrongly retained these monies and the value of these benefits.

191. Canada should be required to disgorge the profits and other financial benefits that it inequitably acquired by virtue of its wrongful acts and omissions.

Québec Class Members

192. Where the acts and omissions of Canada and its servants took place in Québec, they constituted fault giving rise to extra-contractual liability pursuant to the *Civil Code of Québec*, CQLR, c CCQ-1991 and pursuant to the *Crown Liability and Proceedings Act*, RSC 1985, c C-50 and the *Interpretation Act*, RSC 1985, c I-21 and any predecessor legislation. The conduct of Canada and its servants also constituted unlawful and intentional interference with the rights of Québec Class Members within the meaning of the *Charter of Human Rights and Freedoms*, CQLR c C-12 and any predecessor legislation.

193. Canada is liable to pay damages, including punitive damages, to the Québec Class Members pursuant to the *Civil Code of Québec*, CQLR, c CCQ-1991 and any predecessor legislation.

Legislation

194. The Plaintiffs and other Class Members plead and rely upon the common law and various statutes and regulations, including but not limited to:

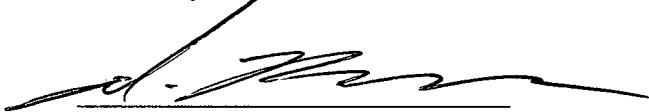
- a. *Charter of Human Rights and Freedoms*, CQLR c C-12;
- b. *Civil Code of Quebec*, CQLR, c CCQ-1991;
- c. *Constitution Act, 1867*, 30 & 31 Victoria, c 3 (UK);
- d. *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982 c 11;
- e. *Crown Liability Act*, SC 1952-53, c 30;
- f. *Crown Liability and Proceedings Act*, RSC 1985, c C-50;

- g. *Family Law Act*, RSO 1990 c F-3;
- h. *Federal Courts Act*, RSC 1985, c F-7;
- i. *Federal Courts Rules*, SOR/98-107;
- j. *Health Care Costs Recovery Act*, SBC 2008, c 27;
- k. *Indian Act*, RSC 1951, c 149;
- l. *Indian Act*, RSC 1985, c I-5;
- m. *Interpretation Act*, RSC 1985, c I-21;
- n. *Limitation Act*, SBC 2012, c 13;
- o. *The Tortfeasors and Contributory Negligence Act*, CCSM, c T-90;
- p. *Tortfeasors Act*, RS 1989, c 471;
- q. *Tort-Feasors Act*, RSA 2000, c T-5;
- r. *Tortfeasors Act*, RSNB 2011, c 231; and
- s. All other comparable and relevant acts and regulations in Canada and their predecessor legislation;

Place of Trial

The Plaintiffs propose that this action be tried at the City of Vancouver, in the Province of British Columbia.

Date: July 23, 2018



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Schedule D

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL
N°: 500-06-000812-160

SUPERIOR COURT
Class Action

Wiichihiiwewin Centre of Waskaganish

Applicant

and

Anne Smith

Designated Member

[...]

v.

Attorney General of Canada

Respondent

[...]

**RE-AMENDED (fifth modification) APPLICATION FOR AUTHORIZATION TO
INSTITUTE A CLASS ACTION AND TO OBTAIN THE STATUS OF
REPRESENTATIVE
(Art. 571 *et seq.*, C.C.P.)**

**TO ONE OF THE JUDGES OF THE SUPERIOR COURT, SITTING IN THE PRACTICE
DIVISION FOR THE DISTRICT OF MONTREAL, THE APPLICANT RESPECTFULLY
SUBMITS THE FOLLOWING:**

The applicant Wiichihiiwewin Centre of Waskaganish (“the Applicant”), an association constituted as a legal person of which Anne Smith (a pseudonym) is a designated member, requests authorization to proceed with a class action on behalf of persons in the group described below, of which Anne Smith is a member, specifically:

Description of the Primary Class

[...] “Aboriginal children and adolescents who, when they were domiciled or residents in Québec, were billeted by the Government of Canada with families other than their own, or in [...] boarding

homes (the “Primary Class”). The Primary Class excludes the claims released against the Government of Canada in respect of institutions covered by Schedules E and F of the Indian Residential Schools Settlement Agreement”; and

Description of the Family Class

“All persons who are a spouse or former spouse, child, grandchild or sibling of a member of the Primary Class and who suffered material and/or moral damages as a result of injury to the Primary Class Members (the “Family Class”)”. [...]

1. Overview

- 1.1. Every year from the time she turned █ in 1965, federal civil servants took Anne from her home in the Cree village of Rupert House (now Waskaganish), Quebec, to put her in Indian Residential School (IRS) in Fort George, Quebec, some 550 kilometers away.
- 1.2. Anne was a direct victim of the fact that, as the Prime Minister stated in his 2008 apology: “For more than a century, Indian Residential Schools separated over 150,000 Aboriginal children from their families and communities,” produced as Exhibit **P-1**.
- 1.3. The year Anne turned 14 or 15, federal officials decided there was no room for her at the residence and billeted her with the █. In that home, Anne was molested by █ and raped by their █.
- 1.4. Anne received no compensation for the abuse under the Indian Residential Schools Settlement Agreement (IRSSA): she received a final decision on June 21, 2016, that when federal civil servants placed her in the private home where she was raped, their decision on her accommodation had the effect of removing her from the scope of the Agreement – even though she continued to attend the same school as before, hundreds of kilometers from her home.
- 1.5. Anne was not alone: more than 100 other students from the Cree villages of Rupert House, Paint Hills (now Wemindji), Eastmain and Fort George were also billeted with families living in Fort George, while continuing to attend the same federally-operated school as when they were in residence. Several individuals from Waskaganish who were billeted with other families have described physical and sexual abuse they suffered in those homes.
- 1.6. A similar situation existed in Mistissini (then known as Mistassini) in the 1970s, where children from Mistissini and other surrounding communities were billeted in

families living in Mistissini, while attending the federal Indian day school in the community. Several individuals billeted with families in Mistissini have also described physical and sexual abuse they suffered in those homes.

- 1.7. Moreover, the federal government used its jurisdiction over primary and secondary education for Aboriginal children to impose on them a variety of other forms of placement outside their own homes while they were at school, such as boarding homes, hostels and residences, none of which meet the definition of residential schools under the IRSSA, but where students also suffered abuse.
- 1.8. This action concerns the establishment, implementation, administration and management by Canada of those placement programs for Aboriginal children and youth, which consisted of educational programs designed to advance Canada's policy of culturally assimilating Aboriginal persons into mainstream Canadian society.
- 1.9. As a result of those placements, Aboriginal children were separated by large distances from their families and communities and were unreasonably denied access to their language, culture, identity, religion, heritage and customs.
- 1.10. Through the implementation of those placement programs, Canada severely damaged the identities of those children who were billeted and subsequent generations of Aboriginal people and caused irreversible harm to individuals, families and communities.
- 1.11. The Applicant is seeking a recourse for Anne Smith and for all those in a similar situation and their families, whether in Fort George or Mistissini, or elsewhere in Québec.

2. The context of the class action: Indian Residential Schools and the Independent Assessment Process

A. The Indian Residential School system

- 2.1. A fundamental measure in Canada's policy of assimilation of Aboriginal peoples was its system of residential schools, which were operated across Canada, in collaboration with church entities, from the early 1830s until 1997, as appears from Summary of the Final Report of the Truth and Reconciliation Commission of Canada (TRC Report), produced as Exhibit P-2, at p. 70.
- 2.2. In total, roughly 150,000 Aboriginal people attended one or more of the 139 residential schools across the country, as appears from the TRC Report, P-2, at p. 3. Most of these individuals were Indians within the meaning of the *Indian Act*, like Anne and the other Quebec Cree, but many were also Inuit.

- 2.3. These schools system played an important role in a process referred to as “cultural genocide” by the Truth and Reconciliation Commission (TRC) of Canada and by the Right Honourable Beverly McLachlin, Chief Justice of the Supreme Court of Canada, as appears from the TRC Report, P-2, at p. 1, and from an article in the *Globe and Mail* dated May 28, 2015, produced as Exhibit **P-3**.
- 2.4. The Aboriginal Healing Foundation defined the “Residential School System” as including “industrial schools, boarding schools, homes for students, hostels, billets, residential schools, residential schools with a majority of day students or a combination of any of the above,” as appears from the *Third Interim Evaluation Report of Aboriginal Healing Foundation Program Activity* at p. vi, produced as Exhibit **P-31**.
- 2.5. In fact, the residential school system consisted of a variety of forms of primary and secondary education imposed on Aboriginal children by the federal government pursuant to its authority under para. 91(24) of the *Constitution Act, 1867* from Confederation till approximately 1997.

B. The Indian Residential School Settlement Agreement (IRSSA)

i. Nature and scope

- 2.6. The Indian Residential School Settlement Agreement (IRSSA), produced as Exhibit **P-4**, was approved as the settlement of nine class actions by the superior courts of six provinces (from British Columbia to Québec) and all three territories, including the decision of this Honourable Court in *Bosum v. Attorney General of Canada*, No. 500-06-000293-056, 550-06-000021-056 and 500-06-000308-052, produced as Exhibit **P-5**.
- 2.7. The IRSSA has three main components: the Truth and Reconciliation Commission (TRC); the Common Experience Payment (CEP), a lump sum payable to all former students who resided at a recognized Indian Residential School (IRS); and the Independent Assessment Process (IAP) at issue in this application, meant to compensate claims of sexual or serious physical abuse.
- 2.8. A list of the residential schools attended to by the IAP is found in Schedule P and F of the IRSSA, filed in support of this as Exhibit **P-6**, and it includes Fort George Anglican also known as St. Philip’s Indian Residential School (IRS), which Anne attended.
- 2.9. The Interim Report of the Truth and Reconciliation Commission (TRC), produced as Exhibit **P-32**, noted at p. 9 that the IRSSA excluded specific groups of former students, including:

- a) students such as Anne Smith, who attended the same schools by day as were attended by students living in the residences, who did not stay in their own homes with their own families, but who were billeted with local families; and
 - b) students who attended non-residential schools as directed by the federal government, though the schools were not under federal control – many of these students in fact boarded with families chosen by the federal government.
- 2.10. Requests made pursuant to Article 12 of the IRSSA to add institutions to the settlement agreement were denied in all 41 cases identified as “home placements,” in British Columbia, Saskatchewan, Manitoba, Ontario, Québec, the Northwest Territories and Nunavut, as appears from the full list produced as Exhibit **P-33**. [...]

ii. The Independent Assessment Process (IAP)

- 2.11. The IAP has two categories of claimants: Resident Claimants, who lived at the Indian Residential School (IRS), and Non-Resident Claimants, who did not reside at an IRS but, while under the age of 21, were permitted by an adult employee to be on the premises of an Indian Residential School to take part in authorized school activities.
- 2.12. The IAP awards compensation for three kinds of acts: sexual abuse, roughly from touching to repeated intercourse; severe physical abuse (PL); and “other wrongful acts” (OWA), which require a high level of psychological harm.
- 2.13. The IAP also awards compensation for:
- a) psychological harms from a modest detrimental impact, such a loss of self-esteem, to continued harm resulting in serious dysfunction, such as a chronic post-traumatic state;
 - b) consequential loss of opportunity, roughly from reduced attention span to chronic inability to obtain employment; or
 - c) proven actual income loss, instead of opportunity loss;
 - d) a future care plan for counselling or medical treatment, to a maximum of \$15,000;

the whole as it appears in IRSSA, Schedule D, produced in support of this as Exhibit **P-7**.

- 2.14. Liability can vary depending on the identity of the alleged perpetrator:
- a) Canada accepts liability for abuse by any adult employee of the government or of the church entity that operated the IRS, but other adults must have been lawfully on the premises;
 - b) Canada accepts liability for student on student abuse only where it took place on the premises and employees had real or constructive knowledge of the abuse (among other conditions).
- 2.15. Liability can also vary depending on the identity of the Claimant:
- a) Canada accepts liability for any compensable abuse committed against a Resident by an adult when the abuse arose from or its commission was connected to the operation of an IRS;
 - b) Canada accepts similar liability to Non-Resident Claimants, but only if an adult employee gave the Claimant permission to be on the premises for taking part in school activities.
- 2.16. The variations in liability based on the nature of the acts and the identity of the Claimants and alleged perpetrators has created a host of jurisdictional issues that can complicate cases even where the abuse clearly took place.
- 2.17. Applications under the IAP had to be submitted by September 19, 2012.
- 2.18. Upon receipt, the Indian Residential Schools Adjudication Secretariat (Secretariat) determined whether applications were complete and *prima facie* admissible, as appears from Schedule D, P-7, p. 19.
- 2.19. The Secretariat generally does not schedule hearings until a claimant has submitted mandatory documents relevant to consequential harms and opportunity loss, such as medical, treatment, employment and tax records.
- 2.20. The Secretariat then assigns an independent adjudicator to the claim, who is the sole finder of fact and the only party allowed to question the claimant throughout the process.
- 2.21. Once satisfied that abuse and harms are established, the adjudicator decides on a compensation amount in accordance with the framework set out in Schedule D, P-7, at p. 3-6.
- 2.22. An initial adjudication decision is subject to review, but “on the record (no new evidence permitted) and without oral submissions”, as appear from Schedule D, P-7, at p. 14.

- 2.23. The possibility of re-review arises from either party's right to "ask the Chief Adjudicator or designate to determine whether an adjudicator's, or reviewing adjudicator's, decision properly applied the IAP Model" and presumably also from the Claimant's right to "require that a second adjudicator review a decision to determine whether it contains a palpable and overriding error", as appear from Schedule D, P-7, at p. 14.
- 2.24. As set out below, the hearing, review and re-review adjudicators in Anne Smith's claim under the IAP all ruled that she was not eligible for any compensation under the IRSSA because the sexual abuse she suffered in the family where she was billeted did not occur on premises of the school or residence and was not committed by a federal or church employee.

3. The facts which give rise to a personal action on behalf of the [...] Designated Member against the Respondent are:

A. Anne's attendance at St. Philip's IRS

- 3.1. Anne, the Designated Member, is a Cree woman born on [REDACTED], and raised in the Cree village of Rupert House, Quebec (now called Waskaganish).
- 3.2. She spent her first year at residential school at Bishop Horden Hall in Moose Factory, Ontario.
- 3.3. In 1965, at the age of [REDACTED] Anne was sent to Fort George, Quebec, to attend St. Philip's IRS, also known as Fort George Anglican Residential School. At the same time, other Cree children were sent to the same community to attend Fort George Roman Catholic IRS (known variously as St. Joseph's Mission, Résidence Couture, or Sainte-Thérèse-de-l'Énfant-Jésus).
- 3.4. Anne lived in the St. Philip's residence from September to June, during seven or eight of the years she spent in Fort George. The school was attended as a residential school by children from other communities, like Anne, but during some years, local children whose families lived in Fort George also attended the IRS as a day-school. During some years, Inuit as well as Cree children resided at the IRS.
- 3.5. Around 1969, the federal government assumed sole responsibility for the operation of St. Philip's IRS from the Anglican Church of Canada. Around the same time, the federal government proposed a policy for administering the residences and the schools at an IRS separately: this so-called "administrative split" may have been the reason why around 1972, some or all classrooms at St. Philip's began to be referred to as "Sand Park Federal School." However, neither change had any significant effect on Anne.

3.6. After completing her ninth year of residential school, Anne was sent to [REDACTED] (now [REDACTED] Québec, in 1974 to complete her secondary education at a public English-language high school, which she did in June 1977; while she attended that school, Anne boarded with a family chosen by the Department of Indian Affairs and Northern Development (DIAND).

B. The abuse suffered when billeted with a family

3.7. In late August or early September of 1972 or 1973, after Anne had arrived in Fort George for the new school year, the Respondent billeted her with a Cree family living in Fort George. Anne would live with this family for two more years, while attending the same school as before.

3.8. During those years, [REDACTED] (A.B.C.) and [REDACTED] (D.E.) of the family sexually assaulted Anne on several occasions.

3.9. Although D.E. did not live with [REDACTED], he frequently visited the home.

3.10. A.B.C. often drank to excess and engaged in violent behaviour; he made sexual advances towards Anne and would ask her, “Why don’t we have sex?” On other occasions, he would get into a rage and force everyone to leave the house, including his wife.

3.11. The first incident of abuse occurred during the fall of Anne’s first year with the C. family, although it is difficult for her to remember the exact dates of the abuse.

3.12. On this occasion, Mrs. C. told Anne to get Carnation condensed milk from a room in which D.E. was lying on a bed. D. approached her, put his hands in her pants and touched her vagina. Anne pushed him and ran away.

3.13. On another occasion, which Anne has difficulty remembering, D.E. came into her basement bedroom in the middle of the night; she could smell alcohol on his breath. D. forced himself on top of Anne and penetrated her; at the time, Anne was a virgin.

3.14. In another incident, A.B.C. came down to Anne’s room and ordered her to go upstairs to sleep with [REDACTED].

3.15. Anne obeyed and was woken up later that night by A.B.C. who was rubbing her vagina under her panties. The incident did not last long: when Anne moved, the touching stopped, and she believes she ultimately fell back asleep later that night.

3.16. Three other girls who were also billeted with the A.B.C. family during Anne’s stay. She does not know whether those girls knew that she was being abused by A.B.C. and D.E., nor does she know whether they abused the other girls because the matter was never discussed with Anne.

3.17. In fact, Anne never disclosed her own abuse to anyone before describing it to her legal counsel in 2012, while filling out her IAP Application.

C. The harms suffered by the Designated Member

3.18. Under Canada's placement program, Anne was separated at a young age from her family and community.

3.19. As a result, she suffered emotional harm and she was also prevented from learning and practicing Cree culture and customs, especially while she was billeted with a non-Aboriginal family in [REDACTED]

3.20. The abuse perpetrated by members of the family in which Anne was billeted also have had many profound impacts in her life.

3.21. Anne struggled for a number of years with drinking and drug abuse problems.

3.22. She started drinking when she was living with the C. family, albeit on an irregular basis. Upon her return to Waskaganish, however, she drank heavily, almost every weekend, over a 25-year span.

3.23. She also abused drugs such as mescaline, crack, and cocaine.

3.24. Anne abused these substances in attempts to suppress and hide the guilt she felt as a result of the abuse.

3.25. Anne's substance abuse reached its peak in 2007, at which point she was using cocaine on a daily basis and suffered from feeling "very slow."

3.26. Her addictions led her to forgo paying bills in favour of spending large amounts of money on drugs. She was unable to take care of her children and grandchildren.

3.27. Fortunately, Anne has now been sober for several years.

3.28. During times of heavy drug use, Anne sometimes thought of committing suicide.

3.29. On one such occasion, feeling like she "wanted to go away and end everything" Anne retrieved a firearm from her basement, whereupon it accidentally fired while in her hands. This near-fatal incident scared her and discouraged her from "going further."

3.30. The abuse she suffered also led Anne to be overly protective of [REDACTED] and her grandchildren, to the point where she sometimes had irrational fears that her [REDACTED] might have abused them. In fact, she often checked on him and the children

to ensure that abuse was not occurring. She could not trust any adult, including [REDACTED], and always had to know where [REDACTED] were.

- 3.31. Anne has had and still has feelings of shame and humiliation. She feels dirty and often wonders whether people know what happened to her.
- 3.32. Anne also suffered from sexual dysfunction early in her relationship with her husband; she would rebuff his approaches and “push him away” at first because she felt dirty, feeling like the abuse was occurring again.
- 3.33. The abuse also had an impact on her work history. In [REDACTED] she was fired from her job because of her drug abuse and drinking problems.
- 3.34. Anne has never been able to maintain stable employment because she never had confidence in herself during her adult life. She has long felt as though she cannot “handle or cope,” and that she cannot do things properly.
- 3.35. Anne believes that the instability in her life is the result of having been removed from the care of her parents, family and community at a very young age. As a result, she never had the opportunity to learn how to care for children from her parents and she did not care for [REDACTED] as she would have wished.

D. The Designated Member’s IAP claim

- 3.36. In August 2012, Anne filed an IAP claim to be compensated for the above-mentioned abuse, as appears from her Application Form, produced as Exhibit **P-8**.
- 3.37. On February 28, 2014, an IAP hearing took place, during which Anne testified about the abuse, the consequential harms and the loss of opportunity she suffered as a result.
- 3.38. During the course of the hearing and in his final submissions, Canada’s representative made an objection to Anne’s claim based on jurisdictional grounds: he argued that during the years in question, she was attending a federally-operated day school known as Sand Park, not an IRS within the scope of the IAP.
- 3.39. Adjudicator Robert Néron found Anne credible and held that she had suffered the abuse alleged. However, he upheld Canada’s preliminary objection and concluded she was not attending an IRS at the time of the abuse. He also concluded that abuse suffered by students in the homes of families with whom they were billeted is not covered by the IRSSA, as appears from his decision dated July 22, 2014, produced as Exhibit **P-9**.
- 3.40. On October 3, 2014, Anne’s legal counsel requested a review of Adjudicator Néron’s decision on the basis that, *inter alia*, Sand Park was part of St. Philip’s IRS

and that the abuse suffered in billeting families falls within the scope of the IAP, as appears from the Request for Review, produced as Exhibit **P-10**.

- 3.41. Adjudicator Néron's decision was ultimately upheld, as appears from the review decision by Deputy Chief Adjudicator Rodger Linka, dated February 23, 2015, produced as Exhibit **P-11**.
- 3.42. The decision to reject Anne's claim was upheld a second time, in the Re-Review decision of Adjudicator Anne Wallace, dated May 23, 2016, produced as Exhibit **P-12**.
- 3.43. Adjudicator Wallace found that the abuse suffered by Anne was not connected to nor did not arise from the operation of an IRS and, therefore, "the elements required by the IAP Model... [had] not been established," as appears from the re-review decision, P-12.
- 3.44. Since she held that abuse suffered in a home where a student was billeted is not compensable under the IAP, Adjudicator Wallace held that she need not decide whether the school that Anne was attending was a federal day-school or an IRS, as appears from her decision, P-12.
- 3.45. Adjudicator Wallace's decision was communicated to Anne's legal counsel on June 21, 2016, as appears from an email from the Secretariat's electronic document interchange (EDI) to Marie-Eve Dumont, produced as Exhibit **P-13**.
- 3.46. Adjudicator Wallace's re-review was the final decision on Anne's claim under the IAP: three different adjudicators had found that Anne's abuse by members of the family with whom she was billeted was not within the scope of the IAP.

E. Other billeted students in Cree communities in Québec

i. Fort George

- 3.47. Anne was not the only student billeted with a family in Fort George.
- 3.48. With the addition of secondary education to the curriculum in the fall of 1972, the Minister's agents and servants began moving children out of school residences and billeting them in private homes [...] in Fort George, to make room for classrooms and staff accommodations, as appears from a letter dated February 11, 1972 from A.E. Aimé, Supervisor of Education, to M.C. Paradis, at the Quebec regional office of DIAND, produced as Exhibit **P-23**.
- 3.49. In these circumstances, the IRS residence rapidly reached full capacity, as appears from a letter dated September 26, 1972, from J.G. Simard, Education Advisor with

DIAND's Abitibi District, to the Education Supervisor of DIAND, filed in support of this as Exhibit **P-14**.

- 3.50. Students were moved into families' homes, so that their rooms in the residences could be given to unmarried teachers, as appears from the exchange of correspondence between A.E. Aimé, Supervisor of Education, and C. Paradis, Regional Supervisor of Education, both at DIAND, dated February 18 and September 21, 1972 (in a bundle), produced as Exhibit **P-15**.
- 3.51. In accordance with this initiative, roughly fifty (50) students from Rupert House, Paint Hills (now known as Wemindji) and Eastmain were lodged in private homes at the end of September 1972, as appears from the letter from J.G. Simard, dated September 26, 1972, P-14.
- 3.52. An unspecified number of children from Fort George were also lodged in private homes during the school year, because during those months, their parents practiced a traditional "nomadic" lifestyle of hunting, fishing and trapping, as appears from J.G. Simard's letter, P-14.
- 3.53. The practice of billeting students continued in 1973-1974 and 1974-1975, as appears from a 1976 tripartite agreement between a group of parents, the Fort George Band Council, and DIAND [...] concerning the establishment of a "hostel program" in Fort George, produced as Exhibit **P-16**, p. 2 of 6.
- 3.54. In November 1974, at least 37 students were billeted with families, as appears from a letter dated November 12, 1974, from V.J. Caissie, Acting Regional Director, to R.L. Boulanger, Regional Director at DIAND [...], produced as Exhibit **P-17**.
- 3.55. According to a letter dated January 21, 1975 from V.J. Caissie, Acting Regional Director, to P.B. Lesaux, Assistant Deputy Minister of [...] Indian and Eskimo Affairs Branch of DIAND:

les cours du Secondaire I à IV inclusivement sont fournis à 140 élèves en provenance des communautés de Rupert House, Paint Hills et Eastmain. Un peu plus d'une centaine de ces étudiants sont hébergés dans des maisons privées à Fort George, la balance demeurant en résidence dans le pensionnat

as appears from the letter, produced as Exhibit **P-18**.

- 3.56. On April 10, 1975, the Acting Regional Director reported that:

Last year, approximately 140 students from smaller communities along the coast attended school at Fort George. All but 35 of those were boarded in private homes.

as appears from a letter from V.J. Caissie to H.T. Parker, Director of the Financial & Management Branch, [...] DIAND, produced as Exhibit **P-19**.

- 3.57. The Respondent's civil servants were aware that "la situation de certains élèves dans les maisons privées n'est pas acceptable, surtout à cause de l'espace vital restreint", as appears from V.J. Caissie's letter dated January 21, 1975, P-18.
- 3.58. A handwritten note on a letter dated November 1974 concerning the St. Philip's residence stated:

Les 4 hostels en construction accommodent les 31 étudiants présentement en résidence. De plus, chaque hostel peut recevoir 12 étudiants, cela signifie que 17 étudiants placés dans des foyers non-adéquats, pourront être relocalisés dans ces memes hostels.

Ceci a pour effet que les 49 étudiants demeurant dans les foyers évalués comme non-adéquats, sont réduits à 32 et que l'addition de 3 hostels seraient nécessaires [sic]....

as appears from a letter from G. Lefebvre, Education Supervisor [...] at DIAND, produced as Exhibit **P-20**.

- 3.59. The high operating costs were another reason why the Respondent decided to billet students with families living in Fort George, as appears from the 1976 tripartite agreement, Exhibit P-16, at p. 2 of 6.
- 3.60. In fact, Canada estimated the annual per capita cost of lodging children in the school residence was \$15,000, as appears from a letter dated April 10, 1975, from V.J. Caissie, Acting Regional Director, to H.T. Parker, Director of the Indian and Eskimo Affairs Branch, produced as Exhibit **P-24**, in contrast to \$1,500 for children lodged in private dwellings, as appears from Caissie's correspondence dated January 21, 1975, P-18.
- 3.61. Nevertheless, billeting so many students was known to have "caused many problems in the community," as appears in the tripartite agreement, P-16, at p. 2 of 6.
- 3.62. In January 1976, many of the billeted students were sent to live in one (1) of eight (8) hostels, which had been built as "the third alternative for boarding students" in Fort George, after the residence and private homes, as appears from the tripartite agreement, P-16, at p. 2 of 6.

- 3.63. However, because the hostels could house a total of only ninety-six (96) students, more than forty (40) students continued to live in billet families after the transfer, as appears from V.J. Caissie's letter dated April 10, 1795, P-24.
- 3.64. Canada's direct role in Cree education ended at the with the 1977-1978 school year, after which management and control were transferred to the Cree School Board, in accordance with the James Bay and Northern Quebec Agreement ("JBNQA"), as appears from section 16 of the JBNQA, produced as Exhibit **P-25**.
- 3.65. Three individuals from Waskaganish who were billeted with other families have described to the Applicant's counsel incidents of physical and sexual abuse they suffered in those homes.

ii. Mistissini

- 3.66. In Mistissini (then known as Mistassini), a similar situation existed where, after a federally-run school was built, "all [Mistassini] Indians pupils from Kindergarten to Grade 6 attend[ed] [that] school", and those "whose parents [had] to go away for trapping" were placed "in cottage-style hostels or in Indian families", as appears from a letter dated January 20, 1970, from A.R. Jolicoeur to the Regional Superintendent of Education at DIANDs, produced as Exhibit **P-26**.
- 3.67. The goal of building hostels and offering accommodation in families in Mistissini was that elementary students should "not be required to go to La Tuque Student Residence below Grade 6," as they had up till 1970, as appears from Exhibit P-26.
- 3.68. Three Mistassini Hostels, with twelve (12) beds each, began operating in the fall of 1971, as appears from a letter dated February 19, 1973, from Maurice Legendre, District Supervisor, to C. Paradis, at DIAND, produced as Exhibit **P-27**.
- 3.69. By October 1976, another 69 children were placed in what DIAND called "nomad homes" because their parents had left the community to hunt, fish and trap on their traditional territory, as appears from a letter dated October 12, 1976, from W. Halligan, District Supervisor, to Donald Daoust, at DIAND, produced as Exhibit **P-28**.
- 3.70. In 1976-1977, it was anticipated that 120 children would be placed in those "nomad homes", as appears from W. Halligan's letter, P-27.
- 3.71. According to a letter dated November 3, 1976, from G. Lemay, Acting Deputy Director, to the District Supervisor, the "nomad homes" housed Mistissini children, while children from surrounding communities lived in Mistissini hostels, as appears from G. Lemay's letter, produced as Exhibit **P-29**.

- 3.72. The “cottage-style” or “Mistissini Hostels” were recognized as an Indian Residential School for purposes of the IAP during the period from September 1, 1971, to June 30, 1978, as appears from the IAP School Narrative prepared for Mistassini Hostels, produced as Exhibit **P-30**.
- 3.73. Counsel for the Applicant has interviewed two individuals who, as children living in surrounding Cree communities, were sent to Mistissini and also placed in “nomad homes.”
- 3.74. However, those two individuals did not make any claim in regard of the abuse they suffered in the “nomad homes” because they were advised by their lawyer that it was not compensable under the IAP.

F. Government-directed educational placement of First Nations and Inuit students outside of residential schools

i. Jurisdiction and practice

- 3.75. As set out below, at all relevant times, the Minister of Indian Affairs and Northern Development asserted the legal power to designate the school that children registered as Indians or Inuit children had to attend, without the parents’ consent.
- 3.76. The Minister exercised that power, at least so long as the *Indian Act* band to which the child belonged did not control its own education budget or program or until jurisdiction over education was otherwise transferred in the Northwest Territories and northern Québec and sometimes continued to exercise it thereafter.
- 3.77. In the Northwest Territories, for instance, the federal government decided in the 1950s to replace scattered mission schools with government-run hostels and day schools, as appears from Exhibit **P-34**, volume 2 of the TRC’s *Final Report* at p. 17.
- 3.78. One of the results was that, for instance, in settlements along the Mackenzie River in the western Arctic, “[a]pproximately 50 children were placed in foster homes on a temporary basis to enable them to remain in day school while their parents were away from the settlement trapping,” as appears from the 1958-59 Annual Report of Indian Affairs Branch at p. 75, produced as Exhibit **P-35**.
- 3.79. Since 1958 at the latest, therefore, placing registered Indian or Inuit children with families other than their own or in foster homes or boarding homes was an integral part of the elementary and secondary education system operated by the Respondent, institutions that were not necessarily residential schools as defined in the IRSSA.

ii. The Boarding Home program

- 3.80. When DIAND placed high-school students like Anne Smith who were billeted in private homes in Fort George and Mistissini, its officials were acting pursuant to the Department's Boarding Home Program.
- 3.81. In 1961, the Director of what was then the Indian Affairs Branch of the Department of Citizenship and Immigration explained that he used the term "hostel accommodation" to refer to "living accommodation in residential schools for students who are receiving their classroom instruction in a nearby school, usually a non-Indian school," but that while "the number of pupils boarding in private homes is not available it is estimated that they roughly equal the number of hostel pupils," as appears from Exhibit PGC-2 to the Respondent's motion to produce relevant evidence.
- 3.82. The Director of the Indian Affairs Branch added that the supervision of students boarding in private homes was taken in charge by "Education Assistants" who performed "such duties as locating boarding homes, counselling students, acting as liaison between the Branch and the various schools in which the pupils are enrolled, visiting the homes of the pupils where distances permit, checking attendance, performing related administrative duties, reporting, public relations, etc.," as appears from Exhibit PGC-2.
- 3.83. In 1962, the Director instructed superintendents of Indian agencies and of Indian schools that accommodation in residential schools was preferred for children under the age of 16, while "private home placements," should be reserved for students over 16 when required "in order to receive a High School education which is not otherwise available," as appears from Exhibit PGC-5.
- 3.84. By the late 1960s, the Department of Indian Affairs and Northern Development (DIAND) actively sought to close Indian residential schools and replace them with day schools on reserve and, especially at the high-school level, with education in majority non-Aboriginal public schools. The TRC has concluded that: "Residential schooling from 1970 onward constituted a small and declining element in First Nations education," as appears from Exhibit P-21 at p. 92.
- 3.85. However, this decline did not mean that DIAND had stopped placing registered Indians and Inuit children in accommodation other than their family homes during their schooling. On the contrary, its 1970-71 Annual Report indicated that some 6,000 students were in residence, while 6,000 more "were living in private boarding homes and group homes during the school year, and 'the majority of these students are provided with room and board, and clothing and educational allowances,'" as appears from Exhibit P-21 at p. 92.

- 3.86. The Respondent's management of these accommodations was far from commensurate with the vulnerability of the students placed there. The head of DIAND's Guidance Services Division concluded in 1970 that the foster home program in Saskatchewan "appears to be totally inadequate to the people's needs; placement is effected without a court order and supervision of homes seems to be non-existent," as appears from Exhibit P-21 at p. 94.
- 3.87. The same year, in 1970, DIAND's Education Branch adopted an "Educational Assistance Policy and Guidelines for Operating the Boarding Home Program," as appears from Exhibit PGC-7.
- 3.88. The new policy provided "for the selection of students and their placement in boarding homes" and defined "the role of the counsellors in the selection and placement of students in boarding homes and it recommend[ed] procedures to be followed." It provided that "[b]oard and room in an approved boarding home may be provided for students who must live away from home in order to attend school," with payment "usually arranged by the Counsellor," as appears from Exhibit PGC-7.
- 3.89. The guidelines provided that neither an application for educational assistance nor the selection of a boarding home needed to be made by the student's parents, as appears from Exhibit PGC-7, but it did insist on the role of DIAND's counsellors:

It is essential for the Counsellor to visit the prospective boarding home and interview the boarding home parents in order to assess the suitability of the family and its facilities for the Boarding Home Program. In this connection, the' Counsellor will ensure that any provincial or municipal standards regarding the physical requirements of boarding homes are met. Just as important, however, is an assessment of the home environment, to ensure that the relationships within the family are suitable for student placement.

[...]

In order to prevent frequency of boarding home change, the Counsellor must ensure that students are placed in boarding homes that will satisfy their individual needs. He must maintain close contact with the students and the boarding home parents during the initial adjustment period.

- 3.90. In the 1971-72 school year, maintenance of students from Québec in private homes represented 14.3% of the total national budget (\$667,000 out of \$4.67 million), the third-largest amount for any province after Ontario and British Columbia, as appears from Exhibit PGC-8.

iii. The Private Home Placement program

- 3.91. By 1981, DIAND had created a Private Home Placement program for *Indian Act* bands that it defined – without reference to the nature of school attended – as the cost of travel, supplies, room and board “for Indian students who attend elementary or secondary school away from home while residing in private homes or privately operated group homes,” as appears from the “Indian Control of Indian Education Status Report” for 1981, Exhibit P-36.
- 3.92. The Respondent recognized that where private home or group home placement of students was under DIAND’s control, it assumed responsibility for their well-being when it stated that “the department receives and approves their educational assistance applications, provides them with counselling service and issues their living allowances,” as appears from Exhibit P-36.
- 3.93. In addition, among the Inuit, from 1967 to 1978 and notwithstanding the jurisdiction of the governments of Québec and the Northwest Territories, each year DIAND sent about 140 students south for secondary education, especially in Winnipeg and Ottawa, where they boarded with local families, as appears from Exhibit P-34 at p. 177.

G. The Respondent [...]

i. The Attorney General of Canada

- 3.94. The *Crown Liability and Proceedings Act*, RSC 1985, c C-50, s. 23(1), requires proceedings against the Crown in right of Canada to be “taken in the name of the Attorney General of Canada.”
- 3.95. The Respondent in this case is acting for and on behalf of the Minister of Indian Affairs and Northern Development (the Minister).
- 3.96. The “powers, duties, and functions” of the Minister at all relevant times “extend[ed] to and include[d] all matters over which Parliament has jurisdiction, not by law assigned to any other department, board or agency of the Government of Canada, relating to... Indian Affairs,” pursuant to s. 4(a) of the *Department of Indian Affairs and Northern Development Act*, RSC 1985, c I-6, and similarly extended pursuant to predecessor statutes, including the *Department of Indian Affairs and Northern Development Act*, RSC 1970, c. I-7, and *The Department of Citizenship and Immigration Act*. S.C. 1949, (2nd Sess.), c. 16.
- 3.97. As of May 18, 2011, the Department of Indian Affairs and Northern Development [...] was known as Aboriginal Affairs and Northern Development Canada (AANDC) and after November 4, 2015, it bore the name Indigenous and Northern Affairs Canada (INAC).

- 3.98. In August 2017, the Prime Minister announced the dissolution of INAC and the creation of two new departments: Indigenous Services Canada (ISC) and Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC). In July 2018, the Prime Minister announced that Northern Affairs would instead become the responsibility of Minister of Intergovernmental and Northern Affairs and Internal Trade.
- 3.99. While ISC was designated as a Department for the purposes of the *Financial Administration Act* by SI/2017-79, the *Department of Indian Affairs and Northern Development Act* remained in force until July 15, 2019, as of which date the *Department of Indigenous Services Act*, SC 2019, c 29, s 336, and the *Department of Crown-Indigenous Relations and Northern Affairs Act*, SC 2019, c 29, s 337, came into force. [...]

4. Grounds for the Respondent's liability

A. General Crown liability

- 4.1. Since the Crown can only act through its servants or agents, at all relevant times, the Crown in right of Canada was directly liable for the damages caused by its servants or agents, pursuant s. 3(1)(a) of the *Crown Liability Act*, RSC 1970, c C-38.
- 4.2. Each of the Crown's servants was liable pursuant to art. 1053 of the *Civil Code of Lower Canada* "for the damage caused by his fault to another, whether by positive act, imprudence, neglect or want of skill."
- 4.3. Moreover, the Crown's servants were liable *in solidum* pursuant to art. 1106 of the *Civil Code of Lower Canada* and jointly and severally liable at common law for the consequences of their own independent acts and omissions, together with the acts and omissions of a third party, if both directly contributed the injury suffered by the victims of their fault.

B. The Minister's powers and duties

i. Generally

- 4.4. The Government of Canada's power and jurisdiction over the Designated Member and the Primary Class Members were at all relevant times rooted in s. 91(24) of the *Constitution Act, 1867*, and in the *Indian Act*, as from time to time amended. [...]
- 4.5. By virtue of this jurisdiction, the Respondent enjoyed power and discretion over significant aspects of the lives of Aboriginal people and assumed a corresponding fiduciary duty towards them.

- 4.6. At all relevant times, the Minister's powers under the *Indian Act*:
- a) allowed him to designate the school Indian children had to attend, without the parents' consent: s. 118;
 - b) allowed him to appoint truant officers with the powers of a peace officer: s. 119(1);
 - c) provided that parents served by truant officers with a notice for their children to attend school were guilty of an offence and subject to fines and imprisonment, if their children did not "attend school and continue to attend school regularly": s. 119(3) and (4);
 - d) allowed truant officers to take into custody a child who was absent from school and to "convey the child to school, using as much force as the circumstances require": s. 119(6).
- 4.7. The statutory basis for the Minister's power to choose Inuit children's school and place of residence has never been made clear, though it was presumably asserted:
- a) pursuant to his general power over Indian affairs under the *Department of Citizenship and Immigration Act*, S.C. 1949, the *Government Organization Act*, 1966, S.C. 1966-67, c. 25, s. 17, and the *Department of Indian Affairs and Northern Development Act*, RSC 1970, c. I-6; and
 - b) outside Québec and Labrador, pursuant to the *Northwest Territories Act* and the general powers over the affairs of the Northwest Territories vested in the federal Minister of Mines by the *Department of Mines and Resources Act*, S.C. 1936, c. 33, s. 10, and its successor statutes, and vested in the Minister of Indian Affairs and Northern Development as of 1966.
- 4.8. The Respondent used its powers and jurisdiction to implement a systematic policy of assimilating Aboriginal people, designed to eliminate their distinct languages, customs, and ways of life.
- 4.9. For the Designated Member and the Primary Class Members from remote communities, this involved removing them from their families and from life on the land, at a time when most Cree in Quebec and other Aboriginal people in remote communities still lived largely from hunting, fishing and trapping. The children were forced to relocate without their parents to where they could be "educated" to think like white people in federally-chosen schools.
- 4.10. Once the Minister removed the Designated Member and Primary Class Members from their parents, they became his wards and he stood in *loco parentis* towards

them; he became responsible for ensuring that they receive all the necessities of life.

ii. Fiduciary duty

- 4.11. Canada stands in a fiduciary relationship with Canada's Aboriginal peoples. Canada's relationship with the Designated Member and the Class Members was, at all material times, one of dependence, trust and reliance: Canada had undertaken to act in the best interest of the Designated Member and Primary Class Members.
- 4.12. The health and welfare of the Designated Member and other Primary Class Members and their Aboriginal identity and culture were legal and substantial practical interests of the Designated Member and other Primary Class Members.
- 4.13. At all material times, Canada assumed such a degree of discretionary control over the protection and preservation of the health, welfare, identity and culture of the Designated Member and other Primary Class Members that it amounted to a direct administration of those interests. The protection and preservation of the health, welfare, identity and culture of the Designated Member and other Primary Class Members were within the power, discretion or control of Canada and were subject to the unilateral exercise of Canada's power, discretion or control.
- 4.14. Canada's fiduciary duty owed to the Designated Member and other Primary Class Members was, at all material times, a non-delegable duty.
- 4.15. Specifically, the Minister breached his fiduciary duty owed to the Designated Member and other Primary Class Members by establishing, implementing, administering and managing the placement programs, when it knew or ought to have known that doing so would cause profound and permanent cultural, psychological, emotional and physical harm to the Class Members.

iii. Civil Law Duty

- 4.16. From the moment the Minister took charge of them, his duties to the Designated Member and the Primary Class Members had to meet the "careful parent test," the standard of a prudent parent solicitous for the welfare of his or her child.
- 4.17. When the Minister's agents and servants decided to remove the Designated Member and Primary Class Members from the IRS residence or from their own families and place them with local families or in [...] boarding homes, the standard imposed by the "careful parent test" required measures such as the proper selection, screening, training and monitoring of families or those responsible for [...] boarding homes to protect the children from possible abuse and to allow them to practice and maintain their Aboriginal language, culture, identity, religion, heritage and customs.

- 4.18. By 1972, no one in authority in DIAND should have been unaware that Indian residential school students were at risk from sexually predatory employees. More particularly, the Minister's Quebec regional office had investigated three cases of sexual abuse of students at the Anglican IRS in La Tuque between 1969 and 1971, as reported in the TRC Report, vol. 1, part 2, produced as Exhibit P-21, at pp. 443-444.
- 4.19. In fact, the principal at St. Philip's from July 1962 to May 1968 was William Peniston Starr, who is probably the most notorious abuser in the IRS system. By 1998, even before the IAP existed, Canada had already settled almost 200 claims alleging abuse by Starr while he was principal of the Gordon IRS in Saskatchewan, the school he went to after he left Fort George. Starr also pleaded guilty to 10 counts of indecent assault at Gordon's IRS during years 1976-1983 and was convicted on February 8, 1993, as reported in the TRC Report, vol. 1, part 2, P-21, at pp. 447-448.
- 4.20. The Minister acting through his agents and servants was responsible for the creation and implementation of these measures and failed in both regards.
- 4.21. Specifically, the Minister breached his duty of care by:
- a) failing to take steps to protect Class Members' retention of their Aboriginal language, culture, identity, religion, heritage and customs;
 - b) failing to properly screen individuals prior to allowing them to billet Primary Class Members and hiring individuals to act as billeting families or to operate [...] boarding homes where the Minister placed registered Indian and Inuit children, when those individuals were not qualified to provide the necessities of life for the children under their care and supervision;
 - c) failing to provide proper, adequate and effective training initially or on an on-going basis to ensure that billeting families or those who operated [...] boarding homes where the Minister placed registered Indian and Inuit children were suitable and fit to act as the Minister's employees, servants, or agents;
 - d) failing to set or implement standards of conduct for billeting families or those who operated [...] boarding homes where the Minister placed registered Indian and Inuit children with respect to the safety, health or well-being of Primary Class Members;
 - e) failing to adequately, properly and effectively supervise the conduct of billeting families and their households [...] boarding homes where the Minister placed registered Indian and Inuit children;

- f) failing to set or implement policies for recognizing and reporting potential abuse of or harm to Primary Class Members;
 - g) failing to educate Primary Class Members in the use of a system through which abuse would be recognized and reported;
 - h) failing to investigate or report injuries sustained by Primary Class Members;
 - i) failing to respond adequately, or at all, to complaints regarding the treatment of Primary Class Members, including complaints of physical, psychological, and sexual abuse; and
 - j) failing to provide adequate medical and psychological care for Primary Class Members.
- 4.22. The negligent supervision by the Crown’s servants of the billeting families or those who operated [...] boarding homes where the Minister placed registered Indian and Inuit children made the Crown’s servants liable *in solidum* and jointly and severally liable at civil law for the consequences of their acts and omissions, together with the acts of those families because both directly contributed the injury suffered by the Designated Member and Class Members.
- 4.23. Moreover, those standing *in loco parentis* are also bound by a special duty of loyalty to the children, which forbids them from advancing their own interests at the expense of the children.
- 4.24. In this case, the Minister saved at least \$10,000 per year for every child that was billeted instead of being housed in school residences in Fort George, as appears from V.J. Caissie’s letters dated January 21, 1975, P-18, and April 10, 1975, P-24.
- 4.25. The conditions in the houses where students were billeted were considered “inadequate” by the Minister’s civil servants, as appears from V.J. Caissie’s letter, P-18.
- 4.26. By knowingly billeting children in Fort George in inadequate conditions, and at substantial financial savings, the Respondent advanced its own interests at the expense of the children, and thereby breached its duty of loyalty towards them.
- 4.27. The Applicant states that the Respondent’s actions, inactions and omissions as aforesaid, constitute:
- a) negligence in the selection, employment and supervision of billeting families or those who operated [...] boarding homes where the Minister placed registered Indian and Inuit children;

- b) breaches of the duty of loyalty that parents owe to their children; and
 - c) failures to protect the Designated Member's and other Primary Class Members' best interests.
- 4.28. These failures and breaches resulted in the Designated Member and Primary Class Members suffering psychological harm and loss of culture and being subjected to sexual, physical and psychological abuse at the hands of persons with whom they were billeted or in [...] boarding homes where the Minister placed them.
- 4.29. Finally, the Minister made a delegation of the duty he owed to the Designated Member and Primary Class Members that was not provided for by statute when he began placing these children with local families to be billeted or [...] boarding homes.
- 4.30. While s. 115(c) of the *Indian Act*, RSC 1970, provided that the Minister could "enter into agreements with religious organizations for the support and maintenance of children who are being educated in schools operated by those organizations," the Minister had no clear right to enter into agreements with local families [...] or boarding homes for the same purpose; neither did the Minister have the right under s. 114 to delegate his duties to anyone other than a provincial or territorial government, a school board, or "a religious or charitable organization."
- 4.31. While the Designated Member and Primary Class Members were billeted or placed in [...] boarding homes, the Minister therefore remained under a non-delegable statutory duty to ensure their safety and welfare. [...]

C. Vicarious liability

- 4.32. At all relevant times, the Government of Canada was vicariously liable for the damage caused by the fault of its agents and servants, pursuant to s. 4(2) of the *Crown Liability Act* of 1970, art. 1054 of the *Civil Code of Lower Canada*, the common law and the relevant legislation of the other provinces and territories.
- 4.33. These provisions reflect one of the most fundamental principles underlying civil liability: that the person or entity who creates a risk assumes the obligation to compensate the victims if they are injured when that risk does in fact materialize.
- 4.34. Confiding a child to an adult to live with him or her places that adult in a position of great power, authority, trust and intimacy with respect to that child. The Minister thereby created a relationship between the Designated Member and Primary Class members and the billeting families or those who operated [...] boarding homes where the Minister placed registered Indian and Inuit children that placed those children at risk.

- 4.35. In this case, the Minister was in a contractual relationship with the billeting families or those who operated [...] boarding homes and he exercised power and control over them. He was responsible for the administration of the billets [...] or boarding homes at all material times because his agents and employees decided to place the children instead of leaving them with their families or having them live in the IRS residence.
- 4.36. Since the Minister's agents and servants chose the families [...] or boarding homes where the children were billeted, they could or should have been able to inspect and monitor those families and did retain or should have retained the power to remove the children at any time, if necessary for their protection.
- 4.37. The Minister therefore assumed liability for the faults committed by the billeting families or those who operated [...] boarding homes as his agents or servants and the Designated Member invokes the rule in art. 1464 of the *Civil Code of Québec*. [...]

D. The claim is not prescribed or statute-barred

- 4.38. The Designated Member and all or most Primary Class Members were victims of childhood sexual, physical and psychological abuse.
- 4.39. Section 2926.1 [...] of the *Civil Code of Quebec* and section 4 of the *Act To Amend The Civil Code, In Particular To Make Civil Actions For Sexual Aggression, Violence Suffered During Childhood And Spousal Violence Imprescriptible* provide that an action based on injuries resulting from a sexual aggression or on violent behaviour [...] suffered during childhood cannot be prescribed, regardless of any prescriptive period applicable before. [...]
- 4.40. Finally, if claims by any of the Primary Class Members are prescribed or statute-barred (which is not hereby admitted, but expressly denied), that issue would be relevant only during the individual recovery of claims and does not affect the Applicant's right to authorization. [...]

5. Designated Member's application to use a pseudonym

- 5.1. The Designated Member hereby asks for the Court's permission to use a pseudonym for all legal proceedings and court documents in this case.
- 5.2. The Designated Member lives in a small community of less than 2,500 people and does not want her community to become aware of the abuse she suffered as a child.
- 5.3. The desire to keep this most intimate part of her life private is more than understandable and is a common sentiment among survivors of child abuse.

- 5.4. Allowing the Designated Member to remain anonymous will also encourage other Primary Class Members to participate, knowing that their privacy will be respected and their identities will be kept confidential. An order allowing use of a pseudonym will therefore facilitate greater access to justice.
- 5.5. The Designated Member is prepared to provide the Court and counsel for the Respondent with her name and that of any known Primary Class Member, under seal, provided that such information is protected and kept confidential.

6. The composition of the class makes it difficult or impracticable to apply the rules for mandates to take part in judicial proceedings on behalf of others or for consolidation of proceedings

A. The effects of the risk created by Canada

- 6.1. Statistics from the IAP indicate that the number of claims for compensation for abuse was equivalent to approximately 48% of the number of former students who were eligible to make such claims and alive in May 2005, as reported in the TRC Report, vol. 1, part 2, P-21, at p. 400.
- 6.2. The TRC therefore concluded:
 - abuse was widespread throughout the residential school system;
 - a significant percentage of the acts of abuse were of a serious nature with potentially lifelong impacts;
 - male and female students were abused at equal rates;
 - male students were compensated at the most serious and damaging category of abuse at a greater rate than female students;
 - students were at risk in all institutions, regardless of the denomination of the religious order in charge of the institution; and
 - student abuse of fellow students was a serious and widespread problem

as appears from Exhibit P-21, at p. 411.

- 6.3. No reason exists to believe that students were at significantly lower risk when billeted with families or with those responsible for [...] boarding homes whom the Minister did not supervise or monitor adequately.

B. For those in boarding homes and private home placements

- 6.4. As set out above, three individuals from Waskaganish who were billeted with other families have described to the Applicant's counsel incidents of physical and sexual abuse they suffered in those homes.

- 6.5. The Applicant estimates that from among those sent to Fort George or Mistissini, Québec, alone there are more than 220 potential members of the Primary Class described in this Application for Authorization, based on correspondence [...] from 1975 from V.J. Caissie, Acting Regional Director of [...] DIAND, P-18, and from 1976, from District Supervisor W. Halligan, P-28.
- 6.6. Based on the information contained in P-18, P-26 and P-29, it seems that most of the potential Primary Class Members in Québec who were billeted with local families came from the [...] Cree communities of Waskaganish (Rupert House), Eastmain, Wemindji (Paint Hills), Chisasibi and Mistissini. Nevertheless, it is possible that potential Primary Class Members also came from Oujé-Bougoumou and Waswanipi.
- 6.7. As set out above, in the year 1970-71 alone, DIAND placed some 6,000 students “in private boarding homes and group homes during the school year” across Canada, as appears from Exhibit P-21 at p. 92.
- 6.8. The Applicant has no access to a list of the students who were billeted in families or in [...] boarding homes during the relevant period because it is personal information about individuals held by a government institution and protected from disclosure under the *Privacy Act*, RSC 1985, c. P-21, except with a court order.
- 6.9. The Applicant therefore submits that the identity of potential Primary Class Members is ascertainable only to the Respondent.
- 6.10. Even if some Primary Class Members could be reached or contacted by notices, radio announcements, or through word of mouth in the relevant communities, many would be reluctant to come forward and reveal facts about their childhood abuse. [...]

C. Generally

- 6.11. It is unrealistic to expect most or all Primary Class Members to identify themselves readily and outside of a process that ensures them confidentiality and the ability to apply in private.
- 6.12. Despite decades of publicity about the issue of residential school abuse, in the IAP, out of the total of 38,093 applications received by the Secretariat, more than 35 per cent (13,385) were between January 1, 2012, and the September 19, 2012, deadline, as appears from the Secretariat’s historical statistics, produced as Exhibit **P-22**.
- 6.13. In addition to the difficulties that exist in identifying and contacting other potential Primary Class Members, considerations of access to justice weight in favour of authorizing this application.

- 6.14. The amount of compensation available to individuals who succeed in independent proceedings is likely disproportionately small compared to the amount of money that they would spend on legal fees and disbursements.
- 6.15. It would be economically inefficient for individuals to proceed with a multitude of individual actions, needlessly duplicating large portions of work across many mandates and exhausting taxpayer and judicial resources.
- 6.16. Class Members are also part of a disadvantaged population, with lower education compared to other Canadians of the same age and a commensurate difficulty in using the judicial system. Should this application be denied, it seems unlikely that other means of seeking justice will be pursued by any significant number of Class Members and the grave injustice they suffered will remain unaddressed.
- 6.17. Finally, it would be inequitable to deny authorization where virtually identical faults and injuries have benefited from compensation under the IRSSA across the country and the only difference between Primary Class Members and the beneficiaries of that settlement is where the Minister assigned them to live.
- 6.18. In light of the above considerations, it would not only be impractical, if not impossible to proceed by other means, it would also be contrary to access to justice and equitable considerations.

7. The claims of the members of the class raise identical, similar or related issues of law or fact

- 7.1. The nature and quantum of damages suffered are particular to each Class Member, but the principal questions of law and fact are common to all.
 - A. Concerning the Respondent's civil liability, the following issues must be decided in common:**
- 7.2. Could or should the Minister as represented herein by the Respondent, including the Ministers, agents or servants, have foreseen that billeting families or those responsible for [...] boarding homes were in a position that could result in them abusing their positions of power, authority and trust over children entrusted to them?
- 7.3. Did the Minister owe the Class Members a duty arising from circumstance, usage or law?
- 7.4. Did the Minister breach its fiduciary, civil law and statutory duties to the Designated Member and the Class Members when it undertook a systematic program of forced integration of Aboriginal children through the establishment,

implementation, administration and management of the placement programs for Aboriginal students?

- 7.5. Did the Minister breach its fiduciary, civil law and statutory duties to the Designated Member and the Class Members by failing to consult adequately with Aboriginal communities and other Aboriginal stakeholders about the placement programs for Aboriginal students, the provision of funding to the program for that purpose, and the policies and practices that would be adopted in operating and administering that programs?
- 7.6. Did the Minister take steps to protect and preserve the language, culture, identity, religion, heritage and customs of the Class Members, including by ensuring that adequate services and resources were provided to Primary Class Members to practice and maintain their Aboriginal language, culture, identity, religion, heritage and customs while in the care of billeting families or those responsible for [...] boarding homes?
- 7.7. Did the Minister take steps to screen billeting families or those responsible for [...] boarding homes prior to placing Primary Class Members in their care? If so, were these steps proper and adequate to prevent unqualified individuals from billeting children or caring for them in [...] boarding homes?
- 7.8. Did the Minister provide proper, adequate and effective training or monitoring initially or on an on-going basis to ensure that billeting families or those responsible for [...] boarding homes were suitable and fit to act as its employees, servants, or agents?
- 7.9. Did the Minister set or implement standards of conduct for billeting families or those responsible for [...] boarding homes with respect to the safety, health or well-being of Primary Class Members? If so, did the Minister fail to uphold these standards?
- 7.10. Did the Minister fulfill its duty to supervise and monitor the performance and behaviour of billeting families or those responsible for [...] boarding homes to ensure that they performed and behaved as qualified, reasonable and prudent employees, servants, or agents?
- 7.11. Did the Minister set or implement policies for recognizing and reporting potential abuse of or harm to Primary Class Members? If so, did the Minister fail to educate Primary Class Members in the use of a system through which abuse would be recognized and reported?
- 7.12. Was the Minister aware of any injuries sustained by the Designated Member or Primary Class Members, which occurred while in the care of billeting families or

those responsible for [...] boarding homes? If so, did the Minister adequately investigate those injuries?

- 7.13. Was the Minister aware of any complaints put forth by the Designated Member or Class Members, in relation to physical, psychological or sexual abuse? If so, did the Minister respond adequately to those complaints?
- 7.14. Did the Minister provide adequate medical and psychological care for the Designated Member and Primary Class Members while in the care of billeting families or those responsible for [...] boarding homes?
- 7.15. Was the Minister aware of inappropriate punishments delivered by billeting families or those responsible for [...] boarding homes? If so, did the Minister allow these punishments to continue?
- 7.16. Did the Minister fail to provide leadership and fulfilment of its legal and moral obligations by not enforcing or creating guidelines on sexual abuse, thereby causing the Designated Member's and the Class Members' damages?

B. Concerning the Respondent's vicarious liability

- 7.17. Were billeting families or those responsible for [...] boarding homes employees, servant or agents of the Respondent? If so, is the Respondent liable for the negligent and intentional acts committed by its employee, servant, or agent which harmed the Designated Member or Class Members?
- 7.18. Was the Respondent aware of the wrongful actions of its employees, servants, or agents, and if so, when did it become aware? If not aware, should the Respondent have been aware of the wrongful actions committed by its employees, servants, or agents?
- 7.19. The Applicant submits that these questions raise factual and legal issues of systemic fault common to all Class Members that requires an assessment of the Respondent's knowledge, actual or constructive, with respect to the selection, training, monitoring and supervision of its employees, servants or agents.
- 7.20. The resolution of these issues will move litigation further significantly; these constitute substantial elements that must be resolved in the case of each individual Class Member, and their resolution will avoid duplication of fact-finding and of legal analysis. [...]

8. The questions of fact and law specific to each Class Member are as follows

- 8.1. After the resolution of common issues, only matters specific to each Class Member will have to be addressed, including:

- a) What acts of abuse did individual Primary Class Members suffer?
- b) What harms did Primary Class Members and Family Class Members suffer because of the acts of abuse?
- c) Does a causal link exist between any acts of abuse and harms suffered?
- d) What individual defences exist that could be advanced, such as prescription?

9. It is expedient that the institution of a Class Action for the benefit of the Class Members be authorized for the following reasons

- 9.1. The class action is the best procedural vehicle available to the Class Members in order to protect and enforce their rights herein.
- 9.2. While the amount of damages sustained by each Class Member may differ, the Respondent's wrongful behaviour and its liability are identical for each Member.
- 9.3. In the absence of a class action there would be no viable recourse against the Respondent for most Members, due to the cost and difficulty that an individual civil action would entail, relative to the benefits one could hope to obtain.
- 9.4. To the best of the Applicant's knowledge, all or most of the Class Members among the Cree in Québec come from and are likely still domiciled in [...] northern Québec and would therefore incur greater than average expenses if they brought individual proceedings, due to their remote location.
- 9.5. A single hearing by means of a class action on the issues of fact and law that all members have in common would significantly reduce the cost of litigation for all parties.

10. The nature of the action the Designated Member intends to bring on behalf of the Class Members is an action in damages for extra-contractual liability.

11. The Applicant seeks the following conclusions or relief:

- 11.1. Compensation, in an amount to be perfected at trial, for the damages incurred because of the Respondent's failure to take steps to protect Class Members' retention of their Aboriginal language, culture, identity, religion, heritage and customs and their ability to pass on to succeeding generations their spiritual, cultural and linguistic heritage.

- 11.2. Compensation, in an amount to be perfected at trial, for the damages incurred because of the Respondent's failure to screen, negligence in selecting, and inadequate supervision of its employees, servants or agents; and more generally for its breach of its obligation of loyalty and duty to protect the best interests of the Designated Member and Primary Class Members as would a parent solicitous for his or her child's well-being.
- 11.3. Compensation, in an amount to be perfected at trial, for the damages incurred as a result of the intentional and negligent actions of billeting families or those responsible for [...] boarding homes, including the perpetration of sexual, physical and psychological abuse on the Designated Member and other Primary Class Members for which the Respondent is directly or vicariously liable.
- 11.4. Compensation, in an amount to be perfected at trial, for material and moral damages sustained by Family Class Members as a result of Respondent's breaches of its fiduciary and civil law duties owed to the Primary Class Members and the fault and negligence of its employees, servants or agents;
- 11.5. Punitive damages in an amount to be perfected at trial;
- 11.6. Interest and the additional indemnity provided by the *Civil Code of Quebec*;
- 11.7. Judicial fees and legal costs;
- 11.8. Such further and other relief as this Honourable Court may deem just and reasonable in the circumstances.

12. The relief sought by the Applicant is to:

ALLOW the institution of the Applicant's class action;

GRANT the Designated Member's application for an order allowing her to use a pseudonym for herself and for Class Members;

DECLARE the Respondent Attorney General of Canada liable to the Designated Member and Class Members for the damages suffered by Respondent's breach of its fiduciary duty, its breach of its obligation to act as a parent solicitous of his or her child's welfare and its breach of its obligation of loyalty towards the Applicant and Class Members; [...]

DECLARE the Respondent vicariously liable to the Designated Member and Class Members for the damages suffered by the negligent and intentionally wrongful actions of its employees, servants, or agents;

CONDEMN the Respondent to pay to each of the Class Members compensatory, moral and punitive damages, and **ORDER** collective recovery of these sums;

CONDEMN the Respondent to indemnify each and every Class Member for all damages that they have suffered as a result of Respondent's wrongful behaviour, and the wrongful behaviour of its employees, servants, and agents;

AND TO THIS END:

DECLARE the Respondent liable for the cost of judicial and extra-judicial fees and disbursements, including fees for expertise incurred in the present matter for and in the name of the Applicant and Class Members, and **ORDER** collective recovery of these sums;

CONDEMN the Respondent to pay the Applicant and Class Members the above-mentioned sums with interest at the legal rate, plus the additional indemnity provided by law, to accrue from the date of service of the present motion;

ORDER the Respondent to deposit with the Clerk of the Superior Court for the District of Montreal an amount equal to the total compensatory and punitive and exemplary damages caused by Respondent's wrongful behaviour during the class period; and **ORDER** the collective recovery of this amount, the whole according to proof to be made at trial, the whole with interest and the additional indemnity provided by law calculated from the date of service of the present Motion;

ORDER the individual liquidation in favour of the Designated Member and Class Members of a sum equivalent to their share of the damages claimed or, if this process turns out to be inefficient or impracticable,

ORDER the Respondent to perform any remedial measures that the Court may determine to be in the interest of the members of the Applicant or Class Members;

CONDEMN the Respondent to pay the costs incurred for all investigation necessary in order to establish the liability of Respondent in this matter, including the extra-judicial fees of counsel for Applicant and the Class Members and extra-judicial disbursements, including the costs of expertise;

RENDER any other order that this Honourable court shall determine may be just and proper;

THE WHOLE WITH COSTS, including the cost of notices.

- 13. The Applicant requests that it be granted representative status.**
- 14. The Applicant is suitable to act as representative plaintiff and is in a position to properly represent the Class Members**
 - A. The Wiichihiiwewin Centre and its Designated Member**
 - 14.1. The Applicant's Designated Member suffered abuse and harms while under the Minister's care and supervision, and while billeted by the Minister with a family in Fort George and was subsequently also taken from her family to be placed with a non-Indigenous family in [REDACTED]
 - 14.2. The Applicant's members and those whom it serves have been deeply affected by the abuse and the Applicant considers it to be the organization's moral obligation to seek justice through the judicial system in order to bring closure and justice to the Designated Member and to all Class Members.
 - 14.3. The Applicant understands and has been thoroughly advised as to the process required for this class action.
 - 14.4. The Applicant is committed to seeking a resolution to the problems caused by the abuse alleged herein, not just for its members but also for others.
 - 14.5. The Applicant is disposed to invest the necessary resources and time towards the accomplishment of all formalities and tasks necessary for the bringing of the present class action and is committed to collaborating fully with its attorneys.
 - 14.6. The Applicant is capable of providing its attorneys with the information useful to the bringing of the present class action.
 - 14.7. The Applicant is acting in good faith with the only goal of obtaining justice for its members and for each Class Member.
 - 14.8. The Applicant may ask for financial aid from the Fonds d'aide aux actions collectives. [...]
- 15. The Applicant requests that the Class Action be brought before the Superior Court for the District of Montreal for the following reasons:**
 - 15.1. To the Applicant's knowledge, most of the Class Members among the Cree in Québec are likely domiciled in the Cree communities of Waskaganish, Eastmain, Wemindji, Mistissini, and Chisasibi, which fall within the judicial district of Abitibi.

- 15.2. However, Waskaganish, Eastmain, Wemindji, Mistissini, and Chisasibi are located roughly 590 km, 700 km, 850 km, 583 km, and 930 km, respectively, from Val d’Or, the seat of the judicial district of Abitibi.
- 15.3. Given these great distances, Val d’Or is no more convenient for the Applicant, the Designated Member or Class Members to travel to than is Montreal.
- 15.4. For her part, the current Minister’s principal place of business is in the District of Gatineau.
- 15.5. At the same time, the Applicant’s undersigned attorneys practise in the District of Montreal and the Respondent also has a place of business in the District of Montreal, as well as in the District of Québec and the City of Ottawa.
- 15.6. It would greatly increase the time and costs of proceedings if the undersigned attorneys or those for the Respondent had to travel to Val d’Or for hearings.
- 15.7. Montreal is therefore the most appropriate location for this class action to be heard.

16. Conclusions

FOR THESE REASONS, MAY IT PLEASE THE COURT:

GRANT the action;

AUTHORIZE the institution of the class action herein:

To sanction the Respondent’s breach of its obligations, fiduciary duty, duty of care and its omissions;

To sanction its wrongful behaviour in permitting wrongful acts against the children in its care;

ASCRIBE to the Applicant the status of representative for the purpose of instituting the said class action on behalf of the group of natural persons hereinafter described:

Description of the group:

“Aboriginal children and adolescents who, when they were domiciled or resident in Québec, were billeted by the Government of Canada with families other than their own, or in [...] boarding homes (the “Primary Class”). The Primary Class excludes the claims released against the Government of Canada in respect of institutions covered by Schedules E and F of the Indian Residential Schools Settlement Agreement”; and [...]

“All persons who are a spouse or former spouse, child, grandchild or sibling of a member of the Primary Class and who suffered material and/or moral damages as a result of injury to the Primary Class Members (the “Family Class.”)” [...]

DETERMINE as follows the principal questions of fact and of law that will be dealt with collectively:

- a) Could or should the Minister as represented herein by the Respondent, including the Minister’s agents or servants, have foreseen that billeting families or those responsible for [...] boarding homes were in a position that could result in them abusing their positions of power, authority and trust over children entrusted to them?
- b) Did the Minister owe the Class Members a duty arising from circumstance, usage or law?
- c) Did the Minister breach its fiduciary, civil law and statutory duties to the Designated Member and the Class Members when it undertook a systematic program of forced integration of Aboriginal children through the establishment, implementation, administration and management of the placement programs for Aboriginal students?
- d) Did the Minister breach its fiduciary, civil law and statutory duties to the Designated Member and the Class Members by failing to consult adequately with Aboriginal communities and other Aboriginal stakeholders about the placement programs for Aboriginal students, the provision of funding to the program for that purpose, and the policies and practices that would be adopted in operating and administering that programs?
- e) Did the Minister take steps to protect and preserve the language, culture, identity, religion, heritage and customs of the Class Members, including by ensuring that adequate services and resources were provided to Primary Class Members to practice and maintain their Aboriginal language, culture, identity, religion, heritage and customs while in the care of billeting families or those responsible for [...] boarding homes?
- f) Did the Minister take steps to screen billeting families or those responsible for [...] boarding homes, prior to placing Primary Class Members in their care? If so, were these steps proper and adequate to prevent unqualified individuals from billeting children or caring for them in [...] boarding homes?
- g) Did the Minister provide proper, adequate and effective training or monitoring initially or on an on-going basis to ensure that billeting families or those responsible for [...] boarding homes were suitable and fit to act as its employees, servants, or agents?

- h) Did the Minister set or implement standards of conduct for billeting families or those responsible for [...] boarding homes with respect to the safety, health and well-being of Primary Class Members? If so, did the Minister fail to uphold these standards?
- i) Did the Minister fulfill its duty to supervise and monitor the performance and behaviour of billeting families or those responsible for [...] boarding homes to ensure that they performed and behaved as qualified, reasonable and prudent employees, servants, or agents?
- j) Did the Minister set or implement policies for recognizing and reporting potential abuse of or harm to Primary Class Members? If so, did the Minister fail to educate Primary Class Members in the use of a system through which abuse would be recognized and reported?
- k) Was the Minister aware of any injuries sustained by the Designated Member or Primary Class Members, which occurred while in the care of billeting families or [...] boarding homes? If so, did the Minister adequately investigate those injuries?
- l) Was the Minister aware of any complaints put forth by the Designated Member or Class Members, in relation to physical, psychological or sexual abuse? If so, did the Minister respond adequately to those complaints?
- m) Did the Minister provide adequate medical and psychological care for the Designated Member and Primary Class Members while in the care of billeting families or those responsible for [...] boarding homes?
- n) Was the Minister aware of inappropriate punishments delivered by billeting families or those responsible for [...] boarding homes? If so, did the Minister allow these punishments to continue?
- o) Did the Minister fail to provide leadership and fulfilment of its legal and moral obligations by not enforcing or creating guidelines on sexual abuse, thereby causing the Designated Member's and the Class Members' damages?
- p) Were billeting families or those responsible for [...] boarding homes, the Minister's employees, servant or agents? If so, is the Minister liable for the negligent and intentional acts committed by its employees, servants, or agents which harmed the Designated Member or Class Members?
- q) Was the Minister aware of the wrongful actions of its employees, servants, or agents, and if so, when did it become aware? If not aware, should the Minister have been aware of the wrongful actions committed by its employees, servants, or agents? [...]

DETERMINE as follows the related relief sought:

***ALLOW** the institution of the Applicant's class action;*

***GRANT** the Designated Member's application for an order allowing her to use a pseudonym for herself and for Class Members;*

***DECLARE** the Respondent Attorney General of Canada liable to the Designated Member and Class Members for the damages suffered by Respondent's breach of its fiduciary duty, its breach of its obligation to act as a parent solicitous of his or her child's welfare and its breach of its obligation of loyalty towards the Applicant and Class Members; [...]*

***DECLARE** the Respondent vicariously liable to the Designated Member and Class Members for the damages suffered by the negligent and intentionally wrongful actions of its employees, servants, or agents;*

***CONDEMN** the Respondent to pay to each of the Class Members compensatory, moral and punitive damages, and **ORDER** collective recovery of these sums;*

***CONDEMN** the Respondent to indemnify each and every Class Member for all damages that they have suffered as a result of Respondent's wrongful behaviour, and the wrongful behaviour of their employees, servants, and agents;*

AND TO THIS END:

***DECLARE** the Respondent liable for the cost of judicial and extra-judicial fees and disbursements, including fees for expertise incurred in the present matter for and in the name of the Applicant and Class Members, and **ORDER** collective recovery of these sums;*

***CONDEMN** the Respondent to pay the Applicant and Class Members the above-mentioned sums with interest at the legal rate, plus the additional indemnity provided by law, to accrue from the date of service of the present motion;*

***ORDER** the Respondent to deposit with the Clerk of the Superior Court for the District of Montreal an amount equal to the total compensatory and punitive and exemplary damages caused by Respondent's wrongful behaviour during the class period; and **ORDER** the collective recovery of this amount, the whole according to proof to be made at trial, the whole with interest and the additional indemnity provided by law calculated from the date of service of the present Motion;*

***ORDER** the individual liquidation in favour of the Designated Member and Class Members of a sum equivalent to their share of the damages claimed or, if this process turns out to be inefficient or impracticable,*

ORDER the Respondent to perform any remedial measures that the Court may determine to be in the interest of the members of the Applicant or Class Members;

CONDEMN the Respondent to pay the costs incurred for all investigation necessary in order to establish the liability of the Respondent in this matter, including the extra-judicial fees of counsel for Applicant and the Class Members and extra-judicial disbursements, including the costs of expertise;

RENDER any other order that this Honourable court shall determine may be just and proper;

THE WHOLE WITH COSTS, including the cost of notices.

DECLARE that, unless excluded, the members of the group are bound by any judgment to be handed down in the manner provided for by law;

SET the exclusion time period at 60 days after the date of the notice to members; upon expiry of the exclusion time period the members of the group who have not availed themselves of the means of exclusion will be bound by any judgment to be handed down;

ORDER the publication of a notice to the Class Members as determined by the Court, in accordance with art. 579, C.C.P.;

REFER the case to the Chief Judge for determination of the district where the class action will be instituted and designation of the judge who will hear it;

ORDER the clerk of this Court, should the action have to be instituted in another district, to transfer the record, upon the Chief Judge's decision, to the clerk of that other district;

The whole with costs, including the costs of notice.

Montréal, April 29, 2021

(S)

DIONNE SCHULZE

Attorneys for the Applicant [...]

David Schulze

Alexandre Carrier

Marie-Alice D'Aoust

507 Place d'Armes, Suite 502

Montréal, Québec H2Y 2W8

Tel. 514-842-0748

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notifications@dionneschulze.ca

NO : 500-06-000812-160

**SUPERIOR COURT
CLASS ACTION**

**CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL**

WIICHIHIWEWIN CENTRE OF WASKAGANISH

APPLICANT

AND

ANNE SMITH (PSEUDONYM)

DESIGNATED MEMBER

-v.-

ATTORNEY GENERAL OF CANADA

RESPONDENT

**RE-AMENDED (fifth modification)
APPLICATION FOR AUTHORIZATION
TO INSTITUTE A CLASS ACTION AND
TO OBTAIN THE STATUS OF
REPRESENTATIVE
(Art. 571 *et seq.*, C.C.P.)**

ORIGINAL

**Me David Schulze
Me Alexandre Carrier
Me Marie-Alice D'Aoust
Dionne Schulze, s.e.n.c.
507, Place d'Armes, Suite 502
Montréal, Québec H2Y 2W8
Tele. 514-842-0748
Fax. 514-842-9983
notifications@dionneschulze.ca
BG4209**

Our file #5100-005

Schedule E

Federal Court



Cour fédérale

Date: 20190628

Docket: T-1417-18

Ottawa, Ontario, June 28, 2019

PRESENT: Madam Justice Strickland

CLASS PROCEEDING

BETWEEN:

**REGINALD PERCIVAL, ALLAN MEDRICK
MCKAY, IONA TEENA MCKAY AND
LORNA WATTS**

Plaintiffs

and

HER MAJESTY THE QUEEN

Defendant

ORDER

UPON MOTION in writing, brought pursuant to Rules 369 and 334.12(2) of the *Federal Courts Rules*, SOR/98-106 [Rules], seeking an order:

- a) certifying this action as a class proceeding;
- b) certifying the class and subclass;
- c) appointing the representative Plaintiffs;
- d) setting out the common issues of fact or law for the class and subclass; and
- e) appointing class and subclass counsel;

AND UPON review of the Amended Notice of Motion filed by the Plaintiffs on June 10, 2019;

AND UPON considering that the Plaintiffs and the Defendant have, on June 10, 2019, filed a joint consent to the Amended Notice of Motion and to the form of a draft order;

AND UPON considering that this action, commenced on July 24, 2018, concerns allegations by the Plaintiffs that Canada breached common law and fiduciary duties owed to Indigenous people in relation to “boarding home” programs that Canada operated in connection with providing educational programs to Indigenous students. These boarding home programs are alleged to have involved Canada placing Indigenous students in private homes, away from their families and communities, where they were not provided with reasonable access to their language, culture, identity, religion, heritage, customs and Aboriginal and treaty rights and where it is alleged that they experienced racism and physical, psychological, and sexual abuse, all as set out in the Statement of Claim;

AND UPON considering that a related proposed class action commenced in the Quebec Superior Court on September 21, 2016, *Anne Smith v Attorney General of Canada*, in the District of Montreal, Court file no. 500-06-000812-160, is proposed to be incorporated in this proposed class action by way of the proposed subclass. The Quebec proposed class action deals with similar subject matter, the boarding home program. However, because it also raises common questions of civil law that are not shared by all of the proposed class members from common law jurisdiction provinces, the proposed subclass has been identified;

AND UPON considering the certification conditions that must be met and, the matters to be considered as set out in Rule 334.16;

AND UPON being satisfied that this is an appropriate proceeding for certification as a class action on the proposed terms;

THIS COURT ORDERS that:

1. This action is certified as a class proceeding against the Defendant, Her Majesty the Queen in Right of Canada;
2. The classes in this proceeding are defined as follows:
 - (a) Primary Class means persons who were placed by the Government of Canada in private homes for the purpose of attending school, excluding placements made for the purpose of attending a post-secondary educational institution;
 - (b) Family Class means all persons who have a derivative claim in accordance with applicable family law legislation arising from a family relationship with a member of the Primary Class;

The Primary Class and the Family Class and their members are collectively described as the “Class” or “Class Members”;

3. A subclass in this proceeding, in which subclass members are Class Members but are separately represented, is defined as follows:
 - (a) Quebec Subclass means Class Members resident in Quebec at the time of their placement by Canada in such private homes;
4. The following persons are appointed as Representative Plaintiffs for the Class:
 - (a) Reginald Percival;
 - (b) Allan Medrick McKay;

(c) Iona Teena McKay; and

(d) Lorna Watts

5. The following person is appointed as the Representative Plaintiff in the Quebec

Subclass:

(a) Kenneth Weistche

6. Klein Lawyers LLP is appointed as Class Counsel;

7. Dionne Schulze S.E.N.C. is appointed as Quebec Subclass Counsel;

8. The following common questions of fact or law in this proceeding are certified for both the Class and the Quebec Subclass:

(a) Did Canada owe duties to Class Members as alleged in the Statement of Claim?

(b) If the answer to (a) is yes, did Canada breach any of those duties?

9. The relief sought by the Class is as set out in the Statement of Claim;

10. The parties shall, as a part of a joint litigation plan, specify the time and manner for Class Members to opt out of the Class proceeding, and shall bring an informal motion seeking to amend this Order to reflect the opt out provisions, all pursuant to Rules 334.17(1)(f) and 334.19. Should the parties fail to reach an agreement, a formal motion shall be brought in writing for determination by the Court;

11. No costs are payable on this Motion for certification, in accordance with Rule 334.39.

“Cecily Y. Strickland”

Judge

Schedule F

Date: *[Date of Order]*
Court File No.: T-1417-18

Vancouver, British Columbia , 2023

PRESENT: The Honourable Justice Pamel

CERTIFIED CLASS PROCEEDING

BETWEEN:

REGINALD PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY and LORNA WATTS

Plaintiffs

and

HIS MAJESTY THE KING

Defendant

Brought pursuant to the *Federal Courts Rules*, SOR/98-106

ORDER

UPON HEARING THE MOTION made by the Plaintiffs, on consent, for an order pursuant to Rule 334.29 of the *Federal Courts Rules* approving a settlement agreement (the “Settlement Agreement”) and upon hearing counsel for the parties,

THIS COURT ORDERS that:

1. The Settlement Agreement which is attached to this order as Schedule “A” is hereby approved as fair and reasonable and in the best interests of class members as a whole.
2. [name] is hereby appointed as the Claims Administrator for the Settlement Agreement.
3. Each Primary Class Member or their Estate Executor or Personal Representative who has not opted out of the Class Action on or before the expiry of the Opt Out Period (hereinafter “Primary Class Releasers”) has fully, finally and forever released Canada, her servants, agents, officers and employees, from any and all actions, causes of action, common law, Quebec civil law

and statutory liabilities, contracts, claims, and demands of every nature or kind available, asserted or which could have been asserted whether known or unknown including for damages, contribution, indemnity, costs, expenses, and interest which any such Primary Class Releasor ever had, now has, or may hereafter have, directly or indirectly, arising from or in any way relating to or by way of any subrogated or assigned right or otherwise in relation to the individual claims relating to *Reginald Percival et al v. His Majesty the King* (T-1417-18), and this release includes any such claim made or that could have been made in any proceeding, whether asserted directly by the Primary Class Releasor or by any other person, group, or legal entity on behalf of or as representative for the Primary Class Releasor.

4. For greater certainty, Primary Class Releasors are deemed to agree that if they make any claim or demand or take any actions or proceedings against another person or persons in which any claim could arise against Canada for damages or contribution or indemnity and/or other relief over, whether by statute or the common law, Quebec civil law in relation to the individual claims under *Reginald Percival et al v. His Majesty the King* (T-1417-18), the Primary Class Releasor will expressly limit those claims so as to exclude any portion of Canada's responsibility.

5. Upon a final determination of an Application made under and in accordance with the Claims Process, Primary Class Releasors are also deemed to agree to release the Parties, Class Counsel, Quebec Subclass Counsel and counsel for Canada, the Claims Administrator, and the Independent Reviewer with respect to any claims that arise or could arise out of the application of the Claims Process, including but not limited to the sufficiency of the compensation received. Primary Class Releasors are not deemed to release any claim arising from the preparation of their individual Applications as against the lawyer or lawyers retained to assist them in the preparation of the Application.

6. Each Family Class Member who has not opted out of the Class Action on or before the expiry of the Opt Out Period ("Family Class Releasors") has fully, finally and forever released Canada, her servants, agents, officers and employees, from any and all actions, causes of action, common law, Quebec civil law and statutory liabilities, contracts, claims, and demands of every nature or kind available, asserted or which could have been asserted whether known or unknown

including for damages, contribution, indemnity, costs, expenses, and interest which any such Family Class Releasor ever had, now has, or may hereafter have, directly or indirectly, arising from or in any way relating to or by way of any subrogated or assigned right or otherwise in relation to the individual claims under *Reginald Percival et al v. His Majesty the King* (T-1417-18), and this release includes any such claim made or that could have been made in any proceeding, whether asserted directly by the Family Class Releasor or by any other person, group, or legal entity on behalf of or as representative for the Family Class Releasor.

7. For greater certainty, Family Class Releasors are deemed to agree that if they make any claim or demand or take any actions or proceedings against another person or persons in which any claim could arise against Canada for damages or contribution or indemnity and/or other relief over, whether by statute, the common law, or Quebec civil law, in relation to the individual claims under *Reginald Percival et al v. His Majesty the King* (T-1417-18), the Family Class Releasor will expressly limit those claims so as to exclude any portion of Canada's responsibility.

Judge

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINAL PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

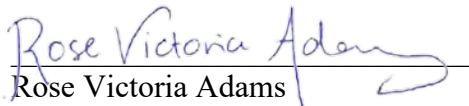
- and -

HIS MAJESTY THE KING

Defendant

EXHIBIT I TO THE AFFIDAVIT OF LÉA LEMAY LANGLOIS

This is Exhibit I to the affidavit of
Léa Lemay Langlois, as solemnly sworn
before me the 21st day of July, 2023


Rose Victoria Adams
Barreau du Québec n°358105-5

Conclusion:

[3] The Claimant has not proven that she is entitled to compensation for the numerous incidents of sexual assaults because I have determined that she was not a resident of an Indian Residential School at the time that the abuses took place, and also that the abuses took place outside the premises of an Indian Residential School.

Decision

[4] The Claimant's claim is not compensable under the *IAP Model*.

Jurisdictional Issue

[5] In order to determine if the Claimant is eligible for compensation, the first issue that I must determine is whether the Claimant was still an IRS student when the above abuses occurred, and if the foster home where she boarded was part of the IRS and under the control and the supervision of Canada, as submitted by Claimant's counsel.

Claimant's position:

[6] In a nutshell, counsel for the Claimant submitted that she was still a pupil under the responsibility of Fort George IRS, which decided in September 1972 to send older students to live with foster families composed of IRS staff members. According to counsel, the Claimant did not see any difference from 1964 to 1975 in her attendance at Fort George IRS.

[7] In essence, counsel takes the position that the foster home should be considered part of the IRS school and that I must conclude, therefore, that the Claimant was still under the responsibility of Canada *in loco parentis*, who should be held liable therefore for the damages that she sustained while at the Fort George IRS from 1965 to 1974.

[8] In addition, counsel submits that the Claimant saw [REDACTED] earlier while living at Fort George IRS. The Claimant stated that she was watching a movie with a group of students and she saw one [REDACTED] from a distance; she did not talk

to him, and she believed that it might have been a temporary supervisor. She never saw him after that until she moved to his parents' house.

[9] Based on that assertion, counsel is asking me to conclude that one of the assailants was a staff member of the IRS and, therefore, despite that the abuses took place outside the premises of the IRS, that there was a connection with its operation.

[10] Referring to decisions made by other Adjudicators awarding compensation, where a connection between the abuse and the operation of the IRS existed, despite the fact that the abuses did not happen on IRS premises¹. Counsel for the Claimant is, therefore, asking me to award compensation for the abuses sustained.

[11] Counsel is also taking issue with the reliability of the historical documentation provided, in particular with the comment found on page 15 of the Fort George General History Report stating that Sand Park was a different legal entity from the IRS. According to counsel, no weight should be given to this narrative since her view is that we do not know where the author found the information. She also added that the question of the status of Sand Park was a mixed question of fact and law for which we do not have direct evidence.

[12] In closing, counsel submitted, with respect to the jurisdictional issue, that since the Claimant was attending a day school and living with a host family, under the auspices of Fort George IRS, she was still an IRS student and, therefore, I have jurisdiction to hear to this case and to award compensation.

Canada's position:

[13] Canada essentially submitted that the sexual abuses sustained by the Claimant arose out of the operation of a day school while she was living with a foster family. Canada asserted that this is not because the sexual abuses happened outside the premises of an IRS, as referred to in the cases presented by counsel for the Claimant, but because Sand Park was a separate legal entity and, moreover, because it

¹ Counsel filed Second Review Decision in M-16568 and the decision in C-19698.

happened at the foster family home.

[14] In essence, counsel for Canada said that the abuses sustained are not compensable under the IAP Model because Sand Park was a day school and not an Indian Residential School. In keeping with the intent of the *Settlement Agreement* to compensate only victims of Indian Residential Schools, Canada's representative submitted that Sand Park and the foster family, where the sexual abuses arose, had no connection with Fort George IRS. In other words, the abuses did not arise from the operation of an Indian Residential School as they occurred during her attendance at a day school.

B. Analysis

Jurisdictional Issue

[15] The *Settlement Agreement* gives recognition and compensation to former students of federally operated residential schools for certain harms and abuses committed against children who attended these institutions. In essence, the parties to the *Settlement Agreement* intended to give fair, comprehensive and lasting resolution to the legacy of residential schools and negotiated it for that purpose. It is important to note that the *Settlement Agreement* only covers certain boarding schools and hostels.

[16] Article 1.01 of the IAP defines the term 'residential school' as follows:

- 1) Institutions listed on List 'A' to OIRSRC's Dispute Resolution Process attached as Schedule 'E';
- 2) Institutions listed in Schedule 'F' ('Additional Residential Schools'), which may be expanded from time to time in accordance with Article 12.01 of this Agreement; and
- 3) Any institution that is determined to meet the criteria set out in Section 12.01(2) and (3) of this Agreement.

[17] It follows, from the above, that students that did not attend an institution listed in Schedule 'E', Schedule 'F' or added to Schedule 'F' pursuant to Article 12.01 are not

eligible to apply for or to receive compensation in the IAP.

[18] Limiting myself only to the strict interpretation of the Settlement Agreement is not sufficient. It is also important for me to review the IAP decisions on jurisdictional issues. The decision of Chief Adjudicator, Dan Ish, in the case of A-12390, provides, in my view, useful guidance and direction to all adjudicators when dealing with a jurisdictional issue in IAP cases, like this one. I, therefore, rely on the following conclusion reached by the Chief Adjudicator in Paragraph 32, and I have accepted and adopted his analysis.

[32] In my view, the reviewing Adjudicator properly analyzed the provision of the IAP. The purposive and contextual analysis that she adopted leads to a cohesive and integrated interpretation of the entire complex Settlement Agreement. In addition, I agree with the conclusions that she arrived at in applying this approach. To determine whether a claimant has a valid IAP claim for abuse suffered at the school, it must be determined whether in substance the school was operated as an Indian Residential School. The core attributes to be assessed in making this determination are whether the child was placed in a residence away from the family home by or under the authority of Canada for the purposes of education and whether Canada was jointly or solely responsible for the operation of the residence and for care of the children resident there, where employees of the institution stood in loco parentis to the children. This substantive determination is much preferred to a form-only analysis that was limited to a review of Schedules 'E' and 'F' with a result, based on the facts of a particular case, outside the intent and purpose of the Settlement Agreement.

[19] I have also considered the case of S-21019, a review decision of Roger W. Linka. In paragraph 30 of his decision, Roger W. Linka referred to his decision in J-10133 and stated that:

There is nothing in Schedule "E" setting out the characteristics of an institution that would qualify it as an "Indian Residential School" within the meaning of the Settlement Agreement. Neither is there any indication of a range of dates during which the listed and added institutions were to come within the Settlement Agreement. These significant omissions, together with the above-quoted historical documents, gave rise to the jurisdictional dispute in this case.

.....
I do note that although, as indicated above, there is no definitional description of the characteristics of an institution that would qualify it as an "Indian Residential School" there are criteria for adding institutions as Indian

Residential Schools, in particular the criteria in Article 12.01(2) of the Settlement Agreement:

- a) The child was placed in a residence away from the family home by or under the authority of Canada for the purposes of education; and,
- b) Canada was jointly or solely responsible for the operation of the residence and care of the children resident there.

In these criteria, there is a clear emphasis on the "residential" aspect of schools that can be considered to come within the purview of the Settlement Agreement.

[20] Based on the above decision, I must determine if the Claimant was *de facto* a residential student at Fort George IRS at the time of the abuses.

[21] First of all, I do not have any doubt, as agreed by the parties, that the Claimant attended Fort George IRS. However, the issue is whether the Claimant attended Fort George IRS from September 1965 to June 1972 or to June 1974. Based on the claimant's attendance filed by Canada, it showed that she attended Fort George IRS from September 1965 to March 1972.

[22] In addition, as previously mentioned Claimant's counsel wants me to disregard or at least give very little weight to the General History Report filed by Canada for the reasons that she previously highlighted. The author mentioned at page 15:

Sand Park Elementary Day School

1971-73 The Fort George Federally Day School and the Residence were separate entities. The Fort George Federally Day School, No. 19, was known as Sand Park Elementary School. The Elementary school was built in the school complex, by the Department of Public Works, in 1971... [FGA-000241, FGA-000293 & att., FGA-000286, FGA-000287, FGA-000102, FGA-000635-0003].

[23] I have to agree with counsel that Fort George School narrative is not the best evidentiary information in this case. It is only an interpretation of historical records, and the General History Report was prepared recently and is based upon the information

from these documents. I have had, however, the opportunity to review all the relevant historical records referred to in the Fort George School narrative. I find that the most relevant of these documents provide the following information:

Item FGA-000293 It is a letter from the Regional Director to the Assistant Deputy Minister of Indian Affairs dated May 13, 1972 confirming that there were serious structural problems and deficiencies with the new school building of Sand Park Elementary School.

Item FGA-000617 It is a letter from the A/Assistant Director of Education of Indian Affairs dated August 24, 1977 confirming the name of the Residential School and Day Schools for the Quebec Region. The name of Fort George IRS does not appear, having been closed, but Sand Park School is on the list as a Federal Day School.

Item FGA-000036 This is the Principal's Monthly Report dated January 1964 with the name of St. Philip's Anglican Residential & Day School.

Item FGA-000624 This a letter from the Supervisor of Education for the district of Abitibi dated February 11, 1972 confirming that there will be 6 additional classes, pursuant to the new Quebec Education Regulation No. 7, in September 1972.

Item FGA-000102 This is a note to file dated September 30, 1974 regarding a newspaper article entitled 'Indians Boycott Firetrap School' referring to Sand Park having been built in 1971 with several deficiencies.

Item FGA-000542 This is a letter from Indian Affairs District Superintendent dated November 8, 1973 confirming that the new school Sand Park was part of the 'educational complex' of Fort George, which included 12 different buildings.

[24] The information in these documents is by far the best documentary and historical evidence available to me. I place significant evidentiary value and weight upon these documents, which are copies of school or historical documents.

[25] Of these documents, FGA-000617 is one of the most helpful to confirm that Sand Park was a federal day school. In my view, that document indicates that the school was not an Indian Residential School but rather a day school that survived the closing of

Fort George IRS. In addition, FGA-000624 is also helpful to confirm that September 1972 marked the beginning of the offering of a secondary school level at Sand Park, which confirmed the Claimant's testimony.

[26] With respect to the legal standing of Sand Park, we find as previously mentioned on page 15 of the School Narrative that the Sand Park and the Residence were separate entities. Was it, however, a different legal entity from Fort George IRS? I cannot conclude that with certainty, based on the best documentary evidence that I have before me; but they were without a doubt two different institutions with their own management and principals. In addition, the documents provided to me established that Fort George operated as an IRS but had also a day school, Sand Park, where some students attended while not 'residing' at the IRS. It can also be said that Sand Park did not offer residential facilities to its students.

[27] Even if the Claimant may have attended Sand Park in the same building than when she resided at Fort George IRS from 1965 to 1972, it does not mean that she was still a student at Fort George IRS, as alleged. Moreover, Claimant's counsel submitted that for the 9 years that the Claimant studied in Fort George, she did not see any difference between the two entities. I do not find the Claimant's testimony to be of any assistance to determine the legal entities of an IRS school and a day school. I need more than her opinion on this pivotal issue. Even if Sand Park was not <legally> distinct from the IRS, it does not mean that she was an IRS student since we have to examine the residential aspect of the school attended as mentioned in the above mentioned decisions.

[28] Moreover, the fact that the [REDACTED] was or would have been a staff member of Fort George is not of any assistance to settle this issue, nor has any bearing on the sexual abuses sustained or on Canada's liability. Not only was the [REDACTED] not the assailant, but she did not know that [REDACTED] and [REDACTED] abused the Claimant. In fact, even if she knew or ought to have known, this has nothing to do, in my view, with the operation, care and control of Fort George IRS that would extend to her private home.

[29] As we all know, foster homes are not the same living arrangements as IRS, do not have the same supervision from IRS authorities, and are not residential schools. I am also of the view that Canada's vicarious liability for the acts of its employees or agents does not cover wrongful acts that occurred in foster homes. If that was the case, as suggested by Claimant's counsel, the *Settlement Agreement* would have addressed explicitly such an important issue, and it did not.

[30] Based on this, I cannot conclude that the *Settlement Agreement* covers acts occurring at foster homes, while students were attending a day school and not IRS institutions. We need, in my view, more than a speculative and conjectural conclusion, as suggested by Claimant's counsel, to read liability for Canada into the *Settlement Agreement* for acts that occurred in a foster home and to conclude that the IRS was acting as *loco parentis*.

[31] Moreover, since the Claimant was no longer lodging at the residence of the IRS, how can Fort George IRS still be acting *in loco parentis* for pupils who are no longer under its supervision? It was now the role of the foster parents to act *in loco parentis* for the student, it would be wrong, in my view, to say that Fort George IRS was still acting as such. I agree on that point with Roger W. Linka when he wrote in J-10133 that we have to determine if Canada was jointly or solely responsible for the operation of the residence and care of the children resident there. Once in the care of a foster family, IRS responsibility for the care of the children that were previously residing there had ceased. Foster families are not in any way an IRS but are, rather, private homes where people from the community provide lodging to students attending local schools.

[32] It also cannot be said, as suggested by Claimant's counsel that the private house of the foster family was an extension of the IRS or, I would add, Indian Residential School premises. Simply put, it was a private house hosting day school students attending a day school, Sand Park, which was not a Residential School where the IRS stood *in loco parentis* to the children.

C. Conclusion

[33] From September 1972 to June 1974, the Claimant was no longer attending school or residing at the Fort George Indian Residential School. She was then a student at the Sand Park School and was living with a foster family who took care of her lodging, despite the fact that there were still some students attending Fort George IRS, which ultimately closed in 1975.

[34] While living with a foster family, the Claimant testified that she was sexually abused by ██████████ of the foster family, who performed vaginal penetration, and by the ██████ who fondled her while sleeping. It is to be noted that the Claimant was living with her foster family with two other students, and the ██████ of the foster home was a supervisor at Fort George IRS.

[35] It should be mention that the Claimant might have previously seen one of the assailants at Fort George IRS, when she was a residential student there from September 1965 to June 1972, but this does not lead me to conclude, on balance of probabilities, that he was a staff member when the sexual abuses occurred or that a relationship started at Fort George IRS, as submitted by Canada's counsel.


[36] The Claimant has not alleged nor proven any compensable acts of abuse during her tenure as a student at Fort George IRS from September 1965 to June 1972. Moreover, based on the above I cannot conclude that the Claimant attended Fort George IRS from September 1972 to June 1974 or that Sand Park and the foster home where she resided, was a Residential School as contemplated in the *Settlement Agreement*. Therefore, I do not have jurisdiction to award compensation under the IAP Model, in this case.

[37] No assessment of harm, aggravating factors, loss of opportunity, or costs for future care is required for this decision, as compensation for these factors is conditional upon a finding of compensable abuse.

[38] ██████ I would, however, like to ask you not to interpret this decision as my not having believed you. Unfortunately, the sexual abuses that you claimed, and which I have no doubt occurred as also agreed by counsels, do not qualify under the IAP Model for the above reasons.

[39] ██████, it was an honour and a privilege to bear witness to your testimony. You showed great strength and courage in testifying under difficult circumstances. I would also like to thank Ms. Dumont and Mr. Valentine for their assistance at the hearing and for having made relevant and well thought submissions.

SIGNED at Ottawa, Ontario, this 22nd July, 2014.


Robert Néron, Adjudicator
Independent Assessment Process

Court File No.: T-1417-18

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINAL PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

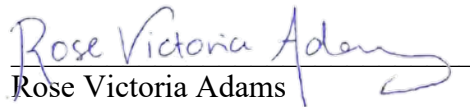
- and -

HIS MAJESTY THE KING

Defendant

EXHIBIT J TO THE AFFIDAVIT OF LÉA LEMAY LANGLOIS

This is Exhibit **J** to the affidavit of
Léa Lemay Langlois, as solemnly sworn
before me the 21st day of July, 2023


Rose Victoria Adams
Barreau du Québec n°358105-5

INDIAN RESIDENTIAL SCHOOLS ADJUDICATION SECRETARIAT
INDEPENDENT ASSESSMENT PROCESS

Claimant:	[REDACTED]
File Number:	E5442-10-D-15429
Track:	Standard
School Named:	Bishop Horden Hall and Fort George (St. Philip's)
Initial Adjudicator :	Robert Néron
Hearing Date:	February 28, 2014
Original Decision Date:	July 22, 2014
Date of Review Request:	October 3, 2014
Date of Canada's Reply:	November 17, 2014
Reviewing Adjudicator :	Rodger W. Linka
Date of Review Decision:	February 23, 2015

REVIEW DECISION

Introduction and Overview

[1] This is a review of an Adjudicator's decision that was requested by the Claimant under the review provisions provided in Schedule D of the Indian Residential Schools Settlement Agreement (the "IAP", "the Model" or the "IAP Model"). I was appointed by the Chief Adjudicator to conduct this review as his designate.

Materials Reviewed

[2] In considering this matter, I have considered the following materials:

- (a) the decision of the Adjudicator;
- (b) the Claimant's Request for Review;
- (c) Canada's reply to the Request for Review;
- (d) The transcript of the hearing and final submissions;
- (e) The file materials available to the Adjudicator including the historical records as well as the additional historical records provided by Canada.

Background & The Adjudicator's Decision

[3] The Claimant filed an IAP application alleging that she was sexually abused by [REDACTED] [REDACTED] who were taking care of her at the time. The sexual assaults occurred in the [REDACTED]. The Claimant was attending Sand Park Elementary School.

[4] The first issue facing the Adjudicator was whether Sand Park Elementary School was a part of Fort George IRS. Attendance records showed that the Claimant attended Fort George IRS from September 1965 to March 1972. Following this, she was sent to live in a foster home and attended Sand Park Elementary Day School. According to the narrative for Fort George IRS, Sand Park Elementary Day School and Fort George IRS were separate entities. The Adjudicator rejected consideration of the narrative and relied on certain documentary records regarding the institution. Based on a review of the historical records, the Adjudicator concluded that Sand Park Elementary was a separate institution from Fort George IRS.

[5] The Adjudicator also concluded that the Settlement Agreement did not cover acts occurring at the foster home while the Claimant was attending a day school and not an IRS. The Claimant was no longer a resident of the IRS and so the IRS was not standing *in loco parentis* to the Claimant; rather, the Claimant was under the care of foster parents. The Adjudicator therefore dismissed the claim.

The Claimant's Request for Review

[6] Counsel for the Claimant filed a five page request for review. In summary, Counsel submitted:

1. There was a lack of fair process because the Adjudicator reached his decision based on the archival documents he received in June of 2014. Subsequent to June 2014 a substantial number of additional historical records were provided by Canada in September of 2014. The Adjudicator initially set a deadline for receiving submissions. Claimant Counsel unsuccessfully attempted to seek an extension given the voluminous number of additional documents. Unfortunately, her communications did not reach the Adjudicator. Approximately three months later the Adjudicator rendered his decision without receiving submissions from Claimant Counsel.
2. The Adjudicator applied the wrong test to the facts. The Claimant continued to attend the same school as she did before, but under another name, at a time when she was obliged by the IRS to move from the residence to a foster home. The Adjudicator erred by considering IAP decisions that dealt with cases of a school attended by day students which ceased to be an IRS. The Adjudicator did not conduct an analysis to determine whether Sand Park was a part of Fort George IRS or not. The Adjudicator also erred in concluding that while in a foster family she was not on the IRS premises. The Adjudicator should have addressed the "sufficiency of the connection" between the operation of the IRS and the sexual assaults on the Claimant.
3. The Adjudicator made a palpable and overriding error by relying on historical documents that were not relevant to a determination of whether Sand Park Elementary was a separate institution at the time the abuse occurred.

Canada's Reply

[7] Canada's submitted that the Adjudicator properly applied the IAP Model to the facts as found. Canada further submitted that the Adjudicator made no palpable and overriding error and that the rules of procedural fairness were followed through the entire process.

[8] The school narrative is a summary of a large collection of documents retaining to the school. Source documents can be requested on demand by any party to the process.

[9] The Adjudicator did not reopen the submissions which were closed after final submissions on March 26, 2014. He asked the parties to comment on the source documents by June 27. Claimant Counsel never submitted comments and the decision was written on July 22, 2014. Claimant Counsel had ample opportunity to state her case on the jurisdictional issues or the documents subsequently provided.

Standard of Review

[10] The applicable standard of review on the ground of failure to properly apply the IAP Model requires that the reviewing Adjudicator give complete deference to the initial Adjudicator's findings of fact. The reviewing Adjudicator is to determine whether the initial Adjudicator applied the IAP Model properly to the "facts as found by the [initial] Adjudicator." This means the reviewing Adjudicator must defer to the initial Adjudicator's findings of fact; the function of the reviewing Adjudicator is therefore to determine whether the initial Adjudicator's application of the Model to those facts was done "properly." I interpret the word "properly" to indicate a "correctness" standard.

[11] The IAP Model at page 14 provides that:

- i. For any cases within the standard or complex track any party may ask the Chief Adjudicator or designate to determine whether the Adjudicator's, or reviewing Adjudicator's decision properly applied the IAP Model to the facts as found by the Adjudicator, and if not, to correct a decision and the Chief Adjudicator or designate may do so.
- ii. In both the standard and complex issues tracks **Claimants may require that a second Adjudicator review a decision to determine whether it contains a palpable and overriding error.** [emphasis added]

[12] Appellate courts accord a high degree of deference to trial courts on the matter of fact finding. In the absence of a palpable and overriding error of fact, an appellate court will not set aside the findings of fact of a trial court: *H.L. v. Canada (Attorney General)*, [2005] 1 S.C.R. 401; *Housen v. Nikolaisen* [2002] 2 S.C.R. 235. This latter decision, *Housen v. Nikolaisen*, is the leading decision of the Supreme Court of Canada on this standard. The Court held that an appellate court should not interfere with the findings of fact reached by a trial judge. Only where a palpable and overriding error exists on the record should a finding of fact be overturned. The majority noted (at para.23) that it is not the role of appellate courts to second-guess the weight to

be assigned to various items of evidence. If there is no palpable and overriding error with respect to the underlining facts which are relied on by the trial judge to draw inferences, then it is only where the inference-drawing process itself is palpably in error that an appellate court can interfere with the factual conclusion. The appellate court is not free to interfere with a factual conclusion it disagrees with where such disagreement arises from a difference of opinion over the weight to be assigned to the underlining facts. At paragraph 246, the court set out that a palpable error is one that is obvious, plain to see, or clear.

[13] The Ontario Court of Appeal in *Waxman v. Waxman* 2004 Can L.I.I. 39040 gave examples of palpable error (para. 296):

Examples of ‘palpable’ factual errors include findings made in the complete absence of evidence, findings made in conflict with accepted evidence, findings based on misapprehension of evidence and findings drawn from primary facts that are the result of speculation rather than inference.

[14] Not only must the error be palpable, it also must be overriding. The court in *Waxman v. Waxman* went on to define “overriding” error (para.297):

An ‘overriding’ error is an error that is sufficiently significant to vitiate the challenged finding of fact. Where the challenged finding of fact is based on a constellation of findings, the conclusion that one or more of those findings is founded on ‘palpable error’ does not automatically mean that the errors are also ‘overriding’. The appellant must demonstrate that the error goes to the root of the challenged findings of facts such that the facts cannot safely stand in the face of the error....

Analysis and Decision

[15] I set out the issues or grounds for review from the application for review:

- (a) The Adjudicator did not respect the rules of procedural fairness;
- (b) The case should not have been closed by the Adjudicator;
- (c) The Adjudicator applied the wrong test to the facts;
- (d) The documents did not support the Adjudicator’s conclusions.

(a) The Adjudicator did not respect the rules of procedural fairness

[16] Recently, there has been a series of IAP decisions that acknowledge that the rules of procedural fairness and natural justice apply to the IAP. While adjudicators have grappled with the application of those rules to the two grounds of review – palpable and overriding error or misapplication of the Model – I regard a violation of those rules to cause the decision to be ineffective or a nullity. In the event that this occurs, the matter is remitted back to the original Adjudicator. It does not result in a new hearing as Claimant Counsel requested; rather, it involves a resumption of the process as if no hearing had been held.

[17] The Adjudicator correctly decided that he could not rely on the narrative provided by Canada. The narrative is a hearsay summary of the historical documents that set out the history of a particular IRS. The Adjudicator concluded that he could only rely on the actual historical records.

[18] Curiously, Canada did not provide all of the historical records. Canada's Representative reported that those additional records would be provided on request. The Adjudicator made such a request and permitted the parties a further opportunity to provide written submissions on or before June 27, 2014. Counsel for the Claimant received the documents at a time when she was away from her office in early to mid June, 2014. On June 18, 2014 Counsel emailed the Adjudicator requesting an extension as the documents consisted of 1,010 pages. Unfortunately, on June 25, 2014 Counsel received a computer generated email indicating that her email request was not delivered despite the fact that she had sent her email to the correct address for the Adjudicator. Counsel repeated the request on June 25 and received the same reply message on June 27 that the request was not delivered.

[19] Counsel took no further steps to seek an extension until September 4, 2014 at which time she successfully communicated to the Adjudicator and Canada's Representative to say that she could not make submissions without reviewing the questions raised by the archival documents. The Adjudicator however had rendered his decision on July 22, 2014.

[20] It is evident that the Adjudicator made no error in procedure. He received no request for an extension and concluded his decision without any submissions from Claimant Counsel. Unfortunately, Claimant Counsel did not sufficiently follow up on the error messages she received. She knew that her request had not been delivered and did not follow up until it was too late.

[21] I am not entirely satisfied that there has been a violation of the rules of procedural fairness. Counsel was aware of the deadline for submissions and initially she made efforts to seek an extension. What cannot be adequately explained is the period of time following this that nothing was done. Counsel knew her email communication was not delivered in late June. It is two months later that counsel seeks an extension. The adjudicator rightly regarded this as a sign that submissions were not going to be provided. Certainly, there was a break down in the process but it was not because the Adjudicator failed to follow the rules of procedural fairness as submitted by Counsel. The result according to Claimant counsel was that the Claimant was not given the opportunity to make submissions on the documents subsequently supplied by Canada, which I add, should have been provided in the first instance. The case partly turned on whether Sand Park Elementary was part of Fort George IRS. The historical documents, not the narrative is what the Adjudicator required. The delay in the first instance was caused by Canada and this was followed by the inattention by Claimant Counsel.

[22] Assuming that a violation of procedural fairness has occurred, I am guided by the following statements found at page 353 of *Principles of Administrative Law*, Jones de Villars 6th ed. 2014 Carswell:

It is now well established that an administrative tribunal must proceed fairly when making its decision. Precisely what this means will be the subject of innumerable cases, all of which will have to seek that fine line between procedural fairness and procedural arbitrariness. It must be remembered that of Canadian federal, provincial, and territorial statutes the intention of the legislatures to have the process of governing made fast, efficient and readily accessible to the general public. In achieving this objective, however, the courts will not allow the decision-makers to lose sight of those elements of fair procedure contained in the rules of procedural fairness. However, from the above discussion, it can be seen that the contents of the rules are flexible and must be tailored to each situation as it arises.

[23] A failure of procedural fairness does not automatically result in an ineffective decision. The failure must have some potential to affect the outcome of the decision. Here, the failure was that, following receipt of the historical records, Counsel for the Claimant was not able to make further submissions on the record. The purpose of the adjournment was restricted to this issue and did not extend to the possibility of calling additional evidence. The opportunity to call witnesses, as Counsel wished to do, ended with the completion of the hearing and the signing of the decision. If I were to find that there was a significant procedural error here and that it could affect the outcome of the decision, my decision would require that the matter be referred back to the original adjudicator. I am mindful that the adjudicator has already considered the additional historical documents. The only reason to return the matter to the adjudicator would be to receive written submissions on those documents.

[24] I have examined the additional historical records that were provided by Canada following the hearing. I do so in order to decide if indeed those records disclose information that may run contrary to the adjudicator's decision. I make the following observations:

1. From 1970 onwards, Fort George IRS was referred to as Fort George Residence;
2. There is scant information regarding Sand Park Elementary. What is disclosed was that the school was constructed by the department of Indian and Northern Affairs beginning in 1970.

[25] The Adjudicator had all of the historical records that were available. I am satisfied he identified all of those documents that were relevant to the issue. I agree with him that the letter dated August 24, 1977 [FGA – 00617 – 0000] which lists the federal day schools and the student residences is the best indicator that Fort George and Sand Park Elementary were separate institutions. The document postdates the abuse in question by several years, which does limit but does not eliminate the value of the record.

[26] More importantly, Sand Park Elementary is not listed as an IRS in Schedule "E" to the Settlement Agreement, nor has it been added through the provisions of the Settlement Agreement that allow for schools to be added.

[27] As is set out in the decision of then CA Ish in A-12390, a school that is named in Schedule "E" to the Settlement Agreement establishes *prima facie* proof that the named school is covered

under the Settlement Agreement. The evidentiary burden in those cases is shifted to Canada to establish that it was not covered. There are many decisions following A-12390 that establish that federally operated day schools that were administratively split from the former IRS are no longer covered under the Settlement Agreement. The administrative split occurred in 1969.

[28] The situation here is different. Sand Park Elementary was constructed in 1970. It is not listed as a residential school in Schedule "E". The onus therefore falls on the Claimant to prove on a balance of probabilities that Sand Park Elementary was operated as an IRS and if it was, the proper course of action would have been an application to the supervising courts to have Sand Park added. At paragraph 32 of A-12390 the elements that establish an institution to be an IRS are:

To determine whether a claimant has a valid IAP claim for abuse suffered at a school, it must be determined whether in substance the school was operated as an Indian Residential School. The core attributes to be assessed in making this determination are whether the child was placed in a residence away from the family home by or under the authority of Canada for the purposes of education and whether Canada was jointly or solely responsible for the operation of the residence and for care of the children resident there, where employees of the institution stood *in loco parentis* to the children. This substantive determination is much preferred to a form-only analysis that was limited to a review of Schedules "E" and "F" with a result, based on the facts of a particular case, outside the intent and purpose of the Settlement Agreement.

The other alternative would be to have proven that Sand Park remained as a part of Ft. George IRS. In both alternatives, the onus remained on the Claimant to prove this.

[29] The Adjudicator thoroughly analyzed the evidence available to him. In 1973 – 74 the Claimant lived in a foster home and attended Sand Park Elementary. Students from the Fort George community including residents from Fort George Residence attended Sand Park.

[30] The Adjudicator correctly decided that Fort George IRS and Sand Park were two separate institutions. Sand Park did not offer residential facilities. Regarding the matter of procedural fairness, I do not find the lack of Claimant Counsel submissions to be material. While a procedural error may have been caused by a combination of Canada's failure to produce the documents at the time of the hearing and Claimant Counsel's inattention to her request for an extension to make submissions, the Adjudicator considered all the required historical records. Those records provide no evidence that would indicate that Sand Park Elementary was a part of St. George IRS or a residential school. I am satisfied the failure to give submissions on those records did not have the potential to alter the outcome. The action to be taken here is a balance of competing factors. In my view, returning the matter to the adjudicator to receive written submissions on the historical records supplied by Canada following the hearing must be balanced against the time and cost in doing so, the fact that the claimant would be required to wait even longer for an outcome that would not change.

(b) The case should not have been closed by the Adjudicator

[31] The Adjudicator set a deadline of June 27, 2014 for Counsel to provide submissions. Counsel was alert to the fact that her request for an extension had not been delivered. She did not otherwise communicate with the Adjudicator until September, long after the decision had been written. I fail to see how this can be characterized as a misapplication of the IAP Model by the Adjudicator.

(c) The Adjudicator applied the wrong test

[32] The remoteness of liability in this case is even more stark because the sexual abuse did not occur at Fort George residence or at Sand Park Elementary, but rather, at [REDACTED]. The only connection was that the [REDACTED] r, who knew nothing of the assaults, was a [REDACTED] at Fort George residence. The Adjudicator was correct in his conclusion that since the Claimant was no longer living at the residence, Fort George IRS no longer stood *in loco parentis* to the Claimant. The Adjudicator was correct to decide that the foster home was not an extension of the IRS.

[33] In my assessment, there was a singular lack of evidence that would prove on a balance of probabilities that the foster home was an extension of the IRS. Certainly the evidence established that the Claimant was primarily under the care of Fort George IRS until 1973 but the assaults occurred after she had left Fort George IRS. The only common element was that the Federal Government was financially responsible for the IRS and Sand Park and possibly was financially responsible for the foster care arrangement, but there is no evidence that ties the IRS to the foster home apart from the employment of [REDACTED]. The onus of proof rested with the Claimant to prove the connection and this was certainly not proven on a balance of probabilities.

[34] The only test that could remotely applies in these circumstances is the five part test set out on page 31 – 32 which is the test where a Claimant is not a student or resident:

- a) Was the alleged perpetrator an adult employee of the government or a church entity which operated the IRS in question? If so, it does not matter whether their contract of employment was at that IRS.
- b) If the alleged perpetrator was not an adult employee, were they an adult lawfully on the premises?
- c) Was the Claimant under the age of 21 at the time of the assault?
- d) Did an adult employee give the Claimant permission i) to be on the premises ii) for the purpose of taking part in school activities?
- e) Did the assault arise from, or was it connected to, the question of the school? This test will be met where it is shown that a relationship was created at the school which led to or facilitated the abuse. If the test is met, the assault need not have been committed on the premises. The permission to be on the premises for an organized activity

creates the circumstances in which an assault may be compensable if the other tests are met, but it does not also circumscribe the location in which an assault must have been committed to qualify as one which arose from or was connected to an IRS.

[35] The alleged perpetrators were not adult employees of the government or church that operated Fort George IRS. Neither adult perpetrator was lawfully on the premises. The Claimant was under the age of 21 years. As the Claimant was not on the IRS premises, subparagraph (d) is not relevant.

[36] Most importantly, the assaults did not arise from or were connected to Fort George IRS. Neither was it connected to Sand Park Elementary. It was connected to the operation of the foster home.

[37] It is unclear whether the perpetrator [REDACTED] was an adult or not. There was no evidence to indicate that he was a resident of Fort George IRS. There was some evidence from the Claimant that he may have been an employee of the IRS, however the Adjudicator decided that this evidence was insufficient.

[38] In review decision B-12916 I decided that the meaning of "committed by one student against another at an IRS" as set out on page 2 of the Model requires that both the student perpetrator and the student victim must be either students or residents of an IRS. In the event the perpetrator was a student, he could not have been a student of Fort George IRS because it was only a residence. There was no classroom operation. Furthermore there was no indication that he resided in the residence.

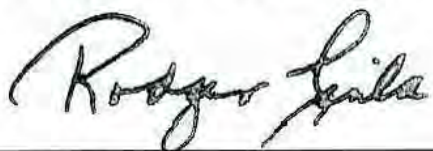
(d) The documents did not support the Adjudicator's decision

[39] Counsel submitted that the conclusions the Adjudicator drew from the historical records do not support his conclusions that Sand Park Elementary was not part of Fort George IRS. As previously indicated, I found there to be few documents that referred to Sand Park Elementary. The Adjudicator identified all those which were related and relevant. These documents did not conclusively establish that Sand Park Elementary was a federal day school at least until 1977, several years after the sexual abuse occurred.

[40] The burden however was on the Claimant to prove that Sand Park Elementary was an IRS or still part of Fort George IRS which at that time was named Fort George Residence. Unlike circumstances where a former IRS was administratively split into a residence and a federally day school, there is no *prima facie* proof that Sand Park Elementary was an IRS. This is because it was not listed in Schedule "E" to the Settlement Agreement. The Claimant has failed to prove on a balance of probabilities otherwise.

[41] The application for review is therefore dismissed.

Signed at Regina, Saskatchewan this 23rd day of February, 2015.



Rodger W. Linka
Deputy Chief Adjudicator

Court File No.: T-1417-18

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINAL PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

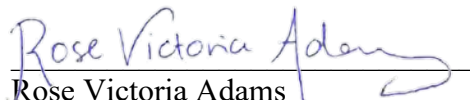
- and -

HIS MAJESTY THE KING

Defendant

EXHIBIT K TO THE AFFIDAVIT OF LÉA LEMAY LANGLOIS

This is Exhibit **K** to the affidavit of
Léa Lemay Langlois, as solemnly sworn
before me the 21st day of July, 2023


Rose Victoria Adams
Barreau du Québec n°358105-5

NOTICE OF RE-REVIEW DECISION

June 20, 2016

RE: APPLICATION BY [REDACTED]
File No. E5442-10-D-15429

TO: David Schulze, Legal Counsel for Claimant
East Canada, Resolution Manager
Rob Neron, Original Adjudicator
Rodger Linka, Reviewing Adjudicator

Enclosed is a copy of the decision of the second reviewing Adjudicator with respect to the application of [REDACTED].

If compensation is awarded, Canada will process the compensation payment. Payment would be expected to be received within sixty days of receipt of this decision.

Cheques are made payable to the law firm in trust unless you inform Canada otherwise within thirty days. The cheque includes disbursements submitted and approved within the thirty days; otherwise disbursements will be paid separately. If no compensation is awarded, no disbursements will be paid.

If payment is not received within sixty days of receipt of this decision, you may call 1-877-307-9089 to verify the status of your client's file and to obtain an approximate date when payment will be received. Alternatively, send an e-mail with your name, your client's name, File number and a contact telephone number to IRSsettlements@aadnc-aadnc.gc.ca and someone will contact you regarding your enquiry.

Office of the Chief Adjudicator / Bureau de l'adjudicateur en chef

100-1975, rue Scarth Street, Regina (Saskatchewan) S4P 2H1

(T) 306-790-4700 (Fax / Téléc.) 306-790-4635 (Email / Courriel) IAPS_chiefadjudicatorsoffice@irsad-sapi.gc.ca

If you use the toll free line, please be prepared to provide the following information:

Your name and the firm's name: **Dionne Schulze s.e.n.c.**
Your client's name: **[REDACTED]**
Your client's File No.: **E5442-D-15429**

If you have any questions regarding the information included in this letter, please call the IAP information line at 1-877-635-2648.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kyle Symonds".

Kyle Symonds
Manager Post Hearing Operations
Indian Residential Schools Adjudication Secretariat

cc: Aideen Nabigon, Director General

cpv

**Indian Residential Schools Resolution Canada
Independent Assessment Process (IAP)**

Claimant:	[REDACTED]
File Number:	E5442-10-D-15429
Track:	Standard
School Named	Bishop Horden Hall and Fort George (St. Philip's)
Original Adjudicator:	Me Robert Neron
Decision Date:	July 22 2014
Reviewing Adjudicator	Rodger W. Linka
Review Decision Date:	February 23, 2015
Date of Re-Review Request by Claimant:	Undated
Date of Canada's Reply:	July 20, 2015
Second Reviewing Adjudicator:	Anne M. Wallace, Q.C.
Date of Review Decision	May 23, 2016

Decision of Re-Reviewing Adjudicator

Introduction and Background

[REDACTED] has requested review of the Reviewing Adjudicator's decision in her claim in the Indian Residential Schools Independent Assessment Process, Schedule D to the Settlement Agreement (the 'IAP'). The Chief Adjudicator appointed me to conduct this re-review.

The Claimant filed an IAP application alleging that while she was a student at Sand Park Elementary School ("Sand Park"), she was the victim of sexual assaults [REDACTED] [REDACTED] who were taking care of her at the time.

The original Adjudicator found that the Sand Park Elementary School the Claimant was attending when the abuse occurred was not an IRS within the meaning of the Settlement Agreement and in any event since the abuse took place in the foster home, the abuse is not compensable. The Claimant requested review of that decision.

The Reviewing Adjudicator agreed with the original Adjudicator and found the foster home was not an extension of the IRS and that the abuse was not connected to Sand Park Elementary School. He dismissed the claim. The Claimant has asked for review of the Reviewing Adjudicator's decision.

In this re-review, I have considered the following materials:

- (a) The Claimant's undated request for Re-Review;
- (b) Canada's Response dated July 7, 2015;
- (c) The Decision of the Reviewing Adjudicator dated February 23, 2015;
- (d) The Claimant's Request for Review dated October 3, 2014;

- (e) Canada's Response dated November 17, 2014;
- (f) The Adjudicator's decision dated July 22, 2014;
- (g) The transcript of the evidence; and
- (h) The file materials available to the original Adjudicator.

Standard of Review

The IAP, at page 14 in Section I, outlines the process for reviewing decisions:

1. For cases within the standard or complex track, *any party* may ask the Chief Adjudicator or designate to determine whether the adjudicator's, or reviewing adjudicator's decision properly applied the IAP Model to the facts as found by the adjudicator, and if not, to correct a decision and the Chief Adjudicator or designate may do so.
2. In both the standard and the complex issues tracks, claimants may require that a second adjudicator review a decision to determine whether it contains a palpable and overriding error.
3. In the complex issues track, the defendants may require that a second adjudicator review a decision to determine whether it contains a palpable and overriding error.
4. If a palpable and overriding error is found, the reviewing adjudicator may substitute his/her own decision or order a new hearing.

Thus, for standard track claims, such as this one, a party may ask for a second review only on the ground that the adjudicator did not properly apply the IAP to the facts as found by the adjudicator.

Claimant's Argument on Re-Review

Claimant's counsel submits three overall grounds of review:

- There has been a breach of fair process because, at the hearing, Canada did not disclose all documentation that would be relevant on the question of whether Sand Park was a residential school within the meaning of the Settlement Agreement.
- In any event, the Adjudicator and Reviewing Adjudicator should have decided Sand Park was a residential school under the Settlement Agreement.
- The Adjudicator and Reviewing Adjudicator were wrong in deciding the abuse at the foster home did not arise from and was not connected to the operation of a residential school.

Canada's Argument on Re-Review

Canada submits:

- Even if the additional documents about Sand Park should have been disclosed in this case, they would have made no difference to the result because they still show Sand Park was a day school and not a residential school.
- The Adjudicator and Reviewing Adjudicator were correct in deciding the abuse at the foster home did not arise from and was not connected to the operation of a residential school.

Analysis

The circumstances of this case, which are not in dispute, are:

- For the school years from 1965-66 to 1971-72, the Claimant was a resident at the Fort George Indian Residential School and went to school there.
- In September 1972, the Claimant was sent to board with a foster family in Fort George.
- From September 1972 to June 1974, the Claimant attended Sand Park Elementary School. The Sand Park school building was one of several in a complex of buildings that included the Fort George IRS residence.
- The [REDACTED] was a woman who was [REDACTED]. While she was living with the foster family, the Claimant was sexually assaulted [REDACTED] by [REDACTED] and by [REDACTED] who lived with the foster family.

Claimant's counsel has raised three grounds of review. The first two relate to whether Sand Park was, at the relevant time, a residential school within the meaning of the IAP. The third raises the question of whether, even if the Claimant was a student of an IRS, the abuse is compensable within the IAP. I will begin with an analysis of the third issue.

In my Re-Review decision in N-10174, at pages 6-7, I set out the proper approach to be taken in determining whether an assault by an adult on a student or resident of an IRS is compensable under the IAP Model:

I have had the benefit of the Decision, the Review Decision and thorough submissions from the parties. I have concluded that the following is the correct approach to claims of physical or sexual assault by an adult on a student or resident (including the application of paragraph c):

1. Where physical or sexual abuse has been committed by an adult and the victim was a student or resident of a residential school, the following requirements must be met for liability:
 - a. Was the alleged perpetrator an adult employee of the government or a church entity which operated the IRS in question?
 - b. If the alleged perpetrator was not an adult employee, were they an adult lawfully on the premises?

- c. Did the assault arise from the operation of the residential school or was the commission of the assault connected to the operation of the residential school?
2. Adjudicators are not to have reference to caselaw on vicarious liability or negligence. The compensability of proven claims must be determined only by reference to the terms of the IAP. There is no knowledge or constructive knowledge element required to establish liability for assaults by adult perpetrators. Fault has no place in the analysis. The requirements are to be found in the words of the IAP Model.
3. Specifically with respect to paragraph c), because of the word “or”, paragraph c) should be read disjunctively. In applying paragraph c), therefore, there are two possibilities:
 - a. Did the assault arise from the operation of the residential school?
 - or
 - b. Was the commission of the assault connected to the operation of the residential school?
4. The second sentence of paragraph c) is an example of how the test expressed in the first sentence might be met. One way to establish that an assault was connected to the operation of a residential school is to show that a relationship was created at the school that led to or facilitated the abuse. This is not, however, the only way to meet the requirements of paragraph c).
5. The words “operation of an IRS” should be interpreted to include all the activities and business that relate to the residential school whether or not the activity specifically relates to the students. Operation of an IRS will also include activities and actions of the students while at the residential school. Each case, however, must be assessed on its own facts.
6. For an assault to “arise from” the operation of a residential school, one must consider whether the operation of the residential school was causally connected to the assault.
7. For the commission of an assault to be “connected to” the operation of a residential school, there must be a link or a relationship between the assault and the operation of the residential school.

In applying this approach to the circumstances of this case, without deciding the question, I will assume for purposes of discussion that the Claimant was a day student at an IRS. I will refer to Sand Park in this discussion as the “Presumed IRS”.

Moving to the analysis, then, the perpetrators were not adult employees of the Presumed IRS or a church entity which operated the Presumed IRS.

There is no evidence that, at the time the abuse occurred, either perpetrator was an adult lawfully on the premises. Indeed, there is no evidence that [REDACTED] was an adult or a student at the Presumed IRS. That alone would prevent the Claimant establishing the abuse [REDACTED] was compensable.

There was evidence the Claimant had seen [REDACTED] at some point in the past at the Fort George IRS. There is no evidence they ever had contact while the Claimant was at the Fort George IRS or the Presumed IRS. There is therefore

no evidence to suggest a relationship between the Claimant and the adult perpetrator was created at the IRS.

The question then is whether the assault arose from or the commission of the assault was connected to the operation of the school in some other way. As I said in N-10174, each case must be decided on its own facts. Claimant's counsel makes two arguments in this regard. The first is that the foster home was merely an extension of the IRS and that the abuse should be compensable because it occurred in the foster home. I agree with the Adjudicator and Reviewing Adjudicator that the foster home cannot be considered an extension of the Presumed IRS. The IAP Model does not extend liability to foster homes. As the original Adjudicator pointed out, once the Claimant was in the care of the foster family, the Presumed IRS's responsibility for her care in that home ceased.

The second argument is that because the Claimant was sent to the foster home by government employees connected to the school, a sufficient connection has been established. The only connection between the school and the foster home was that the foster mother, who knew nothing of the assaults, was a supervisor at the residence where the Claimant had previously lived. The foster home was operated by the woman who took in the Claimant. The assaults occurred at the foster home and were connected to the operation of the foster home. They were not connected to the operation of the Presumed IRS. The foster home was not under the care, control or supervision of the Presumed IRS.

Therefore, even if Sand Park was an IRS, and the Claimant was a student at the IRS, the abuse is not compensable because the elements required by the IAP Model for abuse of a student or resident have not been established. In light of this finding, it is not necessary for me to decide whether Sand Park was an IRS at the time in question.

Conclusion

Both the Adjudicator and Reviewing Adjudicator, in applying the IAP Model to the facts, concluded the Claimant could not establish the abuse arose from the operation of a residential school or that the commission of the assaults was connected to the operation of a residential school. I have applied the IAP Model to the facts and for the reasons set out above, I have come to the same conclusion.

In coming to this conclusion, I assumed for the purposes of discussion that Sand Park was an IRS at the time in question. I have not, and need not, decide whether Sand Park was an IRS. If it was an IRS, then the abuse is not compensable for the reasons set out above. If it was not an IRS at the time of the abuse, then the Claimant was not a student or resident of an IRS and the abuse in the foster home is still not compensable.

Since a determination of whether Sand Park was an IRS at the time is not necessary to the determination of this case, I have declined to deal with that question. During this Re-Review, Canada advised that as a result of Claimant's counsel requesting further research after release of the Review Decision, Canada located and shared with

Claimant's counsel updated research on Fort George Anglican IRS in the form of an External Memorandum dated December 24, 2015. Given there may be new information that would shed light on the question should it arise in a future case, and given direction from the Chief Adjudicator's office not to make decisions on "administrative split" cases pending Canada's overall review of the issue, it would not be appropriate in any event for me to address this question.

For these reasons set out above, the application for re-review is dismissed.

The original Adjudicator spoke of the honour and privilege of bearing witness to the Claimant's testimony and about her great strength and courage. I hope that by telling her story she was able to move forward in her healing from the difficult events in her life.

Dated May 23, 2016.



Anne M. Wallace, Q.C.
Decision Maker
Independent Assessment Process

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINAL PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

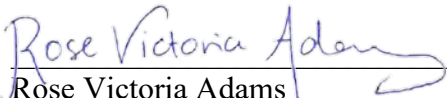
- and -

HIS MAJESTY THE KING

Defendant

EXHIBIT L TO THE AFFIDAVIT OF LÉA LEMAY LANGLOIS

This is Exhibit L to the affidavit of
Léa Lemay Langlois, as solemnly sworn
before me the 21st day of July, 2023


Rose Victoria Adams
Barreau du Québec n°358105-5

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

No. : 500 00
500-06-000812-160

SUPERIOR COURT
Class Action

Anne Smith (a pseudonym), resident of the Cree village of Waskaganish, herein electing domicile for purposes of these proceedings c/o 507 Place d'Armes, Suite 502, Montreal, Québec H2Y 2W8

Applicant

v.

Attorney General of Canada having an address for service at 200 René-Levesque Blvd. West, Complexe Guy Favreau, Tour Est, in the City and District of Montreal in the Province of Quebec, H2Z 1X4, acting for the **Minister of Indian Affairs and Northern Development**, whose business address is at 10 Wellington St., in the City of Gatineau, District of Hull, in the Province of Quebec, K1A 0H4

Respondent

**APPLICATION FOR AUTHORIZATION TO INSTITUTE A CLASS ACTION AND
TO OBTAIN THE STATUS OF REPRESENTATIVE
(Art. 571 *et seq.*, C.C.P.)**

TO ONE OF THE JUDGES OF THE SUPERIOR COURT, SITTING IN THE PRACTICE DIVISION FOR THE DISTRICT OF MONTREAL, THE APPLICANT RESPECTFULLY SUBMITS THE FOLLOWING:

The applicant, Anne Smith (a pseudonym), requests authorization to proceed with a class action on behalf of persons in the group described below, of which she is herself a member, specifically:

Description of the group

“All persons who attended elementary or secondary schools operated by the Government of Canada in Fort George (now Chisasibi), Quebec, between August 1972 and July 1978 and who were billeted with families in the community of Fort George, and who suffered sexual, physical, or psychological abuse in connection with or arising from being placed in the

care of those families.”

1. Overview

- 1.1. Every year from the time she turned 7 in 1965, federal civil servants took Anne from her home in the Cree village of Rupert House (now Waskaganish), Quebec, to put her in Indian Residential School (IRS) in Fort George, Quebec, some 550 kilometers away.
- 1.2. Anne was a direct victim of the fact that, as the Prime Minister stated in his 2008 apology: “For more than a century, Indian Residential Schools separated over 150,000 Aboriginal children from their families and communities,” produced as Exhibit P-1.
- 1.3. The year Anne turned [REDACTED] federal officials decided there was no room for her at the residence and billeted her with [REDACTED] instead. In that home, Anne was molested by [REDACTED] and raped by [REDACTED]
- 1.4. Anne received no compensation for the abuse under the Indian Residential Schools Settlement Agreement (IRSSA): she received a final decision on June 21, 2016, that when federal civil servants placed her in the private home where she was raped, their decision on her accommodation had the effect of removing her from the scope of the Agreement – even though she continued to attend the same school as before, hundreds of kilometers from her home.
- 1.5. Anne was not alone: more than 100 other students from the Cree villages of Rupert House, Paint Hills (now Wemindji), Eastmain and Fort George were also billeted with families living in Fort George, while continuing to attend the same federally-operated school as when they were in residence. Several individuals from Waskaganish who were billeted with other families have described physical and sexual abuse they suffered in those homes.
- 1.6. Anne is seeking recourse for herself and for all those in a similar situation.

2. The context of the class action: Indian Residential Schools and the Independent Assessment Process

A. Indian Residential Schools (IRS)

- 2.1. A fundamental measure in Canada’s policy of assimilation of Aboriginal peoples was its system of residential schools, which were operated across Canada, in collaboration with church entities, from the early 1830s until 1997, as appears

from Summary of the Final Report of the Truth and Reconciliation Commission of Canada (TRC Report), produced as Exhibit P-2, at p. 70.

- 2.2. In total, roughly 150,000 Aboriginal people attended one or more of the 139 residential schools across the country, as appears from the TRC Report, P-2, at p. 3. Most of these individuals were Indians within the meaning of the *Indian Act*, like Anne and the other Quebec Cree, but many were also Inuit.
- 2.3. These schools system played an important role in a process referred to as “cultural genocide” by the Truth and Reconciliation Commission of Canada and by the Right Honourable Beverly McLachlin, Chief Justice of the Supreme Court of Canada, as appears from the TRC Report, P-2, at p. 1, and from an article in the *Globe and Mail* dated May 28, 2015, produced as Exhibit P-3.

B. The Indian Residential School Settlement Agreement (IRSSA)

- 2.4. The Indian Residential School Settlement Agreement (IRSSA), produced as Exhibit P-4, was approved as the settlement of nine class actions by the superior courts of six provinces (from British Columbia to Québec) and all three territories, including the decision of this Honourable Court in *Bosum v. Attorney General of Canada*, No. 500-06-000293-056, 550-06-000021-056 and 500-06-000308-052, produced as Exhibit P-5.
- 2.5. The IRSSA has three main components: the Truth and Reconciliation Commission (TRC); the Common Experience Payment (CEP), a lump sum payable to all former students who resided at a recognized Indian Residential School (IRS); and the Independent Assessment Process (IAP) at issue in this application, meant to compensate claims of sexual or serious physical abuse.
- 2.6. A list of the residential schools attended to by the IAP is found in Schedule P and F of the IRSSA, filed in support of this as Exhibit P-6, and it includes Fort George Anglican also known as St. Philip’s Indian Residential School (IRS), which Anne attended.

C. The Independent Assessment Process (IAP)

- 2.7. The IAP has two categories of claimants: Resident Claimants, who lived at the IRS, and Non-Resident Claimants, who did not reside at an IRS but, while under the age of 21, were permitted by an adult employee to be on the premises of an Indian Residential School to take part in authorized school activities.
- 2.8. The IAP awards compensation for three kinds of acts: sexual abuse, roughly from touching to repeated intercourse; severe physical abuse (PL); and “other wrongful acts” (OWA), which require a high level of psychological harm.

2.9. The IAP also awards compensation for:

- a. psychological harms from a modest detrimental impact, such a loss of self-esteem, to continued harm resulting in serious dysfunction, such as a chronic post-traumatic state;
- b. consequential loss of opportunity, roughly from reduced attention span to chronic inability to obtain employment; or
- c. proven actual income loss, instead of opportunity loss;
- d. a future care plan for counselling or medical treatment, to a maximum of \$15,000;

the whole as it appears in IRSSA, Schedule D, produced in support of this as Exhibit P-7.

2.10. Liability can vary depending on the identity of the alleged perpetrator:

- a. Canada accepts liability for abuse by any adult employee of the government or of the church entity that operated the IRS, but other adults must have been lawfully on the premises;
- b. Canada accepts liability for student on student abuse only where it took place on the premises and employees had real or constructive knowledge of the abuse (among other conditions).

2.11. Liability can also vary depending on the identity of the Claimant:

- a. Canada accepts liability for any compensable abuse committed against a Resident by an adult when the abuse arose from or its commission was connected to the operation of an IRS;
- b. Canada accepts similar liability to Non-Resident Claimants, but only if an adult employee gave the Claimant permission to be on the premises for taking part in school activities.

2.12. The variations in liability based on the nature of the acts and the identity of the Claimants and alleged perpetrators has created a host of jurisdictional issues that can complicate cases even where the abuse clearly took place.

2.13. Applications under the IAP had to be submitted by September 19, 2012.

2.14. Upon receipt, the Indian Residential Schools Adjudication Secretariat (Secretariat) determined whether applications were complete and *prima facie*

admissible, as appears from Schedule D, P-7, p. 19.

- 2.15. The Secretariat generally does not schedule hearings until a claimant has submitted mandatory documents relevant to consequential harms and opportunity loss, such as medical, treatment, employment and tax records.
- 2.16. The Secretariat then assigns an independent adjudicator to the claim, who is the sole finder of fact and the only party allowed to question the claimant throughout the process.
- 2.17. Once satisfied that abuse and harms are established, the adjudicator decides on a compensation amount in accordance with the framework set out in Schedule D, P-7, at p. 3-6.
- 2.18. An initial adjudication decision is subject to review, but “on the record (no new evidence permitted) and without oral submissions”, as appear from Schedule D, P-7, at p. 14.
- 2.19. The possibility of re-review arises from either party’s right to “ask the Chief Adjudicator or designate to determine whether an adjudicator’s, or reviewing adjudicator’s, decision properly applied the IAP Model” and presumably also from the Claimant’s right to “require that a second adjudicator review a decision to determine whether it contains a palpable and overriding error”, as appear from Schedule D, P-7, at p. 14.

3. The facts which give rise to a personal action on behalf of the Applicant against the Respondent are:

A. Anne’s attendance at St. Philip’s IRS

- 3.1. Anne, the Applicant, is a Cree woman born on [REDACTED], and raised in the Cree village of Rupert House, Quebec (now called Waskaganish).
- 3.2. In 1965, at the age of [REDACTED] Anne was sent to Fort George, Quebec, to attend St. Philip’s IRS, also known as Fort George Anglican Residential School. At the same time, other Cree children were sent to the same community to attend Fort George Roman Catholic Roman Catholic IRS (known variously as St. Joseph’s Mission, Résidence Couture, or Sainte-Thérèse-de-l’Énfant-Jésus).
- 3.3. Anne lived in the St. Philip’s residence from September to June, during seven or eight of the years she spent in Fort George. The school was attended as a residential school by children from other communities, like Anne, but during some years, local children whose families lived in Fort George also attended the IRS as a day-school. During some years, Inuit as well as Cree children resided at

the IRS.

- 3.4. Around 1969, the federal government assumed sole responsibility for the operation of St. Philip's IRS from the Anglican Church of Canada. Around the same time, the federal government proposed a policy for administering the residences and the schools at an IRS separately: this so-called "administrative split" may have been the reason why around 1972, some or all classrooms at St. Philip's began to be referred to as "Sand Park Federal School." However, neither change had any significant effect on Anne.

B. The abuse suffered when billeted with a family

- 3.5. In late August or early September of 1972 or 1973, after Anne had arrived in Fort George for the new school year, the Respondent billeted her with a Cree family living in Fort George. Anne would live with this family for two more years, while attending the same school as before.
- 3.6. During those years, [REDACTED] and [REDACTED] of the family sexually assaulted Anne on several occasions.
- 3.7. Although [REDACTED] did not live with [REDACTED], he frequently visited the home.
- 3.8. [REDACTED] often drank to excess and engaged in violent behaviour; he made sexual advances towards Anne and would ask her, "Why don't we have sex?" On other occasions, he would get into a rage and force everyone to leave the house, including [REDACTED]
- 3.9. The first incident of abuse occurred during the fall of Anne's first year with the [REDACTED] family, although it is difficult for her to remember the exact dates of the abuse.
- 3.10. On this occasion, [REDACTED] told Anne to get Carnation condensed milk from a room in which [REDACTED] was lying on a bed. [REDACTED] approached her, put his hands in her pants and touched her vagina. Anne pushed him and ran away.
- 3.11. On another occasion, which Anne has difficulty remembering, [REDACTED] came in to her basement bedroom in the middle of the night; she could smell alcohol on his breath. [REDACTED] forced himself on top of Anne and penetrated her; at the time, Anne was a virgin.
- 3.12. In another incident, [REDACTED] came down to Anne's room and ordered her to go upstairs to sleep [REDACTED]
- 3.13. Anne obeyed and was woken up later that night by [REDACTED] who was

rubbing her vagina under her panties. The incident did not last long: when Anne moved, the touching stopped, and she believes she ultimately fell back asleep later that night.

- 3.14. Four other girls who were also billeted with the [REDACTED] family during Anne's stay. She does not know whether those girls knew that she was being abused by [REDACTED] and [REDACTED], nor does she know whether they abused the other girls because the matter was never discussed with Anne.
- 3.15. In fact, Anne never disclosed her own abuse to anyone before describing it to her legal counsel in 2012, while filling out her IAP Application.

C. The harms suffered by the Applicant

- 3.16. The abuse perpetrated by members of the family in which Anne was billeted have had many profound impacts in her life.
- 3.17. Anne struggled for a number of years with drinking and drug abuse problems.
- 3.18. She started drinking when she was living with the [REDACTED] family, albeit on an irregular basis. Upon her return to Waskaganish, however, she drank heavily, almost every weekend, over a 25-year span.
- 3.19. She also abused drugs such as mescaline, crack, and cocaine.
- 3.20. Anne abused these substances in attempts to suppress and hide the guilt she felt as a result of the abuse.
- 3.21. Anne's substance abuse reached its peak in 2007, at which point she was using cocaine on a daily basis and suffered from feeling "very slow."
- 3.22. Her addictions led her to forgo paying bills in favour of spending large amounts of money on drugs. She was unable to take care of her children and grandchildren.
- 3.23. Fortunately, Anne has now been sober for several years.
- 3.24. During times of heavy drug use, Anne sometimes thought of committing suicide.
- 3.25. On one such occasion, feeling like she "wanted to go away and end everything" Anne retrieved a firearm from her basement, whereupon it accidentally fired while in her hands. This near-fatal incident scared her and discouraged her from "going further."
- 3.26. The abuse she suffered also led Anne to be overly protective of her [REDACTED] and her grand children, to the point where she sometimes had irrational fears that her

██████████ might have abused them. In fact, she often checked on him and the children to ensure that abuse was not occurring. She could not trust any adult, including her ██████████ and always had to know where her ██████████ were.

- 3.27. Anne has had and still has feelings of shame and humiliation. She feels dirty and often wonders whether people know what happened to her.
- 3.28. Anne also suffered from sexual dysfunction early in her relationship with her husband; she would rebuff his approaches and “push him away” at first because she felt dirty, feeling like the abuse was occurring again.
- 3.29. The abuse also had an impact on her work history. In ██████████ she was fired from her job because of her drug abuse and drinking problems.
- 3.30. Anne has never been able to maintain stable employment because she never had confidence in herself during her adult life. She has long felt as though she cannot “handle or cope,” and that she cannot do things properly.

D. The Applicant’s IAP claim

- 3.31. In August 2012, Anne filed an IAP claim to be compensated for the above-mentioned abuse, as appears from her Application Form, produced as Exhibit P-8.
- 3.32. On February 28, 2014, an IAP hearing took place, during which Anne testified about the abuse, the consequential harms and the loss of opportunity she suffered as a result.
- 3.33. During the course of the hearing and in his final submissions, Canada’s representative made a objection to Anne’s claim based on jurisdictional grounds: he argued that during the years in question, she was attending a federally-operated day school known as Sand Park, not an IRS within the scope of the IAP.
- 3.34. Adjudicator Robert Néron found Anne credible and held that she had suffered the abuse alleged. However, he upheld Canada’s preliminary objection and concluded she was not attending an IRS at the time of the abuse. He also concluded that abuse suffered by students in the homes of families with whom they were billeted is not covered by the IRSSA, as appears from his decision dated July 22, 2014, produced as Exhibit P-9.
- 3.35. On October 3, 2014, Anne’s legal counsel requested a review of Adjudicator Néron’s decision on the basis that, *inter alia*, Sand Park was part of St. Philip’s IRS and that the abuse suffered in billeting families falls within the scope of the IAP, as appears from the Request for Review, produced as Exhibit P-10.
- 3.36. Adjudicator Néron’s decision was ultimately upheld, as appears from the review

decision by Deputy Chief Adjudicator Rodger Linka, dated February 23, 2015, produced as Exhibit **P-11**.

- 3.37. The decision to reject Anne's claim was upheld a second time, in the Re-Review decision of Adjudicator Anne Wallace, dated May 23, 2016, produced as Exhibit **P-12**.
- 3.38. Adjudicator Wallace found that the abuse suffered by Anne was not connected to nor did not arise from the operation of an IRS and, therefore, "the elements required by the IAP Model... [had] not been established," as appears from the re-review decision, P-12.
- 3.39. Since she held that abuse suffered in a home where a student was billeted is not compensable under the IAP, Adjudicator Wallace held that she need not decide whether the school that Anne was attending was a federal day-school or an IRS, as appears from her decision, P-12.
- 3.40. Adjudicator Wallace's decision was communicated to Anne's legal counsel on June 21, 2016, as appears from an email from the Secretariat's electronic document interchange (EDI) to Marie-Eve Dumont, produced as Exhibit **P-13**.
- 3.41. Adjudicator Wallace's re-review was the final decision on Anne's claim under the IAP: three different adjudicators had found that Anne's abuse by members of the family with whom she was billeted was not within the scope of the IAP.

E. Other billeted students in Fort George

- 3.42. Anne was not the only student billeted with a family in Fort George.
- 3.43. The Minister's agents and servants began billeting children with families in Fort George in the fall of 1972, as the implementation of secondary schooling at St. Philip's began because additional classrooms were needed for secondary courses, as well as additional accommodation for the new teachers.
- 3.44. The IRS residence rapidly reached full capacity, as appears from a letter dated September 26, 1972, from J.G. Simard, Education Advisor with the Department of Indian Affairs, Abitibi District, to the Education Supervisor of the same Department, filed in support of this as Exhibit **P-14**.
- 3.45. Students were moved into families' homes, so that their rooms in the residences could be given to unmarried teachers, as appears from the exchange of correspondence between A.E. Aimé, Surveillant de l'éducation, and C. Paradis, Surveillant régional des écoles, both at DIAND, dated February 18 and September 21, 1972 (in a bundle), produced as Exhibit **P-15**.

- 3.46. The practice of billeting students continued in 1973-1974 and 1974-1975, as appears from a 1976 tripartite agreement between a group of parents, the Fort George Band Council, and the Department of Indian Affairs, concerning the establishment of a "hostel program" in Fort George, produced as Exhibit P-16, p. 2 of 6.
- 3.47. In November 1974, at least 37 students were billeted with families, as appears from a letter dated November 12, 1974, from V.J. Caissie, Acting Regional Director, to R.L. Boulanger, Regional Director of the Department of Indian and Northern Affairs, produced as Exhibit P-17.
- 3.48. According to a letter dated January 21, 1975 from V.J. Caissie, Acting Regional Director, to P.B. Lesaux, Assistant Deputy Minister of the Department of Indian and Eskimo Affairs:

les cours du Secondaire I à IV inclusivement sont fournis à 140 élèves en provenance des communautés de Rupert House, Paint Hills et Eastmain. Un peu plus d'une centaine de ces étudiants sont hébergés dans des maisons privées à Fort George, la balance demeurant en résidence dans le pensionnat

as appears from the letter, produced as Exhibit P-18.

- 3.49. On April 10, 1975, the Acting Regional Director reported that:

Last year, approximately 140 students from smaller communities along the coast attended school at Fort George. All but 35 of those were boarded in private homes.

as appears from a letter from V.J. Caissie to H.T. Parker, Director of the Financial & Management Branch, Department of Indian and Eskimo Affairs,, procuded as Exhibit P-19.

- 3.50. The Respondent's civil servants were aware that "la situation de certains élèves dans les maisons privées n'est pas acceptable, surtout à cause de l'espace vital restreint", as appears from V.J. Caissie's letter dated January 21, 1975, P-18.
- 3.51. A handwritten note on a letter dated November 1974 concerning the St.Philip's residence stated:

Les 4 hostels en construction accommodent les 31 étudiants présentement en résidence. De plus, chaque hostel peut recevoir 12 étudiants, cela signifie que 17 étudiants placés dans des foyers non-adéquats, pourront être relocalisés dans ces memes hostels.

Ceci a pour effet que les 49 étudiants demeurant dans les foyers évalués comme non-adéquats, sont réduits à 32 et que l'addition de 3 hostels seraient nécessaires [sic]....

as appears from G. Lefebvre, Education Supervisor of the Department of Indian, produced as Exhibit P-20.

- 3.52. The high operating costs were another reason why the Defendant decided to billet students with families living in Fort George, as appears from the 1976 tripartite agreement, Exhibit P-16, at p. 2 of 6.
- 3.53. Nevertheless, billeting so many students was known to have “caused many problems in the community,” as appears in the tripartite agreement, P-16, p. 2 of 6.

F. The Respondent

- 3.54. The *Crown Liability and Proceedings Act*, RSC 1985, c C-50, s. 23 (1), requires proceedings against the Crown in right of Canada to be “taken in the name of the Attorney General of Canada.”
- 3.55. The Respondent in this case is acting for and on behalf of the Minister of Indian Affairs and Northern Development (the Minister).
- 3.56. The “powers, duties, and functions” of the Minister “extend to and include all matters over which Parliament has jurisdiction, not by law assigned to any other department, board or agency of the Government of Canada, relating to... Indian Affairs,” pursuant to s. 4(a) of the *Department of Indian Affairs and Northern Development Act*, RSC 1985, c I-6.
- 3.57. As of May 18, 2011, the Department of Indian Affairs and Northern Development (DIAND) has been known as Aboriginal Affairs and Northern Development Canada (AANDC) and since November 4, 2015, it also bears the name Indigenous and Northern Affairs Canada (INAC).

4. Grounds for the Respondent’s liability

A. General Crown liability

- 4.1. Since the Crown can only act through its servants or agents, at all relevant times, the Crown in right of Canada was directly liable for the damages caused by its servants or agents, pursuant s. 3(1)(a) of the *Crown Liability Act*, RSC 1970, c C-38.

- 4.2. Each of the Crown's servants was liable pursuant to art. 1053 of the *Civil Code of Lower Canada* "for the damage caused by his fault to another, whether by positive act, imprudence, neglect or want of skill."
- 4.3. Moreover, the Crown's servants were liable *in solidum* pursuant to art. 1106 of the *Civil Code of Lower Canada* for the consequences of their own independent acts and omissions, together with the acts and omissions of a third party, if both directly contributed the injury suffered by the victims of their fault.

B. The Minister's powers and duties

- 4.4. The Government of Canada's power and jurisdiction over the Applicant and the Class Members were at all relevant times rooted in s. 91(24) of the *Constitution Act, 1867*, and in the *Indian Act*, RSC 1970, c. I-6, which came into force on August 1, 1972.
- 4.5. By virtue of this jurisdiction, the Respondent enjoyed power and discretion over significant aspects of the lives of Aboriginal people and assumed a corresponding fiduciary duty towards them.
- 4.6. At all relevant times, the Minister's powers under the *Indian Act*:
 - a. allowed him to designate the school Indian children had to attend, without the parents' consent: s. 118;
 - b. allowed him to appoint truant officers with the powers of a peace officer: s. 119(1);
 - c. provided that parents served by truant officers with a notice for their children to attend school were guilty of an offence and subject to fines and imprisonment, if their children did not "attend school and continue to attend school regularly": s. 119(3) and (4);
 - d. allowed truant officers to take into custody a child who was absent from school and to "convey the child to school, using as much force as the circumstances require": s. 119(6).
- 4.7. The Respondent used its powers and jurisdiction to implement a systematic policy of assimilating Aboriginal people, designed to eliminate their distinct languages, customs, and ways of life.
- 4.8. For the Applicant and the Class Members, this involved removing them from their families and from life on the land, at a time when most Cree in Quebec still lived largely from hunting, fishing and trapping. The children were forced to relocate without their parents to Fort George, where they could be "educated" to think like

white people in federally-run schools.

- 4.9. Once the Minister removed the Applicant and Class Members from their parents, they became his wards and he stood in *loco parentis* towards them; he became responsible for ensuring that they receive all the necessities of life.
- 4.10. From the moment the Minister took charge of them, his duties to the Applicant and the Class Members had to meet the “careful parent test,” the standard of a prudent parent solicitous for the welfare of his or her child.
- 4.11. When the Minister’s agents and servants decided to remove the Applicant and Class Members from the IRS residence and place them with local families in Fort George, the standard imposed by the “careful parent test” required measures such as the proper selection, screening, training and monitoring of families that billeted children to protect them from possible abuse.
- 4.12. By 1972, no one in authority in DIAND should have been unaware that Indian residential school students were at risk from sexually predatory employees. More particularly, the Minister’s Quebec regional office had investigated three cases of sexual abuse of students at the Anglican IRS in La Tuque between 1969 and 1971, as reported in the TRC Report, vol. 1, part 2, produced as Exhibit P-21, at pp. 443-444.
- 4.13. In fact, the principal at St. Philip’s from July 1962 to May 1968 was William Peniston Starr, who is probably the most notorious abuser in the IRS system. By 1998, even before the IAP existed, Canada had already settled almost 200 claims alleging abuse by Starr while he was principal of the Gordon IRS in Saskatchewan, the school he went to after he left Fort George. Starr also pleaded guilty to 10 counts of indecent assault at Gordon’s IRS during years 1976-1983 and was convicted on February 8, 1993, as reported in the TRC Report, vol. 1, part 2, P-21, at pp. 447-448.
- 4.14. The Minister acting through his agents and servants was responsible for the creation and implementation of these measures and failed in both regards.
- 4.15. Specifically, the Minister breached his duty of care by:
 - a. failing to properly screen individuals prior to allowing them to billet Class Members and hiring individuals to act as billeting families who were not qualified to provide the necessities of life for the children under their care and supervision;
 - b. failing to provide proper, adequate and effective training initially or on an on-going basis to ensure that billeting families were suitable and fit to act as the Minister’s employees, servants, or agents;

- c. failing to set or implement standards of conduct for billeting families with respect to the safety, health or well-being of Class Members;
 - d. failing to adequately, properly and effectively supervise the conduct of billeting families and their households;
 - e. failing to set or implement policies for recognizing and reporting potential abuse of or harm to Class Members;
 - f. failing to educate Class Members in the use of a system through which abuse would be recognized and reported;
 - g. failing to investigate or report injuries sustained by Class Members;
 - h. failing to respond adequately, or at all, to complaints regarding the treatment of Class Members, including complaints of physical, psychological, and sexual abuse; and
 - i. failing to provide adequate medical and psychological care for Class Members.
- 4.16. The negligent supervision of the billeting families by the Crown's servants made them liable in solidum for the consequences of their acts and omissions, together with the acts of those families because both directly contributed the injury suffered by the Applicant and Class Members.
- 4.17. Moreover, those standing *in loco parentis* are also bound by a special duty of loyalty to the children, which forbids them from advancing their own interests at the expense of the children.
- 4.18. In this case, the Minister saved at least \$10,000 per year for every child that was billeted instead of being housed in school residences, as appears from V.J. Caissie's letter dated January 21, 1975, P-18.
- 4.19. The conditions in the houses where students were billeted were considered "inadequate" by the Minister's civil servants, as appears from V.J. Caissie's letter, P-18.
- 4.20. By knowingly billeting children in inadequate conditions, and at substantial financial savings, the Respondent advanced its own interests at the expense of the children, and thereby breached its duty of loyalty towards them.
- 4.21. The Applicant states that the Respondent's actions, inactions and omissions as aforesaid, constitute 1) negligence in the selection, employment and supervision of billeting families, 2) breaches of the duty of loyalty that parents owe to their children, and 3) failures to protect the Applicant's and other Class Members' best

interests.

- 4.22. These failures and breaches resulted in the Applicant and Class Members being subjected to sexual, physical and psychological abuse at the hands of persons with whom they were billeted.
- 4.23. Finally, the Minister made a delegation of his duty to the Applicant and Class Members that was not provided for by statute when he began confiding these children to local families in Fort George to be billeted.
- 4.24. While s. 114 of the *Indian Act* provided that the Minister could “enter into agreements with religious organizations for the support and maintenance of children who are being educated in schools operated by those organizations,” the Minister had no clear right to enter into agreements with local families for the same purpose.
- 4.25. While the Applicant and Class Members were billeted, the Minister therefore remained under a non-delegable statutory duty to ensure their safety and welfare.

C. Vicarious liability

- 4.26. At all relevant times, the Government of Canada was vicariously liable for the damage caused by the fault of its agents and servants, pursuant to s. 4(2) of the *Crown Liability Act* of 1970 and art. 1054 of the *Civil Code of Lower Canada*.
- 4.27. These provisions reflect one of the most fundamental principles underlying civil liability: that the person or entity who creates a risk assumes the obligation to compensate the victims if they are injured when that risk does in fact materialize.
- 4.28. Confiding a child to an adult to live with him or her places that adult a position of great power, authority, trust and intimacy with respect to that child. The Minister thereby created a relationship between the Applicant and Class members and the billeting families that placed the children at risk.
- 4.29. In this case, the Minister was in a contractual relationship with the billeting families and exercised power and control over them. He was responsible for the administration of the billets at all material times because his agents and employees decided to billet the children instead of having them live in the IRS residence.
- 4.30. Since the Minister’s agents and servants chose the families with whom the children were billeted, they could or should have been able to inspect and monitor those families and did retain or should have retained the power to remove the children at any time, if necessary for their protection.

4.31. The Minister therefore assumed liability for the faults committed by the billeting families as his agents or servants and the Applicant invokes the rule in art. 1464 of the *Civil Code of Québec*.

D. The claim is not prescribed

4.32. The Applicant and all or most Class Members were victims of childhood sexual, physical, and psychological abuse.

4.33. Due the age at which the wrongs were done to them and due to the conduct of the Minister's servants and agents, including the billeting families, the Applicant and all or most Class Members were unable to understand the necessary connection between the abuse they suffered and their injuries and thus discover their cause of action.

4.34. At all material times the Applicant and all or most Class Members therefore suffered from an impossibility to act within the meaning of art. 2904 of the *Civil Code of Québec*. As a result, the prescription of their cause of action was already suspended for the Applicant and all or most of the Class Members at the time proceedings were filed in *Bosum v. Attorney General of Canada et al.*, P-5, on or about May 20, 2005.

4.35. On the date the *Bosum* application was filed, on or about May 20, 2005, prescription was further interrupted by virtue of art. 2892 and 2897 of the *Civil Code of Québec*:

- a. for “[a]ll Aboriginal Persons who attended Residential Schools in Quebec who were transported to, attended at, and/or were confined in Residential Schools in Quebec,” referred to as “the Survivor Class”; and
- b. with respect to the Crown's “common law duties to the Plaintiff and the other Survivor Class Members in relation to the establishment, funding, operation, supervision, control, maintenance, confinement in, transport of Survivor Class Members to, obligatory attendance of Survivor Class Members at and/or support of the Aboriginal Residential School system and the individual schools therein (the ‘Residential Schools’) throughout Canada.”

4.36. Until the Re-review Adjudicator rejected Anne's claim in the IAP re-review decision, P-12, received by Anne's counsel on June 21, 2016, the Applicant and Class Members were entitled to believe they could advance their claims through the IAP created under the IRSSA, especially given the broad scope of the group and the cause of action described in the *Bosum* application.

4.37. More particularly, when the Chief Justice of the British Columbia Supreme Court

approved the IRSSA in that province, he expressly ruled that individuals who “attended these schools, but only as day pupils,” and who “as well, were forced to live far from their homes and families” and “were subject to abuse both at the residential schools during the day and in the homes where they lived outside school hours,” would “be eligible to advance an IAP claim should they so choose,” as appears from the judgment in *Quatell v. Attorney General of Canada*, 2006 BCSC 1840, at para. 22.

- 4.38. This interpretation was confirmed by the B.C. Supreme Court when it ruled that under the IRSSA, “[a]lthough the Billeted Students were not included in the CEP, they were permitted to advance claims through the IAP,” as appears from the judgment in *Fontaine v. Canada (Attorney General)*, 2014 BCSC 941, at para. 57.
- 4.39. Therefore prescription remained suspended through September 21, 2016, pursuant to art. 2895, *C.C.Q.*, during the three months following the Applicant’s receipt of the re-review decision in her case, P-12, which dismissed her claim without a decision having been made on the merits, but established that abuse suffered in a home where a student was billeted is not compensable under the IAP, even if she was attending an IRS.
- 4.40. In addition, the Applicant and any other Class Members who suffered from an impossibility to act, or who had filed an IAP application after May 23, 2010, were in an “existing juridical situation” with respect to their claims against the Respondent at the time art. 2926.1, *C.C.Q.*, came into force on May 23, 2013.
- 4.41. As a result, the Applicant and Class Members benefit from the extension of the prescription period applicable to bodily injury resulting from sexual and physical abuse suffered during childhood, to 30 years from the date they become aware that the injury they suffered was attributable to that act.
- 4.42. Finally, if claims by any of the Class Members are prescribed (which is not hereby admitted, but expressly denied), that issue would be relevant only during the individual recovery of claims and does not affect the Applicant’s right to authorization.

5. Application to use a pseudonym

- 5.1. The Applicant hereby asks for the Court’s permission to use a pseudonym for all legal proceedings and court documents in this case.
- 5.2. The Applicant lives in a small community of less than 2,500 people and does not want her community to become aware of the abuse she suffered as a child.
- 5.3. The desire to keep this most intimate part of her life private is more than

understandable and is a common sentiment among survivors of child abuse.

- 5.4. Allowing the Applicant to remain anonymous will also encourage other Class Members to participate, knowing that their privacy will be respected and their identities will be kept confidential. An order allowing use of a pseudonym will therefore facilitate greater access to justice.
- 5.5. The Applicant is prepared to provide the Court and counsel for the Respondents with her name and that of any known Class Member, under seal, provided that such information is protected and kept confidential.

6. The composition of the class makes it difficult or impracticable to apply the rules for mandates to take part in judicial proceedings on behalf of others or for consolidation of proceedings

6.1. Statistics from the IAP indicate that the number of claims for compensation for abuse was equivalent to approximately 48% of the number of former students who were eligible to make such claims and alive in May 2005, as reported in the TRC Report, vol. 1, part 2, P-21, at p. 400.

6.2. The TRC therefore concluded:

- abuse was widespread throughout the residential school system;
- a significant percentage of the acts of abuse were of a serious nature with potentially lifelong impacts;
- male and female students were abused at equal rates;
- male students were compensated at the most serious and damaging category of abuse at a greater rate than female students;
- students were at risk in all institutions, regardless of the denomination of the religious order in charge of the institution; and
- student abuse of fellow students was a serious and widespread problem

as appears from Exhibit P-21, at p. 411.

6.3. No reason exists to believe that students were at significantly lower risk when billeted with families whom the Minister did not supervise or monitor adequately.

6.4. Three individuals from Waskaganish who were billeted with other families have described to the Applicant's counsel incidents of physical and sexual abuse they suffered in those homes.

6.5. The Applicant estimates that there are more than 100 potential members of the class described in this Application for Authorization, based on correspondence

dating 1975 from V.J. Caissie, Acting Regional Director of the Department of Indian and Northern Affairs, P-18.

- 6.6. Based on the information contained in P-18, it seems that most of the potential Class Members came from the surrounding Cree communities of Waskaganish (Rupert House), Eastmain, and Wemindji (Paint Hills).
- 6.7. The Applicant has no access to a list of the students who were billeted in families during the relevant period because it is personal information about individuals held by a government institution and protected from disclosure under the *Privacy Act*, RSC 1985, c P-21, except with a court order.
- 6.8. The Applicant therefore submits that the identity of potential Class Members is ascertainable only to the Respondent.
- 6.9. Even if some Class Members could be reached or contacted by notices, radio announcements, or through word of mouth in the relevant communities, many would be reluctant to come forward and reveal facts about their childhood abuse.
- 6.10. It is unrealistic to expect most or all Class Members to identify themselves readily and outside of a process that ensures them confidentiality and the ability to apply in private.
- 6.11. Despite decades of publicity about the issue of residential school abuse, in the IAP, out of the total of 38,093 applications received by the Secretariat, more than 35 per cent (13,385) were between January 1, 2012, and the September 19, 2012, deadline, as appears from the Secretariat's historical statistics, produced as Exhibit P-22.
- 6.12. In addition to the difficulties that exist in identifying and contacting other potential Class Members, considerations of access to justice weight in favour of authorizing this application.
- 6.13. The amount of compensation available to individuals who succeed in independent proceedings is likely disproportionately small compared to the amount of money that they would spend on legal fees and disbursements.
- 6.14. It would be economically inefficient for individuals to proceed with a multitude of individual actions, needlessly duplicating large portions of work across many mandates and exhausting taxpayer and judicial resources.
- 6.15. Class Members are also part of a disadvantaged population, with lower education compared to other Canadians of the same age and a commensurate difficulty in using the judicial system. Should this application be denied, it seems unlikely that other means of seeking justice will be pursued by any significant number of Class

Members and the grave injustice they suffered will remain unaddressed.

- 6.16. Finally, it would be inequitable to deny authorization where virtually identical faults and injuries have benefited from compensation under the IRSSA across the country and the only difference between Class Members and the beneficiaries of that settlement is where the Minister assigned them to live.
- 6.17. In light of the above considerations, it would not only be impractical, if not impossible to proceed by other means, it would also be contrary to access to justice and equitable considerations.

7. The claims of the members of the class raise identical, similar or related issues of law or fact

- 7.1. The nature and quantum of damages suffered are particular to each Class Member, but the principal questions of law and fact are common to all.

A. Concerning the Respondent's civil liability, the following issues must be decided in common:

- 7.2. Could or should the Minister as represented herein by the Respondent, including the Ministers, agents or servants, have foreseen that billeting families were in a position that could result in them abusing their positions of power, authority, and trust over children entrusted to them?
- 7.3. Did the Minister owe the Class Members a duty arising from circumstance, usage or law?
- 7.4. Did the Minister take steps to screen billeting families, prior to placing Class Members in their care? If so, were these steps proper and adequate to prevent unqualified individuals from billeting children?
- 7.5. Did the Minister provide proper, adequate and effective training or monitoring initially or on an on-going basis to ensure that billeting families were suitable and fit to act as its employees, servants, or agents?
- 7.6. Did the Minister set or implement standards of conduct for billeting families with respect to the safety, health or well-being of Class Members? If so, did the Minister fail to uphold these standards?
- 7.7. Did the Minister fulfill its duty to supervise and monitor the performance and behaviour of billeting families to ensure that they performed and behaved as qualified, reasonable and prudent employees, servants, or agents?

- 7.8. Did the Minister set or implement policies for recognizing and reporting potential abuse of or harm to Class Members? If so, did the Minister fail to educate Class Members in the use of a system through which abuse would be recognized and reported?
- 7.9. Was the Minister aware of any injuries sustained by the Applicant or Class Members, which occurred while in the care of billeting families? If so, did the Minister adequately investigate those injuries?
- 7.10. Was the Minister aware of any complaints put forth by the Applicant or Class Members, in relation to physical, psychological, or sexual abuse? If so, did the Minister respond adequately to those complaints?
- 7.11. Did the Minister provide adequate medical and psychological care for the Applicant and Class Members while in the care of billeting families?
- 7.12. Was the Minister aware of inappropriate punishments delivered by billeting families? If so, did the Minister allow these punishments to continue?
- 7.13. Did the Minister fail to provide leadership and fulfilment of its legal and moral obligations by not enforcing or creating guidelines on sexual abuse, thereby causing the Applicant and the Class Members damages?

B. Concerning the Respondent's vicarious liability.

- 7.14. Were billeting families employees, servant or agents of the Respondent? If so, is the Respondent liable for the negligent and intentional acts committed by its employee, servant, or agent which harmed the Applicant or Class Members?
- 7.15. Was the Respondent aware of the wrongful actions of its employees, servants, or agents, and if so, when did it become aware? If not aware, should the Respondents have been aware of the wrongful actions committed by its employees, servants, or agents?
- 7.16. The Applicant submits that these questions raise factual and legal issues of systemic fault common to all Class Members that requires an assessment of the Respondent's knowledge, actual or constructive, with respect to the selection, training, monitoring, and supervision of its employees, servants or agents.
- 7.17. The resolution of these issues will move litigation further significantly; these constitute substantial elements that must be resolved in the case of each individual Class Member, and their resolution will avoid duplication of fact-finding and of legal analysis.

8. The questions of fact and law specific to each Class Member are as follows

8.1. After the resolution of common issues, only matters specific to each Class Member will have to be addressed, including:

- a. What acts of abuse did individual Class Members suffer?
- b. What harms did Class Members suffer because of the acts of abuse?
- c. Does a causal link exist between any acts of abuse and harms suffered?
- d. What individual defences exist that could be advanced, such as prescription?

9. It is expedient that the institution of a Class Action for the benefit of the Class Members be authorized for the following reasons

9.1. The class action is the best procedural vehicle available to the Class Members in order to protect and enforce their rights herein.

9.2. While the amount of damages sustained by each Class Member may differ, the Respondent's wrongful behaviour and its liability are identical for each Member.

9.3. In the absence of a class action there would be no viable recourse against the Respondent for most Members, due to the cost and difficulty that an individual civil action would entail, relative to the benefits one could hope to obtain.

9.4. To the best of the Applicant's knowledge, all of the Class Members come from and are likely still domiciled in the Cree communities of northern Québec and would therefore incur greater than average expenses if they brought individual proceedings, due to their remote location.

9.5. A single hearing by means of a class action on the issues of fact and law that all members have in common would significantly reduce the cost of litigation for all parties.

10. The nature of the action the Applicant intends to bring on behalf of the Class Members is an action in damages for extra-contractual liability.

11. The Applicant seeks the following conclusions or relief:

11.1. Compensation, in an amount to be perfected at trial, for the damages incurred

because of the Respondent's failure to screen, negligence in selecting, and inadequate supervision of its employees, servants or agents; and more generally for its breach of its obligation of loyalty and duty to protect the best interests of the Applicant and Class Members as would a parent solicitous for his or her child's well-being.

- 11.2. Compensation, in an amount to be perfected at trial, for the damages incurred as a result of the intentional and negligent actions of billeting families, including the perpetration of sexual, physical and psychological abuse on the Applicant and other Class Members for which the Respondent is directly or vicariously liable.
- 11.3. Punitive damages in an amount to be perfected at trial;
- 11.4. Interest and the additional indemnity provided by the *Civil Code of Quebec*;
- 11.5. Judicial fees and legal costs;
- 11.6. Such further and other relief as this Honourable Court may deem just and reasonable in the circumstances.

12. The relief sought by the Applicant is to:

ALLOW the institution of the Applicant's class action;

GRANT the Applicant's application for an order allowing her to use a pseudonym for herself and for Class Members;

DECLARE the Respondent liable to the Applicant and Class Members for the damages suffered Respondent's breach of obligation to act as a parent solicitous of his or her child's wellfair and its breach of its obligation of loyalty towards the Applicant and Class Members;

DECLARE the Respondent vicariously liable to the Applicant and Class Members for the damages suffered by the negligent and intentionally wrongful actions of its employees, servants, or agents;

CONDEMN the Respondent to pay to each of the Class Members compensatory, moral and punitive damages, and ORDER collective recovery of these sums;

CONDEMN the Respondent to indemnify each and every Class Member for all damages that they have suffered as a result of Respondent's wrongful behaviour, and the wrongful behaviour of its employees, servants, and agents;

AND TO THIS END:

*DECLARE the Respondent liable for the cost of judicial and extra-judicial fees and disbursements, including fees for expertise incurred in the present matter for and in the name of the Applicant and Class Members and **ORDER** collective recovery of these sums;*

CONDEMN the Respondent to pay the Applicant and Class Members the above mentioned sums with interest at the legal rate, plus the additional indemnity provided by law, to accrue from the date of service of the present motion;

*ORDER the Respondents to deposit with the Clerk of the Superior Court for the District of Montreal an amount equal to the total compensatory and punitive and exemplary damages caused by Respondents' wrongful behaviour during the class period; and **ORDER** the collective recovery of this amount, the whole according to proof to be made at trial, the whole with interest and the additional indemnity provided by law calculated from the date of service of the present Motion;*

*ORDER the individual liquidation in favour of the Applicant and Class Members of a sum equivalent to their share of the damages claimed or, if this process turns out to be inefficient or impracticable, **ORDER** the Respondent to perform any remedial measures that the Court may determine to be in the interest of the members of the Applicant or Class Members;*

CONDEMN the Respondent to pay the costs incurred for all investigation necessary in order to establish the liability of Respondent in this matter, including the extra-judicial fees of counsel for Applicant and the Class Members and extra-judicial disbursements, including the costs of expertise;

RENDER any other order that this Honourable court shall determine may be just and proper;

***THE WHOLE WITH COSTS**, including the cost of notices.*

13. The Applicant requests that she be granted representative status.

14. The Applicant is suitable to act as representative plaintiff and is in a position to properly represent the Class Members

14.1. The Applicant suffered abuse and harms while under the Minister's care and supervision, and while billeted by the Minister with a family in Fort George.

14.2. The Applicant has been deeply affected by the abuse and considers it her moral obligation to seek justice through the judicial system in order to bring closure and

justice to herself and to all Class Members.

- 14.3. The Applicant understands and has been thoroughly advised as to the process required for this class action.
- 14.4. The Applicant is committed to seeking a resolution to the problems caused by the abuse alleged herein, not just for herself but also for others.
- 14.5. The Applicant is disposed to invest the necessary resources and time towards the accomplishment of all formalities and tasks necessary for the bringing of the present class action and she is committed to collaborating fully with her attorneys.
- 14.6. The Applicant is capable of providing her attorneys with the information useful to the bringing of the present class action.
- 14.7. The Applicant is acting in good faith with the only goal of obtaining justice for herself and for each Class Member.
- 14.8. The Applicant intends to ask for financial aid from the Fonds d'aide aux recours collectives.

15. The Applicants request that the Class Action be brought before the Superior Court for the District of Montreal for the following reasons:

- 15.1. To the Applicant's knowledge, most of the Class Members are likely domiciled in the Cree communities of Waskaganish, Eastmain, Wemindji, and Chisasibi, which fall within the judicial district of Abitibi.
- 15.2. However, Waskaganish, Eastmain, Wemindji, and Chisasibi are located roughly 590 km, 700 km, 850 km, and 930 km respectively, from Val d'Or, the seat of the judicial district of Abitibi.
- 15.3. Given these great distances, Val d'Or is no more convenient for the Applicant or Class Members to travel to than is Montreal.
- 15.4. For her part, the current Minister's principal place of business is in the District of Hull.
- 15.5. At the same time, the Applicant's undersigned attorneys practise in the District of Montreal and the Respondent also has a place of business in the District of Montreal, as well as in the District of Québec and the City of Ottawa.
- 15.6. It would greatly increase the time and costs of proceedings if the undersigned attorneys or those for the Respondent had to travel to Val d'Or for hearings.

15.7. Montreal is therefore the most appropriate location for this class action to be heard.

FOR THESE REASONS, MAY IT PLEASE THE COURT:

GRANT the action;

AUTHORIZE the institution of the class action herein:

To sanction the Respondent's breach of obligation, duty of care and omission.

To sanction its wrongful behaviour in permitting wrongful acts against the children in its care

ASCRIBE to the applicant the status of representative for the purpose of instituting the said class action on behalf of the group of natural persons hereinafter described:

Description of the group:

All persons who attended elementary or secondary schools operated by the Government of Canada in Fort George (now Chisasibi), Quebec, between August 1972 and July 1978 and who were billeted with families in the community of Fort George, and who suffered sexual, physical, or psychological abuse in connection with or arising from being placed in the care of those families.

DETERMINE as follows the principal questions of fact and of law that will be dealt with collectively:

- a. Could or should the Minister as represented herein by the Respondent, including the Minister's agents or servants, have foreseen that billeting families were in a position that could result in them abusing their positions of power, authority, and trust over children entrusted to them?
- b. Did the Minister owe the Class Members a duty arising from circumstance, usage or law?
- c. Did the Minister take steps to screen billeting families, prior to placing Class Members in their care? If so, were these steps proper and adequate to prevent unqualified individuals from billeting children?
- d. Did the Minister provide proper, adequate and effective training or monitoring initially or on an on-going basis to ensure that billeting families were suitable and fit to act as its employees, servants, or agents?

- e. Did the Minister set or implement standards of conduct for billeting families with respect to the safety, health or well-being of Class Members? If so, did the Minister fail to uphold these standards?
- f. Did the Minister fulfill its duty to supervise and monitor the performance and behaviour of billeting families to ensure that they performed and behaved as qualified, reasonable and prudent employees, servants, or agents?
- g. Did the Minister set or implement policies for recognizing and reporting potential abuse of or harm to Class Members? If so, did the Minister fail to educate Class Members in the use of a system through which abuse would be recognized and reported?
- h. Was the Minister aware of any injuries sustained by the Applicant or Class Members, which occurred while in the care of billeting families? If so, did the Minister adequately investigate those injuries?
- i. Was the Minister aware of any complaints put forth by the Applicant or Class Members, in relation to physical, psychological, or sexual abuse? If so, did the Minister respond adequately to those complaints?
- j. Did the Minister provide adequate medical and psychological care for the Applicant and Class Members while in the care of billeting families?
- k. Was the Minister aware of inappropriate punishments delivered by billeting families? If so, did the Minister allow these punishments to continue?
- l. Did the Minister fail to provide leadership and fulfilment of its legal and moral obligations by not enforcing or creating guidelines on sexual abuse, thereby causing the Applicant and the Class Members damages?
- m. Were billeting families employees, servant or agents of the Minister? If so, is the Minister liable for the negligent and intentional acts committed by its employee, servant, or agent which harmed the Applicant or Class Members?
- n. Was the Minister aware of the wrongful actions of its employees, servants, or agents, and if so, when did it become aware? If not aware, should the Minister have been aware of the wrongful actions committed by its employees, servants, or agents?

DETERMINE as follows the related conclusions sought:

ALLOW the institution of the Applicant's class action;

GRANT the Applicant's application for an order allowing her to use a pseudonym for

herself and for Class Members;

DECLARE the Respondent liable to the Applicant and Class Members for the damages suffered Respondent's breach of obligation to act as a parent solicitous of his or her child's wellfair and its breach of its obligation of loyalty towards the Applicant and Class Members;

DECLARE the Respondent vicariously liable to the Applicant and Class Members for the damages suffered by the negligent and intentionally wrongful actions of its employees, servants, or agents;

CONDEMN the Respondent to pay to each of the Class Members compensatory, moral and punitive damages, and **ORDER** collective recovery of these sums;

CONDEMN the Respondent to indemnify each and every Class Member for all damages that they have suffered as a result of Respondent's wrongful behaviour, and the wrongful behaviour of its employees, servants, and agents;

AND TO THIS END:

DECLARE the Respondent liable for the cost of judicial and extra-judicial fees and disbursements, including fees for expertise incurred in the present matter for and in the name of the Applicant and Class Members and **ORDER** collective recovery of these sums;

CONDEMN the Respondent to pay the Applicant and Class Members the above mentioned sums with interest at the legal rate, plus the additional indemnity provided by law, to accrue from the date of service of the present motion;

ORDER the Respondents to deposit with the Clerk of the Superior Court for the District of Montreal an amount equal to the total compensatory and punitive and exemplary damages caused by Respondents' wrongful behaviour during the class period; and **ORDER** the collective recovery of this amount, the whole according to proof to be made at trial, the whole with interest and the additional indemnity provided by law calculated from the date of service of the present Motion;

ORDER the individual liquidation in favour of the Applicant and Class Members of a sum equivalent to their share of the damages claimed or, if this process turns out to be inefficient or impracticable, **ORDER** the Respondent to perform any remedial measures that the Court may determine to be in the interest of the members of the Applicant or Class Members;

CONDEMN the Respondent to pay the costs incurred for all investigation necessary in order to establish the liability of Respondent in this matter, including the extra-judicial fees of counsel for Applicant and the Class Members and extra-judicial

disbursements, including the costs of expertise;

RENDER any other order that this Honourable court shall determine may be just and proper;

THE WHOLE WITH COSTS, including the cost of notices.

DECLARE that, unless excluded, the members of the group are bound by any judgment to be handed down in the manner provided for by law;

SET the exclusion time period at 60 days after the date of the notice to members; upon expiry of the exclusion time period the members of the group who have not availed themselves of the means of exclusion will be bound by any judgment to be handed down;

ORDER the publication of a notice to members worded as indicated in Schedule A to this judgment, in the Cree community magazine *The Nation*, the whole within 60 days following the date of this judgment;

ORDER the broadcasting of the notice to members on radio by the James Bay Cree Communications Society in the communities of Waskaganish, Eastmain, Wemindji, and Nemaska, worded as indicated in Schedule A to this judgment, the whole within 60 days following the date of this judgment;

REFER the case to the Chief Judge for determination of the district where the class action will be instituted and designation of the judge who will hear it;

ORDER the clerk of this Court, should the action have to be instituted in another district, to transfer the record, upon the Chief Judge's decision, to the clerk of that other district;

The whole with costs, including the costs of notice.

Montréal, this 21st of September, 2016

(S) MARIE-EVE DUMONT

Maitre David Schulze and Maitre Marie-Eve Dumont

DIONNE SCHULZE

Attorneys for the Applicant

507 Place d'Armes, Suite 502

Montréal, Québec H2Y 2W8

Tel. 514-842-0748

Fax 514-842-9983

admin@dionneschulze.ca

COPIE CONFORME


PROCTEURS

NOTICE OF PRESENTATION

TO: Attorney General of Canada
Complex Guy-Favreau, Quebec Regional Office, Department of Justice
East Tower, 9th floor
200 Rene-Levesque Boulevard West
Montreal, Quebec,
H2Z 1X4

TAKE NOTICE that Applicants' Judicial Application to Authorize Class Action Proceedings will be presented before the Superior Court at **1 Rue Notre-Dame E, Montreal, Quebec, H2Y 1B6**, on the date set by the coordinator of the Class Action chamber.

GOVERN YOURSELVES ACCORDINGLY.

Montreal, November 15, 2016



Maitre David Schulze and Maitre Marie-Eve Dumont

DIONNE SCHULZE

Attorneys for the Applicant

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Montréal, Québec H2Y 2W8

Tel. 514-842-0748

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admin@dionneschulze.ca

SUMMONS
(articles 145 et following C.C.P.)

TAKE NOTICE that the plaintiff has filed this originating application in the office of the court of Montreal in the judicial district of Montreal.

You must answer the application in writing, personally or through a lawyer, at the courthouse of Montreal situated at 1 Notre-Dame East street, Montreal (Quebec), H2Y 1B6 within 15 days of service of the application or, if you have no domicile, residence or establishment in Québec, within 30 days. The answer must be notified to the plaintiff's lawyer or, if the plaintiff is not represented, to the plaintiff.

If you fail to answer within the time limit of 15 or 30 days, as applicable, a default judgement may be rendered against you without further notice and you may, according to the circumstances, be required to pay the legal costs.

In your answer, you must state your intention to:

- negotiate a settlement;
- propose mediation to resolve the dispute;
- defend the application and, in the cases required by the Code, cooperate with the plaintiff in preparing the case protocol that is to govern the conduct of the proceeding. The protocol must be filed with the court office in the district specified above within 45 days after service of the summons or, in family matters or if you have no domicile, residence or establishment in Québec, within 3 months after service;
- propose a settlement conference.

The answer to the summons must include your contact information and, if you are represented by a lawyer, the lawyer's name and contact information.

You may ask the court to refer the originating application to the district of your domicile or residence, or of your elected domicile or the district designated by an agreement with the plaintiff.

If the application pertains to an employment contract, consumer contract or insurance contract, or to the exercise of a hypothecary right on an immovable serving as your main residence, and if you are the employee, consumer, insured person, beneficiary of the insurance contract or hypothecary debtor, you may ask for a referral to the district of your domicile or residence or the district where the immovable is situated or the loss occurred. The request must be filed with the special clerk of the district of territorial jurisdiction after it has been notified to the other parties and to the office of the court already seized of the originating application.

If you qualify to act as a plaintiff under the rules governing the recovery of small claims, you may also contact the clerk of the court to request that the application be processed according to those rules. If you make this request, the plaintiff's legal costs will not exceed those prescribed for the recovery of small claims.

Within 20 days after the case protocol mentioned above is filed, the court may call you to a case management conference to ensure the orderly progress of the proceeding. Failing this, the protocol is presumed to be accepted.

In support of the originating application, the plaintiff intends to use the following exhibits:

- P-1 Stephen Harper, Prime Minister of Canada, “Statement of Apology – to former students of Indian Residential Schools”, June 11, 2008
- P-2 The Truth and Reconciliation Commission of Canada, *Honoring the Truth, Reconciling the Future*, “Summary of the Final Report of the Truth and Reconciliation Commission of Canada”, 2015 (in part)
- P-3 “Chief Justice says Canada attempted ‘cultural genocide’ on aboriginals”, *Globe and Mail*, May 28, 2015
- P-4 Indian Residential School Settlement Agreement (IRSSA), May 8, 2006
- P-5 *Bosum v. Attorney General of Canada*, No. 500-06-000293-056, 550-06-000021-056 and 500-06-000308-052, decision by Justice Daniel H. Tingley, December 15, 2006
- P-6 IRSSA, “Schedule P: Final Legal Release” and “Schedule F: Additional Residential Schools”
- P-7 IRSSA, “Schedule D: Independent Assessment Process for Continuing Indian Residential School Abuse Claims”
- P-8 Anne Smith’s “Application Form” to the Indian Residential Schools Independent Assessment Process, dated August 23, 2012
- P-9 Decision E5442-10-D-15429, Adj. Robert Néron, dated July 22, 2014
- P-10 Request for Review E5442-10-D-15429, dated October 3, 2014
- P-11 Review decision E5442-10-D-15429, Deputy Chief Adj. Rodger Linka, dated February 23, 2015
- P-12 Re-Review decision E5442-10-D-15429, Adj. Anne Wallace, dated May 23, 2016
- P-13 Email from Indian Residential Schools Adjudication Secretariat’s electronic document interchange to Marie-Eve Dumont, dated June 21, 2016
- P-14 Letter from J.G. Simard, Education Advisor with the Department of Indian Affairs, Abitibi District, to the Education Supervisor, Department of Indian Affairs, dated September 26, 1972

- P-15** In a bundle:
- Letter from C. Paradis, “Surveillant régional des écoles”, to M.A. Aimé, DIAND, dated February 18, 1972
 - A.E. Aimé, « Surveillant de l’éducation », to C. Paradis, « Surveillant régional des écoles », DIAND, dated September 21, 1972
- P-16** *The Hostel Program*, tripartite agreement between a group of parents, the Fort George Band Council, and the Department of Indian Affairs, 1976
- P-17** Letter from V.J. Caissie, Acting Regional Director, to R.L. Boulanger, Regional Director of the Department of Indian and Northern Affairs, dated November 12, 1974
- P-18** Letter from V.J. Caissie, Acting Regional Director, to P.B. Lesaux, Assistant Deputy Minister of the Department of Indian and Eskimo Affairs, dated January 21, 1975
- P-19** Letter from V.J. Caissie to H.T. Parker, Director of the Financial & Management Branch, Department of Indian and Eskimo Affairs, dated April 10, 1975
- P-20** Letter from G. Lefebvre, “surveillant à l’éducation”, Abitibi District, to C. Paradis, DIAND, dated November 1974
- P-21** The Truth and Reconciliation Commission of Canada, *Canada’s Residential Schools: The history, Part 2 1939 to 2000*, vol. 1, part. 2, 2015 (in part).
- P-22** Indian Residential Schools Adjudication Secretariat’s historical statistics

These exhibits are available on request.

If the application is an application in the course of a proceeding or an application under Book III, V, excepting an application in family matters mentioned in article 409, or VI of the Code, the establishment of a case protocol is not required; however, the application must be accompanied by a notice stating the date and time it is to be presented.

NO : 500-06-000812-160

SUPERIOR COURT
CLASS ACTION

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL

ANNE SMITH (PSEUDONYM)

APPLICANT

-v.-

ATTORNEY GENERAL OF CANADA

RESPONDENT

APPLICATION FOR AUTHORIZATION TO
INSTITUTE A CLASS ACTION AND TO OBTAIN
THE STATUS OF REPRESENTATIVE
(s. 571 & ss. C.C.P.)

C O P Y

Me David Schulze and Me Marie-Eve Dumont

Dionne Schulze, s.e.n.c.
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BG4209

Our file #5100-005

Court File No.: T-1417-18

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINAL PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

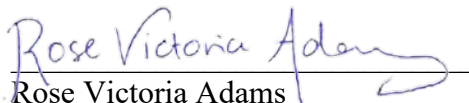
- and -

HIS MAJESTY THE KING

Defendant

EXHIBIT M TO THE AFFIDAVIT OF LÉA LEMAY LANGLOIS

This is Exhibit **M** to the affidavit of
Léa Lemay Langlois, as solemnly sworn
before me the 21st day of July, 2023


Rose Victoria Adams
Barreau du Québec n°358105-5

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL
No. : 500-06-000812-160

SUPERIOR COURT
Class Action

Anne Smith

Applicant

v.

Attorney General of Canada

Respondent

**AMENDED APPLICATION FOR AUTHORIZATION TO INSTITUTE A CLASS
ACTION AND TO OBTAIN THE STATUS OF REPRESENTATIVE**
(Art. 571 *et seq.*, C.C.P.)

**TO ONE OF THE JUDGES OF THE SUPERIOR COURT, SITTING IN THE
PRACTICE DIVISION FOR THE DISTRICT OF MONTREAL, THE APPLICANT
RESPECTFULLY SUBMITS THE FOLLOWING:**

The applicant, Anne Smith (a pseudonym), requests authorization to proceed with a class action on behalf of persons in the group described below, of which she is herself a member, specifically:

Description of the group

“All persons who attended elementary or secondary schools operated by the Government of Canada in Fort George (now Chisasibi) and in Mistassini (now Mistissini), Quebec, between August 1970 and July 1978 and who were billeted with families in the community of Fort George or Mistassini, and who suffered sexual, physical, or psychological abuse in connection with or arising from being placed in the care of those families.”

1. Overview

- 1.1. Every year from the time she turned 7 in 1965, federal civil servants took Anne from her home in the Cree village of Rupert House (now Waskaganish), Quebec, to put her in Indian Residential School (IRS) in Fort George, Quebec, some 550 kilometers away.
- 1.2. Anne was a direct victim of the fact that, as the Prime Minister stated in his 2008

apology: “For more than a century, Indian Residential Schools separated over 150,000 Aboriginal children from their families and communities,” produced as Exhibit P-1.

- 1.3. The year Anne turned 14 or 15, federal officials decided there was no room for her at the residence and billeted her with [REDACTED] instead. In that home, Anne was molested by [REDACTED] and raped by their [REDACTED].
- 1.4. Anne received no compensation for the abuse under the Indian Residential Schools Settlement Agreement (IRSSA): she received a final decision on June 21, 2016, that when federal civil servants placed her in the private home where she was raped, their decision on her accommodation had the effect of removing her from the scope of the Agreement – even though she continued to attend the same school as before, hundreds of kilometers from her home.
- 1.5. Anne was not alone: more than 100 other students from the Cree villages of Rupert House, Paint Hills (now Wemindji), Eastmain and Fort George were also billeted with families living in Fort George, while continuing to attend the same federally-operated school as when they were in residence. Several individuals from Waskaganish who were billeted with other families have described physical and sexual abuse they suffered in those homes.
- 1.6. A similar situation existed in Mistissini (then known as Mistassini) in the 1970s, where children from Mistissini and other surrounding communities were billeted in families living in Mistissini, while attending the federal Indian day school in the community.
- 1.7. Anne is seeking recourse for herself and for all those in a similar situation, whether in Fort George or Mistissini.

2. The context of the class action: Indian Residential Schools and the Independent Assessment Process

A. Indian Residential Schools (IRS)

- 2.1. A fundamental measure in Canada’s policy of assimilation of Aboriginal peoples was its system of residential schools, which were operated across Canada, in collaboration with church entities, from the early 1830s until 1997, as appears from Summary of the Final Report of the Truth and Reconciliation Commission of Canada (TRC Report), produced as Exhibit P-2, at p. 70.
- 2.2. In total, roughly 150,000 Aboriginal people attended one or more of the 139 residential schools across the country, as appears from the TRC Report, P-2, at p. 3. Most of these individuals were Indians within the meaning of the *Indian Act*, like Anne and the other Quebec Cree, but many were also Inuit.

- 2.3. These schools system played an important role in a process referred to as “cultural genocide” by the Truth and Reconciliation Commission of Canada and by the Right Honourable Beverly McLachlin, Chief Justice of the Supreme Court of Canada, as appears from the TRC Report, P-2, at p. 1, and from an article in the *Globe and Mail* dated May 28, 2015, produced as Exhibit **P-3**.

B. The Indian Residential School Settlement Agreement (IRSSA)

- 2.4. The Indian Residential School Settlement Agreement (IRSSA), produced as Exhibit **P-4**, was approved as the settlement of nine class actions by the superior courts of six provinces (from British Columbia to Québec) and all three territories, including the decision of this Honourable Court in *Bosum v. Attorney General of Canada*, No. 500-06-000293-056, 550-06-000021-056 and 500-06-000308-052, produced as Exhibit **P-5**.
- 2.5. The IRSSA has three main components: the Truth and Reconciliation Commission (TRC); the Common Experience Payment (CEP), a lump sum payable to all former students who resided at a recognized Indian Residential School (IRS); and the Independent Assessment Process (IAP) at issue in this application, meant to compensate claims of sexual or serious physical abuse.
- 2.6. A list of the residential schools attended to by the IAP is found in Schedule P and F of the IRSSA, filed in support of this as Exhibit **P-6**, and it includes Fort George Anglican also known as St. Philip’s Indian Residential School (IRS), which Anne attended.

C. The Independent Assessment Process (IAP)

- 2.7. The IAP has two categories of claimants: Resident Claimants, who lived at the IRS, and Non-Resident Claimants, who did not reside at an IRS but, while under the age of 21, were permitted by an adult employee to be on the premises of an Indian Residential School to take part in authorized school activities.
- 2.8. The IAP awards compensation for three kinds of acts: sexual abuse, roughly from touching to repeated intercourse; severe physical abuse (PL); and “other wrongful acts” (OWA), which require a high level of psychological harm.
- 2.9. The IAP also awards compensation for:
- a. psychological harms from a modest detrimental impact, such a loss of self-esteem, to continued harm resulting in serious dysfunction, such as a chronic post-traumatic state;
 - b. consequential loss of opportunity, roughly from reduced attention span to chronic inability to obtain employment; or

- c. proven actual income loss, instead of opportunity loss;
- d. a future care plan for counselling or medical treatment, to a maximum of \$15,000;

the whole as it appears in IRSSA, Schedule D, produced in support of this as Exhibit **P-7**.

- 2.10. Liability can vary depending on the identity of the alleged perpetrator:
 - a. Canada accepts liability for abuse by any adult employee of the government or of the church entity that operated the IRS, but other adults must have been lawfully on the premises;
 - b. Canada accepts liability for student on student abuse only where it took place on the premises and employees had real or constructive knowledge of the abuse (among other conditions).
- 2.11. Liability can also vary depending on the identity of the Claimant:
 - a. Canada accepts liability for any compensable abuse committed against a Resident by an adult when the abuse arose from or its commission was connected to the operation of an IRS;
 - b. Canada accepts similar liability to Non-Resident Claimants, but only if an adult employee gave the Claimant permission to be on the premises for taking part in school activities.
- 2.12. The variations in liability based on the nature of the acts and the identity of the Claimants and alleged perpetrators has created a host of jurisdictional issues that can complicate cases even where the abuse clearly took place.
- 2.13. Applications under the IAP had to be submitted by September 19, 2012.
- 2.14. Upon receipt, the Indian Residential Schools Adjudication Secretariat (Secretariat) determined whether applications were complete and *prima facie* admissible, as appears from Schedule D, P-7, p. 19.
- 2.15. The Secretariat generally does not schedule hearings until a claimant has submitted mandatory documents relevant to consequential harms and opportunity loss, such as medical, treatment, employment and tax records.
- 2.16. The Secretariat then assigns an independent adjudicator to the claim, who is the sole finder of fact and the only party allowed to question the claimant throughout the process.

- 2.17. Once satisfied that abuse and harms are established, the adjudicator decides on a compensation amount in accordance with the framework set out in Schedule D, P-7, at p. 3-6.
- 2.18. An initial adjudication decision is subject to review, but “on the record (no new evidence permitted) and without oral submissions”, as appear from Schedule D, P-7, at p. 14.
- 2.19. The possibility of re-review arises from either party’s right to “ask the Chief Adjudicator or designate to determine whether an adjudicator’s, or reviewing adjudicator’s, decision properly applied the IAP Model” and presumably also from the Claimant’s right to “require that a second adjudicator review a decision to determine whether it contains a palpable and overriding error”, as appear from Schedule D, P-7, at p. 14.

3. The facts which give rise to a personal action on behalf of the Applicant against the Respondent are:

A. Anne’s attendance at St. Philip’s IRS

- 3.1. Anne, the Applicant, is a Cree woman born on [REDACTED], and raised in the Cree village of Rupert House, Quebec (now called Waskaganish).
- 3.2. In 1965, at the age [REDACTED], Anne was sent to Fort George, Quebec, to attend St. Philip’s IRS, also known as Fort George Anglican Residential School. At the same time, other Cree children were sent to the same community to attend Fort George Roman Catholic Roman Catholic IRS (known variously as St. Joseph’s Mission, Résidence Couture, or Sainte-Thérèse-de-l’Énfant-Jésus).
- 3.3. Anne lived in the St. Philip’s residence from September to June, during seven or eight of the years she spent in Fort George. The school was attended as a residential school by children from other communities, like Anne, but during some years, local children whose families lived in Fort George also attended the IRS as a day-school. During some years, Inuit as well as Cree children resided at the IRS.
- 3.4. Around 1969, the federal government assumed sole responsibility for the operation of St. Philip’s IRS from the Anglican Church of Canada. Around the same time, the federal government proposed a policy for administering the residences and the schools at an IRS separately: this so-called “administrative split” may have been the reason why around 1972, some or all classrooms at St. Philip’s began to be referred to as “Sand Park Federal School.” However, neither change had any significant effect on Anne.

B. The abuse suffered when billeted with a family

- 3.5. In late August or early September of 1972 or 1973, after Anne had arrived in Fort George for the new school year, the Respondent billeted her with a Cree family living in Fort George. Anne would live with this family for two more years, while attending the same school as before.
- 3.6. During those years, [REDACTED] and [REDACTED] of the family sexually assaulted Anne on several occasions.
- 3.7. Although [REDACTED] did not live with [REDACTED], he frequently visited the home.
- 3.8. [REDACTED] often drank to excess and engaged in violent behaviour; he made sexual advances towards Anne and would ask her, "Why don't we have sex?" On other occasions, he would get into a rage and force everyone to leave the house, including [REDACTED].
- 3.9. The first incident of abuse occurred during the fall of Anne's first year with the [REDACTED] family, although it is difficult for her to remember the exact dates of the abuse.
- 3.10. On this occasion, [REDACTED] told Anne to get Carnation condensed milk from a room in which [REDACTED] was lying on a bed. [REDACTED] approached her, put his hands in her pants and touched her vagina. Anne pushed him and ran away.
- 3.11. On another occasion, which Anne has difficulty remembering, [REDACTED] came in to her basement bedroom in the middle of the night; she could smell alcohol on his breath. [REDACTED] forced himself on top of Anne and penetrated her; at the time, Anne was a virgin.
- 3.12. In another incident, [REDACTED] came down to Anne's room and ordered her to go upstairs to sleep with [REDACTED].
- 3.13. Anne obeyed and was woken up later that night by [REDACTED] who was rubbing her vagina under her panties. The incident did not last long: when Anne moved, the touching stopped, and she believes she ultimately fell back asleep later that night.
- 3.14. Three other girls who were also billeted with the [REDACTED] family during Anne's stay. She does not know whether those girls knew that she was being abused by [REDACTED] and [REDACTED], nor does she know whether they abused the other girls because the matter was never discussed with Anne.
- 3.15. In fact, Anne never disclosed her own abuse to anyone before describing it to her legal counsel in 2012, while filling out her IAP Application.

C. The harms suffered by the Applicant

- 3.16. The abuse perpetrated by members of the family in which Anne was billeted have had many profound impacts in her life.
- 3.17. Anne struggled for a number of years with drinking and drug abuse problems.
- 3.18. She started drinking when she was living with the [REDACTED] family, albeit on an irregular basis. Upon her return to Waskaganish, however, she drank heavily, almost every weekend, over a 25-year span.
- 3.19. She also abused drugs such as mescaline, crack, and cocaine.
- 3.20. Anne abused these substances in attempts to suppress and hide the guilt she felt as a result of the abuse.
- 3.21. Anne's substance abuse reached its peak in 2007, at which point she was using cocaine on a daily basis and suffered from feeling "very slow."
- 3.22. Her addictions led her to forgo paying bills in favour of spending large amounts of money on drugs. She was unable to take care of her children and grandchildren.
- 3.23. Fortunately, Anne has now been sober for several years.
- 3.24. During times of heavy drug use, Anne sometimes thought of committing suicide.
- 3.25. On one such occasion, feeling like she "wanted to go away and end everything" Anne retrieved a firearm from her basement, whereupon it accidentally fired while in her hands. This near-fatal incident scared her and discouraged her from "going further."
- 3.26. The abuse she suffered also led Anne to be overly protective of [REDACTED] and her grand children, to the point where she sometimes had irrational fears that her [REDACTED] might have abused them. In fact, she often checked on him and the children to ensure that abuse was not occurring. She could not trust any adult, including [REDACTED], and always had to know where her [REDACTED] were.
- 3.27. Anne has had and still has feelings of shame and humiliation. She feels dirty and often wonders whether people know what happened to her.
- 3.28. Anne also suffered from sexual dysfunction early in her relationship with her husband; she would rebuff his approaches and "push him away" at first because she felt dirty, feeling like the abuse was occurring again.
- 3.29. The abuse also had an impact on her work history. In [REDACTED], she was fired from her job because of her drug abuse and drinking problems.

- 3.30. Anne has never been able to maintain stable employment because she never had confidence in herself during her adult life. She has long felt as though she cannot “handle or cope,” and that she cannot do things properly.

D. The Applicant’s IAP claim

- 3.31. In August 2012, Anne filed an IAP claim to be compensated for the above-mentioned abuse, as appears from her Application Form, produced as Exhibit **P-8**.
- 3.32. On February 28, 2014, an IAP hearing took place, during which Anne testified about the abuse, the consequential harms and the loss of opportunity she suffered as a result.
- 3.33. During the course of the hearing and in his final submissions, Canada’s representative made an objection to Anne’s claim based on jurisdictional grounds: he argued that during the years in question, she was attending a federally-operated day school known as Sand Park, not an IRS within the scope of the IAP.
- 3.34. Adjudicator Robert Néron found Anne credible and held that she had suffered the abuse alleged. However, he upheld Canada’s preliminary objection and concluded she was not attending an IRS at the time of the abuse. He also concluded that abuse suffered by students in the homes of families with whom they were billeted is not covered by the IRSSA, as appears from his decision dated July 22, 2014, produced as Exhibit **P-9**.
- 3.35. On October 3, 2014, Anne’s legal counsel requested a review of Adjudicator Néron’s decision on the basis that, *inter alia*, Sand Park was part of St. Philip’s IRS and that the abuse suffered in billeting families falls within the scope of the IAP, as appears from the Request for Review, produced as Exhibit **P-10**.
- 3.36. Adjudicator Néron’s decision was ultimately upheld, as appears from the review decision by Deputy Chief Adjudicator Rodger Linka, dated February 23, 2015, produced as Exhibit **P-11**.
- 3.37. The decision to reject Anne’s claim was upheld a second time, in the Re-Review decision of Adjudicator Anne Wallace, dated May 23, 2016, produced as Exhibit **P-12**.
- 3.38. Adjudicator Wallace found that the abuse suffered by Anne was not connected to nor did not arise from the operation of an IRS and, therefore, “the elements required by the IAP Model... [had] not been established,” as appears from the re-review decision, P-12.
- 3.39. Since she held that abuse suffered in a home where a student was billeted is not compensable under the IAP, Adjudicator Wallace held that she need not decide

whether the school that Anne was attending was a federal day-school or an IRS, as appears from her decision, P-12.

- 3.40. Adjudicator Wallace's decision was communicated to Anne's legal counsel on June 21, 2016, as appears from an email from the Secretariat's electronic document interchange (EDI) to Marie-Eve Dumont, produced as Exhibit P-13.
- 3.41. Adjudicator Wallace's re-review was the final decision on Anne's claim under the IAP: three different adjudicators had found that Anne's abuse by members of the family with whom she was billeted was not within the scope of the IAP.

E. Other billeted students in Fort George

- 3.42. Anne was not the only student billeted with a family in Fort George.
- 3.43. With the addition of secondary education to the curriculum in the fall of 1972, the Minister's agents and servants began moving children out of school residences and billeting them in private homes [...] in Fort George, to make room for classrooms and staff accommodations, as appears from a letter dated February 11, 1972 from A.E. Aimé, Supervisor of Education, to M.C. Paradis, at the Quebec regional office of the Department of Indian Affairs and Northern Development (DIAND), produced as Exhibit P-23.
- 3.44. In these circumstances, the IRS residence rapidly reached full capacity, as appears from a letter dated September 26, 1972, from J.G. Simard, Education Advisor with DIAND's Abitibi District, to the Education Supervisor of DIAND, filed in support of this as Exhibit P-14.
- 3.45. Students were moved into families' homes, so that their rooms in the residences could be given to unmarried teachers, as appears from the exchange of correspondence between A.E. Aimé, Supervisor of Education, and C. Paradis, Regional Supervisor of Education, both at DIAND, dated February 18 and September 21, 1972 (in a bundle), produced as Exhibit P-15.
- 3.46. In accordance with this initiative, roughly fifty (50) students from Rupert House, Paint Hills (now known as Wemindji) and Eastmain were lodged in private homes at the end of September 1972, as appears from the letter from J.G. Simard, dated September 26, 1972, P-14.
- 3.47. An unspecified number of children from Fort George were also lodged in private homes during the school year, because during those months, their parents practiced a traditional "nomadic" lifestyle of hunting, fishing and trapping, as appears from J.G. Simard's letter, P-14.
- 3.48. The practice of billeting students continued in 1973-1974 and 1974-1975, as appears from a 1976 tripartite agreement between a group of parents, the Fort George Band Council, and DIAND [...] concerning the establishment of a "hostel

program” in Fort George, produced as Exhibit **P-16**, p. 2 of 6.

3.49. In November 1974, at least 37 students were billeted with families, as appears from a letter dated November 12, 1974, from V.J. Caissie, Acting Regional Director, to R.L. Boulanger, Regional Director at DIAND [...], produced as Exhibit **P-17**.

3.50. According to a letter dated January 21, 1975 from V.J. Caissie, Acting Regional Director, to P.B. Lesaux, Assistant Deputy Minister of [...] Indian and Eskimo Affairs Branch of DIAND:

les cours du Secondaire I à IV inclusivement sont fournis à 140 élèves en provenance des communautés de Rupert House, Paint Hills et Eastmain. Un peu plus d'une centaine de ces étudiants sont hébergés dans des maisons privées à Fort George, la balance demeurant en résidence dans le pensionnat

as appears from the letter, produced as Exhibit **P-18**.

3.51. On April 10, 1975, the Acting Regional Director reported that:

Last year, approximately 140 students from smaller communities along the coast attended school at Fort George. All but 35 of those were boarded in private homes.

as appears from a letter from V.J. Caissie to H.T. Parker, Director of the Financial & Management Branch, [...] DIAND, produced as Exhibit **P-19**.

3.52. The Respondent's civil servants were aware that “la situation de certains élèves dans les maisons privées n'est pas acceptable, surtout à cause de l'espace vital restreint”, as appears from V.J. Caissie's letter dated January 21, 1975, P-18.

3.53. A handwritten note on a letter dated November 1974 concerning the St.Philip's residence stated:

Les 4 hostels en construction accommodent les 31 étudiants présentement en résidence. De plus, chaque hostel peut recevoir 12 étudiants, cela signifie que 17 étudiants placés dans des foyers non-adéquats, pourront être relocalisés dans ces memes hostels.

Ceci a pour effet que les 49 étudiants demeurant dans les foyers évalués comme non-adéquats, sont réduits à 32 et que l'addition de 3 hostels seraient nécessaires [sic]

as appears from a letter from G. Lefebvre, Education Supervisor [...] at DIAND, produced as Exhibit **P-20**.

- 3.54. The high operating costs were another reason why the Defendant decided to billet students with families living in Fort George, as appears from the 1976 tripartite agreement, Exhibit P-16, at p. 2 of 6.
- 3.55. In fact, Canada estimated the annual per capita cost of lodging children in the school residence was \$15,000, as appears from a letter dated April 10, 1975, from V.J. Caissie, Acting Regional Director, to H.T. Parker, Director of the Indian and Eskimo Affairs Branch, produced as Exhibit P-24, in contrast to \$1,500 for children lodged in private dwellings, as appears from Caissie's correspondence dated January 21, 1975, P-18.
- 3.56. Nevertheless, billeting so many students was known to have "caused many problems in the community," as appears in the tripartite agreement, P-16, at p. 2 of 6.
- 3.57. In January 1976, many of the billeted students were sent to live in one (1) of eight (8) hostels, which had been built as "the third alternative for boarding students" in Fort George, after the residence and private homes, as appears from the tripartite agreement, P-16, at p. 2 of 6.
- 3.58. However, because the hostels could house a total of only ninety-six (96) students, more than forty (40) students continued to live in billet families after the transfer, as appears from V.J. Caissie's letter dated April 10, 1975, P-24.
- 3.59. Canada's direct role in Cree education ended at the with the 1977-1978 school year, after which management and control were transferred to the Cree School Board, in accordance with the James Bay and Northern Quebec Agreement ("JBNQA"), as appears from section 16 of the JBNQA, produced as Exhibit P-25.

F. Other billeted students in Mistissini

- 3.60. In Mistissini (then known as Mistassini), a similar situation existed where, after a federally-run school was built, "all [Mistassini] Indians pupils from Kindergarten to Grade 6 attend[ed] [that] school", and those "whose parents [had] to go away for trapping" were placed "in cottage-style hostels or in Indian families", as appears from a letter dated January 20, 1970, from A.R. Jolicoeur to the Regional Superintendent of Education at DIANDs, produced as Exhibit P-26.
- 3.61. The goal of building hostels and offering accommodation in families in Mistissini was that elementary students should "not be required to go to La Tuque Student Residence below Grade 6," as they had up till 1970, as appears from Exhibit P-26.
- 3.62. Three Mistassini Hostels, with twelve (12) beds each, began operating in the fall of 1971, as appears from a letter dated February 19, 1973, from Maurice Legendre, District Supervisor, to C. Paradis, at DIAND, produced as Exhibit P-27.

- 3.63. By October 1976, another 69 children were placed in what DIAND called “nomad homes” because their parents had left the community to hunt, fish and trap on their traditional territory, as appears from a letter dated October 12, 1976, from W. Halligan, District Supervisor, to Donald Daoust, at DIAND, produced as Exhibit P-28.
- 3.64. In 1976-1977, it was anticipated that 120 children would be placed in those “nomad homes”, as appears from W. Halligan’s letter, P-27.
- 3.65. According to a letter dated November 3, 1976, from G. Lemay, Acting Deputy Director, to the District Supervisor, the “nomad homes” housed Mistissini children, while children from surrounding communities lived in Mistissini hostels, as appears from G. Lemay’s letter, produced as Exhibit P-29.
- 3.66. The “cottage-style” or “Mistissini Hostels” were recognized as an Indian Residential School for purposes of the IAP during the period from September 1, 1971, to June 30, 1978, as appears from the IAP School Narrative prepared for Mistissini Hostels, produced as Exhibit P-30.
- 3.67. Counsel for the Applicant has interviewed two individuals who, as children living in surrounding Cree communities, were sent to Mistissini and also placed in “nomad homes.”
- 3.68. However, those two individuals did not make any claim in regard of the abuse they suffered in the “nomad homes” because they were advised by their lawyer that it was not compensable under the IAP.

G. The Respondent

- 3.69. The *Crown Liability and Proceedings Act*, RSC 1985, c C-50, s. 23(1), requires proceedings against the Crown in right of Canada to be “taken in the name of the Attorney General of Canada.”
- 3.70. The Respondent in this case is acting for and on behalf of the Minister of Indian Affairs and Northern Development (the Minister).
- 3.71. The “powers, duties, and functions” of the Minister “extend to and include all matters over which Parliament has jurisdiction, not by law assigned to any other department, board or agency of the Government of Canada, relating to... Indian Affairs,” pursuant to s. 4(a) of the *Department of Indian Affairs and Northern Development Act*, RSC 1985, c I-6, and at all material times did so under the *Department of Indian Affairs and Northern Development Act*, RSC 1970, c.1-7.
- 3.72. As of May 18, 2011, the Department of Indian Affairs and Northern Development [...] has been known as Aboriginal Affairs and Northern Development Canada (AANDC) and since November 4, 2015, it also bears the name Indigenous and

Northern Affairs Canada (INAC).

4. Grounds for the Respondent's liability

A. General Crown liability

- 4.1. Since the Crown can only act through its servants or agents, at all relevant times, the Crown in right of Canada was directly liable for the damages caused by its servants or agents, pursuant s. 3(1)(a) of the *Crown Liability Act*, RSC 1970, c C-38.
- 4.2. Each of the Crown's servants was liable pursuant to art. 1053 of the *Civil Code of Lower Canada* "for the damage caused by his fault to another, whether by positive act, imprudence, neglect or want of skill."
- 4.3. Moreover, the Crown's servants were liable *in solidum* pursuant to art. 1106 of the *Civil Code of Lower Canada* for the consequences of their own independent acts and omissions, together with the acts and omissions of a third party, if both directly contributed the injury suffered by the victims of their fault.

B. The Minister's powers and duties

- 4.4. The Government of Canada's power and jurisdiction over the Applicant and the Class Members were at all relevant times rooted in s. 91(24) of the *Constitution Act, 1867*, and in the *Indian Act*, RSC 1970, c. I-6, which came into force on August 1, 1972.
- 4.5. By virtue of this jurisdiction, the Respondent enjoyed power and discretion over significant aspects of the lives of Aboriginal people and assumed a corresponding fiduciary duty towards them.
- 4.6. At all relevant times, the Minister's powers under the *Indian Act*:
 - a. allowed him to designate the school Indian children had to attend, without the parents' consent: s. 118;
 - b. allowed him to appoint truant officers with the powers of a peace officer: s. 119(1);
 - c. provided that parents served by truant officers with a notice for their children to attend school were guilty of an offence and subject to fines and imprisonment, if their children did not "attend school and continue to attend school regularly": s. 119(3) and (4);
 - d. allowed truant officers to take into custody a child who was absent from

school and to “convey the child to school, using as much force as the circumstances require”: s. 119(6).

- 4.7. The Respondent used its powers and jurisdiction to implement a systematic policy of assimilating Aboriginal people, designed to eliminate their distinct languages, customs, and ways of life.
- 4.8. For the Applicant and the Class Members, this involved removing them from their families and from life on the land, at a time when most Cree in Quebec still lived largely from hunting, fishing and trapping. The children were forced to relocate without their parents to Fort George or Mistissini, where they could be “educated” to think like white people in federally-run schools.
- 4.9. Once the Minister removed the Applicant and Class Members from their parents, they became his wards and he stood in *loco parentis* towards them; he became responsible for ensuring that they receive all the necessities of life.
- 4.10. From the moment the Minister took charge of them, his duties to the Applicant and the Class Members had to meet the “careful parent test,” the standard of a prudent parent solicitous for the welfare of his or her child.
- 4.11. When the Minister’s agents and servants decided to remove the Applicant and Class Members from the IRS residence or from their own families and place them with local families in Fort George and Mistissini, the standard imposed by the “careful parent test” required measures such as the proper selection, screening, training and monitoring of families that billeted children to protect them from possible abuse.
- 4.12. By 1972, no one in authority in DIAND should have been unaware that Indian residential school students were at risk from sexually predatory employees. More particularly, the Minister’s Quebec regional office had investigated three cases of sexual abuse of students at the Anglican IRS in La Tuque between 1969 and 1971, as reported in the TRC Report, vol. 1, part 2, produced as Exhibit **P-21**, at pp. 443-444.
- 4.13. In fact, the principal at St. Philip’s from July 1962 to May 1968 was William Peniston Starr, who is probably the most notorious abuser in the IRS system. By 1998, even before the IAP existed, Canada had already settled almost 200 claims alleging abuse by Starr while he was principal of the Gordon IRS in Saskatchewan, the school he went to after he left Fort George. Starr also pleaded guilty to 10 counts of indecent assault at Gordon’s IRS during years 1976-1983 and was convicted on February 8, 1993, as reported in the TRC Report, vol. 1, part 2, P-21, at pp. 447-448.
- 4.14. The Minister acting through his agents and servants was responsible for the creation and implementation of these measures and failed in both regards.

- 4.15. Specifically, the Minister breached his duty of care by:
- a. failing to properly screen individuals prior to allowing them to billet Class Members and hiring individuals to act as billeting families who were not qualified to provide the necessities of life for the children under their care and supervision;
 - b. failing to provide proper, adequate and effective training initially or on an on-going basis to ensure that billeting families were suitable and fit to act as the Minister's employees, servants, or agents;
 - c. failing to set or implement standards of conduct for billeting families with respect to the safety, health or well-being of Class Members;
 - d. failing to adequately, properly and effectively supervise the conduct of billeting families and their households;
 - e. failing to set or implement policies for recognizing and reporting potential abuse of or harm to Class Members;
 - f. failing to educate Class Members in the use of a system through which abuse would be recognized and reported;
 - g. failing to investigate or report injuries sustained by Class Members;
 - h. failing to respond adequately, or at all, to complaints regarding the treatment of Class Members, including complaints of physical, psychological, and sexual abuse; and
 - i. failing to provide adequate medical and psychological care for Class Members.
- 4.16. The negligent supervision of the billeting families by the Crown's servants made them liable *in solidum* for the consequences of their acts and omissions, together with the acts of those families because both directly contributed the injury suffered by the Applicant and Class Members.
- 4.17. Moreover, those standing *in loco parentis* are also bound by a special duty of loyalty to the children, which forbids them from advancing their own interests at the expense of the children.
- 4.18. In this case, the Minister saved at least \$10,000 per year for every child that was billeted instead of being housed in school residences, as appears from V.J. Caissie's letters dated January 21, 1975, P-18, and April 10, 1975, P-24.
- 4.19. The conditions in the houses where students were billeted were considered "inadequate" by the Minister's civil servants, as appears from V.J. Caissie's

letter, P-18.

- 4.20. By knowingly billeting children in inadequate conditions, and at substantial financial savings, the Respondent advanced its own interests at the expense of the children, and thereby breached its duty of loyalty towards them.
- 4.21. The Applicant states that the Respondent's actions, inactions and omissions as aforesaid, constitute: 1) negligence in the selection, employment and supervision of billeting families; 2) breaches of the duty of loyalty that parents owe to their children; and 3) failures to protect the Applicant's and other Class Members' best interests.
- 4.22. These failures and breaches resulted in the Applicant and Class Members being subjected to sexual, physical and psychological abuse at the hands of persons with whom they were billeted.
- 4.23. Finally, the Minister made a delegation of his duty to the Applicant and Class Members that was not provided for by statute when he began confiding these children to local families in Fort George and Mistissini to be billeted.
- 4.24. While s. 115(c) of the *Indian Act, RSC 1970*, provided that the Minister could "enter into agreements with religious organizations for the support and maintenance of children who are being educated in schools operated by those organizations," the Minister had no clear right to enter into agreements with local families for the same purpose; neither did the Minister have the right under s. 114 to delegate his duties to anyone other than a provincial or territorial government, a school board, or "a religious or charitable organization."
- 4.25. While the Applicant and Class Members were billeted, the Minister therefore remained under a non-delegable statutory duty to ensure their safety and welfare.

C. Vicarious liability

- 4.26. At all relevant times, the Government of Canada was vicariously liable for the damage caused by the fault of its agents and servants, pursuant to s. 4(2) of the *Crown Liability Act* of 1970 and art. 1054 of the *Civil Code of Lower Canada*.
- 4.27. These provisions reflect one of the most fundamental principles underlying civil liability: that the person or entity who creates a risk assumes the obligation to compensate the victims if they are injured when that risk does in fact materialize.
- 4.28. Confiding a child to an adult to live with him or her places that adult a position of great power, authority, trust and intimacy with respect to that child. The Minister thereby created a relationship between the Applicant and Class members and the billeting families that placed the children at risk.
- 4.29. In this case, the Minister was in a contractual relationship with the billeting

families and exercised power and control over them. He was responsible for the administration of the billets at all material times because his agents and employees decided to billet the children instead of having them live in the IRS residence.

- 4.30. Since the Minister's agents and servants chose the families with whom the children were billeted, they could or should have been able to inspect and monitor those families and did retain or should have retained the power to remove the children at any time, if necessary for their protection.
- 4.31. The Minister therefore assumed liability for the faults committed by the billeting families as his agents or servants and the Applicant invokes the rule in art. 1464 of the *Civil Code of Québec*.

D. The claim is not prescribed

- 4.32. The Applicant and all or most Class Members were victims of childhood sexual, physical, and psychological abuse.
- 4.33. Due the age at which the wrongs were done to them and due to the conduct of the Minister's servants and agents, including the billeting families, the Applicant and all or most Class Members were unable to understand the necessary connection between the abuse they suffered and their injuries and thus discover their cause of action.
- 4.34. At all material times the Applicant and all or most Class Members therefore suffered from an impossibility to act within the meaning of art. 2904 of the *Civil Code of Québec*. As a result, the prescription of their cause of action was already suspended for the Applicant and all or most of the Class Members at the time proceedings were filed in *Bosum v. Attorney General of Canada et al.*, P-5, on or about May 20, 2005.
- 4.35. On the date the *Bosum* application was filed, on or about May 20, 2005, prescription was further interrupted by virtue of art. 2892 and 2897 of the *Civil Code of Québec*:
 - a. for "[a]ll Aboriginal Persons who attended Residential Schools in Quebec who were transported to, attended at, and/or were confined in Residential Schools in Quebec," referred to as "the Survivor Class"; and
 - b. with respect to the Crown's "common law duties to the Plaintiff and the other Survivor Class Members in relation to the establishment, funding, operation, supervision, control, maintenance, confinement in, transport of Survivor Class Members to, obligatory attendance of Survivor Class Members at and/or support of the Aboriginal Residential School system and the individual schools therein (the 'Residential Schools') throughout Canada."

- 4.36. Until the Re-review Adjudicator rejected Anne’s claim in the IAP re-review decision, P-12, received by Anne’s counsel on June 21, 2016, the Applicant and Class Members were entitled to believe they could advance their claims through the IAP created under the IRSSA, especially given the broad scope of the group and the cause of action described in the *Bosum* application.
- 4.37. More particularly, when the Chief Justice of the British Columbia Supreme Court approved the IRSSA in that province, he expressly ruled that individuals who “attended these schools, but only as day pupils,” and who “as well, were forced to live far from their homes and families” and “were subject to abuse both at the residential schools during the day and in the homes where they lived outside school hours,” would “be eligible to advance an IAP claim should they so choose,” as appears from the judgment in *Quatell v. Attorney General of Canada*, 2006 BCSC 1840, at para. 22.
- 4.38. This interpretation was confirmed by the B.C. Supreme Court when it ruled that under the IRSSA, “[a]lthough the Billeted Students were not included in the CEP, they were permitted to advance claims through the IAP,” as appears from the judgment in *Fontaine v. Canada (Attorney General)*, 2014 BCSC 941, at para. 57.
- 4.39. Therefore prescription remained suspended through September 21, 2016, pursuant to art. 2895, *C.C.Q.*, during the three months following the Applicant’s receipt of the re-review decision in her case, P-12, which dismissed her claim without a decision having been made on the merits, but established that abuse suffered in a home where a student was billeted is not compensable under the IAP, even if she was attending an IRS.
- 4.40. In addition, the Applicant and any other Class Members who suffered from an impossibility to act, or who had filed an IAP application after May 23, 2010, were in an “existing juridical situation” with respect to their claims against the Respondent at the time art. 2926.1, *C.C.Q.*, came into force on May 23, 2013.
- 4.41. As a result, the Applicant and Class Members benefit from the extension of the prescription period applicable to bodily injury resulting from sexual and physical abuse suffered during childhood, to 30 years from the date they become aware that the injury they suffered was attributable to that act.
- 4.42. Finally, if claims by any of the Class Members are prescribed (which is not hereby admitted, but expressly denied), that issue would be relevant only during the individual recovery of claims and does not affect the Applicant’s right to authorization.

5. Application to use a pseudonym

- 5.1. The Applicant hereby asks for the Court’s permission to use a pseudonym for all legal proceedings and court documents in this case.

- 5.2. The Applicant lives in a small community of less than 2,500 people and does not want her community to become aware of the abuse she suffered as a child.
- 5.3. The desire to keep this most intimate part of her life private is more than understandable and is a common sentiment among survivors of child abuse.
- 5.4. Allowing the Applicant to remain anonymous will also encourage other Class Members to participate, knowing that their privacy will be respected and their identities will be kept confidential. An order allowing use of a pseudonym will therefore facilitate greater access to justice.
- 5.5. The Applicant is prepared to provide the Court and counsel for the Respondents with her name and that of any known Class Member, under seal, provided that such information is protected and kept confidential.

6. The composition of the class makes it difficult or impracticable to apply the rules for mandates to take part in judicial proceedings on behalf of others or for consolidation of proceedings

6.1. Statistics from the IAP indicate that the number of claims for compensation for abuse was equivalent to approximately 48% of the number of former students who were eligible to make such claims and alive in May 2005, as reported in the TRC Report, vol. 1, part 2, P-21, at p. 400.

6.2. The TRC therefore concluded:

- abuse was widespread throughout the residential school system;
- a significant percentage of the acts of abuse were of a serious nature with potentially lifelong impacts;
- male and female students were abused at equal rates;
- male students were compensated at the most serious and damaging category of abuse at a greater rate than female students;
- students were at risk in all institutions, regardless of the denomination of the religious order in charge of the institution; and
- student abuse of fellow students was a serious and widespread problem

as appears from Exhibit P-21, at p. 411.

- 6.3. No reason exists to believe that students were at significantly lower risk when billeted with families whom the Minister did not supervise or monitor adequately.
- 6.4. Three individuals from Waskaganish who were billeted with other families have described to the Applicant's counsel incidents of physical and sexual abuse they suffered in those homes.

- 6.5. The Applicant estimates that there are more than 220 potential members of the class described in this Application for Authorization, based on correspondence [...] from 1975 from V.J. Caissie, Acting Regional Director of [...] DIAND, P-18, and from 1976, from District Supervisor W. Halligan, P-28.
- 6.6. Based on the information contained in P-18, P-26 and P-29, it seems that most of the potential Class Members came from the [...] Cree communities of Waskaganish (Rupert House), Eastmain, Wemindji (Paint Hills), Chisasibi and Mistissini. Nevertheless, it is possible that potential Class Members also came from Oujé-Bougoumou and Waswanipi.
- 6.7. The Applicant has no access to a list of the students who were billeted in families during the relevant period because it is personal information about individuals held by a government institution and protected from disclosure under the *Privacy Act*, RSC 1985, c. P-21, except with a court order.
- 6.8. The Applicant therefore submits that the identity of potential Class Members is ascertainable only to the Respondent.
- 6.9. Even if some Class Members could be reached or contacted by notices, radio announcements, or through word of mouth in the relevant communities, many would be reluctant to come forward and reveal facts about their childhood abuse.
- 6.10. It is unrealistic to expect most or all Class Members to identify themselves readily and outside of a process that ensures them confidentiality and the ability to apply in private.
- 6.11. Despite decades of publicity about the issue of residential school abuse, in the IAP, out of the total of 38,093 applications received by the Secretariat, more than 35 per cent (13,385) were between January 1, 2012, and the September 19, 2012, deadline, as appears from the Secretariat's historical statistics, produced as Exhibit **P-22**.
- 6.12. In addition to the difficulties that exist in identifying and contacting other potential Class Members, considerations of access to justice weight in favour of authorizing this application.
- 6.13. The amount of compensation available to individuals who succeed in independent proceedings is likely disproportionately small compared to the amount of money that they would spend on legal fees and disbursements.
- 6.14. It would be economically inefficient for individuals to proceed with a multitude of individual actions, needlessly duplicating large portions of work across many mandates and exhausting taxpayer and judicial resources.
- 6.15. Class Members are also part of a disadvantaged population, with lower education

compared to other Canadians of the same age and a commensurate difficulty in using the judicial system. Should this application be denied, it seems unlikely that other means of seeking justice will be pursued by any significant number of Class Members and the grave injustice they suffered will remain unaddressed.

- 6.16. Finally, it would be inequitable to deny authorization where virtually identical faults and injuries have benefited from compensation under the IRSSA across the country and the only difference between Class Members and the beneficiaries of that settlement is where the Minister assigned them to live.
- 6.17. In light of the above considerations, it would not only be impractical, if not impossible to proceed by other means, it would also be contrary to access to justice and equitable considerations.

7. The claims of the members of the class raise identical, similar or related issues of law or fact

- 7.1. The nature and quantum of damages suffered are particular to each Class Member, but the principal questions of law and fact are common to all.

A. Concerning the Respondent's civil liability, the following issues must be decided in common:

- 7.2. Could or should the Minister as represented herein by the Respondent, including the Ministers, agents or servants, have foreseen that billeting families were in a position that could result in them abusing their positions of power, authority, and trust over children entrusted to them?
- 7.3. Did the Minister owe the Class Members a duty arising from circumstance, usage or law?
- 7.4. Did the Minister take steps to screen billeting families, prior to placing Class Members in their care? If so, were these steps proper and adequate to prevent unqualified individuals from billeting children?
- 7.5. Did the Minister provide proper, adequate and effective training or monitoring initially or on an on-going basis to ensure that billeting families were suitable and fit to act as its employees, servants, or agents?
- 7.6. Did the Minister set or implement standards of conduct for billeting families with respect to the safety, health or well-being of Class Members? If so, did the Minister fail to uphold these standards?
- 7.7. Did the Minister fulfill its duty to supervise and monitor the performance and behaviour of billeting families to ensure that they performed and behaved as

qualified, reasonable and prudent employees, servants, or agents?

- 7.8. Did the Minister set or implement policies for recognizing and reporting potential abuse of or harm to Class Members? If so, did the Minister fail to educate Class Members in the use of a system through which abuse would be recognized and reported?
- 7.9. Was the Minister aware of any injuries sustained by the Applicant or Class Members, which occurred while in the care of billeting families? If so, did the Minister adequately investigate those injuries?
- 7.10. Was the Minister aware of any complaints put forth by the Applicant or Class Members, in relation to physical, psychological, or sexual abuse? If so, did the Minister respond adequately to those complaints?
- 7.11. Did the Minister provide adequate medical and psychological care for the Applicant and Class Members while in the care of billeting families?
- 7.12. Was the Minister aware of inappropriate punishments delivered by billeting families? If so, did the Minister allow these punishments to continue?
- 7.13. Did the Minister fail to provide leadership and fulfilment of its legal and moral obligations by not enforcing or creating guidelines on sexual abuse, thereby causing the Applicant and the Class Members damages?

B. Concerning the Respondent's vicarious liability

- 7.14. Were billeting families employees, servant or agents of the Respondent? If so, is the Respondent liable for the negligent and intentional acts committed by its employee, servant, or agent which harmed the Applicant or Class Members?
- 7.15. Was the Respondent aware of the wrongful actions of its employees, servants, or agents, and if so, when did it become aware? If not aware, should the Respondents have been aware of the wrongful actions committed by its employees, servants, or agents?
- 7.16. The Applicant submits that these questions raise factual and legal issues of systemic fault common to all Class Members that requires an assessment of the Respondent's knowledge, actual or constructive, with respect to the selection, training, monitoring, and supervision of its employees, servants or agents.
- 7.17. The resolution of these issues will move litigation further significantly; these constitute substantial elements that must be resolved in the case of each individual Class Member, and their resolution will avoid duplication of fact-finding and of legal analysis.

8. The questions of fact and law specific to each Class Member are as follows

- 8.1. After the resolution of common issues, only matters specific to each Class Member will have to be addressed, including:
- a. What acts of abuse did individual Class Members suffer?
 - b. What harms did Class Members suffer because of the acts of abuse?
 - c. Does a causal link exist between any acts of abuse and harms suffered?
 - d. What individual defences exist that could be advanced, such as prescription?

9. It is expedient that the institution of a Class Action for the benefit of the Class Members be authorized for the following reasons

- 9.1. The class action is the best procedural vehicle available to the Class Members in order to protect and enforce their rights herein.
- 9.2. While the amount of damages sustained by each Class Member may differ, the Respondent's wrongful behaviour and its liability are identical for each Member.
- 9.3. In the absence of a class action there would be no viable recourse against the Respondent for most Members, due to the cost and difficulty that an individual civil action would entail, relative to the benefits one could hope to obtain.
- 9.4. To the best of the Applicant's knowledge, all of the Class Members come from and are likely still domiciled in the Cree communities of northern Québec and would therefore incur greater than average expenses if they brought individual proceedings, due to their remote location.
- 9.5. A single hearing by means of a class action on the issues of fact and law that all members have in common would significantly reduce the cost of litigation for all parties.

10. The nature of the action the Applicant intends to bring on behalf of the Class Members is an action in damages for extra-contractual liability.

11. The Applicant seeks the following conclusions or relief:

- 11.1. Compensation, in an amount to be perfected at trial, for the damages incurred

because of the Respondent's failure to screen, negligence in selecting, and inadequate supervision of its employees, servants or agents; and more generally for its breach of its obligation of loyalty and duty to protect the best interests of the Applicant and Class Members as would a parent solicitous for his or her child's well-being.

- 11.2. Compensation, in an amount to be perfected at trial, for the damages incurred as a result of the intentional and negligent actions of billeting families, including the perpetration of sexual, physical and psychological abuse on the Applicant and other Class Members for which the Respondent is directly or vicariously liable.
- 11.3. Punitive damages in an amount to be perfected at trial;
- 11.4. Interest and the additional indemnity provided by the *Civil Code of Quebec*;
- 11.5. Judicial fees and legal costs;
- 11.6. Such further and other relief as this Honourable Court may deem just and reasonable in the circumstances.

12. The relief sought by the Applicant is to:

ALLOW the institution of the Applicant's class action;

GRANT the Applicant's application for an order allowing her to use a pseudonym for herself and for Class Members;

DECLARE the Respondent liable to the Applicant and Class Members for the damages suffered Respondent's breach of obligation to act as a parent solicitous of his or her child's wellfair and its breach of its obligation of loyalty towards the Applicant and Class Members;

DECLARE the Respondent vicariously liable to the Applicant and Class Members for the damages suffered by the negligent and intentionally wrongful actions of its employees, servants, or agents;

CONDEMN the Respondent to pay to each of the Class Members compensatory, moral and punitive damages, and ORDER collective recovery of these sums;

CONDEMN the Respondent to indemnify each and every Class Member for all damages that they have suffered as a result of Respondent's wrongful behaviour, and the wrongful behaviour of its employees, servants, and agents;

AND TO THIS END:

DECLARE the Respondent liable for the cost of judicial and extra-judicial fees and disbursements, including fees for expertise incurred in the present matter for and in the name of the Applicant and Class Members and **ORDER** collective recovery of these sums;

CONDEMN the Respondent to pay the Applicant and Class Members the above mentioned sums with interest at the legal rate, plus the additional indemnity provided by law, to accrue from the date of service of the present motion;

ORDER the Respondents to deposit with the Clerk of the Superior Court for the District of Montreal an amount equal to the total compensatory and punitive and exemplary damages caused by Respondents' wrongful behaviour during the class period; and **ORDER** the collective recovery of this amount, the whole according to proof to be made at trial, the whole with interest and the additional indemnity provided by law calculated from the date of service of the present Motion;

ORDER the individual liquidation in favour of the Applicant and Class Members of a sum equivalent to their share of the damages claimed or, if this process turns out to be inefficient or impracticable, **ORDER** the Respondent to perform any remedial measures that the Court may determine to be in the interest of the members of the Applicant or Class Members;

CONDEMN the Respondent to pay the costs incurred for all investigation necessary in order to establish the liability of Respondent in this matter, including the extra-judicial fees of counsel for Applicant and the Class Members and extra-judicial disbursements, including the costs of expertise;

RENDER any other order that this Honourable court shall determine may be just and proper;

THE WHOLE WITH COSTS, including the cost of notices.

13. The Applicant requests that she be granted representative status.

14. The Applicant is suitable to act as representative plaintiff and is in a position to properly represent the Class Members

14.1. The Applicant suffered abuse and harms while under the Minister's care and supervision, and while billeted by the Minister with a family in Fort George.

14.2. The Applicant has been deeply affected by the abuse and considers it her moral obligation to seek justice through the judicial system in order to bring closure and justice to herself and to all Class Members.

- 14.3. The Applicant understands and has been thoroughly advised as to the process required for this class action.
- 14.4. The Applicant is committed to seeking a resolution to the problems caused by the abuse alleged herein, not just for herself but also for others.
- 14.5. The Applicant is disposed to invest the necessary resources and time towards the accomplishment of all formalities and tasks necessary for the bringing of the present class action and she is committed to collaborating fully with her attorneys.
- 14.6. The Applicant is capable of providing her attorneys with the information useful to the bringing of the present class action.
- 14.7. The Applicant is acting in good faith with the only goal of obtaining justice for herself and for each Class Member.
- 14.8. The Applicant intends to ask for financial aid from the Fonds d'aide aux recours collectifs.

15. The Applicants request that the Class Action be brought before the Superior Court for the District of Montreal for the following reasons:

- 15.1. To the Applicant's knowledge, most of the Class Members are likely domiciled in the Cree communities of Waskaganish, Eastmain, Wemindji, Mistissini, and Chisasibi, which fall within the judicial district of Abitibi.
- 15.2. However, Waskaganish, Eastmain, Wemindji, Mistissini, and Chisasibi are located roughly 590 km, 700 km, 850 km, 583 km, and 930 km, respectively, from Val d'Or, the seat of the judicial district of Abitibi.
- 15.3. Given these great distances, Val d'Or is no more convenient for the Applicant or Class Members to travel to than is Montreal.
- 15.4. For her part, the current Minister's principal place of business is in the District of Hull.
- 15.5. At the same time, the Applicant's undersigned attorneys practise in the District of Montreal and the Respondent also has a place of business in the District of Montreal, as well as in the District of Québec and the City of Ottawa.
- 15.6. It would greatly increase the time and costs of proceedings if the undersigned attorneys or those for the Respondent had to travel to Val d'Or for hearings.
- 15.7. Montreal is therefore the most appropriate location for this class action to be heard.

FOR THESE REASONS, MAY IT PLEASE THE COURT:

GRANT the action;

AUTHORIZE the institution of the class action herein:

To sanction the Respondent's breach of obligation, duty of care and omission.

To sanction its wrongful behaviour in permitting wrongful acts against the children in its care

ASCRIBE to the applicant the status of representative for the purpose of instituting the said class action on behalf of the group of natural persons hereinafter described:

Description of the group:

All persons who attended elementary or secondary schools operated by the Government of Canada in Fort George (now Chisasibi) and Mistassini (now Mistissini), Quebec, between August 1970 and July 1978 and who were billeted with families in the community of Fort George or Mistassini, and who suffered sexual, physical, or psychological abuse in connection with or arising from being placed in the care of those families.

DETERMINE as follows the principal questions of fact and of law that will be dealt with collectively:

- a. Could or should the Minister as represented herein by the Respondent, including the Minister's agents or servants, have foreseen that billeting families were in a position that could result in them abusing their positions of power, authority, and trust over children entrusted to them?
- b. Did the Minister owe the Class Members a duty arising from circumstance, usage or law?
- c. Did the Minister take steps to screen billeting families, prior to placing Class Members in their care? If so, were these steps proper and adequate to prevent unqualified individuals from billeting children?
- d. Did the Minister provide proper, adequate and effective training or monitoring initially or on an on-going basis to ensure that billeting families were suitable and fit to act as its employees, servants, or agents?
- e. Did the Minister set or implement standards of conduct for billeting families with respect to the safety, health or well-being of Class Members? If so, did the Minister fail to uphold these standards?
- f. Did the Minister fulfill its duty to supervise and monitor the performance and

behaviour of billeting families to ensure that they performed and behaved as qualified, reasonable and prudent employees, servants, or agents?

- g. Did the Minister set or implement policies for recognizing and reporting potential abuse of or harm to Class Members? If so, did the Minister fail to educate Class Members in the use of a system through which abuse would be recognized and reported?
- h. Was the Minister aware of any injuries sustained by the Applicant or Class Members, which occurred while in the care of billeting families? If so, did the Minister adequately investigate those injuries?
- i. Was the Minister aware of any complaints put forth by the Applicant or Class Members, in relation to physical, psychological, or sexual abuse? If so, did the Minister respond adequately to those complaints?
- j. Did the Minister provide adequate medical and psychological care for the Applicant and Class Members while in the care of billeting families?
- k. Was the Minister aware of inappropriate punishments delivered by billeting families? If so, did the Minister allow these punishments to continue?
- l. Did the Minister fail to provide leadership and fulfilment of its legal and moral obligations by not enforcing or creating guidelines on sexual abuse, thereby causing the Applicant and the Class Members damages?
- m. Were billeting families employees, servant or agents of the Minister? If so, is the Minister liable for the negligent and intentional acts committed by its employee, servant, or agent which harmed the Applicant or Class Members?
- n. Was the Minister aware of the wrongful actions of its employees, servants, or agents, and if so, when did it become aware? If not aware, should the Minister have been aware of the wrongful actions committed by its employees, servants, or agents?

DETERMINE as follows the related conclusions sought:

***ALLOW** the institution of the Applicant's class action;*

***GRANT** the Applicant's application for an order allowing her to use a pseudonym for herself and for Class Members;*

***DECLARE** the Respondent liable to the Applicant and Class Members for the damages suffered Respondent's breach of obligation to act as a parent solicitous of his or her child's wellfair and its breach of its obligation of loyalty towards the Applicant and Class Members;*

DECLARE the Respondent vicariously liable to the Applicant and Class Members for the damages suffered by the negligent and intentionally wrongful actions of its employees, servants, or agents;

CONDEMN the Respondent to pay to each of the Class Members compensatory, moral and punitive damages, and **ORDER** collective recovery of these sums;

CONDEMN the Respondent to indemnify each and every Class Member for all damages that they have suffered as a result of Respondent's wrongful behaviour, and the wrongful behaviour of its employees, servants, and agents;

AND TO THIS END:

DECLARE the Respondent liable for the cost of judicial and extra-judicial fees and disbursements, including fees for expertise incurred in the present matter for and in the name of the Applicant and Class Members and **ORDER** collective recovery of these sums;

CONDEMN the Respondent to pay the Applicant and Class Members the above mentioned sums with interest at the legal rate, plus the additional indemnity provided by law, to accrue from the date of service of the present motion;

ORDER the Respondents to deposit with the Clerk of the Superior Court for the District of Montreal an amount equal to the total compensatory and punitive and exemplary damages caused by Respondents' wrongful behaviour during the class period; and **ORDER** the collective recovery of this amount, the whole according to proof to be made at trial, the whole with interest and the additional indemnity provided by law calculated from the date of service of the present Motion;

ORDER the individual liquidation in favour of the Applicant and Class Members of a sum equivalent to their share of the damages claimed or, if this process turns out to be inefficient or impracticable, **ORDER** the Respondent to perform any remedial measures that the Court may determine to be in the interest of the members of the Applicant or Class Members;

CONDEMN the Respondent to pay the costs incurred for all investigation necessary in order to establish the liability of Respondent in this matter, including the extra-judicial fees of counsel for Applicant and the Class Members and extra-judicial disbursements, including the costs of expertise;

RENDER any other order that this Honourable court shall determine may be just and proper;

THE WHOLE WITH COSTS, including the cost of notices.

DECLARE that, unless excluded, the members of the group are bound by any judgment to be

handed down in the manner provided for by law;

SET the exclusion time period at 60 days after the date of the notice to members; upon expiry of the exclusion time period the members of the group who have not availed themselves of the means of exclusion will be bound by any judgment to be handed down;

ORDER the publication of a notice to members worded as indicated in Schedule A to this judgment, in the Cree community magazine *The Nation*, the whole within 60 days following the date of this judgment;

ORDER the broadcasting of the notice to members on radio by the James Bay Cree Communications Society in the communities of Waskaganish, Eastmain, Wemindji, Chisasibi, Mistissini, Waswanipi, Oujé-Bougoumou, and Nemaska, worded as indicated in Schedule A to this judgment, the whole within 60 days following the date of this judgment;

REFER the case to the Chief Judge for determination of the district where the class action will be instituted and designation of the judge who will hear it;

ORDER the clerk of this Court, should the action have to be instituted in another district, to transfer the record, upon the Chief Judge's decision, to the clerk of that other district;

The whole with costs, including the costs of notice.

Montréal, this 29th of May, 2017

(S) Marie-Eve Dumont

Maitre David Schulze and Maitre Marie-Eve Dumont
DIONNE SCHULZE
Attorneys for the Applicant

507 Place d'Armes, Suite 502
Montréal, Québec H2Y 2W8
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admin@dionneschulze.ca

CERTIFIED COPY

Marie-Eve Dumont

ATTORNEYS

NO : 500-06-000812-160

**SUPERIOR COURT
CLASS ACTION**

**CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL**

ANNE SMITH (PSEUDONYM)

APPLICANT

-v.-

ATTORNEY GENERAL OF CANADA

RESPONDENT

**AMENDED APPLICATION FOR
AUTHORIZATION TO INSTITUTE A CLASS
ACTION AND TO OBTAIN THE STATUS OF
REPRESENTATIVE
(s. 571 & ss. C.C.P.)**

COPY

**Me David Schulze and Me Marie-Eve Dumont
Dionne Schulze, s.e.n.c.
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admin@dionneschulze.ca
BG4209**

Our file #5100-005

Court File No.: T-1417-18

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINAL PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

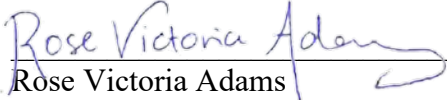
- and -

HIS MAJESTY THE KING

Defendant

EXHIBIT N TO THE AFFIDAVIT OF LÉA LEMAY LANGLOIS

This is Exhibit N to the affidavit of
Léa Lemay Langlois, as solemnly sworn
before me the 21st day of July, 2023


Rose Victoria Adams
Barreau du Québec n°358105-5



**NOTIFICATION PAR COURRIEL
BORDEREAU DE TRANSMISSION**
(C.p.c., art. 109, 110 et 134)

Destinataire(s) | Addressee(s) :

DIONNE, SCHULZE, S.E.N.C
Me David Schulze
507, Place-d'Armes, Suite 502
Montréal, Québec H2Y 2W8



(514) 842-0748
(514) 842-9983

Expéditeur | Sender :

PROCUREUR GENERAL DU CANADA
M^e Josianne Philippe
Ministère de la justice Canada
Complexe Guy-Favreau
200 boul. René-Lévesque Ouest
Tour Est, 9^e étage
Montréal (Québec) H2Z 1X4



(514) 283-7142
(514) 283-3856



8734228

N° de dossier de la cour:

500-06-000812-160

Nature du/of document:

**DEMANDE DU PROCUREUR GÉNÉRAL DU CANADA
POUR ÊTRE AUTORISÉ À PRÉSENTER UNE PREUVE
APPROPRIÉE (Art. 574 C.p.c.)/**

PIÈCES PGC-1 à PGC-10

Date:

08 décembre 2017

Heure | Time:

13:15

Pages :

138 pages
incluant celle-ci

CANADA
PROVINCE DE QUÉBEC
DISTRICT DE MONTREAL

COUR SUPÉRIEURE
(Chambre des actions collectives)

No: 500-06-000812-160

ANNE SMITH (PSEUDONYME)

Requérante

c.

PROCUREUR GÉNÉRAL DU CANADA

Intimé

**DEMANDE DU PROCUREUR GÉNÉRAL DU CANADA POUR ÊTRE
AUTORISÉ À PRÉSENTER UNE PREUVE APPROPRIÉE
(Art. 574 C.p.c.)**

**À L'UN DES HONORABLES JUGES SIÉGEANT À LA COUR
SUPÉRIEURE, L'INTIMÉ, LE PROCUREUR GÉNÉRAL DU CANADA,
EXPOSE RESPECTUEUSEMENT:**

I - OBJET DE LA DEMANDE

1. Le Procureur général du Canada (« PGC ») demande à cette Cour la permission de présenter une preuve appropriée aux fins de l'audition de la « *Demande amendée pour autorisation d'exercer une action collective et pour se voir attribuer le statut de représentant* » (« Demande pour autorisation »), à savoir :
 - **PGC-1:** Circular no. 34, «*Educational assistance (tuition grant)*», February 15, 1960 [NCA-011701];
 - **PGC-2:** Circular no. 62, «*Hostel accommodation and private home accommodation for Indian students* », June 30, 1961 [BAX-000800];
 - **PGC-3 :** Circular no. 67, «*Maintenance of Indian children in boarding or foster homes*», November 24, 1961 [BAX-000399];
 - **PGC-4 :** Circular no. 345, «*Education assistance*» February 12, 1962

[CAN.AANDC.001.0007];

- **PGC-5** : Circular no. 384, «*Policy replacement of Indian children in private homes, residential schools, and other institutions.*», July 3, 1962 [CAN.AANDC.001.0041];
- **PGC-6** : Circular no. 529, «*Educational assistance programme*», July 7, 1964 [NEL-001938];
- **PGC-7** : *Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students*, April 1970 / revised October 1970 and July 1971 [NEL-001935];
- **PGC-8** : *Indian Education Program*, 1972 [NCA-014689];
- **PGC-9** : *Résolution no. 227 du Conseil de bande de Mistassini*, 30 septembre 1976 [MHQ-000121-0001];
- **PGC-10** : *Résolution no. 276 du Conseil de bande de Mistassini*, 20 août 1977 [MHQ-000138-0002];

2. Cette preuve permettra d'apporter un éclairage pertinent et utile et de contribuer à l'analyse par le Tribunal des critères d'autorisation prévus à l'article 575 du *Code de procédure civile* (« C.p.c. »);

II- LE FONDEMENT DE LA DEMANDE EN AUTORISATION

3. La requérante Anne Smith (pseudonyme) demande l'autorisation de cette honorable Cour pour exercer un recours à l'encontre de l'intimé, le PGC, pour le compte du groupe suivant :

«All persons who attended elementary or secondary schools operated by the Government of Canada in Fort George (now Chisasibi) and in Mistassini (now Mistissini), Quebec, between August 1970 and July 1978 and who were billeted with families in the community of Fort George or Mistassini, and who suffered sexual, physical, or psychological abuse in connection with or arising from being placed in the care of those families»

4. La requérante expose le fondement juridique au soutien de sa réclamation à la section 4 de sa demande pour autorisation. Au paragraphe 4.15 de sa demande pour autorisation, elle reproche notamment à l'intimé les manquements suivants :

- a) *Failing to properly screen individuals prior to allowing them to billet Class Members and hiring individuals to act as billeting families who were not qualified to provide the necessities of life for the children under their care and supervision;*
 - b) *Failing to provide proper, adequate and effective training initially or on an on-going basis to ensure that billeting families were suitable and fit to act as the Minister's employees, servants, or agents;*
 - c) *Failing to set or implement standards of conduct for billeting families with respect to the safety, health or well-being of Class members;*
 - d) *Failing to adequately, properly and effectively supervise the conduct of billeting families and their households;*
- [...]

5. Au paragraphe 4.23 à 4.25 de sa demande pour autorisation, la requérante allègue que le placement d'enfants dans des foyers nourriciers dans les communautés de Fort George et Mistissini constituerait une délégation non autorisée par la loi des devoirs de l'intimé;
6. Aux paragraphes 4.26 à 4.31, la responsabilité du PGC est également recherchée à titre de commettant pour les fautes perpétrées par les foyers nourriciers en raison de la relation contractuelle, du pouvoir et du contrôle qui aurait été exercé à leur égard;
7. Or, les allégations de la demande pour autorisation concernant le programme d'assistance en éducation (*Educational assistance program*) et le programme de placement en foyers nourriciers / maison de pensions (*Boarding home program for Indian students*) sont imprécises, incomplètes et ne permettent pas une compréhension minimale complète du litige;
8. Il est donc nécessaire au stade d'autorisation que cette Cour puisse avoir une idée juste du cadre administratif de ces programmes ainsi que du rôle et des fonctions exercées par le défendeur;
9. L'intimé soutient que la Cour doit bénéficier au stade d'autorisation d'un éclairage sur des faits objectifs et peu controversés qui sont au cœur des allégations;

III – PREUVE APPROPRIÉE PROPOSÉE PAR LE PGC

10. Le PGC demande donc la permission de produire les pièces **PGC-1 à PGC-8**, qui

sont des documents administratifs contenant de l'information telle que des directives au sujet du programme d'assistance en éducation (*Educational assistance program*) et du programme de placement en foyers nourriciers / maison de pensions (*Boarding home program for Indian students*);

11. Ces documents complèteront la preuve pertinente pour l'évaluation du deuxième critère de l'article 575 C.p.c., l'apparence sérieuse de droit, qu'effectuera la Cour au stade d'autorisation;
12. En effet, la Circulaire no. 34, «*Educational assistance (tuition grant)*», February 15, 1960 [NCA-011701], pièce **PGC-1**, fournit de l'information et des clarifications concernant certains aspects du programme d'assistance à l'éducation ainsi que les procédures administratives;
13. La Circulaire no. 62, «*Hostel accommodation and private home accommodation for Indian students*», June 30, 1961 [BAX-000800], pièce **PGC-2**, expose la nécessité de fournir l'hébergement aux étudiants et l'utilisation des foyers nourriciers dans le contexte d'une augmentation des besoins;
14. La Circulaire no. 67, «*Maintenance of Indian children in boarding or foster homes*», November 24, 1961 [BAX-000399], pièce **PGC-3**, traite des taux versés aux foyers nourriciers;
15. La Circulaire no. 345, «*Education assistance*», February 12, 1962 [CAN.AANDC.001.0007], pièce **PGC-4** énonce la politique et la pratique applicable à l'époque en matière d'administration de l'assistance à l'éducation;
16. La Circulaire no. 384, «*Policy replacement of Indian children in private homes, residential schools, and other institutions.*», July 3, 1962 [CAN.AANDC.001.0041], pièce **PGC-5**, apporte des précisions concernant la circulaire no. 345;
17. La Circulaire No. 529, «*Educational assistance programme*», July 7, 1964 [NEL-001938], pièce **PGC-6** énumère les catégories d'aide financière disponibles en matière d'assistance à l'éducation;
18. La pièce **PGC-7**, «*Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students*», April 1970 / revised October 1970 and July 1971 [NEL-001935] expose la politique et les lignes directrices alors applicables en matière d'assistance à l'éducation et de placement dans des foyers nourriciers et remplace toutes les circulaires précédentes en matière d'assistance à

l'éducation;

19. La pièce **PGC-8**, «*Indian Education Program*», 1972 [NCA-014689], énonce les différents programmes alors applicables aux autochtones en matière d'éducation;
20. Finalement, au soutien de sa demande pour autorisation, la requérante communique les pièces P-28 et P-29, deux lettres faisant référence à la résolution numéro 227 du Conseil de bande de Mistassini. Toutefois, bien que la résolution numéro 227 était annexée à ces correspondances, celle-ci n'est pas incluses aux pièces P-28 et P-29 communiquées par la requérante;
21. Le PGC demande donc la permission de produire la pièce **PGC-9**, la résolution no. 227 du Conseil de bande de Mistassini, datée du 30 septembre 1976 [MHQ-000121-0001], dans laquelle il est résolu que le Conseil de bande « *undertake the administration of monthly allowances for foster homes, nomad homes and hostel programs at the rate of \$150.00 per student for the beginning of November 1, 1976 and ending March 1, 1977* »;
22. Le PGC demande également l'autorisation de produire la pièce **PGC-10**, la résolution no. 276, du 20 août 1977 [MHQ-000138-0002], qui s'applique pour l'année financière suivante: « *Whereas the Mistassini has agreed to administer the Room & Board program for foster homes & group homes, during the fiscal year beginning September 1, and ending March 31, 1978* »;
23. Les pièces **PGC-9** et **PGC-10** sont donc nécessaires afin de compléter les pièces P-28 et P-29 de la requérante et ainsi apporter un éclairage complet sur ce sujet;
24. Cette preuve est nécessaire afin de dresser un portrait plus complet des enjeux pertinents et de bien circonscrire le cadre administratif et le rôle de l'intimé en lien avec les différentes allégations formulées par la requérante;
25. Cette preuve est utile et aidera la Cour dans son appréciation du syllogisme juridique qu'avance la requérante à l'égard de l'intimé;
26. Cette preuve est appropriée, pertinente et proportionnée à la nature et la complexité de l'action collective dont l'autorisation est recherchée par la requérante contre le PGC;
27. Elle est neutre, objective et non controversée;

28. Il serait contraire aux intérêts de la justice que cette Cour analyse la demande pour autorisation sans bénéficier de l'éclairage limité, mais néanmoins hautement pertinent, apporté par la preuve proposée par le PGC;
29. Le 4 décembre 2017, le PGC a reçu de nouveaux documents qu'il doit analyser et se réserve donc le droit d'amender la présente requête si certains de ces documents constituaient une preuve appropriée, tout en étant conscient du caractère restreint d'une telle preuve au stade de la demande d'autorisation.

POUR CES MOTIFS, PLAISE À LA COUR

ACCUEILLIR la présente demande;

AUTORISER le Procureur général du Canada à déposer la preuve suivante dans autre délai :

- **PGC-1:** Circular no. 34, «*Educational assistance (tuition grant)*», February 15, 1960 [NCA-011701];
- **PGC-2:** Circular no. 62, «*Hostel accommodation and private home accommodation for Indian students* », June 30, 1961 [BAX-000800];
- **PGC-3 :** Circular no. 67, «*Maintenance of Indian children in boarding or foster homes*», November 24, 1961 [BAX-000399];
- **PGC-4 :** Circular no. 345, «*Education assistance*» February 12, 1962 [CAN.AANDC.001.0007];
- **PGC-5 :** Circular no. 384, «*Policy replacement of Indian children in private homes, residential schools, and other institutions.*», July 3, 1962 [CAN.AANDC.001.0041];
- **PGC-6 :** Circular no. 529, «*Educational assistance programme*», July 7, 1964 [NEL-001938];
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- **PGC-8:** *Indian Education Program*, 1972 [NCA-014689];

- **PGC-9** : *Résolution no. 227 du Conseil de bande de Mistassini*, 30 septembre 1976 [MHQ-000121-0001];
- **PGC-10** : *Résolution no. 276 du Conseil de bande de Mistassini*, 20 août 1977 [MHQ-000138-0002];

RÉSERVER au Procureur général du Canada le droit d'amender la présente *Demande pour être autorisé à présenter une preuve appropriée* afin d'y ajouter des documents qui pourraient constituer une preuve appropriée;

LE TOUT sans frais, sauf en cas de contestation.

Montréal, le 8 décembre 2017

Procureur général du Canada

PROCUREUR GÉNÉRAL DU CANADA

Ministère de la Justice Canada

Bureau régional du Québec

275, rue Sparks

Ottawa (Ontario) K1A 0H8

Télécopieur : 613-952-6006

Par : Me Nancy Bonsaint

Téléphone : (613) 941-8283

Courriel : nancy.bonsaint@justice.gc.ca

NotificationPGC-AGC.autochtone-aboriginal@justice.gc.ca

Par : Me Josianne Philippe

Téléphone : (514) 283-7142

Courriel : josianne.philippe@justice.gc.ca

NotificationPGC-AGC.autochtone-aboriginal@justice.gc.ca

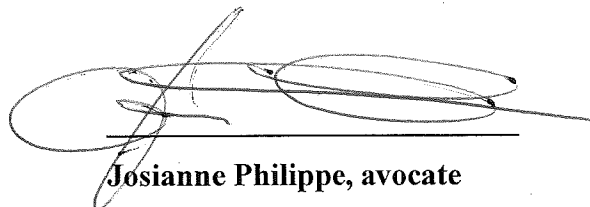
Procureures de l'intimé, le Procureur général
du Canada

AFFIDAVIT

Je, soussignée, Josianne Philippe, avocate ayant mon bureau au 200 boulevard René-Lévesque Ouest, Tour Est, dans la province de Québec, affirme solennellement ce qui suit :

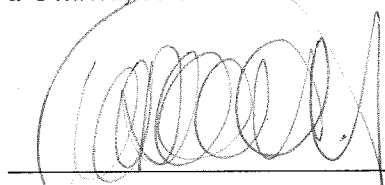
1. Je suis avocate au ministère de la Justice du Canada;
2. À ce titre, je suis bien au courant des faits du présent dossier;
3. Tous les faits allégués dans la présente requête sont vrais.

ET J'AI SIGNÉ :



Josianne Philippe, avocate

Affirmé solennellement devant moi
à Ottawa, ce 8 décembre 2017



Commissaire à l'assermentation



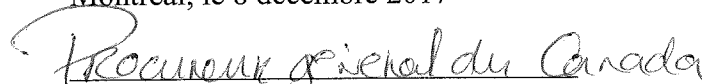
AVIS DE PRÉSENTATION

À: **Me David Schulze et Me Maryse Décarie-Daigneault**
Dionne, Schulze, s.e.n.c.
507, Place d'Armées, Suite 502
Montréal (Québec) H2Y 2W8
Procureurs de la requérante

PRENEZ AVIS que la présente *demande du Procureur général du Canada pour être autorisé à interroger la requérante*, sera présentée pour adjudication devant l'honorable juge Pierre C. Gagnon, juge de la Cour supérieure du Québec, du district de Montréal (chambre des recours collectifs), au palais de justice de Montréal, situé au 1, rue Notre-Dame Est, Montréal, province de Québec, H2Y 1B6, au jour et à l'heure à être fixés par celle-ci.

VEUILLEZ AGIR EN CONSÉQUENCE.

Montréal, le 8 décembre 2017



PROCUREUR GÉNÉRAL DU CANADA

Ministère de la Justice Canada

Bureau régional du Québec

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Procureures de l'intimé, le Procureur général
du Canada

PGC-1



DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

FILE NO.

INDIAN AFFAIRS BRANCH

1/25-8

CANADA

SUBJECT: EDUCATIONAL ASSISTANCE (TUITION GRANT) ADMINISTRATION

CIRCULAR NO.

34

Indian Commissioner for B.C., Ottawa, February 15, 1960.
Regional Supervisors,
Regional and District School Superintendents,
Regional School Inspectors.

Some regions have been operating for nearly two years under a decentralized system of educational assistance control, while others have had approximately one year of experience in this regard. It seems advisable at this time to draft a circular which will provide information concerning some aspects of the programme, clarification regarding others, and general uniformity of procedure throughout.

Definition and Policy

In future, the title "Tuition Grant" is not to be used, but will be replaced by the term "Educational Assistance". According to the Indian Act, the federal government is responsible for the education of Indian children from 6 to 18 years of age who live either on reserves or on provincial or federal Crown property. Educational assistance is a sum payable on behalf of such Indian students attending non-Indian educational institutions.

There are two somewhat different types of educational assistance. One is the payment of tuition fees, school books and supplies on behalf of Indian children attending elementary-integrated schools. In such cases no individual authority of application is required. (Integrated schools might loosely be defined as those where we have a formal agreement involving the payment of federal funds towards the capital costs of a non-Indian school, as well as those where no formal agreement exists but to which Indian children go instead of attending an Indian day or residential school.) The other form of educational assistance is that involved in educational training on behalf of Indian students beyond the elementary level. In this case individual applications and authorities are necessary, and the department expects the student and/or his parents to make the maximum contribution which their circumstances will permit towards the cost of the course. Educational courses which can be provided under this scheme are those offered by accredited institutions, providing regular secondary, professional, vocational or trade training within Canada. Special training such as music lessons, art courses, etc. is not included.

Extreme care must be exercised in determining the amount of financial help to be approved for each student. To ensure a wise use of public funds, some contribution should be obtained from practically all applicants. Even though the contribution is small, this will give the student and/or his parents a feeling that they have a share in the training, and consequently the student will be more apt to complete the course. It will also give them a feeling of some independence instead of complete dependence upon the department.

General Information

1. A key-sort card system is maintained at headquarters concerning every Indian student receiving financial assistance for educational training above the elementary level. In order to maintain complete and accurate records, it is necessary to have a copy of the original application form for each student when it is approved. So long as the student continues in his present course and school, there is no need for another application form to be submitted. If a student changes his course or school

then a revised form is required. A copy of the Authority for Expenditure will serve as notice that the educational assistance has been renewed, but to facilitate accurate record-keeping, a statement of the grade or year of course to be taken must be included on the authority. If a student leaves his course before its completion, headquarters should be notified immediately.

- (2) If a revision in the amount of assistance is required during the school year, a supplementary Authority for Expenditure will be issued using the same authority number with the letter "A" added as a suffix. If an additional supplementary authority is needed, the letter "B" would be added.
- (3) The Canadian Pension Board has requested that we advise them if children of veterans are receiving financial help from this department. It is therefore necessary for the field to indicate this fact on the application form and to provide the father's regimental number if possible.
- (4) The cost of tuition seems to be rising precipitously in some areas. Kindly check into any apparently unreasonable increases to make certain that they are justified before approving grants at the new level.
- (5) If there are to be sufficient funds for all deserving students, then parents and/or students who can afford to pay part of the cost must be persuaded to do so. In this regard it would appear that a personal allowance should seldom be necessary. Surely the student or the parents can provide funds for such incidental expenses in most cases.
- (6) Although not provided for in previous instructions on Educational Assistance, Authorities for Expenditures will be numbered chronologically from April 1, 1960. Each number will be prefixed by the Regional Office code number. To eliminate any chance of duplication of numbers the year will be added, i.e. 87/1-61 would be the initial authority issued by the Quebec Regional Office for the fiscal year 1960-61. 87/1-61A would be a supplementary authority for additional funds. Authorities issued from Branch Headquarters would be identified by the letter "E".

Limitations

In order to achieve uniformity throughout the system, to operate within Treasury Board regulations and to maintain government policy, it appears necessary to impose certain limitations upon the regional offices. At present, ordinary applications for educational assistance involving the expenditure of government funds not exceeding \$1,000 for tuition, maintenance and transportation may be approved at regional level. (Many applications which have been referred to headquarters could have been approved at regional level by securing a slightly larger contribution from the parents or student, or cutting down slightly on the personal allowance or transportation provided.) Similarly, applications involving tuition alone not in excess of \$400 can be approved by the regional offices. Other applications are to be referred to headquarters, namely:

- (a) all those involving amounts larger than stipulated above;
- (b) all those involving any form of religious training; and
- (c) all those which appear to be of a controversial nature for any reason whatsoever.

Accounting

Records are to be kept in accordance with circulars 119 and 117. Kindly study these circulars to ascertain if your accounting is correct. Advances for monthly payments of board, room and personal allowance are now in the form of standing advances and are to be accounted for monthly by means of repayment vouchers covering the accounts which have been paid. Advances for individual students are no longer necessary and are not to be requested. As each repayment voucher is received by Treasury, the standing advance will automatically be reimbursed by the same amount. If headquarters can be advised in March regarding the approximate standing advance required by each agency, this amount will be sent in April, and no further advance for tuition funds should need to be requested until April of the following year. The amount requested should be based upon the amount that was necessary to provide for two months' payments the previous year, taking into account any anticipated increases.

Information for Agency Superintendents

It is expected that regional supervisors will provide direction to their agency superintendents on matters pertaining to educational assistance.


H. M. Jones
Director.

PGC-2

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

FILE NO.

INDIAN AFFAIRS BRANCH

1/25-8

P.A. 7

SUBJECT

HOSTEL ACCOMMODATION AND PRIVATE HOME
ACCOMMODATION FOR INDIAN STUDENTS

CIRCULAR NO.

62

A/INDIAN COMMISSIONER FOR B. C.,
REGIONAL SUPERVISORS,
SCHOOL SUPERINTENDENTS.

Ottawa, June 30, 1961.

Hostel accommodation is one of a set of new terms which have sprung into use with the growth of integration and the expansion of high school instruction for Indian children. It refers to living accommodation in residential schools for students who are receiving their classroom instruction in a nearby school, usually a non-Indian school.

A few years ago as Education Division braced itself for the rising tide of high school students for whom classroom accommodation had to be found and for nearly 50 per cent of them board and lodging in a residential school or a private home, the solution to the problem seemed to lie in the enlargement of living accommodation at the residential schools by means of hostels designed for adolescent life. Suggestions for the construction of hostels at several points were entertained with cautious enthusiasm and deferred until the current back-log of school building could be disposed of. Rising construction costs, emergency expenditures and a mounting joint school program leave us still confronted with the stubborn back-log and hostel projects to which you give considerable priority are deferred.

In the meantime integration and high school instruction have advanced, hand in hand. About 10 per cent of the living accommodation in our residential schools is occupied by hostel students in all grades. Six residential schools are hostels only and fifteen others enrol some hostel students. Several of the latter group are moving steadily towards hostel status as joint school accommodation becomes available for the students in these schools. The residential school administration has proved sufficiently flexible to make the necessary adjustments to the operation of the school and the school staff to meet the challenge of a new and difficult role. Lacking research on this area of our work an objective appraisal cannot yet be made but very encouraging reports on the progress of the pupils concerned and the rapport between the classroom teachers and the staff members of the hostels and residential schools have been received.

Although complete data on the number of pupils boarding in private homes is not available it is estimated that they roughly equal the number of hostel pupils. To what extent the expansion of this program is possible or desirable cannot accurately be estimated at this point. Its success will inevitably depend on student selection and supervision. The tremendous advantages for the right student in the right home with adequate counselling on educational, social and emotional problems are apparent. The difficulties, disappointments and harm that can result from an unfortunate combination of circumstances in the

- 2 -

boarding of Indian pupils in private homes are familiar to you? However, we are not aware of any greater incidence of maladjustment amongst these pupils than amongst pupils in the same age group in the hostels and residential schools.

The fact remains that through your industry and ingenuity, and with the cooperation of your staff the situation has been met up to this point. What of the future?

If the high school enrolment now standing at 6.5 per cent increases one per cent per annum for the next ten years there will be an annual increase of between 450 and 600 high school pupils. By 1970 we can anticipate a total enrolment of 62,000 of whom 26,000 will be enrolled in non-Indian schools and 16 per cent of the total enrolment, or approximately 10,000 will be high school pupils. Present trends seem to indicate that hostel and residential school accommodation may be needed for 3,000 high school pupils. An equal number will be accommodated in private homes and the remaining 4,000 will be day pupils.

It is unlikely that sufficient hostel accommodation will be constructed and in operation during the next ten years to keep pace with estimated requirements.


Alternatives will therefore be necessary in order to keep abreast of the high school needs and it is possible that by keeping the situation fluid greater experimentation will be possible from which greater progress is likely to accrue.

The admissions to residential schools should be under constant review to ensure that every pupil is a bona fide institutional case. Parents must learn to assume more responsibility for the upbringing of their children. Low income alone is not sufficient reason for placing children in residential school. Day school accommodation must be utilized to its maximum capacity. Foster home care for some welfare cases has been exploited successfully on reserves where suitable homes and day school accommodation are available. Careful surveys of individual residential schools have invariably shown that some resident pupils could readily attend as day pupils. This process together with stricter control of admissions by the school superintendent can provide the hostel space required for the time being.

The supervision of pupils boarding in private homes in urban centres has been aided by the appointment of Education Assistants to those School Superintendents who have large urban centres in their districts to which substantial numbers of pupils are drawn for high school, professional or technical training. These assistants are performing such duties as locating boarding homes, counselling students, acting as liaison between the Branch and the various schools in which the pupils are enrolled, visiting the homes of the pupils where distances permit, checking attendance, performing related administrative duties, reporting, public relations, etc. It is realized that the appointment of teachers to fill the education assistant positions has the serious drawback of the ten month period of employment, but under present circumstances this cannot be avoided. For the past two years consideration has been given to the establishment of civil service positions for these assistants but until our full complement of Education Specialists has been

- 3 -
built up this cannot be done. In the meantime any reasonable request for full or part time assistance in this area of the work will be approved.

To summarize, the expanding high school and integration program will make increasing demands on your time and on the available accommodation. Control over the available residential school and hostel accommodation must be exercised to ensure optimum use and private home boarding must be exploited fully, because additional hostel accommodation will likely materialize slowly and cautiously. To aid the school superintendent in the process of selection, control and supervision assistants will be provided as required.



H. M. Jones,
Director.

PGC-3

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

FILE NO.

1/29-4

PA 7/25-8

INDIAN AFFAIRS BRANCH

SUBJECT

MAINTENANCE OF INDIAN CHILDREN IN
BOARDING OR FOSTER HOMES

CIRCULAR NO.

67

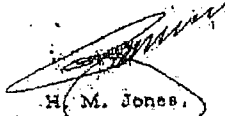
INDIAN COMMISSIONER FOR B.C. Ottawa, November 24, 1961
REGIONAL SUPERVISORS.

The rates offered non-Indian private homes for accommodation for Indian children attending educational institutions are usually more generous than those paid by Governmental and private agencies for foster home care. In addition, there is lack of uniformity in the amounts paid by the Indian Affairs Branch for children placed for welfare reasons and those placed for educational purposes.

The feasibility of equating the rates paid when private homes are used for educational purposes with those paid for foster home care is being explored and in particular for the accommodation of children who are less than sixteen years of age. Your comments on the advisability of adopting a policy in your region of paying non-Indian private homes accommodating Indian children for either welfare or educational purposes rates at the same level as those paid by Provincial and local child-caring organizations are requested. If you agree, kindly supply a list of the rates paid for foster home care by Provincial or local agencies in those centres where Indian children are being accommodated in private homes for educational purposes. Please indicate the items which foster home payments are intended to cover.

If private homes offering care for children in the Province are controlled by a Licensing Act or other means, I would appreciate your views on the advisability of insisting that persons offering boarding home care for Indian children comply with any regulations there may be. Kindly outline the procedures followed before licenses are issued or approval is granted. The restriction of homes used for Departmental purposes to those which have been licensed or approved by the proper Provincial authority would serve to ensure that adequate standards are maintained.

Your co-operation in arranging to have your comments reach this Headquarters not later than December 15 will be appreciated.


H. M. Jones,
Director.

PGC-4

INDIAN AFFAIRS BRANCH

EDUCATIONAL ASSISTANCE

CIRCULAR No.
345

INDIAN COMMISSIONER FOR B. C.,
REGIONAL SUPERVISORS,
SUPERINTENDENTS OF INDIAN AGENCIES,
SUPERINTENDENTS OF INDIAN SCHOOLS,
EDUCATIONAL SPECIALISTS.

Ottawa, February 12, 1962

SECTION "A" - General Assistance

In order to further facilitate integration it has been decided to adopt the same policy at the High School level as has been followed for some years at the Elementary level. Indian students who wish to attend High School on a day basis for whom only tuition fees and school supplies will be a charge against federal funds may be enrolled in accordance with existing policy without completion of an Educational Assistance form and without referral to headquarters. For record purposes these students will be reported annually on the census of Indians attending non-Indian schools. The cost for such students will be met from a blanket allotment at Headquarters and accounts to cover such expenditures will be processed for payment in the same manner as accounts for elementary pupils.

SECTION "B" - Individual Assistance

Decentralization of control of individual educational assistance funds to the regional level has provided greater facility and freedom of action. However, it has also resulted in certain difficulties such as:

- (a) problems of maintaining reasonable uniformity from region to region,
- (b) problems of accounting,
- (c) problems of financial control.

Each region will assume full responsibility regarding the use of its funds for individual assistance within the discretionary area of our program. The money approved by Parliament for this purpose will be divided as equitably as possible between the various regions and will be encumbered accordingly. No further funds will be available during the fiscal year. It will be the responsibility of each region to see that the funds provided are used to the best possible advantage for the greatest number of students and as their financial circumstances warrant. It will also be your responsibility to see that your encumbrance is not over-committed for expenditures which must be made within the fiscal year concerned.

For 1962-63 regional allotments will be expected to cover only aspects of the program over which discretionary control can reasonably be exercised. Regional funds will have to cover:

DIAND Regional File 901/25-8, Vol. 1

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- (a) Maintenance of pupils in boarding homes and institutions involving room, board, clothing and incidental personal expenses including daily transportation where there is no group transportation provided.
- (b) Transportation from home to training center and return.
- (c) Tuition fees and supplies for all courses except regular elementary and high school.

In order to make funds go as far as possible; to achieve reasonable uniformity from region to region; and to bring our operations more closely in line with Children's Aid and Welfare payments the following directions are set forth for your guidance:

- (a) Do not place students under 16 years of age in boarding-homes unless absolutely necessary. (Carefully control residential school enrolment to make room for those students who need boarding accommodation and who are under 16 years of age.)
- (b) Reduce board and room rates until they are comparable to provincial rates for students of a similar age who need foster home care.
- (c) Do not allow any set amount for clothing but consider each case on its own merits after applying a rigid means test. (Perhaps your regional staff should be advised that certain limits must not exceed, for example \$60.00 per year for high school students or \$100.00 per year for university students, etc.)
- (d) Do not allow any set amount as a personal allowance for students. Personal allowances are not a right of all but are to be considered as a privilege for only those who need and will be subject to as rigid a means test as is the clothing allowance. (Where personal allowances are absolutely necessary, reduce the amounts to such figures as \$5.00 to \$7.50 per month for elementary and junior high school students - \$7.50 to \$10.00 for senior high school students and students in technical courses - \$10.00 to \$12.50 per month for students in university, etc. Care should be taken to see that all allowances are used only for the purposes for which they were provided. In no case will personal allowance exceed \$15.00 per month.)

If group transportation is not available and bus or street-car fare is a necessity such costs will be shown as a charge against transportation on the Application Form and not included with Personal Allowances. Wherever possible, advantage should be taken of reduced rates for bus passes or through bulk purchase of tickets.

For every student for whom the Department must assume board and room, maintenance, or clothing costs and for every student taking courses outside the regular Elementary or High School program, an individual Educational Assistance Form must be completed when the student enrolls. These are the only students for whom records will be maintained at headquarters in future and these will be decentralized to the Regional Offices as soon as it is expedient to do so. The in-

BC Region, File 901/25-8, vol. 1

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structions contained in the Field Manual, Chapter 11, Section 11.08 remain in force regarding such students. Kindly follow these instructions closely except for subsection (c) regarding clothing allowances.

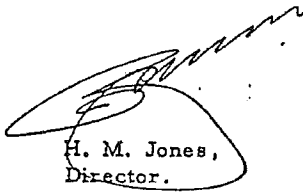
As of April 1, 1962, the Education Division will assume the cost of extra clothing necessary to suitably clothe Indian students in non-Indian schools when boarding away from home. The policy of the Department is that Indian students in non-Indian schools shall be clothed equally as well as, but not better than, the average student, in the school where he attends. Every effort should be made to induce parents or band councils to supply as large a portion of such clothing as possible. The Education Division should only be asked to supply whatever additional funds are absolutely necessary. The amount involved should be shown on the Educational Assistance form in the proper section.

Every pupil who resides at home and requires assistance for suitable clothing will be the responsibility of the Welfare Division and will be assisted in accordance with their established policy.

Each region will be responsible for detailed records concerning every student receiving Individual Educational Assistance and will report to Headquarters - Sept. 30, Dec. 31, Mar. 31, and June 30 as follows:

Number of Students enrolled in non-Indian Schools -

- (a) Total enrolment
- (b) No. in Elementary Schools
- (c) No. in High Schools
- (d) No. in Trade or Vocational Schools
- (e) No. in Teacher Training Schools
- (f) No. in Nursing Institutions
- (g) No. in University
- (h) Others - specify.


H. M. Jones,
Director.

BC Region, File 901/25-8, vol. 1

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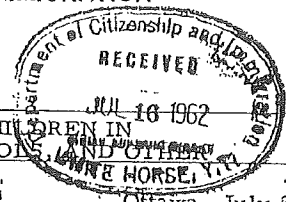
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DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

INDIAN AFFAIRS BRANCH

FILE No.
1/25-8
1/29-4



CIRCULAR No.
384

POLICY REPLACEMENT OF INDIAN CHILDREN IN PRIVATE HOMES, RESIDENTIAL SCHOOLS AND OTHER INSTITUTIONS.

Ottawa, July 3, 1962.

INDIAN COMMISSIONER FOR B. C.,
REGIONAL SUPERVISORS,
REGIONAL SCHOOL SUPERINTENDENTS.

It appears that some clarification and additional information is necessary in connection with Circular No. 345.

The whole matter of children being cared for apart from their homes at Departmental expense for Welfare or Educational purposes has caused some concern and has recently been reviewed rather carefully. As the number increases, the problems become more involved and inconsistencies in practice become more apparent. Hence, it is important for us to consider a more realistic approach to the total situation.

Some of the problems which have been identified are:

- (a) The difficulty of achieving uniformity of assistance for all Indian children for whom Indian Affairs Branch accepts financial responsibility for placement in private boarding homes.
- (b) The difficulty of achieving equality in financial assistance for students accommodated in: Indian Residential Schools; private boarding homes; or other boarding institutions.
- (c) The difficulty of achieving reasonable uniformity of rates paid for board, room and personal allowance by Indian Affairs Branch as compared with those paid by other governmental and private organizations offering Child Welfare Services.

In order to alleviate some of the more pressing problems; to make the best use of Educational and Welfare funds; and to use Government-owned Residential Schools and Hostels to the best advantage, the following directions are issued as a guide to you in your placement program for students who have to be accommodated away from home in order to receive suitable educational training.

- (a) Carefully review all Residential School enrolments to ensure that only bona fide students are allowed to benefit from such accommodation at public expense. (Bona fide students are those whose parents have residential status on reserves, or who reside on Crown land, and whose children must leave home because of home conditions or because the education which the children require is not otherwise available).

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(b) Generally speaking, Residential School facilities will be used for children under 16 years of age placed for educational reasons. If private home placements are necessary, due to lack of accommodation, wherever practical students over 16 years of age will be placed in private homes leaving room for the younger group in the Residential Schools. This principle should be applied judiciously to avoid disruption of present programmes and disturbing arrangements to which students have adjusted well.

(c) Review the circumstances of all children under 16 now in private boarding homes and, wherever it seems wise, make provision for them in Residential Schools commencing this September.
(It may even be possible to return some of them to their homes).

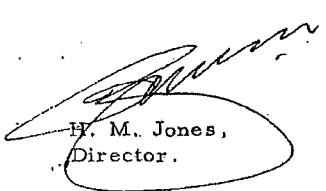
(d) If placement of a child under 16 years of age in a private home is necessary for welfare reasons the arrangements should be made by the appropriate welfare authority.

(e) Placement of students 16 years and over will be made at rates as close to the boarding schedule of local Child Welfare Agencies as possible. Rates for personal allowance will also be kept in line with the rates approved by such authorities.

It is expected that the implementation of the recommendations in this circular will require time. Where children under 16 years are now in boarding homes, and it appears in the best interests of the children to leave them there, this will be done. In addition, some students under 16 years of age may have to be placed in boarding homes in order to receive a High School education which is not otherwise available. In such cases placement should be made at comparable rates to those approved for C.A.S. or other welfare agency in the community. Well organized high school programmes should not be disturbed.

The long-term objective is to make available through arrangements with the provinces and welfare agencies the same care and protection for dependent, delinquent or neglected Indian children, as is provided for non-Indian children under similar circumstances. In those areas where such services are now available children who appear to be in need of protection should be referred to the appropriate child caring agency. The decision on the necessity of their placement away from home and the resources used for such placements which may be residential schools or private homes should be made by the child caring agency concerned.

It is also pointed out that residential schools have neither the staff nor the training facilities for special treatment required for emotionally disturbed or mentally retarded children or for those who have a well-established pattern of delinquent behaviour. The plans which may be developed for the care of such children will depend upon the treatment resources available in the area in which they reside and the advice of the Regional Welfare Supervisor will be sought on such problems.


H. M. Jones,
Director.

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DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

FILE No.

1/25-8

EDUCATIONAL ASSISTANCE PROGRAMME

CIRCULAR NO.

529

INDIAN COMMISSIONER FOR B. C.,
REGIONAL SUPERVISORS, Ottawa, July 7/64.
SUPERINTENDENTS OF INDIAN AGENCIES,
SUPERINTENDENTS OF INDIAN SCHOOLS,
EDUCATIONAL SPECIALISTS.

The following categories of educational assistance are available to Indian students:

1. Tuition fees and supplies on behalf of Indian pupils attending Elementary and High Schools from their homes.
2. For students who have to board away from home, the Department gives financial assistance to cover costs of board and lodging, in addition to the payment of tuition fees, supplies, etc.
3. Special scholarship awards to outstanding students.

It is proposed to introduce the following changes in the present practice. With regard to category 2 above, the financial assistance to cover costs of board, lodging and incidental expenses will henceforth be known as bursaries. As in the past, it is understood that parents, where they are able to do so, are expected to contribute toward the costs of their children's education. With regard to category 3, in future, scholarships will be cash awards over and above the bursary and ordinary tuition fees.

The following scholarships are available for the 1964-65 academic year:

- (1) A University Scholarship to be awarded to the best student in each Region, who is accepted by an accredited university for higher education, or to the most outstanding student already in attendance at a university. In the latter case, the students will be recommended for maintaining a high level of achievement during the previous year, as well as for conducting himself or herself in an exemplary manner on and around the campus (\$300.00).
- (2) A Teacher Training Scholarship to the most outstanding student of the Region, who is accepted by an accredited teacher training institution (\$300.00).
- (3) Four Special Scholarships for students taking training at the university level in Social Service or Forestry courses. Two awards available for each category (\$300.00 each).
- (4) A Nursing Scholarship to be awarded to the most outstanding student in the Region who is accepted by an accredited hospital for registered nurses' training (\$250.00).
- (5) A Vocational Training Scholarship for each Region to be awarded to a student in Grade 10 or above, from a technical or high school and who is considered to be the most outstanding in vocational courses (\$250.00).

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- (6) Six Scholarships for Indians of outstanding ability in such cultural pursuits as: Art, Music, Drama, Carving, etc., open to all Indians in Canada (\$100 - \$300). For an Art Scholarship, please submit to the Scholarship Board three or four samples of the candidate's work as well as a statement from a recognized authority or teacher of Art to the effect that the student has outstanding artistic ability.

For a Music Scholarship, please submit a statement, from a qualified teacher or adjudicator, regarding the candidate's ability and possible future in Music. For other cultural Scholarships, please make a special request submitting full details to the Scholarship Board.

The name or names of likely persons who could qualify for any scholarship awards should be submitted to the Agency or School Superintendent by the end of June along with a statement of scholarship, character and personality concerning each applicant. In the statement of scholarship, marks by subject and standing in class should be given. These applications will be forwarded to the Regional Office for approval and for submission to Headquarters by September 15th.

Agency Superintendents should bear in mind that the scholarships apply to Indian students in both Indian and non-Indian schools and should submit names of worthy candidates from both groups.

If a satisfactory candidate cannot be found in any Region for a particular scholarship, the remaining award may be transferred to another category and be offered at the discretion of the Board to a worthy student of that area. Each Regional Office should make inquiries to ascertain what further scholarships may be available to Indian students within the Region. Students should be informed concerning these also.


R. F. Battle,
Director.

PGC-7

EDUCATIONAL ASSISTANCE POLICY
WITH
GUIDELINES FOR OPERATING
THE BOARDING HOME PROGRAM FOR INDIAN STUDENTS

Education Branch
Department of Indian Affairs and Northern Development
Ottawa, Canada
April, 1970
Revised: October, 1970
July, 1971

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P R E F A C E

The following policy paper and guidelines on Educational Assistance and the Boarding Home Program is the end product of Regional and District workshops and exchanges of correspondence between Headquarters and field officers. The process of developing the paper originated with the study of boarding homes conducted for the Department by Miss B. Snider in 1968, and has been continued under the direction of the Guidance Services Division of the Education Branch. The guidelines both represent and reflect the ideas of the many counsellors in each Region who have the important and highly sensitive job of boarding home placement. Special acknowledgement is accorded to Mr. J.B. Freeman, Assistant Regional Superintendent of Vocational Education in Regina, who organized the Regional workshops and established the objectives of the policy paper and its particular areas of emphasis; also to Mrs. E.A. Ellis, Head, Special Services Section, Guidance Services Division, who succeeded Mr. Freeman on the project and who has been responsible for co-ordinating comments from field staff and for preparing the final paper.

The expected increase in the number of Indian students requiring accommodation in private boarding homes will, undoubtedly, mean periodic policy and procedural revisions. There may also be required supplementary publications to assist students, parents and boarding home parents. Suggestions and comments on these and other matters concerning Educational Assistance and the Boarding Home Program will continue to be welcomed.



G.D. Cromb,
Director,
Education Branch.

Policy revised October 1970: Extension of certain categories of assistance to off-reserve students.

July 1971: Extension of transportation assistance. Clarification of clothing and education allowances.

(1)

I. EDUCATIONAL ASSISTANCE(A) Introduction

Educational Assistance provides funds to enable Indian students to continue their education. Historically, the time came when the increase in both the numbers and the educational advancement of the students meant that the reserve schools were unable to meet the total school requirements for Indian students. Thus, in November 1958, authority was granted for the provision of educational services and facilities to Indian children by the government of a province, the council of the Northwest Territories, the council of the Yukon Territory, a public or separate school board or a religious or charitable organization. At this time authority was also granted to pay on behalf of Indians in training:

- the cost of tuition, books and supplies;
- the cost of transportation for the student from his place of residence to the school and return;
- the cost of partial or total board and room while attending an institution of learning;
- the cost of providing the student with a monthly personal allowance to cover carfare, laundry, and other incidental expenditures in connection with his educational training. Subsequently, the cost of providing necessary clothing was also added to this list.

The authorizations for the granting of Educational Assistance may be found in the following Treasury Board minutes:

536849 of November, 1958

601776 of March, 1963

618950 of January, 1964

645116 of August, 1965

656945 of May, 1966

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From time to time, directives and circulars pertaining to Educational Assistance and the administration of Educational Assistance funds have been issued. The directive which follows draws together all elements of the Educational Assistance Policy as it relates to elementary, secondary and post-secondary school students and supersedes all previous circulars pertaining to Educational Assistance for students of Indian status and any statements in Section 11.08 of the Field Manual which are not in agreement with the policy outlined herein.

The paper also establishes standards for the selection of boarding homes to be used by students who must leave their own homes in order to continue their education. It provides guidelines for the selection of students and their placement in boarding homes. It defines the role of the counsellors in the selection and placement of students in boarding homes and it recommends procedures to be followed for the effective application of the Educational Assistance policy and the Boarding Home Program.

Incorporated in the paper are many of the proposals and recommendations which were presented and discussed at Regional workshops held during the spring and summer of 1969. The workshops were held to consider the findings of the 1968 Snider report on Boarding Homes for Indian students. Also included in this paper are the revisions necessitated by the extension of certain categories of Educational Assistance to off-reserve students in October, 1970, and the extension of transportation assistance in July, 1971.

(B) Definitions

1. Educational Assistance

Educational Assistance provides funds to enable students of Indian status to attend educational institutions.

2. Indian Status

A person who is registered as an Indian or entitled to be registered as an Indian. Where doubt exists re eligibility for registration, write to "The Registrar, Membership Division, Community Affairs Branch, Department of Indian Affairs and Northern Development, Ottawa, Ontario".

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3. Educational Institutions

Elementary, secondary or post-secondary schools, including junior colleges, universities, technical and vocational schools or facilities providing for upgrading, training-on-the-job, occupational training or special courses.

4. Educational Assistance: Off-Reserve Families

(a) In-School Programs

When a family has established permanent residence off the reserve, the municipal and provincial school services of the community will be available to the children and additional educational assistance from this Department may not be required. Where there is need, however, and on application from the parents or guardian, educational assistance may be provided for books and school supplies and for an education allowance.

The bases upon which such assistance may be granted are:

1. The need for assistance is established and is not available from any other source.
2. There is no duplication of the services provided by other agencies.

(b) Post-School Program

If financial assistance is requested to pursue educational programs at the post-secondary, vocational or university level, Educational Assistance granted to Indians living on a reserve may be extended to off-reserve Indian students, provided they are able to establish financial need and provided they are normally considered a resident of Canada at the time of application. As a general rule, Educational Assistance may be granted to the point where the student has obtained his first undergraduate degree, or the necessary certification prerequisite to employment. Applications for Educational Assistance to attend institutions outside of Canada may be approved only if comparable courses are not available in Canada.

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5. Educational Assistance for Non-Indians Living on Reserves

Educational Assistance may be granted to non-Indians living on a reserve if assistance is not available from municipal or provincial sources and provided such non-Indians fit into any one of the following categories:

(i) Category A

Women of former Indian status who return to reserves because of the desertion or death of their husbands, or for other good reasons.

(ii) Category B

Non-Indian children of women described in (i), either living with their mothers or in the care of friends and relatives on a reserve.

(iii) Category C

Illegitimate non-Indian children of Indian mothers, either living with their mothers or in the care of friends or relatives on a reserve.

(iv) Category D

Non-Indian children whose mothers become Indian by marriage.

(v) Category E

Non-Indian children legally adopted by Indian families living on reserves or in Indian communities.

(vi) Category F

Other non-Indians living on reserves or in Indian communities for whom assistance, in the opinion of the Minister of Indian Affairs and Northern Development, is justified.

Headquarters approval must be secured before any assistance is granted to non-Indians other than those specifically designated in sub-sections (i) to (v) inclusive.

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II. EDUCATIONAL ASSISTANCE - IN-SCHOOL PROGRAMS

The bases upon which educational assistance may be granted are:

1. An Application for Educational Assistance (Form IA352) must be completed and signed by the parent or guardian, if the student is a minor, or by the student, if he/she is of age of consent as defined by the province in which the student resides.
2. The need for assistance is established and is not available from any other source.
3. There is no duplication of services provided by other agencies.

The students and/or their parents, in consultation with the Counsellor, should estimate the total costs of the educational program for the year and the amount that the family can contribute according to their financial capability. The amount of Educational Assistance required can then be determined, and provided to elementary and secondary school students in the following classifications:

Group A - Assistance to Students who attend school from home on the reserve.

1. Tuition Fees

Payment of tuition fees where applicable is arranged by the District Superintendent of Education.

2. Books and Supplies

This includes authorized texts, reference books, notebooks and supplies such as pens, pencils, paints, etc. Home Economics and shop fees, gym uniforms and supplies for approved school activities may also be included. Control of these funds will be exercised through normal regional accounting procedures. Only supplies prescribed by the school authorities will be provided and only when the supplies are not available from the school and when there is no duplication of provincial or local services.

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3. Education Allowance

An Educational Allowance in the amounts stated below may be provided to cover miscellaneous and personal supplies, and to enable the student to take part in community affairs and social activities. This allowance is intended for students whose parents are unable to provide them with an allowance, or only a partial allowance, and on whose behalf the parents have completed an Application for Educational Assistance form.

- (a) \$10.00 per month may be provided to students in Grades 9 to 13 or aged between 14 and 17 years, who are attending school full-time from their home on the reserve.
- (b) \$20.00 per month may be provided to students aged 18 years and over attending school full-time from their home on the reserve, and who are enrolled in grades up to and including Grade 13. As the Youth Allowance terminates at age 18, the increased amount for this age group is intended to replace the Youth Allowance.

4. Transportation

Daily bus transportation between home and school may be provided as necessary. Transportation to school-sponsored extra-curricular activities may also be provided. Whenever possible, parents, band councils, school committees and other parent's groups should be involved in the transportation arrangements for extra-curricular activities.

5. Special Clothing Assistance

Families on Welfare Assistance

Clothing is provided through welfare programs and requests for clothing for a special school-sponsored activity such as graduation should be directed to the local welfare officer.

Families not on Welfare Assistance

Many families living at or close to a marginal subsistence level do not request welfare assistance and yet cannot afford the clothing to enable their children to participate in special school-sponsored activities, such as graduation exercises. In situations

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such as this, special clothing assistance may be provided from education funds to enable the children to participate in the school-sponsored activity. When clothing is provided by education for special educational purposes the welfare officer should be advised in order to maintain consistency in the amount of assistance provided.

Group B - Assistance to Students who reside in boarding homes while attending school.

1. Tuition Fees

Payment of tuition fees where applicable is arranged by the Superintendent of Education.

2. Books and School Supplies

Books and school supplies may be provided as noted in Group A.2..

3. Education Allowance

\$10.00 per month may be provided to students residing in boarding homes to cover miscellaneous and personal supplies, and to enable the student to take part in community affairs and social activities. This allowance is intended for students whose parents are unable to provide them with an allowance, or only a partial allowance, and on whose behalf the parents have completed an Application for Educational Assistance form.

4. Transportation

Return transportation by the most direct and economical route between the student's home and the school centre may be provided at the beginning and end of the school year and at the Christmas holiday break to enable the students to spend Christmas with their families. Daily bus fares between the boarding home and the school, and transportation to school-sponsored extra-curricular activities may also be provided as necessary. Whenever possible, parents, school committees, band councils or parent's groups should be involved in the transportation arrangements for extra-curricular activities.

5. Clothing

A clothing allowance may be provided as necessary to ensure that the student is suitably dressed for all seasons of the year, and for special school occasions such as

graduation exercises. However, parents should be encouraged to provide the necessary clothing if at all possible. The District Superintendent of Education will determine the maximum amount available for clothing allowances in accordance with the budgetary restrictions of the responsibility centre. It will be the responsibility of the District Superintendents to ensure that this item is included in their annual budget and estimated in accordance with the projected enrolments.

The clothing allowance will be entered on the Application for Educational Assistance Form. As it is sometimes impossible for the student or his parents to purchase the clothing in their home area prior to school opening, the Counsellor may provide whatever assistance is required to ensure that the student is suitably dressed before commencing school.

6. Board and Room

Board and room in an approved boarding home may be provided for students who must live away from home in order to attend school. Payment for board and room is usually arranged by the Counsellor. The rates paid for board and room may vary between Regions, but they should be comparable to the rates paid by other students living in boarding homes in the same area. Guidelines for the selection of students and of boarding homes are outlined in Parts III and IV of this paper.

Senior students may receive a cash allowance to pay for board and room, clothing and incidentals. This latter method is referred to as the Honour System. Placement of a student on the Honour System should be contingent on regular school attendance and on prompt payment of board and room accounts. If a student on the Honour System of allowances defaults in the payment of board and room, the Department will ensure that his outstanding board and room account is paid in full. The defaulting student should be removed from the Honour System, but, as this is a learning experience, he should be reinstated as soon as there is evidence of his ability to once again handle the responsibility.

Group C - Assistance to Students who reside in a student residence while attending school.

1. Tuition Fees

Payment of tuition fees is arranged by the District Superintendent of Education.

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2. Books and School Supplies

Books and school supplies may be provided as noted in Group A.2.

3. Education Allowance

\$10.00 per month may be provided to students in Grades 9 to 13 or aged 14 years and over, to cover miscellaneous and personal supplies, and to enable the student to take part in community affairs and social activities. This allowance is intended for students whose parents are unable to provide them with an allowance, or only a partial allowance, and on whose behalf the parents have completed an Application for Educational Assistance form. The payment of this allowance should be reviewed for each residence to prevent possible conflict with student work programs which could be adversely affected by the distribution of an unearned allowance.

4. Transportation

Return transportation by the most direct and economical route between the student's home and the residence may be provided at the beginning and end of the school year and at the Christmas holiday break, to enable the students to spend Christmas with their families. Daily bus fares and transportation to school-sponsored extra-curricular activities may also be provided as necessary.

5. Clothing

Clothing will be provided by the residence. Whenever possible, older students will be provided clothing allowance similar to that which applies for students in boarding homes.

6. Board and Room

Board and room will be provided by the residence.

Group D - Assistance to Off-Reserve Students who attend school full-time from home.

1. Books and School Supplies

Books and school supplies may be provided as noted in Group A.2.

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2. Education Allowance

- (a) \$10.00 per month may be provided to off-reserve students in Grades 9 to 13 or aged between 14 and 17 years, who attend school full-time.
- (b) \$20.00 per month may be provided to off-reserve students aged 18 years and over who attend school full-time and who are enrolled in grades up to and including Grade 13. As the Youth Allowance terminates at age 18, the increased amount for this age group is intended to replace the Youth Allowance.

III. GUIDELINES FOR THE SELECTION OF
STUDENTS FOR BOARDING HOME PLACEMENT

Preferably, the Indian parent or guardian who wishes his child to be placed in the Boarding Home Program should initiate the request for Educational Assistance and sign the application form as required. However, when this procedure is not possible due to special circumstances, the student (if adult), teachers or counsellors may initiate the request for Boarding Home Placement. The Counsellor should then arrange for an interview with the parent or guardian and/or student, in order to assess the reasons given for the request. Requests will be granted according to need, on the basis of the following priorities:

1. The student's home is isolated and removed from access to regular school services, making daily school attendance from the parental home impossible.
2. The student is not able to commute to school from his home due to physical impairment, but the degree of disability suffered is slight enough to allow him to participate in a regular school program. The decision in this case should be based on medical advice.
3. The school program recommended for the student by educational authorities is not available in the area where the student resides.
4. The student requires a changed environment in order to satisfy his educational needs and goals, because there are serious problems for the student in the home, the school, or the community, which have demonstrated adverse effects on the student's educational progress. This does not include those students who require care by the Children's Aid Society or other child welfare agencies.
5. The student's parents or guardian are migratory for at least 12 consecutive weeks during the school year, in order to take up employment.

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IV. GUIDELINES FOR SELECTION OF BOARDING HOMES

Ideally, the parents or guardians of the student and the students themselves should be responsible for the selection of the boarding home. They should meet the boarding home parents, approve the accommodation and provide the boarding home parents with any information, such as food allergies, etc., that may assist both the boarding home parents and the child in adjusting to the new situation. When this procedure can be followed, the Counsellor's role is simply one of ensuring that things are going smoothly, which may be done by follow-up visits or telephone calls after the placement of the student in the boarding home.

Unfortunately, it is not always possible for the parents or guardians of the student to visit the school centre, particularly when their homes are in the more remote areas. The Counsellor then has to assume the responsibility for the selection of the boarding homes and the successful placement of the students in the boarding homes. In these cases, the Counsellor must ensure that the parents or guardians know where and with whom their child is staying throughout the school year.

Applications from prospective boarding home parents may be received as a result of newspaper or radio advertising, announcements made at educational, social or religious meetings, or by personal contact. It is essential for the Counsellor to visit the prospective boarding home and interview the boarding home parents in order to assess the suitability of the family and its facilities for the Boarding Home Program. In this connection, the Counsellor will ensure that any provincial or municipal standards regarding the physical requirements of boarding homes are met. Just as important, however, is an assessment of the home environment, to ensure that the relationships within the family are suitable for student placement.

Although some local modifications may be necessary, the general requirements for the acceptance of a boarding home are as follows:

1. There should be indications that the boarding home family is normal, healthy and well-adjusted, has a sincere interest in teenage children and their education and has an understanding of ethnic, cultural and religious differences.

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2. There should be indications that the family, and particularly the mother, is able to cope with the responsibilities of an additional young person in the home.
3. There should be indications that the boarding home parents are able to maintain their objectivity when disciplinary problems arise. Corporal punishment must not be used.
4. The Counsellor must ensure that the student will be free to attend the church of his own faith.
5. The Counsellor must ensure that the boarding home parents will encourage the student to maintain contact with his own parents and facilitate visits with them when possible.
6. There should be a quiet place where the student may study.
7. The meals must be well-balanced and nutritious, providing sufficient amounts of the food nutrients and calories required for the maintenance of good health.
8. Sleeping arrangements must be adequate and should adhere to provincial or municipal standards. These are obtainable from provincial Departments of Health and should be available for reference as needed.
9. There must be adequate heating, lighting and ventilation in the home.
10. Arrangements for sewage and waste disposal must meet local health requirements.
11. The drinking water must be tested and certified pure by the local Health authorities in areas where no tested water system is connected.
12. The boarding home parents and everyone over the age of 16 residing in the home, including the student, must have had chest X-rays prior to the initial placement of the student and every three years thereafter. Complete medical examinations may also be required by provincial or municipal regulations.

The Department's Legal Adviser has recommended that, after the counsellor has approved the boarding home and assigned a student or students to the home, he should obtain a written acknowledgement from the boarding home parent of his (her) agreement with the Department as follows:

"I agree to provide boarding home care to

_____ (name of student)

from _____ to _____
(date of placement) (date of termination)

at the rate of \$ _____ per (week) (month).

I understand that if this student leaves my home permanently to live elsewhere during the period specified, these payments will cease.

Signature of
Boarding Home Parent

Date _____

Signature of Witness

Date _____

Name and Address of Witness
(Please type or print)

_____ "

In order to prevent frequency of boarding home change, the Counsellor must ensure that students are placed in boarding homes that will satisfy their individual needs. He must maintain close contact with the students and the boarding home parents during the initial adjustment period.

It shall be the duty of the Counsellor to arrange alternate accommodation for the student if it is found that the boarding home is not compatible with the student and his needs.

V. THE ROLE OF THE COUNSELLOR
IN THE BOARDING HOME PROGRAM

The implementation of the Boarding Home Program is a major responsibility of many of the Counsellors. The other components of the Counsellor's duties include the provision of educational social-personal guidance, employment placement services and administrative duties related to counselling.

The Boarding Home Program requires the provision of guidance and social and personal counselling to the students on an individual or group basis. This may include counselling on adjustment problems, both prior to and during the placement of the student in the boarding home. Supportive counselling to boarding home parents and to house parents in group homes may also be required. Effective counselling service ensures appropriate placement, helps to prevent frequent boarding home changes and may also be a factor in the prevention of premature withdrawal from school.

Departmental Counsellors are not school-based, and are therefore not expected to provide educational guidance per se in provincial schools. The school guidance counsellor normally provides this service. When Indian students are enrolled in provincial schools, they should receive the same services from the school as the other students. Accordingly, when educational guidance is provided in the school, the Departmental Counsellor confines his role to helping the student adjust to his new social environment outside the school. At the same time, if a student has serious school difficulties, the Departmental Counsellor should maintain close liaison with the school and assist the school authorities as required.

The work involved in the successful operation of the Boarding Home Program will normally be handled by two Counsellors:

1. A Sending Counsellor who works with the student, his parents and the Indian community on the reserve to provide pre-placement counselling services and orientation to the Boarding Home Program.
2. A Receiving Counsellor who works with the student and his boarding home parents and provides orientation to the boarding home parents prior to the placement of the student and continuing guidance and counselling services to the student during the school year.

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The duties of the Sending and Receiving Counsellors as they relate to the Boarding Home Program are outlined in the accompanying flow-chart. It is recognized that there may be areas where this work is performed by people other than Counsellors, i.e., principals, teachers, school committees, community members and local church authorities. In addition, the services of Indian people should be used wherever possible and particularly in the provision of counselling and liaison services to the student and their parents.

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DATE	SENDING COUNSELLOR	RECEIVING COUNSELLOR
Prior to April 15	<ol style="list-style-type: none"> 1. Provides information to the students, their parents and the Indian community on the reserve regarding provincial school offerings, school activities, the Boarding Home Program and the education centre. 2. Through consultation with the principal, prepares a tentative list of students who will be entering the Boarding Home Program. 3. Provides specific information to these students and their parents re the Program and its requirements. 	<ol style="list-style-type: none"> 1. Identifies prospective Boarding Homes through newspaper or radio advertising, announcements made at educational, social or religious meetings or by personal contact. 2. Assesses suitability of boarding homes and other members of the family. This includes the assessment of physical facilities in the home.

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DATE	SENDING COUNSELLOR	RECEIVING COUNSELLOR
Prior to August 15	<ol style="list-style-type: none"> 1. Assists parents and students as necessary to complete Application for Educational Assistance forms. When someone other than the parent has initiated the request for Educational Assistance, the Counsellor must ensure that the parents, as well as the students, understand the program. 2. Assists as necessary in arranging for physical, medical and dental check-ups and transfers this information to the student's file, along with medical insurance, hospital insurance and family allowance numbers of the student. 	<ol style="list-style-type: none"> 1. Conducts orientation with approved boarding home parents to acquaint them with the program, and their responsibility and obligations to it.

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DATE	SENDING COUNSELLOR	RECEIVING COUNSELLOR
May 15 to June 15	<ol style="list-style-type: none"> 1. Finalizes lists of students entering the Boarding Home Program and completes the necessary documentation for distribution when required: <ol style="list-style-type: none"> a) Application for Educational Assistance forms b) Medical records: includes student's immunization record, OHSIP number or other type of medical coverage c) Travel warrants d) Clothing purchase orders if necessary 2. Ensure student's school cumulative records are forwarded by the sending school principal to the receiving school principal. 3. Arranges for students to visit the provincial school if possible. 	<ol style="list-style-type: none"> 1. Visits reservations whenever possible to tell the students and their parents about the school programs and the boarding home facilities available, and other facts about the education centre, for example, Community Resources such as: <ul style="list-style-type: none"> - Friendship Centres - Indian and Metis Branches - Medical and Dental Services - Churches - Student Organizations, etc.

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DATE	SENDING COUNSELLOR	RECEIVING COUNSELLOR
May 15 to June 15 (continued)	4. Obtains authorization for expenditure of funds for all students going on the Boarding Home Program from the appropriate District officer (District Superintendent of Education or his Assistant).	
June 15 to June 30	<p>1. Forwards completed Application for Educational assistance forms, with authorization for expenditure of funds to Receiving Counsellor.</p> <p>2. Forwards copies of student and parent interviews to Receiving Counsellor if necessary or desirable.</p>	1. Receives Application for Educational Assistance forms from Sending Counsellor and does a preliminary placement of students in Boarding Homes.

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DATE	SENDING COUNSELLOR	RECEIVING COUNSELLOR
August 15 to September 1	<ol style="list-style-type: none"> 1. Assists with the purchase of clothing, if necessary. 2. Arranges dates and means of travel of the student to the school centre and notifies Receiving Counsellor of arrival times of students. 3. Conducts pre-placement orientation sessions with students. If possible, this could be done in May or June, or as the local situation dictates. 	<ol style="list-style-type: none"> 1. Finalizes Boarding Home placement and obtains acknowledgement of placement from the boarding home parents. 2. Arranges to have students met on their arrival in education centre and taken to their boarding homes. 3. Conducts an orientation get-together of students and boarding home parents. 4. Notifies Sending Counsellor of name, address and phone number of boarding home parents, the school and the Counsellor, for each student.

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DATE	SENDING COUNSELLOR	RECEIVING COUNSELLOR
September 1 to September 15	1. Ensures that student's parents or guardians are aware of the student's location in the education centre, the names and phone number of the boarding home parents, the name of the school and the name and phone number of the Receiving Counsellor.*	1. Liaises with boarding home parents and students to ensure that student is properly registered in his new school and that the principal has the cumulative records of each student. 2. Ensures that financial arrangements are completed re: - Daily bus fares (if required) - Tuition - Books and supplies - Clothing - Board and room - Education Allowance

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DATE	SENDING COUNSELLOR	RECEIVING COUNSELLOR
Continuing Services	<ol style="list-style-type: none"> 1. Ensures that the student's parents receive copies of any progress reports or school report cards.* 2. Notifies parent of any change in the counselling staff, the school program or the boarding home and the reasons for change.* 3. If student drops out of the program, the Counsellor notifies the parents, explains the reason and makes sure the parents know when the student will be returning home.* 4. Arranges with the Receiving Counsellor for students to return home at Christmas and for Easter. At the present time Departmental funds are not available for this type of travel. 5. Meets students on their arrival home at the end of the school year if parents or guardians are unable to do so. 	<ol style="list-style-type: none"> 1. Ensures that a list of boarding home students is available for reference of local health authorities, and copies of the medical records for each student are on file and available if required in an emergency. 2. Assists in arranging for physical, dental and eye examinations if these were not completed in sending centre. 3. Makes sure students, boarding home parents and medical authorities are all aware of procedures to be followed in case of illness or accident. 4. Visits the school and the boarding home on a regular basis to ensure student is adjusting well to new environment, and arranges for student referrals in case of serious problems. 5. Arranges for special tutoring or extra assistance with homework if student is consistently under-achieving.

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DATE	SENDING COUNSELLOR	RECEIVING COUNSELLOR
Continuing Services (continued)	<p>* <u>NOTE:</u> In many cases these duties may be carried out by the Receiving Counsellor. The important point is that the parents or guardians <u>must</u> be kept informed of their child's location and progress.</p>	<p>6. If student is continuing on Educational Assistance the following year, the Counsellor obtains a new authorization for expenditure of funds from the appropriate sending District officer.</p> <p>7. Completes '<i>Student on Educational Assistance Progress Report</i>' and distributes it as necessary.</p> <p>8. Arranges for students to travel home at the end of the school year.</p>

VI. PROGRAM PROCEDURES

If it is to be successful, the Boarding Home Program must be carefully planned and administered. While it is recognized that the primary duty of a Counsellor is to counsel, there are records and documents that must be maintained and completed to ensure that the students are able to receive the maximum benefit available from the Program, with a minimum of disruption to themselves, their families and the Boarding Home parents.

The following summary of the recommended documentation and action will serve as a guideline for the effective management of the Program.

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DOCUMENTATION AND ACTION RECOMMENDED FOR THE OPERATION OF THE BOARDING HOME PROGRAM

Form	No. of Copies	Prepared By	Signatures Required	Disposition	Date
1. LA352: (Revised Form) Application for Educational Assistance	6	Sending Counsellor if it is the initial application; Receiving Counsellor if it is an application to continue schooling	1. Parents, if student is a minor. 2. Student, if of age of consent.* 3: D.S.E. or delegated Officer of student's home Dist. for authorization of funds. * Refer to provincial regulations for age of consent	1 c. to student's file 1 c. to parent or guardian 1 c. to Sending Dist. 1 c. to Receiving Dist. 1 c. to H.Q. 1 c. to Regional Finance (if req'd) Note: Receiving Dist. provides a copy to appropriate Medical Services Officer as required.	June 15 (Must be completed before student is sent to education centre.)
2. LA648: Student on Educational Assistance Progress Report	4	Receiving Counsellor	Counsellor	1 c. to student's file 1 c. to Sending Dist. 1 c. to Region 1 c. to H.Q.	On termination of each period of Educational Assistance
3. School Cumulative Record	1	Sending School Principal	Principal	Sent to Receiving School Principal (Sending Counsellor ensures this is done)	June 15 or as soon as the Sending School is notified of the student's school placement for the following school year
4. 10-127: Travel Warrant	3	Sending Counsellor and/or Receiving Counsellor	Delegated Officer of Sending District for authorization of funds	1 c. for student's file 1 c. for transportation company 1 c. for Sending Dist.	At beginning and end of school year or as required.
5. LA118: Purchase Order (clothing) Note: Where possible it is preferable to issue a cheque to the student concerned.	3	Sending Counsellor or Receiving Counsellor	Delegated Officer of Sending District for authorization of funds	Purchase Order: 1 c. to student's file 1 c. to vendor 1 c. to Sending Dist.	As required (but student must be suitably dressed before commencing school)
6. Student's Medical History, including Hospital and Medical Insurance No.s and Family Allowance No.	2	Medical authority(s) for medical history. Sending Counsellor for others	Sending Counsellor ensures records are up-to-date and are forwarded to the Receiving Counsellor	1 c. to student's file 1 c. to Receiving Counsellor Note: Medical and Hospital Insurance No.s should be given to student's boarding home parents.	September 15
7. Student's Accounts A. Travel B. Clothing C. Books and school supplies D. Room and Board E. Education allowance F. Tuition Fees	3	Sending Counsellor and Receiving Counsellor	Financial clerk of responsibility centre	1 c. to student's file 1 c. to Sending office 1 c. to Receiving Counsellor	As expended
8. Interview Records with: A. Student B. Natural Parents C. Boarding Home Parents	3	Counsellor(s)		1 c. to student's file 1 c. to Boarding Home Family file 1 c. for Sending and/or Receiving Counsellor	After each interview, if necessary or required
9. List of Approved Boarding Homes (see checklist for selection of Boarding Homes in Section 6)	2	Receiving Counsellor		1 c. for Receiving Counsellor 1 c. for Sending Counsellor, if required	Continuing

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VII. EDUCATIONAL ASSISTANCE - POST-SCHOOL PROGRAMSA. Major Differences Between
In-School and Post-School Assistance

There are several significant differences between the In-School and Post-School Programs in relation to Educational Assistance and the finding of suitable accommodation for Indian people who have to leave their home community in order to continue training. Some of the more obvious differences are summarized below:

Educational Assistance

1. Assistance is not approved until all applicable existing programs which provide for financial assistance to trainees and dependents have been explored and it is confirmed that the necessary assistance is not available from these sources. The Department of Manpower and Immigration provides assistance for occupational training under the Occupational Training for Adults (OTA) Program. The main criteria to be met in order to qualify are as follows:
 - (a) Occupational training under this program means any form of instruction other than instruction designed for university credit, the purpose of which is to provide a person with the skills required for an occupation or to increase his skill or proficiency therein.
 - (b) Occupational training course means a course of occupational training that provides not more than 52 weeks of full time instruction.
 - (c) An adult is defined as a person whose age is at least one year greater than the regular school leaving age in the province in which he resides.

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(d) The OTA Program provides assistance for tuition costs and payment of a training allowance to those adults who:

(i) have been members of the labour force substantially without interruption for not less than three years

OR

(ii) have one or more persons wholly or substantially dependent upon him for support.

(e) Persons who are defined as adults but do not meet the criteria in (d) may be assisted by having the tuition fee paid, but would not receive the training allowance.

(f) The current training allowance schedule is itemized in Section VII, C.

2. All students who are assisted through the post-school program using our own resources are on the honour system. Allowances in cash are paid directly to the student.
3. Rates of assistance provided through the post-school program are equivalent to those provided by the Department of Manpower under the OTA program (see Section C). The weekly training allowance includes board and room, local transportation and educational allowance.
4. Applications for assistance are assessed on the basis of the applicant being an adult in his own right. Parental resources are not considered relevant.
5. Resources of the spouse - particularly in the case of married women applying for assistance - are considered relevant and are taken into account in developing an assistance program for an individual.
6. Residence on or off the reserve is not a relevant factor in assessing applications for post-school assistance.

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7. To qualify for assistance, the applicant must be considered normally resident in Canada at the time of application.
8. The weekly training allowance may be reduced by a proportionate amount for days of non-legitimate absence.
9. In two Regions now, the tuition fee is paid directly to the student who then makes the payment to the school himself.
10. Clothing assistance is provided on the basis of need at the beginning of training. Trainees are expected to meet subsequent needs from the training allowance or other personal resources similar to non-Indian trainees in OTA programs.
11. Books and school supplies are provided on the basis of need.
12. Return transportation, if required, is provided from the trainee's home to the training centre.
13. Unless required training is not available in Canada, assistance is granted for attendance at Canadian institutions only.
14. Unless good reason exists to the contrary, training must be undertaken at a centre closest to the trainee's home community.
15. With a few exceptions, principally in the carpentry trade, the Department does not operate its own vocational training facilities. Trainees are enrolled in provincial or private vocational training institutions available to all Canadians.
16. Because of increasing mobility, a significant number of trainees enrol in programs in Regions where they happen to be, rather than in their home Region. There has been no interregional transfer of funds to date. Regions in which the student is enrolled in training assumes financial responsibility for him in the same fashion as if he were a permanent resident

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of that Region. This is an administratively simple arrangement, though it may have to be changed if it is found some Regions have an unusually high concentration of out-of-Region students.

17. Also related to the high degree of mobility and the uncertainty of continuing employment, it is extremely difficult in post-school education to plan as far in advance as is indicated in the "*Sending Counsellor - Receiving Counsellor*" portion of the in-school section of the policy guidelines.
18. All Treasury Board Authorities dealing with post-school programs were consolidated into one T.B. Authority No. 683751 dated October 17, 1968. Expiry date of the new authority is March 31, 1972.

Accommodation

1. Since the students are all considered adults, there is not as much concern about the Department screening, selecting and supervising boarding homes. Students in many cases find their own accommodation, using the same resources as anyone else coming to live in a particular community. When required or requested, assistance is provided in finding suitable accommodation.
2. Increasing numbers of trainees in post-school education programs are married and have young families. Finding suitable accommodation and making all the necessary arrangements for these families is time consuming and difficult, especially in communities where a housing shortage exists.
3. Post-school education staff assist, and in many cases take the initiative, in involving families in the off-reserve housing program whereby Indian families can be assisted by a conditional grant to purchase a suitable home.
4. To the extent Regional capital funds permit, it is now possible for the Department to purchase mobile homes, and lease them to Indian families as a temporary solution to housing shortages in northern or isolated communities where employment opportunities exist and the only drawback to Indian people participating is lack of suitable accommodation.

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5. Apartment sharing and light housekeeping for several trainees of the same sex is permissible where they indicate a preference for this type of accommodation and are sufficiently mature and responsible.

B. Rules for Administering a Program of Financial Assistance with Respect to the Training, Mobility and Re-establishment of Indian and Eskimo Residents of Canada

1. These Rules may be cited as the Indian and Eskimo Training, Mobility and Re-establishment Financial Assistance Program Rules.

INTERPRETATION

2. In these Rules,
 - (a) "*about to become unemployed*" in relation to a worker, is descriptive of a worker who, though employed, has received notice from his employer that he will become unemployed on a date specified in the notice;
 - (b) "*Department*" means the Department of Indian Affairs and Northern Development;
 - (c) "*departmental officer*" means any officer designated by the Minister to administer these rules on his behalf;
 - (d) "*Indian*" means an Indian as defined in the Indian Act;
 - (e) "*locality*" means the area within which all points are, in the opinion of a departmental officer, within reasonable commuting distance from the place in relation to which the term is used;
 - (f) "*Minister*" means the Minister of Indian Affairs and Northern Development and any person authorized to act on his behalf;

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- (g) "*suitable employment*", in relation to a worker, means full-time employment in Canada, that, in the opinion of a departmental officer, is in
- (i) the usual occupation of the worker;
or
 - (ii) an equivalent occupation, taking into account the qualifications of the worker, for which the wages and working conditions are equivalent to those prevailing for similar employment in the place where the employment is found;
- (h) "*trainee*" means an Indian or Eskimo resident in Canada who is enrolled in a course designed:
- (i) to provide him with skills required for an occupation;
 - (ii) to increase his skills or proficiency therein; or
 - (iii) to provide him with the educational background which would permit him to develop his marketable aptitudes to the highest level or is consistent with his abilities;
- (i) "*under-employed*", in relation to a worker, means a worker who
- (i) has been available for full-time work, but has worked an average of less than 30 hours per week in the 13 weeks immediately preceding the week in which he applies for a grant; or,
 - (ii) although he may be employed full-time in the locality in which he resides, is not employed full-time in the most remunerative form of employment for which he is qualified either by working experience or formal training;

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- (j) "*unemployed*", in relation to a worker, means a worker who, in the opinion of a departmental officer, is without employment and seeking work; and
- (k) "*worker*" means an Indian or Eskimo resident in Canada who is at least one year past the school leaving age and has been out of school for at least one year.

EXPLORATORY GRANTS TO WORKERS

- 3. (1) Where a worker is unemployed, under-employed or about to become unemployed, and, in the opinion of the Minister, has little or no prospect of obtaining suitable employment in the locality in which he resides, the Minister may authorize a grant to or on behalf of that worker to assist him in seeking suitable employment in the area in Canada, closest to the locality in which he resides, where there is, in the opinion of a departmental officer, a good prospect that the worker will obtain and hold suitable employment.
- (2) A grant authorized under subsection (1) shall not exceed the aggregate of:
 - (a) the actual cost of return transportation of the worker by the most appropriate economical means from the locality in which he resides to the area in Canada referred to in subsection (1); and
 - (b) a reasonable allowance, determined by the Minister, for meals and overnight accommodation for the worker while in transit between the area in Canada referred to in subsection (1) and the locality in which he resides.

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4. (1) Where a worker, to whom or on whose behalf a grant has been authorized under section 3 or under this section, has been unable to obtain suitable employment in the area in Canada to which he was required to go as a condition of the grant, and, in the opinion of the Minister,
- (a) the worker has exercised reasonable diligence in seeking such employment, and
 - (b) there is another area in Canada where there is good prospect of the worker obtaining suitable employment,

the Minister may authorize a grant to or on behalf of the worker to assist him in seeking suitable employment in the area described in paragraph (b) that is closest to the area he is in at the time the grant is authorized.

- (2) A grant authorized under subsection (1) shall not exceed the aggregate of
- (a) the actual cost of transportation of the worker by the most appropriate economical means from the locality he is in at the time the grant is authorized to the locality to which he is required to go as a condition of the grant and from that locality to the locality in which he resides; and
 - (b) a reasonable allowance, determined by the Minister, for meals and overnight accommodation for the worker while in transit between the localities described in paragraph (a), less the unspent portion of any grant previously authorized in respect of the worker under this section or section 3.

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ALLOWANCES TO WORKERS AND THEIR DEPENDENTS

5. (1) A worker, to whom or on whose behalf a grant has been authorized under section 3 or section 4 is entitled to an allowance, and; if he has dependents, to an allowance for his dependents to assist him in their support while he is seeking employment away from the locality in which he resides.
- (2) The allowance referred to in subsection (1) shall be paid to or on behalf of the worker, commencing on the day on which a grant to the worker is authorized under section 3 or 4, and ending with the earliest of
- (a) the date on which the worker receives his first pay cheque after obtaining suitable employment;
 - (b) payment of the allowance to the worker for the week in which the worker returns to the locality in which he resides; or
 - (c) when a departmental officer is satisfied that there is no likelihood that the worker will obtain suitable employment in the locality where he is seeking it.
- (3) The allowance paid to or on behalf of a worker, pursuant to this section, shall not exceed the amount set out in the Adult Occupational Training Regulations that, in the opinion of the Minister, is appropriate to the worker or to the worker and the number of his dependents.
- (4) For the purposes of this section, a person is a dependent of a worker if the person is
- (a) a child, connected to the worker by blood relationship, marriage or adoption, who is under 16 years of age or over 16 years of age and is in full-time attendance at school or university and actually supported by that worker;

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- (b) the spouse of that worker, actually supported by him, whose income does not exceed twenty-five dollars a week; or
- (c) a person who is physically or mentally infirm or without employment, is seeking employment and is actually supported by that worker.

RELOCATION GRANTS TO WORKERS

- 6. (1) Where a worker is unemployed, about to become unemployed or is under-employed in the locality in which he resides, the Minister may authorize a grant to or on behalf of the worker in accordance with subsection (2) if
 - (a) the Minister is satisfied that the worker has little or no prospect of obtaining suitable employment in the locality in which he resides, and has obtained suitable employment outside such locality, and
 - (b) in the opinion of the Minister, based on labour market information available to him, the employment obtained by the worker offers good prospects for his continued employment.
- (2) A grant authorized pursuant to subsection (1) shall not exceed the aggregate of such of the following amounts as the Minister considers appropriate, namely:
 - (a) an amount equal to the aggregate of the actual cost of the transportation of the worker and his dependents by the most appropriate economical means from the locality in which they reside to the locality in Canada where the worker has obtained suitable employment, and a reasonable allowance determined by the Minister for meals and overnight accommodation for the worker and his dependents while in transit;

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- (b) an amount equal to the actual cost of moving the household and personal effects of the worker and his dependents, including a mobile house if it is owned by the worker, from the worker's residence to a residence in the locality of the place in Canada where he has obtained suitable employment; and
 - (c) subject to subsection (3), an amount to assist in the re-establishment of the worker and his dependents in the locality of the place in Canada where the worker has obtained suitable employment.
- (3) Where a grant authorized under this section includes an amount to assist in the re-establishment of a worker and his dependents, that amount shall not exceed the lesser of
- (a) one thousand dollars; or
 - (b) the aggregate of two hundred dollars in respect of the worker, two hundred dollars in respect of one dependent of the worker and one hundred dollars in respect of each additional dependent, and may be paid over a period, determined by the Minister on the basis of the worker's re-establishment needs, not exceeding six months from the day on which the grant to or on behalf of the worker is authorized.
- (4) A grant authorized under this section may be increased by five hundred dollars where the worker to whom the grant was made satisfies the Minister
- (a) that he was resident in Canada on the day on which he applied for the grant;
 - (b) that on the day he applied for the grant, he owned the house in which he resided; and

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- (c) that within the twelve months after moving to the locality of the place in which he obtained suitable employment, he sold the house referred to in paragraph (b) or purchased a house in the locality of the place in which he obtained suitable employment.
- (5) The amounts referred to in subsection (3) shall be adjusted as required to conform to any revisions in the Manpower Mobility Regulations, 1967, and may be paid over a period determined by the Minister on the basis of the worker's re-establishment needs, not exceeding six months from the day on which the grant is authorized.
- (6) Where the Minister is satisfied that a worker, to whom or on whose behalf a grant has been authorized under this section, is unable to adjust to employment and should be returned to his home locality from which he originally came to seek employment, the Minister may authorize a grant to or on behalf of that worker to assist in the transportation of that worker and his dependents and his and their household and personal effects in an amount equal to the aggregate of
- (a) the actual cost of transporting the worker and his dependents by the most appropriate economical means to the worker's home locality, plus a reasonable allowance determined by the Minister for meals and overnight accommodations for the worker and his dependents while in transit; and
- (b) the actual cost of moving to the worker's home locality the household and personal effects of the worker and his dependents, including a mobile home if it is owned by the worker. The cost of such moving shall not exceed the value of the household and personal effects of the worker and his dependents including a mobile home if it is owned by the worker.

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- (7) The amount authorized by subsection (3) to assist in the re-establishment of a worker and his dependents shall not be granted more than once to any worker.
- (8) In this section, "*dependent*", in relation to a worker, means any person who is wholly or substantially dependent upon the worker for support, who lives in the same house as the worker and will move with the worker if he receives a grant under this section.

GRANTS TO TRAINEES

- 7: (1) The Minister may authorize a grant to or on behalf of a trainee to assist him in attending a training course
 - (a) where his enrolment therein was arranged by or on behalf of a Departmental officer; or
 - (b) where a training-on-the-job contract or in-service training program is arranged by a departmental officer on the basis that
 - (i) the in-service trainee may be placed in a government or private non-profit agency for a period not exceeding 52 weeks when training in such situation is considered necessary for his future successful employment.
 - (ii) where on-the-job training takes place in a Department of the Government of Canada, the trainee be paid wages by the Department, at the appropriate apprentice or learner rates, for the occupation in which training is being

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taken, during the term of the training contract which shall not exceed 52 weeks and shall be terminable by the Department at any time if the training or the trainee shall, in the opinion of a departmental officer, prove to be unsatisfactory; and

- (iii) wages paid to a trainee by an employer other than the Government of Canada in respect of an on-the-job training contract be based on the prevailing rate for apprentices or learners in the occupation concerned and, during the contract period, be shared equally by the Department and the employer either on a fixed or sliding scale so that, in any event, the Department's contribution does not exceed 50 percent during the period of the contract, which shall not exceed 52 weeks and shall be terminable by notice in writing by either party if the training or trainee proves to be unsatisfactory.

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- (2) A grant authorized pursuant to subsection (1) shall not exceed the aggregate of such of the following amounts as the Minister considers appropriate, namely:
- (a) an amount equal to the aggregate of the cost of transportation of the trainee by the most appropriate economical means from the locality in which he resides to the locality where he is to undergo training, and his return where applicable, and a reasonable allowance determined by the Minister for meals and overnight accommodation for the trainee while in transit;
 - (b) an amount, as determined by the Minister, to cover training costs, including any fees, rental of equipment for training purposes and the cost of any necessary books and supplies;
 - (c) an amount equal to the cost of a recreational or counselling program appropriate to the needs of the trainee where such program is under the supervision of a departmental officer; and
 - (d) an allowance for clothing as determined by the Minister.
- (3) Where the training course is for a period of more than four months or the Minister is satisfied that the trainee will go directly to employment on completion of that course, the Minister may authorize a grant to the trainee to assist in the transportation of his dependents and the household and personal effects of the trainee and his dependents from his home to a residence in the locality of the place in Canada where he is to undergo training.

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- (4) A grant authorized under subsection (3) shall not exceed the aggregate of such of the following amounts as the Minister considers appropriate, namely:
- (a) an amount equal to the actual cost of transportation of the dependents of the trainee by the most appropriate, economical means, plus a reasonable allowance determined by the Minister for their meals and overnight accommodation while in transit; and
 - (b) an amount equal to the actual cost of moving the household and personal effects of the trainee and his dependents, including a mobile home if it is owned by the trainee, from the trainee's residence to a residence in the locality of the place in Canada where the trainee is to undergo training.
- (5) Where a trainee, to whom or on whose behalf a grant has been authorized under this section, has completed or discontinues the training course, which he is required to attend as a condition of receiving the grant, and, in the opinion of a departmental officer, the trainee should be returned to his home locality, the Minister may authorize a grant to or on behalf of the trainee to assist him and his dependents in returning to his home locality.
- (6) A grant authorized under subsection (5) shall not exceed the aggregate of such of the following amounts as the Minister considers appropriate,
- (a) the actual cost of the transportation of the trainee and his dependents by the most appropriate economical means to the trainee's home locality, plus a reasonable allowance determined by the Minister for meals and overnight accommodation for the trainee and his dependents while in transit;

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- (b) the actual cost of moving the household and personal effects of the trainee and his dependents to his home locality, including a mobile home if it is owned by him. The cost of such moving shall not exceed the value of the household and personal effects of the worker and his dependents, including a mobile home if it is owned by the worker.
- (7) In this section "*dependent*" means any person who is wholly or substantially dependent upon the trainee for support, who lives in the same house and will move to the place where he is to undergo training if he receives a grant under this section.

ALLOWANCES TO TRAINEES WHILE ON
TRAINING COURSES OTHER THAN
ON-THE-JOB TRAINING COURSES

8. (1) Where a trainee, to whom or on whose behalf a grant has been authorized pursuant to section 7, is on a training course other than on-the-job training courses, he is entitled to an allowance, and, if he has dependents, to an allowance for his dependents to assist him in their support while he is undergoing training.
- (2) An allowance, to which a trainee is entitled under subsection (1), shall be paid to or on behalf of the trainee commencing on the day on which a grant to the trainee is authorized under section 7 and ending with the earliest of the payment
- (a) for the week in which the trainee terminates his training; or
- (b) for the week in which the trainee receives his first pay cheque after obtaining suitable employment.

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- (3) No payment made to or on behalf of a trainee pursuant to this section will be greater than the amount, set out in the Adult Occupational Training Regulations, that, in the opinion of the Minister is appropriate to the trainee and the number of his dependents.
- (4) For the purposes of this section, a person is a dependent of a trainee if that person is
 - (a) a child connected to the trainee by blood relationship, marriage or adoption who is under 16 years of age or, if over 16 years of age, is in full-time attendance at a school or university and actually supported by the trainee;
 - (b) the spouse of that trainee actually supported him whose income does not exceed twenty-five dollars a week; or
 - (c) a person who is physically or mentally infirm, or without employment and seeking work, who is actually supported by that trainee.

SETTLEMENT GRANT FOR TRAINEES AND DEPENDENTS

9. (1) Where the dependents of a trainee have moved with him, the Minister may authorize a grant to the trainee to assist in the settlement of the trainee and his dependents in the locality of the place in Canada where the trainee has been referred for training.
- (2) The grant referred to in subsection (1) shall not exceed the lesser of
 - (a) one thousand dollars, or
 - (b) the aggregate of two hundred dollars in respect of the trainee, two hundred dollars in respect of one dependent of the trainee and one hundred dollars in respect of each additional dependent.

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- (3) A grant authorized under this section may be increased by five hundred dollars where the trainee satisfies the Minister that
- (a) he was resident in Canada on the day on which he applied for the grant;
 - (b) on the day he applied for the grant, he owned the house in which he resided; and
 - (c) within twelve months after moving to the locality of the place to which he was referred for training, he sold the house referred to in paragraph (b) or purchased a house in the locality of the place to which he was referred for training.
- (4) The amounts referred to in subsection (1) and subsection (2) shall be adjusted as required to conform to any revision in the Manpower Mobility Regulations, 1967, and may be paid over a period, determined by the Minister on the basis of the trainee's settlement needs, not exceeding six months from the day on which the grant is authorized.
- (5) The grant authorized by this section to assist in the settlement of a trainee and his dependents shall not be granted more than once to any trainee and his dependents.
- (6) In this section, "*dependent*" means any person who is wholly or substantially dependent upon the trainee for support, lives in the same house as the trainee and has moved with him.

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SPECIAL CONTINGENCY GRANT FOR
WORKERS OR TRAINEES AND DEPENDENTS

10. (1) Where the Minister is satisfied that, because of the social and economic status of Indians and Eskimos, it is necessary to provide financial assistance to a worker or trainee and dependents, in addition to any grants authorized pursuant to the preceding sections or any assistance provided by any other authority or agency,
- (a) to enable a worker or trainee and dependents to adjust to a new location away from his reserve or settlement where that worker or trainee has been required to go as a condition of receiving a grant; or
 - (b) to enable a worker or trainee to meet special expenses which must be incurred as a condition of employment or training, including, without restricting the generality of the foregoing, the cost of tools, camping and safety equipment and union initiation fees, and there is no other authority or agency from which such additional assistance can be obtained, the Minister may authorize a special contingency grant or grants not exceeding \$3,500 in the aggregate, to that worker or trainee and dependents.
- (2) In this section, "*dependent*" means any person who is wholly or substantially dependent on the worker or trainee for his support, lives in the same living quarters and has moved with him.

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GENERAL

11. These rules shall be administered on behalf of the Minister by departmental officers with the assistance, where required, of officers of the Canada Manpower Division of the Department of Manpower and Immigration.
12. No grant or allowance shall be made under these rules unless the Minister is satisfied that the Canada Manpower Division of the Department of Manpower and Immigration or any other authority or agency cannot provide the required financial assistance to that worker or trainee and dependents.
13. (1) Where a worker has received an amount under subsection (3) of section 6 to assist in his re-establishment and the re-establishment of his dependents, he is not entitled to any further amount for this purpose, nor, if he subsequently becomes a trainee, to any amount for settlement under section 9.

(2) Where a trainee has received an amount under section 9 to assist in his settlement and the settlement of his dependents, he is not entitled to any further amount for this purpose, nor, if he subsequently becomes a worker, to any amount under section 6 for re-establishment.
14. These rules expire March 31, 1972.

NOTE: Interpretation of these provisions as well as any amendments made to them are circulated from time to time to all Regions by means of Post School Circular Letters. Vocational Superintendents and Counsellors should therefore refer to the circular letters to up-date the information on post-school assistance.

Reference should also be made to the current Manpower Mobility Regulations before calculating the amount of assistance to be granted for relocation or re-establishment.

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C. Schedule of Weekly Training Allowances, Occupational Training for Adults Program

NOTE: The following schedule of allowances is reproduced from the Department of Manpower and Immigration's Manpower Manual, Schedule B, and lists the rates approved as of July 1, 1971. As these rates are revised periodically, Vocational Superintendents and Counsellors should ensure that they use current rates when calculating allowances.

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DEPARTMENT OF MANPOWER AND IMMIGRATION

MINISTÈRE DE LA MAIN-D'OEUVRE ET DE L'IMMIGRATION

MANPOWER
MANUALGUIDE
DE LA MAIN-D'OEUVREMA 4
APPENDIX B

SCHEDULE B

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Province of Residence	Allowance payable to an adult					Additional Allowance payable to an adult who must live away from home while taking training
	without dependants	who has only one dependant	who has only two dependants	who has only three dependants	who has four or more dependants	
	(dollars)	(dollars)	(dollars)	(dollars)	(dollars)	(dollars)
1. B.C.	47	62	72	82	88	25
2. Alberta	47	61	71	81	87	25
3. Saskatchewan	47	60	69	78	84	25
4. Manitoba	47	60	69	78	84	25
5. Ontario	47	62	72	82	88	25
6. Quebec						
Lower St. Lawrence & Gaspésie						
Region 1	47	57	65	72	77	25
Saguenay Lake St. John						
Region 2	47	60	70	79	87	25
Quebec Region 3	47	59	68	76	83	25
Trois-Rivières Region 4	47	59	68	76	83	25
Eastern Townships Region 5	47	59	68	76	83	25
Montreal Region 6	47	60	70	79	87	25
Ottawa Region 7	47	60	70	79	87	25
Northwestern Region 8	47	59	68	76	83	25
N. Shore Region 9	47	60	70	79	87	25
New Quebec Region 10	47	60	70	79	87	25
7. N.B.	47	56	62	70	76	25
8. N.S.	47	57	63	71	77	25
9. P.E.I.	47	55	61	69	75	25
10. Nfld.	47	57	63	71	77	25
11. Yukon	47	62	72	82	88	30
12. N.W.T.	47	62	72	82	88	30

Rates amended effective July 1, 1971.

PGC-8



Indian and
Northern Affairs

Affaires indiennes
et du Nord

Indian Affairs

Affaires indiennes

Indian Education Program

4339

Indian Education Program

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Cette publication existe aussi en version française

Indian Residential Schools
Resolution Registry
File 4745-1, Vol. 1
(Ctrl #72-A-4)

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FOREWORD

This publication is one of three covering the Community Affairs, Education and Economic Development activities and is designed to provide the reader with a reference to the various programs and activities provided for the Indian people of Canada, outside of the Northwest Territories, by the Department of Indian Affairs and Northern Development. These documents are intended primarily for the Department's staff and for Indian bands and organizations; for the former they can satisfy a briefing and training need for new staff or for other management needs; for the latter they can serve as a source of information on the services provided under the Indian Affairs Program.

Because of the ever changing needs of the Department to meet the demands of the Indian community, the information contained in this publication is not necessarily final nor current in its detail. To ensure that the reader has the ability to obtain the latest and most up-to-date information, the appropriate responsible officers are listed in the Appendix.

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INDIAN EDUCATION PROGRAM

INTRODUCTION

OBJECTIVE

To raise the level of education of Indians to standards that will enable them to take advantage of social and economic opportunities for advancement.

Activities Involved

In consultation with Indian peoples to provide or arrange for the provision of:

Assistance in the development, preservation and promotion of Indian culture;

Administrative services, research studies and professional development for the education program;

Federal educational services and facilities for students as required;

Services of provincial and/or other school systems for students;

Daily and seasonal transportation wherever necessary to enable students to attend school, and boarding accommodation in private homes for students who must attend school beyond daily commuting distance of their home communities;

Basic education, educational upgrading and social educational programs for adults which will equip them with the skills and knowledge they require in their changing environment;

Vocational and higher educational opportunities;

Opportunities for vocational training and employment; and

Residence accommodation for those students who must attend school in distant communities and who cannot be accommodated in private boarding homes.

PROGRAM DATA

Program Costs - F.Y. 1971/72 (\$000's)

Region	Maritime	Que.	Ont.	Man.	Sask.	Alta.	B.C.	Yukon	H.Q.	Total
<u>Cultural Development</u>										
Opn & Maint	--	5	10	--	--	--	--	--	983	498
Capital	--	--	--	--	--	--	--	--	--	--
<u>Administration</u>										
Opn & Maint	154	320	506	464	419	391	314	--	622	3,190
Capital	--	11	6	7	15	37	--	--	2	78
<u>Education In Federal Schools</u>										
Opn & Maint	690	3,132	5,756	3,963	2,104	2,813	2,335	4	29	20,826
Capital	107	390	756	761	90	714	230	--	7,555	10,602
<u>Education in Non-Federal Schools</u>										
Opn & Maint	981	3,915	7,518	3,854	5,076	5,462	9,020	15	--	35,841
Capital	--	--	--	--	--	--	--	--	5,381	5,381
<u>Transport & Maintenance of Pupils</u>										
Opn & Maint	657	1,506	2,420	2,254	2,096	2,108	2,781	23	--	13,845
Capital	--	43	--	--	--	--	--	--	--	43
<u>Adult Education</u>										
Opn & Maint	44	192	770	1,051	394	461	182	5	74	3,173
Capital	--	--	--	--	8	--	3	--	--	11
<u>Vocational Education</u>										
Opn & Maint	612	838	1,859	721	723	951	1,561	11	72	7,347
Capital	--	--	--	114	--	--	--	--	159	273
<u>Employment & Relocation</u>										
Opn & Maint	192	287	344	382	422	658	363	21	112	2,782
Capital	--	--	--	--	--	8	--	--	--	8
<u>Student Residences</u>										
Opn & Maint	--	1,985	2,225	1,663	2,666	1,473	4,011	537	447	15,007
Capital	--	51	95	26	113	238	211	11	323	1,069
<u>Total</u>										
Opn & Maint	3,330	12,180	21,408	14,352	13,900	14,317	20,567	616	1,839	102,509
Capital	107	495	857	908	226	997	844	11	13,420	17,465

CULTURAL DEVELOPMENT

OBJECTIVES

To promote the preservation, growth and expression of Indian cultures, and to facilitate the entry of Indian creative and performing artists into the North American cultural world.

BACKGROUND

Since an ad hoc task force reported in 1965 on the growing concern among the Indian people for the preservation of their cultures, the Department has been encouraging and implementing programs to assist groups and individuals with projects designed to preserve and interpret their cultural values.

This assistance takes two forms, one being cash grants which began with a modest \$5,000 in 1964/65 and have increased to over \$334,000 in 1971/72, and the second being the assistance given by our staff in fine arts, literature, linguistics and the performing arts.

Historically, with few exceptions, the Indian and Eskimo people have been interpreted by non-Indian writers. In an effort to aid Eskimo writing talent, a literature development specialist, who was a successful author and folklorist in his own right, was hired in 1967 to develop Eskimo written literature. In November 1968, he combined his Eskimo responsibility with Indian literature development. It was his firm belief that the Indians needed a truly Indian written cultural magazine, with total geographical representation, if they were to be encouraged to write. Thus the magazine Tawow was started, is now drawing enthusiastic response from Indians and non-Indians alike, and is being supplied to 800 libraries across the country. It performs the valuable secondary role of informing the public.

A program of assisting individual writers with technical help, ranging from simple editing to supplying background information, publicity and acting as agent between authors and publishers, has had positive results. The success of this program was demonstrated in 1970, when private publishers put out nearly a dozen titles by Indian authors interpreting folklore, history, poetry and the social scene. Manuscripts that relate to Indians are reviewed for historical accuracy and bias, before they are published.

The Fine Arts Program is primarily concerned with the development and promotion of fine arts among Canada's Indian people. Aspiring artists are encouraged and assisted in showing their work to the public and to their own people. One of the main functions is to design and circulate exhibits that will attract attention and introduce to the public the richness of Canadian Indian art in all its forms. As resource material for these exhibitions, the Department has as one of its most important holdings, a large collection of Indian art and artefacts. This collection has over 125 paintings valued at more than \$50,000.

Public speaking engagements are given at an average of one per week by the staff on the subjects of Indian history, culture and languages. High schools, public schools and universities have made several requests for staff to address assemblies and history classes. Field trips are made on invitation from Indian groups and organizations for guest speakers and/or resource persons. Headquarters staff participate in discussions pertaining to Indian culture, give consultative services to universities and colleges that wish to set up Indian institutes, encourage more Indian students to attend universities, and provide names of prominent Indian leaders who could serve in an advisory capacity. Lectures and talks are given on radio, T.V. and at public meetings, and literature and pamphlets are provided to workshops and Indian studies.

The Departmental staff endeavours to work as closely as possible with Canada Council, provincial art councils, museums, drama societies, art galleries and other related societies and organizations.

PROCEDURE

A trained linguist co-ordinates practical language programs for the various Indian linguistic groups in the country to meet the increasingly strong demands for professional and technical assistance in preserving their languages.

Grants and subsidies are provided to individuals, groups or organizations requiring assistance in their cultural endeavours. This program is designed to subsidize Indian artists, sculptors, writers, musicians, drama groups, etc., in their particular talents, skills and undertakings if such help is not available from other sources within the Department, or from outside agencies, such as the Canada Council. This program will not duplicate services already available. For instance, scholarships and grants covering tuition costs are available through the Education Program for formal training of artists, musicians, etc.

The Departmental collection of Indian art is available to museums, galleries, schools and institutions of higher learning for exhibition purposes.

Staff time is available for planning and co-ordination, exhibition set-up and gallery, or specialist talks on Indian art. Funds are available for presentation or shipping costs for an exhibit, framing, design and set-up of shows, catalogues, printed material, and invitations connected with a departmental exhibit, and purchase of art works for the permanent collection of Indian art.

Services provided in support of literature development include:

The discovery and encouragement of literary expression in prose and poetry among Canadians of Indian ancestry, and the publication of their work in the quarterly "Tawow";

Editing and typing of manuscripts produced by Indians;

Acting as agent between writer and private publisher, and publicizing and promoting published writers; and

Reading manuscripts for Canadian publishers to ensure that they contain factual data and that the Indian image is enhanced.

An individual or group requesting a cultural grant applies through the regional office, where the application is processed and evaluated by a regional assessment committee.

The committee will have three technical members including a university expert who will act as adviser in selecting committee members, chosen from leaders in creative and performing arts, including established artists, art teachers, critics, museum directors, gallery owners, musicians, actors, writers, etc.

In addition to the three outside members of the committee, two people, namely the regional cultural development representative and the regional school superintendent, will serve as standing members of the assessment committee and attend each committee meeting. A member of the Cultural Affairs Division, Ottawa, will be in attendance whenever the need arises.

In the case of a performing group, dance, drama, pageant, or individual performing artist such as a dancer or a mime, evaluation by a committee cannot be accomplished unless the performers are actually seen performing. Individual performers will appear before the committee at such suitable times as will be agreed upon between the committee, the regional office and the Cultural Development Division in Ottawa. With regard to a performing group, a method will be used patterned on the procedure of the National Drama Festival adjudications, where a single judge, versed in the various aspects of the performances, is delegated to attend a pre-presentation and evaluate the group's merits.

The committee will evaluate each application for a grant, with its accompanying art samples, compositions, tapes, photos, etc., and make subsequent reports, assessments and recommendations to Headquarters on the quality and potential displayed in the sample art forms.

The assessment committee is an advisory body, and final decisions and approvals must rest at Headquarters.

All applications for grants for the following will be considered:

The research, preservation, promotion and expression of the traditional cultures of the Indian people, including dance, music, drama forms, drawing and sculpture expressions, etc.;

The promotion of cultural endeavours in the contemporary forms of expression including art, sculpture, music, writing, dance and drama forms, etc.; and

The promotion of cultural expressions combining both the traditional and contemporary cultures.

Depending upon the assessment committee's and Headquarters' evaluations and on the applicant's needs and situation, the grant will either be a grant of money or a grant-in-kind. A grant-in-kind is one where the applicant will be awarded supplies, market outlets, technical advice, tutorial services, etc., if they are needed for the advancement of the applicant's profession or training.

April 1st and September 1st will be the effective dates in a fiscal year for receiving applications for grants. No grant will be approved for more than one year, and grants for continuing activities must be requested anew each year.

It is a prerequisite that the applicant be a person of Indian status according to the Indian Act. Whenever a situation arises where eligibility becomes ambiguous and not too clearly defined, as might happen if an application is submitted by an organization which has one or more non-Indian members, final authority in establishing the applicant's eligibility and qualifications will rest at Headquarters.

FUTURE PLANS

To continue providing professional and financial assistance to ensure the promotion and preservation of Indian cultures;

To prepare and publish grammars, dictionaries and basic readers; and,

To revise and reprint existing publications.

AGENCIES WITH RELATED RESPONSIBILITIES

Department of External Affairs
Cultural Affairs Division
Secretary of State Department
Arts and Cultural Support Branch
Indian bands

PROGRAM DATA - F.Y. 1971/72

The operation of the Cultural Development Program for the 1971/72 fiscal year involved an expenditure of \$498,000.

There were 12 exhibitions of Indian art which attracted a large number of viewers.

The distribution of the magazine Tawow increased from 15,000 copies in 1970/71 to 16,500 in 1971/72.

Distribution of Cultural Grants - F.Y. 1971/72

During this period, 123 cultural grants were approved and distributed as follows:

<u>Maritime</u>	5	12,345
<u>Quebec</u>	8	27,200
<u>Ontario</u>	24	52,167
<u>Manitoba</u>	8	26,376
<u>Saskatchewan</u>	34	70,100
<u>Alberta</u>	27	77,864
<u>British Columbia</u>	11	37,200
<u>Yukon</u>	5	27,900
<u>Northwest Territories</u>	1	3,600
<u>Total</u>	<u>123</u>	<u>\$334,752</u>

The size of the grants varied as indicated below:

\$ 999 or less	-	22
\$1000 - 1999	-	19
\$2000 - 2999	-	26
\$3000 - 3999	-	24
\$4000 - 4999	-	11
\$5000 - 5999	-	19
\$10000	-	1
\$16900	-	1
		<u>123</u>

The grants were approved to promote projects in the following general categories of cultural activities:

Writing	2
Indian Days & Pow-wows	25
Arts & Crafts	11
Inter-tribal Assemblies, Activities & Tournaments	7
Indian Princess Pageants	4
Songs & Dances	16
Inter-cultural Activities	2
Promotion of Indian Culture (a combination of two or more of the above activities)	33
Lacrosse	3
Other	<u>20</u>
	<u>123</u>

GENERAL ADMINISTRATION

OBJECTIVES

To provide administrative services, research studies, and professional development for all aspects of the education program.

Activities Involved

- To provide for the engaging and training of staff;
- To conduct education studies and research;
- To arrange for the acquisition and transfer of property, and for the equipping and maintenance of schools and teacherages;
- To provide office facilities and audio-visual aids, and to arrange for pupil transportation; and
- To administer the Student Scholarship Program.

BACKGROUND

Prior to 1951, supervision of the education program was done largely by agency superintendents under the direction of Departmental Headquarters, with the exception of British Columbia, where supervisory functions were performed by an Inspector of Schools.

From 1948 to 1958 there was a marked increase in the number of Indian children receiving elementary and secondary education. The higher enrolment is accounted for by the provision of school accommodation for children in isolated and remote areas for whom no facilities previously existed, and admission of children to school at an earlier age, together with a rising population. The administrative work load broadened proportionately to the point where it became a pressing requirement to provide better supervision and direction of the program at the local level.

When the establishment of regional offices was completed in 1958, superintendents of schools were appointed to each region. Whereas the original idea was that most of the superintendent's time was to be spent in classroom supervision, his administrative responsibilities increased and involved the major portion of his time. By 1964, the need for additional personnel was met through the appointment of district school superintendents in forty districts.

The district school superintendent's role was to program activities and to provide statistics which formed the basis of budget preparation. The preparation of the education budgets was decentralized in 1965, with the result that the regional superintendents carried far greater responsibilities than ever before.

The district superintendents of schools became involved in general administrative and supervisory duties, in addition to being involved in negotiations with local school authorities for the admission of Indian children to non-federal schools. They were also required to advise students and their parents on the selection of courses and on the assistance that was provided by the government to enable students to take post elementary school education. The district and regional superintendents of schools were assisted by counsellors, adult education specialists, language art specialists and others. Programs were divided at the regional level into in-school and post-school programs.

In recent years, the construction of new day and residential school classroom accommodation in areas where none previously existed, the replacement of obsolete schools, and the provision of additional classrooms in existing schools, have been major projects in the educational program.

Since 1954, when the Department assumed the responsibility for the employment of teaching staff in residential schools, there has been a considerable reduction in the number of untrained teachers. This reduction has resulted, in part, from raising salaries to comparable provincial rates, by improving living accommodation, and by bringing the teachers under the Public Service Superannuation Plan. All teachers hired by the Department must meet the provincial standards for the area in which they are to be employed.

Staff training is being accelerated to help raise the qualifications of employees although, apart from seminars and conferences, such training has been limited to financial assistance for teachers attending summer school courses.

As an incentive to students, a system of scholarships was established on a regional basis in 1957. The scholarships, ranging in value from \$400 to \$1000 according to the type of course chosen, were awarded to outstanding students in nursing, teacher training, technical, agricultural and university courses. In 1959, the program was broadened to include cultural as well as academic training, and scholarships were made available to students who have demonstrated ability in art, music and drama.

Originally, students who were the recipients of scholarships received no further educational assistance. In 1964, it was decided that the scholarship funds would be in addition to those provided through educational assistance; consequently scholarships were reduced to amounts varying from \$100 to \$300.

Research projects have been conducted for several years on various matters concerning the education program. In 1971/72, 21 education research projects were funded by contract by the department. These projects included a study of the reasons for the dropout of Indian students in New Brunswick, a study of the educational needs of Quebec Indians, a human resources survey in Manitoba, a native language instruction project in Saskatchewan and a study of educational opportunities for native youth in Alberta.

A number of research projects are carried out at the regional level and are the result of the initiative and ideas of people in the regions.

PROCEDURE

Total education programs are under the administration and supervision of the district superintendent of education, to whom education field staff are directly responsible. Regional education staff provide program guidelines and interpretation of policy where necessary.

At the district level, procedures consist of estimating classroom and staff accommodation, meeting teaching and maintenance staff requirements, administering the cost factors for education of Indian pupils in provincial schools, making arrangements by tendering transportation contracts, and administering the cost factor of both private home placement of pupils and of operations with student residences.

Many staff training courses for administrative and support staff are carried out in seminars held by Headquarters specialists. Training of principals, teachers, guidance counsellors, child care workers and residence administrators is carried out at district level through seminars conducted by the district superintendent and resource personnel, or by arrangements with provincial in-service training programs. The budgets for training are managed by regional offices and are allocated in accordance with the needs of district superintendents.

Each district superintendent makes a list of the candidates considered eligible for scholarships in the various categories and submits it to Headquarters, where final selections are made by a committee. Cheques in appropriate amounts are issued for presentation at the local level to assure adequate publicity for this activity.

The Department finances research projects on Indian education conducted by Indian groups, provincial agencies, and universities. These projects must have

the understanding and concurrence of the individual native citizens or groups of peoples to be involved in the project. Grants are not given to individuals for research, but contracts may be made with individuals to conduct specific studies in connection with the Education Branch program.

FUTURE PLANS

To continue to provide the administrative services necessary to support the Education Program.

AGENCIES WITH RELATED RESPONSIBILITIES

Department of Manpower and Immigration
 Department of Regional Economic Development
 Indian Bands

Maritime

New Brunswick Department of Education
 Nova Scotia Department of Education
 Prince Edward Island Department of Education

Quebec

Quebec Department of Education
 Quebec Department of Family and Social Welfare
 Quebec Department of Labour and Manpower

Ontario

Ontario Department of Education
 Ontario Department of Labour
 Ontario Department of Social and Family Services

Manitoba

Manitoba Department of Health and Social Development
 Manitoba Department of Youth and Education

Saskatchewan

Saskatchewan Department of Education
 Saskatchewan Department of Indian and Métis Affairs
 Saskatchewan Department of Welfare

Alberta

Alberta Department of Education
 Alberta Department of Health and Social Development

British Columbia

British Columbia Department of Education
 British Columbia Department of Rehabilitation and Social Improvement

Yukon Territory

Yukon Territorial Government

PROGRAM DATA

Program Costs - F.Y. 1971/72.

Region	Administration	Transport	Professional Education	Scholarships	Studies and Research	Total
<u>Maritime</u>						
Opn & Maint	126,000	--	14,000	--	14,000	154,000
Capital	--	--	--	--	--	--
<u>Quebec</u>						
Opn & Maint	242,000	9,000	27,000	--	42,000	320,000
Capital	--	11,000	--	--	--	11,000
<u>Ontario</u>						
Opn & Maint	379,000	4,000	67,000	--	56,000	506,000
Capital	--	6,000	--	--	--	6,000
<u>Manitoba</u>						
Opn & Maint	370,000	14,000	67,000	--	13,000	464,000
Capital	--	7,000	--	--	--	7,000
<u>Saskatchewan</u>						
Opn & Maint	305,000	32,000	46,000	--	36,000	419,000
Capital	--	15,000	--	--	--	15,000
<u>Alberta</u>						
Opn & Maint	287,000	27,000	54,000	--	23,000	391,000
Capital	--	37,000	--	--	--	37,000
<u>B.C. & Yukon</u>						
Opn & Maint	219,000	15,000	26,000	--	54,000	314,000
Capital	--	--	--	--	--	--
<u>Headquarters</u>						
Opn & Maint	533,000	--	9,000	21,000	59,000	622,000
Capital	2,000	--	--	--	--	2,000
<u>Total</u>						
Opn & Maint	\$2,461,000	\$101,000	\$310,000	\$21,000	\$297,000	\$3,190,000
Capital	\$ 2,000	\$ 76,000	--	--	--	\$ 78,000

Scholarships Awarded - F.Y. 1971/72

Region	University	Nursing	Vocational Training	Cultural	Teacher Training	Independent School	Total
<u>Maritime</u>	1	--	5	5	3	--	14
<u>Quebec</u>	5	1	4	--	1	--	11
<u>Ontario</u>	5	2	3	--	1	--	11
<u>Manitoba</u>	2	1	4	3	1	5	16
<u>Saskatchewan</u>	4	--	5	--	2	--	11
<u>Alberta</u>	7	--	6	1	1	--	15
<u>B.C.</u>	3	1	5	--	1	1	11
<u>Total</u>	27	5	32	9	10	6	89

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Education Project Activities

The Department is involved in, or has committed research funds for the following education project activities in 1972/73:

<u>Contracting Agency or Parson</u>	<u>Activity</u>
Maritime Regional Office	Parent Education Project
Union of New Brunswick Indians	Study of Reasons for Dropout of Indian Students
Quebec Regional Office	Study of Indian Educational Needs in Quebec
Mr. Jacques Kurtness Quebec Regional Office	Indian Eskimo Language Project
Châteauguay School Board	Psychological Survey of Quebec Indian Students
Ontario Institute for Studies in Education	Language Arts Study
Nishnawbe Institute	Stimulating the Early Environment of Children
Manitoba Regional Office	Algonquian Project - Collecting Ojibway Stories, Legends & Songs on Tape
Saskatchewan Northern Curriculum Board	Manitoba Human Resources Survey
Federation of Saskatchewan Indians	Native Language Instruction Project
Alberta Regional Office	Saskatchewan Indian Education Study
Dr. McPetridge University of Alberta	Research by Parents and Teachers in Local Schools
Drs. Bryce & McIntosh University of Alberta	Bishop Piché School Curriculum Research
University of Lethbridge	Blue Quills School Consultation Study - Part II
Mrs. Irene Fowler University of Calgary	Study of Educational Opportunities for Native Youth
Dr. R.J. Carney University of Calgary	Indian Literature in High School Education Programs in Canada
Tera Instructional Designs Associates	Feasibility and Time-Cost Study for the Blue Quills Center
Mr. Richard Pope Edmonton, Alberta	Ermineskin Curriculum Study
Fort Chipewyan Bands	Study of Practical Means of Sponsoring Adult Education Programs
University of British Columbia	Educational Planning Study
	Development of a Multi-media Resource Centre on Indian Studies

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PROCEDURE

All aspects of the program are under federal jurisdiction including instruction, inspection, school facilities and school committees. The physical facilities are in line with provincial standards where possible, and the curriculum is that of the province in which the school is located, but with special provision for Indian culture content and other special needs. Teachers recruited for service in federal schools must meet provincial qualifications. Kindergarten instruction is supplied for all reserves where warranted by pre-school population numbers.

Education school committees, made up of band members appointed by the chief and council or elected by the band, perform functions similar to those of a provincial school board. The committees act as advisory bodies to departmental staff and, while they do not have the powers of school boards, they are involved in the operation of the schools and are training to eventually assume responsibility as members of school boards.

The members of the committee have authority with regard to the school lunch program, daily school transportation, repairs and maintenance of school buildings, and the appointment of caretakers and janitors, and they also present the annual operating budget to the district superintendent of education. They function with the financial support of contributions from the Department and by raising funds locally for various activities. Either the committee or the Band Council is consulted on teacher hiring, joint school agreements and admissions to student residences.

FUTURE PLANS

To consult with Indian bands and associations, government and church organizations, provincial school authorities and with other organizations on the optimum system for the education of Indian children.

To continue to operate federal schools as long as requested by Indian parents and as long as the enrolment warrants the provision of such educational facilities. The quality of the teaching staff will be improved through a more comprehensive recruitment and professional development program, and special attention will be given to newly appointed teachers to help them adapt to teaching in Indian schools.

To continue nursery and kindergarten programs as part of an effort to reduce age-grade difficulties and to make it possible for all Indian children to make better progress toward the acquisition of language skills in English or French. Indian teacher aides will be used more extensively.

The physical facilities (school buildings, etc.) will be improved, and more use will be made of modern techniques for instruction. Greater Indian participation in school affairs and on school boards will be encouraged.

EXISTING AGREEMENTSQuebec

There are agreements between the Department and the school boards of the towns of Amos and La Tuque for the instruction of Indian children in the federal schools located in these towns.

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E D U C A T I O N I N F E D E R A L S C H O O L S

OBJECTIVES

To provide educational services and facilities for those Indian children who do not attend schools operated by provincial and other agencies, and to promote the participation of parents of Indian children in school affairs.

Activities Involved

To operate federal schools only in those areas where Indian parents do not choose to use the provincial educational services; and

To ensure that the level of education in federal schools is on a par with that in provincial schools so that, should the parents wish to place their children in provincial schools, the changeover could be made with a minimum of difficulty for the pupils.

BACKGROUND

Prior to the Second World War education for the Indian was, in effect, education in isolation. Schools and hostels for Indian children were established, but the curriculum was not geared to their language difficulties nor to their sociological needs. A few bands had established schools on reserves, provincial governments were not really involved, and services were provided by missionaries. There was little or no Indian involvement in educational decision making.

Federal schools provided education at the primary and secondary levels on Indian reserves until about 1945. With the shift in emphasis from schools operated by the Federal Government, the secondary level has gradually been left to the provincial schools. In those schools which remained under the control of the Federal Government, the curriculum was changed to follow the provincial one, and regional language supervisors were appointed to assist the Indian children overcome any language difficulties. Approval was granted in 1960/61 for the extension of federal education services to certain categories of non-Indians living on reserves or in Indian communities. The schools are located chiefly in isolated areas where integrated schooling is difficult to achieve. In 1971/72, 51 of the 1497 teachers and counsellors had less than senior matriculation and one year of training, while 966 had at least a bachelors degree. Sixteen per cent of the teachers in federal schools were of Indian status.

Today about forty percent of the Indian students are in federal schools which, in the main, provide education up to the grade eight level.

Beginning in 1956, school committees were organized on a few selected Indian reserves to stimulate parental and community interest, and to provide experience for the further involvement of Indians in the administration and management of education. By 1971 there were over 180 such committees, and the provincial governments of New Brunswick, Ontario, Manitoba, Saskatchewan and British Columbia had amended their legislation to recognize the rights of Indians to sit on school boards.

The kindergarten program was started in 1959/60 and has been extended since as a major step to help eliminate drop-outs and age-grade difficulties. The program stresses activities which prepare the children for an education in basic academic skills, and in English or French as a second language.

In 1968, a national survey was made to help identify textbooks that the Indian people considered offensive, and steps were taken to remove these books from the schools.

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PROGRAM DATA

Program Costs - F.Y. 1971/72 (\$000's)

<u>Region</u>	<u>Instruction</u>	<u>Inspection</u>	<u>School Facilities</u>	<u>School Committees</u>	<u>Municipal Services</u>	<u>Total</u>
<u>Maritime</u>						
Opn & Maint	506	--	146	38	--	690
Capital	1	--	106	--	--	107
<u>Quebec</u>						
Opn & Maint	2,163	--	753	6	210	3,132
Capital	--	--	390	--	--	390
<u>Ontario</u>						
Opn & Maint	3,640	11	2,056	49	--	5,756
Capital	81	--	675	--	--	756
<u>Manitoba</u>						
Opn & Maint	2,512	--	1,421	30	--	3,963
Capital	33	--	728	--	--	761
<u>Saskatchewan</u>						
Opn & Maint	1,681	2	377	44	--	2,104
Capital	9	--	81	--	--	90
<u>Alberta</u>						
Opn & Maint	2,119	--	606	88	--	2,813
Capital	40	--	674	--	--	714
<u>British Columbia</u>						
Opn & Maint	1,676	4	639	17	--	2,336
Capital	14	--	216	--	--	229
<u>Yukon</u>						
Opn & Maint	2	--	2	--	--	4
<u>Headquarters</u>						
Opn & Maint	29	--	--	--	--	29
Capital	--	--	7,555	--	--	7,555
<u>Total</u>						
Opn & Maint	\$14,328	\$17	\$6,000	\$272	\$210	\$20,827
Capital	\$ 178	--	\$10,424	--	--	\$10,602

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Enrolment In Federal Schools - 1971/72 School Year

Distribution By Grade

<u>Grade</u>	<u>Maritime</u>	<u>Quebec</u>	<u>Ontario</u>	<u>Manitoba</u>	<u>Saskatchewan</u>	<u>Alberta</u>	<u>B.C.</u>	<u>Total</u>
<u>K1</u>	147	377	180	310	254	118	247	1633
<u>K2</u>	215	649	735	554	598	561	459	3771
<u>I</u>	200	712	1007	832	548	443	474	4216
<u>II</u>	161	652	983	819	398	433	390	3836
<u>III</u>	143	594	835	590	382	391	386	3321
<u>IV</u>	117	572	763	629	339	379	286	3085
<u>V</u>	151	584	679	589	272	370	342	2987
<u>VI</u>	116	463	656	575	259	305	262	2636
<u>VII</u>	30	121	540	471	143	247	191	1743
<u>VIII</u>	15	12	415	430	104	147	9	1132
<u>IX</u>	5	--	27	214	46	112	--	404
<u>X</u>	--	--	--	19	--	27	--	46
<u>XI</u>	--	--	--	--	--	15	--	15
<u>XII</u>	--	--	--	--	--	8	--	8
<u>Special</u>	4	13	57	32	15	29	--	150
<u>Total</u>	<u>1304</u>	<u>4749*</u>	<u>6877</u>	<u>6064</u>	<u>3358</u>	<u>3585**</u>	<u>3046</u>	<u>28983***</u>

* Includes enrolment in Arctic Quebec.

** Includes 22 Indians and 8 non-Indians in hospital school.

*** Includes 1086 non-Indian pupils.

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Federal Schools, Classrooms and Number of Teachers - September 1971

<u>Region</u>	<u>Number of Schools</u>	<u>Number of Classrooms</u>	<u>Teaching Staff</u>	
			<u>Teachers</u>	<u>Teacher Aides</u>
<u>Maritime</u>	12	57	58	7
<u>Quebec</u>	32	203	223	14
<u>Ontario</u>	77	280	298	28
<u>Manitoba</u>	34	236	254	27
<u>Saskatchewan</u>	52	160	167	32
<u>Alberta</u>	24	173	180	32
<u>British Columbia</u>	43	149	149	6
<u>Total</u>	<u>274</u>	<u>1258</u>	<u>1329</u>	<u>146</u>

Indian School Committees - September 1971

<u>Region</u>	<u>Number</u>
<u>Maritime</u>	20
<u>Quebec</u>	8
<u>Ontario</u>	28
<u>Manitoba</u>	30
<u>Saskatchewan</u>	44
<u>Alberta</u>	33
<u>British Columbia</u>	21
<u>Total</u>	<u>184</u>

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E D U C A T I O N I N N O N - F E D E R A L S C H O O L S

OBJECTIVES

To provide, as requested by Indian parents, for the non-segregated education of their children by entering into agreements with provincial, territorial, municipal and parochial school systems, and to provide guidance services to all Indian students registered in an elementary or secondary school program.

BACKGROUND

Very little education was provided to Indians in non-Indian provincial government schools prior to the late 1950's. In November 1958, authority was granted to arrange for the provision of education services and facilities to Indian children by the government of a province or territory, public or separate school board, or a religious or charitable organization. By 1971/72 sixty-one per cent of the Indian students were in attendance at nearly 1700 non-federal schools. At the present time almost all high school students attend provincial schools.

With the increase in the number of Indian students entering provincial or other non-federal schools came an increase in the number of students boarding in urban areas, and a need for special guidance and counselling. Guidance services were introduced in 1956 for the first time and described in a manual for the use of all teachers instructing Indian students. By 1968 there were 100 guidance counsellors and 50 vocational counsellors with the responsibilities of guiding students into suitable courses, and helping them adjust to new courses and educational institutions and to adapt to urban life.

There are over five hundred joint agreements between the Federal Government and individual school boards in Canada, and general education agreements have been negotiated between the Federal Government and the Governments of British Columbia and Manitoba.

Representative Regional Adaptations

Maritime

A former general education agreement between the Government of New Brunswick and the Department provided tuition payments of \$390 per pupil per year and expired in September 1970. From September until April, 1971, an interim general agreement provided tuition payments of \$500. A new two-year agreement is under negotiation between the school committees, the Union of New Brunswick Indians, Indian Bands, the Province and the Department.

Quebec

Agreements were concluded with the Quebec Department of Education and with school boards to provide more opportunities for Indian students to obtain a secondary education. In some areas, these agreements integrated all, or nearly all of the Indian students in public schools. In other areas, only secondary level students were affected.

Ontario

In Southern Ontario, Indian students have generally attended provincial high schools. Integrated schooling began in 1954 and spread through various communities to the point where over 50% of Indian students now attend provincial schools.

The Department has entered into over 100 joint agreements to provide school spaces for nearly 7000 Indian students in Ontario. Meetings with school boards are held for the purpose of extending current joint agreements or establishing new ones, and negotiations are in progress to extend provincial supervisors and specialists' services into the federal system.

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Manitoba

A small number of Indian students was first enrolled in provincial schools in centres where residential schools were in operation. After 1957 the number of Indian students in non-federal schools increased as facilities were expanded. Prior to 1965 the Federal Government made agreements with the individual school boards of these schools for tuition payments for Indian pupils.

In 1963, the Provincial Minister of Education advised the Federal Government that the Manitoba Government was not being compensated for the education of Indian pupils in non-federal schools. He, therefore, put a stop to any further agreements with school boards for the enrolment of Indian pupils until 1965, when the Department entered into an agreement with the Province to pay gross per-pupil education costs to the provincial authorities. These gross costs did not include capital costs for school accommodation or for pupil transportation, for which separate agreements were made.

The general agreement between the Federal and the Manitoba Governments has been revised to provide for increases in the tuition fee rate for Indian students. The 1970 revision provides for tuition fees of \$511 per student.

Guidance counsellors are located centrally and travel to reserves and provincial schools where Indians are enrolled or where their parents are living. These counsellors assist in the work of the school committees on reserves and attempt to familiarize parents with the educational system. They are involved in the process of selection and orientation of students for provincial schools and admission to student residences. They may also provide statistics to support tuition claims of provincial school boards and assist Indians to enter agreements for daily transportation to provincial schools.

Saskatchewan

Joint schooling, i.e. schooling for Indian and non-Indian students together, began in 1953. Guidance services, including the provision of counsellor aides, were begun in 1963/64 and were expanded each year.

In May, 1967, an agreement was reached between the Northern School Board and the Department to educate Indian children in provincial schools in that portion of Saskatchewan under Northern Administration. In 1971/72, 70% of the Indian students in Saskatchewan were enrolled in provincial schools.

Alberta

In the last few years, a rather large teacher-aide program has been developed. The purpose of this program is to try and bring a person of Indian ancestry into the classroom, particularly at the kindergarten and primary level, to assist the children in closing the gap of Indian culture to the predominant white culture. These persons have been given some training in educational psychology and methodology so that they are better equipped to work with the teacher. They help youngsters learn English. They also tell stories based on Indian life, assist in the supervision of the students, help counsel parents who are having problems and, in a sense, serve not only as teacher-aides but also provide liaison to the community. Teacher-aides are generally selected by a school committee made up of reserve personnel.

British Columbia

Indian students have been transferred from federal schools to provincial schools as a result of a series of joint agreements begun in 1948 between the Federal Government and the local school districts.

In 1962 a general agreement was made between the Government of British Columbia and the Federal Government to set a tuition fee rate for all Indian children under federal jurisdiction attending provincial schools. An identical rate and capital assistance were provided to the parochial or church-run schools. In 1968 new clauses were added to the agreement setting

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up a procedure for the payment of capital costs directly to the Provincial Department of Education, which would administer these costs with the districts. The agreement also made it possible for a federal school to be incorporated into the school district, and provided for the allocation of tuition fees annually in accordance with the average cost of education in the Province without the necessity of a re-negotiated agreement. The present fee rate is \$633 a year per pupil.

PROCEDURE

This program is carried out through negotiations between the Department and individual school boards, school districts or provincial departments of education. When an Indian band has agreed that the school-aged pupils of the band should attend a provincial school, the district and regional school superintendents open negotiations with the appropriate provincial school authority. Through these negotiations, provision is made for the school facilities and programs which would meet the needs of the Indian pupils, an estimated cost of such a program is calculated, and a cost sharing arrangement is worked out based on the relationship of the Indian enrolment to the total enrolment. In these negotiations, attention is given to special program needs for socially disadvantaged Indian pupils.

Instruction, extracurricular activities, school texts and basic supplies are made available to the Indian students by the provincial school in the same manner as they are provided to non-Indian pupils. Costs for these services are then claimed, together with tuition, through the local district office of the Department, which also provides general assistance, liaison and counselling services on request.

FUTURE PLANS

To increase the academic achievement and to lower the drop-out rate by ensuring that counselling service is available to all Indian students;

To assist high school students through the purchase of special orientation, extra-curricular and tutorial services from provincial agencies, and to contribute capital to new facilities to meet increasing needs;

To maintain communications with provincial educators and participate in provincial in-service and professional development programs; and

To expand the program with more Indian involvement in school boards, and develop and implement a curriculum better suited to Indian students.

EXISTING AGREEMENTS

Manitoba

There is an agreement, dated January, 1965, between the Department and the Manitoba Department of Education to cover gross education costs on behalf of Indian students enrolled in provincial schools.

Saskatchewan

An agreement has been signed between the Department and the Northern School Board for the education of Indian children in provincial schools in the Northern Administration Area of Saskatchewan.

British Columbia

There is an agreement, dated February 1969, between the Department and the Provincial Government to pay annual tuition fees for Indian students attending provincial schools in British Columbia.

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PROGRAM DATA

Program Costs - F.Y. 1971/72

<u>Region</u>	<u>Instruction</u>	<u>Guidance</u>	<u>Total</u>
<u>Maritime</u> Opn & Maint	914,000	67,000	981,000
<u>Quebec</u> Opn & Maint	3,626,000	288,000	3,914,000
<u>Ontario</u> Opn & Maint	7,112,000	406,000	7,518,000
<u>Manitoba</u> Opn & Maint	3,370,000	484,000	3,854,000
<u>Saskatchewan</u> Opn & Maint	4,678,000	398,000	5,076,000
<u>Alberta</u> Opn & Maint	5,111,000	350,000	5,461,000
<u>British Columbia</u> Opn & Maint	8,491,000	529,000	9,020,000
<u>Yukon</u> Opn & Maint	15,000	- -	15,000
<u>Headquarters</u> Capital	5,381,000	- -	5,381,000
<u>Total</u> Opn & Maint	<u>\$33,317,000</u>	<u>\$2,522,000</u>	<u>\$35,839,000</u>
Capital	\$ 5,381,000	- -	\$ 5,381,000

Joint School Agreements - March 31, 1972

<u>Region</u>	<u>Number of Agreements</u>	<u>Spaces Reserved</u>
<u>Maritime</u>	12	1144
<u>Quebec</u>	26	2831
<u>Ontario</u>	111	6670
<u>Manitoba</u>	61	4477
<u>Saskatchewan</u>	118	7247
<u>Alberta</u>	69	4684
<u>British Columbia</u>	137	8373
<u>Yukon</u>	16	481
<u>Total</u>	<u>550</u>	<u>35907</u>

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Enrolment in Non-Federal Schools - 1971/72 School Year

<u>Grade</u>	<u>Maritime</u>	<u>Quebec</u>	<u>Ontario</u>	<u>Manitoba</u>	<u>Sask.</u>	<u>Alberta</u>	<u>B.C.</u>	<u>Yukon</u>	<u>Total</u>
K1 *	25	171	--	43	--	--	--	--	239
K2 **	68	402	315	359	327	231	861	--	2563
<u>I</u>	121	459	451	586	1197	686	963	67	4530
<u>II</u>	111	367	476	527	960	667	880	74	4062
<u>III</u>	127	352	452	441	803	617	904	57	3753
<u>IV</u>	121	344	556	466	789	547	769	54	3646
<u>V</u>	98	419	522	403	745	540	805	70	3602
<u>VI</u>	106	340	506	376	677	566	740	51	3362
<u>VII</u>	211	500	634	435	665	556	726	55	3782
<u>VIII</u>	159	546	512	335	479	453	1044	47	3575
<u>IX</u>	125	396	1098	440	393	337	842	40	3671
<u>X</u>	90	305	733	403	262	382	602	29	2806
<u>XI</u>	55	179	412	212	156	250	389	13	1666
<u>XII</u>	31	68	288	130	87	138	227	5	974
<u>XIII</u>	--	--	57	--	--	--	--	--	57
<u>Spacial</u>	55	80	347	196	294	87	267	12	1338
<u>Total</u>	<u>1503</u>	<u>4928</u>	<u>7359</u>	<u>5352</u>	<u>7834</u>	<u>6057</u>	<u>10019</u>	<u>574</u>	<u>43626</u>

* Nursery

** Kindergarten

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High School Students-Progress - 1970/71 School Year

Grade	Nine	Ten	Eleven	Twelve	Thirteen	Total
<u>Maritime</u>						
Graduated &/or					--	166
Promoted	61	57	30	18	--	60
Failed	23	20	12	5	--	63
Withdrew	26	26	10	1	--	
	<u>110</u>	<u>103</u>	<u>52</u>	<u>24</u>	<u>--</u>	<u>289</u>
<u>Quebec</u>						
Graduated &/or					--	443
Promoted	168	165	91	19	--	89
Failed	28	24	34	3	--	101
Withdrew	32	26	28	15	--	
	<u>228</u>	<u>215</u>	<u>153</u>	<u>37</u>	<u>--</u>	<u>633</u>
<u>Ontario</u>						
Graduated &/or					34	1712
Promoted	701	500	277	200	6	285
Failed	127	95	28	29	13	668
Withdrew	314	219	75	47		
	<u>1142</u>	<u>814</u>	<u>380</u>	<u>276</u>	<u>53</u>	<u>2665</u>
<u>Manitoba</u>						
Graduated &/or				67	--	720
Promoted	305	206	142	19	--	160
Failed	60	54	27	27	--	364
Withdrew	183	94	60		--	
	<u>548</u>	<u>354</u>	<u>229</u>	<u>113</u>	<u>--</u>	<u>1244</u>
<u>Saskatchewan</u>						
Graduated &/or				33	--	424
Promoted	180	137	74	15	--	91
Failed	48	17	11	24	--	233
Withdrew	108	60	41		--	
	<u>336</u>	<u>214</u>	<u>126</u>	<u>72</u>	<u>--</u>	<u>748</u>
<u>Alberta</u>						
Graduated &/or				105	--	811
Promoted	312	254	140	6	--	74
Failed	42	19	7	55	--	309
Withdrew	61	138	55		--	
	<u>415</u>	<u>411</u>	<u>202</u>	<u>166</u>	<u>--</u>	<u>1194</u>
<u>B.C. & Yukon</u>						
Graduated &/or				184	--	1554
Promoted	618	467	285	50	--	329
Failed	133	91	55	40	--	219
Withdrew	84	53	42		--	
	<u>835</u>	<u>611</u>	<u>382</u>	<u>274</u>	<u>--</u>	<u>2102</u>
<u>Total</u>						
Graduated &/or					34	5830
Promoted	2345	1785	1039	626	6	1088
Failed	461	320	174	127	13	1957
Withdrew **	808	616	311	209		
	<u>3614</u>	<u>2722</u>	<u>1524</u>	<u>962</u>	<u>53</u>	<u>8875</u>

** Of the 1,957 students who withdrew during the school year, 349 had returned to school by October 1971.

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Disposition of 1970/71 High School-Leavers

	Further Training	Entered Employment	Home Employed	Unemployed	Other *	Unknown	Total
<u>Maritime</u>							
Grade 9	1	3	3	20	-	4	31
10	8	4	2	11	2	4	31
11	3	4	1	1	1	2	12
12	10	5	-	3	-	1	19
	22	16	6	35	3	11	93
<u>Quebec</u>							
Grade 9	4	5	3	9	-	5	26
10	7	12	1	5	-	1	26
11	39	18	2	4	2	1	66
12	17	7	-	-	-	10	34
	67	42	6	18	2	17	152
<u>Ontario</u>							
Grade 9	65	65	59	115	27	34	365
10	63	52	50	81	31	18	295
11	20	35	16	15	11	10	107
12	114	52	14	5	2	18	205
13	31	6	3	-	1	1	42
	293	210	142	216	72	81	1014
<u>Manitoba</u>							
Grade 9	12	11	36	36	10	55	160
10	15	10	21	20	6	23	95
11	11	13	17	5	16	14	76
12	35	19	6	7	-	10	77
	73	53	80	68	32	102	408
<u>Saskatchewan</u>							
Grade 9	11	3	17	33	-	9	73
10	13	9	11	14	2	7	56
11	10	5	14	5	-	6	40
12	14	19	8	4	-	3	48
	48	36	50	56	2	25	217
<u>Alberta</u>							
Grade 9	53	12	16	24	5	35	145
10	19	31	14	28	8	71	171
11	19	10	12	9	1	26	77
12	25	27	15	15	1	16	99
	116	80	57	76	15	148	492
<u>B.C.</u>							
Grade 9	4	15	17	34	3	160	233
10	14	19	21	27	1	76	158
11	5	18	23	8	4	127	185
12	81	45	19	24	-	47	216
	104	97	80	93	8	410	792
<u>Total</u>							
Grade 9	150	114	151	271	45	302	1033
10	139	137	120	186	50	200	832
11	107	103	85	47	35	186	563
12	296	174	62	58	3	105	698
13	31	6	3	-	1	1	42
	723	534	421	562	134*	794	3168

* Students whose education ceased during the year because of sickness or death

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TRANSPORTATION AND MAINTENANCE
OF PUPILS

OBJECTIVES

To provide living accommodation in boarding-homes, transportation to and from school, and other education support services for Indian children who cannot attend school in their home communities.

BACKGROUND

A program was implemented in 1951 to enable Indian students to continue their education when they had to leave their own homes to do so. In 1958 the Department was authorized to enter into agreements or contracts for the provision of education services and facilities by other agencies. These included the costs of: tuition, books and supplies; transportation to and from school; partial or total room and board while attending an institution of learning; and a monthly personal allowance to cover carfare, laundry and other incidental expenditures. Subsequently, provisions for necessary clothing were added to this list.

Tuition fees are paid whether the student is living at home on the reserve, in a boarding-home, or in a student residence. Books and supplies provided include authorized texts, reference books and supplies such as pens, pencils and paints. Home economics or shop fees, and gym uniforms may also be included. The rates for room and board may vary, but they usually are comparable to the rates paid to other boarding-homes in the area. An education allowance may be provided to cover the student's miscellaneous and personal supplies in cases where the parents can provide only a partial allowance or none at all.

Transportation allowances for the boarding student may include return plane, train or bus fare from the student's home to school once a year. It may also include daily fares between the student's boarding-home and school, and transportation for school-sponsored extracurricular activities.

Daily bus transportation for students living on reserves may be provided between their homes and the school of attendance. Contracts for this service may be negotiated by the Department directly with private operations or with school units. An increasing number of bands are assuming this responsibility through the Contributions-to-Bands Program. The majority of the contracts are with Indian people or organizations and, in most instances, Indian drivers are employed.

Mid-day lunches, consisting of enriched biscuits and milk, are provided to supplement the diet of Indian children attending school. When feasible, Indian communities are encouraged to organize and administer the program.

PROCEDURE

Indian parents request transportation, maintenance while away from home, and other allowances for their children either individually or as a group, through the chief and council. Departmental staff counsel students and inform parents of the various types of assistance available. The parent or guardian, or in special circumstances, teachers, counsellors, or the student if he is an adult, may initiate the request for boarding-home placement. The counsellor then arranges an interview with the parent or guardian, and/or student, in order to assess the request, and assistance is granted according to need.

Boarding home requirements are determined jointly by the Indian parents and departmental staff, with the school committee often playing an important role. The parents or guardians of the student and the students themselves should select the boarding-home, and they should meet the boarding-home parents, approve the accommodation, and provide any information which may assist both the boarding-home parents and the child in adjusting to the new situation.

If the parents or guardians cannot visit the boarding-home, the counsellor assumes the responsibility for the placement of the student. In these cases, the counsellor must ensure that the parents or guardians know where, and with whom, their child is staying throughout the school year. The counsellor also ensures that provincial and municipal standards of boarding homes are met.

The mid-day lunch program is organized and carried out by Indians either on a voluntary or business basis, or by private enterprises.

Daily transportation for Indian students is provided through public tender by one and three-year contracts. Invitations to tender are offered to Indian individuals or organizations (band councils, co-operatives, etc.), who are given a 10% preference in the awarding of contracts.

FUTURE PLANS

To meet the increasing needs for assistance to Indian students as they take greater advantage of the educational facilities available to them.

To continue to contract for daily transportation according to need, and to promote full Indian participation by giving Indian contractors preference in tenders. Indian bands will be encouraged to assume the awarding of contracts under the Contributions-to-Bands Program. The Department will continue to strive for the best vehicle and operating standards to ensure safe daily transportation of Indian children.

To encourage greater involvement of Indian communities in the selection of educational programs and the types of assistance required by each student, through discussions between the Department, Indian parents and band councils.

PROGRAM DATA

Program Costs - F.Y. 1971/72 (\$000's)

Region	Maintenance of Pupils in		Mid-day Student Lunches	Transportation		Other	Total
	Private Homes	Allowances		Seasonal	Daily		
<u>Maritime</u>							
Opn & Maint	96	139	85	7	330	--	657
<u>Quebec</u>							
Opn & Maint	667	74	145	129	491	--	1,506
Capital	--	--	--	--	43	--	43
<u>Ontario</u>							
Opn & Maint	984	142	163	107	1,024	--	2,420
<u>Manitoba</u>							
Opn & Maint	606	25	445	165	1,013	--	2,254
<u>Saskatchewan</u>							
Opn & Maint	585	41	187	18	1,265	--	2,096
<u>Alberta</u>							
Opn & Maint	436	177	165	29	1,300	1	2,108
<u>B.C.</u>							
Opn & Maint	1,291	53	396	116	916	9	2,781
<u>Yukon</u>							
Opn & Maint	5	--	2	5	11	--	23
<u>Total</u>							
Opn & Maint	\$4,670	\$652	\$1,587	\$576	\$6,350	\$10	\$13,845
Capital	--	--	--	--	\$ 43	--	\$ 43

ADULT EDUCATION

OBJECTIVE

To ensure the development and implementation of functional literacy and social education programs which will provide adult Indians with the skills and knowledge they require to adapt to a changing environment.

Activities Involved

To provide adult basic education programs to eradicate illiteracy, and raise the academic level of potentially employable Indians; and

To prepare adult Indians for active involvement in community affairs through the provision of social education programs.

BACKGROUND

A preliminary survey in 1956 indicated that over 25% of the Indian adult population was illiterate or semi-literate, on approximately one half of all the reserves. As a result of this finding, a four point program was initiated in 1957, which included courses in basic language and computational skills, continuation classes for those who had some schooling but wished to raise their educational standing, trade and vocational short courses to increase the earning power of men and to improve the homemaking standards of women, and a program to encourage community improvement through organized recreation, home beautification, improved sanitation facilities, etc..

Classes, conducted by local part-time teachers or instructors, were held two or three evenings a week, or at times convenient to the participants. The Department financially assisted adult Indians to participate in federal and provincial programs. Services of provincial governments and other agencies were purchased to meet emerging needs and the increasing demand for programs.

Full-time courses were begun in 1958 to prepare out-of-school adolescents and unmarried adults between the ages of 16 and 25 for permanent employment off the reserves. Classes were conducted for a period of six-to-eight months, and ranged in content from practical home economics to guiding, fish camp operation, arts and crafts, carpentry, welding and auto mechanics, with a small minority of the total participants enrolling in literacy and continuation classes.

In 1965 the Adult Literacy or Basic Education Program was implemented by the Department to provide all adult Indians with a minimum level of education equivalent to grade eight. The program was divided into the following four levels; junior upgrading-from grade zero to four; senior upgrading-from grade five to eight; intermediate-from grade nine to ten; and advanced-from grade eleven to twelve.

The Social Education and Other Services Program was launched in co-operation with federal and provincial agencies and university extension departments. It provides informal education for men and women to develop their ability to participate actively in group or community affairs. The program was designed to cover five main categories: skill development, such as homemaking, sewing, cooking, carpentry, typing, and welding; citizenship and leadership training for leaders involved in local government, co-operative management, small business management, public affairs, Canadian law, etc.; relocation, e.g., preparation of, or assistance for families who are relocating; support programs, e.g., housing education for Indian families; and cultural education in native handicrafts, history and language.

In 1967/68 arrangements were made for Indian bands to be included in regional public library systems in the Maritime, Quebec, Ontario and Saskatchewan Regions. The Department provided a grant of one dollar per capita from the Contributions-to-Bands program and this, combined with a contribution from the band, enabled it to join the regional or county library in its area.

In the summer of 1967 a pilot project was launched in which five Indian university students were employed in on-the-job training programs at regional and provincial libraries. The program was expanded the following year, and twenty to thirty university students were employed in public libraries where their Indian backgrounds were an asset in the development of services for their own people.

Following are some regional adaptations of the Adult Education Program.

Maritime

With the help of the Union of Nova Scotia Indians, band chiefs and councils, leaders in the community, and members of the departmental staff, there is a growing interest in education. Limited advantage has been gained from courses offered by provincial agencies in those communities adjacent to population centres. A number of Indians have been encouraged to take the general education development tests offered by the Department of Education of Nova Scotia for high school equivalency.

Quebec

In 1965 an accelerated program of adult education was started and use was made of the Government of Quebec's program of adult education. All courses are organized in close co-operation with Canada Manpower Centres, various school boards and regional schools.

Ontario

Every effort is made to utilize provincial services, where feasible, by purchasing services from community colleges. The greatest portion of the program is sponsored by Canada Manpower Centres with only a limited number of clients sponsored by the Department, when they do not meet the criteria as established under the terms of the Occupational Training Act for Adults.

Manitoba

Short term courses in social education were held on the majority of reserves. Indian women taught sewing and home-making courses to other women in their area and, later the instructors attended advanced courses in Winnipeg to increase the knowledge and skill they could impart to their classes.

Periodically, the field adult educators are called into Winnipeg and a workshop type of in-service training takes place where all policies and problems are discussed and satisfactory solutions are sought. Conferences on adult education and vocational training are attended by all adult education supervisors. This practice permits co-ordination of the programs between federal and provincial agencies, and the dissemination of information describing new techniques and methods.

Saskatchewan

Adult education programs, which include homemaking courses, driver training, basic carpentry, and short occupational skill training, had their beginnings in 1965/66. A total of 18 homemaking programs for 150 women were conducted by the University of Saskatchewan Extension Department in 1965/66. Because of its success, a five year contract was entered into between the Department and the University's Extension Department in April, 1967. Beginning in 1966/67 the agreements for driver training programs were drawn up annually with the Province's Highway Traffic Board.

An arrangement with the Provincial Department of Education's Adult Education Program, provides for the development of the curriculum by the Department of Indian Affairs and Northern Development, the administration of all courses by the Saskatchewan Department of Education, and for the use of their testing procedures. All certification is carried out through the Department of Education.

The academic upgrading program needs are identified by vocational counsellors who also supervise the programs. Administrative costs are met by the Department of Indian Affairs and Northern Development, and training allowances are provided by the Department of Regional Economic Expansion under the Area Regional Development Act.

Alberta

Beginning in 1953, adults who had been confined to hospital for a period of one to five years, were upgraded academically during their hospital stay and then were encouraged to take skill training. Job placement was arranged and any follow-up service was maintained until the ex-patients were adjusted to their new role and environment.

Two academic upgrading programs which provided instruction for one hundred young Indian adults each year were also in operation in Calgary and Edmonton.

The Alberta Department of Education is operating some apprenticeship programs, and is moving into the area of basic literacy and upgrading. In certain areas, church organizations administer programs of adult education at the request of the bands.

British Columbia

A number of agencies are organizing specific courses under agreements with the Indian people. Bands requesting adult education services determine which of the following agencies they wish to work with; school districts, churches, friendship centres, university or community college extension departments, or the St. John Ambulance Brigade.

The Indians in British Columbia meet with the local public school adult education director of the Provincial Department of Education and organize the classes they wish to have. In order to obtain financial support from the Department, they submit a form to the regional office, outlining details of the class. Letters of approval are sent to both the Indian organizers and the adult education director, and the Department pays a lump sum to the provincial school district.

Yukon

Adult education courses for Indians in the Yukon have been operated by the Territorial Government for several years. Indians have access to all the adult education facilities in the Territory, and financial assistance is provided by the Department if required by an individual Indian.

PROCEDURE

Regional adult educators provide liaison services with Indian chiefs and councillors, local school committees, native organizations, provincial and local school boards, universities and community colleges, regional government departments and voluntary agencies. They are responsible for the organization, implementation, supervision and evaluation of adult education services. Where there is no qualified education staff, counsellors assume the role of the adult educator.

Adult education services are adapted to the needs of the community and administered, as far as legislation will permit, by band councils or by band council-sponsored education committees. The programs are implemented on the reserves, or through an arrangement with established educational agencies.

Per capita grants as well as capital grants assistance are given for renovations and equipment to establish libraries on reserves when this need is identified. The provincial library services co-ordinate the service.

FUTURE PLANS

- To provide for a considerable increase in the number of trainee hours made available for adult basic and social education programs;
- To undertake research studies to evaluate the adult education programs, and to determine the needs for the extension or acceleration of the existing or development of new programs;
- To institute special projects to develop and test the most suitable materials and techniques for use in the adult Indian education programs;
- Through training programs, seminars and workshops, to assist Indian people to assume responsibilities as adult educators and as consultants employed by band councils, school boards, Indian associations, private agencies and federal and provincial government departments;
- To obtain greater professional participation from the provincial departments of education and from the regional school boards to improve the quality of instruction provided to adult Indians;
- To stress the provision of adult education courses to Indians in areas and communities where Canada Manpower Center programs are not readily available, or where insufficient people qualify under C.M.C. criteria;
- To provide optimum library services in each Indian community, dependent on local circumstances and on the co-operation received from provincial and other agencies; and
- To consult with Indian associations and bands concerning the assumption by them and/or by provincial agencies of the responsibilities of this program.

EXISTING AGREEMENTSManitoba

An informal agreement exists between the Department and the Province for the provision of counselling and assistance in upgrading training to Indian people through the Manitoba Vocational Rehabilitation Services (V.R.S.).

Saskatchewan

There is a departmental agreement with the Saskatchewan Department of Education and with the Department of Regional Economic Expansion, to implement and administer academic upgrading programs for registered Indians on reserves, in isolated communities, and in adult education centres where programs of Canada Manpower Centres are not extended.

An agreement exists between the Department and the University of Saskatchewan Extension Department for the conducting of homemaking courses on the reserves.

There is also an agreement between the Department and the Saskatchewan Highway Traffic Board for the provision of driver training courses for registered Indians.

Alberta

There is a memorandum of agreement between the Department and the Alberta Department of Agriculture, Home Economics Branch, for the provision of homemaking instruction on reserves.

Under a letter of commitment, the Department and the Alberta Human Resources Development Authority equally share costs of providing driving instruction to Indians.

PROGRAM DATA

Program Costs - F.Y. 1971/72

Region	Administration	Adult Basic Education	Adult Social Education	Public Library Services	Total
<u>Maritime</u> Opn & Maint	15,000	5,000	16,000	8,000	44,000
<u>Quebec</u> Opn & Maint	10,000	5,000	157,000	12,000	192,000
<u>Ontario</u> Opn & Maint	-	359,000	383,000	28,000	770,000
<u>Manitoba</u> Opn & Maint	144,000	202,000	697,000	8,000	1,051,000
<u>Saskatchewan</u> Opn & Maint	-	280,000	98,000	16,000	394,000
Capital	-	-	-	8,000	8,000
<u>Alberta</u> Opn & Maint	193,000	112,000	137,000	19,000	461,000
<u>British Columbia</u> Opn & Maint	23,000	3,000	126,800	30,000	182,000
Capital	-	3,000	-	-	3,000
<u>Yukon</u> Opn & Maint	-	2,000	-	3,000	5,000
<u>Headquarters</u> Opn & Maint	72,000	-	2,000	-	74,000
<u>Total</u> Opn & Maint	\$465,000	\$968,000	\$1,616,000	\$124,000	\$3,173,000
Capital	-	\$ 3,000	-	\$ 8,000	\$ 11,000

Adult Training - F.Y. 1971/72

Region	Basic Education & Upgrading			Social Education & Other Services		
	Programs	Participants		Programs	Participants	
		M	F		M	F
<u>Maritime</u>	6	30	36	29	76	336
<u>Quebec</u>	123	1317	667	206	1157	1940
<u>Ontario</u>	79	936	250	163	1797	2012
<u>Manitoba</u>	62	694	436	256	4255	5197
<u>Saskatchewan</u>	2	10	20	153	90	1506
<u>Alberta</u>	41	344	345	126	742	1189
<u>B.C. & Yukon **</u>	10	32	63	58	573	1478
<u>Total</u>	323	3363	1817	991	8690	12658

** Figures incomplete

V O C A T I O N A L E D U C A T I O N

OBJECTIVE

To provide the opportunity for Indians to obtain vocational skills and higher education which will enable them to compete for employment in government and industry on an equal basis with other Canadians.

Activities Involved

To provide assistance to individual Indians who are enrolled in any training, including university, which will improve their employability; and

To assist those candidates who are not eligible for the Occupational Training Assistance Program of the Canada Manpower Centres.

BACKGROUND

The Federal Government began organizing special vocational courses in 1956 in co-operation with provincial departments of education for the use of their facilities. Further improvements occurred in 1966 when vocational counsellors were given responsibility for motivational counselling on the reserves, enrolment of adults in training programs and, involvement in job placement work in local areas, particularly during the summer when training activities ceased. Employment relocation counsellors also became involved in training.

The Vocational Training Program covers a broad spectrum from academic upgrading through to post-graduate studies.

Random Regional Samplings

Maritime

Employment patterns in New Brunswick have necessitated the presentation of the pre-vocational and trade courses on a three month basis, starting early in each year. The implementation of longer courses is being encouraged so that Indians can qualify more quickly for occupational courses. Some longer courses have shown that they are feasible and that people will attend.

Quebec

In the decade prior to 1965, vocational and special training expanded progressively to meet the needs of Indians participating in the various programs. The number of Indians attending universities, technical colleges and vocational and other schools increased annually.

Subsequently, vocational training counsellors were appointed to assist in the implementation of training programs for university and college students, and to promote basic education and vocational training for adult Indians.

Manitoba

In 1967 the Federal and the Manitoba Governments agreed to extend certain services to Indian people who had been out of the regular school program for at least a year. The Department agreed to be billed by the Provincial Government for the extension of these services by the Manitoba Vocational Rehabilitation Services (V.R.S.), but retained the responsibility for the provision of counselling services and financial assistance to those proceeding directly from the regular school program into vocational training.

Alberta

The Vocational Education Branch of the Alberta Department of Education is operating programs on reserves in the Lesser Slave Lake Area, with funding being shared by the Departments of Indian Affairs and Northern Development and of Regional Economic Expansion, and by the Provincial Government.

British Columbia

Almost all the training courses offered or supported by the Department are in provincially or municipally operated vocational schools, colleges and universities. Students are given their fees upon entrance into a provincially operated programme, and then are accepted as provincial fee payers. The remainder of the cost of the course is borne by the Province. No reimbursement is required when a student is accepted for a provincial apprenticeship training program and paid a provincial allowance.

Yukon

Adult education courses have been operated by the Yukon Territorial Government for several years. Vocational training courses are sponsored jointly by the Department, the Territorial Government and the Department of Manpower and Immigration. The Department of Indian Affairs and Northern Development also conducts courses in basic prospecting and fur management.

PROCEDURE

University and professional training programs are administered and approved at the district level. Wherever feasible, scholarships and bursaries are recommended to the regional office and, in turn, to Departmental headquarters.

All applicants for vocational and special training must first register with the Canada Manpower Centre for sponsorship. If the applicant does not qualify under the Occupational Training Assistance Program of the Canada Manpower Centre but his credentials are good, he is sponsored by the Department, and training is purchased from the province or from private institutions. An applicant does not qualify for a Canada Manpower Centre program if he does not meet the one year gap for training eligibility or the after-school gap for allowance eligibility, he does not have a clearly defined vocational goal, has a training program which extends over fifty-two weeks, or is involved in a continuing education program such as university or professional training.

Assistance includes payment of tuition fees, books and supplies, transportation to and from the course, and a training allowance equivalent to that paid by the Occupational Training for Adults Program while the trainee is on course. Where the course is in excess of four months, assistance is provided for the family to accompany the trainee, supplemented by a clothing allowance based on need.

FUTURE PLANS

To provide for a substantial increase in the number of students undertaking university and professional education, vocational and special training, and post school programs;

To promote the extension of provincial, municipal and business services to the Indian population in vocational training and employment, and to increase the number of projects in vocational and other training for Indian candidates;

To encourage as many students as possible with special qualifications and ability to make a career in the Federal Government, and to give special attention to people who have gone to school for a number of years and wish to be registered for vocational training courses;

To ensure that the Indian population is better informed about services offered by the Department itself or by other agencies, and to assist Indian people assume greater responsibility for the handling of the program;

To encourage regular school program drop-outs to enter upgrading and vocational training programs; and

To implement or purchase short term special programs to meet the immediate needs of students who do not desire to, or cannot enter the regular vocational educational programs.

EXISTING AGREEMENTS

Manitoba

An informal agreement between the Department and the Province provides for counselling and formal and special vocational training assistance to Indian people through the Manitoba Vocational Rehabilitation Services.

Alberta

There is a letter of agreement between the Department and the City of Calgary for the provision of counselling services to Indian people.

British Columbia

A master agreement, (February, 1969) between the Department and the Province provides for educational services and facilities for the Indians of British Columbia.

PROGRAM DATA

Program Costs - F.Y. 1971/72

Region	Administration	University & Professional Training	Vocational Training	Maintenance of Pupils in Post School Programs	Total
<u>Maritime</u> Opn & Maint	185,000	40,000	63,000	324,000	612,000
<u>Quebec</u> Opn & Maint	183,000	62,000	115,000	478,000	838,000
<u>Ontario</u> Opn & Maint	454,000	93,000	184,000	1,128,000	1,859,000
<u>Manitoba</u> Opn & Maint	30,000	74,000	227,000	390,000	721,000
Capital	-	-	114,000	-	114,000
<u>Saskatchewan</u> Opn & Maint	267,000	42,000	68,000	346,000	723,000
<u>Alberta</u> Opn & Maint	136,000	18,000	225,000	572,000	951,000
<u>B.C.</u> Opn & Maint	294,000	34,000	250,000	983,000	1,561,000
<u>Yukon</u> Opn & Maint	-	-	3,000	8,000	11,000
<u>Headquarters</u> Opn & Maint	72,000	-	-	-	72,000
Capital	-	-	159,000	-	159,000
<u>Total</u> Opn & Maint	\$1,621,000	\$364,000	\$1,134,000	\$4,228,000	\$7,347,000
Capital	-	-	\$ 273,000	-	\$ 273,000

Training Courses - F.Y. 1971/72

Enrolments, Withdrawals, Completions

B.C.

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	<u>Maritime</u>	<u>Quebec</u>	<u>Ontario</u>	<u>Manitoba*</u>	<u>Saskatchewan</u>	<u>Alberta</u>	<u>Yukon</u>	<u>Total</u>
<u>Vocational Preparatory</u>								
Enrolments	150	745	717	331	985	303	731	3962
Withdrawals	84	40	304	194	432	101	252	1407
Completions	121	785	457	267	547	44	417	2638
<u>Formal Vocational</u>								
Enrolments	169	398	413	142	382	231	383	2118
Withdrawals	60	45	135	66	98	53	106	563
Completions	158	324	260	76	188	72	292	1370
<u>Special Vocational</u>								
Enrolments	166	1686	594	116	534	133	208	3437
Withdrawals	22	56	35	20	49	19	24	225
Completions	126	1509	393	57	154	106	222	2567
<u>University</u>								
Enrolments	44	96	90	113	108	40	68	559
Withdrawals	7	6	18	19	22	9	9	90
Completions	19	72	62	52	86	4	54	349
<u>Professional</u>								
Enrolments	-	77	207	10	8	68	192	562
Withdrawals	-	10	92	6	4	21	61	194
Completions	4	67	103	4	4	3	118	303
<u>Registered Nursing</u>								
Enrolments	-	2	1	4	-	3	5	15
Withdrawals	-	1	2	-	-	-	1	4
Completions	-	-	3	-	-	-	4	7
<u>Teaching</u>								
Enrolments	-	15	-	37	-	-	11	63
Withdrawals	-	1	-	15	-	-	7	23
Completions	3	4	2	17	-	-	5	31
<u>Total</u>								
Enrolments	529	3019	2022	753	2017	778	1598	10716
Withdrawals	173	159	586	320	605	203	460	2506
Completions	431	2761	1280	473	979	229	1112	7265

* Region & VRS

The above are preliminary figures and may be subject to revision.

E M P L O Y M E N T . A N D R E L O C A T I O N

OBJECTIVES

To ensure that the Indian work force is provided with adequate opportunities for employment through the utilization of Canada Manpower Centre programs, direct placement by employment relocation counsellors, on-the-job and in-service training, and relocation to areas of higher employment opportunity.

Activities Involved

To assist Indians to move into regular or seasonal employment through referrals to Canada Manpower Centres or through direct placement, and to provide them with financial assistance and supportive counselling;

To help Indian families who wish to resettle from reserves to centres of training or employment, and to assist them in becoming permanently established in the new community;

To provide work experience to students who have graduated from business or commercial schools, to enable them to compete for employment; and

To assist Indian graduates from vocational schools who require some work experience to enable them to obtain permanent employment, and to help Indians, who do not have higher academic qualifications, to obtain employment in semi-skilled areas of industry.

BACKGROUND

This program was initiated in 1957 when placement officers were appointed in Vancouver, Edmonton, Winnipeg and Toronto. In 1959, a senior placement officer position was established at Headquarters, and additional placement officers were employed to provide a minimum of one for each region.

The initial focus of the employment and relocation program was the selection and establishment of suitably qualified young Indians in the centres where the regional placement specialists were located.

The original idea of restricting activity to carefully selected qualitative placements was altered in 1960, and placement officers became increasingly engaged in a wider variety of programs, including seasonal group movements, winter works programs and other activities not related to selective employment.

The number of placements in other than seasonal employment positions has increased substantially over the years. In 1971/72 more than twelve thousand Indians were placed in regular and short-term employment.

There has been a significant emergence of Indian leadership concerned with greater involvement of the Indian people in trying to reach a solution to their problems. However, with the Indian population increasing rapidly, and employment opportunities on the reserves limited in the foreseeable future, mobility must be a key factor to ensure the types of employment that guarantee a fair and equitable standard of living for the Indian people.

Relocation is a far more complex process than simple job placement. To date, family groups have not received adequate preparation for relocation and existing services, where Indians have relocated, have not been able to provide the supportive assistance required. This need has been recognized by the Indian people themselves, particularly those who have gone through the relocation process personally, and they are doing much to assist those who are just embarking on a relocation plan.

Following are examples of the application of this program in some of the regions.

Maritime

Because of the high rates of unemployment, the program met with limited success in placing people in regular employment, however, a large number of jobs were found in seasonal work. Full advantage will be taken of the employment opportunities in the two growth areas of Halifax - Dartmouth and in the Canso Strait area.

Quebec

The program, from the beginning, developed along two very definite lines which are the result of the geography and the economy of the Region. The regional office is located in Quebec City while the majority of training schools are in Montreal. Also the opportunities for employment in Quebec City are less than those in Montreal and its suburbs.

A system of direct referral from one district to another is encouraged. This means that, for all candidates who have expressed a desire to work in the urban centres of Montreal or Quebec City, a direct communication is established between officials at regional level and those at the district or agency level. By doing this, more efficiency is obtained, since the several offices have the opportunity to discuss their problems and to arrive at a favourable decision more rapidly. All steps or contacts made by departmental counsellors regarding a referral, a placement, and so on, are closely followed up, and any information obtained is entered on a special sheet which is attached to the application for employment.

Certain areas of Northern Quebec were undergoing marked industrial development and some of these areas were of more interest to the Indian workers as far as permanent employment was concerned. Efforts were focused on placing a substantial number of Indians graduating from school in local places of employment, and in developing fluid communication lines between Indians, agency superintendents and industrial developments to maximize the opportunity for Indian employment. In addition, labour force surveys were carried out and our manpower resources were made known to the National Employment Service and various private companies. Emphasis was also given to employment counselling and helping prospective employees to choose suitable fields and appropriate vocational training courses, with the result that workers now appear to be more satisfied in their jobs. Improved employment opportunities are available for Indian workers through Departmental services and those of the Canada Manpower Centres and of the Provincial manpower centres.

Manitoba

The Manitoba Government operates a program for Indians called Vocational Rehabilitation Services (V.R.S.), which provides counselling and financial assistance to persons in employment and relocation. Services are rendered by the Province which in turn bills the Federal Government, according to the terms of an agreement between the Federal Government and the Government of Manitoba. Maximum advantage is taken of relevant resources made available by the Department of Manpower and Immigration.

Relocation service is provided almost exclusively by Vocational Rehabilitation Services; the only major exception is the provision of furnishing grants to those persons who purchase homes under our Off-Reserve Housing Program.

Training on-the-job is provided through the Department of Indian Affairs and Northern Development, but involvement is usually limited to such special programs as the recent on-the-job training of Indian men with the Department of the solicitor General.

Both the Department and the Manitoba Vocational Rehabilitation Services provide in-service training in their offices, with the exception of the training of band administrative staff, which is carried out through the Department of Manpower.

Saskatchewan

Close liaison and communication has been established between departmental employment and placement personnel, and other departments or agencies, particularly Canada Manpower and the Provincial Department of Indian and Métis Affairs.

Relocation has been an on-going program since its inception and has received added impetus with the 20 family relocation project announced in 1967/68. The Region is still working on this project, and a second year contract has been signed with the Extension Division of the University of Saskatoon to identify the specific problems and service needs of families relocating to urban centres. The Extension Division is also attempting to specify the resources and agencies available within the urban setting which could supply the services and training needed in the process of relocation.

Alberta

Employment and relocation counsellors located at seven offices provide pre-employment and follow-up counselling to clientele. These counsellors work in co-operation with Canada Manpower Centres and other agencies to assist Indians in moving to permanent and seasonal employment. They locate positions, and use available resources and programs to effect the placement. The employment and relocation counsellors are responsible for administering the Off-Reserve Housing Program in Alberta.

The program is expanding due to increasing activities such as the Haico Project, programs for on-the-job training with federal departments, and with the Alberta Liquor Control Commission, general major industries, and various provincial government departments.

PROCEDURE

When employment is not available through the Canada Manpower Centre, the employment relocation counsellor undertakes an intensive job search.

This is done by contacting employers, unions, and other community resource people and interpreting to them the special needs of the Indian workers. Some of the identified needs which the employment counsellor must consider and deal with are: the need to adjust to a large economy in a culturally dominant non-Indian society; a sophisticated urban surrounding as compared to an isolated, rural environment; the need to be prepared for employment by intensive counselling service; the need to acquaint employers with these adjustment problems, especially during that period when transition is most difficult for the Indian, and to interpret to the community the fact that the Indian worker is entitled to acceptance and to the use of the resources of the community. Finally, the need of the Indian worker to understand the implications and requirements of trade unionism and the need to clarify the concept of employer/employee relationships.

The relocation process, in which the employment relocation counsellor is involved, can be broken down into a number of distinct components as follows: motivation and selection, orientation and preparation on the reserve, the physical move from the reserve to a training or employment centre, the preparation of the receiving community, housing accommodation in the receiving community, arrangements for training, placement in employment, liaison with community services, education arrangements for children, family counselling, follow-up counselling, and research and analysis.

When a family is relocated for employment purposes and, if the applicant qualifies, the costs are met by Canada Manpower through their Mobility Grants Program. In other cases, the Department may match such grants of Canada Manpower and, in addition, provide further assistance by way of a special Contingency Grant up to a maximum of \$3,500. In the case of relocation for training, families may be assisted to relocate if the training course is in excess of four months duration.

The Department may enter into on-the-job training contracts with selected companies provided that the trainee, after successful completion of training, is offered ongoing employment by the company. The length of training is determined by the complexity of skills to be learned, and will range from several weeks up to a maximum period of 52 weeks.

Where training is arranged with private industry, costs may be shared on a 50/50 basis. In cases of on-the-job training in federal government departments, costs are met fully by the Department of Indian Affairs and Northern Development.

In-service training placements may be made in offices of government or private non-profit agencies with no employment commitment on the part of the training agency. The training period varies from three-to-six months and the trainee is paid a living allowance during this period.

FUTURE PLANS

To place special emphasis on the training on-the-job program in the next two years so that it will become the major method of providing Indians with practical work experience prior to entering the labour force. Priorities in the post school budgets at the regional level will be re-assigned to meet the needs of an expanded program;

To take full advantage of the employment opportunities in the various growth areas; and

To foster more active participation in the activities of this program by provincial departments and social service agencies.

EXISTING AGREEMENTS

Quebec

There is an agreement between the Department and the Service d'Accueil aux Voyageurs et aux Immigrants for the provision of relocation and employment assistance to Indians in the Montreal area.

Manitoba

An informal agreement exists between the Department and the Province for the provision of employment and relocation assistance to Indian people through the Manitoba Vocational Rehabilitation Services (V.R.S.).

Saskatchewan

The Department of Indian Affairs and Northern Development has signed a contract with the Extension Division of the University of Saskatchewan making provision for a family relocation project whereby needs, required services and problems being encountered by relocating families in the City of Saskatoon are being researched.

PROGRAM DATA

Program Costs - F.Y. 1971/72

Region	Adminis- tration	Placement	Relocation	On-The-Job Training	In-Service Training	Total
<u>Maritime</u> Opn & Maint	52,000	59,000	25,000	46,000	10,000	192,000
<u>Quebec</u> Opn & Maint	163,000	36,000	1,000	80,000	7,000	287,000
<u>Ontario</u> Opn & Maint	101,000	78,000	46,000	74,000	45,000	344,000
<u>Manitoba</u> Opn & Maint	17,000	103,000	124,000	133,000	5,000	382,000
<u>Saskatchewan</u> Opn & Maint	131,000	180,000	57,000	45,000	9,000	422,000
<u>Alberta</u> Opn & Maint	184,000	137,000	46,000	262,000	29,000	658,000
Capital	- -	8,000	- -	- -	- -	8,000
<u>B.C.</u> Opn & Maint	125,000	86,000	61,000	66,000	25,000	363,000
<u>Yukon</u> Opn & Maint	7,000	7,000	2,000	4,000	1,000	21,000
<u>Headquarters</u> Opn & Maint	22,000	- -	- -	54,000	36,000	112,000
<u>Total</u> Opn & Maint	\$802,000	\$689,000	\$362,000	\$762,000	\$167,000	\$2,782,000
Capital	- -	\$ 8,000	- -	- -	- -	\$ 8,000

Relocation Assistance - F.Y. 1971/72

Region	Number of Families Provided With Relocation Assistance
<u>Maritime</u>	18
<u>Quebec</u>	1
<u>Ontario</u>	83
<u>Manitoba (Region)</u>	85
<u>Manitoba (VRS)</u>	38
<u>Saskatchewan</u>	48
<u>Alberta</u>	73
<u>B.C. & Yukon</u>	42
<u>Total</u>	368

Employment Training

<u>Region</u>	<u>Completions F.Y. 1971/72</u>	<u>Discontinued F.Y. 1971/72</u>	<u>Number Still In Training 31 Mar/72</u>
<u>Maritime</u>			26
On-the-Job	8	--	7
In-Service	4	--	--
Apprentice	--	--	--
<u>Quebec</u>			22
On-the-Job	45	20	2
In-Service	9	4	--
Apprentice	--	--	--
<u>Ontario</u>			30
On-the-Job	11	12	28
In-Service	44	8	1
Apprentice	--	6	--
<u>Manitoba-Region</u>			19
On-the-Job	50	10	--
In-Service	9	1	37
Apprentice	--	11	--
<u>Manitoba-VRS</u>			24
On-the-Job	6	5	--
In-Service	2	--	1
Apprentice	5	1	--
<u>Saskatchewan</u>			32
On-the-Job	23	7	3
In-Service	6	2	41
Apprentice	4	16	--
<u>Alberta</u>			72
On-the-Job	118	142	4
In-Service	13	9	--
Apprentice	--	--	--
<u>B.C. & Yukon</u>			35
On-the-Job	48	26	1
In-Service	34	12	13
Apprentice	6	4	--
<u>Total</u>			260
On-the-Job	309	222	45
In-Service	121	36	93
Apprentice	15	38	--

Employment Placements - F.Y. 1971/72

(Includes Regular-Individual, Short Term-Individual and Group)

Type of Employment	Maritime	Que.	Ont.	Man.*	Sask.	Alta.	B.C.		Total**
							6	Yukon	
<u>Managerial, Technical & Professional</u>	17	38	157	34	85	85	50		466
<u>Clerical & Sales</u>	30	50	182	22	125	84	115		608
<u>Services</u>	164	50	148	52	277	324	190		1,205
<u>Farming</u>	56	2	34	18	623	429	138		1,300
<u>Fishing & Hunting Industries</u>	5	42	594	3	6	22	20		692
<u>Forestry</u>	80	434	1,005	20	228	618	457		2,842
<u>Processing</u>	10	32	19	15	18	44	49		187
<u>Machine Trades</u>	3	16	26	16	19	19	79		178
<u>Bench Work</u>	8	29	49	5	14	46	15		166
<u>Structural Work</u>	126	105	281	104	417	595	392		2,020
<u>Miscellaneous</u>	23	126	260	471	671	346	734		2,631
<u>Total Placements</u>	<u>522</u>	<u>924</u>	<u>2,755</u>	<u>760</u>	<u>2,483</u>	<u>2,612</u>	<u>2,239</u>		<u>12,295</u>

* Region & VRS
 ** Includes 1,696 Females

Figures may be subject to revision

STUDENT RESIDENCES

OBJECTIVE

To provide living accommodation in student residences for Indian students who attend school outside their home communities.

Activities Involved

To provide administrative support and transportation, building and catering facilities; and

To arrange for the maintenance of students, extracurricular activities, seasonal transportation and other services.

BACKGROUND

Until recently, the early formal education of Indian children was provided in residential schools administered and operated, in large part, by various churches. These schools were operated as farm vocational schools by mission branches on a per-capita grant basis. In 1957, the grant basis was replaced by a system of contracts between the Department and the churches, with most of the farms closing out in the same year. As a result of a 1968 ruling by the Department of Justice that residence employees, though recruited and nominally employed by the church organizations, were crown employees, the management and administration of all except four residences were transferred to the Department of Indian Affairs and Northern Development.

During the initial two year period of departmental management of student residences, administrators and child-care workers, though public employees, were exempt from the provisions of the Public Service Employment Act and the Department, therefore, contracted with the churches to continue their responsibility for the recruitment and nomination of these employees.

The number of Indian students staying in student residences while attending school has declined substantially over the last 20 years. This decrease has been in part, the result of additional day school facilities, improved roads and housing, increased provincial welfare services for orphans and neglected children, and the boarding home scheme for high school students.

Increasingly, residential schools are becoming hostels which provide only boarding facilities for pupils enrolled in either provincial or federal day schools. At those residential schools which continue to operate classroom facilities, the classrooms are being separated from the dormitory accommodation and will be administered in the same manner as federal day schools.

There are 43 residences in use, of which 41 are operated by the Department and the other two by the Roman Catholic Church, one in Quebec and one in Alberta, under per-pupil grants established by agreements. Approximately 6,000 children are enrolled in these residences, with about one third of all admissions being for reasons of problems in the home. As a result of careful screening, larger numbers of children are now attending nearby schools. The ratio of admissions of children from problem homes is, however, on the increase, and one immediate effect is the pressure on the residence program for greater child-care expertise in terms of trained child-care workers and program supervisors.

There are approximately 430 child-care workers, most of whom require further training and the recruitment policy emphasizes the hiring of child-care workers with proper qualifications. The recruitment is enhanced as a result of making salaries comparable with those prevailing in the particular province, improving living accommodation of the child-care workers, and providing training assistance for those wishing to upgrade their qualifications.

Indian education committees or advisory boards, elected to advise departmental personnel on school and student residence programs, are now asking for the expansion of school facilities and the operation of residences to enable children to advance to higher grade levels in schools adjacent to or on the reserve. (e.g. - grades 8 and 11 facilities to grades 9 and 12 respectively).

The Blue Quills Student Residence at St. Paul, Alberta, is now being administered by the Saddle Lake School Committee with operating funds provided by the Department.

PROCEDURE

The operation of student residences is carried out by the residence administrator, child-care workers and domestic and maintenance staff. The child-care workers, who require established standards of qualification and certification, are appointed on the recommendation of the student administrator and become public servants.

The engagement of domestic staff is made on the recommendation of the student administrator, but the actual appointment is carried out through the regional personnel advisor.

Purchases of supplies and equipment are made, in most cases, by the student residence administrator on standing offer agreements negotiated by the Department of Supply and Services. A certain amount of leeway is permitted, however, for local purchases.

Students are in the residence from September to June, and some may return home weekends, Christmas, or Easter. Some residences have classrooms attached which are used by resident students and others living in the locality, but the administration of the school is independent of the residence operation. Where there are no classrooms attached to the residence, students travel to the local federal or provincial school.

Because of the limited number of available residences, qualification for admission is restricted to students who fall within certain categories. Local selection advisory committees are encouraged to assist in the review of the applications which must be made each year by the parents or guardians.

Crown vehicles are used for day-to-day requirements, hauling freight, medical and dental trips, as well as for seasonal transportation of pupils. Private service is tendered for on an "as required" basis.

FUTURE PLANS

To operate student residences as long as the Indian people desire them, and there is a need for this type of service; and

To further upgrade the quality of child-care workers by hiring and training employees to the standard required to look after the physical and emotional needs of the children at student residences.

EXISTING AGREEMENTS

There is a Child Care Worker Collective Agreement between the Department and the Public Service Alliance.

The Department has contracts with the Anglican and Roman Catholic Churches for liaison and recruitment duties in the period 1971-73.

An agreement, dated April, 1969, authorizes the respective church authorities (Anglican, Roman Catholic, United Church and Presbyterian) to enter into contracts for the provision of chaplain services in the student residences.

PROGRAM DATA

Program Costs - F.Y. 1971/72 (\$000's)

Region	Que.	Ont.	Man.	Sask.	Alta.	B.C.	Yukon	H.Q.	Total
<u>Administration</u>									
Opn & Maint	137	164	155	227	439	333	42	433	1,930
Capital	--	--	--	--	4	--	--	--	4
<u>Transportation Facilities</u>									
Opn & Maint	24	20	31	30	9	91	4	--	209
Capital	--	20	4	26	--	43	--	--	93
<u>Building Facilities</u>									
Opn & Maint	649	747	482	613	347	935	182	--	3,955
Capital	51	74	22	87	223	168	10	323	962
<u>Catering Services</u>									
Opn & Maint	503	523	356	662	306	959	113	--	3,422
Capital	--	--	--	--	6	--	--	--	6
<u>Special Services</u>									
Opn & Maint	451	430	483	702	230	967	104	14	3,381
Capital	--	1	--	--	1	--	--	--	2
<u>Maintenance of Students</u>									
Opn & Maint	195	295	117	375	131	600	82	--	1,795
Capital	--	--	--	--	--	--	--	--	--
<u>Extra Curricular Activities</u>									
Opn & Maint	18	46	38	29	10	66	5	--	212
Capital	--	--	--	--	--	--	1	--	1
<u>Seasonal Transportation</u>									
Opn & Maint	1	--	--	14	1	39	4	--	59
<u>Other Services</u>									
Opn & Maint	7	--	1	14	--	21	1	--	44
<u>Total</u>									
Opn & Maint	\$1,985	\$2,225	\$1,663	\$2,665	\$1,473	\$4,011	\$537	\$447	\$15,007
Capital	\$ 51	\$ 95	\$ 26	\$ 113	\$ 238	\$ 211	\$ 11	\$323	\$ 1,068

NOTE: There are no student residences in the Maritime Region.

Enrolment in Student Residences - 1971/72

	<u>Que.</u>	<u>Ont.</u>	<u>Man.</u>	<u>Sask.</u>	<u>Alta.</u>	<u>B.C.</u>	<u>Yukon</u>	<u>Total</u>
Number of Residences	5	6	5	8	7	11	1	43
Total Enrolment	910	678	572	1232	649	1772	161	5974

Enrolment by Categories of Admission Requirements - 1971/72

<u>Category</u>	<u>Que.</u>	<u>Ont.</u>	<u>Man.</u>	<u>Sask.</u>	<u>Alta.</u>	<u>B.C.</u>	<u>Yukon</u>	<u>Total</u>
1	256	155	214	149	34	428	36	1272
2	346	192	57	237	13	127	31	1003
3	--	108	111	700	361	769	17	2066
4	1	2	4	10	1	31	--	49
5	--	4	--	31	--	9	--	44
6	--	--	--	3	--	--	--	3
Other	131	7	--	41	30	149	--	358
Number Categorized	<u>734</u>	<u>468</u>	<u>386</u>	<u>1171</u>	<u>439</u>	<u>1513</u>	<u>84</u>	<u>4795</u>

Admission Requirements

The circumstances of every student admitted to a residence are normally applicable to one or more of the following categories of admission requirements:

- Category 1 Home is isolated and removed from day school services;
- Category 2 Parents or guardians are migratory;
- Category 3 Problems in the home. Students from a family where a serious problem leading to neglect of children exists;
- Category 4 The handicapped student who has a chronic condition, but can live in a student residence and obtain regular medical attention;
- Category 5 Students who require a period of adjustment to urban living; or
- Category 6 No suitable private boarding home is available in the area in which the appropriate school is located.

(Categories 1, 2, 3, and 4 apply to students up to 14 years of age; Categories 3, 4, 5, and 6 apply to students 15 and over).

PGC-9

RECU
 1977
 OCT 8 1976
 DISTRICT ABITIBI
 BAND COUNCIL RESOLUTION
 RÉSOLUTION DE CONSEIL DE BANDE

Chronological No. - Numéro consécutif
 227
 File Reference - N° de réf. du dossier
 371/3-6-5, 371/3-1-5
 371/25-8-1

NOTE: The words "From our Band Funds" "Capital" or "Revenue", which ever is the case, must appear in all resolutions requesting expenditures from Band Funds
 NOTA: Les mots "des fonds de notre bande "Capital" ou "revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes

THE COUNCIL OF THE LE CONSEIL DE LA BANDE INDIENNE	Mistassini	Current Capital Balance Solde de capital	\$ _____
AGENCY DISTRICT	Abitibi	Committed - Engagé	\$ _____
PROVINCE	Quebec	Current Revenue balance Solde de revenu	\$ _____
PLACE NOM DE L'ENDROIT	Mistassini Reserve	Committed - Engagé	\$ _____
DATE	30 DAY - JOUR Sept MONTH - MOIS AD 19 76 YEAR - ANNEE		

DO HEREBY RESOLVE:
 DÉCIDE, PAR LES PRÉSENTES:

That the Mistassini Band Council has agreed to undertake the administration of monthly allowances for foster homes, nomad homes and hostel programs at the rate of \$150.00 per student for the beginning of November 1, 1976 and ending March 31, 1977.

If our request is approved, this Band Council will submit to the Department the monthly breakdown of costs and lists of students approved with by the Band Manager and the local liaison officer.

Furthermore, the Band Council is requesting the Department to transfer of funds on quarterly basis as is regular procedure with other Departmental Programs.

A quorum for this Band
 Pour cette bande le quorum est
 consists of
 fixé à
 Council Members
 Membres du Conseil

RECOMMENDED
 OCT 8 1976
Wass Saliba
 District Manager

Armed Cousin
 (Councillor - conseiller)
 (Councillor - conseiller)
 (Councillor - conseiller)
 (Councillor - conseiller)
 (Councillor - conseiller)
 (Councillor - conseiller)

George Madras
 (Chief - Chef)
 (Councillor - conseiller)
 (Councillor - conseiller)
 (Councillor - conseiller)
 (Councillor - conseiller)
 (Councillor - conseiller)

Melaine...
 (Councillor - conseiller)
 (Councillor - conseiller)
 (Councillor - conseiller)
 (Councillor - conseiller)
 (Councillor - conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE		2. COMPUTER BALANCES - SOLDES D'ORDINATEUR		3. Expenditure - Dépenses		4. Authority - Autorité		5. Source of Funds - Source des fonds	
1. Band Fund Code - Code/Id. compte de bande	A. Capital	B. Revenue - Revenu			Indian Act Sec. - Art. de la Loi sur les Indiens		<input type="checkbox"/> Capital <input type="checkbox"/> Revenue		
	\$	\$							
6. Recommended - Recommandé			\$ 63,000.00		Approved - Approuvable				
3-11-76			<i>M. St. Amant</i>		4/11/76		ORIGINAL PAR BY V.J. CAISSIE		
Date			Recommending Officer - Recommandé par		Date		Approving Officer - Approuvé par		

IA 158 (7-73) 7530-21-023-4002
 Sous-activité 2520
 enregistré le 15/10/76
 F.R.

PGC-10

REC U

BAND COUNCIL RESOLUTION SEP 26 1977
 RESOLUTION DE CONSEIL DE BANDE
 DISTRICT ABITIBI

Chronological No. - Numéro consécutif: 276
 File Reference - N° de réf. du dossier: 372/3-6-16 (372/3-1-16)
 372/28-8

NOTE: The words "From our Band Funds" "Capital" or "Revenue" which ever is the case, shall appear in all resolutions requesting expenditures from Band Funds.
 NOTA: Les mots "des fonds de notre bande" "Capital" ou "Revenu" quel que soit le cas, doivent apparaître dans toutes les résolutions portant sur des dépenses à faire.

THE COUNCIL OF THE LE CONSEIL DE LA BANDE INDIENNE	Mistassini	Current Capital Balance Solde de capital	\$
AGENCY		Committed - Engagé	\$
DISTRICT	Abitibi	Current Revenue balance Solde de revenu	\$
PROVINCE	Quebec	Committed - Engagé	\$
PLACE NON DE L'ENDROIT	Mistassini		
DATE	20 08 AD 19 77 DAY - JOUR MONTH - MOIS YEAR - ANNÉE		

DO HEREBY RESOLVE;
 DECIDE, PAR LES PRESENTES:

Whereas the Mistassini Band Council has agreed to administer the Room & Board program for foster homes & group homes, during the fiscal year beginning September 1, and ending March 31, 1978.

Whereas if our present request is approved, the said Band Council agrees to submit to Department of Indian Affairs a monthly breakdown of cost and list of students approved by the Band Manager.

Therefore it is resolved:

That the Band Council requests a transfer of funds on quarterly basis as is regular procedure with other Departmental programs.

Tentative cost for 1977-78 will be as follows:

September to December 1977			
- Group homes	36 x \$150.00 x 4 mos	-	\$23,640.00
- Foster homes	150 x \$150.00 x 4 mos	-	\$95,000.00
January to March			
Group homes	36 x \$150.00 x 3 mos	-	\$17,280.00
Foster Homes	150 x \$150.00 x 3 mos	-	\$72,000.00
TOTAL:			\$208,320.00

SECTION REGISTRES
 REQUERU: 26/1/77

A quorum for this Bande
 Pour cette bande le quorum est
 consists of fixé à 5
 Council Members
 Membres du Conseil

RECOMMENDED
 SEP 22 1977
 District Manager

R. M. ... (Councillor - conseiller)
R. M. ... (Councillor - conseiller)
L. M. ... (Councillor - conseiller)
R. M. ... (Councillor - conseiller)
S. J. ... (Councillor - conseiller)
A. P. ... (Councillor - conseiller)
A. P. ... (Councillor - conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVE AU MINISTÈRE

1. Band Fund Code Code de compte de bande	2. COMPUTER BALANCES - SOLDES INFORMATIQUES A. Capital B. Revenue - Revenu	3. Expenses Dépenses	4. Interest - Intérêt Art. de la Loi sur les Indiens	5. Source of Funds Source des Fonds Capital <input type="checkbox"/> Revenu <input type="checkbox"/>
6. Responder \$ 124,800.00	Approved - Approuvé		ORIGINAL SIGNÉ PAR G. LEMAY Approving Officer - Approuvé par	

29 SEP 1977 009281

No.: 500-06-000812-160

COUR SUPÉRIEURE DU QUÉBEC
(Chambre des actions collectives)
DISTRICT DE MONTRÉAL

ANNE SMITH (PSEUDONYME)

REQUÉRANTE

C.

PROCUREUR GÉNÉRAL DU CANADA

INTIMÉ

**DEMANDE DU PROCUREUR GÉNÉRAL DU CANADA
POUR ÊTRE AUTORISÉ À PRÉSENTER UNE PREUVE
APPROPRIÉE (Art. 574 C.p.c.)**

(PIÈCES PGC-1 à PGC-10)

ORIGINAL

PROCUREUR GÉNÉRAL DU CANADA

Par : **Me Nancy Bonsaint, avocate**

Ministère de la Justice Canada

St-Andrews Tower

275, rue Sparks

Ottawa (Ontario) K1A 0H8

Télécopieur : 613-952-6006

Téléphone : 613-941-8283

nbonsain@justice.gc.ca

N/Réf : 8734228

Court File No.: T-1417-18

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINAL PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

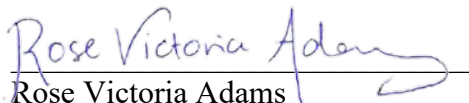
- and -

HIS MAJESTY THE KING

Defendant

EXHIBIT O TO THE AFFIDAVIT OF LÉA LEMAY LANGLOIS

This is Exhibit **O** to the affidavit of
Léa Lemay Langlois, as solemnly sworn
before me the 21st day of July, 2023


Rose Victoria Adams
Barreau du Québec n°358105-5

WIICHIHIWEWIN CENTRE ([HTTPS://WWCENTRE.CA/](https://wwcentre.ca/))



Wiichihiiwewin Centre

PROGRAMS

Here at Wiichihiiwewin Centre, we're committed to investing our expertise and resources in order to further achieve our cause. Since 2000, we've been supporting our community members in a variety of ways and measuring our success not by monetary size, but by more qualitative measurements such as the scale and effectiveness of our efforts. Just imagine what we can achieve together!

WWC Support and Service is Provided to People Who May Be Dealing With:

- addictive behaviors
- destructive human behaviors
- abusive behaviors
- suicide prevention and intervention
- grief and loss
- youth issues
- stress management and anger management
- family dynamics – family, marriage and couples relationships

- healthy family support and training
- trauma

GOALS

To provide a much needed, center-based, resource for the members of the community of Waskaganish in the area of social service and healing support

To bring a foundational approach that values and respects the dignity of all people, through an emphasis on Person-Center Therapy, Family Therapy, and other integrative approaches

To help and support individuals to achieve health and well-being in all areas of life using a traditional, cultural land-based approach

To begin a healing process/plan for individual clients and families

OUR APPROACH

1. Identify Situations in the community
2. Work to match our Resources to address the situations,
3. Plan and provide Service and Support Activites to improve those situations,
4. Examine the immediate Output/Impact of the activities, and
5. Set and measure Short Term and Long Term Outcomes using data to show Community Involvement and Progress.

[Home \(https://wwcentre.ca/\)](https://wwcentre.ca/)

[About \(https://wwcentre.ca/about/\)](https://wwcentre.ca/about/)

Eeyou Istchee
Health and Well-
Being

[Programs \(https://wwcentre.ca/programs/\)](https://wwcentre.ca/programs/)

[Team \(https://wwcentre.ca/team/\)](https://wwcentre.ca/team/)

[Rezdude.ca](https://www.rezdude.ca/) |
Design

Contact (<https://wwcentre.ca/contact/>)

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINAL PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

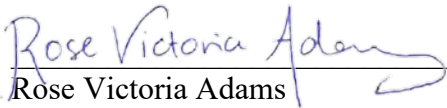
- and -

HIS MAJESTY THE KING

Defendant

EXHIBIT P TO THE AFFIDAVIT OF LÉA LEMAY LANGLOIS

This is Exhibit **P** to the affidavit of
Léa Lemay Langlois, as solemnly sworn
before me the 21st day of July, 2023


Rose Victoria Adams
Barreau du Québec n°358105-5

Lettres patentes

Loi sur les compagnies (RLRQ, chapitre C-38)

Le Registraire des entreprises, en vertu de la partie III de la Loi sur les compagnies, délivre aux requérants ci-après désignés les présentes lettres patentes, les constituant en personne morale sous le nom

Centre Wiichihiiwewin de Waskaganish

et sa ou ses versions

Wiichihiiwewin Centre of Waskaganish

Fait à Québec le 19 septembre 2018.

Déposé au registre le 19 septembre 2018 sous le numéro d'entreprise du Québec 1173972515.


Registraire des entreprises



RE-303 (2017-04)

Page 2

1 Requérants

Inscrivez le nom de famille, le prénom et l'adresse complète de tous les requérants dont la signature apparaît sur la première page. Un minimum de trois requérants est requis.

Les requérants demandant des lettres patentes sont :

Nom de famille et prénom Profession ou occupation
Cheechoo David **Travailleur social**

Appartement Numéro Rue
 Appartement Numéro Rue
 311 Winnibek

Ville, village ou municipalité Province Pays Code postal
Waskaganish **Qc** **Canada** **J, 0, M 1, R, 0**

Nom de famille et prénom Profession ou occupation
Whiskeychan Greta **Thérapeute**

Appartement Numéro Rue
 Appartement Numéro Rue
 311 Winnibek

Ville, village ou municipalité Province Pays Code postal
Waskaganish **Qc** **Canada** **J, 0, M 1, R, 0**

Nom de famille et prénom Profession ou occupation
Hamilton Newton **Thérapeute**

Appartement Numéro Rue
 Appartement Numéro Rue
 B 225 Kaominak

Ville, village ou municipalité Province Pays Code postal
Waskaganish **Qc** **Canada** **J, 0, M 1, R, 0**

2 Siège – Inscrivez le lieu au Québec où sera établi le siège de la personne morale.

18 Nottaway, 2e étage, CP 346, Waskaganish, Québec, Canada

Code postal
 J, 0, M 1, R, 0

3 Premiers administrateurs – Seuls les requérants peuvent être premiers administrateurs ou administrateurs provisoires. Un minimum de trois administrateurs est requis.

Inscrivez le nom de famille et le prénom des premiers administrateurs ou des administrateurs provisoires de la personne morale.

Cheechoo David

Whiskeychan Greta

Hamilton Newton

Si l'espace prévu est insuffisant, joignez une annexe, identifiez la section et numérotez les pages, s'il y a lieu.

RE-303 (2017-04)

Page 3

4 Immeubles – Inscrivez l'une ou l'autre de ces informations.

Le montant auquel sont limités les biens immobiliers que peut acquérir et posséder la personne morale est : 1,000,000 \$.

ou

Les revenus provenant des biens immobiliers que peut acquérir et posséder la personne morale sont limités à : _____ \$.

5 Objets – Le ou les objets pour lesquels la constitution de la personne morale est demandée sont : (Inscrivez les buts poursuivis.)

À des fins purements charitables et sans intention de gains pécuniaires pour ses membres, les objets de la personne morale sont:

a) Promouvoir la santé mentale et le mieux-être en fournissant aux personnes ayant des problèmes de santé mentale des services de consultation individuelle ou de groupe et des services de consultation d'urgence;

b) Promouvoir la santé mentale et le mieux-être en offrant au public des séances d'information, de formation et de sensibilisation au sujet d'enjeux liés à la santé mentale;

c) Traiter et prévenir les problèmes auxquels les enfants et les jeunes sont confrontés en offrant au public des services de consultation individuelle ou de groupe et des séances d'information, de formation et de sensibilisation sur des enjeux propres à la jeunesse;

d) Traiter et prévenir les problèmes particuliers auxquels les familles sont confrontées en offrant au public des services de consultation individuelle ou de groupe et en offrant des séances d'information, de formation et de sensibilisation sur des enjeux propres aux familles;

d) Recevoir des dons, legs et autres contributions similaires, en espèces, sous forme de titres ou sous forme de biens immobiliers; administrer de tels dons, legs et contributions; organiser des campagnes de souscription dans le but de lever des fonds à des fins caritatives.

La corporation s'adonne à ses activités sans gain monétaire pour ses membres, et tout profit ou autre accroissement de la corporation doit servir à la promotion de ses objectifs.

Les objets mentionnés ci-dessus ne permettent toutefois pas d'offrir des services d'enseignement.

Les objets ne permettant en aucun cas aux souscripteurs ou à leurs bénéficiaires de recouvrer les sommes par lesquelles ils ont contribué à la personne morale.

Si l'espace prévu est insuffisant, joignez une annexe, identifiez la section et numérotez les pages, s'il y a lieu.

6 Autres dispositions (s'il y a lieu)**1. Limitations aux activités de la corporation**

1.1. Aucune partie des biens ou des profits de la corporation ne sera versée à un membre de la corporation, directement ou indirectement, pour son profit personnel.

1.2. La corporation ne peut exercer d'activités qui visent des fins politiques.

2. Conseil d'administration

2.1. Le conseil d'administration est composé de 3 administrateurs, ce nombre peut être modifié conformément à l'article 87 de la Loi sur les compagnies.

2.2. Les membres peuvent, lors d'une assemblée, destituer un administrateur de la personne morale. L'avis de convocation de l'assemblée doit mentionner qu'une telle personne est passible de destitution et en préciser la principale faute qu'on lui reproche.

2.3. Le conseil d'administration peut, lorsqu'il le juge opportun :

- faire des emprunts de deniers sur le crédit de la personne morale;
- émettre des obligations ou autres valeurs de la personne morale et les donner en garantie ou les vendre pour les prix et sommes jugés convenables;
- hypothéquer les immeubles et les meubles ou autrement frapper d'une charge quelconque les biens meubles de la personne morale;
- nonobstant les dispositions du Code civil du Québec, consentir une hypothèque, même ouverte, sur une universalité de biens, meubles ou immeubles, présents ou à venir, corporels ou incorporels, le tout conformément à l'article 34 de la Loi sur les pouvoirs spéciaux des personnes morales.

3. Dissolution

3.1. En cas de dissolution ou liquidation de la corporation, ses biens sont, après règlement de ses dettes ou constitution d'une provision suffisante à cette fin, dévolus à une autre corporation sans but lucratif exerçant une activité analogue ou, si la corporation obtient le statut d'organisme de charité enregistré, le reliquat de ses biens sera plutôt distribué à un ou plusieurs organismes de bienfaisance enregistrés au Canada au sens de la Loi de l'impôt sur le revenu.

Si l'espace prévu est insuffisant, joignez une annexe, identifiez la section et numérotez les pages, s'il y a lieu.

**Retournez tous les documents accompagnant cette demande avec votre paiement.
Ne pas télécopier.**

Court File No.: T-1417-18

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINAL PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

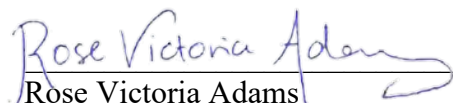
- and -

HIS MAJESTY THE KING

Defendant

EXHIBIT Q TO THE AFFIDAVIT OF LÉA LEMAY LANGLOIS

This is Exhibit Q to the affidavit of
Léa Lemay Langlois, as solemnly sworn
before me the 21st day of July, 2023


Rose Victoria Adams
Barreau du Québec n°358105-5

**GENERAL BY-LAW
WIICHIHIWEWIN CENTRE OF WASKAGANISH**

1. GENERAL PROVISIONS

1.1. NAME

The name of this organization shall be **Wiichihiiwewin Centre of Waskaganish** - Centre Wiichiiwewin de Waskaganish (hereinafter referred to as "the Centre").

1.2. PURPOSE

The Centre's purposes are:

- i. to promote health and mental wellness by providing people facing mental health problems with access to individual or group counselling and emergency counselling services;
- ii. to promote health and mental wellness by providing the public with informational and training sessions on mental health issues;
- iii. to address and prevent problems faced by children or youth by providing them with access to individual or group counselling services, and with informational and training sessions on these issues;
- iv. to address and prevent specific problems faced by families by providing them with access to individual or group counselling services, and with informational and training sessions on these issues;
- v. to receive donations, legacies and other similar contributions, to administer them and to raise funds for charitable purposes.

1.3. HEAD OFFICE

The head office of the Centre shall be located at 18 Nottaway, Second Floor, Waskaganish, Quebec J0M 1R0.

The Centre may have other offices and places of business at such places within Quebec, Canada as shall be determined by the Board of Directors.

2. MEMBERSHIP

2.1. CATEGORIES OF MEMBERS

The Centre shall have two (2) categories of members:

- ordinary members, who have the right to vote; and
- associate members who have the right to attend and to speak at the general meetings of the Centre, but no vote.

2.1.1. ORDINARY MEMBERS

Ordinary members include individuals who are:

- founding members of the Centre; or
- elected to the Board of Directors of the Centre;

and shall include all former directors, provided they were not removed from office.

2.1.2. ASSOCIATE MEMBERS

Any individual over 18 years of age may apply in writing to become an associate member of the Centre, but associate membership is effective only upon acceptance by the Board of Directors, which shall be recorded by the Secretary.

Associate members have the right to attend and to speak at the general meetings of the Centre but with no vote.

2.2. TERM OF MEMBERSHIP AND DUES

No membership fees are due unless otherwise decided by the Board of Directors.

No-one ceases to be a member unless the Centre is dissolved as a corporation or in the event of death or loss of membership for one of the reasons set out below.

2.3. LOSS OF MEMBERSHIP

An individual ceases to be a member if he or she is the subject of a finding of serious misconduct causing harm to the property, activities or reputation of the Centre.

Such a finding may only be made by a vote of at least two-thirds (2/3) of the members present at a special general meeting called for that purpose and no such finding may be made unless the affected member has received notice of the meeting and has been given the opportunity to answer the allegations set against him or her.

2.4. RESIGNATION BY MEMBERS

Any member, whether ordinary or associate, may resign his or her membership in the Centre upon notice in writing given to the Secretary-Treasurer of the Centre which shall be effective when received by the Secretary.

3. MEETINGS OF MEMBERS

3.1. ANNUAL GENERAL MEETING

The Annual General Meeting shall be held no later than four (4) months after the financial year-end, unless otherwise decided by the Directors. The Annual General Meeting shall be held at the Centre's head office or at any other place within the Province of Quebec that the Board of Directors or the executive committee may designate from time to time.

At the Annual General Meeting:

- i. the Board of Directors shall present the financial statements setting out the Centre's income, expenditures, assets and liabilities as of a date not more than four (4) months prior to the meeting, as well as a the auditor's report for the same period;
- ii. the Board of Directors shall report on the Centre's activities over the past year and present the projected activities for the year;
- iii. the members shall appoint the auditor for the year;
- iv. if necessary, the members shall elect the Directors to fill any term of office that has expired or any position that is vacant and has not been filled;
- v. if necessary, the members shall confirm any by-laws adopted, repealed or amended by the Board of Directors since the last Annual Meeting.

3.2. SPECIAL MEETINGS OF MEMBERS

The Board of Directors may call a special meeting of the members. The Board must also hold a special meeting upon a written request made in writing to the Secretary, if it specifies the purpose of the meeting and is signed not less than one-tenth (1/10) of the ordinary members.

3.3. NOTICE OF MEETING

At least ten (10) days prior to any annual or special general meeting of the members:

- i. written notice shall be given by the Secretary-Treasurer to each ordinary member; and
- ii. written notice to associate members shall also be posted at the head office in a conspicuous location.

This notice shall state the day, hour and place of the meeting and the general nature of the business to be transacted.

Notice of a meeting where special business is to be transacted shall contain sufficient details to permit the ordinary members to form a reasoned judgment on the decision to be taken.

The unintentional failure to give notice of a meeting does not invalidate any resolution passed or any proceedings taken at any meeting of members.

3.4. QUORUM

The quorum for an Annual or Special General Meeting is two-thirds (2/3) of the ordinary members and those members must be physically in attendance.

If a quorum is present at the opening of a meeting of members, the members present may proceed with the business of the meeting even if a quorum is not present throughout the meeting.

If there is no quorum within one hour of the opening of a general meeting of the members, the majority of ordinary members present at the meeting may adjourn the meeting by notice on the spot as many times as necessary until there is a quorum.

3.5. VOTE

Each ordinary member present at a meeting of the members shall be entitled to one vote; no vote by proxy shall be allowed; associate members may not vote.

Every question submitted to a meeting of members shall be decided by a simple majority (50% + 1) unless the *Companies Act* or a by-law of the Centre provides otherwise.

3.6. RESOLUTION IN PLACE OF A SPECIAL GENERAL MEETING OF THE MEMBERS

A resolution or by-law signed by the quorum of the voting members of the Centre is as valid as if had been adopted or ratified during a special general meeting.

A copy of any such resolution or by-law shall be kept along with the minutes of any deliberations of the meetings of the Centre's members.

4. BOARD OF DIRECTORS

4.1. GENERAL

The affairs of the Centre shall be managed, by the Board of Directors.

4.2. ELIGIBILITY CRITERIA

A director must be an individual who is eighteen (18) years of age or older, demonstrate an interest in the purposes and activities of the Centre and be interested in donating his or her time, advice, skill, energy, and support to advance the Centre's objectives and activities. A director does not need to be a resident of the Province of Quebec.

The following individuals are not eligible to serve as Directors:

- i. an undischarged bankrupt;
- ii. anyone under a court order prohibiting him or her from serving as the director of a corporation;
- iii. anyone under tutorship, curatorship, or trusteeship due to a disability that impairs the person's mental faculties or physical ability to express his or her will;
- iv. anyone who has been convicted of an offence related to financial dishonesty or an offence relevant to the operation of the organization;
- v. any person convicted of an indictable offence and who was sentenced to imprisonment of two years or more;
- vi. anyone who has within the last three (3) years has been removed from office as a director of the Centre or has lost his or her membership in the Centre.

4.3. COMPOSITION

The Board of Directors shall be composed of three (3) members.

4.4. ELECTION

Directors shall be elected from the persons nominated by the ordinary members present at the Annual General Meeting.

The term of office commences immediately upon adjournment of the meeting at which the Director was elected.

4.5. TERM OF OFFICE

Members of the Board of Directors shall serve for two (2) years and shall be eligible for re-election for a total of no more than six (6) consecutive years.

4.6. VACANCIES

Any vacancy on the Board of Directors shall be filled by a vote of the majority of the remaining directors. A director elected to fill a vacancy shall be elected for the unexpired term of his or her predecessor and his or her term of office shall commence upon election.

Despite any vacancy, the Board of Directors may continue to act, as long as there is quorum.

4.7. RESIGNATION

Any Director may resign at any time by giving written resignation from his position to the President of the Board of Directors, who shall announce the resignation at the next regular meeting. Such resignation shall take effect at the time specified therein; unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

4.8. REMOVAL FROM OFFICE

A Director is automatically removed from office if he or she ceases to be meet the eligibility criteria, but no decision is invalid only because an ineligible Director participated.

A Director may be removed from office by a resolution adopted by two-thirds (2/3) of the ordinary members of the Centre at a special general meeting called for that purpose and based on grounds including misuse of the Centre's funds or property or abuse of the Centre's clients or staff. However no vote to remove a director may be held unless the affected director has received notice of the meeting and has been given the opportunity to answer the allegations set against him or her.

4.9. REMOVAL FOR ABSENCE

If a Director misses three (3) consecutive meetings without excuse, such absences shall be deemed to constitute such individual's tender of his or her resignation from the Board of Directors.

5. MEETINGS OF THE BOARD OF DIRECTORS

5.1. GENERAL

The Board of Directors shall meet at least four (4) times annually and as often as the Board of Directors or the executive committee may decide.

Special meetings may be called at any time by the President of the Board of Directors, and must be called by the President if he or she receives a written request from two-thirds (2/3) of the directors.

The regular and special meetings of the Board of Directors shall be held at the head office of the Centre or at any other place within the Province of Quebec that the Board of Directors may designate from time to time.

5.2. QUORUM

The quorum for any meeting of the Board of Directors consists of a majority of the Directors.

5.3. NOTIFICATION

Notice of a Board of Directors meeting shall be given no less than two (2) business days prior to the meeting. The notice shall be sent by mail, email or telephone. Documents relating to the board meetings shall, when possible, be transmitted at the same time as the notice.

In case of emergency, the notification period may be reduced to 24 hours and members must be given the opportunity to participate by telephone or other similar means.

No error or accidental omission in giving notice of any Board meeting shall invalidate the meeting or any decision taken at the meeting.

5.4. WAIVER OF NOTICE

A director may waive his or her right to notice before or after the meeting.

Attendance by a director at a meeting of the Board shall constitute waiver of notice of that meeting unless he or she attends for the express purpose of objecting to the transaction of business because the meeting has not been lawfully called or convened.

5.5. PARTICIPATION

If all the Directors consent, either generally or with respect to a particular meeting, a Director may participate in a meeting of the Board of Directors or one of its committees, by a technical means, particularly the telephone, permitting all the participants to communicate orally amongst themselves.

The Director participating by the technical means is deemed to have attended the said meeting.

5.6. RESOURCE PERSONS

The Board of Directors may allow any individual or group of individuals whose presence it considers useful to attend its meetings.

5.7. VOTE

Decisions by the Board of Directors are made by a majority vote of those present and no vote by proxy is allowed, unless the by-laws of the Centre or the *Companies Act* set different voting rules.

The vote is taken by a show of hands except when the majority of directors present call for a secret ballot.

In the case of a tied vote the officer who chairs the meeting may exercise a second or deciding vote.

5.8. RESOLUTIONS

A resolution in writing, signed by all the directors is as valid as if it had been passed at a meeting.

A copy of every resolution shall be kept with the minutes of the proceedings of the Board of Directors.

6. POWERS AND DUTIES OF THE DIRECTORS

6.1. GENERAL

The Board of Directors shall have all the powers necessary, for the administration the Centre, and for the management of its property, including:

- i. establishing and reviewing board policies governing the Centre and its operations;
- ii. ensuring adequate resources for operation of the Centre;

- iii. helping to identify, cultivate, solicit and acknowledge donors;
- iv. establishing and supervising adequate accounting and financial procedures;
- v. promoting the goals and purposes of the Centre and evaluating the Centre against such goals and purposes; and
- vi. employing on behalf of the Centre an Executive Director and defining his or her duties and responsibilities.

6.2. CONFLICT OF INTEREST

No Director or Officer shall receive a financial benefit from the Centre, whether directly or indirectly, but this rule does not apply to the reimbursement of reasonable expenses allowed under this by-law. Every Director or Officer shall disclose any potential financial benefit that he or she might have in any issue before the Board and shall refrain from voting on the matter.

6.3. REIMBURSEMENT OF EXPENSES

Directors shall serve without compensation except that they shall be allowed reasonable advances or reimbursement for expenses incurred in the performance of their duties.

6.4. GIFTS AND DONATIONS

The Board of Directors may accept contributions, gifts, or bequests, on behalf of the Centre.

6.5. COMMITTEES

The Board of Directors may create advisory committees, if needed, and name, hire or dismiss any person to serve on those committees.

7. OFFICERS

7.1. GENERAL

The officers of the Centre are the President, the Vice-President, and the Secretary-Treasurer.

The directors elect the officers from among the directors elected by the ordinary members at the first board meeting after the annual general meeting, but the position of Secretary-Treasurer may be filled by an individual who is not a director. Either the President or the Vice-President may also serve as Secretary-Treasurer.

The Board of Directors may remove any officer for cause by a majority vote, but the officer remains a member of the board unless he or she is removed from office pursuant to section 4.8.

7.2. PRESIDENT

The President is the chief officer of the Centre and shall have general supervision of the business activities of the Centre. He or she shall:

- i. preside at meetings of the members, of the Board of Directors and of the Executive Committee;
- ii. represent the Centre;
- iii. see that all orders and resolutions of the Board of Directors are carried into effect;
- iv. ensure, with the assistance of the Secretary, preparation of the agenda of the meetings of the Board of Directors or of the Executive Committee;
- v. ensure that all participants in the meetings of the members, of the Board of Directors and of the Executive Committee have an opportunity to express their points of view and opinions;
- vi. supervise the Executive Director;
- vii. fulfill all other duties which may be assigned to him by the Board of Directors.

7.3. VICE-PRESIDENT

The Vice-President shall:

- i. replace the President when he or she is absent or incapable of acting;
- ii. carry out all duties which may be assigned to him or her by the Board of Directors.

7.4. SECRETARY-TREASURER

The Secretary-Treasurer shall:

- i. ensure that the required notices of meetings of the members, of the Board of Directors and of the Executive Committee are sent;
- ii. participate in the meetings of the members, of the Board of Directors and of the Executive Committee and ensure that the minutes of the proceedings are prepared;

- iii. ensure that the minutes of all meetings are entered in the books kept for this purpose;
- iv. assist the President of the Board of Directors in ensuring preparation of the agenda of the meetings of the members, the Board of Directors and the Executive Committee;
- v. ensure safekeeping of the corporate seal and the corporate registers of the Centre;
- vi. certify that the documents emanating from the Centre are true copies;
- vii. ensures the good order of all the financial affairs of the Centre, including the banking, payment of accounts, and the control of the revenue and costs of the Centre;
- viii. ensure safekeeping of an exact and complete record of the assets, debts, receipts and expenses of the Centre, and deposit all funds and other valuable assets in a financial institution;
- ix. spend the Centre's funds as authorized and issue the appropriate documents;
- x. provide the President and the Board of Directors with an account of all transactions and the Centre's balance sheet, upon request;
- xi. carry out all duties which may be assigned to him or her by the Board of Directors.

The Secretary-Treasurer's power to prepare documents or deposit and disburse funds does not, however, prevent any other officer or employee of the Centre from carrying out the same tasks if they are authorized to do so by the Board of Directors.

8. EXECUTIVE DIRECTOR

The Board of Directors may employ an Executive Director who shall:

- i. implement the policies and procedures of the Centre as prescribed by the Board of Directors in a written job description;
- ii. be responsible for the operation of the corporate office;
- iii. employ, supervise and terminate such other staff as is deemed necessary by the Board of Directors to carry on the business of the Centre;
- iv. assign a staff person to committees as requested by the Board or Officers;
- v. provide the Board of Directors with reports regarding current status of program and financial situations as requested, but not less frequently than every three (3) months.

The position of Executive Director may not be combined with a seat on the Board of Directors, except for the first directors. The Executive Director has the right to attend board meetings, except when the board decides to go into confidential session; he or she has voice but no vote.

9. INDEMNIFICATION OF DIRECTORS AND OFFICERS

When Board members or others are authorized to act on behalf of the Centre and a legal or administrative action results in costs or expenses, the Centre will not require Board members or other authorized persons to pay any penalties, liabilities, costs or expenses, if they:

- i. acted honestly and in good faith with a view to the best interests of the Centre;
- ii. in cases involving criminal or administrative action enforced by a monetary penalty, had reasonable grounds to believe their conduct was lawful;
- iii. notified the Centre of any action or proceeding within a reasonable time; and
- iv. co-operated with the Centre in its defence in a manner that was reasonable in the circumstances.

The Centre is authorized to purchase insurance to indemnify Directors and other authorized persons.

10. FINANCIAL MANAGEMENT

10.1. FINANCIAL YEAR-END

The Centre's financial year-end shall be December 31st of each year or such other date as shall be decided by the Board of Directors.

10.2. BOOKS AND ACCOUNTS

The Secretary-Treasurer shall maintain the following documents at the head office, or at such other location as authorized by the Board of Directors:

- vi. the letters patent and by-laws of the Centre;
- vii. the names of all individuals who are or have been members of the Centre;
- viii. the minutes of annual and special general meetings of members of the Centre;

- ix. the name and address of each director with an indication for each of the date on which his term of office began and ends;
- x. the minutes of the meetings of the Board of Directors and of the votes taken at such meetings;
- xi. the receipts and disbursements of the Centre and the matter to which each relates;
- xii. the financial transactions of the Centre and its assets and liabilities;
- xiii. if the Centre is a registered charity, copies of official donation receipts and Registered Charity Information (T3010) returns.

10.3. AUDITS AND REPORTS

At each annual general meeting, the ordinary members shall appoint an auditor to audit the Centre's accounts to submit a report to the members at the following annual general meeting. The Board of Directors may replace the auditor if the position becomes vacant and shall fix the auditor's remuneration.

At each annual general meeting, the Board shall also present an annual report to the members on the Centre's activities during the previous year at each annual general meeting.

10.4. ENTERING INTO CONTRACTS

The Board of Directors may name one or more Directors or officers who may sign contracts or other documents on behalf of the Centre.

10.5. RULE AGAINST LENDING

The Centre shall not make loans to any officer or director of the Centre.

10.6. BANKING POWERS

A bank account or trust account may be opened in the name of the Centre in any chartered bank, Caisse Populaire or trust company chosen by the Board of Directors.

Withdrawals and all other transactions must be made by the person or persons designated by the Board of Directors.

11. AMENDMENT OF BY-LAWS

This by-law and any other by-law adopted by the Centre may be amended or repealed and new by-laws adopted upon a vote of at least two-thirds (2/3) of all members of the Board of Directors.

Every amendment or repeal must be confirmed at the next annual general meeting of the Centre and shall cease to be in force without such confirmation.

Adopted by the board of directors on October 11, 2018

Court File No.: T-1417-18

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINAL PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

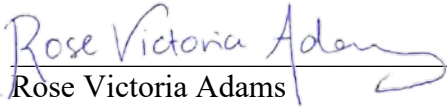
- and -

HIS MAJESTY THE KING

Defendant

EXHIBIT R TO THE AFFIDAVIT OF LÉA LEMAY LANGLOIS

This is Exhibit **R** to the affidavit of
Léa Lemay Langlois, as solemnly sworn
before me the 21st day of July, 2023


Rose Victoria Adams
Barreau du Québec n°358105-5



Canada Revenue
Agency

Agence du revenu
du Canada

Ottawa ON, K1A 0L5



Date Jul 8, 2021
Account Number 78372 0063 RR0001
Reference Number CH210411434282

ATTN: KATICA SPILLANE
DIONNE SCHULZE SENC
502-507 PLACE D'ARMES
MONTREAL QC H2Y 2W8

Subject: Notification of registration as a charity for Wiichihiiwewin Centre of Waskaganish

Katica Spillane,

We are pleased to inform you that Wiichihiiwewin Centre of Waskaganish meets the requirements for tax-exempt status as a registered charity under the Income Tax Act.

Along with the privileges of registered status come some obligations. This letter includes important information about how a registered charity is required to operate and what it is obligated to do. **Please take the time to review this information and keep this letter for future reference.**

You should also give a copy of this letter and any enclosed materials to the person responsible for filling out Wiichihiiwewin Centre of Waskaganish's annual Form T3010, Registered Charity Information Return.

If you have questions, please call our Client Service Section at **1-800-267-2384**.

Yours sincerely,

Julie Bourcier
Charities Analyst
for Tony Manconi,
Director General
Charities Directorate

Attachments

Registration information for Wiichihiiwewin Centre of Waskaganish

- **Official name:** Wiichihiiwewin Centre of Waskaganish
- **Business number:** 783720063RR0001
- **Effective date of registration:** May 12, 2021
- **Designation:** Charitable Organization
- **Fiscal period end:** March 31
- **Due date for first Form T3010, Registered Charity Information Return:** September 30, 2022, for the fiscal period ending March 31, 2022
- **Reason for registration:**

We granted the charity charitable registration based on the information it gave in its application and on the purposes in its governing document of September 19, 2018, issued under the Loi sur les compagnies du Québec. The charity should have a governance structure in place that makes sure it meets all the requirements of maintaining charitable status. This includes regularly reviewing the purposes in its governing document.

Important information

Tax shelters

The CRA has serious concerns about abusive tax shelter gifting arrangements and cautions registered charities about becoming involved in such schemes. A tax shelter gifting arrangement typically promises participants tax savings greater than their cost to participate, allowing participants to "profit" when donating the tax shelter property to a charity.

Although certain tax shelter arrangements may be legitimate, we intend to audit most or all that involve charitable gifts. To date these audits have resulted in our reassessing thousands of participants and collecting billions of dollars.

Registered charities that are found to have knowingly taken advantage of their tax-receipting privileges by participating in abusive or fraudulent tax shelter gifting arrangements, or that do not devote their resources to legitimate charitable activities, will face substantial monetary penalties or have their registered charitable status revoked, or both. Registered charities and their directors may also have to pay third-party civil penalties for being involved in gifting arrangements.

More information about tax shelter gifting arrangements can be found at canada.ca/charities-giving, then selecting "A to Z index of topics for charities."

New and future activities

We registered the charity based on the purposes in its governing document and the activities described in its application for registration. If the charity carries out new activities that are not charitable, or that are beyond the scope of the purposes it was first registered for, it risks losing its registered charity status.

You should contact us if you want to carry out new programs and activities that are different from those we already approved. You should describe in detail these new or proposed activities or programs so we can determine if they are acceptable. For more information, contact our Client Service Section,

Keep in touch

Online services

We encourage you to take advantage of all the online services for charities in My Business Account. Go there to:

- fill out and send your Form T3010, Registered Charity Information Return
- update and manage your account information
- check the status of your file
- send and receive correspondence

For more information on My Business Account, go to canada.ca/charities-giving and select "My business account for charities".

Electronic mailing list

To get updates when we add new information to the Charities and giving webpages, go to canada.ca/charities-whats-new and subscribe to the "Charities and giving – What's new" electronic mailing list. For more information about the obligations of registered charities and other qualified donees, go to canada.ca/charities-giving.

Webinars

A webinar is an interactive presentation similar to a charities information session. But, instead of a face-to-face presentation, it is an hour-long, interactive online session. For more information, go to canada.ca/charities-giving, then clicking on "Guidance, videos, forms and more," followed by "Videos and recorded webinars for charities and donors."

Goods and services tax/harmonized sales tax (GST/HST)

For questions about the GST/HST, go to canada.ca/en/revenue-agency/services/tax/businesses/topics/gst-hst-businesses.html or call 1-800-959-5525.

Any other questions:

Check out our webpages at canada.ca/charities-giving. You can also call our Client Service Section at 1-800-267-2384 or at 1-800-665-0354 for teletypewriter (TTY) service for persons with a hearing or speech impairment.

Court File No.: T-1417-18

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINAL PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

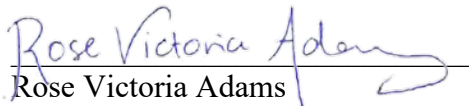
- and -

HIS MAJESTY THE KING

Defendant

EXHIBIT S TO THE AFFIDAVIT OF LÉA LEMAY LANGLOIS

This is Exhibit S to the affidavit of
Léa Lemay Langlois, as solemnly sworn
before me the 21st day of July, 2023


Rose Victoria Adams
Barreau du Québec n°358105-5

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL
N°: 500-06-000812-160

SUPERIOR COURT
Class Action

Wiichihiiwewin Centre of Waskaganish, an association constituted as a legal person under Part III of the *Companies Act*, CQLR c C-38, with its head office at 18 Nottaway Street, Waskaganish, Québec J0M 1R0

Applicant

and

Anne Smith

Designated Member

v.

Attorney General of Canada

Respondent

RE-AMENDED APPLICATION FOR AUTHORIZATION TO INSTITUTE A CLASS ACTION AND TO OBTAIN THE STATUS OF REPRESENTATIVE
(Art. 571 *et seq.*, C.C.P.)

TO ONE OF THE JUDGES OF THE SUPERIOR COURT, SITTING IN THE PRACTICE DIVISION FOR THE DISTRICT OF MONTREAL, THE APPLICANT RESPECTFULLY SUBMITS THE FOLLOWING:

The applicant Wiichihiiwewin Centre of Waskaganish (“the Applicant”), an association constituted as a legal person of which Anne Smith (a pseudonym) is a designated member, requests authorization to proceed with a class action on behalf of persons in the group described below, of which Anne Smith is a member, specifically:

Description of the group

[...] “Aboriginal children and adolescents who, when they were domiciled or resident in Québec, were billeted by the Government of Canada with families other than their own, or in hostels, residences or boarding homes (the “Primary Class”). The Primary

the community. Several individuals billeted with families in Mistissini have also described physical and sexual abuse they suffered in those homes.

- 1.7. Moreover, the federal government used its jurisdiction over primary and secondary education for Aboriginal children to impose on them a variety of other forms of placement outside their own homes while they were at school, such as boarding homes, hostels and residences, none of which meet the definition of residential schools under the IRSSA, but where students also suffered abuse.
- 1.8. This action concerns the establishment, implementation, administration and management by Canada of those placement programs for Aboriginal children and youth, which consisted of educational programs designed to advance Canada's policy of culturally assimilating Aboriginal persons into mainstream Canadian society.
- 1.9. As a result of those placements, Aboriginal children were separated by large distances from their families and communities and were unreasonably denied access to their language, culture, identity, religion, heritage and customs.
- 1.10. Through the implementation of those placement programs, Canada severely damaged the identities of those children who were billeted and subsequent generations of Aboriginal people and caused irreversible harm to individuals, families and communities.
- 1.11. The Applicant is seeking a recourse for Anne Smith and for all those in a similar situation and their families, whether in Fort George or Mistissini, or elsewhere in Québec.

2. The context of the class action: Indian Residential Schools and the Independent Assessment Process

A. The Indian Residential School system

- 2.1. A fundamental measure in Canada's policy of assimilation of Aboriginal peoples was its system of residential schools, which were operated across Canada, in collaboration with church entities, from the early 1830s until 1997, as appears from Summary of the Final Report of the Truth and Reconciliation Commission of Canada (TRC Report), produced as Exhibit P-2, at p. 70.
- 2.2. In total, roughly 150,000 Aboriginal people attended one or more of the 139 residential schools across the country, as appears from the TRC Report, P-2, at p. 3. Most of these individuals were Indians within the meaning of the *Indian Act*, like Anne and the other Quebec Cree, but many were also Inuit.

- 2.3. These schools system played an important role in a process referred to as “cultural genocide” by the Truth and Reconciliation Commission (TRC) of Canada and by the Right Honourable Beverly McLachlin, Chief Justice of the Supreme Court of Canada, as appears from the TRC Report, P-2, at p. 1, and from an article in the *Globe and Mail* dated May 28, 2015, produced as Exhibit P-3.
- 2.4. The Aboriginal Healing Foundation defined the “Residential School System” as including “industrial schools, boarding schools, homes for students, hostels, billets, residential schools, residential schools with a majority of day students or a combination of any of the above,” as appears from the *Third Interim Evaluation Report of Aboriginal Healing Foundation Program Activity* at p. vi, produced as Exhibit P-31.
- 2.5. In fact, the residential school system consisted of a variety of forms of primary and secondary education imposed on Aboriginal children by the federal government pursuant to its authority under para. 91(24) of the *Constitution Act, 1867* from Confederation till approximately 1997.

B. The Indian Residential School Settlement Agreement (IRSSA)

i. Nature and scope

- 2.6. The Indian Residential School Settlement Agreement (IRSSA), produced as Exhibit P-4, was approved as the settlement of nine class actions by the superior courts of six provinces (from British Columbia to Québec) and all three territories, including the decision of this Honourable Court in *Bosum v. Attorney General of Canada*, No. 500-06-000293-056, 550-06-000021-056 and 500-06-000308-052, produced as Exhibit P-5.
- 2.7. The IRSSA has three main components: the Truth and Reconciliation Commission (TRC); the Common Experience Payment (CEP), a lump sum payable to all former students who resided at a recognized Indian Residential School (IRS); and the Independent Assessment Process (IAP) at issue in this application, meant to compensate claims of sexual or serious physical abuse.
- 2.8. A list of the residential schools attended to by the IAP is found in Schedule P and F of the IRSSA, filed in support of this as Exhibit P-6, and it includes Fort George Anglican also known as St. Philip’s Indian Residential School (IRS), which Anne attended.
- 2.9. The Interim Report of the Truth and Reconciliation Commission (TRC), produced as Exhibit P-32, noted at p. 9 that the IRSSA excluded specific groups of former students, including:
 - a. students such as Anne Smith, who attended the same schools by day as were attended by students living in the residences, who did not stay in

their own homes with their own families, but who were billeted with local families; and

- b. students who attended non-residential schools as directed by the federal government, though the schools were not under federal control – many of these students in fact boarded with families chosen by the federal government.
- 2.10. Requests made pursuant to Article 12 of the IRSSA to add institutions to the settlement agreement were denied in all 41 cases identified as “home placements,” in British Columbia, Saskatchewan, Manitoba, Ontario, Québec, the Northwest Territories and Nunavut, as appears from the full list produced as Exhibit P-33.
- 2.11. Similar requests were also denied in all cases identified as hostels operated by a provincial or territorial government or by a religious organization, as appears from Exhibit P-33.

ii. The Independent Assessment Process (IAP)

- 2.12. The IAP has two categories of claimants: Resident Claimants, who lived at the Indian Residential School (IRS), and Non-Resident Claimants, who did not reside at an IRS but, while under the age of 21, were permitted by an adult employee to be on the premises of an Indian Residential School to take part in authorized school activities.
- 2.13. The IAP awards compensation for three kinds of acts: sexual abuse, roughly from touching to repeated intercourse; severe physical abuse (PL); and “other wrongful acts” (OWA), which require a high level of psychological harm.
- 2.14. The IAP also awards compensation for:
- a. psychological harms from a modest detrimental impact, such a loss of self-esteem, to continued harm resulting in serious dysfunction, such as a chronic post-traumatic state;
 - b. consequential loss of opportunity, roughly from reduced attention span to chronic inability to obtain employment; or
 - c. proven actual income loss, instead of opportunity loss;
 - d. a future care plan for counselling or medical treatment, to a maximum of \$15,000;

the whole as it appears in IRSSA, Schedule D, produced in support of this as

Exhibit P-7.

- 2.15. Liability can vary depending on the identity of the alleged perpetrator:
 - a. Canada accepts liability for abuse by any adult employee of the government or of the church entity that operated the IRS, but other adults must have been lawfully on the premises;
 - b. Canada accepts liability for student on student abuse only where it took place on the premises and employees had real or constructive knowledge of the abuse (among other conditions).
- 2.16. Liability can also vary depending on the identity of the Claimant:
 - a. Canada accepts liability for any compensable abuse committed against a Resident by an adult when the abuse arose from or its commission was connected to the operation of an IRS;
 - b. Canada accepts similar liability to Non-Resident Claimants, but only if an adult employee gave the Claimant permission to be on the premises for taking part in school activities.
- 2.17. The variations in liability based on the nature of the acts and the identity of the Claimants and alleged perpetrators has created a host of jurisdictional issues that can complicate cases even where the abuse clearly took place.
- 2.18. Applications under the IAP had to be submitted by September 19, 2012.
- 2.19. Upon receipt, the Indian Residential Schools Adjudication Secretariat (Secretariat) determined whether applications were complete and *prima facie* admissible, as appears from Schedule D, P-7, p. 19.
- 2.20. The Secretariat generally does not schedule hearings until a claimant has submitted mandatory documents relevant to consequential harms and opportunity loss, such as medical, treatment, employment and tax records.
- 2.21. The Secretariat then assigns an independent adjudicator to the claim, who is the sole finder of fact and the only party allowed to question the claimant throughout the process.
- 2.22. Once satisfied that abuse and harms are established, the adjudicator decides on a compensation amount in accordance with the framework set out in Schedule D, P-7, at p. 3-6.

- 2.23. An initial adjudication decision is subject to review, but “on the record (no new evidence permitted) and without oral submissions”, as appear from Schedule D, P-7, at p. 14.
- 2.24. The possibility of re-review arises from either party’s right to “ask the Chief Adjudicator or designate to determine whether an adjudicator’s, or reviewing adjudicator’s, decision properly applied the IAP Model” and presumably also from the Claimant’s right to “require that a second adjudicator review a decision to determine whether it contains a palpable and overriding error”, as appear from Schedule D, P-7, at p. 14.
- 2.25. As set out below, the hearing, review and re-review adjudicators in Anne Smith’s claim under the IAP all ruled that she was not eligible for any compensation under the IRSSA because the sexual abuse she suffered in the family where she was billeted did not occur on premises of the school or residence and was not committed by a federal or church employee.

3. The facts which give rise to a personal action on behalf of the [...] Designated Member against the Respondent are:

A. Anne’s attendance at St. Philip’s IRS

- 3.1. Anne, the Designated Member, is a Cree woman born on [REDACTED] and raised in the Cree village of Rupert House, Quebec (now called Waskaganish).
- 3.2. She spent her first year at residential school at Bishop Horden Hall in Moose Factory, Ontario.
- 3.3. In 1965, at the age [REDACTED], Anne was sent to Fort George, Quebec, to attend St. Philip’s IRS, also known as Fort George Anglican Residential School. At the same time, other Cree children were sent to the same community to attend Fort George Roman Catholic Roman Catholic IRS (known variously as St. Joseph’s Mission, Résidence Couture, or Sainte-Thérèse-de-l’Enfant-Jésus).
- 3.4. Anne lived in the St. Philip’s residence from September to June, during seven or eight of the years she spent in Fort George. The school was attended as a residential school by children from other communities, like Anne, but during some years, local children whose families lived in Fort George also attended the IRS as a day-school. During some years, Inuit as well as Cree children resided at the IRS.
- 3.5. Around 1969, the federal government assumed sole responsibility for the operation of St. Philip’s IRS from the Anglican Church of Canada. Around the same time, the federal government proposed a policy for administering the residences and the schools at an IRS separately: this so-called “administrative split” may have been the reason why around 1972, some or all classrooms at St.

Philip's began to be referred to as "Sand Park Federal School." However, neither change had any significant effect on Anne.

- 3.6. After completing her ninth year of residential school, Anne was sent to [REDACTED] (now [REDACTED] Québec, in 1974 to complete her secondary education at a public English-language high school, which she did in June 1977; while she attended that school, Anne boarded with a family chosen by the Department of Indian Affairs and Northern Development (DIAND).

B. The abuse suffered when billeted with a family

- 3.7. In late August or early September of 1972 or 1973, after Anne had arrived in Fort George for the new school year, the Respondent billeted her with a Cree family living in Fort George. Anne would live with this family for two more years, while attending the same school as before.
- 3.8. During those years, [REDACTED] and [REDACTED] of the family sexually assaulted Anne on several occasions.
- 3.9. Although [REDACTED] did not live with [REDACTED], he frequently visited the home.
- 3.10. [REDACTED] often drank to excess and engaged in violent behaviour; he made sexual advances towards Anne and would ask her, "Why don't we have sex?" On other occasions, he would get into a rage and force everyone to leave the house, including his wife.
- 3.11. The first incident of abuse occurred during the fall of Anne's first year with the [REDACTED] family, although it is difficult for her to remember the exact dates of the abuse.
- 3.12. On this occasion, [REDACTED] told Anne to get Carnation condensed milk from a room in which [REDACTED] was lying on a bed. [REDACTED] approached her, put his hands in her pants and touched her vagina. Anne pushed him and ran away.
- 3.13. On another occasion, which Anne has difficulty remembering, [REDACTED] came in to her basement bedroom in the middle of the night; she could smell alcohol on his breath. [REDACTED] forced himself on top of Anne and penetrated her; at the time, Anne was a virgin.
- 3.14. In another incident, [REDACTED] came down to Anne's room and ordered her to go upstairs to sleep with [REDACTED].
- 3.15. Anne obeyed and was woken up later that night by [REDACTED] who was rubbing her vagina under her panties. The incident did not last long: when Anne

moved, the touching stopped, and she believes she ultimately fell back asleep later that night.

- 3.16. Three other girls who were also billeted with the [REDACTED] family during Anne's stay. She does not know whether those girls knew that she was being abused by [REDACTED] and [REDACTED] nor does she know whether they abused the other girls because the matter was never discussed with Anne.
- 3.17. In fact, Anne never disclosed her own abuse to anyone before describing it to her legal counsel in 2012, while filling out her IAP Application.

C. The harms suffered by the Designated Member

- 3.18. Under Canada's placement program, Anne was separated at a young age from her family and community.
- 3.19. As a result, she suffered emotional harm and she was also prevented from learning and practicing Cree culture and customs, especially while she was billeted with a non-Aboriginal family in [REDACTED]
- 3.20. The abuse perpetrated by members of the family in which Anne was billeted also have had many profound impacts in her life.
- 3.21. Anne struggled for a number of years with drinking and drug abuse problems.
- 3.22. She started drinking when she was living with the [REDACTED] family, albeit on an irregular basis. Upon her return to Waskaganish, however, she drank heavily, almost every weekend, over a 25-year span.
- 3.23. She also abused drugs such as mescaline, crack, and cocaine.
- 3.24. Anne abused these substances in attempts to suppress and hide the guilt she felt as a result of the abuse.
- 3.25. Anne's substance abuse reached its peak in 2007, at which point she was using cocaine on a daily basis and suffered from feeling "very slow."
- 3.26. Her addictions led her to forgo paying bills in favour of spending large amounts of money on drugs. She was unable to take care of her children and grandchildren.
- 3.27. Fortunately, Anne has now been sober for several years.
- 3.28. During times of heavy drug use, Anne sometimes thought of committing suicide.

- 3.29. On one such occasion, feeling like she “wanted to go away and end everything” Anne retrieved a firearm from her basement, whereupon it accidentally fired while in her hands. This near-fatal incident scared her and discouraged her from “going further.”
- 3.30. The abuse she suffered also led Anne to be overly protective of [REDACTED] and her grandchildren, to the point where she sometimes had irrational fears that her [REDACTED] might have abused them. In fact, she often checked on him and the children to ensure that abuse was not occurring. She could not trust any adult, including [REDACTED], and always had to know where [REDACTED] were.
- 3.31. Anne has had and still has feelings of shame and humiliation. She feels dirty and often wonders whether people know what happened to her.
- 3.32. Anne also suffered from sexual dysfunction early in her relationship with her husband; she would rebuff his approaches and “push him away” at first because she felt dirty, feeling like the abuse was occurring again.
- 3.33. The abuse also had an impact on her work history. In [REDACTED] she was fired from her job because of her drug abuse and drinking problems.
- 3.34. Anne has never been able to maintain stable employment because she never had confidence in herself during her adult life. She has long felt as though she cannot “handle or cope,” and that she cannot do things properly.
- 3.35. Anne believes that the instability in her life is the result of having been removed from the care of her parents, family and community at a very young age. As a result, she never had the opportunity to learn how to care for children from her parents and she did not care for her [REDACTED] as she would have wished.

D. The Designated Member’s IAP claim

- 3.36. In August 2012, Anne filed an IAP claim to be compensated for the above-mentioned abuse, as appears from her Application Form, produced as Exhibit P-8.
- 3.37. On February 28, 2014, an IAP hearing took place, during which Anne testified about the abuse, the consequential harms and the loss of opportunity she suffered as a result.
- 3.38. During the course of the hearing and in his final submissions, Canada’s representative made an objection to Anne’s claim based on jurisdictional grounds: he argued that during the years in question, she was attending a federally-operated day school known as Sand Park, not an IRS within the scope of the IAP.

- 3.39. Adjudicator Robert Néron found Anne credible and held that she had suffered the abuse alleged. However, he upheld Canada’s preliminary objection and concluded she was not attending an IRS at the time of the abuse. He also concluded that abuse suffered by students in the homes of families with whom they were billeted is not covered by the IRSSA, as appears from his decision dated July 22, 2014, produced as Exhibit **P-9**.
- 3.40. On October 3, 2014, Anne’s legal counsel requested a review of Adjudicator Néron’s decision on the basis that, *inter alia*, Sand Park was part of St. Philip’s IRS and that the abuse suffered in billeting families falls within the scope of the IAP, as appears from the Request for Review, produced as Exhibit **P-10**.
- 3.41. Adjudicator Néron’s decision was ultimately upheld, as appears from the review decision by Deputy Chief Adjudicator Rodger Linka, dated February 23, 2015, produced as Exhibit **P-11**.
- 3.42. The decision to reject Anne’s claim was upheld a second time, in the Re-Review decision of Adjudicator Anne Wallace, dated May 23, 2016, produced as Exhibit **P-12**.
- 3.43. Adjudicator Wallace found that the abuse suffered by Anne was not connected to nor did not arise from the operation of an IRS and, therefore, “the elements required by the IAP Model... [had] not been established,” as appears from the re-review decision, P-12.
- 3.44. Since she held that abuse suffered in a home where a student was billeted is not compensable under the IAP, Adjudicator Wallace held that she need not decide whether the school that Anne was attending was a federal day-school or an IRS, as appears from her decision, P-12.
- 3.45. Adjudicator Wallace’s decision was communicated to Anne’s legal counsel on June 21, 2016, as appears from an email from the Secretariat’s electronic document interchange (EDI) to Marie-Eve Dumont, produced as Exhibit **P-13**.
- 3.46. Adjudicator Wallace’s re-review was the final decision on Anne’s claim under the IAP: three different adjudicators had found that Anne’s abuse by members of the family with whom she was billeted was not within the scope of the IAP.

E. Other billeted students in Cree communities in Québec

i. Fort George

- 3.47. Anne was not the only student billeted with a family in Fort George.
- 3.48. With the addition of secondary education to the curriculum in the fall of 1972, the Minister’s agents and servants began moving children out of school residences

and billeting them in private homes [...] in Fort George, to make room for classrooms and staff accommodations, as appears from a letter dated February 11, 1972 from A.E. Aimé, Supervisor of Education, to M.C. Paradis, at the Quebec regional office of DIAND, produced as Exhibit P-23.

- 3.49. In these circumstances, the IRS residence rapidly reached full capacity, as appears from a letter dated September 26, 1972, from J.G. Simard, Education Advisor with DIAND's Abitibi District, to the Education Supervisor of DIAND, filed in support of this as Exhibit **P-14**.
- 3.50. Students were moved into families' homes, so that their rooms in the residences could be given to unmarried teachers, as appears from the exchange of correspondence between A.E. Aimé, Supervisor of Education, and C. Paradis, Regional Supervisor of Education, both at DIAND, dated February 18 and September 21, 1972 (in a bundle), produced as Exhibit **P-15**.
- 3.51. In accordance with this initiative, roughly fifty (50) students from Rupert House, Paint Hills (now known as Wemindji) and Eastmain were lodged in private homes at the end of September 1972, as appears from the letter from J.G. Simard, dated September 26, 1972, P-14.
- 3.52. An unspecified number of children from Fort George were also lodged in private homes during the school year, because during those months, their parents practiced a traditional "nomadic" lifestyle of hunting, fishing and trapping, as appears from J.G. Simard's letter, P-14.
- 3.53. The practice of billeting students continued in 1973-1974 and 1974-1975, as appears from a 1976 tripartite agreement between a group of parents, the Fort George Band Council, and DIAND [...] concerning the establishment of a "hostel program" in Fort George, produced as Exhibit **P-16**, p. 2 of 6.
- 3.54. In November 1974, at least 37 students were billeted with families, as appears from a letter dated November 12, 1974, from V.J. Caissie, Acting Regional Director, to R.L. Boulanger, Regional Director at DIAND [...], produced as Exhibit **P-17**.
- 3.55. According to a letter dated January 21, 1975 from V.J. Caissie, Acting Regional Director, to P.B. Lesaux, Assistant Deputy Minister of [...] Indian and Eskimo Affairs Branch of DIAND:

les cours du Secondaire I à IV inclusivement sont fournis à 140 élèves en provenance des communautés de Rupert House, Paint Hills et Eastmain. Un peu plus d'une centaine de ces étudiants sont hébergés dans des maisons privées à Fort George, la balance demeurant en résidence dans le pensionnat

as appears from the letter, produced as Exhibit **P-18**.

- 3.56. On April 10, 1975, the Acting Regional Director reported that:

Last year, approximately 140 students from smaller communities along the coast attended school at Fort George. All but 35 of those were boarded in private homes.

as appears from a letter from V.J. Caissie to H.T. Parker, Director of the Financial & Management Branch, [...] DIAND, produced as Exhibit **P-19**.

- 3.57. The Respondent's civil servants were aware that "la situation de certains élèves dans les maisons privées n'est pas acceptable, surtout à cause de l'espace vital restreint", as appears from V.J. Caissie's letter dated January 21, 1975, P-18.
- 3.58. A handwritten note on a letter dated November 1974 concerning the St. Philip's residence stated:

Les 4 hostels en construction accommodent les 31 étudiants présentement en résidence. De plus, chaque hostel peut recevoir 12 étudiants, cela signifie que 17 étudiants placés dans des foyers non-adéquats, pourront être relocalisés dans ces memes hostels.

Ceci a pour effet que les 49 étudiants demeurant dans les foyers évalués comme non-adéquats, sont réduits à 32 et que l'addition de 3 hostels seraient nécessaires [sic]....

as appears from a letter from G. Lefebvre, Education Supervisor [...] at DIAND, produced as Exhibit **P-20**.

- 3.59. The high operating costs were another reason why the Respondent decided to billet students with families living in Fort George, as appears from the 1976 tripartite agreement, Exhibit P-16, at p. 2 of 6.
- 3.60. In fact, Canada estimated the annual per capita cost of lodging children in the school residence was \$15,000, as appears from a letter dated April 10, 1975, from V.J. Caissie, Acting Regional Director, to H.T. Parker, Director of the Indian and Eskimo Affairs Branch, produced as Exhibit P-24, in contrast to \$1,500 for children lodged in private dwellings, as appears from Caissie's correspondence dated January 21, 1975, P-18.
- 3.61. Nevertheless, billeting so many students was known to have "caused many problems in the community," as appears in the tripartite agreement, P-16, at p. 2 of 6.

- 3.62. In January 1976, many of the billeted students were sent to live in one (1) of eight (8) hostels, which had been built as “the third alternative for boarding students” in Fort George, after the residence and private homes, as appears from the tripartite agreement, P-16, at p. 2 of 6.
- 3.63. However, because the hostels could house a total of only ninety-six (96) students, more than forty (40) students continued to live in billet families after the transfer, as appears from V.J. Caissie’s letter dated April 10, 1795, P-24.
- 3.64. Canada’s direct role in Cree education ended at the with the 1977-1978 school year, after which management and control were transferred to the Cree School Board, in accordance with the James Bay and Northern Quebec Agreement (“JBNQA”), as appears from section 16 of the JBNQA, produced as Exhibit P-25.
- 3.65. Three individuals from Waskaganish who were billeted with other families have described to the Applicant’s counsel incidents of physical and sexual abuse they suffered in those homes.

ii. Mistissini

- 3.66. In Mistissini (then known as Mistassini), a similar situation existed where, after a federally-run school was built, “all [Mistassini] Indians pupils from Kindergarten to Grade 6 attend[ed] [that] school”, and those “whose parents [had] to go away for trapping” were placed “in cottage-style hostels or in Indian families”, as appears from a letter dated January 20, 1970, from A.R. Jolicoeur to the Regional Superintendent of Education at DIANDs, produced as Exhibit P-26.
- 3.67. The goal of building hostels and offering accommodation in families in Mistissini was that elementary students should “not be required to go to La Tuque Student Residence below Grade 6,” as they had up till 1970, as appears from Exhibit P-26.
- 3.68. Three Mistassini Hostels, with twelve (12) beds each, began operating in the fall of 1971, as appears from a letter dated February 19, 1973, from Maurice Legendre, District Supervisor, to C. Paradis, at DIAND, produced as Exhibit P-27.
- 3.69. By October 1976, another 69 children were placed in what DIAND called “nomad homes” because their parents had left the community to hunt, fish and trap on their traditional territory, as appears from a letter dated October 12, 1976, from W. Halligan, District Supervisor, to Donald Daoust, at DIAND, produced as Exhibit P-28.
- 3.70. In 1976-1977, it was anticipated that 120 children would be placed in those “nomad homes”, as appears from W. Halligan’s letter, P-27.

- 3.71. According to a letter dated November 3, 1976, from G. Lemay, Acting Deputy Director, to the District Supervisor, the “nomad homes” housed Mistissini children, while children from surrounding communities lived in Mistissini hostels, as appears from G. Lemay’s letter, produced as Exhibit P-29.
- 3.72. The “cottage-style” or “Mistissini Hostels” were recognized as an Indian Residential School for purposes of the IAP during the period from September 1, 1971, to June 30, 1978, as appears from the IAP School Narrative prepared for Mistassini Hostels, produced as Exhibit P-30.
- 3.73. Counsel for the Applicant has interviewed two individuals who, as children living in surrounding Cree communities, were sent to Mistissini and also placed in “nomad homes.”
- 3.74. However, those two individuals did not make any claim in regard of the abuse they suffered in the “nomad homes” because they were advised by their lawyer that it was not compensable under the IAP.

F. Government-directed placement of First Nations and Inuit students outside of residential schools

i. Jurisdiction and practice

- 3.75. As set out below, at all relevant times, the Minister of Indian Affairs and Northern Development asserted the legal power to designate the school that children registered as Indians or Inuit children had to attend, without the parents’ consent.
- 3.76. The Minister exercised that power, at least so long as the *Indian Act* band to which the child belonged did not control its own education budget or program or until jurisdiction over education was otherwise transferred in the Northwest Territories and northern Québec and sometimes continued to exercise it thereafter.
- 3.77. In the Northwest Territories, for instance, the federal government decided in the 1950s to replace scattered mission schools with government-run hostels and day schools, as appears from Exhibit P-34, volume 2 of the TRC’s *Final Report* at p. 17.
- 3.78. One of the results was that, for instance, in settlements along the Mackenzie River in the western Arctic, “[a]pproximately 50 children were placed in foster homes on a temporary basis to enable them to remain in day school while their parents were away from the settlement trapping,” as appears from the 1958-59 Annual Report of Indian Affairs Branch at p. 75, produced as Exhibit P-35.
- 3.79. Since 1958 at the latest, therefore, placing registered Indian or Inuit children with families other than their own or in foster homes or boarding homes was an integral part of the elementary and secondary education system operated by the

Respondent, institutions that were not necessarily residential schools as defined in the IRSSA.

ii. The Boarding Home program

- 3.80. When DIAND placed high-school students like Anne Smith who were billeted in private homes in Fort George and Mistissini, its officials were acting pursuant to the Department's Boarding Home Program.
- 3.81. In 1961, the Director of what was then the Indian Affairs Branch of the Department of Citizenship and Immigration explained that he used the term "hostel accommodation" to refer to "living accommodation in residential schools for students who are receiving their classroom instruction in a nearby school, usually a non-Indian school," but that while "the number of pupils boarding in private homes is not available it is estimated that they roughly equal the number of hostel pupils," as appears from Exhibit PGC-2 to the Respondent's motion to produce relevant evidence.
- 3.82. The Director of the Indian Affairs Branch added that the supervision of students boarding in private homes was supervised by "Education Assistants" who performed "such duties as locating boarding homes, counselling students, acting as liaison between the Branch and the various schools in which the pupils are enrolled, visiting the homes of the pupils where distances permit, checking attendance, performing related administrative duties, reporting, public relations, etc.," as appears from Exhibit PGC-2.
- 3.83. In 1962, the Director instructed superintendents of Indian agencies and of Indian schools that accommodation in residential schools was preferred for children under the age of 16, while "private home placements," should be reserved for students over 16 when required "in order to receive a High School education which is not otherwise available," as appears from Exhibit PGC-5.
- 3.84. By the late 1960s, the Department of Indian Affairs and Northern Development (DIAND) actively sought to close Indian residential schools and replace them with day schools on reserve and, especially at the high-school level, with education in majority non-Aboriginal public schools. The TRC has concluded that: "Residential schooling from 1970 onward constituted a small and declining element in First Nations education," as appears from Exhibit P-21 at p. 92.
- 3.85. However, this decline did not mean that DIAND had stopped placing registered Indians and Inuit children in accommodation other than their family homes during their schooling. On the contrary, its 1970-71 Annual Report indicated that some 6,000 students were in residence, while 6,000 more "were living in private boarding homes and group homes during the school year, and 'the majority of

these students are provided with room and board, and clothing and educational allowances,” as appears from Exhibit P-21 at p. 92.

- 3.86. The Respondent’s management of these accommodations was far from commensurate with the vulnerability of the students placed there. The head of DIAND’s Guidance Services Division concluded in 1970 that the foster home program in Saskatchewan “appears to be totally inadequate to the people’s needs; placement is effected without a court order and supervision of homes seems to be non-existent,” as appears from Exhibit P-21 at p. 94.
- 3.87. The same year, in 1970, DIAND’s Education Branch adopted an “Educational Assistance Policy and Guidelines for Operating the Boarding Home Program,” as appears from Exhibit PGC-7.
- 3.88. The new policy provided “for the selection of students and their placement in boarding homes” and defined “the role of the counsellors in the selection and placement of students in boarding homes and it recommend[ed] procedures to be followed.” It provided that “[b]oard and room in an approved boarding home may be provided for students who must live away from home in order to attend school,” with payment “usually arranged by the Counsellor,” as appears from Exhibit PGC-7.
- 3.89. The guidelines provided that neither an application for educational assistance nor the selection of a boarding home needed to be made by the student’s parents, as appears from Exhibit PGC-7, but it did insist on the role of DIAND’s counsellors:

It is essential for the Counsellor to visit the prospective boarding home and interview the boarding home parents in order to assess the suitability of the family and its facilities for the Boarding Home Program. In this connection, the Counsellor will ensure that any provincial or municipal standards regarding the physical requirements of boarding homes are met. Just as important, however, is an assessment of the home environment, to ensure that the relationships within the family are suitable for student placement.

[...]

In order to prevent frequency of boarding home change, the Counsellor must ensure that students are placed in boarding homes that will satisfy their individual needs. He must maintain close contact with the students and the boarding home parents during the initial adjustment period.

- 3.90. In the 1971-72 school year, maintenance of students from Québec in private homes represented 14.3% of the total national budget (\$667,000 out of \$4.67 million), the third-largest amount for any province after Ontario and British Columbia, as appears from Exhibit PGC-8.

iii. The Private Home Placement program

- 3.91. By 1981, DIAND had created a Private Home Placement program for *Indian Act* bands that it defined – without reference to the nature of school attended – as the cost of travel, supplies, room and board “for Indian students who attend elementary or secondary school away from home while residing in private homes or privately operated group homes,” as appears from the “Indian Control of Indian Education Status Report” for 1981, Exhibit P-36.
- 3.92. The Respondent recognized that where private home or group home placement of students was under DIAND’s control, it assumed responsibility for their well-being when it stated that “the department receives and approves their educational assistance applications, provides them with counselling service and issues their living allowances,” as appears from Exhibit P-36.
- 3.93. In addition, among the Inuit, from 1967 to 1978 and notwithstanding the jurisdiction of the governments of Québec and the Northwest Territories, each year DIAND sent about 140 students south for secondary education, especially in Winnipeg and Ottawa, where they boarded with local families, as appears from Exhibit P-34 at p. 177.

G. The Respondent

- 3.94. The *Crown Liability and Proceedings Act*, RSC 1985, c C-50, s. 23(1), requires proceedings against the Crown in right of Canada to be “taken in the name of the Attorney General of Canada.”
- 3.95. The Respondent in this case is acting for and on behalf of the Minister of Indian Affairs and Northern Development (the Minister).
- 3.96. The “powers, duties, and functions” of the Minister “extend to and include all matters over which Parliament has jurisdiction, not by law assigned to any other department, board or agency of the Government of Canada, relating to... Indian Affairs,” pursuant to s. 4(a) of the *Department of Indian Affairs and Northern Development Act*, RSC 1985, c I-6, and similarly extended pursuant to predecessor statutes, including the *Department of Indian Affairs and Northern Development Act*, RSC 1970, c. I-7, and *The Department of Citizenship and Immigration Act*. S.C. 1949, (2nd Sess.), c. 16.
- 3.97. As of May 18, 2011, the Department of Indian Affairs and Northern Development [...] was known as Aboriginal Affairs and Northern Development Canada (AANDC) and after November 4, 2015, it bore the name Indigenous and Northern Affairs Canada (INAC).

- 3.98. In August 2017, the Prime Minister announced the dissolution of INAC and the creation of two new departments: Indigenous Services Canada (ISC) and Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC). In July 2018, the Prime Minister announced that Northern Affairs would instead become the responsibility of Minister of Intergovernmental and Northern Affairs and Internal Trade.
- 3.99. While ISC was designated as a Department for the purposes of the *Financial Administration Act* by SI/2017-79, CIRNAC and Northern Affairs have not and the *Department of Indian Affairs and Northern Development Act* remains in force.

4. Grounds for the Respondent's liability

A. General Crown liability

- 4.1. Since the Crown can only act through its servants or agents, at all relevant times, the Crown in right of Canada was directly liable for the damages caused by its servants or agents, pursuant s. 3(1)(a) of the *Crown Liability Act*, RSC 1970, c C-38.
- 4.2. Each of the Crown's servants was liable pursuant to art. 1053 of the *Civil Code of Lower Canada* "for the damage caused by his fault to another, whether by positive act, imprudence, neglect or want of skill."
- 4.3. Moreover, the Crown's servants were liable *in solidum* pursuant to art. 1106 of the *Civil Code of Lower Canada* and jointly and severally liable at common law for the consequences of their own independent acts and omissions, together with the acts and omissions of a third party, if both directly contributed the injury suffered by the victims of their fault.

B. The Minister's powers and duties

i. Generally

- 4.4. The Government of Canada's power and jurisdiction over the Designated Member and the Primary Class Members were at all relevant times rooted in s. 91(24) of the *Constitution Act, 1867*, and in the *Indian Act*, as from time to time amended; in the case of RSC 1970, c. I-6, which came into force on August 1, 1972.
- 4.5. By virtue of this jurisdiction, the Respondent enjoyed power and discretion over significant aspects of the lives of Aboriginal people and assumed a corresponding fiduciary duty towards them.
- 4.6. At all relevant times, the Minister's powers under the *Indian Act*:

- a. allowed him to designate the school Indian children had to attend, without the parents' consent: s. 118;
 - b. allowed him to appoint truant officers with the powers of a peace officer: s. 119(1);
 - c. provided that parents served by truant officers with a notice for their children to attend school were guilty of an offence and subject to fines and imprisonment, if their children did not "attend school and continue to attend school regularly": s. 119(3) and (4);
 - d. allowed truant officers to take into custody a child who was absent from school and to "convey the child to school, using as much force as the circumstances require": s. 119(6).
- 4.7. The statutory basis for the Minister's power to choose Inuit children's school and place of residence has never been made clear, though it was presumably asserted:
- a. pursuant to his general power over Indian affairs under the *Department of Citizenship and Immigration Act*. S.C. 1949, the *Government Organization Act, 1966*. S.C. 1966-67, c. 25, s. 17, and the *Department of Indian Affairs and Northern Development Act*, RSC 1970, c. I-6; and
 - b. outside Québec and Labrador, pursuant to the *Northwest Territories Act* and the general powers over the affairs of the Northwest Territories vested in the federal Minister of Mines by the *Department of Mines and Resources Act*. S.C. 1936, c. 33, s. 10, and its successor statutes, and vested in the Minister of Indian Affairs and Northern Development as of 1966.
- 4.8. The Respondent used its powers and jurisdiction to implement a systematic policy of assimilating Aboriginal people, designed to eliminate their distinct languages, customs, and ways of life.
- 4.9. For the Designated Member and the Primary Class Members from remote communities, this involved removing them from their families and from life on the land, at a time when most Cree in Quebec and other Aboriginal people in remote communities still lived largely from hunting, fishing and trapping. The children were forced to relocate without their parents to where they could be "educated" to think like white people in federally-chosen schools.
- 4.10. Once the Minister removed the Designated Member and Primary Class Members from their parents, they became his wards and he stood in *loco parentis* towards them; he became responsible for ensuring that they receive all the necessities of life.

ii. Fiduciary duty

- 4.11. Canada stands in a fiduciary relationship with Canada's Aboriginal peoples. Canada's relationship with the Designated Member and the Class Members was, at all material times, one of dependence, trust and reliance: Canada had undertaken to act in the best interest of the Designated Member and Primary Class Members.
- 4.12. The health and welfare of the Designated Member and other Primary Class Members and their Aboriginal identity and culture were legal and substantial practical interests of the Designated Member and other Primary Class Members.
- 4.13. At all materials times, Canada assumed such a degree of discretionary control over the protection and preservation of the health, welfare, identity and culture of the Designated Member and other Primary Class Members that it amounted to a direct administration of those interests. The protection and preservation of the health, welfare, identity and culture of the Designated Member and other Primary Class Members were within the power, discretion or control of Canada and were subject to the unilateral exercise of Canada's power, discretion or control.
- 4.14. Canada's fiduciary duty owed to the Designated Member and other Primary Class Members was, at all material times, a non-delegable duty.
- 4.15. Specifically, the Minister breached his fiduciary duty owed to the Designated Member and other Primary Class Members by establishing, implementing, administrating and managing the placement programs, when it knew or ought to have known that doing so would cause profound and permanent cultural, psychological, emotional and physical harm to the Class Members.

iii. Civil Law Duty

- 4.16. From the moment the Minister took charge of them, his duties to the Designated Member and the Primary Class Members had to meet the "careful parent test," the standard of a prudent parent solicitous for the welfare of his or her child.
- 4.17. When the Minister's agents and servants decided to remove the Designated Member and Primary Class Members from the IRS residence or from their own families and place them with local families or in hostels, residences or boarding homes, the standard imposed by the "careful parent test" required measures such as the proper selection, screening, training and monitoring of families or those responsible for hostels, residences or boarding homes to protect the children from possible abuse and to allow them to practice and maintain their Aboriginal language, culture, identity, religion, heritage and customs.

- 4.18. By 1972, no one in authority in DIAND should have been unaware that Indian residential school students were at risk from sexually predatory employees. More particularly, the Minister's Quebec regional office had investigated three cases of sexual abuse of students at the Anglican IRS in La Tuque between 1969 and 1971, as reported in the TRC Report, vol. 1, part 2, produced as Exhibit P-21, at pp. 443-444.
- 4.19. In fact, the principal at St. Philip's from July 1962 to May 1968 was William Peniston Starr, who is probably the most notorious abuser in the IRS system. By 1998, even before the IAP existed, Canada had already settled almost 200 claims alleging abuse by Starr while he was principal of the Gordon IRS in Saskatchewan, the school he went to after he left Fort George. Starr also pleaded guilty to 10 counts of indecent assault at Gordon's IRS during years 1976-1983 and was convicted on February 8, 1993, as reported in the TRC Report, vol. 1, part 2, P-21, at pp. 447-448.
- 4.20. The Minister acting through his agents and servants was responsible for the creation and implementation of these measures and failed in both regards.
- 4.21. Specifically, the Minister breached his duty of care by:
- a. failing to take steps to protect Class Members' retention of their Aboriginal language, culture, identity, religion, heritage and customs;
 - b. failing to properly screen individuals prior to allowing them to billet Primary Class Members and hiring individuals to act as billeting families or to operate hostels, residences or boarding homes where the Minister placed registered Indian and Inuit children, when those individuals were not qualified to provide the necessities of life for the children under their care and supervision;
 - c. failing to provide proper, adequate and effective training initially or on an on-going basis to ensure that billeting families or those who operated hostels, residences or boarding homes where the Minister placed registered Indian and Inuit children were suitable and fit to act as the Minister's employees, servants, or agents;
 - d. failing to set or implement standards of conduct for billeting families or those who operated hostels, residences or boarding homes where the Minister placed registered Indian and Inuit children with respect to the safety, health or well-being of Primary Class Members;
 - e. failing to adequately, properly and effectively supervise the conduct of billeting families and their households or those who operated hostels, residences or boarding homes where the Minister placed registered Indian and Inuit children;

- f. failing to set or implement policies for recognizing and reporting potential abuse of or harm to Primary Class Members;
 - g. failing to educate Primary Class Members in the use of a system through which abuse would be recognized and reported;
 - h. failing to investigate or report injuries sustained by Primary Class Members;
 - i. failing to respond adequately, or at all, to complaints regarding the treatment of Primary Class Members, including complaints of physical, psychological, and sexual abuse; and
 - j. failing to provide adequate medical and psychological care for Primary Class Members.
- 4.22. The negligent supervision by the Crown's servants of the billeting families or those who operated hostels, residences or boarding homes where the Minister placed registered Indian and Inuit children made the Crown's servants liable in solidum and jointly and severally liable at civil law for the consequences of their acts and omissions, together with the acts of those families because both directly contributed the injury suffered by the Designated Member and Class Members.
- 4.23. Moreover, those standing *in loco parentis* are also bound by a special duty of loyalty to the children, which forbids them from advancing their own interests at the expense of the children.
- 4.24. In this case, the Minister saved at least \$10,000 per year for every child that was billeted instead of being housed in school residences in Fort George, as appears from V.J. Caissie's letters dated January 21, 1975, P-18, and April 10, 1975, P-24.
- 4.25. The conditions in the houses where students were billeted were considered "inadequate" by the Minister's civil servants, as appears from V.J. Caissie's letter, P-18.
- 4.26. By knowingly billeting children in Fort George in inadequate conditions, and at substantial financial savings, the Respondent advanced its own interests at the expense of the children, and thereby breached its duty of loyalty towards them.
- 4.27. The Applicant states that the Respondent's actions, inactions and omissions as aforesaid, constitute: 1) negligence in the selection, employment and supervision of billeting families or those who operated hostels, residences or boarding homes where the Minister placed registered Indian and Inuit children; 2) breaches of the duty of loyalty that parents owe to their children; and 3) failures to protect the Designated Member's and other Primary Class Members' best interests.

- 4.28. These failures and breaches resulted in the Designated Member and Primary Class Members suffering psychological harm and loss of culture and being subjected to sexual, physical and psychological abuse at the hands of persons with whom they were billeted or in hostels, residences or boarding homes where the Minister placed them.
- 4.29. Finally, the Minister made a delegation of the duty he owed to the Designated Member and Primary Class Members that was not provided for by statute when he began placing these children with local families to be billeted or in hostels, residences or boarding homes.
- 4.30. While s. 115(c) of the *Indian Act, RSC 1970*, provided that the Minister could “enter into agreements with religious organizations for the support and maintenance of children who are being educated in schools operated by those organizations,” the Minister had no clear right to enter into agreements with local families, hostels, residences or boarding homes for the same purpose; neither did the Minister have the right under s. 114 to delegate his duties to anyone other than a provincial or territorial government, a school board, or “a religious or charitable organization.”
- 4.31. While the Designated Member and Primary Class Members were billeted or placed in hostels, residences or boarding homes, the Minister therefore remained under a non-delegable statutory duty to ensure their safety and welfare.

C. Vicarious liability

- 4.32. At all relevant times, the Government of Canada was vicariously liable for the damage caused by the fault of its agents and servants, pursuant to s. 4(2) of the *Crown Liability Act* of 1970, art. 1054 of the *Civil Code of Lower Canada*, the common law and the relevant legislation of the other provinces and territories.
- 4.33. These provisions reflect one of the most fundamental principles underlying civil liability: that the person or entity who creates a risk assumes the obligation to compensate the victims if they are injured when that risk does in fact materialize.
- 4.34. Confiding a child to an adult to live with him or her places that adult in a position of great power, authority, trust and intimacy with respect to that child. The Minister thereby created a relationship between the Designated Member and Primary Class members and the billeting families or those who operated hostels, residences or boarding homes where the Minister placed registered Indian and Inuit children that placed those children at risk.
- 4.35. In this case, the Minister was in a contractual relationship with the billeting families or those who operated hostels, residences or boarding homes and he exercised power and control over them. He was responsible for the administration

of the billets, hostels, residences or boarding homes at all material times because his agents and employees decided to place the children instead of leaving them with their families or having them live in the IRS residence.

- 4.36. Since the Minister's agents and servants chose the families, hostels, residences or boarding homes where the children were billeted, they could or should have been able to inspect and monitor those families and did retain or should have retained the power to remove the children at any time, if necessary for their protection.
- 4.37. The Minister therefore assumed liability for the faults committed by the billeting families or those who operated hostels, residences or boarding homes as his agents or servants and the Designated Member invokes the rule in art. 1464 of the *Civil Code of Québec*.

D. The claim is not prescribed or statute-barred

i. Generally

- 4.38. The Designated Member and all or most Primary Class Members were victims of childhood sexual, physical, and psychological abuse.
- 4.39. Due the age at which the wrongs were done to them and due to the conduct of the Minister's servants and agents, including the billeting families or those responsible for hostels, residences or boarding homes, the Designated Member and all or most Primary Class Members were unable to understand the necessary connection between the abuse they suffered and their injuries and thus discover their cause of action.
- 4.40. At all material times the Designated Member and all or most Primary Class Members therefore suffered from an impossibility to act within the meaning of art. 2904 of the *Civil Code of Québec* or they were minors or under a disability or their cause of action was not discoverable within the meaning of the relevant limitations legislation of any other province or territory.
- 4.41. The Designated Member and all or most Primary Class Members:
- a. benefit from the extension of the prescription period applicable to bodily injury resulting from sexual and physical abuse suffered during childhood, to 30 years from the date they become aware that the injury they suffered was attributable to that act, pursuant to art. 2926.1, C.C.Q.; or
 - b. they are entitled to plead and rely upon the absence of limitation periods for sexual assault and misconduct in the relevant limitations legislation of any other province or territory.
- 4.42. Finally, if claims by any of the Primary Class Members are prescribed or statute-

barred (which is not hereby admitted, but expressly denied), that issue would be relevant only during the individual recovery of claims and does not affect the Applicant's right to authorization.

ii. **Class members attending Indian residential schools**

4.43. The Designated Member was billeted or placed with a family other than her own as a result of the Respondent's decision that she would attend an Indian residential school.

4.44. As a result, the prescription of her cause of action and those of all or most of the Primary Class Members were already suspended for the Designated Member at the time proceedings were filed in *Bosum v. Attorney General of Canada et al.*, P-5, on or about May 20, 2005, or the identical applications before the superior courts of the eight other provinces and territories that approved the IRSSA.

4.45. On the date the *Bosum* application was filed, on or about May 20, 2005, prescription was further suspended by virtue of art. 2892 and 2897 of the *Civil Code of Québec*:

- a. for “[a]ll Aboriginal Persons who attended Residential Schools in Quebec who were transported to, attended at, and/or were confined in Residential Schools in Quebec,” referred to as “the Survivor Class”; and
- b. with respect to the Crown’s “common law duties to the Plaintiff and the other Survivor Class Members in relation to the establishment, funding, operation, supervision, control, maintenance, confinement in, transport of Survivor Class Members to, obligatory attendance of Survivor Class Members at and/or support of the Aboriginal Residential School system and the individual schools therein (the ‘Residential Schools’) throughout Canada”;

and the limitation periods, if any, were similarly suspended by the other applications filed at or about the same time in the superior courts of the eight other provinces and territories, pursuant to the applicable class proceedings legislation.

4.46. Until the Re-review Adjudicator rejected Anne’s claim in the IAP re-review decision, P-12, received by Anne’s counsel on June 21, 2016, the Designated Member and Primary Class Members were entitled to believe they could advance their claims through the IAP created under the IRSSA, especially given the broad scope of the group and the cause of action described in the Bosum application and the applications before the superior courts of the eight other provinces and territories that approved the IRSSA.

4.47. More particularly, when the Chief Justice of the British Columbia Supreme Court

approved the IRSSA in that province, he expressly ruled that individuals who “attended these schools, but only as day pupils,” and who “as well, were forced to live far from their homes and families” and “were subject to abuse both at the residential schools during the day and in the homes where they lived outside school hours,” would “be eligible to advance an IAP claim should they so choose,” as appears from the judgment in *Quatell v. Attorney General of Canada*, 2006 BCSC 1840, at para. 22.

- 4.48. This interpretation was confirmed by the B.C. Supreme Court when it ruled that under the IRSSA, “[a]lthough the Billeted Students were not included in the CEP, they were permitted to advance claims through the IAP,” as appears from the judgment in *Fontaine v. Canada (Attorney General)*, 2014 BCSC 941, at para. 57.
- 4.49. Therefore prescription remained suspended through September 21, 2016, pursuant to art. 2895, *C.C.Q.*, during the three months following the Designated Member’s receipt of the re-review decision in her case, P-12, which dismissed her claim without a decision having been made on the merits, but established that abuse suffered in a home where a student was billeted is not compensable under the IAP, even if she was attending an IRS.
- 4.50. In addition, the Designated Member and any other Primary Class Members who suffered from an impossibility to act, or who had filed an IAP application after May 23, 2010, were in an “existing juridical situation” with respect to their claims against the Respondent at the time art. 2926.1, *C.C.Q.*, came into force on May 23, 2013.

5. Application to use a pseudonym

- 5.1. The Designated Member hereby asks for the Court’s permission to use a pseudonym for all legal proceedings and court documents in this case.
- 5.2. The Designated Member lives in a small community of less than 2,500 people and does not want her community to become aware of the abuse she suffered as a child.
- 5.3. The desire to keep this most intimate part of her life private is more than understandable and is a common sentiment among survivors of child abuse.
- 5.4. Allowing the Designated Member to remain anonymous will also encourage other Primary Class Members to participate, knowing that their privacy will be respected and their identities will be kept confidential. An order allowing use of a pseudonym will therefore facilitate greater access to justice.
- 5.5. The Designated Member is prepared to provide the Court and counsel for the

Respondents with her name and that of any known Primary Class Member, under seal, provided that such information is protected and kept confidential.

6. The composition of the class makes it difficult or impracticable to apply the rules for mandates to take part in judicial proceedings on behalf of others or for consolidation of proceedings

6.1. Statistics from the IAP indicate that the number of claims for compensation for abuse was equivalent to approximately 48% of the number of former students who were eligible to make such claims and alive in May 2005, as reported in the TRC Report, vol. 1, part 2, P-21, at p. 400.

6.2. The TRC therefore concluded:

- abuse was widespread throughout the residential school system;
- a significant percentage of the acts of abuse were of a serious nature with potentially lifelong impacts;
- male and female students were abused at equal rates;
- male students were compensated at the most serious and damaging category of abuse at a greater rate than female students;
- students were at risk in all institutions, regardless of the denomination of the religious order in charge of the institution; and
- student abuse of fellow students was a serious and widespread problem

as appears from Exhibit P-21, at p. 411.

6.3. No reason exists to believe that students were at significantly lower risk when billeted with families or with those responsible for hostels, residences or boarding homes whom the Minister did not supervise or monitor adequately.

6.4. As set out above, three individuals from Waskaganish who were billeted with other families have described to the Applicant's counsel incidents of physical and sexual abuse they suffered in those homes.

6.5. The Applicant estimates that from among those sent to Fort George or Mistissini, Québec, alone there are more than 220 potential members of the Primary Class described in this Application for Authorization, based on correspondence [...] from 1975 from V.J. Caissie, Acting Regional Director of [...] DIAND, P-18, and from 1976, from District Supervisor W. Halligan, P-28.

6.6. Based on the information contained in P-18, P-26 and P-29, it seems that most of the potential Primary Class Members in Québec who were billeted with local families came from the [...] Cree communities of Waskaganish (Rupert House), Eastmain, Wemindji (Paint Hills), Chisasibi and Mistissini. Nevertheless, it is possible that potential Primary Class Members also came from Oujé-Bougoumou

and Waswanipi.

- 6.7. As set out above, in the year 1970-71 alone, DIAND placed some 6,000 students “in private boarding homes and group homes during the school year” across Canada, as appears from Exhibit P-21 at p. 92.
- 6.8. The Applicant has no access to a list of the students who were billeted in families or in hostels, residences or boarding homes during the relevant period because it is personal information about individuals held by a government institution and protected from disclosure under the *Privacy Act*, RSC 1985, c. P-21, except with a court order.
- 6.9. The Applicant therefore submits that the identity of potential Primary Class Members is ascertainable only to the Respondent.
- 6.10. Even if some Primary Class Members could be reached or contacted by notices, radio announcements, or through word of mouth in the relevant communities, many would be reluctant to come forward and reveal facts about their childhood abuse.
- 6.11. It is unrealistic to expect most or all Primary Class Members to identify themselves readily and outside of a process that ensures them confidentiality and the ability to apply in private.
- 6.12. Despite decades of publicity about the issue of residential school abuse, in the IAP, out of the total of 38,093 applications received by the Secretariat, more than 35 per cent (13,385) were between January 1, 2012, and the September 19, 2012, deadline, as appears from the Secretariat’s historical statistics, produced as Exhibit **P-22**.
- 6.13. In addition to the difficulties that exist in identifying and contacting other potential Primary Class Members, considerations of access to justice weight in favour of authorizing this application.
- 6.14. The amount of compensation available to individuals who succeed in independent proceedings is likely disproportionately small compared to the amount of money that they would spend on legal fees and disbursements.
- 6.15. It would be economically inefficient for individuals to proceed with a multitude of individual actions, needlessly duplicating large portions of work across many mandates and exhausting taxpayer and judicial resources.
- 6.16. Class Members are also part of a disadvantaged population, with lower education compared to other Canadians of the same age and a commensurate difficulty in using the judicial system. Should this application be denied, it seems unlikely that

other means of seeking justice will be pursued by any significant number of Class Members and the grave injustice they suffered will remain unaddressed.

6.17. Finally, it would be inequitable to deny authorization where virtually identical faults and injuries have benefited from compensation under the IRSSA across the country and the only difference between Primary Class Members and the beneficiaries of that settlement is where the Minister assigned them to live.

6.18. In light of the above considerations, it would not only be impractical, if not impossible to proceed by other means, it would also be contrary to access to justice and equitable considerations.

7. The claims of the members of the class raise identical, similar or related issues of law or fact

7.1. The nature and quantum of damages suffered are particular to each Class Member, but the principal questions of law and fact are common to all.

A. Concerning the Respondent's civil liability, the following issues must be decided in common:

7.2. Could or should the Minister as represented herein by the Respondent, including the Ministers, agents or servants, have foreseen that billeting families or those responsible for hostels, residences or boarding homes were in a position that could result in them abusing their positions of power, authority, and trust over children entrusted to them?

7.3. Did the Minister owe the Class Members a duty arising from circumstance, usage or law?

7.4. Did the Minister breach its fiduciary, civil law and statutory duties to the Designated Member and the Class Members when it undertook a systematic program of forced integration of Aboriginal children through the establishment, implementation, administration and management of the placement programs for Aboriginal students?

7.5. Did the Minister breach its fiduciary, civil law and statutory duties to the Designated Member and the Class Members by failing to consult adequately with Aboriginal communities and other Aboriginal stakeholders about the placement programs for Aboriginal students, the provision of funding to the program for that purpose, and the policies and practices that would be adopted in operating and administering that programs?

7.6. Did the Minister take steps to protect and preserve the language, culture, identity,

religion, heritage and customs of the Class Members, including by ensuring that adequate services and resources were provided to Primary Class Members to practice and maintain their Aboriginal language, culture, identity, religion, heritage and customs while in the care of billeting families or those responsible for hostels, residences or boarding homes?

- 7.7. Did the Minister take steps to screen billeting families or those responsible for hostels, residences or boarding homes prior to placing Primary Class Members in their care? If so, were these steps proper and adequate to prevent unqualified individuals from billeting children or caring for them in hostels, residences or boarding homes?
- 7.8. Did the Minister provide proper, adequate and effective training or monitoring initially or on an on-going basis to ensure that billeting families or those responsible for hostels, residences or boarding homes were suitable and fit to act as its employees, servants, or agents?
- 7.9. Did the Minister set or implement standards of conduct for billeting families or those responsible for hostels, residences or boarding homes with respect to the safety, health or well-being of Primary Class Members? If so, did the Minister fail to uphold these standards?
- 7.10. Did the Minister fulfill its duty to supervise and monitor the performance and behaviour of billeting families or those responsible for hostels, residences or boarding homes to ensure that they performed and behaved as qualified, reasonable and prudent employees, servants, or agents?
- 7.11. Did the Minister set or implement policies for recognizing and reporting potential abuse of or harm to Primary Class Members? If so, did the Minister fail to educate Primary Class Members in the use of a system through which abuse would be recognized and reported?
- 7.12. Was the Minister aware of any injuries sustained by the Designated Member or Primary Class Members, which occurred while in the care of billeting families or those responsible for hostels, residences or boarding homes? If so, did the Minister adequately investigate those injuries?
- 7.13. Was the Minister aware of any complaints put forth by the Designated Member or Class Members, in relation to physical, psychological, or sexual abuse? If so, did the Minister respond adequately to those complaints?
- 7.14. Did the Minister provide adequate medical and psychological care for the Designated Member and Primary Class Members while in the care of billeting families or those responsible for hostels, residences or boarding homes?

- 7.15. Was the Minister aware of inappropriate punishments delivered by billeting families or those responsible for hostels, residences or boarding homes? If so, did the Minister allow these punishments to continue?
- 7.16. Did the Minister fail to provide leadership and fulfilment of its legal and moral obligations by not enforcing or creating guidelines on sexual abuse, thereby causing the Designated Member's and the Class Members' damages?

B. Concerning the Respondent's vicarious liability

- 7.17. Were billeting families or those responsible for hostels, residences or boarding homes employees, servant or agents of the Respondent? If so, is the Respondent liable for the negligent and intentional acts committed by its employee, servant, or agent which harmed the Designated Member or Class Members?
- 7.18. Was the Respondent aware of the wrongful actions of its employees, servants, or agents, and if so, when did it become aware? If not aware, should the Respondents have been aware of the wrongful actions committed by its employees, servants, or agents?
- 7.19. The Applicant submits that these questions raise factual and legal issues of systemic fault common to all Class Members that requires an assessment of the Respondent's knowledge, actual or constructive, with respect to the selection, training, monitoring, and supervision of its employees, servants or agents.
- 7.20. The resolution of these issues will move litigation further significantly; these constitute substantial elements that must be resolved in the case of each individual Class Member, and their resolution will avoid duplication of fact-finding and of legal analysis.

8. The questions of fact and law specific to each Class Member are as follows

- 8.1. After the resolution of common issues, only matters specific to each Class Member will have to be addressed, including:
- a. What acts of abuse did individual Primary Class Members suffer?
 - b. What harms did Primary Class Members and Family Class Members suffer because of the acts of abuse?
 - c. Does a causal link exist between any acts of abuse and harms suffered?
 - d. What individual defences exist that could be advanced, such as prescription?

9. It is expedient that the institution of a Class Action for the benefit of the Class Members be authorized for the following reasons

- 9.1. The class action is the best procedural vehicle available to the Class Members in order to protect and enforce their rights herein.
- 9.2. While the amount of damages sustained by each Class Member may differ, the Respondent's wrongful behaviour and its liability are identical for each Member.
- 9.3. In the absence of a class action there would be no viable recourse against the Respondent for most Members, due to the cost and difficulty that an individual civil action would entail, relative to the benefits one could hope to obtain.
- 9.4. To the best of the Applicant's knowledge, all or most of the Class Members among the Cree in Québec come from and are likely still domiciled in [...]northern Québec and would therefore incur greater than average expenses if they brought individual proceedings, due to their remote location.
- 9.5. A single hearing by means of a class action on the issues of fact and law that all members have in common would significantly reduce the cost of litigation for all parties.

10. The nature of the action the Designated Member intends to bring on behalf of the Class Members is an action in damages for extra-contractual liability.

11. The Applicant seeks the following conclusions or relief:

- 11.1. Compensation, in an amount to be perfected at trial, for the damages incurred because of the Respondent's failure to take steps to protect Class Members retention of their Aboriginal language, culture, identity, religion, heritage and customs and their ability to pass on to succeeding generations their spiritual, cultural and linguistic heritage.
- 11.2. Compensation, in an amount to be perfected at trial, for the damages incurred because of the Respondent's failure to screen, negligence in selecting, and inadequate supervision of its employees, servants or agents; and more generally for its breach of its obligation of loyalty and duty to protect the best interests of the Designated Member and Primary Class Members as would a parent solicitous for his or her child's well-being.
- 11.3. Compensation, in an amount to be perfected at trial, for the damages incurred as a

result of the intentional and negligent actions of billeting families or those responsible for hostels, residences or boarding homes, including the perpetration of sexual, physical and psychological abuse on the Designated Member and other Primary Class Members for which the Respondent is directly or vicariously liable.

- 11.4. Compensation, in an amount to be perfected at trial, for material and moral damages sustained by Family Class Members as a result of Respondent's breaches of its fiduciary and civil law duties owed to the Primary Class Members and the fault and negligence of its employees, servants or agents;
- 11.5. Punitive damages in an amount to be perfected at trial;
- 11.6. Interest and the additional indemnity provided by the *Civil Code of Quebec*;
- 11.7. Judicial fees and legal costs;
- 11.8. Such further and other relief as this Honourable Court may deem just and reasonable in the circumstances.

12. The relief sought by the Applicant is to:

ALLOW the institution of the Applicant's class action;

GRANT the Designated Member's application for an order allowing her to use a pseudonym for herself and for Class Members;

DECLARE the Respondent liable to the Designated Member and Class Members for the damages suffered as a result of the Respondent's breach of its fiduciary duty, its breach of its obligation to act as a parent solicitous of his or her child's welfare and its breach of its obligation of loyalty towards the Designated Member and Class Members;

DECLARE the Respondent vicariously liable to the Designated Member and Class Members for the damages suffered by the negligent and intentionally wrongful actions of its employees, servants, or agents;

*CONDEMN the Respondent to pay to each of the Class Members compensatory, moral and punitive damages, and **ORDER** collective recovery of these sums;*

CONDEMN the Respondent to indemnify each and every Class Member for all damages that they have suffered as a result of Respondent's wrongful behaviour, and the wrongful behaviour of its employees, servants, and agents;

AND TO THIS END:

***DECLARE** the Respondent liable for the cost of judicial and extra-judicial fees and disbursements, including fees for expertise incurred in the present matter for and in the name of the Applicant and Class Members and **ORDER** collective recovery of these sums;*

***CONDEMN** the Respondent to pay the Applicant and Class Members the above mentioned sums with interest at the legal rate, plus the additional indemnity provided by law, to accrue from the date of service of the present motion;*

***ORDER** the Respondents to deposit with the Clerk of the Superior Court for the District of Montreal an amount equal to the total compensatory and punitive and exemplary damages caused by Respondents' wrongful behaviour during the class period; and **ORDER** the collective recovery of this amount, the whole according to proof to be made at trial, the whole with interest and the additional indemnity provided by law calculated from the date of service of the present Motion;*

***ORDER** the individual liquidation in favour of the Designated Member and Class Members of a sum equivalent to their share of the damages claimed or, if this process turns out to be inefficient or impracticable, **ORDER** the Respondent to perform any remedial measures that the Court may determine to be in the interest of the Designated Member or Class Members;*

***CONDEMN** the Respondent to pay the costs incurred for all investigation necessary in order to establish the liability of Respondent in this matter, including the extra-judicial fees of counsel for Applicant and the Class Members and extra-judicial disbursements, including the costs of expertise;*

***RENDER** any other order that this Honourable court shall determine may be just and proper;*

***THE WHOLE WITH COSTS**, including the cost of notices.*

13. The Applicant requests that it be granted representative status.

14. The Applicant is suitable to act as representative plaintiff and is in a position to properly represent the Class Members

14.1. The Applicant's Designated Member suffered abuse and harms while under the Minister's care and supervision, and while billeted by the Minister with a family in Fort George and was subsequently also taken from her family to be placed with a non-Indigenous family in Hull.

- 14.2. The Applicant's members and those whom its serves have been deeply affected by the abuse and the Applicant considers it to be the organization's moral obligation to seek justice through the judicial system in order to bring closure and justice to the Designated Member and to all Class Members.
- 14.3. The Applicant understands and has been thoroughly advised as to the process required for this class action.
- 14.4. The Applicant is committed to seeking a resolution to the problems caused by the abuse alleged herein, not just for its members but also for others.
- 14.5. The Applicant is disposed to invest the necessary resources and time towards the accomplishment of all formalities and tasks necessary for the bringing of the present class action and is committed to collaborating fully with its attorneys.
- 14.6. The Applicant is capable of providing its attorneys with the information useful to the bringing of the present class action.
- 14.7. The Applicant is acting in good faith with the only goal of obtaining justice for its members and for each Class Member.
- 14.8. The Applicant [...] may ask for financial aid from the Fonds d'aide aux actions collectives.

15. The Applicant requests that the Class Action be brought before the Superior Court for the District of Montreal for the following reasons:

- 15.1. To the Applicant's knowledge, most of the Class Members among the Cree in Québec are likely domiciled in the Cree communities of Waskaganish, Eastmain, Wemindji, Mistissini, and Chisasibi, which fall within the judicial district of Abitibi.
- 15.2. However, Waskaganish, Eastmain, Wemindji, Mistissini, and Chisasibi are located roughly 590 km, 700 km, 850 km, 583 km, and 930 km, respectively, from Val d'Or, the seat of the judicial district of Abitibi.
- 15.3. Given these great distances, Val d'Or is no more convenient for the Applicant, the Designated Member or Class Members to travel to than is Montreal.
- 15.4. For her part, the current Minister's principal place of business is in the District of Hull.
- 15.5. At the same time, the Applicant's undersigned attorneys practise in the District of Montreal and the Respondent also has a place of business in the District of

Montreal, as well as in the District of Québec and the City of Ottawa.

15.6. It would greatly increase the time and costs of proceedings if the undersigned attorneys or those for the Respondent had to travel to Val d'Or for hearings.

15.7. Montreal is therefore the most appropriate location for this class action to be heard.

FOR THESE REASONS, MAY IT PLEASE THE COURT:

GRANT the action;

AUTHORIZE the institution of the class action herein:

To sanction the Respondent's breach of its obligations, fiduciary duty, duty of care and its omissions;

To sanction its wrongful behaviour in permitting wrongful acts against the children in its care;

ASCRIBE to the Applicant the status of representative for the purpose of instituting the said class action on behalf of the group of natural persons hereinafter described:

Description of the group:

“Aboriginal children and adolescents who, when they were domiciled or resident in Québec, were billeted by the Government of Canada with families other than their own, or in hostels, residences or boarding homes (the “Primary Class”). The Primary Class excludes the claims released against the Government of Canada in respect of institutions covered by Schedules E and F of the Indian Residential Schools Settlement Agreement”; and

“All persons who are a spouse or former spouse, child, grandchild or sibling of a member of the Primary Class and who suffered material and/or moral damages as a result of injury to the Primary Class Members (the “Family Class”)”.

DETERMINE as follows the principal questions of fact and of law that will be dealt with collectively:

- a. Could or should the Minister as represented herein by the Respondent, including the Minister's agents or servants, have foreseen that billeting families or those responsible for hostels, residences or boarding homes were in a position that

could result in them abusing their positions of power, authority, and trust over children entrusted to them?

- b. Did the Minister owe the Class Members a duty arising from circumstance, usage or law?
- c. Did the Minister breach its fiduciary, civil law and statutory duties to the Designated Member and the Class Members when it undertook a systematic program of forced integration of Aboriginal children through the establishment, implementation, administration and management of the placement programs for Aboriginal students?
- d. Did the Minister breach its fiduciary, civil law and statutory duties to the Designated Member and the Class Members by failing to consult adequately with Aboriginal communities and other Aboriginal stakeholders about the placement programs for Aboriginal students, the provision of funding to the program for that purpose, and the policies and practices that would be adopted in operating and administering that programs?
- e. Did the Minister take steps to protect and preserve the language, culture, identity, religion, heritage and customs of the Class Members, including by ensuring that adequate services and resources were provided to Primary Class Members to practice and maintain their Aboriginal language, culture, identity, religion, heritage and customs while in the care of billeting families or those responsible for hostels, residences or boarding homes?
- f. Did the Minister take steps to screen billeting families or those responsible for hostels, residences or boarding homes, prior to placing Primary Class Members in their care? If so, were these steps proper and adequate to prevent unqualified individuals from billeting children or caring for them in hostels, residences or boarding homes?
- g. Did the Minister provide proper, adequate and effective training or monitoring initially or on an on-going basis to ensure that billeting families or those responsible for hostels, residences or boarding homes were suitable and fit to act as its employees, servants, or agents?
- h. Did the Minister set or implement standards of conduct for billeting families or those responsible for hostels, residences or boarding homes with respect to the safety, health and well-being of Primary Class Members? If so, did the Minister fail to uphold these standards?
- i. Did the Minister fulfill its duty to supervise and monitor the performance and behaviour of billeting families or those responsible for hostels, residences or boarding homes to ensure that they performed and behaved as qualified, reasonable and prudent employees, servants, or agents?

- j. Did the Minister set or implement policies for recognizing and reporting potential abuse of or harm to Primary Class Members? If so, did the Minister fail to educate Primary Class Members in the use of a system through which abuse would be recognized and reported?
- k. Was the Minister aware of any injuries sustained by the Designated Member or Primary Class Members, which occurred while in the care of billeting families, or hostels, residences or boarding homes? If so, did the Minister adequately investigate those injuries?
- l. Was the Minister aware of any complaints put forth by the Designated Member or Class Members, in relation to physical, psychological, or sexual abuse? If so, did the Minister respond adequately to those complaints?
- m. Did the Minister provide adequate medical and psychological care for the Designated Member and Primary Class Members while in the care of billeting families or those responsible for hostels, residences or boarding homes?
- n. Was the Minister aware of inappropriate punishments delivered by billeting families or those responsible for hostels, residences or boarding homes? If so, did the Minister allow these punishments to continue?
- o. Did the Minister fail to provide leadership and fulfilment of its legal and moral obligations by not enforcing or creating guidelines on sexual abuse, thereby causing the Designated Member's and the Class Members' damages?
- p. Were billeting families or those responsible for hostels, residences or boarding homes, the Minister's employees, servant or agents? If so, is the Minister liable for the negligent and intentional acts committed by its employees, servants, or agents which harmed the Designated Member or Class Members?
- q. Was the Minister aware of the wrongful actions of its employees, servants, or agents, and if so, when did it become aware? If not aware, should the Minister have been aware of the wrongful actions committed by its employees, servants, or agents?

DETERMINE as follows the related relief sought:

***ALLOW** the institution of the Applicant's class action;*

***GRANT** the Designated Member's application for an order allowing her to use a pseudonym for herself and for Class Members;*

***DECLARE** the Respondent liable to the Designated Member and Class Members for the damages suffered by Respondent's breach of its fiduciary duty, its breach of its*

obligation to act as a parent solicitous of his or her child's welfare and its breach of its obligation of loyalty towards the Applicant and Class Members;

DECLARE *the Respondent vicariously liable to the Designated Member and Class Members for the damages suffered by the negligent and intentionally wrongful actions of its employees, servants, or agents;*

CONDEMN *the Respondent to pay to each of the Class Members compensatory, moral and punitive damages, and **ORDER** collective recovery of these sums;*

CONDEMN *the Respondent to indemnify each and every Class Member for all damages that they have suffered as a result of Respondent's wrongful behaviour, and the wrongful behaviour of its employees, servants, and agents;*

AND TO THIS END:

DECLARE *the Respondent liable for the cost of judicial and extra-judicial fees and disbursements, including fees for expertise incurred in the present matter for and in the name of the Applicant, and Class Members and **ORDER** collective recovery of these sums;*

CONDEMN *the Respondent to pay the Applicant and Class Members the above mentioned sums with interest at the legal rate, plus the additional indemnity provided by law, to accrue from the date of service of the present motion;*

ORDER *the Respondents to deposit with the Clerk of the Superior Court for the District of Montreal an amount equal to the total compensatory and punitive and exemplary damages caused by Respondents' wrongful behaviour during the class period; and **ORDER** the collective recovery of this amount, the whole according to proof to be made at trial, the whole with interest and the additional indemnity provided by law calculated from the date of service of the present Motion;*

ORDER *the individual liquidation in favour of the Designated Member and Class Members of a sum equivalent to their share of the damages claimed or, if this process turns out to be inefficient or impracticable, **ORDER** the Respondent to perform any remedial measures that the Court may determine to be in the interest of the members of the Applicant or Class Members;*

CONDEMN *the Respondent to pay the costs incurred for all investigation necessary in order to establish the liability of Respondent in this matter, including the extra-judicial fees of counsel for Applicant and the Class Members and extra-judicial disbursements, including the costs of expertise;*

RENDER *any other order that this Honourable court shall determine may be just and proper;*

THE WHOLE WITH COSTS, including the cost of notices.

DECLARE that, unless excluded, the members of the group are bound by any judgment to be handed down in the manner provided for by law;

SET the exclusion time period at 60 days after the date of the notice to members; upon expiry of the exclusion time period the members of the group who have not availed themselves of the means of exclusion will be bound by any judgment to be handed down;

ORDER the publication of a notice to the Class Members as determined by the Court, in accordance with art. 579, C.C.P.;

REFER the case to the Chief Judge for determination of the district where the class action will be instituted and designation of the judge who will hear it;

ORDER the clerk of this Court, should the action have to be instituted in another district, to transfer the record, upon the Chief Judge's decision, to the clerk of that other district;

The whole with costs, including the costs of notice.

Montréal, this 19th of October, 2018

Dionne Schulze

DIONNE SCHULZE
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NO : 500-06-000812-160

**SUPERIOR COURT
CLASS ACTION**

**CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL**

WIICHIHIWEWIN CENTRE OF WASKAGANISH

APPLICANT

AND

ANNE SMITH (PSEUDONYM)

DESIGNATED MEMBER

-v.-

ATTORNEY GENERAL OF CANADA

RESPONDENT

**RE-AMENDED APPLICATION FOR
AUTHORIZATION TO INSTITUTE A
CLASS ACTION AND TO OBTAIN THE
STATUS OF REPRESENTATIVE
(Art. 571 et seq., C.C.P.)**

COPY

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BG4209**

Our file #5100-005

Court File No.: T-1417-18

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINAL PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

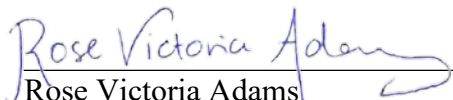
- and -

HIS MAJESTY THE KING

Defendant

EXHIBIT T TO THE AFFIDAVIT OF LÉA LEMAY LANGLOIS

This is Exhibit T to the affidavit of
Léa Lemay Langlois, as solemnly sworn
before me the 21st day of July, 2023


Rose Victoria Adams
Barreau du Québec n°358105-5

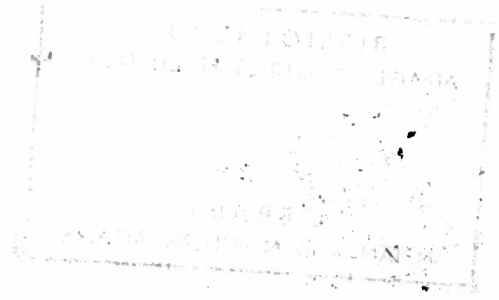
INDIAN CONTROL OF INDIAN EDUCATION

-STATUS REPORT-

1980 - 81

E97.5
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INDIAN CONTROL
of
INDIAN EDUCATION
STATUS REPORT
1980 - 81

E97.5
R6773

George Ross
November, 1981

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A. INTRODUCTION

The 1979-80 Indian Control Status Report, in addition to the statistical tables, provided a fairly detailed executive summary and an analysis of each of the following four program areas: Elementary and Secondary Education, Post School Education, Student Services and Education Administration.

It was suggested in the 1979-80 report that future annual reports, in addition to providing Indian control statistics, would also provide information on the extent of changes from year to year, an indication of trends or emphasis in Indian control and program growth in terms of numbers of students, numbers of staff and amount of finances.

This report (1980-81) does provide the above. However, with the exception of a brief Executive Summary, the analysis of the statistics is being left up to the reader.

I am convinced the completion of an annual status report on Indian control of Indian education is a necessity. It is, therefore, imperative that these reports have a high degree of accuracy. I don't believe that the 1979-80 report and this report have as yet achieved an acceptable level of accuracy.

For this reason I have included a section which recommends changes in the data collection process. I feel that if these recommendations are followed, data collection will be simplified and reasonable accuracy will be attained.

B. EXECUTIVE SUMMARY**Student Enrolments - Nursery, Kindergarten, Elementary and
Secondary**

There appears to be a discrepancy in the data relating to total enrolments in Department, Band and Provincial schools. Data for 1979-80 shows an enrolment of 76,075 students while the enrolment for 1980-81 is 75,189 students. It is difficult to accept a decrease of almost 900 students from one year to the next. It must be assumed there is a lack of standardization in the methods used for counting students.

Of significance, however, is the fact that between 1979-80 and 1980-81 the number of students under Indian control increased by 5.8% from 24.4% to 30.2%.

Student Enrolment Post School Education

This program has shown an marked increase in Indian control. Whereas in 1979-80 the number of students handled through Indian control was 30.3%, in 1980-81 this number had increased by 13.1% to a total of 43.4%.

Student Placement - Private Homes, Group Homes and Student Residences

This program has also shown a significant increase in Indian control. Whereas in 1979-80 there were 30.8% of the students handled through Indian control, in 1980-81 there were 44.6% handled through Indian control, representing an increase of 13.8%.

Education Staff

In 1979-80, of the 4,155 total education staff, 1,791 or 43.1% were employed in Indian control systems. In 1980-81, of the 4,336 total education staff, 2,137 or 49.3% were employed in Indian control systems. This increase of 6.2% was due primarily to the take over of Department schools by Indian bands.

Major Programs

Severe difficulties have been encountered in securing statistical data for the tables in this section. The anomalies encountered have made it impossible to set up a standardized criteria which will ensure the collection of valid data. For this reason changes will be recommended for future reports. Comments can, however, be made on one or two of the tables.

For Department and Band schools it is noteworthy to mention that the total numbers of schools has increased by 7 from 338 in 1979-80 to 345 in 1980-81. This change represents an increase of 12 Indian controlled schools from 127 in 1979-80 to 139 in 1980-81. The increase of 12 Indian controlled schools is made up partially by a decrease of 5 Department schools, from 211 in 1979-80 to 206 in 1980-81. The other new Indian controlled schools reflects the discontinuance of children attending Provincial schools and the establishment of Band schools to accommodate these children.

Another change that can be reported accurately is the transfer of one more student residence to Indian control. In 1979-80, of the 16 residences in operation, 4 were under Indian control. In 1980-81, of the 16 residences, 5 were under Indian control.

Education Boards, Authorities, Committees

District, tribal or area education boards have increased by 6 from 20 in 1979-80 to 26 in 1980-81. This increase represents 5 in B.C. and 1 in Manitoba.

Information on Band education boards or authorities was not available from B.C. for the 1980-81 tables. The number of Band education boards, however, increased in two regions. Between 1979-80 and 1980-81 in Manitoba the number of boards increased from 8 to 9 and in Ontario from 4 to 6.

Finances - Capital

In examining major and minor capital projects, the increase in Indian control from 1979-80 to 1980-81 was very significant. In 1979-80 Indian control represented 12.9% of the total budget and in 1980-81 Indian control was 27.4% of the total budget for an overall increase of 14.5%.

Finances - Operations and Maintenance

The increase in O & M funding under Indian control between 1979-80 and 1980-81 was 2.8%. This in itself is not significant, however, the actual dollar increase was \$21,811,000, up from \$88,414,300 in 1979-80 to \$110,225,300 in 1980-81. This represents a 24.7% increase in the amount of funding over the previous year. At the same time, Department controlled funding increased by \$15,577,400, up from \$143,310,000 in 1979-80 to \$158,887,400 in 1980-81. This represents a 10.9% increase in the amount of funding over the previous year.

C. RECOMMENDATIONS FOR THE CONTINUATION OF THE STATUS REPORT

Recommendation #1 - Statistical Tables

Table #1 - Student Enrolments - Nursery, Kindergarten, Elementary and Secondary. It is a well known fact that student enrolments fluctuate during the course of the school year. A firm criteria must, therefore, be established to identify the source of information for these tables, i.e. the data used could be taken directly from the original nominal submission, or the corrected submission or Data Base. The important thing is that the method of data collection be consistent from region to region and year to year. One table, Minimal Sponsorship - Provincial Schools, should be dropped from this section of the report. There appears to be no accurate way of gathering data for this table, especially for Indian controlled systems.

Table #2 - Student Enrolment - Post School Education. The Continuing Education Information System provides accurate data for these tables. This method should be continued.

Table #3 - Student Placement - Private and Group Homes and Student Residences. Student enrolment in these programs are also subject to fluctuation during the school year. Here again a consistent method of securing the data should be established. The Data Base submission would probably be the logical information source.

Table #4 - Education Staff. There appears to be little or no difficulty in securing information on departmental staff, however, there has been consid-

erable difficulty in acquiring information on the numbers of band employed staff. It is my belief that this table should be continued in its entirety, therefore, a system must be devised to secure the information from bands relating to their staff. Some of it now is required for Data Base. This should be extended to include all band staff. The only change recommended for these tables would be to switch from counting part-time staff as one unit to a method which records person years in whole units and partial units.

Table #5 - Major Programs or Major Program Elements. Of the ten tables in this section only three should be retained. These are: Table a - Department and Band Schools, Table c - Post School Program, and Table e - Student Residence Program. For the balance of the tables it has not been possible to develop clearly defined criteria which will take care of the anomalies in each program and provide accurate statistics. The wisest move then is to drop these tables.

Table #6 - Education Boards, Authorities, Committees. This table should be continued under its present format. ←

Table #7 - Finances - Capital. This table should be continued under its present format.

Table #8 - Finances - Operations and Maintenance. Regions have encountered considerable difficulty in separating cost for each of the eleven tables in this section. Each table, however, represents an important segment of the

total education program. The tables in this section should be continued "as is" and if possible changes should be made in financial structure to accomodate this section of the report.

Recommendation #2 - Regional Narrative

Statistical data without explanation frequently leads to misinterpretation or a lack of understanding. For the 81-82 report and all future reports provision should be made to include brief regional narratives which would explain anomalies or unusual changes from the previous year's report. In addition to the above, the Regions might wish to include a narrative summary describing the year's activities, changes and trends for Indian control of education.

Recommendation #3 - Headquarters and the Territories

Consideration should be given to the inclusion of data relating to Headquarters and the Territories. This would ensure that the total education program is covered.

Recommendation #4 - Timing

The status report should be completed as soon as possible after the end of the fiscal year. If this practice is followed then data accuracy should be enhanced and because of the timeliness of the report it will be more useful to the Department.

Recommendation #5 - Directors of Education

The Directors of Education should be given the opportunity to provide recommendations on the continuation of the Status Report, its inclusions and format. This could be accomplished at the next Directors' meeting.

Recommendation #6 - Responsible Officer

An education officer at Headquarters should be assigned the responsibility for co-ordination and completion of the yearly reports.

These tables provide statistical data for the major program areas and also data on the major elements of these programs.

Not included in these tables are data relating to the Headquarters Education Program or the National Indian Brotherhood Education Program. The Yukon Territories Departmental Education program is also excluded.

For the James Bay Cree and Inuit, data is included on Tables 1a, 1c, 1e, 5b, 6, 7d, 7e, 8b, and 8l. All other tables do not include these two groups.

Student Enrolments - Nursery, Kindergarten, Elementary and Secondary Education

This table examines student enrolment in the nursery-kindergarten, elementary and secondary education program.

In Table 1a, department control includes children in attendance in federal schools where the department has responsibility for the education program, day to day school operations, hiring of teachers etc. Indian control includes children in attendance in band schools where the Band has responsibility for the education program, day to day school operations, hiring of teachers, etc.

In Table 1b, responsibility for tuition payments to the provincial, parochial or private school board determines department or Indian control. If the department pays the tuition, the students are accounted for under department control and if the Band pays the tuition, the students are accounted for under Indian control. Tuition agreements with the boards usually accompany these arrangements.

In Table 1d, students receiving financial assistance directly from the department are counted under department control and students receiving assistance directly from the band are counted under Indian control.

Please note: Nursery or Kindergarten students attending school only half time are counted as one student. In addition, the word Band could also include Tribal or District Council or a joint organization of two or more bands.

Table 1a
Student Enrolment

Department and Band Schools.

This table includes all nursery - kindergarten elementary and high school students in attendance in Department (Dept. Control) or Band (Indian Control), operated schools, Non-Indian students are included.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	1011	1839	2850	64.5
Alta.	3661	640	4301	14.9
Sask.	4349	2937	7286	40.3
Man.	6475	2581	9056	28.5
Ont.	5883	650	6533	9.9
Que.	2379	5123	7502	68.3
Atlan.	1048	663	1711	38.7
National	24806	14433	39239	36.8

Table 1b
Student Enrolment

Provincial, Parochial and Private Schools

This table includes all nursery - kindergarten elementary and high school students sponsored for complete instruction costs (tuition) who are in attendance in provincial, parochial, or private schools located either on or off Indian reserves.

*Includes
Nursery +
Kindergarten*

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	8491	596	9087	6.6
Alta.	5309	1013	6322	16.0
Sask.	5387	108	5495	2.0
Man.	2659	1456	4115	35.4
Ont.	2213	3839	6052	63.4
Que.	2163	1181	3344	35.3
Atlant.	1421	114	1535	7.4
National	27643	8307	35950	23.1

Table 1c
Student Enrolment

Department, Band, Provincial, Parochial & Private Schools

This table shows the combined total for Tables 1a & 1b.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	9502	2435	11937	20.4
Alta.	8970	1653	10623	15.6
Sask.	9736	3045	12781	23.8
Man.	9134	4037	13171	30.7
Ont.	8096	4489	12585	35.7
Que.	4542	6304	10846	58.1
Atlant.	2469	777	3246	23.9
National	52449	22740	75189	30.2

Table 1d
Student Enrolment

Minimal Sponsorship - Provincial Parochial & Private Schools

This table includes kindergarten - nursery elementary and high school students attending provincial, parochial and private schools in cities, towns or communities for whom the Department or Bands provide some assistance usually in the form of school supplies. These students are from families who have residency in these cities, towns or communities, therefore there is no tuition requirement as their entitlement to education is the same as any non - Indian resident.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	20	733	753	97.3
Alta.	567	299	866	34.5
Sask.	3005	NIL	3005	NIL
Man.	811	728	1539	47.3
Ont.	NIL	NIL	NIL	NIL
Que.	NIL	NIL	NIL	NIL
Atlant.	200	NIL	200	NIL
National	4603	1760	6363	27.7

Table 1e
Student Enrolment

Department, Band, Provincial, Parochial and Private Schools
(Including Minimal Sponsorship Students)

This table shows the combined total for Tables 1a, 1b, and 1d.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	9522	3168	12690	25.0
Alta.	9537	1952	11489	17.0
Sask.	12741	3045	15786	19.3
Man.	9945	4765	14710	32.4
Ont.	8096	4489	12585	35.7
Que.	4542	6304	10846	58.1
Atlan.	2669	777	3446	22.5
National	57052	24500	81552	30.0

Table 2

Student Enrolment - Post School Education

This table examines student enrolments in university and professional training, and occupational skill training. Originally it was planned to include statistics on community or adult education programs. However, it was not possible to identify a standard unit of measurement common to all regions, therefore the plan was cancelled.

In this table, students are identified under department control where the department is receiving and approving their assistance applications, providing them with counselling service, and issuing their training allowances. In addition, where the department is buying a program from a university, college, or other training institution students in the program would be identified under department control.

Conversely, where a band, district council, tribal council, Indian education board, or Indian education council is providing the above service for Indian students, these students are identified under Indian control.

Please note: Due to the various length of training courses, the data in the tables does not represent numbers of students. Each unit represents one student in training for one week.

Table 2a
Student Enrolment (Student weeks)
University and Professional Training.

This table includes students who are enrolled at universities, colleges, institutes of technology, in programs or courses which normally require the completion of secondary education as a minimum academic entrance requirement.

Included also are students with lesser academic qualifications who have gained entrance under mature student criteria.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	4870	15330	20200	75.9
Alta.	13603	4381	17984	24.4
Sask.	18330	3883	22213	17.5
Man.	3801	7976	11777	67.7
Ont.	15430	17600	33030	53.3
Que.	9652	5411	15063	35.9
Atlant.	10291	30	10321	0.3
National	75977	54611	130588	41.8

Table 2b

Student Enrolment (Student weeks)

Occupational Skill Training

This table includes students who are enrolled at community colleges, vocational schools or other training institutions in courses normally requiring less than the completion of secondary education as a minimum academic entrance requirement. These courses which are usually less than a year's duration teach trades, skills or crafts leading directly to employment. Also included are academic upgrading courses which are part of a career plan leading up to Occupational Skill training.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	1716	7494	9210	81.4
Alta.	6745	4023	10768	37.4
Sask.	6594	NIL	6594	0.0
Man.	1242	5064	6306	80.3
Ont.	5116	4502	9618	46.8
Que.	2051	384	2435	15.8
Atlan.	3661	2907	6568	44.3
National	27125	24374	51499	47.3

Table 2c
 Student Enrolment (Student weeks)
University, Professional and Occupational Skill Training

This table shows the combined total for Tables 2a and 2b.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	6586	22824	29410	77.6
Alta.	20348	8404	28752	29.2
Sask.	24924	3883	28807	13.5
Man.	5043	13040	18083	72.1
Ont.	20546	22102	42648	51.8
Que.	11703	5795	17498	33.1
Atlant.	13952	2937	16889	17.4
National	103102	78985	182087	43.4

Student Placement Private and Group Homes and Student Residences

This table examines student placements in private homes, group homes, and student residences.

In this table private home placement and group home placement students are identified under department control where the department receives and approves their educational assistance applications, provides them with counselling service and issues their living allowances. Conversely, students who receive the above services from a band, district council, tribal council, Indian Education Board or Indian Education Council are identified under Indian Control.

Students placed in student residences are identified under department control when the residence is staffed and operated by the department. Conversely, students placed in a residence staffed and operated by a band, district council, tribal council, Indian Education Board or Indian Education Council are identified under Indian Control.

Please note: Two group homes in Ontario have been classed as student residences, as they were opened as a direct result of the closure of a student residence.

Table 3a
Student Placement

Private and Group Homes

This table includes elementary and secondary students who have been placed in private or group homes. It also includes students who require placement because of special learning problems, i.e. deaf children, blind children.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	142	590	732	80.6
Alta.	139	47	186	25.3
Sask.	321	NIL	321	0.0
Man.	183	121	304	39.8
Ont.	271	917	1188	77.1
Que.	332	117	449	26.1
Atlant.	3	2	5	40.0
National	1391	1794	3185	56.3

Table 3b
 Student Placement Page 22

Student Residences

This table includes elementary and secondary students who have been placed in student residences.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	174	NIL	174	NIL
Alta.	70	24	94	25.5
Sask.	864	180	1044	17.2
Man.	180	NIL	180	NIL
Ont.	NIL	50	50	100.0
Que.	NIL	116	116	100.0
Atlan.	NIL	NIL	NIL	NIL
National	1288	370	1658	22.3

Table 3c

Student Placement
Private and Group Homes and Student Residences

This table shows the combined totals for Tables 3a and 3b.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	316	590	906	65.1
Alta.	209	71	280	25.4
Sask.	1185	180	1365	13.2
Man.	363	121	484	25.0
Ont.	271	967	1238	78.1
Que.	332	233	565	41.2
Atlan.	3	2	5	40.0
National	2679	2164	4843	44.6

Education Staff

This table examines the number of staff employed in the Indian Education Program. The criteria for inclusion of staff in these tables is that the employee works directly in the education program and the employee's salary comes from education budget funds.

The following points should be kept in mind when examining these tables:

In the tables each employee is counted as one unit even though some employees are working part time. The number of part time employees is significant in Department Schools Support Staff and Band Schools Support Staff (Tables 4d & 4) with a scattering throughout the other tables.

In identifying Education Administration Staff (Table 4a) it was recognized that there are a large number of employees who work almost entirely for education but are not employed by the Education program. Departmental examples would be people in the Personnel section who spend most of their time working with teacher staffing or Finance Section staff who are involved extensively in purchasing for schools. In Indian Control there are staff who are employed in Band administration but do a significant amount of work for the Education program. Because of the extreme difficulty in identifying these employees, they are not included in Table 4a.

Department staff counts are taken from department organization charts and are therefore considered accurate. As there are no established information or reporting systems for Indian Control staff, the Indian Control staff counts cannot be considered totally accurate. The data however, was collected from people with good knowledge of the Indian Control program, therefore it is considered reasonably accurate.

In these tables, staff are identified under Department Control if they are full time, part time or term employees of the Government of Canada. Indian Control staff are full time, part time or term employees of bands, District or Tribal Councils, Indian Education Boards, Authorities or Committees, Indian Education Councils or Indian Organizations.

Table 4a

Education Staff Administration

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This table includes staff working in the area of education administration, education supervision and education support services.

Inclusions would be education directors, superintendents, coordinators, finance officers, clerks, secretaries, stenographers and specialists. School staff, education counsellors and student residence staff are excluded.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	29	18	47	38.3
Alta.	27	20	47	42.6
Sask.	28	25	53	47.2
Man.	31	39	70	55.7
Ont.	28	26	54	48.1
Que.	38	15	53	28.3
Atlan.	13	3	16	18.8
National	194	146	340	42.9

Table 4b

Department Schools Staff - Professional & Paraprofessional

This table includes all professional and paraprofessional staff working in department schools. Inclusion would be principals, assistant or vice-principals, department heads, teachers, teacher aides or teacher assistants and specialist teachers.

Region	Dept. Control	Indian Control	Total	% Indian Control
E.C.	70	29	99	29.3
Alta.	224	6	230	2.6
Sask.	274	81	355	22.8
Man.	327	33	360	9.2
Ont.	347	81	428	18.9
Que.	103	27	130	20.8
Atlan.	64	27	91	29.7
National	1409	284	1693	16.8

Band Schools Staff - Professional and Paraprofessional

This table contains all professional and paraprofessional staff working in band schools. Inclusions would be principals, assistant or vice-principals, department heads, teachers, teacher aides or teacher assistants and specialist teachers.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	NIL	231	231	100.0
Alta.	NIL	43	43	100.0
Sask.	NIL	131	131	100.0
Man.	NIL	178	178	100.0
Ont.	NIL	47	47	100.0
Que.	NIL	96	96	100.0
Atlant.	NIL	46	46	100.0
National	NIL	772	772	100.0

Table 4d
Department Schools Support Staff

This table includes all staff other than professional and paraprofessionals working in department schools. Inclusions would be maintenance staff, stationary engineers, custodial staff, clerks, secretaries, stenographers, night watchmen, truant officers, noon hour supervisors, crossing guards, etc.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	8	NOT AVAILABLE	8	0.0
Alta.	16	9	25	36.0
Sask.	32	40	72	55.6
Man.	35	140	175	80.0
Ont.	33	53	86	61.6
Que.	7	62	69	89.9
Atlant.	3	16	19	84.2
National	134	320	454	70.5

Table 4e

Band Schools Support Staff

Page 29

This table includes all staff other than professional and paraprofessional working in Band schools. Inclusions would be maintenance staff, stationary engineers, custodial staff, clerks, secretaries, stenographers, night watchmen, truant officers, noonhour supervisors, crossing guards etc.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	NIL	25	25	100.0
Alta.	NIL	8	8	100.0
Sask.	NIL	19	19	100.0
Man.	NIL	46	46	100.0
Ont.	NIL	13	13	100.0
Que.	NIL	30	30	100.0
Atlant.	NIL	8	8	100.0
National	NIL	149	149	100.0

Table 4f
Student Services Staff

This table includes all education counsellors, vocational counsellors, social counsellors and home and school co-ordinators working in the education program.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	8	96	104	92.3
Alta.	22	26	48	54.2
Sask.	22	44	66	66.7
Man.	10	67	77	87.0
Ont.	28	77	105	73.3
Que.	7	17	24	70.8
Atlant.	3	23	26	88.5
National	100	350	450	77.8

Table 4g
Student Residences Staff

This table includes all staff working in student residences with the exception of professional staff (principals, teachers and counsellors) working in schools associated with residences.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	95	NIL	95	NIL
Alta.	19	13	32	40.6
Sask.	202	52	254	20.5
Man.	46	NIL	46	NIL
Ont.	NIL	12	12	100.0
Que.	NIL	39	39	100.0
Atlant.	NIL	NIL	NIL	NIL
National	362	116	478	24.3

Table 4h
Education All Staff

This table shows the combined totals for Tables 4a through 4g.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	210	399	609	65.5
Alta.	308	125	433	28.8
Sask.	558	392	950	41.3
Man.	449	503	952	52.8
Ont.	436	309	745	41.5
Que.	155	286	441	64.9
Atlant.	83	123	206	59.7
National	2199	2137	4336	49.3

Table 5

Major Programs or Major Program Elements page 33

In this table several major education programs or program elements have been selected to show the extent of Indian control.

Each separate table defines the criteria used to distinguish between department control and Indian control. In addition anomalies are explained to ensure correct interpretation of the data.

Please note that in the Quebec Region, except for Table 5b, tuition agreements data relating to the communities served by the Cree School Board and the Kativik School Board are not included in these tables.

Table 5a

Department and Band Schools

Page 34

This table examines the total number of Federal and Indian operated schools in Canada. The schools may range in size from nursery - kindergarten to schools that provide all of the elementary and secondary grades.

Department controlled schools are those schools normally called federal schools. In these schools, the department has overall responsibility for the education program, the day to day operation, and the employment of the teaching staff. Indian controlled schools are those schools normally called Band schools. In these schools, the Indian authority has overall responsibility for the education program, the day to day operation, and the employment of the teaching staff.

Region	Depts. Control	Indian Control	Total	% Indian Control
B.C.	21	74	95	77.9
Alta.	19	9	28	32.1
Sask.	49	24	73	32.9
Man.	28	12	40	30.0
Ont.	65	11	76	14.5
Que.	14	6	20	30.0
Atlan.	10	3	13	23.1
National	206	139	345	40.1

Tuition Agreements.

This table examines the total number of tuition agreements in Canada.

Department control is where the department, besides signing the agreement, has responsibility for the payment of the tuition fees to the Provincial Department of Education, Provincial School Board etc. Indian control is where an Indian band, District or Tribal council etc., besides signing the agreement, has the financial responsibility for payment of tuition fees to the Provincial Department of Education, Provincial School Board etc.

The percentage data in this table should be used with caution - for example - for 1979-80, in Manitoba, there are fifty-eight Indian bands. About twenty-six of these send their children to provincial schools on a daily basis. Of these twenty-six bands, fifteen have signed tuition agreements with provincial education boards. The one departmental controlled agreement takes care of the other nine bands sending their children to the provincial schools. The 93.8% Indian control shows only that of the sixteen agreements in Manitoba, fifteen are controlled by Indian bands. It does not show that 93.8% of the bands in Manitoba control the tuition agreements. This criteria applies to all regions.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	1	NOT AVAILABLE	1	0.0
Alta.	45	10	55	18.2
Sask.	19	2	21	9.5
Man.	1	17	18	94.4
Ont.	24	20	44	45.5
Que.	29	9	38	23.7
Atlan.	4	NIL	4	NIL
National	123	58	181	32.0

Table 5c

Post School Program

Page 36

This table examines the total number of bands who control their post school program (University and professional and Occupational Skills). Adult or Community education is not included.

Indian control is where a band receives and approves student applications, provides counselling service to the students and pays them their training allowances. Bands may deliver this program individually or through a Tribal, district, or education council representing several bands. Department control is where the department provides the above services.

Region	Dept. Control	Indian Control	Total	% Indian Control
E.C.	NOT AVAILABLE	NOT AVAILABLE	NOT AVAILABLE	NOT AVAILABLE
Alta.	29	13	42	31.0
Sask.	66	2	68	2.9
Man.	18	41	59	69.5
Ont.	63	49	112	43.8
Que.	26	3	29	10.3
Atlan.	27	1	28	3.6
National	229	109	338	32.2

Table 5d

Private Home Placement Program

Page 37

This table examines the total number of bands who control their private home placement program. The Indian control percentage is somewhat misleading as the table is based on the total number of bands in the region when many of the bands have no children in private home placement. Unfortunately, this information was not available. The Indian control percentage would be considerably higher if only those bands having a private home placement program were included in the table.

Indian control is where a band receives and approves student education assistance applications, provides counselling service to the students and pays them their living allowances. Bands may deliver this program individually or through a Tribal District or Education Council representing several bands. Department control is where the department provides the above service.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	NOT AVAILABLE	NOT AVAILABLE	NOT AVAILABLE	NOT AVAILABLE
Alta.	31	11	42	26.2
Sask.	66	2	68	2.9
Man.	19	40	59	67.8
Ont.	60	43	103	41.7
Que.	26	3	29	10.3
Atlant.	28	NIL	28	0.0
National	230	99	329	30.1

Table 5e

Student Residence Program

Page 38

This table shows the total number of student residences under Department Control and Indian Control.

Department Control is where the department employs the staff and operates the residence and Indian Control is where a band, tribal district, or education council or board employs the staff and operates the residence.

Please note: Two group homes in Ontario have been classed as residences as they were opened as a direct result of the closure of a student residence.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	3	NIL	3	0.0
Alta.	1	1	2	50.0
Sask.	6	1	7	14.3
Man.	1	NIL	1	0.0
Ont.	NIL	2	2	100.0
Que.	NIL	1	1	100.0
Atlan.	NIL	NIL	NIL	0.0
National	11	5	16	31.3

Table 5f

Student Transportation Program

Page 39

This table examines the daily transportation program of students attending schools on or off reserves.

As some bands do not require transportation for their children, the total number of bands in the table will not equate with the total number of bands in the regions.

Department control is where the department contracts directly for transportation services or owns the buses and hires drivers for the service. Indian control is where a band contracts directly for transportation services or owns the buses and hires the drivers.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	Not Available	Not Available	Not Available	Not Available
Alta.	13	21	34	61.8
Sask.	18	46	64	71.9
Man.	3	50	53	94.3
Ont.	5	80	85	94.1
Que.	9	20	29	69.0
Atlant.	1	26	27	96.3
National	49	243	292	83.2

Table 5g

Repair and Maintenance Program in Schools

Page 40

This table examines the repair and maintenance program for department and band schools.

Department control is where the department handles all funds and determines the work to be accomplished.

Indian control is where the band handles the funds and determines the work to be accomplished .

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	Not Available	Not Available	Not Available	Not Available
Alta.	19	8	27	29.6
Sask.	52	21	73	28.8
Man.	26	16	42	38.1
Ont.	36	38	74	51.4
Que.	14	6	20	30.0
Atlan.	11	2	13	15.4
National	158	91	249	36.5

Heat, Light, Sewer and Water - Schools

This table examines the municipal services for department and Band schools.

Department control is where the department has the major responsibility for the heat, light, sewer and water services for schools accompanied by the handling of funds for this service. Indian control is where the band has the above responsibilities.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	Not Available	Not Available	Not Available	Not Available
Alta.	19	8	27	29.6
Sask.	55	18	73	24.7
Man.	26	16	42	38.1
Ont.	45	29	74	39.2
Que.	10	10	20	50.0
Atlant.	11	2	13	15.4
National	166	83	249	33.3

Table 51 .

Text and School Supplies

Page 42

This table examines the provision of texts and schools supplies for children attending department, Band, and provincial schools.

Department control is where the department controls the budget for these supplies and final decisions relating to selection and purchase rests with the department.

Indian control is where the band has the above responsibility.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	Not Available	Not Available	Not Available	Not Available
Alta.	30	9	39	23.1
Sask.	43	25	68	36.8
Man.	31	26	57	45.6
Ont.	58	51	109	46.8
Que.	23	6	29	20.7
Atlant.	14	14	28	50.0
National	199	131	330	39.7

Table 5j

Student Allowances

Page 43

This table examines student allowances provided for students who live at home and department, Band, and provincial schools. The program is not in effect in all regions nor do all bands have students who qualify for the allowances.

Department control is where the department pays the allowances directly to the individual students.

Indian control is where the band pays the allowances directly to the students.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	Not Available	Not Available	Not Available	Not Available
Alta.	N11	11	11	100.0
Sask.	31	37	68	54.1
Man.	N11	50	50	100.0
Ont.	6	38	44	86.4
Que.	17	12	29	41.4
Atlan.	N11	N11	N11	N11
National	54	148	202	73.3

Table 6

Education Boards, Authorities Committees

Page 44

This table provides information on the participation of Indian people in the various boards and committees that develop policy, manage, or advise on education programs.

Definitions

Provincial Indian Education Boards are Indian Education boards or councils where members represent a majority of bands in a province. The board or council may be a part of or affiliated with a provincial Indian organization.

District Tribal or Area Education Boards or councils, are boards or councils where board members represent a group of bands.

Band Education Boards, Authorities or Committees are boards, authorities, or committees where board members represent the membership of a band. These boards authorities or committees may have sole responsibility, or the major responsibility for the management of education programs for a band.

School Committees, Home and School organizations, and Parent Teachers associations primarily form a communication link between parents and the school. They may act in an advisory capacity to chiefs and councils, school boards or authorities and school staff. In some instances they have responsibility for managing portions of the education program.

Representation on Provincial School Boards. This board membership may constitute full board membership under provincial law or advisory membership.

6

Region	Provincial Indian Education Boards or Authorities	District, Tribal or Area Education Boards or Authorities	Band Education Boards or Authorities	School Committees, Home and school organizations, P.T.A.'s	Representation on Provincial School Boards
B.C.	Nil	5	Not Available	186	Not Available
Alta.	1	3	3	36	1
Sask.	NIL	9	9	59	5
Man.	1	6	9	48	13
Ont.	1	1	6	94	38
Que.	Nil	2	3	26	1
Atlant.	1	Nil	1	25	7
National	4	26	31	474	65

Table 7

Finances Capital

Page 46

This table examines the construction of schools, teacher residences and other capital works.

Major capital consists of individual projects where the cost is in excess of \$250,000. Minor capital consists of projects where the cost is less than \$250,000.

While most projects involve extensive consultation between the department and the bands for the purpose of this table, department control is where the department is responsible for the overall management of the project and handles the payments to the contractors.

Indian control is where the band is responsible for overall management and payment of contractors.

Table 7a

Major Capital Department and Band Schools

Page 47

This table shows the extent of the major capital program involving the construction of department and band operated schools.

Department control does not mean the funds expended were used only for the construction of department schools. These funds could be expended on band schools.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	688.0	171.0	859.0	19.9
Alta.	637.4	Nil	637.4	Nil
Sask.	5069.0	896.0	5965.0	15.0
Man.	1225.3	1074.1	2299.4	46.7
Ont.	880.6	Nil	880.6	Nil
Que.	321.1	780.9	1102.0	70.9
Atlan.	670.9	79.0	749.9	10.5
National	9492.3	3001.0	12493.3	24.0

Table 7b

Minor Capital Department and Band Schools Page 48

This table shows the extent of the minor capital program involving the construction of department or Band education buildings or works. While the major capital program describes the construction of schools or major school additions, the minor capital program consists of smaller projects, such as the construction of single classrooms, teacherages, small sewer and water projects, fences, docks, driveways, and the purchase of school furnishings and equipment.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	751.3	348.0	1099.3	31.7
Alta.	938.9	295.0	1233.9	23.9
Sask.	630.2	195.6	825.8	23.7
Man.	1345.1	2050.2	3395.3	60.4
Ont.	3130.7	N11	3130.7	N11
Que.	151.2	288.0	439.2	65.6
Atlant.	133.2	87.7	220.9	39.7
National	7080.6	3264.5	10345.1	31.6

Major and Minor Capital Department and Band Schools

This table represents the combined total of Tables 7a and 7b.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	1439.3	519.0	1958.3	26.5
Alta.	1576.3	295.0	1871.3	15.8
Sask.	5699.2	1091.6	6790.8	16.1
Man.	2570.4	3124.3	5694.7	54.9
Ont.	4011.3	Nil	4011.3	Nil
Que.	472.3	1068.9	1541.2	69.4
Atlan.	804.1	166.7	970.8	17.2
National	16572.9	6265.5	22838.4	27.4

Major and Minor Capital Provincial Joint Schools.

This table represents the purchase of education facilities in the provincial school systems.

Please note that for Quebec, the Indian Control expenditures have been made for schools managed by the Cree School Board and the Kativik School Board.

Region	Dept. Control	Indian Control	Total	% Indian Control
P.C.	644.0	7.0	651.0	1.1
Alta.	1293.5	Nil	1293.5	Nil
Sask.	2735.1	Nil	2735.1	Nil
Man.	4279.0	Nil	4279.0	Nil
Ont.	Nil	Nil	Nil	Nil
Que.	345.5	Nil	345.5	Nil
Atlan.	Nil	Nil	Nil	Nil
National	9297.1	7.0	9304.1	0.0

Table 7e

Total Capital Program - Department, Band, and Provincial Schools

This table represents the combined total of Tables 7c and 7d.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	2083.3	526.0	2609.3	20.2
Alta.	2869.8	295.0	3164.8	9.3
Sask.	8434.3	1091.6	9525.9	11.5
Man.	6849.4	3124.3	9973.7	31.3
Ont.	4011.3	N11	4011.3	N11
Que.	817.8	1068.9	1886.7	56.7
Atlan.	804.1	166.7	970.8	17.2
National	25870.0	6272.5	32142.5	19.5

Finances, Operations and Maintenance

This table examines the total operations and maintenance costs for the education program in the seven regions.

The breakdown between department control and Indian control in these tables is based solely on the management of funds. Where funds have been placed in the budget of a band, tribal, district, or education council or any other Indian operated administrated body, these funds have been categorized as under Indian control. Where the funds remain in the department's budget, these funds have been categorized as under department control.

Funds are identified in the tables in thousands of dollars (\$000).

Table 8a

Department Schools

Page 53

Department Schools - are schools where the department employs the majority of the staff, has responsibility for the academic program and has responsibility for the overall management of the education program and physical plant. The costs include salaries of teachers, teacher aides, custodial staff, school clerks, school secretaries or stenographers, night watchmen, truant officers, noon hour supervisors, and any other staff working directly for the school. Staff benefits such as environmental allowances and staff travel and removal costs are included. Other costs include school supplies, texts, school office supplies, caretaking supplies, telephone, postage, photocopying, fuel, light, water, sewerage services, repair and maintenance, pupil transportation, student allowances, noon lunch program and cultural enrichment.

Region	Dept. Control	Indian Control	Total	% Indian Control
P.C.	2103.3	513.7	2617.0	19.6
Alta.	8701.9	196.6	8898.5	2.2
Sask.	10465.0	3893.7	14358.7	27.1
Man.	11586.1	2763.6	14349.7	19.3
Ont.	9879.6	6027.9	15907.5	37.9
Que.	3903.6	824.3	4727.9	17.4
Atlan.	2117.5	884.5	3002.0	29.5
National	48757.0	15104.3	63861.3	23.7

Band Schools - are schools where the Band employs the majority of the staff, has responsibility for the academic program, and has responsibility for the overall management of the education program and the physical plant. The costs include salaries of teachers, teacher aides, custodial staff, school clerks, school secretaries or stenographers, night watchmen, truant officers, noon hour supervisors, and any other staff working directly for the school. Staff benefits such as environmental allowances, superannuation, C.P.P., U.I.C., and staff travel and removal costs are included. Other costs included are school supplies, texts, school office supplies, care-taking supplies, telephone, postage, photocopying, fuel, light, water, sewerage services, repair and maintenance, pupil transportation, student allowances, noon lunch program and cultural enrichment.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	Nil	6156.6	6156.6	100.0
Alta.	Nil	2454.9	2454.9	100.0
Sask.	Nil	3994.2	3994.2	100.0
Man.	Nil	6388.6	6388.6	100.0
Ont.	Nil	2323.6	2323.6	100.0
* Que.	Nil	17415.8	17415.8	100.0
Atlant.	Nil	973.2	973.2	100.0
National	Nil	39706.9	39706.9	100.0

* Includes 14514.0 for James Bay Cree and Inuit.

Table 8c

Provincial, Parochial or Private Schools

Page 55

Provincial Schools, Parochial or private schools - are schools on or off reserves where a provincial, parochial or private school authority, employs the majority of the staff, has responsibility for the academic program and has responsibility for the overall management of the education program and physical plant. Costs include tuition, paraprofessionals, special programs, pupil supplies, tutoring, pupil transportation, student allowances, noon lunch program, and cultural enrichment.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	21,036.3	4963.2	25999.5	19.1
Alta.	16,232.5	3000.0	19232.5	15.6
Sask.	14,017.5	1919.1	15936.6	12.0
Man.	8,514.0	4620.8	13134.8	35.2
Ont.	6,359.1	8890.0	15249.1	58.3
Que.	5,718.8	1857.2	7576.0	24.5
Atlan.	3,044.7	1046.3	4091.0	25.6
National	74,922.9	26296.6	101219.5	26.0

Table 8d

Post School Education

Page 56

Post School Education - is the provision of financial support for Indian students pursuing professional or vocational training at universities, colleges, community colleges, vocational schools or other training institutions. It also includes the provision of financial support for Indians taking academic upgrading or participating in any adult training programs. Costs cover allowances, tuition, books and supplies, trainees travel, and removal, trainee board and lodging, instructor's fees, facilities, rental, etc.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	1143.8	3195.4	4339.2	73.6
Alta.	2589.8	1189.4	3779.2	31.5
Sask.	3192.1	937.0	4129.1	22.7
Man.	272.5	2403.7	2676.2	89.8
Ont.	1973.5	2035.0	4008.5	50.8
Que.	1511.8	685.1	2196.9	31.2
Atlan.	1939.1	33.9	1973.0	1.7
National	12622.6	10479.5	23102.1	45.4

Table 8e

Private Home Placement

Page 57

Private Home Placement - is the provision of assistance for Indian students who attend elementary or secondary school away from home while residing in private homes or privately operated group homes. Costs include board and room, clothing, books, and supplies, allowances and daily and seasonal travel. Costs do not include tuition.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	352.6	1584.7	1937.3	81.8
Alta.	200.1	77.8	277.9	28.0
Sask.	494.7	Nil	494.7	Nil
Man.	408.0	336.6	744.6	45.2
Ont.	1747.2	4279.4	6026.6	71.0
Que.	851.3	601.5	1452.8	41.4
Atlan.	.2	7.7	7.9	97.5
National	4054.1	6887.7	10941.8	62.9

Table 8f

Student Residences

Page 58

Student Residences - are institutions operated by the department or Indian groups for the use and benefit of elementary and secondary Indian students who must leave home in order to attend school. Costs include staff salaries, staff allowances, and travel, administrative support, repair and maintenance, municipal services, food, clothing, laundry, daily and seasonal transportation, student allowances, books and supplies and extra curricular activities.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	1870.0	Nil	1870.0	Nil
Alta.	231.0	315.1	546.1	57.7
Sask.	3977.2	1200.0	5177.2	23.9
Man.	1070.2	Nil	1070.2	Nil
Ont.	Nil	350.0	350.0	100.0
Que.	Nil	850.0	850.0	100.0
Atlan.	Nil	Nil	Nil	Nil
National	7148.4	2715.1	9863.5	27.5

Table 8g

Education Administration

Page 59

Education Administration - is the provision of management services for the operation of education programs. Costs include salaries, allowances and honorarium for education directors, co-ordinators, superintendents, school board members, education specialists, finance officers, clerks, secretaries, stenographers, and other staff working as support to an education board or system. Also included are all travel and removal costs for the above staff and all office and support costs for the operation of an education board authority, department, section or system.

Region	Dept. Control	Indian Control	Total	% Indian Control
E.C.	865.4	13.0	878.4	1.5
Alta.	902.3	333.7	1236.0	27.0
Sask.	1161.6	290.8	1452.4	20.0
Man.	1214.3	1115.5	2329.8	47.9
Ont.	1459.5	N11	1459.5	N11
Que.	1026.0	420.0	1446.0	29.0
Atlan.	497.3	180.7	678.0	26.7
National	7126.4	2353.7	9480.1	24.8

Table 8h

Student Services Staff

Page 60

Student Services Staff - is the provision of counselling services for students in any elementary and secondary or post secondary education program. Costs include salaries, allowances, travel and removal for counsellors, and home and school co-ordinators. Costs also include material, supplies and office costs for counselling programs.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	339.5	1089.9	1429.4	76.3
Alta.	533.6	292.0	825.6	35.4
Sask.	630.2	947.4	1577.6	60.1
Man.	215.6	1281.3	1496.9	85.6
Ont.	891.8	N11	891.8	N11
Que.	189.0	317.8	506.8	62.7
Atlan.	111.2	419.8	531.0	79.1
National	2910.9	4348.2	7259.1	59.9

Table 8i

Band Staff Training

Page 61

Band Staff Training - is the provision of training for chief and council and band employees. Costs include tuition fees, instructors fees, consultant fees, trainee allowances, trainee travel, trainee board and lodging, material and supplies, rental of classrooms and equipment, etc.

Please note: While there are band staff training programs in the Ontario and Atlantic regions, the funds are not in the Education budget.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	160.9	539.7	700.6	77.0
Alta.	Nil	Nil	Nil	Nil
Sask.	96.2	39.3	135.5	29.0
Man.	102.2	259.3	361.5	71.7
Ont.	Nil	Nil	Nil	Nil
Que.	67.5	29.1	96.6	30.1
Atlan.	Nil	Nil	Nil	Nil
National	426.8	867.4	1294.2	67.0

Table 8j

Cultural Grants

Page 62

Cultural grants are grants given directly to individuals, groups or bands to preserve and promote Indian culture.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	Nil	23.6	23.6	100.0
Alta.	0.4	19.0	19.4	97.9
Sask.	Nil	136.0	136.0	100.0
Man.	Nil	31.4	31.4	100.0
Ont.	Nil	Nil	Nil	Nil
Que.	Nil	25.3	25.3	100.0
Atlant.	20.9	Nil	20.9	Nil
National	21.3	235.3	256.6	91.7

Other Education Programs

This table contains the costs for programs that do not fall within the previous ten categories.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	Nil	Nil	Nil	Nil
Alta.	Nil	Nil	Nil	Nil
* Sask.	Nil	862.0	862.0	100.0
** Man.	897.0	121.5	1018.5	11.9
Ont.	Nil	Nil	Nil	Nil
Que.	Nil	Nil	Nil	Nil
*** Atlan.	Nil	247.1	247.1	100.0
National	897.0	1230.6	2127.6	57.8

*Summer Employment Program, Cultural Development Indian Language Program and SIWA (Sask. Indian Womens' Association)

**Oo-Za-We-Kwun

***T.O.J. and Placement

Other Education Programs

This table contains the costs for programs that do not fall within the previous ten categories.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	Nil	Nil	Nil	Nil
Alta.	Nil	Nil	Nil	Nil
* Sask.	Nil	862.0	862.0	100.0
** Man.	897.0	121.5	1018.5	11.9
Ont.	Nil	Nil	Nil	Nil
Que.	Nil	Nil	Nil	Nil
*** Atlan.	Nil	247.1	247.1	100.0
National	897.0	1230.6	2127.6	57.8

*Summer Employment Program, Cultural Development Indian Language Program and SIWA (Sask. Indian Womens' Association)

**Oo-Za-We-Kwun

***T.O.J. and Placement

Finances Operations and Maintenance - Total Program

This table represents the combined total of tables 8a to 8k.

Region	Dept. Control	Indian Control	Total	% Indian Control
B.C.	27,871.8	18,079.8	45,951.6	39.3
Alta.	29,391.6	7,878.5	37,270.1	21.1
Sask.	34,034.5	14,219.5	48,254.0	29.5
Man.	24,279.9	19,322.3	43,602.2	44.3
Ont.	22,310.7	23,905.9	46,216.6	51.7
Que.	13,268.0	23,026.1	36,294.1	63.4
Atlan.	7,730.9	3,793.2	11,524.1	32.9
National	158,887.4	110,225.3	269,112.7	41.0

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINAL PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

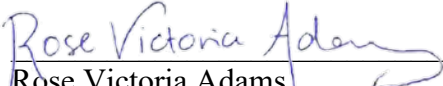
- and -

HIS MAJESTY THE KING

Defendant

EXHIBIT U TO THE AFFIDAVIT OF LÉA LEMAY LANGLOIS

This is Exhibit U to the affidavit of
Léa Lemay Langlois, as solemnly sworn
before me the 21st day of July, 2023


Rose Victoria Adams
Barreau du Québec n°358105-5

C A N A D A

PROVINCE OF QUEBEC

DISTRICT OF MONTREAL

No: 500-06-000812-160

S U P E R I O R C O U R T
(Class Action)

ANNE SMITH,

Applicant,

- vs -

ATTORNEY GENERAL OF CANADA,

Respondent.

**Pre-Trial Examination
Deposition of David Cheechoo
Examined by Me Josianne Philippe**

APPEARANCES:

Me DAVID SCHULZE; with,
Me MARYSE DÉCARIE,
on behalf of Applicant.

Me JOSIANNE PHILIPPE; with,
Me NANCY BONSAINT,
on behalf of Respondent.

CJ181011B

**Carri Chaitman, o.c.r.
October 11, 2018.**

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DAVID CHEECHOO

Examination by Me Josianne Philippe 4

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U-2: To provide a copy of the constitution and bylaws of the Waskaganish Wiichihiiwewin Centre . . .	16

500-06-000812-160
October 11, 2018

DAVID CHEECHOO
PRE-TRIAL
(Me Philippe) EXAMINATION

1 In the year two thousand eighteen (2018), on this
2 eleventh (11th) day of October, PERSONALLY CAME AND
3 APPEARED:

4
5 DAVID CHEECHOO, residing at 311 Wiinibek Street,
6 Waskaganish, Quebec J0M 1R0;

7
8 WHO, after having made a Solemn Affirmation, doth
9 depose and say as follows:

10
11 EXAMINED BY
12 Me JOSIANNE PHILIPPE,
13 on behalf of the Respondent:

14 Q- So which Nation are you... which First Nation
15 are you from?

16 A- I grew up in the Northern part of Ontario, so
17 it's called Moose Cree First Nation. That's
18 the Mushkegowuk Council.

19 Since nineteen ninety-two (1992) I lived
20 in the Cree Nation. That's up in Northern
21 Quebec. And I reside in the Cree Nation of
22 Waskaganish.

23 Q- And what is your first language?

24 A- My first language is Cree.

25 Q- Do you speak other languages?

1 A- English.

2 Q- And what is your current occupation?

3 A- My current...?

4 Q- Your current occupation?

5 A- Oh, I am the Executive and Director for the
6 Waskaganish Wiichihiiwewin Centre.

7 Q- Do you have other occupations than that?

8 A- Other occupation? Hm. I have been called upon
9 by... I guess, for the Crees of Waskaganish
10 First Nation to do various work with them, I
11 mean, depending. It just depend... it's upon a
12 request...

13 Q- M'hm.

14 A- ... from the council.

15 Q- Okay.

16 A- So it's not a... no permanent kind of job.
17 It's just whenever I'm called upon, I'll
18 assist them in some way.

19 Q- And...

20 A- I sit... I don't know if... it's not... it's
21 not an occupation, though. It's, like...
22 actually occupation is a paid position, eh?

23 Q- M'hm.

24 A- Okay. That's... that's, basically, it, yeah.

25 Q- Okay.

1 And we're here to discuss the Re-amended
2 Application for Authorization to Institute a
3 Class Action that was introduced in the
4 Superior Court file.

5 Have you... did you have the chance to
6 read this proceeding?

7 A- Yes, I have.

8 Q- And in this proceeding the Centre is described
9 as an association constituted as a legal
10 person, with its head office at 18 Nottaway
11 Street, Waskaganish.

12 A- M'hm.

13 Q- Is it correct?

14 A- Yes.

15 Q- Yes. And I have here a copy of the document -
16 I don't know if you have already seen this
17 document - it's...

18 Me MARYSE DÉCARIE,
19 on behalf of the Applicant:

20 Oh, it's in French, though.

21 Me JOSIANNE PHILIPPE:

22 It's in French, yes. I only... I was
23 able only to find it in French. I don't know
24 why. It seems that the Web site of the
25 Registraire des entreprises only provides it

1 in French.

2 Me MARYSE DÉCARIE:

3 Yes.

4 Me DAVID SCHULZE,
5 on behalf of the Applicant:

6 M'hm.

7 Me JOSIANNE PHILIPPE:

8 Q- Do you have any knowledge of French?

9 A- I don't have any knowledge of French.

10 Q- Okay. Well, I don't think that it will be
11 problematic for you. I will just explain it to
12 you. It's...

13 Me DAVID SCHULZE:

14 Maybe if we go off the record for one
15 (1) second.

16 Me JOSIANNE PHILIPPE:

17 Yes.

18

19 OFF RECORD

20

21 Me JOSIANNE PHILIPPE:

22 Q- So according to this document, the Centre has
23 been immatriculated as an association on
24 September nineteen (19), two thousand eighteen
25 (2018). Is it correct, to your knowledge?

1 A- No. I mean, we've been incorporated, I
2 believe, September nineteenth (19th).

3 Q- M'hm, as an association.

4 A- As... as... yeah, that's correct.

5 Q- Yes, okay. And have you received the letters
6 patent of the association?

7 A- Yes, I did receive the letter patent.

8 Q- Yes?

9 A- Yeah.

10 Q- Okay. And can I ask as an undertaking, to
11 receive a copy of the...

12 Me MARYSE DÉCARIE:

13 Yes, sure.

14 Me JOSIANNE PHILIPPE:

15 Q- ... letters patent? So Undertaking number 1.

16

17 OFF RECORD

18

19 **Undertaking No. 1**

20 Me JOSIANNE PHILIPPE:

21 Q- And according to this document, you are one
22 (1) of the administrators of this Centre?

23 A- Yes.

24 Q- There are also two (2) administrators of the
25 Centre, and you see their names on the second

1 page. There's a Greta Whiskeychan and Newton
2 Hamilton. Is it correct?

3 A- Correct.

4 Q- What is your relationship with Greta
5 Whiskeychan?

6 A- Great Whiskeychan is my wife.

7 Q- How long have you been married?

8 A- Twenty-six (26) years, June twenty-seventh
9 (27th), nineteen ninety-two (1992).

10 Q- And what is your relationship with Newton
11 Hamilton?

12 A- Oh, my, Newton... we did some projects
13 together. That's who we became acquainted in
14 Waskaganish. Probably four (4) years ago we
15 did some projects together. We kind of got
16 along, became good friends. And today he's
17 kind of helped... he's helped me and my wife
18 develop the Waskaganish Wiichihiiwewin Centre.

19 Q- M'hm.

20 A- Yeah, he's a consultant, and whenever
21 required, well, he'll come assist us.

22 Q- And what is the term of the mandate of the
23 administrators?

24 A- Repeat that please.

25 Q- What is the term of your mandate; for how long

1 have you been...

2 A- Administrators?

3 Q- For how long will you be administrators?

4 A- How long will we be administrators?

5 Q- Yes.

6 A- Right now we've been, I guess... like, we're
7 part of the founders of Wiichihiiwewin Centre,
8 so we're... and we've decided that we would
9 become the - for now - would become the board
10 of directors...

11 Q- M'hm.

12 A- ... for the organization for the next six
13 (6)... maybe six (6) months, five (5), six (6)
14 months. And between that we're looking at
15 having other board of directors that will
16 oversee the Centre. But for now we're going...
17 we're co-founders and quite involved with the
18 Centre, so we'll be quite involved from...

19 Q- M'hm.

20 A- ... for the, most likely, years to come.

21 Q- So it's the three (3) of you are the board of
22 directors?

23 A- Yes.

24 Q- Yes, is there...

25 A- At this time.

1 Q- Is there somebody else?

2 A- We, after... I guess, in... as we continue...
3 yeah, we're looking at... we've actually
4 approached four (4) others that are quite
5 interested in becoming board of directors in
6 the future.

7 Q- Okay, but for now you're really...

8 A- Yes.

9 Q- ... it's the three (3) of you?

10 A- Yes.

11 Q- And do you have different positions or
12 functions? Is there... because you're the
13 Executive Director.

14 A- M'hm.

15 Q- Do the other administrators have their own
16 functions and roles?

17 A- My wife is a part-time counsellor. She has her
18 Masters in counselling, arts and counselling.
19 So she works part-time at the Centre.

20 Newton Hamilton is the consultant. And
21 he's moved away, to Lévis in Quebec... just
22 south of Quebec City. But he's going to be
23 quite... still involved somewhat in regards to
24 consulting and in regards to the Centre.

25 Q- M'hm, okay. And do you have a secretary?

1 A- We have... we actually... we actually named it
2 the Administration Technician. We do have one
3 (1).

4 Q- Okay.

5 A- Slash secretary. I mean, it's just... we just
6 call them Administration Technician.

7 Me DAVID SCHULZE:

8 Q- Excuse me.

9 Do you mean "secretary" in the sense of
10 secretary of the corporation, or "secretary"
11 in the sense of the person...

12 Me JOSIANNE PHILIPPE:

13 Yes, I meant...

14 Me DAVID SCHULZE:

15 ... who answers the phone and writes the
16 letters.

17 Me JOSIANNE PHILIPPE:

18 The "secretary" as the secretary of the
19 corporation. But I understand that he was
20 referring more than...

21 A- To the Centre.

22 Q- ... to the second one.

23 But do you have official secretary for
24 the corporation?

25 A- We do have... Newton Hamilton is the...

1 Q- Okay.

2 A- ... is the secretary/treasurer.

3 Q- Okay.

4 A- Yeah.

5 Q- All right. And when were you officially
6 appointed as the Executive Director?

7 A- I was officially appointed as the Executive
8 Director on, probably say September the fourth
9 (4th), two thousand and sixteen (2016). Let me
10 read... let me... let me think about that
11 first. Yeah, yeah.

12 Q- Okay. And you kept that position
13 notwithstanding the new association, the new
14 incorporation?

15 A- I kept it, yes.

16 Q- Yes, okay. And what was the selection process
17 to appoint you in this position?

18 A- The selection process, I was... we developed,
19 my wife and I, after completing... after going
20 to school in Manitoba, we return home, we...
21 we wanted to... we wanted to develop a centre
22 and help the Cree people. We didn't know what
23 it was. An organization.

24 And so in two thousand and sixteen
25 (2016) we got... well, it was the latter part

1 of two thousand fifteen (2015) we kind of got
2 serious because with age. Not getting any
3 younger.

4 And so we've got... we just did some
5 groundwork on how this organization is going
6 to look like.

7 Then we did proposal writing. We
8 submitted a pretty intense proposal to the
9 Crees of the Waskaganish First Nations, which
10 is the Chief and Council.

11 Q- M'hm.

12 A- And that was February two thousand and sixteen
13 (2016). And it was... and it was unanimously
14 by... approved by the Chief and Council on
15 August the sixteenth (16th), two thousand and
16 sixteen (2016).

17 And I was asked by the Chief and Council
18 if I was interested in overseeing this Centre.
19 And I had a job that I already had. And with
20 much thought I decided to take up this
21 position.

22 They felt the Waskaganish Wiichihiiwewin
23 Centre was a need in the community because of
24 the social problems.

25 Q- M'hm.

1 A- And they felt I was the adequate person to
2 lead this organization, which is seventy
3 percent (70%) funded by the Crees of the
4 Waskaganish First Nation at this moment. But
5 that will change. That will mostly likely
6 change in regards to...

7 Q- M'hm.

8 A- So I was, basically, appointed by the Chief
9 and Council, I guess, you could say.

10 Q- M'hm.

11 A- I'm not sure if that's documented, but I
12 was... I was asked.

13 Q- And is it a volunteer position, or...

14 A- No. No, it's a paid position.

15 Q- And what are your duties as the Executive
16 Director? What is your responsibility?

17 A- My... I guess, my primary duties at this
18 moment with... and for the last year and a
19 half is to develop the structure for the
20 Waskaganish Wiichihiiwewin Centre. That is
21 budgeting, foreseeing, overseeing the budget,
22 foreseeing what costs does it take to run the
23 Centre.

24 I oversee the staff in regards to their
25 responsibilities and duties.

1 I chair a lot of the meetings within the
2 Waskaganish Wiichihiiwewin Centre.

3 With the assistance of Newton Hamilton,
4 I... we have developed a constitution and
5 bylaws for the Waskaganish Wiichihiiwewin
6 Centre.

7 I have been working on a lot of the
8 insurance part of the Centre.

9 What else did I do? Well, I do...
10 that's, basically, what I do under the
11 umbrella of the Waskaganish Wiichihiiwewin
12 Centre.

13 I do a lot of promotional stuff within
14 Waskaganish and the Cree Nation. I do a lot
15 of... a lot of presentations to a lot of the
16 different entities of offering and just
17 letting them... letting people know what the
18 Centre is all about. So a lot of promotional.

19 So, basically, it's what I do, yeah, I
20 just oversee the whole Centre and its
21 functions.

22 Q- M'hm, okay. And as another undertaking, I
23 would ask to obtain a copy of the
24 constitution/bylaws.

25 **Undertaking No. 2**

1 And you said that you make a lot of
2 promotions. How do you proceed when you want
3 to make those promotions?

4 A- I am... I make contact with the entity. But
5 then I've been contacted, too, by the
6 different entities.

7 This past Friday I did... I was invited
8 by the medical staff at the Cree Board of
9 Health, the James Bay Services of Waskaganish,
10 to do a presentation to the medical staff.

11 And so... so I... and I accepted the
12 invitation, and then... and did a presentation
13 on behalf of the Centre.

14 I do contact... the Waskaganish
15 Wiichihiiwewin Centre is... we value
16 partnership, and so I do a lot of... I'll call
17 different organizations and offer, maybe a
18 time in their schedules to do presentations,
19 yeah.

20 Q- Hm.

21 A- We go on the radio. We go on the local radio
22 in Waskaganish.

23 We have gone on the Facebook,
24 advertising the Centre and its programs,
25 mostly with the programs that we run locally.

1 Rephrase that question again. We do...

2 sorry. Because I'm thinking there's...

3 Q- Yes, what I was looking for was the main that
4 you were using for promotion.

5 A- Ah, we do a lot of... a lot of... we have...
6 we have banners. We put banners up. And we're
7 invited to different assemblies. We...

8 Q- M'hm.

9 A- ... set up a table and promote the Centre. We
10 have banners. We have put up banners, wall
11 banners. Brochures, cards. Yeah.

12 Q- And you have a Web site?

13 A- It's in construction. In construction. It's
14 just in its... in its, probably... it needs to
15 be reworked. We started, but it's on hold. But
16 it's one (1) of... one (1) of my
17 responsibilities forthcoming.

18 Q- Okay. And when did you adopt the constitution
19 and the bylaws of the Centre?

20 A- Oh, when? It was when we... when we started...
21 when we wanted to be recognized and
22 incorporated with the... with the Government
23 of Quebec.

24 Q- M'hm.

25 A- So it was developed, maybe just before then.

1 Q- Okay. And does it contain the requirements to
2 be a member of the association?

3 A- Like, in regards to a membership?

4 Q- Yes, membership.

5 A- Ah, yes, there is... there is some
6 requirements, of course. I mean, it's... we're
7 just not going to give anybody to be part of
8 the membership. We're going to... we're going
9 to ask people that have a passion for the
10 healing of First Nations people, and mostly in
11 the Cree Nation...

12 Q- M'hm.

13 A- ... and abroad. I'm sure the Centre will
14 expand. People that have a passion and a
15 desire for healing amongst our people, First
16 Nations people. Yes. Yeah.

17 Q- And how many members do you have as of today?
18 Do you have other members...

19 A- There's three (3)... oh, sorry. Sorry for
20 cutting... for...

21 Q- Is there other members than the three (3)
22 founders?

23 A- Right... we're still developing that, and
24 we're looking at having one (1) more member
25 added to the Centre in the next little while

1 here. Yeah.

2 Q- Okay. And did you file the initial Declaration
3 prescribed by the - and you might know better
4 than him - *la déclaration initiale*? As an
5 organization you need to file what we call the
6 Initial Declaration. It's a requirement made
7 by the Act Respecting the Legal Publicity of
8 Enterprises.

9 I don't know if you already worked on
10 that?

11 A- Is it...

12 Me DAVID SCHULZE:

13 I just want to make sure I understand
14 the question. Do you mean before
15 incorporation?

16 Me MARYSE DÉCARIE:

17 Not in...

18 Me DAVID SCHULZE:

19 Or since incorporation?

20 Me JOSIANNE PHILIPPE:

21 Since incorporation, yes.

22 A- No, we're just... we're just... the process
23 will begin in regards to we've been
24 incorporated, and we'll follow all the process
25 an steps in regards to following the

1 guidelines that are set before us by the
2 government... the provincial government. So
3 that's work coming.

4 Q- Okay.

5 And did you experience some disagreement
6 so far among the members... among the board of
7 directors?

8 A- No, we've had no disagreements in regards to
9 the process.

10 Q- So you've spoken a bit about the history of
11 the Centre. I'm wondering who decided to
12 register the Centre as an association?

13 A- Well, we... that was... when we developed the
14 Centre we knew that - at the early stages...
15 like, I've been involved with different
16 organizations. I'm a... I'm one (1) of the, I
17 guess - how can I say - I'm the... I sit on a
18 national board called Rise Above Counselling
19 Agency. I'm actually the elder statesman, as
20 I've been a board member the longest at this
21 time.

22 And I've understood... I understood the
23 process in regards to the organization and how
24 it needs to be... to follow provincial and
25 federal guidelines. And so I understood that.

1 And when we have developed the
2 organization, started, I guess, discussing and
3 started putting things on paper, two
4 thousand... latter part of two thousand
5 fifteen (2015), two sixteen (2016), we knew
6 that this process would be a requirement. And
7 so we've... we've done that.

8 Q- And how would you describe the mission of the
9 Centre?

10 A- How would I describe the mission of the Centre
11 itself? Well, I guess, we're committed to
12 effective services for health and well being
13 in regards to the Centre and what it offers.

14 Q- And what is the significance of the name of
15 the Centre?

16 A- Wiichihiiwewin Centre, it's a... if you
17 would... I don't know. The significance is
18 that Wiichihiiwewin Centre is that... I guess
19 the logo is... it's kind of deceptive. It's a
20 wolf. It's actually, if we look at it, it's
21 a... it's a wolf.

22 Q- Yes.

23 A- But when you understand the wolf... like, a
24 lot of us are... we grew up on the land and we
25 understand... wolves are harmless. But they

1 work together in packs. They will... they will
2 not be able to sustain themselves if they
3 didn't work in packs, and so they work
4 together for the health and well being of...

5 Q- M'hm.

6 A- ... the pack itself.

7 So at Wiichihiiwewin Centre is that we
8 go... what it really says is that we work
9 together. We, as a Centre, we stand beside our
10 clients, but the clients stand beside us, too.
11 Hopefully, that we help them with a lot of the
12 issues that they're facing, the negative
13 issues that they're facing, and their social
14 issues they're facing in life.

15 But they also help us, too, because they
16 have all the information in regards to what
17 they are going through in their life and
18 stuff, so...

19 Q- M'hm.

20 A- And so we... so Wiichihiiwewin Centre is just
21 kind of just helping one another for healing.

22 What Wiichihiiwewin really means it's
23 just helping each other.

24 Q- And what are the services provided by the
25 Centre?

1 A- The Centre, we offer twenty-four-hour (24),
2 seven (7) days a week counselling services
3 upon request. Meaning that you need an
4 appointment.

5 We... so we have a counselling services,
6 where our doors are open from nine thirty
7 (9:30) a.m. to five (5:00) p.m., from Monday
8 to Friday. And the counsellors there are
9 ready, available. They have their clientele,
10 their... a list of clients and scheduling.

11 Then from the clients themselves
12 we've... from the clients themselves we
13 develop programs that are relevant to what
14 they're going through. So we do have... we
15 have evaluation forms. We allow our clients to
16 give input in the services that they want, and
17 through that we develop programs and services.

18 Like we do... just last night one (1) of
19 the... one (1) of the counsellors did a
20 presentation on the absent parent.

21 My wife and I do grief and counselling.
22 Grief, and then we do trauma. So we have youth
23 issues. Like, we talk about level... how do
24 you find life's purpose from a Cree
25 perspective.

1 Q- M'hm.

2 A- So we talk life's purpose and how... give them
3 ideas how to find your purpose in life. We do
4 what it takes to... what does it take to
5 achieve your goals in life. So we talk about
6 what things that they need to let go, or
7 things that they need to hang on to, to
8 achieve, you know, their goals in life.

9 Ah, we do conferences. We do radio
10 shows. We did that... we need to do that more.
11 We did that once. We're hosting... we do live
12 life conferences.

13 We have quite the list of stuff that we
14 do. Like, this coming weekend we're doing a
15 unity conference, from Friday to Sunday.

16 And then we do Christmas banquets for
17 those that are grieving and the needy.

18 And we do... that's just a short... I
19 mean, there's... we do wilderness camps. Land-
20 based camps because we believe that First
21 Nations people, we need to connect to our
22 identity. We need to... we need to preserve
23 our heritage, our culture, our values, our
24 traditions. So we do wilderness camps for
25 youth. Being doing that for... I did this

1 before the... so we've kind of... the Centre
2 has taken upon itself to start these programs.
3 So we do "land-based activities" we call them,
4 with people that struggle with addictions.

5 Q- Okay.

6 A- Ages, oh, thirteen (13) to thirty-four (34).
7 And we do that through...

8 What else do we do? Oh, we... we're
9 called upon crisis. We're the main... we're
10 the crisis people. We... when there's a death,
11 we're called.

12 When there's a suicide, we're called. Or
13 when there's... when somebody needs to say
14 that there is a death in a community, and you
15 have to tell family, we're called.

16 Q- M'hm.

17 A- We're involved with a healing of our community
18 through the Cree Nation of Waskaganish. That's
19 the Chief and Council. We're asked to sit and
20 give our input in regards to maybe what can we
21 offer, what is required.

22 So we do a lot of parental stuff.

23 Q- M'hm.

24 A- Family dynamic stuff. Residential school
25 stuff. We do those that maybe that were forced

1 to go into... that were forced to go into,
2 maybe, by the government, forced to go into
3 elementary school, to high school. And
4 we're... we go, and then we... and we support
5 these people that are impacted. Some of these
6 are first and second generations that we're
7 dealing with, impacted by maybe their
8 grandparents or parents that went through the
9 system, and a... a kind of a forced system
10 that was given by the federal government.

11 So we touch on that, too.

12 Q- So you touch on every kind of trauma?

13 A- Oh, we... we're not experts in a lot of the...
14 in a field. Like, we're learning us, too.

15 Q- M'hm.

16 A- And we do touch on trauma, but that's an area
17 that... actually on November thirteenth (13th)
18 to the fifteenth (15th), if that's the Tuesday
19 to a Thursday, well, we're going to be
20 addressing trauma. We did that in March
21 because it's part of training for us, too. We
22 sit in these workshops. And we're doing a
23 section on trauma, too. Trauma and healing,
24 and trauma and grief, with a lady that's
25 coming to do some training and some workshops

1 that we do.

2 Q- M'hm.

3 A- So...

4 Q- And do you have a specific specialization, or
5 is it really your intervention is on different
6 aspects of health and...

7 A- Yeah, anything that does for health and well
8 being... we try to avoid interventioning.
9 We're more of a... we try to be more of a
10 proactive organization.

11 Intervention, like, we live in Cree
12 communities. We're always in crises mode.

13 Q- M'hm.

14 A- We're always intervening, so we try to...
15 we're trying to move away... we're in an
16 organization that's trying to move away from
17 that and trying to be more proactive in
18 regards to what our people are... encourage
19 our people maybe to choose life, choose
20 positive things. And that's an element that
21 we're quite keen on in being proactive.

22 Q- And how many employees are there at the
23 Centre?

24 A- Employees? There's one (1), 2... there's one
25 (1)... okay, 1, 2, 3... six (6) paid

1 employees.

2 Q- Are they counsels or...

3 A- Pardon?

4 Q- Are they employees that provide counselling?

5 A- There is...

6 Q- Therapists, or...

7 A- Yeah, there is three (3) that do provide
8 counselling. Yes. And we have two (2) others
9 that are part-time that will get... will get
10 compensated when there's an overload of
11 clients that are readily available.

12 Q- M'hm. Any secretary of your...

13 A- Administration tech.

14 Q- ... administration/secretary.

15 A- He does... he does... he's a young guy that...

16 Q- Yes.

17 A- ... knows computer like... us older guys need
18 work in that area.

19 Q- And do you have other partnerships with other
20 people that are involved in the Centre?

21 A- I mean, to increase of those guys in regards
22 to resources. They provide us seventy percent
23 (70%) of the... of the funding. So that's
24 the... the Crees of the Waskaganish First
25 Nation... ah, no, that's probably the

1 Waskaganish First Nation, that's the
2 administration.

3 Q- And now that the Centre is an association,
4 what does it change for you?

5 A- I mean, we've always... the change... rephrase
6 it... I mean, not rephrase it. Simplify your
7 question maybe.

8 Q- What I'm wondering, is there... to you, do you
9 envision to change anything in your
10 activities, resources, or projects since
11 you're now an association?

12 A- Well, I mean, the program and services, no.
13 The counselling, no. We will continue to hear
14 the people.

15 In regards to what is required by the
16 Quebec government or the federal government,
17 we will... we would plan... well, of course,
18 like, it's going to be mandatory for us to
19 follow those.

20 And we are taking into consideration...
21 like, I'm kind of familiar with the process,
22 but I'm still... I'm still going to be talking
23 to a coach in regards to make sure that we
24 have... we do have... we will meet the
25 requirements that were set by... by the

1 government.

2 Q- And did you receive any grants for the Centre?

3 A- From those Crees of the Waskaganish First
4 Nation we did receive seventy percent (70%) of
5 our budget.

6 Q- But other than that...

7 A- We do proposal writing. We... our main... our
8 main proposals that we've said is through the
9 head governing body at the Cree Nation, called
10 the "Cree Nation Government." They have a
11 department, the "Justice Funds" they're
12 called, so we tap into those funds through
13 proposal writing, yeah.

14 And it's under the Cree National
15 Government, but there's a program. Maybe it's
16 from... maybe it's provincial? I don't know.
17 It's CHR.D. I'm not familiar. I don't even know
18 what the acronym is all about, what it says.
19 But we did tap into the funding under the Cree
20 Nation Government, called a CHR.D. It's for
21 special needs, youth and children in
22 Waskaganish.

23 Other than that, well, we get
24 invitations to go do presentations to a lot of
25 the communities in the North.

1 Q- M'hm.

2 A- And we do get... our travel is covered, and we
3 get compensated for the time spent there.

4 Q- M'hm.

5 A- Yeah.

6 Q- And do you have other sources of funding?

7 A- My wife and I, we allocate some of our funds
8 to the organization. Yeah, and we donate
9 office supplies. Maybe whatever is maybe
10 required. If needed, we'll do that.

11 Q- Okay. And what was the business income of the
12 Centre last year?

13 A- The income?

14 Q- Yes.

15 A- We received three (3)... we received three
16 hundred and forty thousand (340,000) from the
17 Wasgakanish First Nation.

18 This year we received two hundred and
19 forty thousand (240,000) this year.

20 Q- And do you have a lot of operating expenses?

21 A- Oh, yeah. Most of our expenses are done with
22 salaries, I think, like, in the organization,
23 I think... I believe there's eighty... eighty
24 percent (80%) goes to...

25 Q- Okay.

1 A- ... salaries.

2 Q- Okay.

3 And if I may speak a bit more about the
4 class action.

5 So the Application for Authorization to
6 Institute a Class Action was first filed in
7 Superior Court in November two thousand
8 sixteen (2016). And it was amended in May two
9 thousand seventeen (2017).

10 Have you received a copy of the first
11 Application or the Amended Application?

12 A- I believe I have.

13 Q- And when did you first hear about this file?

14 A- First heard about this file was... I would
15 probably say, September... we were given an
16 email from Chief Darlene Cheechoo, oh, man,
17 if... is it okay if I ask...

18 You remember that email they sent?

19 Me DAVID SCHULZE:

20 I think it was in... do you want the
21 date? I can find it.

22 Me JOSIANNE PHILIPPE:

23 Oh, no, I don't need the...

24 A- There was an email...

25 Q- ... exact date.

1 A- There was an email sent, I think in September.

2 Otherwise...

3 Me DAVID SCHULZE:

4 Q- Of last year you mean?

5 Me MARYSE DÉCARIE:

6 Q- No.

7 Me DAVID SCHULZE:

8 Q- A year ago?

9 Me MARYSE DÉCARIE:

10 Q- Maybe, like, in spring, I would say.

11 Me DAVID SCHULZE:

12 I think it's...

13 A- Maybe earlier?

14 Q- ... earlier, too.

15 Me MARYSE DÉCARIE:

16 Q- Maybe, it's now, like, February two thousand
17 eighteen (2018), something like that?

18 A- Yeah, we received an email. I'll take their
19 word because they have a better memory than I
20 do.

21 Q- I don't remember the exact date.

22 A- I think, well, how can that make sense? But we
23 do have an email verifying the date of the
24 class action suit, yes. Like I said, we'll go
25 with Maryse in regards to her...

1 Q- Yes.

2 A- ... to earlier this year.

3 Q- We can check that.

4 Me JOSIANNE PHILIPPE:

5 Q- And the... well, the initial application was
6 brought by Anne Smith...

7 A- Yes.

8 Q- ... which is pseudonym. And your association
9 now proposes to be substituted as the
10 Applicant in this class action. In which
11 circumstances did you decide to act as an
12 Applicant in this class action?

13 A- I... when I was approached with email from
14 Darlene, we... I met with... met with Maryse
15 and Neil and David, and just, I guess, an
16 overview of the whole, I guess, the class
17 action.

18 Q- M'hm.

19 A- And so we have... well, we had... for us,
20 it... and so it... oh, we, I guess, in regards
21 to after the conversation, we looked at... we
22 looked at our... at the organization as a
23 whole Cree... like, what our mission
24 statement, does it fit our vision, like, as a
25 Centre? Does it... and some of the goals that

1 we tried to obtain under the Centre, and we
2 felt it... we felt that it's theirs. Like,
3 we're committed to effective services for
4 health and well being amongst our Cree people.

5 And then it was... it was... we
6 unanimately felt that we needed to take this
7 case on.

8 A couple... a lot of us, like, under us,
9 like, at the Centre itself, we're all have
10 been impacted by the residential school. I had
11 an uncle that died in a residential school.
12 His death is unknown, but died within the
13 centre.

14 My mom went to residential school. My
15 colleagues at the Centre all are impacted by
16 the residential school.

17 And we felt as a Centre it would... it
18 does fit out mandate and why we had the
19 Centre. And we had no... I could say we had no
20 reservations. If it's going to help Anne Smith
21 in regards to his healing process, and that we
22 felt that we needed to be that representation
23 of Anne Smith.

24 Q- And did the association adopt a resolution to
25 decide to be the Applicant of the class

1 action?

2 A- Not that... not... I don't... I don't believe
3 we have so. We...

4 Q- Not a formal or...

5 A- Not a formal, official. A lot of it was
6 dialogue with Dionne and Schulze. A lot of it
7 is our own... our own dialogue with... our own
8 discussions with my wife, Greta, and Newton.

9 Q- M'hm.

10 A- And we bounced it off our colleagues in
11 regards to see if they're willing to...
12 because, I mean, they'll be impacted because
13 they... we've already... we already do counsel
14 people that have been through the system and
15 been impacted through the residential... not
16 really in residential school, but it's really
17 a... it's kind of the federal government
18 forcing, you know, people that have young
19 children to go to elementary school, public
20 school, high schools, and through that.

21 Q- M'hm.

22 A- And so we do... we do have a large clientele,
23 but we've... that already... that has been
24 impacted that we already see, so...

25 As far as adopting a resolution, no, we

1 haven't. It's mostly been with discussion and
2 agreement with them to be... to see where we
3 fit in regards to representing...

4 Q- M'hm.

5 A- ... if we are.

6 Q- And does your association gain any benefit in
7 being an Applicant of the class action?

8 A- Oh, I mean, we're not... as an association,
9 we're not looking for any benefits in... we're
10 not... I mean, we're not seeking any monetary
11 kind of benefits and...

12 The benefits for us as a Centre is
13 that... that Anne Smith would... we feel that
14 Anne... if Anne Smith is successful in this
15 case, we feel it's a step for her healing. And
16 so that's kind of our, I guess, our benefit,
17 is that we want to see Anne Smith...

18 And I mean, it... it's just part of the
19 healing process. Like, the residential school
20 and it's impacted us, to force education from
21 the federal government, has played havoc with
22 our people.

23 I could sit... I feel angry talking
24 about it right now, you know? And I could only
25 understand what she went through because I've

1 been... I understand what my mom went through
2 somewhat.

3 And if she can get some kind of, I mean,
4 healing from that, and I think it's part of
5 the process. Sure, there might be some...
6 whatever is agreed upon, like, in regards to
7 the class action, that's just... that's really
8 nothing compared to her life, like, if
9 she's...

10 Like, I want to her to end her... we
11 want to, the Waskaganish Wiichihiiwewin Centre
12 want her inner life happy, you know...

13 Q- M'hm.

14 A- ... where there's healing, where... the scars
15 will always be there. They'll be a reminder,
16 but she could live with that scar. That's what
17 we want...

18 I think that it will probably be
19 beneficial for us.

20 Q- And have you looked at the description of the
21 groups proposed in the class action?

22 A- Description of the group...

23 Q- Of the group that the Centre would be
24 representing. The...

25

1 Me MARYSE DÉCARIE:

2 Q- The members.

3 Me JOSIANNE PHILIPPE:

4 Q- The members.

5 Me DAVID SCHULZE:

6 Maybe Mr. Cheechoo should see the
7 document.

8 Me JOSIANNE PHILIPPE:

9 Q- And I can show you...

10

11 OFF RECORD

12

13 Me JOSIANNE PHILIPPE:

14 Q- So the class action proposes that the
15 association brings the Action on behalf of two
16 (2) groups, which is:

17 *"All persons who attended*
18 *elementary or secondary*
19 *schools operated by the*
20 *Government of Canada pursuant*
21 *to the Indian Act, or for*
22 *Inuit children and who, at*
23 *Canada's direction, imposed*
24 *when they were domiciled or*
25 *resident in Quebec were*

1 *billeted or placed with*
2 *families other than their own,*
3 *or in hostels, residences, or*
4 *boarding homes that were not*
5 *directly operated by Canada."*
6 And the second description is:
7 *"All persons who attended*
8 *elementary or secondary*
9 *schools that were not operated*
10 *by the Government of Canada,*
11 *but whose attendance was at*
12 *Canada's direction, whether*
13 *pursuant to the Indian Act, or*
14 *with respect to Inuit*
15 *children, and who also at*
16 *Canada's direction imposed*
17 *when they were domiciled or a*
18 *resident in Quebec were*
19 *billeted or placed with*
20 *families other than their own,*
21 *or in hostels, residences, or*
22 *boarding homes that were not*
23 *directly operated by Canada."*

24 What I would like to know is what do you
25 know about these groups...

1 A- Well...

2 Q- ... about the description that is provided
3 here?

4 A- Well, I know that... I know that a lot of my
5 people, through the federal government, were
6 forced to leave their homes, forced... they
7 were... they were torn away from their
8 parents, mom and dad. And in some cases, some
9 were torn away from their siblings because a
10 lot of them were placed in different... maybe
11 different homes or different schools.

12 And through that they were placed in...
13 they were placed in schools that the federal
14 government instituted.

15 And so they were... they were placed in
16 elementary schools, high schools that were...
17 that were run by the federal government for
18 the... I guess, for the sole purpose of
19 getting rid of the Indian, and the sole
20 purpose of getting... to tear... to get rid of
21 the language. For us it's the Cree language.

22 To rid themselves... to rid the First
23 Nation people, or Cree people from their
24 culture, from their traditions.

25 And to... and to teach them the - if

1 it's okay for me to say this - the "white way
2 of life."

3 Q- M'hm.

4 A- And many of these children and teenagers that
5 were torn away from families that were placed
6 in these residential schools were placed in
7 homes. Could be placed in boarding homes,
8 hostels.

9 While in these hostels and while in
10 these, I guess, the residence of these
11 residential schools and boarding homes they
12 were violated. They were violated, I guess,
13 sexually, psychologically. They were wronged,
14 they were abused. And which is causing so much
15 pain in our... in First Nation territory.
16 Causing so much pain in the Cree Nation, the
17 Nation that I love and live in. And we see the
18 lasting impacting on it again today.

19 And so... and so a lot of these... I
20 guess, and... and so, I guess, the class
21 action in regards to representing Anne Smith,
22 who went through the process.

23 For her it was... for her it wasn't
24 necessary living in the residential school
25 dormitories, or residence. She was placed in a

1 boarding home in Fort George, Quebec. And it
2 was there where she was sexually abused,
3 violated, sadly, by her own people, under the
4 direction of the federal government, which
5 placed her in these homes, which I strongly
6 feel that... that it was because of the
7 decision of the federal government placing her
8 in a home that maybe wasn't suitable, wasn't
9 safe, I feel that was wrong. Felt it was wrong
10 in placing her in this home, without... with,
11 I guess... to place her in... to be forced in
12 a home that was unsafe, that was for this lady
13 is... was really detrimental to this lady.

14 And so... and then because of that, now,
15 like I said earlier, that I know Anne Smith's
16 life has been difficult in regards to a lot of
17 the issues that she faces, which is common. I
18 mean, you're... this is Anne Smith, but a lot
19 of the people that suffered through these
20 forced schools and placed in homes and... all
21 struggle with suicidal ideations, have
22 struggling with substance abuse, have
23 struggled with even knowing and understanding
24 what it is to be a parent, which is causing
25 havoc with First Nation... the proper dynamics

1 in regards to a healthy home.

2 And so it's been... it's been... it's
3 been a black era for First Nation people, when
4 a lot of our people, including Anne Smith,
5 were forcibly sent by the federal government
6 to go to these... forced to go to these
7 schools that... I mean... and forced into
8 these hostels, these boarding homes, without
9 them even having the choice to choose. And it
10 is there that they caused pain.

11 And so...

12 Q- And did you meet with Anne Smith personally?

13 A- No, I haven't met with Anne Smith, but I met a
14 lot of Anne Smiths.

15 Me DAVID SCHULZE:

16 Maybe I can just say, Anne Smith,
17 because of the size of the community, doesn't
18 want to be identified by name to the Centre.

19 Me JOSIANNE PHILIPPE:

20 M'hm.

21 Q- And so did you take any steps to determine how
22 many members would be part of the group?

23 A- I mean, there is... I mean, I've been... I
24 know there's going to be a study, and I'm
25 hoping for a study done in regards to this...

1 I guess, this form of... I mean, maybe... I
2 don't know if it's a loophole in the system,
3 like, I don't know if that's even a proper
4 word to say, but in regards to the Anne Smith
5 situation, in regards to where this abuse took
6 place.

7 But I know that... I know that... I'm
8 hoping that there's going to be some form of a
9 study because Anne Smith is not alone. And
10 done maybe by people that have the power to
11 bring healing upon our people.

12 Q- And according to you, what would be the role
13 of your association as the Applicant of this
14 class action?

15 A- Our role as, like, the Waskaganish
16 Wiichihiiwewin Centre?

17 Q- M'hm.

18 A- I mean, I think our role as... for us, our...
19 what we've always... we've been involved
20 with... since I... since I remember, like, as
21 a boy, in regards to the residential school
22 because of my mom, she's a survivor.

23 And so we've been... and so we... and,
24 like, our role is... all we want as a Centre,
25 our role is to... is... these people like the

1 Anne Smiths have been through... they've been
2 through hell and back, eh? I mean, they've
3 taken... they've... they've shared their
4 story, I'm sure more than once.

5 And some of these people I know that not
6 only... are tired of telling... of sharing
7 their story because it... they relive the
8 pains of... if they have to retell their story
9 again, they're reliving that pain again. You
10 know, it's... then it's... I feel it's a
11 setback, you know?

12 And so we, as the Centre, are able and
13 capable of representing these... the Anne
14 Smiths because we feel like we're willing to
15 take on that role.

16 Our role is to... our role as a Centre
17 is just... is to be the voice... just to be a
18 voice... is to let the Anne Smiths know that
19 there's somebody there that... there's an
20 organization... finally, there's an
21 organization that... and the organization is
22 First Nation.

23 I don't know if you can... I've been
24 through... I've been through the Maritimes,
25 I've been through BC, I don't know if there's

1 a First Nation organization like ours, that
2 speak the language.

3 That Anne Smith... you know, you think
4 about the Cree language itself, it's a
5 descriptive language. A lot of the... like, a
6 lot of the terms that are presented in court
7 in regards to representation, they won't
8 understand the terms because the Cree language
9 is a descriptive language.

10 And to be that part for... to be that
11 representation in regards to that fact, that
12 they... that they don't... they don't... they
13 don't understand the English terms, but the
14 language itself is descriptive, to explain
15 what that term means in Cree is kind of you're
16 describing really what has been said.

17 And so for us, we just want to be, like,
18 we want to... we want to represent these
19 clients in a way which... they've been...
20 they're too painful. It's been too painful.

21 I don't know if I would be able to
22 relive my story over and over again like some
23 of these have. If we're there to just
24 represent these clients. And, hopefully, bring
25 healing really upon their lives.

1 And for us it's, like, the process in
2 regards to the Centre itself is that... like,
3 it's... we're there to speak life. We hope we
4 speak life into a lot of these kids. And for
5 us it's just... it's just... us it's just that
6 we can... we can just... we could just... we
7 could just kind of be with them through the
8 process, you know, in regards to their
9 healing, for their well being and for their
10 health, and so they're able and capable of
11 being that person they're... it's all...
12 they... it's already there. It's still in
13 them. It's just...

14 Q- M'hm.

15 A- ... it's just suppressed because of what's
16 happening to them. But to bring out that good
17 Anne Smith, that he could live healthy.

18 So for us... and for us it's just to
19 be... also as a Centre, we're quite willing to
20 be... to begin... to begin that process. And
21 haters, there's other Anne Smiths out there. I
22 mean, there's a lot of people... a lot of our
23 First Nation people, they're... they...
24 they're sitting in silence in their home,
25 getting eaten up by their pain and hurts, you

1 know, and because there's nobody there to
2 represent them, you know, and they're hoping
3 that as a Centre and... that we would be that
4 organization, just to walk them through the
5 process. And if need so... and if need so,
6 through some of these other clients, that we
7 would... we would somehow just stand with
8 them. And if it's... if it's a requirement for
9 us to be there with them, or if they want, we
10 will be there with them.

11 If it's a... if it's... if it's at the
12 discretion of their lawyers, or at their own
13 discretion, to represent them in court, yes, I
14 think that's what we'd like. All for their
15 healing, like, it's just... that's just...
16 that's just something that's... we're really
17 strong... like, our people, even.

18 Q- M'hm. And you're ready to work closely with
19 your counsels to provide instructions
20 regarding the class action?

21 A- Oh, yeah. I mean, we're... we would not go in
22 this direction if we didn't work closely.

23 As a Centre, we recognize that we're a
24 counselling agency that offers programs as...
25 and for the legalities of things, we need...

1 hopefully, we need... we need wisdom and
2 direction from that... from that area that we
3 lack.

4 Q- And did you make an application to obtain
5 assistance in... from... I don't know in
6 English, but in French we say "*Le Fonds d'aide*
7 *aux actions collectives.*" There is a funding
8 for class actions that can be provided. Have
9 you already made an application for that?

10 A- No, but that's part of the process, yeah. Our
11 plans is to... is to seek funding with
12 assistance of Dionne and Schulze.

13 Q- Is there any other action that you plan to
14 understand?

15 A- Besides this class action suit...

16 Q- To...

17 A- ... with...?

18 Q- I mean, any action that you plan to undertake
19 regarding the direction of the class action
20 regarding the administration of the class
21 action.

22 A- Could you simplify your question please?

23 Q- Is there any other action that you...

24 Me DAVID SCHULZE:

25 Maybe give an - sorry - maybe give

1 examples of what you have in mind?

2 Me JOSIANNE PHILIPPE:

3 Q- Do you plan to make other... because they're a
4 source of funding... is there research that
5 you want to make to reach other members of the
6 class action, or is there any... I don't know
7 if you have any idea of specific...

8 Me NANCY BONSAINT,
9 on behalf of the Respondent:

10 If he has kind of a plan for, maybe,
11 having contact with the members? Because what
12 I... and we could do this off record, maybe,
13 I'm just thinking out loud.

14
15 OFF RECORD

16
17 Me JOSIANNE PHILIPPE:

18 Q- So do you have any plans to reach members of
19 the community, or to advertise regarding the
20 class action?

21 A- I mean... I mean, the class action itself,
22 it's... in our territory it's fairly new. I
23 mean, I know... like, I have talked to,
24 actually, Newton Hamilton the last couple of
25 days, and my wife.

1 And we do... we do a lot of... like, I
2 go to... I do... I facilitate and do
3 presentations at a lot of the conferences in
4 our region, in the Cree Nation.

5 Q- M'hm.

6 A- And so, yes, we would... like, we're willing
7 to be that voice, you know, if there's anybody
8 out there that's been... like, we've talked
9 about maybe ways of doing it. You know, how
10 can we... in regards to keeping maybe
11 confidentiality, too, because that's
12 important...

13 Q- M'hm.

14 A- ... even how do we... how do we... yes, so,
15 like, the answer is yes. It's just, but how do
16 we do it?

17 Q- M'hm.

18 A- And so that's... we're quite... we're quite
19 willing to go and do... and then if there's
20 others that are... that are... maybe that
21 would fit in the class action, I mean, would
22 do... we would like to get their names, and
23 then maybe be that representation to them in
24 regards to... but then we need assistance
25 from, like, for us, it's a process that we

1 need direction on in regard to how do we get
2 these people that are silent to come forth.

3 Q- M'hm.

4 A- And we do it through, maybe, evaluation? Do we
5 do it through questionnaires? We don't know.
6 Do we... because I do go to some residential
7 school, and we do some residential school
8 impact conferences. Like, we have one (1)
9 in... November twelfth (12th) to the fifteenth
10 (15th). Like, we have... then we have another
11 one in March, a regional conference.

12 And so... but to be more tactical. I
13 mean, I'm not... I don't know if "tactical" is
14 even a right word. But maybe find ways that
15 are effective to reveal some of these people
16 that are sitting in their... in their homes,
17 in their closets, that they fit... they fit
18 the class action suit. I think that it's...
19 and again, it's all... it's not because...
20 again, it's important for the... it's for
21 their healing again, like, it's these people
22 that are, you know, that haven't been heard.
23 These people that are... that are silent,
24 don't know who to go to, you know, and here
25 we... here we have the Centre that's willing

1 to be their representation, or kind of be
2 their voice, you know...

3 And I think... I believe that's... that
4 it's been discussed, yes.

5 Q- M'hm. Okay.

6 And if I may speak a bit more about your
7 own path, your own experience. You said that
8 you grew up in Ontario. Were you raised in a
9 traditional lifestyle?

10 A- It depends how you define "traditional."

11 Q- How would you define it?

12 A- I would define "traditional," it's like...
13 it's culture and practices and that were
14 passed on from one generation to the other
15 because it's a controversial issue in the
16 communities.

17 I grew up that way. Our practice and
18 traditional, as a Cree person, it's not...
19 mine is not smudging and drumming and sweat
20 lodges.

21 My tradition and practices was passed on
22 from one generation to another. There is
23 trapping, hunting, fishing, for any healing on
24 the land. Walking through the wilderness,
25 riding, walking along the shoreline. So

1 it's...

2 Q- And did you practice religion at home?

3 A- Well, packed with residents, how would you...
4 could you... who...

5 Me DAVID SCHULZE:

6 Q- No, religion.

7 A- So it's like...

8 Me JOSIANNE PHILIPPE:

9 Q- Religion.

10 A- Religion, we are... I mean, we're all somewhat
11 where we have our belief system. So I do... I
12 believe... we do... I do have a belief system,
13 yes, that I don't impose on anyone, and it
14 wasn't imposed on me. It was my own choice.

15 Q- M'hm.

16 A- And I believe we have a gift in choice given
17 by the Creator.

18 Q- And was your parents really involved in
19 religion?

20 A- My parents? No, not... not the... my parents
21 were at the residential school. My mom
22 struggled there...

23 Q- M'hm.

24 A- ... and he struggled and she struggled with
25 some abuses, too.

1 My dad was impacted, too, so... well, I
2 start... there was... my parents were
3 trappers/hunters. And they did... the latter
4 part of their life they did... they were
5 pretty strong in their faith, yeah. Yeah.

6 Q- And what is your schooling history?

7 A- My schooling history is that I have, actually,
8 it's a... I got my refrigeration at Ontario
9 Refrigeration. I got a member at ORFA, federal
10 association. I got it at Waterloo University.
11 I'm... actually, I'm supposed to work in
12 arenas, so I don't know what I'm doing here.

13 So I work in refrigeration in arenas at
14 a recreation facilities.

15 I got... I got my Administration and
16 Leadership at the Providence College
17 University, Manitoba.

18 Yeah, and I'm embarking on a Master's
19 degree in Administration/Leadership at the
20 same school. That will begin shortly.

21 Q- Okay. And...

22 A- For the... for the Administration/Leadership
23 at Providence College University, I am in the
24 process right now. I'm one (1) credit short.
25 But I did three (3) additional courses, which

1 may be accepted, and with through experience
2 in life.

3 Q- And which school did you attend as elementary
4 school?

5 A- Elementary school? I went to the Moose Fort
6 Elementary School in Moose Factory, Ontario. I
7 was in Moose Factory, Ontario.

8 Q- Yes. Was it... it wasn't a residential school?

9 A- No, but it's a...

10 Q- Was it a federal school?

11 A- It was a provincial school, I believe...

12 Q- A provincial school.

13 A- I believe it was a... I could be corrected.

14 Q- To your knowledge, yes?

15 A- Yeah, to my knowledge, but...

16 Q- Okay. And what about the high school?

17 A- I went to, for grade 9 and grade 12, I went to
18 Northern Lights Secondary School in Moosonee,
19 Ontario. And I went to Caronport High School
20 in Saskatchewan, for grade 10 and 11.

21 Q- And to your knowledge again, it was all
22 provincial schools?

23 A- The Caronport High School is a private school.

24 Q- Okay. And did you ever attend a hostel?

25 A- You know, I filled out forms. My sister gave

1 me some forms. We don't know because at... the
2 high school was... there was a residential
3 school, oh, mind was called Moose Fort, I
4 believe, in Moose Factory, Ontario, there's
5 actually a residential school was there. It
6 was erected by the... by the federal
7 government.

8 And when the residential school was
9 abolished, Moose Fort came in. And so I had to
10 fill out forms. I don't know where it's at in
11 regards to five (5) years being in that... in
12 to Moose Fort.

13 But with... I stayed at home. I went to
14 school, day school there and went home.

15 Q- M'hm.

16 A- And so that's the questions I had to answer in
17 the questionnaire.

18 Q- Okay. And so did you ever attend a boarding
19 home?

20 A- Did I ever live in a boarding home?

21 Q- Yes.

22 A- At Caronport there was a dormitory. It was a
23 dormitory. I was there for, I believe, two and
24 a half (2.5) years living in a dormitory. But
25 that's... it's where a lot of the students

1 also stayed, which was supervised by, of
2 course, a dormitory kind of...

3 Q- And who decided that you would go to these
4 schools?

5 A- Moose... I had no choice but to go to Northern
6 Lights. It was across the river. There's,
7 like, maybe two (2) miles from my home.

8 Caronport High School, it was... it was
9 recommended by my parents, and I accepted
10 their recommendation.

11 Q- So to your knowledge, have you ever been
12 placed by the federal government?

13 A- Never.

14 Q- Never.

15 And, well, you've spoken about the other
16 residential schools settlement agreement
17 programs and systems. Do you know... what do
18 you know about the Truth and Reconciliation
19 Commission?

20 A- I mean, the Truth and Reconciliation is it's,
21 I guess, more stemmed with an agreement that
22 was... that was set by the federal government
23 in regards to First Nations people in regards
24 to compensation for those that were in a
25 residential school.

1 It's more towards understanding both
2 ends, and how they were impacted, and why. I
3 guess, a lot of the questions was why and what
4 for and its impact.

5 A lot of it is coming to a place where
6 this... where the federal government and its
7 schools would come together and reconcile with
8 First Nations people for the atrocities that
9 were done, that were forced upon them by
10 the... by the federal government, for the
11 healing of... I believe... I won't say only
12 for the healing of First Nations, but I think
13 understanding the wrongs that were done by the
14 federal government and the schools and a lot
15 of the churches, coming together and
16 reconciling, to bring healing on what has
17 happened in the past, the wrongs that were
18 placed upon people.

19 I think that was... I feel that was
20 probably the theme, was that First Nations
21 people were wronged. And they acknowledge
22 that, that the federal government and the
23 churches did acknowledge that they did wrong,
24 and through that apologies and reconciliation
25 were given.

1 Not all accepted the reconciliation.

2 Most of the people. But it's a start.

3 Q- And did you ever participate in sessions with
4 the Truth and Reconciliation Commission?

5 A- No, no, I did... no, I didn't. I am a reader.
6 Just reading documents, and was part of seeing
7 the news and seeing the videos. But to
8 actually be front and centre, no, I don't.

9 Q- And do you know what is the Common Experience
10 Payment?

11 A- Common... no, I don't.

12 Q- No?

13 A- No, I don't.

14 Q- And do you know what is the Independent
15 Assessment Process?

16 A- Could you repeat that?

17 Q- Do you know what is the... what we call the
18 Independent Assessment Process?

19 A- I probably could guess at it, but I
20 wouldn't... I wouldn't be able to define it,
21 no.

22 Q- So you have never made any application for
23 those programs, or...

24 A- No.

25 Q- ... being involved in those programs?

1 A- No, not at this time, but if it's available,
2 I'm sure I'll probably take note of it.

3 Q- And speaking of your work experience, could
4 you talk a bit about what is your work
5 experience?

6 A- My work experience history...

7 Q- M'hm.

8 A- ... history-wise? I have... oh, boy. Okay, I
9 worked at the... after high school I went to
10 college for four (4) months, offered a job,
11 left college, worked at kind of like... it's
12 called the (*inaudible*) Centre. It's a child
13 centre that... it's, like, people that were...
14 maybe were a threat at home. So I took care of
15 the children. I was kind of just more their, I
16 don't know, watchman, mentor kind of. So I did
17 that for about four (4) years. So I worked
18 at... it's a child centre.

19 I worked for the... I worked in... after
20 I got my refrigeration, I worked with... about
21 eleven (11) years I worked with the Crees of
22 the Waskaganish First Nation as... I managed
23 the recreation facilities.

24 I worked, oh, for the Cree Board of
25 Health of James Bay, and Social Services, as

1 an addiction worker for three (3) years. I
2 left that to lead this organization as an
3 Executive Director of Waskaganish
4 Wiichihiiwewin Centre.

5 And I had my own office at home, from
6 about two thousand and one (2001). Oh, boy.
7 And I went to school two thousand and seven
8 (2007). I developed proposal writing for
9 programs and services.

10 I have developed, through my home
11 office, I developed... there was the Hockey
12 Camp of Hope, Softball Camp of Hope, youth
13 wilderness camps. There's another one I forgot
14 to... I developed... I'm a... I'm a founder of
15 these, my cofounder, my wife and I, with my
16 nephew.

17 And there's another organization I
18 developed. I forgot what it was. I didn't skip
19 it.

20 So that's what... that's kind of what I
21 did, I... and, yeah, that's what I... I've
22 been part of boards, some that, organizations,
23 like, being on boards of communities.

24 Q- M'hm. And what is your experience in
25 participating in board of directors?

1 A- I've been a... I've been the longest standing
2 member of the Rise Above Counselling Agency
3 board member.

4 I've been on the Chairman of the Board
5 for approximately one (1) term, three (3)
6 years. So I've been the chairman.

7 I've been part of the Advisory Board for
8 the Chief and Council. I still do that. For
9 the last... it'll be my fourth year.

10 In regards to board... I mean, I... let
11 me think, there's another... there's
12 another... those are acting... that's ongoing
13 right now.

14 But I sat in different committees
15 before, like, under the Justice Department, I
16 sat in committees. And under the Justice,
17 under the band council.

18 But lately, I mean, but I've been
19 refusing a lot of the positions, though,
20 because of workloads. And there's my workload
21 presently.

22 Q- M'hm.

23 A- And then within the last three (3) years. I've
24 actually... I kind of... I kind of resigned
25 some... from some stuff, yeah, that's because

1 of workload, yeah.

2 Q- M'hm. And have you ever been involved in a
3 corporation that went bankrupt?

4 A- No.

5 Q- No?

6 A- No.

7 Q- Okay. Well, I think...

8

9 OFF RECORD

10

11 Me NANCY BONSAINT:

12 Q- No, it's just that we will have a suspension
13 of this examination because we may want to get
14 the undertakings, and maybe continue.

15

16 OFF RECORD

17

18 AND FURTHER DEPONENT SAITH NOT

19

20

Court File No.: T-1417-18

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINAL PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

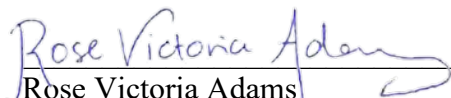
- and -

HIS MAJESTY THE KING

Defendant

EXHIBIT V TO THE AFFIDAVIT OF LÉA LEMAY LANGLOIS

This is Exhibit V to the affidavit of
Léa Lemay Langlois, as solemnly sworn
before me the 21st day of July, 2023


Rose Victoria Adams
Barreau du Québec n°358105-5

COUR SUPÉRIEURE

(Chambre des actions collectives)

CANADA
PROVINCE DE QUÉBEC
DISTRICT DE MONTRÉAL;

N° : 500-06-000812-160

DATE : 1^{er} avril 2021

SOUS LA PRÉSIDENTE DE L'HONORABLE SYLVAIN LUSSIER, J.C.S.

**WIICHIHIWEWIN CENTRE OF WASKAGANISH
RÉGIS PENOSWAY**

Demandeurs

ANNE SMITH

Membre désignée

c.

**PROCUREUR GÉNÉRAL DU CANADA
ROYAL & SUN ALLIANCE DU CANADA**

Défendeurs

JUGEMENT

(Sur la demande pour disjonction et suspension de l'action collective)

[1] **CONSIDÉRANT QUE** la partie demanderesse, Wiichihiiwewin Centre of Waskaganish et Chef Régis Penosway, a déposé une demande d'autorisation d'exercer une action collective le 21 septembre 2016 contre le Procureur général du Canada pour les dommages subis lors des séjours de mineurs autochtones dans des foyers familiaux, laquelle demande a été subséquemment modifiée pour inclure la résidence Pavillon Notre-Dame-de-la-Route à Louvicourt (« résidence Louvicourt »);

[2] **CONSIDÉRANT QU'**une autre demande d'action collective a été déposée à la Cour fédérale le 24 juillet 2018, soit *Percival v. HMQ*, dossier T-1417-18 (« Percival »), et couvre également les abus commis dans les foyers familiaux dans l'ensemble du Canada;

[3] **CONSIDÉRANT QUE** les procureurs de la partie demanderesse se sont joints de consentement au dossier Percival à titre de procureurs représentant les victimes du Québec à titre de sous-groupe et que la demande a été certifiée le 28 juin 2019, définissant ainsi les groupes et le sous-groupe;

- a. Primary Class means persons who were placed by the Government of Canada in private homes for the purpose of attending school, excluding placements made for the purpose of attending a post-secondary educational institution;
- b. Family Class means all persons who have a derivative claim in accordance with applicable family law legislation arising from a family relationship with a member of the Primary Class;
- c. Quebec Subclass means Class Members resident in Quebec at the time of their placement by Canada in such private homes;

[4] **CONSIDÉRANT QUE** le 23 octobre 2020, la partie demanderesse a déposé une demande dans la présente instance afin de disjoindre de la demande d'autorisation celle concernant la résidence Louvicourt (pour laquelle le Chef Régis Penosway est demandeur) de celle concernant les foyers familiaux (pour laquelle le Wiichihiiwewin Centre of Waskaganish est demandeur avec Anne Smith comme membre désignée), ainsi que de suspendre l'instance uniquement pour la demande d'Anne Smith, qui concerne la cause d'action visée par l'ordonnance de certification du recours Percival;

[5] **CONSIDÉRANT QUE** les défendeurs consentent à cette demande pour disjonction et suspension, tout en préservant leurs droits eu égard aux demandes disjointes;

[6] **CONSIDÉRANT** les articles 49 et 210, alinéa 3, du *Code de procédure civile*;

POUR CES MOTIFS, LE TRIBUNAL :

[7] **ACCUEILLE** la demande;

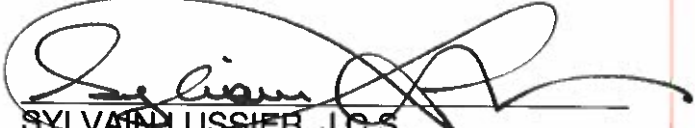
[8] **ORDONNE** la disjonction de la demande d'autorisation d'exercer une action collective et pour être nommé représentant du Chef Régis Penosway concernant la résidence Louvicourt de celle du Wiichihiiwewin Centre of Waskaganish et Anne Smith concernant les foyers familiaux;

[9] **ORDONNE** aux procureurs de la partie demanderesse de déposer deux demandes d'autorisation disjointes pour exercer une action collective et être nommé représentant, l'une par le Chef Régis Penosway pour la résidence Louvicourt et l'autre par le Wiichihiiwewin Centre of Waskaganish et Anne Smith pour les autres foyer familiaux et ce, dans les 30 jours suivant le présent jugement;

[10] **ORDONNE** la suspension de la demande d'autorisation d'exercer une action collective et être nommé représentant du Wiichihiiwewin Centre of Waskaganish et Anne Smith, et ce, jusqu'à 60 jours suivant le jugement final à être rendu dans le dossier Percival v. Her Majesty the Queen, T-1417-18;

[11] **DÉCLARE** que la disjonction n'a pas pour effet de faire perdre le bénéfice de la suspension de la prescription acquise par le dépôt de la demande originale;

[12] **LE TOUT**, sans frais de justice.



SYLVAIN PLUSSIER, J.C.S.

M^e David Schulze
M^e Marie-Alice D'Aoust
DIONNE SCHULZE S.E.N.C.
Avocats des demandeurs

M^e Jean-Pierre Casavant
M^e Isabelle St-Arneault
CASAVANT BÉDARD
Avocats de la défenderesse Royal & Sun Alliance du Canada

M^e Nathalie Drouin
M^e Marie-Emmanuelle Laplante
M^e Mélyne Félix
MINISTÈRE DE LA JUSTICE DU CANADA
Avocats du défendeur Procureur général du Canada

Audition sur dossier : 1^{er} avril 2021

Court File No.: T-1417-18

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINAL PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

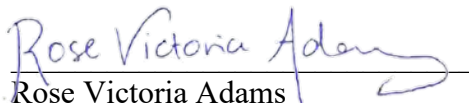
- and -

HIS MAJESTY THE KING

Defendant

EXHIBIT W TO THE AFFIDAVIT OF LÉA LEMAY LANGLOIS

This is Exhibit **W** to the affidavit of
Léa Lemay Langlois, as solemnly sworn
before me the 21st day of July, 2023


Rose Victoria Adams
Barreau du Québec n°358105-5



COUR SUPÉRIEURE DU QUÉBEC

L'honorable Sylvain Lussier, j.c.s.
Palais de justice
1, rue Notre-Dame Est, Montréal (Québec) H2Y 1B6
☎ 514 393-2347 ☎ 514 873-5264
sylvain.lussier@judex.qc.ca

Le 12 septembre 2019

« Par courriel »

Me Nancy Bonsaint
Ministère de la Justice Canada
nancy.bonsaint@justice.gc.ca

Objet : Anne Smith c. Procureur général du Canada
N/Dossier : 500-06-000812-160

Chère Maître,

J'ai bien reçu la vôtre du 10 septembre dernier et je vous en remercie.

Je comprends que votre demande de suspendre l'action collective est de consentement avec vos collègues en demande, alors, je vous confirme que j'accorde la suspension de cette affaire et j'attendrai de vos nouvelles en décembre prochain.

Je vous prie de recevoir l'expression de mes sentiments les meilleurs.

SYLVAIN LUSSIER, J.C.S.

SL/II

c.c. Me David Schulze
Me Maryse Décarie-Daigneault
Me Mireille-Anne Rainville

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINAL PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

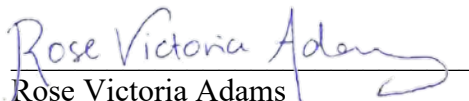
- and -

HIS MAJESTY THE KING

Defendant

EXHIBIT X TO THE AFFIDAVIT OF LÉA LEMAY LANGLOIS

This is Exhibit X to the affidavit of
Léa Lemay Langlois, as solemnly sworn
before me the 21st day of July, 2023


Rose Victoria Adams
Barreau du Québec n°358105-5

**FEDERAL INDIAN BOARDING HOMES
POLICY
FINAL REPORT**



**Joan Holmes & Associates Inc.
for
Resolution and Partnerships – Crown-Indigenous Relations and Northern
Affairs Canada
May 2023**

FEDERAL INDIAN BOARDING HOMES POLICY FINAL REPORT

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1. Introduction

1. Scope of Study

This report covers a time frame starting in approximately 1950 and ending in approximately 1990, with some information on events both before and after this period. It is intended to provide an overview of the national Boarding Home Program, with examples and data from regions across the country. While the emphasis of the report is on the development of federal policies and their implementation, significant regional variations in policy and program delivery are also highlighted in the report.

For the purposes of this study, the researchers began with a very general definition of a “boarding home,” in order to ensure that the review encompassed all relevant policies and programs. Initial research therefore included some documents pertaining to group homes, hostels, and foster homes. As the research progressed, this definition has been refined. In this report, the term boarding home is used to refer to a private family home where one or more Indigenous students were housed away from their parents or legal guardians in order to attend an educational program. The boarding home is distinct from a group home or hostel in that it is a private family home; it is distinct from a foster home in that the boarding home operators were not legal guardians of the students and that the primary purpose of the placement was to access educational services. In the report, the terms “Indian,” “Indian students,” and “Indian children” are used as they are found in the source documents. The name “Indian Affairs” is used to identify CIRNAC/ISC and its predecessors in general.

2. Source Materials

The principal source materials consulted for this report have been the documents collected in the “Federal Boarding Homes” Ringtail database. JHA was provided with access to this database for the purposes of this project, but we were not key players in the development of the collection, so it was not always clear if there are gaps that could be resolved with additional research.

JHA has also benefitted from a review of draft reports on policy for the various regions provided by SACCB at the outset of this project. These reports identify many key documents that are cited in this report.

JHA also conducted limited research at LAC and in secondary sources.

Some key sources of information searched in the Federal Boarding Homes (FBH) database include handbooks, guides, circulars, application forms, and assessments. Around 1960, the Indian Affairs Branch published an “Indian Student’s Handbook” for the Boarding Home Program in general. Regional programs also created their own guides and handbooks for students and boarding homes. Some of the local guides are very similarly worded and appear to have been copied from one another, although it is no longer possible to determine the original source. These guides and handbooks have been used throughout the report as a source of information on how the program was explained to the students, boarding home operators, and parents. They include rules, guidelines, and general information on how the programs were intended to function.

A key source of information for understanding how field staff interpreted policy guidelines is the many examples of Forms IA 4-49 “Application for Tuition Grant” found in the Federal Boarding Homes database, as well as subsequent Educational Assistance forms used in the 1970s and beyond.

Targeted searches to resolve gaps in information on particular regions, policy statements, and events have also been conducted.

3. Chronology of Key Events

The chronology below identifies key decisions and changes that affected the Boarding Home Program.

1951 First documentation of payment for boarding homes

Although there is anecdotal evidence that boarding homes had been in use since before Confederation, the first documentation of a payment by Indian Affairs for the room and board of a student living in a private home in order to attend school dates from 1951.¹ This is discussed in Section 5.1.

1951 New *Indian Act* and implementation of the integrated school policy

Section 113 of the 1951 *Indian Act* allowed Indian Affairs to implement an integration policy by authorizing the Minister to enter into agreements with governments and school boards in order to provide Indian students with access to non-federal educational facilities and services.² This is discussed in Section 2.2.

1956 *Indian Act* amended to limit education services to on-reserve families

¹ Voucher No. 846, December 27, 1951 [FBH-011332]. RG 10 Volume 9041 File 26/25-8 Part 3 Library and Archives Canada.

² *The Indian Act*, S.C. 1951, c. 29 (15 Geo. VI) [BHR-003011, p. 52]. See Section 113.

Section 4(3) was introduced in order to reinforce limitations of the education provisions to Indian children living on a reserve or on Crown lands.³ This is discussed in Section 2.2.

1958 Educational Assistance Funding introduced

Order in Council P.C. 1958-8/1578 of November 20, 1958, approved the Educational Assistance Program and therefore authorized Indian Affairs to pay for room and board for those students who needed to leave home to pursue their education in non-Indian schools.⁴ This is discussed in Section 3.2, in particular in Section 3.2.2.

1960s Indian Affairs Branch Field Manual

Through the years Indian Affairs developed a series of regulations and guides mostly intended for Indian Agents in the field. These were later compiled to form a comprehensive manual. Education formed Chapter 11 and sub-chapters included policy, transportation, and Educational Assistance.⁵ This is discussed in Section 4.1.2.

1965 Counsellors positions created

The Education Branch created a new position for counsellors with responsibility for managing boarding home placements.⁶ This is discussed in Section 6.1.

1967 Hawthorn Report

This report recommended transforming the residential schools into hostel facilities only.⁷ This is discussed in Section 9.1.

1968 Earned Income Program

Canada created a new program offering senior students the option of controlling their Education Assistance funding themselves through the receipt of bi-weekly cheques.⁸ This is discussed in Section 3.6.

1969 White Paper

The Hawthorn Report incited Canada to propose the end of the federal government's responsibilities to the Indigenous population of Canada, thus

³ *An Act to amend the Indian Act*, S.C. 1956, c. 40 [BHR-003011, p. 103]. See Section 4(3).

⁴ Order in Council P.C. 1958-8/1578, November 20, 1958 [VAN-045053[01-01]]. 773/25-8, Pt. 3, 04/01/1969-12/31/1970, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

⁵ Indian Affairs Branch Field Manual, Chapter 11, "Education" [BHR-003009]. No source information provided.

⁶ R. F. Davey, Director, Education Services, June 7, 1965 [NCA-013117-0000]; and attached "Teacher Counsellors," June 7, 1965 [NCA-013117-0001]. Both in RG10, Vol. 8597, File 1/1-13, pt. 7 Library and Archives Canada.

⁷ H. B. Hawthorn, ed., *A Survey of the Contemporary Indians of Canada – Economic, Political, Educational Needs and Policies*, two parts (Ottawa: Indian and Northern Affairs October, 1967) [BHR-3019 and BHR-003020]. Found at: <https://publications.gc.ca/site/eng/9.700111/publication.html>.

⁸ R. F. Davey, Director of Education Services, to all Regional School Superintendents, September 11, 1968 [VAN-020273[00-03]]. 901/25-8, [Folder 3], 08/01/1968-05/31/1969, Educational Assistance, Perm. Vol. 13466, F.A. 10-138, LAC-Vancouver.

transferring responsibilities for education to the provincial governments.⁹ This led to strong opposition from the Indigenous community and constrained the government to abandon this proposal the following year. See Section 2.1.2 and Section 4.1.2.

1969 Snider Report

This study of the Boarding Home Program was launched in 1968. Its purpose was to assess the strengths and weaknesses of the program. The results of this study encouraged Indian Affairs to extend the program.¹⁰ The Report is discussed in Section 9.2.

1970 Education Assistance Guidelines

The Education Assistance policy was substantially updated in 1970, including changes to eligibility criteria and funding.¹¹ This is discussed in Section 4.3.1.

1972 Indian Control of Indian Education

The release of this report by the National Indian Brotherhood urged greater participation by Indigenous families and communities in education and a full range of high-quality education options for Indigenous students.¹² It is discussed in Section 9.5.

1978 Program Circular E-1

This Circular on Education Policy was released in November 1978. It stated that housing arrangements for Indigenous students who needed to leave home in order to pursue their education could be made either by the Band Council or DIAND, though the Department still limited its responsibility to on-reserve students. The Circular outlined changes brought to Education Policy.¹³ The Circular is discussed in Section 4.1.4.

⁹ Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Education Branch, *Indian Education Handbook – Resources and Management Systems* (Ottawa: Department of Indian Affairs and Northern Development, 1989) [FBH-000029, p. 15].

¹⁰ “Study of Boarding Home Program for Indian High School Students,” circa February 1968 [FBH-007787]. RG 10 Accession 1999-01431-6 Box 68 File 1/25-8-18 Part 2 Library and Archives Canada.

¹¹ DIAND, Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, 1970 [200653B, p. 8]. File 701/25-8, Vol. 9, 01/1970-04/1971 National Archives of Canada – Edmonton.

¹² National Indian Brotherhood, “Indian Control of Indian Education,” policy paper presented to the Minister of Indian Affairs and Northern Development, 1972) [BHR-003022, p. 21].

¹³ R. D. Brown, Assistant Deputy Minister – Programs Indian and Inuit Affairs, November 1, 1978 [VAN-045006[01-01], pp. 3-9]. 701/25-1, Pt. 32, 01/1979-03/1980, Education – General, Acc. 1997-98/161, Box 71, F.A. 10-437, LAC-Ottawa.

4. Vocabulary List

This vocabulary list includes terminology specific to the history of the Boarding Home Program. The report assumes that the reader has a general knowledge of Indigenous matters and does not define terms such as: status Indian, Band, and residential school.

The reader should note that many of the documents consulted in the preparation of this report use the term “parent” to refer to both boarding home operators and the natural parents of the students. For clarity, this report reserves the term “parent” for the natural parents, using the term “boarding home operators” to refer to the adults running boarding homes. Where the term “parent” appears in a direct quote, the reader should be alert to the context of the quote in order to avoid confusion.

Allowance: monthly personal allowances, first authorized by Order in Council in November 1958. The money was directed to students whose families were not able to cover costs such as transportation, laundry, and incidental expenses.¹⁴ Allowances are discussed in Section 3.5.

Boarding Home: a private family home where one or more Indigenous students were housed away from their parents or legal guardians in order to attend an educational program.

Counsellor: a staffing position created to provide one-on-one support to students. In the context of the Boarding Home Program, counsellors could be any one of the following: guidance counsellors, vocational counsellors, sending counsellors, or receiving counsellors. In 1977, DIAND introduced a Native Counsellor program to increase the number of Indigenous people serving as education counsellors. This is discussed in Section 6.1.

Devolution: the transfer of responsibility for a program to Indigenous organizations, usually either Band Councils or Regional/Tribal Councils. Devolution is discussed in Section 10.

Earned Income Program (EIP): a program dedicated to senior students, launched and authorized in 1968, directly giving the students the money required to pay for their

¹⁴ Order in Council P.C. 1958-8/1578, November 20, 1958 [VAN-045053[01-01], p. 3]. 773/25-8, Pt. 3, 04/01/1969-12/31/1970, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

room and board, clothing, and incidental expenses.¹⁵ The EIP is discussed further in Section 3.6.

Educational Assistance: a program approved by Order in Council in November 1958 authorizing Indian Affairs to pay for room and board for students attending non-Indian schools while staying at boarding homes. In addition, Indian Affairs had authority to cover the costs of transportation, allowance and clothing.¹⁶ The term “Educational Assistance” replaced “Tuition Grant” in 1960.¹⁷ The program is discussed below in Section 3.2, in particular in Section 3.2.2.

Foster Home: often defined as a placement for welfare purposes rather than educational purposes, but sometimes used to describe boarding home placements as well.¹⁸ At one point, Indian Affairs proposed that the key distinction was that boarding home placements did not involve a transfer of guardianship.¹⁹ This is also discussed in Section 5.3.4.

Group Home: a small residence for 8-12 students, usually located close to the school(s), and supervised by a child care worker/supervisor or Indigenous/Inuit house-parents.²⁰

Hostel: originally defined as living accommodation in residential schools for students enrolled in either federal or non-federal schools;²¹ later used in some contexts as a synonym for group homes.²²

¹⁵ R. F. Davey, Director of Education Services, to all Regional School Superintendents, September 11, 1968 [VAN-020273[00-03]]. 901/25-8, [Folder 3], 08/01/1968-05/31/1969, Educational Assistance, Perm. Vol. 13466, F.A. 10-138, LAC-Vancouver.

¹⁶ A. G. Leslie, Regional Supervisor of Indian Agencies, Winnipeg, to Superintendents, Assistants and Principals, April 1, 1960 [FBH-002336, pp. 1-2]. RG 10 Volume 8774 File 501/25-8 Part 2 Library and Archives Canada.

¹⁷ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, the Regional and District School Superintendents, and the Regional School Inspectors, February 15, 1960 [NCA-011701]. RG10, Vol. 8769, File 1/25-8, pt. 4 Library and Archives Canada.

¹⁸ See for example, A Brief Study of the Factors Influencing the Withdrawal from Ottawa Schools of Inuit Students from the Ungava Bay District in November and December, 1972 [ISP-001249, p. 13]. RG 85 Accession 2003-02300-3 Box 16 File 600-1-11 Part 6 LAC.

¹⁹ DIAND. Draft of Policy Governing Placement of Indian Children in Boarding Homes, circa November 1961 [FBH-000863[01-02], p. 1]. RG 10 Volume 8754 File 601/25-1 Part 3 Library and Archives Canada.

²⁰ Pelican Group Homes – Staff Manual – 1979 [FBH-018385]. RG 10 Accession 2014-01956-8 Box 11 File 401/25-1-18 Part 1 Library and Archives Canada; The Indian and Eskimo In the Northern Territories, October 29, 1969 [NCA-016590-0002, p. 3]. File 1/1-2-16-1, Vol. 9, Locator N359-3 National Capital Regional Service Centre – LAC – Ottawa; DIAND to Bergevin, September 15, 1969 [FBH-004458[01-01], p. 6]. RG 10 Accession 2014-00827-2 Box 24 File 1/25-1 Part 35 Library and Archives Canada.

Tuition Grant: funding paid for an individual student attending a non-Indian school. Tuition grants could include payment for room and board.²³ In 1960, the term “Tuition Grant” was replaced by “Educational Assistance.”²⁴ Section 3.1 discusses it further.

²¹ Circular No. 62 [NCA-013241]. RG10, Vol. 8769, File 1/25-8, pt. 5 Library and Archives Canada.

²² See, for example, The Hostel Program, 1976, Fort George, Quebec [NCA-004293-0002, p. 2]. File 372/25-13-019, Vol. 1, Control 87-Q-18 INAC – Resolution Sector – IRS Historical Files Collection – Ottawa.

²³ R. F. Davey, Superintendent of Education, to Indian Commissioner for B.C., Regional Supervisors of Indian Agencies, Superintendents of Indian Agencies, April 1, 1957 [FBH-001981]. RG 10 Volume 11452 File 494/25-8 Part 1 Library and Archives Canada.

²⁴ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, the Regional and District School Superintendents, and the Regional School Inspectors, February 15, 1960 [NCA-011701]. RG10, Vol. 8769, File 1/25-8, pt. 4 Library and Archives Canada.

2. Establishment and Background

This report focuses on the Boarding Home Program organized and funded beginning in 1958, but it is worth noting that even before Confederation, several legislatures had made provision in order to assist Indian students who wished to attend schools serving non-Indian children, including the payment to local authorities for tuition and board.²⁵ In this section, some basic information on education services to Indigenous students is provided for general context, including the basic legislative and organizational framework within which the Boarding Home Program developed.

1. The Constitution Act of 1867

The basis of the federal government's relationship with Indigenous people stems from Section 91 of the *British North America Act (BNA Act)*, later known as the *Constitution Act*, and from treaty agreements with particular Indigenous nations and peoples. The 1867 *BNA Act* authorized Parliament to legislate over "Indians, and Lands reserved for the Indians,"²⁶ though the division of powers, in that same Act, placed education services under the authority of the provinces. This has led to a historical divide between education services provided to Indigenous peoples, particularly those recognized as "Indians" in federal legislation, and education services for other Canadians. Section 91(24) of the *Constitution Act* reads:

91. It shall be lawful for the Queen, by and with the Advice and Consent of the Senate and House of Commons, to make Laws for the Peace, Order, and good Government of Canada, in relation to all Matters not coming within the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater Certainty, but not so as to restrict the Generality of the foregoing Terms of this Section, it is hereby declared that (notwithstanding anything in this Act) the exclusive Legislative Authority of the Parliament of Canada extends to all Matters coming within the Classes of Subjects next hereinafter enumerated; that is to say, --

[...]

²⁵ Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program. Report, Education Program. Saskatchewan – Indian-Eskimo Program, Information Centre (Ottawa: Department of Indian Affairs and Northern Development, 1971) [FBH-000005, p. 5], found at: https://publications.gc.ca/collections/collection_2017/aanc-inac/R5-258-1971-eng.pdf.

²⁶ *British North America Act*, 1867, S.C. 1867, c. 30 (30-31 Vict.), Subsection 91(24), found at: <https://www.justice.gc.ca/eng/rp-pr/csj-sjc/constitution/lawreg-loireg/p1t13.html> [BHR-003014].

24. Indians, and Lands reserved for the Indians.
[...].²⁷

In practice, federal responsibility for services to Indigenous peoples is principally organized through the *Indian Act*, with additional legislation in specific areas such as lands and revenues that are not directly relevant to education.

2. *Indian Act Education Provisions*

The federal government chose to legislate education for Indigenous children through the *Indian Act*. The first *Indian Act* was introduced in 1876, but it made no reference to schools or education other than to state that the chiefs might establish rules and regulations for “[t]he construction and repair of school houses.”²⁸ The first provisions for the transportation of Indian children were introduced in the 1920 *Indian Act*, allowing transportation to and from boarding or industrial schools. On April 1, 1928, Indian Affairs introduced a new policy that all costs of Indian education would be paid from Parliamentary appropriation.²⁹ This policy is discussed further in Section 3.1. below. There was no amendment to the *Indian Act* at this time.

Regarding personal allowances, although the 1920 *Indian Act* allowed for provisions for the maintenance of Indian students residing in industrial or boarding schools out of their annuities and interest moneys, no provision was aimed at children attending non-federal schools. A system of tuition grants though had been helping such students since the late 1920s.

Following the Second World War, Indian Affairs policy shifted from “assimilation” to “integration.” In practice, the goal remained the same and the assimilation of Indigenous children through education was still the target, but the method changed. From a segregated system using all-Indigenous day schools and residential schools, Indian Affairs slowly moved towards a system using provincial schools, integrating Indigenous students into classrooms with non-Indigenous students.

A key mechanism used to integrate on-reserve Indian children into provincially- and territorially-run schools was the negotiation of joint agreements. Starting in 1949, the federal government established many joint agreements with individual school boards,

²⁷ *British North America Act, 1867*, S.C. 1867, c. 30 (30-31 Vict.), Subsection 91(24) [BHR-003013, p. 20].

²⁸ *The Indian Act, 1876*, S.C. 1876, c. 18 (39 Vict.), Sec. 63(6) [BHR-003010, p. 20].

²⁹ Philip Phelan, Chief, Training Division, Welfare and Training Service, Department of Mines and Resources, Indian Affairs Branch, June 27, 1940 [251099 – not in FBH database]. LAC RG10 Vol. 6487 File 42104-3 Pt. 1.

provinces, and territories, as discussed below in Section 2.3. And while Indian Affairs did have some infrastructure to provide education to status Indian children who were not yet integrated into the provincial or territorial systems, it could not accommodate them all. As of 1950, Indian Affairs estimated that there were still many thousands of status Indian children without access to education facilities, although the number of day school classrooms had increased over the prior three years from 285 to nearly 450.³⁰

The integration policy developed out of discussions of the Special Joint Committee of the Senate and House of Commons, established from 1946-48 to review Indian Affairs. A brief submitted by the Native Brotherhood of British Columbia recommended that greater opportunities be provided for Indian students to attend high schools and universities.³¹ In its final report, the Committee strongly recommended educating Indian children with non-Indian children. Its seventh recommendation reads:

7. The Operation of Indian Schools

Your Committee recommends the revision of those sections of the Act which pertain to education, in order to prepare Indian children to take their place as citizens.

Your committee, therefore, recommends that wherever and whenever possible Indian children should be educated in association with other children.³²

The results of this Committee study led to amendments of the *Indian Act* in 1951. New sections concerning education were added: Sections 113 to 122 empowered the Minister of Indian Affairs to provide education services, transportation, and residence to Indian children living on-reserve.³³ Section 113 of the Act in particular allowed the Governor in Council to authorize the Minister to enter into agreements with provincial and territorial governments, school boards and other organizations, thus enabling

³⁰ Bernard F. Neary, Superintendent of Indian Education, Indian Affairs Branch, to Colonel Acland, March 27, 1950 [FDS-000057]. LAC RG 22 Vol. 1 File 1-1-8-3.

³¹ John F. Leslie, ed., "The Historical Development of the Indian Act from Colonial Days to 1951," 3rd Edition, prepared for the Claims and Historical Research Centre, Special Claims, Specific Claims Branch, DIAND, 2007, p. 135 [BHR-003008].

³² Special Joint Committee of the Senate and House of Commons, *Recommendations of the Special Joint Committee of the Senate and the House of Commons*, Fourth Report, June 22, 1948 (Canada: Special Joint Committee of the Senate and House of Commons, 1948) [BHR-003021, p. 13 of PDF].

³³ Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Education Branch, *Indian Education Handbook – Resources and Management Systems* (Ottawa: Department of Indian Affairs and Northern Development, 1989) [FBH-000029, p. 14].

Indian students to continue their education when they had to leave their homes in order to do so. Section 113 reads:

113. The Governor in Council may authorize the Minister, in accordance with this Act,
(a) to establish, operate and maintain schools for Indian children,
(b) to enter into agreements on behalf of His Majesty for the education in accordance with this Act of Indian children, with
(i) the government of a province,
(ii) the council of the Northwest Territories,
(iii) the council of the Yukon Territory,
(iv) a public or separate school board, and
(v) a religious or charitable organization.³⁴

Section 114 empowered the Minister to provide for various services, including education and transportation:

114. The Minister may
(a) provide for and make regulations with respect to standards for buildings, equipment, teaching, education, inspection and discipline in connection with schools,
(b) provide for the transportation of children to and from school,
(c) enter into agreements with religious organizations for the support and maintenance of children who are being educated in schools operated by those organizations, and
(d) apply the whole or any part of moneys that would otherwise be payable to or on behalf of a child who is attending a residential school to the maintenance of that child at that school.³⁵

Section 114(b) allowed the Minister to provide for the transportation of children to and from school. In contrast to Section 9(3) of the 1920 *Indian Act*, this clause does not limit the transportation to “boarding or industrial schools,” and would therefore allow for transportation of children to federal day schools. Section 122(b) defined “school” as including day schools, technical schools, high schools, and residential schools.³⁶ After the passage of the 1951 *Indian Act*, Indian Affairs would seek authority pursuant to Section 113(a) of the *Indian Act* to establish, operate, and maintain schools for Indian children.

³⁴ *The Indian Act*, S.C. 1951, c. 29 (15 Geo. VI) [BHR-003011, p. 52]. See Section 113.

³⁵ *The Indian Act*, S.C. 1951, c. 29 (15 Geo. VI) [BHR-003011, p. 52]. See Section 114.

³⁶ *The Indian Act*, S.C. 1951, c. 29 (15 Geo. VI) [BHR-003011, p. 55]. See Section 122(b).

The 1951 *Indian Act* also empowered the Minister to ensure that all children from the age of six to the age of sixteen inclusive receive an education. Section 115 states as follows:

- 115.** (1) Subject to section one hundred and sixteen, every Indian child who has attained the age of seven years shall attend school.
- (2) The Minister may
- (a) permit an Indian who has attained the age of six years to attend school,
- (b) require an Indian who becomes sixteen years of age during the school term to continue to attend school until the end of that term, and
- (c) require an Indian who becomes sixteen years of age to attend school for such further period as the Minister considers advisable, but no Indian shall be required to attend school after he becomes eighteen years of age.³⁷

An amendment to the *Indian Act*, in 1956, introduced Section 4(3) to reinforce the limitations of the provisions of education, transportation, and residence services to those Indian children living on a reserve or on Crown lands. Subsection 4(3) of the Act was introduced to read:

- (3) Sections 113 to 122 and, unless the Minister otherwise orders, sections 42 to 52 do not apply to or in respect of any Indian who does not ordinarily reside on a reserve or on lands belonging to Her Majesty in right of Canada or a province.³⁸

Following the revision of the *Indian Act*, a program was put in place providing funds to allow Indian children to pursue their education away from their homes when necessary. Existing on-reserve schools were unable to meet the total school requirements for Indian students, due both to an increase in their numbers and their educational advancement.³⁹ This pressure led to the adoption of Order in Council P.C. 1958-8/1578, which authorized the provision of educational services and facilities to Indian children, for both educational or professional training, and including financial assistance in paying

³⁷ *The Indian Act*, S.C. 1951, c. 29 (15 Geo. VI) [BHR-003011, p. 53]. See Section 115.

³⁸ *An Act to amend the Indian Act*, S.C. 1956, c. 40 [BHR-003011, p. 103].

³⁹ Indigenous and Northern Affairs Canada, Program Information Center – Report on the Education Program (Ottawa: Department of Indian Affairs and Northern Development, 1971) [FBH-000007, p. 46], found at: https://publications.gc.ca/collections/collection_2017/aanc-inac/R5-287-1971-eng.pdf.

tuition fees, school supplies, transportation, room and board, and also providing a monthly personal allowance.

In the meantime, federal day school policy often rested upon the assumption that students would eventually be enrolled in provincial schools. As a result, federal school policies were designed to blend in with the overall integration policy. Indeed, the first duty listed in a 1963 guide for Indian day school Supervising Principals was “to promote an expanding integration program.”⁴⁰ This remained the dominant policy driver until the 1973 introduction of the “Indian Control of Indian Education” policy.

By 1962, H. M. Jones, Director of Education, could write that the federal government was either providing the facilities to pursue high school education to Indian students, or the funds necessary to pursue their education in integrated schools. Jones further wrote that Indian Affairs had assumed “some responsibility” for many years for the education of secondary students where high school facilities had been lacking. He also stated that, by 1956, Indian Affairs “had assumed the necessary cost of tuition and maintenance for all Indian children who were capable of secondary school work and who desired to have secondary school education if they had to leave home in order to obtain it.”⁴¹

Perhaps in order to further clarify the situation, around the same time, discussions had begun as to the possible revision of the Education sections of the *Indian Act*. Legal opinion was sought on various matters, including as to whether Section 113 of the *Act* was adequate enough to cover the maintenance of Indian children in private homes, adding:

It occurs to us in this connection that it may be desirable simply to amend Section 113 to make clear that the Minister may provide for the education and kindergarten training of Indians and for related maintenance, support and transportation, etc. either (1) directly, or (2) subject to the approval of the Governor in Council, by agreement with provinces, territories, school boards, religious or charitable organizations etc.; if this were done, then paragraph (b) and (c) of Section 114 would become redundant and the additional authorities

⁴⁰ “Revised Guide for Supervising Principals,” Indian Affairs Branch, Department of Citizenship and Immigration, May 1963 [FDS-000141, p. 2]. LAC RG 10 Vol. 8598 File 1/1-13-1 Pt. 8.

⁴¹ H. M. Jones, Director, to Mrs. Audrey VanSickle, Executive Secretary, The Canadian Home and School and Parent-Teacher Federation, Toronto, August 7, 1962 [FBH-002241, p. 2]. RG 10 Volume 8770 File 1/25-8 Part 6 Library and Archives Canada.

proposed in the Memorandum to Cabinet (i.e. for kindergartens etc.) would be provided.⁴²

In the end, Section 113 was not amended as proposed, and even the revised 1970 *Indian Act* retained the same “redundancy.”

In May 1967, discussions were well underway towards a revision of the *Indian Act*. Various changes were recommended by the Minister, including a revision of the education provisions “to provide or to make arrangements for the provision of all types of educational services from kindergarten to adult education for Indians.”⁴³

The 1969 White Paper suggested ending the federal government’s responsibilities to the Indigenous population of Canada, which would have transferred responsibilities for education to the provincial governments, with the stated goal of ending the discrimination implemented by the *Indian Act* and Indian status.⁴⁴ After immediate and emphatic reactions from Indigenous organizations, this proposal was withdrawn in 1970.

In the revised *Indian Act*, 1970, the sections pertaining to education were re-numbered Sections 114 to 123.

In 1985, Bill C-31 was used to amend the *Indian Act*. The purpose of that Bill was to conform with the equality rights guaranteed by Section 15 of the *Canadian Charter of Rights and Freedom* – the Charter – as it allowed women who had previously lost their Indian status to regain their status, along with their children.

3. Integrated Schools Policy

Beginning after 1928, the Department approved individual tuition grants for certain students to attend provincial high schools or provincial technical or vocational schools. This was often necessary because on-reserve schools provided elementary education only and students needed to leave the reserve to obtain secondary education. After the Second World War, Indian Affairs began to alter its policies on education to prefer systems in which Indian students would “integrate” into non-Indigenous schools at the

⁴² Secretary, to G. F. Davidson, Deputy Minister of Citizenship and Immigration, October 24, 1962 [NPC-524398]. R776-0-5 (RG 55) Vol. 407 – Book 68.

⁴³ Arthur Laing, Minister of Indian Affairs and Northern Development, to the Cabinet, May 29, 1967 [PBQ-002989, p. 3]. RG 85, Volume 1913, File R-152-9-3 Part 1 Library and Archives Canada.

⁴⁴ Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Education Branch, *Indian Education Handbook – Resources and Management Systems* (Ottawa: Department of Indian Affairs and Northern Development, 1989) [FBH-000029, p. 15].

elementary level as well. This required negotiation with the provinces to make arrangements for the federal government to cover the costs of Indian students attending provincial schools.

With the 1951 reformulation of the *Indian Act*, Indian Affairs was able to pursue and reinforce its integrated education policy. As seen above, the changes to the *Indian Act* allowed Indian Affairs to enter into agreements with the provinces or local school boards to purchase school accommodation for Indian students within provincially-run schools. At first, the mechanism used was to make agreements to pay for additional classroom space, but soon the federal government began to negotiate agreements to pay for the ongoing costs of educating Indigenous students in provincial schools. By 1958, approximately 7,330 Indian students, 19% of the on-reserve Indian student population, were attending provincial, territorial, or private schools.⁴⁵

The “joint school agreements” Indian Affairs entered into with local school boards fall into two broad categories: 1) capital agreements, in which Indian Affairs paid some or all of the capital construction costs for schools or additions to schools to accommodate Indian students, on a prorated basis; and 2) tuition agreements, normally calculated on the basis of a prorated portion of the schools’ annual operating costs. Tuition agreements were also used to negotiate and/or define responsibility for additional services such as transportation to and from school and the provision of school supplies. Until 1958, Indian Affairs negotiated only capital agreements with local school boards. In 1958, Indian Affairs obtained Treasury Board approval to enter into tuition agreements to purchase educational services for on-reserve Indian children in schools where no capital construction costs were necessary for their accommodation.

1. First Joint-School Agreements

Indian Affairs had entered a few agreements with local school boards prior to the 1951 *Indian Act*. The first joint capital contribution agreement was signed on June 3, 1949, for \$17,500.00 with the Government of the Province of Manitoba to accommodate the Nelson House Band (No. 578-313) in the Oscar Blackburn School in South Indian Lake.⁴⁶ Although no written justification has been found for the decision to enter the 1949 agreement, DIAND officials opined, in 1987, that “it was felt that this was the best way to provide quality education at an acceptable capital cost per student.”⁴⁷ In 1950, Indian

⁴⁵ Treasury Board Minute 536849, August 19, 1958 [Doc. No. 150394, p. 2]. LAC RG 55 FA 55-22 Acc. 1980-81/069, Untitled, 1948-1965 (194 boxes) Box 191 File 1703 Pt. 1, Indian Act, 1947-1960.

⁴⁶ No evidence has been found of any boarding home arrangements connected to this agreement.

⁴⁷ G. Pitsicoulis, Education Branch, “Discussion Paper Joint School Agreements,” November 2, 1987 [BHR-003032[00-04], p. 1]. File E 4932-1, UNC Vol. 2, Ann. 1, DIAND.

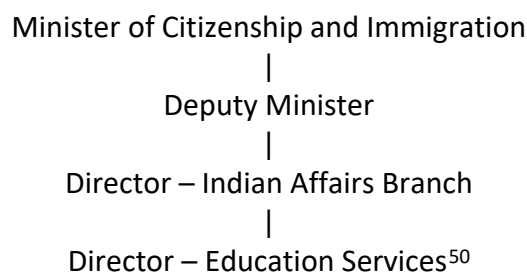
Affairs entered into a total of seven agreements with local school boards to allow on-reserve Indian children to attend provincial schools.

4. *Decision and Reporting Hierarchy*

By 1956, apart from the Headquarters staff, the Indian Educational administration and supervision came under the direction of the Regional Supervisors of the respective provinces. These Regional Supervisors thus exercised control over educational matters and six Regional Inspectors of Schools distributed as follows: 1 each for Ontario, Manitoba, Saskatchewan, and Alberta (4 in total), 1 for Quebec and the Maritimes, and 1 for British Columbia and Yukon.⁴⁸

By April 1960, educational assistance, involving educational training beyond the elementary level, necessitated individual applications and authorities. On approval of the application by the Regional Office Committee, which consisted of the Regional Superintendent of School, Social Worker, Placement Officer and Supervising Clerk, an authority for expenditure was to be requested from the Department or issued by the Regional Office.⁴⁹

As of 1964, the head of Education Services was the Director of Education, who reported as follows:



⁴⁸ Department of Citizenship and Immigration, Indian Affairs Branch, Survey of the Educational Facilities and Requirements of the Indians in Canada: Part I – General Report, 1956 [GOT-001603, p. 25]. INAC Library, E97/C34 Pt.1 c.2. Accessed online February 25, 2021, found at: https://publications.gc.ca/collections/collection_2017/aanc-inac/R5-319-1-1956-eng.pdf.

⁴⁹ A. G. Leslie, Regional Supervisor of Indian Agencies, Winnipeg, to Superintendents, Assistants and Principals, April 1, 1960 [FBH-002336, pp. 1-2]. RG 10 Volume 8774 File 501/25-8 Part 2 Library and Archives Canada.

⁵⁰ Department of Citizenship and Immigration, Indian Affairs Branch, *The administration of Indian affairs: Prepared for 1964 Federal-Provincial Conference on Indian affairs*, organization chart dated June 1, 1964 [BHR-003016, p. 7].

When the Department of Indian Affairs and Northern Development was created in 1967, the reporting structure for Education Services to the Minister remained substantially the same.

The Indian Affairs Field Manual as of November 28, 1967, represented the overall chain of reporting within the Education Branch as follows:

(d) The Regional School Superintendent is the senior education officer in the field. He is responsible to the Regional Supervisor for the efficient operation of Indian schools and for the provision of adequate educational facilities for all Indian children within the region. It is his duty to interpret the educational policy of the Department for the field officials in the region. He may delegate certain responsibilities to a District School Superintendent or Supervising Principal in those regions where school districts and special areas of supervision have been formed. The District School Superintendent and the Supervising Principal are responsible to the Regional School Superintendent for the fulfilment of those duties assigned to them. The School Superintendents and Supervising Principals will co-operate closely with the Agency Superintendents who have been assigned specific administrative duties with respect to the operation and maintenance of the schools.⁵¹

By 1968, counsellors were under the jurisdiction of the District Superintendent of Schools.⁵² The responsibilities of counsellors are discussed further in Section 6.1 below.

By 1989, the organization of the Department was still very similar to the structure put in place by the 1960s, with Regional and District Offices. Their responsibilities were divided as follows:

Headquarters is responsible for resource acquisition and allocation to the Regions. Other responsibilities include policy development and interpretation, and providing functional direction to Regional offices.

⁵¹ Indian Affairs Branch Field Manual, Chapter 11, "Education," updated to March 1963 [BHR-003009, p. 11]. No source information provided.

⁵² "Report of Meeting on the Field Organization for the Administration and Supervision of the Student Residences and Private Home Placement", October 17, 1968 [NEL-001979[01-03], p. 3]. 1/25-8, Vol. 11, 00/00/1968-00/00/1969, Headquarters – Educational assistance policy, general, Acc. 1999-01431-6, Box 67, F.A. 10-379 LAC – Ottawa.

Regions are responsible for identifying and justifying their resource requirement, based on input from District offices and/or Indian controlled organizations. Regions also allocate budgets to District offices or, in some cases, provide funds to the Indian administering organization. They also provide advice, guidance and support on education matters, and they monitor and report on education operations.

District offices are responsible for collecting and reporting of financial and student data. Districts operate Federal elementary / secondary schools, and they advise and assist Indian organizations who administer their own education programs.⁵³

5. Roles and Responsibilities

Different organizational levels exercised different roles and responsibilities. From the top, this started with the Indian Affairs Minister, while agency staff, school principals and even teachers could also be involved in the placement of Indian children in private homes. This section outlines the key positions during the 1950s and 1960s. Changes to the education program and the Boarding Home Program in the 1970s, particularly with the devolution of funding to Bands and Councils, are discussed in Sections 3 and 4 below.

1. Minister of Indian Affairs

The 1951 *Indian Act*, Sections 113 to 122, empowered the Minister of Indian Affairs to provide education services, transportation, and residence to Indian children living on-reserve.⁵⁴ Section 114 in particular empowered the Minister to provide for the education and transportation of those school-aged children:

- 114.** The Minister may
- (a) provide for and make regulations with respect to standards for buildings, equipment, teaching, education, inspection and discipline in connection with schools,
 - (b) provide for the transportation of children to and from school,

⁵³ Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Education Branch, *Indian Education Handbook – Resources and Management Systems* (Ottawa: Department of Indian Affairs and Northern Development, 1989) [FBH-000029, p. 11].

⁵⁴ Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Education Branch, *Indian Education Handbook – Resources and Management Systems* (Ottawa: Department of Indian Affairs and Northern Development, 1989) [FBH-000029, p. 14].

- (c) enter into agreements with religious organizations for the support and maintenance of children who are being educated in schools operated by those organizations, and
- (d) apply the whole or any part of moneys that would otherwise be payable to or on behalf of a child who is attending a residential school to the maintenance of that child at that school.⁵⁵

It also empowered the Minister to ensure that all children from the age of six to the age of sixteen inclusive receive an education. Section 115 states as follows:

- 115.** (1) Subject to section one hundred and sixteen, every Indian child who has attained the age of seven years shall attend school.
- (2) The Minister may
- (a) permit an Indian who has attained the age of six years to attend school,
 - (b) require an Indian who becomes sixteen years of age during the school term to continue to attend school until the end of that term, and
 - (c) require an Indian who becomes sixteen years of age to attend school for such further period as the Minister considers advisable, but no Indian shall be required to attend school after he becomes eighteen years of age.⁵⁶

A 1983 letter from the Minister of Indian Affairs to the Indian Association of Alberta provides some insight into the Department's understanding of the Educational Assistance Program as a mandatory responsibility for on-reserve students. With regard to the Minister's responsibilities, they were limited to the education of Indian children living on reserve or on Crown land, as per Sections 4(3) and 114 to 123 of the *Indian Act*. With respect to the provision of financial assistance for education, the Minister stated it should be made quite clear that:

... the provision of financial assistance for such items as room and board, tuition, books and supplies, transportation and incidental expenses was and still is considered to be *non-discretionary* for on-reserve students where they have no option but to leave home for the appropriate educational program. [emphasis added]⁵⁷

⁵⁵ *The Indian Act*, S.C. 1951, c. 29 (15 Geo. VI) [BHR-003011, p. 52]. See Section 114.

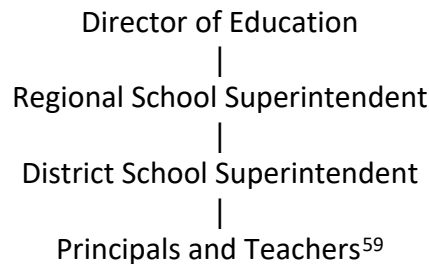
⁵⁶ *The Indian Act*, S.C. 1951, c. 29 (15 Geo. VI) [BHR-003011, p. 53]. See Section 115.

⁵⁷ John C. Munro to Ernest Crane, Indian Association of Alberta, November 14, 1983 [250729]. LAC Edmonton File 4785-2-1 Vol. 2, 12/1982-04/1984.

2. Director of Education

The Director of Education was responsible for the field organization of the education staff.⁵⁸

The Indian Affairs field manual, updated to November 1967, included guides for district school superintendents and supervising principals. An organizational chart provided the following hierarchy for supervision:



3. Regional Supervisors

The Regional Supervisor represented the Director of Education in the field, and by 1959 was asked to delegate some of his responsibilities to trusted “specialists,” who were responsible to him. However, such delegation did not relieve him of the overall responsibility for all education services.⁶⁰ By February 1960, Regional Supervisors were to provide direction to their Agency Superintendents on educational assistance matters.⁶¹

4. Regional School Superintendents

Circular No. 53 stated that “social guidance” of the student fell under the responsibility of the Regional School Superintendent. Although the circular does not indicate what is involved in social guidance, it added that the Regional Social Worker and Placement

⁵⁸ R. F. Davey, Director, Education Branch, to the Assistant Deputy Minister (Social Affairs), November 4, 1968 [FBH-004459[00-04], p. 2]. RG 10 Accession 2014-00827-2 Box 24 File 1/25-1 Part 35 Library and Archives Canada.

⁵⁹ DIAND, Guide for District School Superintendents, January 1967 [Doc. No. 019964]. Source unknown – Residential Schools Database. See p. 9 (p. 8 in original). Also see Extract from the Indian Affairs Branch Field Manual, Chapter 11, “Education,” updated to November 28, 1967 [Doc. No. BHR-003009]. Source unknown – Residential Schools Database. See Appendix DD, p. 150.

⁶⁰ DIAND, Committee “A” Organization, circa January 1959 [254978a, pp. 1-3]. Vol. 13351, File 901/1-2-2-32, pt. 1, Folder 2 of 2, Conferences – Regional Directors, 1958/12-1970/10, FA 10-138 NAC – Burnaby.

⁶¹ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, the Regional and District School Superintendents, and the Regional School Inspectors, February 15, 1960 [NCA-011701]. RG10, Vol. 8769, File 1/25-8, pt. 4 Library and Archives Canada.

Officers were to assist him in various tasks, including on matters related to home counselling.⁶²

By 1960, the Indian Affairs Branch Field Manual described the Regional School Superintendent as being the most senior education officer in the field. Within the region, he was responsible to the Regional Supervisor for the operation of the schools and the provision of adequate educational facilities for all Indian children. He could delegate certain responsibilities to a District School Superintendent or Supervising Principal where school districts had been formed.⁶³

The renamed Regional Superintendent of Education, in 1968, represented the Director of Education and was to coordinate all educational programs at the regional level.⁶⁴

5. District School Superintendents and Supervising Principals

Both district superintendents and principals were responsible to the Regional School Superintendent and were to cooperate closely with the Agency Superintendents.⁶⁵

Circular No. 205, dated October 24, 1962, was issued in order to clarify shared responsibilities between the Agency Superintendent and the District School Superintendent. Both were responsible for making a survey of the coming high school population and were to submit the District's needs to the Regional office, including recommendations regarding accommodation.⁶⁶

An appendix to the Indian Affairs Field manual (1967) titled "Guide for District School Superintendents" listed their duties and responsibilities, none of which apparently related to the supervision of the Boarding Home Program.⁶⁷

⁶² A. G. Leslie, Regional Supervisor of Indian Agencies, Winnipeg, to Superintendents, Assistants and Principals, April 1, 1960 [FBH-002336, pp. 1-2]. RG 10 Volume 8774 File 501/25-8 Part 2 Library and Archives Canada.

⁶³ Indian Affairs Branch Field Manual, Chapter 11, "Education," Amendment No. 1, September 1960 [BHR-003009, p. 11]. No source information provided.

⁶⁴ R. F. Davey, Director, Education Branch, to the Assistant Deputy Minister (Social Affairs), November 4, 1968 [FBH-004459[00-04], p. 2]. RG 10 Accession 2014-00827-2 Box 24 File 1/25-1 Part 35 Library and Archives Canada.

⁶⁵ Indian Affairs Branch Field Manual, Chapter 11, "Education," Amendment No. 1, September 1960 [BHR-003009, p. 11]. No source information provided.

⁶⁶ J. V. Boys, Indian Commissioner for B.C., to all Agency Superintendents, District Superintendents of Schools, School Principals, October 24, 1962 [VAN-046037]. E4700-1, Pt. 4, 04/11/1963-01/06/1965, General, Acc. 2013-00326-9, Box. 6, F.A. 10-650, LAC-Vancouver.

⁶⁷ Indian Affairs Branch Field Manual, Appendix DD, "Guide for District School Superintendents," Amendment No. 1, September 1960 [BHR-003009, p. 145]. No source information provided.

By 1988, in the Shellbrook District, the Education Counsellor was responsible for the “room and board program.”⁶⁸

6. Agency Superintendents

By 1960, Regional Supervisors were expected to provide direction to their Agency Superintendents on matters relating to educational assistance.⁶⁹ At the same time, they were assigned specific administrative duties by the District School Superintendents and the Supervising Principals as it related to the operation and maintenance of the schools.⁷⁰ By November 1961, Agency officials were responsible for assessing the needs as it related to the placement of Indian children in boarding homes.⁷¹

Circular No. 205, cited above, described the Agency Superintendent’s duties, as they related to educational assistance, in detail. Applications were to originate with the Agency Superintendent, and applications on behalf of high school students living in boarding homes were to be sent to the District School Superintendent by July 15 and Regional office by August 1. The Agency Superintendent was also responsible for the preparation of submissions relating to pupil transportation; however, transportation needs were to be reviewed in consultation with the District School Superintendent.⁷²

Applications for individual assistance were to be submitted on Form IA 4-49, each form to be signed by the principal of the last school attended. The Superintendent of the Indian Agency was to provide a signed statement relating to the family circumstances justifying the amount of assistance required. Each region was to assume full responsibility for the use of the allotted funds for the individual assistance. The Parliamentary Appropriation was to be divided “as equitably as possible between the various regions,” and no additional funds were available during the fiscal year.

It will be the responsibility of each region to see that the funds provided are used to the best possible advantage for the greatest

⁶⁸ “District Education Staff Responsibilities,” September 1988 [FBH-003118[01-01]. RG 10 Accession 1998-00847-9 Box 11 File E-4700-1 Part 5 Library and Archives Canada.

⁶⁹ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, the Regional and District School Superintendents, and the Regional School Inspectors, February 15, 1960 [NCA-011701]. RG10, Vol. 8769, File 1/25-8, pt. 4 Library and Archives Canada.

⁷⁰ Indian Affairs Branch Field Manual, Chapter 11, “Education,” Amendment No. 1, September 1960 [BHR-003009, p. 11]. No source information provided.

⁷¹ DIAND. Draft of Policy Governing Placement of Indian Children in Boarding Homes, circa November 1961 [FBH-000863[01-02], p. 2]. RG 10 Volume 8754 File 601/25-1 Part 3 Library and Archives Canada.

⁷² J. V. Boys, Indian Commissioner for B.C., to all Agency Superintendents, District Superintendents of Schools, School Principals, October 24, 1962 [VAN-046037]. E4700-1, Pt. 4, 04/11/1963-01/06/1965, General, Acc. 2013-00326-9, Box. 6, F.A. 10-650, LAC-Vancouver.

number of students and as their financial circumstances warrant. It will also be their responsibility to see that the encumbrance is not over-committed for expenditures which must be made within the fiscal year concerned.⁷³

7. Principals and Teachers

Supervising Principals were responsible for multiple schools, and in many cases served as the only principals, particularly in the many districts where one-room or other small schools predominated. A 1956 “Guide for Supervising Principals” stated that supervising principals were responsible to regional school superintendents for the administration and supervision of the groups of schools assigned to them. One of their duties consisted of guiding and counselling the senior students who were applying for tuition grants for higher education or vocational training.⁷⁴

By a circular dated July 30, 1958, the Department stated that it favoured the involvement of Indian Residential School Principals in placing Indian children for the summer months “since it provides the children with an opportunity of being away from institutional life for the summer months.”⁷⁵

By November 1961, the cooperation and recommendations of teachers in running the Boarding Home program was encouraged.⁷⁶

⁷³ Indian Affairs Branch Field Manual, Section 11.08 [BHR-003009, pp. 16-20]. No source information provided.

⁷⁴ Indian Affairs Branch Field Manual, Appendix CC, “Guide for Supervising Principals,” October 24, 1956 [BHR-003009, p. 138]. No source information provided.

⁷⁵ R. F. Battle, Regional Supervisor of Indian Agencies, to all Alberta Superintendents, Alberta & N.W.T. Region, and all Alberta Principals of Residential Schools [OMI-030946, p. 1]. Acc. 71.220/9187/245 Provincial Archives – Alberta.

⁷⁶ DIAND, Draft of Policy Governing Placement of Indian Children in Boarding Homes, circa November 1961 [FBH-000863[01-02], p. 2]. RG 10 Volume 8754 File 601/25-1 Part 3 Library and Archives Canada.

3. Funding

Treasury Board Minutes, Orders in Council, and other administrative instruments govern the manner in which federal expenditures are made. Federal departments may request funding for programs and services by means of a memorandum to Cabinet (MC), a Treasury Board submission (TB submission), and/or a submission to the Governor in Council (GIC submission). The differences among these three forms of authority are significant, as the Treasury Board explains:

An MC focuses primarily on the policy rationale and overall funding for a new policy or program initiative. A TB submission provides details on program design, specific costs, expected results and outcomes, and program delivery and implementation. A GIC submission seeks specific approval from the executive arm of government.

Even after a federal organization has obtained policy approval, it does not necessarily have the appropriate authority to carry out a Cabinet decision. Board or GIC approval is often also needed.⁷⁷

A Treasury Board submission is required to contain information on the source of authority to bring the submission to the Board. The source of authority may be legislation, regulations, policy, or previous approvals by the Board and/or Cabinet:

Education funding is regulated in the Financial Administration Act. The Departmental Estimates propose a budget for various Indian education services (eg. teacher salaries, books, and supplies). DIAND negotiates with the Treasury Board to determine acceptable prices for these services. Money is then allocated to the region, the district, and finally the band.

...

Indian education programs operate under the authority of Sections 4(3),⁷⁸ 69, 114-123 of the Indian Act, various Treasury Board Minutes, and Orders-in-Council. As well, the Minister of Indian Affairs can approve regulations regarding Indian education. Indian bands

⁷⁷ Treasury Board Secretariat of Canada, *A Guide to Preparing Treasury Board Submissions*, 2007 [DNL-00278]. See Section 2.2.

⁷⁸ As seen above in Section 2.1.1, Section 4(3) of the Act came into effect in 1956 in order to limit authority over educational services to Indians residing on reserve or on Crown lands.

controlling their education programs must observe the educational standards imposed by their provincial Ministry of Education.⁷⁹

1. Tuition Grants

On April 1, 1928, Indian Affairs decided that all costs of Indian education would be paid from Parliamentary appropriation in the form of tuition grants and that payments from band funds for education would not be approved.⁸⁰ By the late 1930s, however, Indian Affairs officials raised concerns that some additional funding might be required for students requiring services beyond the basic education covered by tuition grants. In some cases, the Department approved individual tuition grants for certain students. In 1938, the Superintendent of Welfare and Training informed the Indian Commissioner for British Columbia that such tuition grants were usually made on the recommendation and approval of the Indian Agents and school principals.⁸¹ In a 1940 letter from the Chief of Indian Affairs' Training Division rejecting the suggestion to approve the payment of tuition grants for high school students from band funds, the official stated:

If the practice of paying from band funds is again recognized it will mean the Department will have no control over the expenditure as quite likely every Indian belonging to the band in question will desire to have his child receive a high school education....⁸²

Early in the 1950s, IA 506 forms were completed by the Indian Superintendents when the Department was required to pay room and board for a student. The amount was charged against appropriation, as authorized by a Letter of Authority (Departmental Letter).⁸³ Some examples are discussed in Section 5.1 below.

⁷⁹ Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Education Branch, *Indian Education Handbook – Resources and Management Systems* (Ottawa: Department of Indian Affairs and Northern Development, 1989) [FBH-000029, pp. 14-15].

⁸⁰ Philip Phelan, Chief, Training Division, Welfare and Training Service, Department of Mines and Resources, Indian Affairs Branch, June 27, 1940 [Doc. No. 251099]. LAC RG10 Vol. 6487 File 42104-3 Pt. 1.

⁸¹ R. A. Hoey, Superintendent of Welfare and Training, to Major D. M. MacKay, Indian Commissioner for British Columbia, December 5, 1938 [Doc No 251071]. LAC File 871-1 Vol. 6431 Pt. 3, 05/1938-12/1944.

⁸² Philip Phelan, Chief, Training Division, Welfare and Training Service, Indian Affairs Branch, Department of Mines and Resources, to Mr. Patrick, June 27, 1940 [Doc. No. 251099]. LAC RG 10 Vol. 6487 File 42104-3 Pt. 1.

⁸³ DIAND, "Form No. I.A.506B," July 31, 1951 [FBH-011345[00-01]]. RG 10 Volume 9041 File 26/25-8 Part 3 Library and Archives Canada.

A memorandum was sent in April 1954 by the Superintendent of Education, R. F. Davey, discussing the procedures to obtain or renew tuition grants. A tuition grant was defined as follows:

A tuition grant is a sum payable on the basis of individual merit and need for the education of an Indian pupil attending a non-Indian school. The Department expects the student and parents to make the maximum contribution their circumstances will permit. In the case of high school students grants will be continued only when students successfully complete each year's studies.⁸⁴

All applications were to be signed by the principal of the last school attended and by the Indian Superintendent and were to be submitted before August 1st of each year.

Significantly, a tuition grant could be used to pay for room and board in private homes, as well as tuition. Davey reported complaints received by the Department about delays relating to “payment of board and lodging for pupils enrolled in non-Indian schools and living in private homes.”⁸⁵

A similar memorandum was sent out in 1957. The definition of a tuition grant had been updated in order to emphasize the fact that students and parents were expected to contribute:

A tuition grant is a sum payable on the basis of individual need and merit for an Indian pupil attending a non-Indian school, and the Department expects the student and parents to make the maximum contribution which their circumstances will permit.⁸⁶

The 1957 instructions added that when an existing grant was renewed, only a letter from the Agency Superintendent was necessary, along with an enclosed statement from

⁸⁴ R. F. Davey, Superintendent of Education, Indian Affairs Branch, Ottawa, to the Indian Commissioner for B.C., all Regional Supervisors, the Indian Superintendents, Agents and Regional Inspectors of Indian Schools, April 13, 1954 [FBH-001579]. RG 10 Volume 8955 File 55/25-8 Part 1 Library and Archives Canada.

⁸⁵ R. F. Davey, Superintendent of Education, Indian Affairs Branch, Ottawa, to the Indian Commissioner for B.C., all Regional Supervisors, the Indian Superintendents, Agents and Regional Inspectors of Indian Schools, April 13, 1954 [FBH-001579]. RG 10 Volume 8955 File 55/25-8 Part 1 Library and Archives Canada.

⁸⁶ R.F. Davey, Superintendent of Education, Indian Affairs Branch, Department of Citizenship and Immigration, to the Indian Commissioner for B.C., Regional Supervisors of Indian Agencies, and Superintendents of Indian Agencies, April 1, 1957 [FBH-001981]. RG 10 Volume 11452 File 494/25-8 Part 1 Library and Archives Canada.

the school attesting about the success of the student. In the case of a new application, Form IA 4-49 was to be completed and forwarded to the Regional Office. Since funds were limited, Indian Affairs officials were warned that extreme care would have to be taken in determining the amount of tuition required, and that, other than in the most urgent cases, the grants should not be expended on items such as noon lunches, personal expenses, or transportation, which should be met by the parents of students themselves. The memorandum also noted that as of April 1, 1957, the Welfare Division would assume responsibility for the purchase of clothing for students with approved tuition grants.⁸⁷

Forms IA 4-49 “Application for Tuition Grant” were usually completed and signed by the Teacher or the School Principal and then recommended for approval or refusal by the Indian Superintendent. Part D, “Remarks of Indian Superintendent,” usually indicated if the parent or the legal guardian was able to provide some kind of financial assistance to the child. Remarks written by Superintendents show that the parents or guardians were requested to assist with education, transportation, personal allowance, or clothing costs.⁸⁸

Tuition grants during the 1958-59 school year were authorized under Vote 526-42-804 for students attending non-Indian Day Schools from Grades 9-12, while “Indian students attending non-Indian schools from Grades one to eight inclusive were not covered by an authority for expenditure issued from the regional Office.”⁸⁹ A memorandum sent in April 1959 informed that “authority 60 0416 under file 217/25-8 (E11)” authorized tuition grants for students from Grades 1-12 “regardless of whether they are in elementary or high schools.”⁹⁰

⁸⁷ R. F. Davey, Superintendent of Education, Indian Affairs Branch, Department of Citizenship and Immigration, to the Indian Commissioner for B.C., Regional Supervisors of Indian Agencies, and Superintendents of Indian Agencies, April 1, 1957 [FBH-001981]. RG 10 Volume 11452 File 494/25-8 Part 1 Library and Archives Canada.

⁸⁸ DIAND, Application for Tuition Grant, August 4, 1959 [VAN-055073. 25-8, Pt. 5, 07/01/1959-01/31/1960, Tuition grants, Acc. 1989-90/101, Box 41, F.A. 10-151, LAC-Vancouver.

⁸⁹ A. G. Leslie, Assistant Regional Supervisor, Manitoba, to the Indian Affairs Branch, Ottawa, April 17, 1959 [NEL-002039]. 501/25-8, Pt. 1, 1951-1959, Manitoba – General Correspondence regarding Educational Assistance for Indians, Perm. Vol. 8774, F.A. 10-28, Reel C-9708, LAC – Ottawa.

⁹⁰ A. G. Leslie, Assistant Regional Supervisor, Manitoba, to the Indian Affairs Branch, Ottawa, April 17, 1959 [NEL-002039]. 501/25-8, Pt. 1, 1951-1959, Manitoba – General Correspondence regarding Educational Assistance for Indians, Perm. Vol. 8774, F.A. 10-28, Reel C-9708, LAC – Ottawa.

Educational Assistance was eventually authorized by an Order in Council dated November 20, 1958. And on February 15, 1960, Indian Affairs sent out a circular stating that the term “Educational Assistance” was to replace the term “tuition grant.”⁹¹

2. Authorization of Educational Assistance, 1958

The 1950s saw an increase in the number of Indian students enrolled in reserve schools. That period also experienced an increase in the educational advancement of the Indian students. Overall, the reserve schools came to be unable to meet both increased demands.

On August 19, 1958, Indian Affairs sought authority to enter into agreements with provincial non-Indian schools for the education of Indian students in elementary and high school grades when capital construction costs were not involved. At the same time, Indian Affairs sought formal authority for its practice of providing financial assistance, including funding for room, board, and allowances to Indian students in non-Indian schools.⁹²

In addition to the tuition fees, it sought authority to pay the costs of books and supplies; the cost of transportation from the place of residence to the school and return; the cost of partial or total room and board; and the cost of providing students with a monthly personal allowance to cover carfare, laundry, and other incidental expenditures in connection with their education. This Treasury Board Minute noted that such educational assistance was “in accordance with the intent of the *Indian Act* under which similar treatment is provided to Indian students attending Indian Day or Residential Schools,”⁹³ and remarked that the junior and high school population had been increasing at a fast rate over the last eight years.

Additionally, Indian Affairs sought authority to extend financial assistance to senior Indian students in professional, vocational, and other special courses, including students attending universities, teachers’ and nurses’ training courses, commercial and trade courses. While many of these senior students were probably adults attending post-secondary institutions, there were children under the age of 18 that attended vocational

⁹¹ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, the Regional and District School Superintendents, and the Regional School Inspectors, February 15, 1960 [NCA-011701]. RG10, Vol. 8769, File 1/25-8, pt. 4 Library and Archives Canada.

⁹² Treasury Board Minute 536849, August 19, 1958 [Doc. No. 150394, p. 2]. LAC RG 55 Acc. 1980-81/069 Box 191 File 1703 Pt. 1, Indian Act, 1947-1960.

⁹³ Treasury Board Minute 536849, August 19, 1958 [Doc. No. 150394, p. 2]. LAC RG 55 FA 55-22 Acc. 1980-81/069, Untitled, 1948-1965 (194 boxes), Box 191 File 1703 Pt. 1, Indian Act, 1947-1960.

schools.⁹⁴ Indian Affairs explained that the *Indian Act* did not provide for agreements with private educational institutions that were not of a religious or charitable nature; as a result, Indian parents or the students were expected to pay the full or partial cost of these courses. However, Indian Affairs recognized that in many instances it was necessary to provide financial assistance to enable the students to undertake such courses. The financial assistance would cover the same categories offered to Indian students in non-Indian elementary and high schools, namely tuition, books, supplies, transportation, room and board, and personal allowances for incidental expenditures.⁹⁵

1. Order in Council P.C. 1958-8/1578

On November 20, 1958, the Governor General in Council approved Indian Affairs' practice, which was acknowledged to have been in effect for a "number of years," of providing educational assistance to Indians receiving "educational and professional training of various types at non-Indian schools."⁹⁶ Partial or total transportation costs, as well as room and board, were often necessary when students had to leave their homes or travel some distance to attend educational institutions. The Treasury Board also noted that it had "recently been found essential"⁹⁷ to grant monthly allowances to cover miscellaneous expenses such as carfare, laundry, and other incidentals to some orphans or students from poor families.⁹⁸ As a result, the Treasury Board agreed to establish the Educational Assistance Program, which would be paid from the Department's Education Vote, No. 74, on behalf of Indians in training. The estimate for the 1958 fiscal year was \$850,000 and was expected to increase by approximately 20% annually. The OC stated as follows:

That for a number of years it has been the practice of the Indian Affairs Branch to render financial assistance to Indians, to help them receive educational and professional training of various types at non-Indian schools;

⁹⁴ DIAND's definition of the terms "junior" and "senior" students may have changed through time. Approximately, junior students were below age 16 or 17 and below Grade 9 or 10, and senior students were both over the age of 15 or 16 and above Grade 8 or 9.

⁹⁵ Treasury Board Minute 536849, August 19, 1958 [Doc. No. 150394, p. 3]. LAC RG 55 FA 55-22 Acc. 1980-81/069, Untitled, 1948-1965 (194 boxes), Box 191 File 1703 Pt. 1, Indian Act, 1947-1960.

⁹⁶ Order in Council P.C. 1958-8/1578, November 20, 1958 [VAN-045053[01-01], p. 2]. 773/25-8, Pt. 3, 04/01/1969-12/31/1970, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

⁹⁷ Order in Council P.C. 1958-8/1578, November 20, 1958 [VAN-045053[01-01], p. 3]. 773/25-8, Pt. 3, 04/01/1969-12/31/1970, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

⁹⁸ Order in Council P.C. 1958-8/1578, November 20, 1958 [VAN-045053[01-01], p. 3]. 773/25-8, Pt. 3, 04/01/1969-12/31/1970, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

That payments have been necessary for tuition fees and school supplies for most Indians above the elementary and in some cases at the elementary, school level;

That partial or total transportation costs and board and room have often been necessary when the student had to leave his home to receive training, or if his home was some distance from the educational institution attended;

That it has recently been found essential, on occasion, when the student is an orphan or his family is poor, to provide a monthly personal allowance to cover such miscellaneous expenses as carfare, laundry and other incidentals;

That the cost of this programme for the present fiscal year is estimated at \$850,000 and may be expected to increase by approximately 20 per cent annually if the present trend continues. [emphasis added]⁹⁹

Empowered by the Section 113 of the *Indian Act*, which authorized the Minister to enter into agreements for the educational training of Indians with the government of a province, the council of the Northwest Territories, the council of the Yukon Territory, a public or separate school board, and with a religious or charitable organization, the Privy Council further recommended that authority be granted:

(1) to pay from the Education Vote, No. 74, of the Department of Citizenship and Immigration, on behalf of Indians in training:

(a) the cost of tuition, books and supplies;

(b) the cost of transportation for the student from his place of residence to the school and return;

(c) the cost of partial or total board and room (according to the financial circumstances of the parents or student) while attending an institution of learning;

⁹⁹ Order in Council P.C. 1958-8/1578, November 20, 1958 [VAN-045053[01-01], pp. 2-3]. 773/25-8, Pt. 3, 04/01/1969-12/31/1970, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

(d) the cost of providing the student with a monthly personal allowance to cover carfare, laundry and other incidental expenditures in connection with his educational training;

and,

(2) to enter into agreements, exclusive of agreements requiring payment of lump sums for capital expenditures, with the authorities mentioned in Section 113(b) of the Indian Act, for the educational training of Indians. [emphasis added]¹⁰⁰

2. The Educational Assistance Program

With the 1958 Treasury Board approval of the Educational Assistance Program, Indian Affairs had authority to pay for room and board for students attending non-Indian schools while staying at boarding homes. In addition to the payment of room and board, Indian Affairs obtained authority to pay the costs of tuition fees, books and supplies, transportation from the place of residence to the school and return, and the cost of providing students with a monthly personal allowance to cover carfare, laundry, and other incidental expenditures in connection with their education. While payments for tuition, books, and supplies to Indian children attending elementary joint schools could be arranged without individual authority or application, applications were still required for other forms of assistance, such as room and board. These forms of assistance were intended for students “beyond the elementary level.”¹⁰¹ In 1961, the Educational Assistance Program was expanded to include assistance for clothing, based on the financial circumstances of the student and the institution being attended.

When Indian students had to be placed in private homes, an Application for Educational Assistance had to be completed and secured by the Agency Superintendent.¹⁰² On approval of the application by the Regional Office Committee, which consisted of the Regional Superintendent of School, Social Worker, Placement Officer, and Supervising Clerk, an authority for expenditure was to be requested from the Department or issued by the Regional Office. For the school year 1959-60, these students were covered by

¹⁰⁰ Order in Council P.C. 1958-8/1578, November 20, 1958 [VAN-045053[01-01], p. 3]. 773/25-8, Pt. 3, 04/01/1969-12/31/1970, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

¹⁰¹ A. G. Leslie, Regional Supervisor of Indian Agencies, Winnipeg, to Superintendents, Assistants and Principals, April 1, 1960 [FBH-002336, pp. 1-2]. RG 10 Volume 8774 File 501/25-8 Part 2 Library and Archives Canada.

¹⁰² A. G. Leslie, Regional Supervisor, Manitoba, to all Superintendents, June 6, 1961 [VAN-046854]. 128/25-8, Pt. 1, 01/01/1961-03/31/1963, Indian Education – Educational Assistance – Tuition Grants, Acc. 2001-01036-2, Box 1, F.A. 10-481, LAC-Winnipeg.

Department authorities under E.R. 67.¹⁰³ Financial assistance could be provided in one or several of the following categories: a monthly personal allowance of up to \$15.00; local daily transportation from the place of residence to the school; board and room, not to exceed \$65.00; clothing if necessary and special clothing if applicable; and tools if applicable.¹⁰⁴

Circular No. 34 in February 1960, reported that headquarters was maintaining a key-card system for every Indian student who received financial assistance for educational training above the elementary level. As long as the student was pursuing his studies at the same school, no new application was required; a new form was required only if the course or the school had been changed. If the amount of assistance needed to be revised, a supplementary Authority for Expenditure was to be issued, “using the same authority number with the letter “A” added as a suffix;” the letter “B” would be added in the case of an additional revision.¹⁰⁵ In order to insure that “deserving” students received the necessary funds, “parents and/or students who can afford to pay part of the cost must be persuaded to do so. ... Surely the student or the parents can provide funds for such incidental expenses in most cases.”¹⁰⁶ The circular also instructed to number the Authorities for Expenditures chronologically from April 1, 1960, prefixed by the Regional Office code number; additionally, to avoid duplicates, the year was to be added. The letter “E” would identify authorities issued by Branch Headquarters. Records were to be maintained according to instructions sent with circulars 112 and 117.¹⁰⁷

In March 1960, under Treasury Board Minute No. 547716, Education services were extended to non-Indians living on Indian reserves or in Indian communities.¹⁰⁸ Included

¹⁰³ While the exact meaning of an “E.R.” number has not yet been confirmed, in this context it appears to have indicated that high school students were funded through one allocation, while vocational and post-secondary students were funded through a different one.

¹⁰⁴ A. G. Leslie, Regional Supervisor of Indian Agencies, Winnipeg, to Superintendents, Assistants and Principals, April 1, 1960 [FBH-002336, pp. 1-2]. RG 10 Volume 8774 File 501/25-8 Part 2 Library and Archives Canada.

¹⁰⁵ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, the Regional and District School Superintendents, and the Regional School Inspectors, February 15, 1960 [NCA-011701]. RG10, Vol. 8769, File 1/25-8, pt. 4 Library and Archives Canada.

¹⁰⁶ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, the Regional and District School Superintendents, and the Regional School Inspectors, February 15, 1960 [NCA-011701]. RG10, Vol. 8769, File 1/25-8, pt. 4 Library and Archives Canada.

¹⁰⁷ Circular 112 has not yet been located.

¹⁰⁸ As a legacy of pre-Confederation British policy, Indian Affairs may have distinguished between Indians living on Indian Reserves, i.e., on lands set aside for Bands by the Canadian government and managed under the *Indian Act*, and Indian communities not living on such Reserves but recognized as forming Indian Bands by other Indian people. See Ken Brown, *The Historical Development of the Indian Act*, 3rd Edition, Volume 2: 1951-2006, Ed. John F. Leslie (DIAND: Claims and Historical Research Centre, Special Claims, 2007) [BHR-003013].

in this new category were the Indian children of a woman who would have lost her Indian status through marriage or enfranchisement. Additionally, it included non-Indian children of women of Indian status “i.e., illegitimate children of non-Indian fathers or non-Indian children of a woman who becomes Indian by marriage.”¹⁰⁹ Provisions covered clothing, equipment, personal allowances to students who lived away from home for educational reasons, as well as costs of private board and lodging for educational purposes.¹¹⁰

A memorandum in June 1961 explained that the same application form was used for students attending provincial high schools and for students of elementary or high school level requiring placement in private homes. In order for the Branch to get authority for placement, it was pointed out that the parent’s signature was of the utmost importance, adding:

[a]s there is no special space for such signature, we would request that the responsible parent or guardian sign Section 1, Part C on this form. A parent’s signature on the form will indicate the parent’s wish to obtain Educational Assistance for their child and gives the Department the necessary authority to place the child in whatever lodging is regarded as satisfactory.¹¹¹

An Alberta Regional Supervisor wrote in November 1962 that Band funds could be used to assist the children financially. Provided consent had been obtained from the individual or from the parent, the Regional Supervisor stated that “in most cases” payments from the Band had been used as personal allowance and travel allowance, though he added that such contribution could be used towards paying for board, room, books, etc.¹¹² Further correspondence shows that the Blood Band provided a contribution for clothing, as described in Section 3.7.

In 1963, the Treasury Board consolidated several authorities relating to capital contribution agreements, which included the 1958 authority for the Educational

¹⁰⁹ Secretary to Laval Fortier, Deputy Minister of Citizenship and Immigration, March 17, 1960 [FBH-003077[04-06]]. RG 10 Accession 1995-96/144 Box 1 File 4700-10 Part 3 Library and Archives Canada.

¹¹⁰ Louis Gilbert. Areas of Jurisdiction – Education, May 14, 1987 [ISP-01147, p. 6]. INAC File NCR-E 4700-1 UNC Vol. 16.

¹¹¹ A. G. Leslie, Regional Supervisor, Manitoba, to all Superintendents, June 6, 1961 [VAN-046854]. 128/25-8, Pt. 1, 01/01/1961-03/31/1963, Indian Education – Educational Assistance – Tuition Grants, Acc. 2001-01036-2, Box 1, F.A. 10-481, LAC-Winnipeg.

¹¹² L. C. Hunter, Regional Supervisor, Alberta, to the Superintendent, Blood Indian Agency, November 26, 1962 [VAN-046753]. 103/25-8, Pt. 6, 10/15/1962-09/07/1965, Tuition Grants, Acc. 1994-95/653, Box 6, F.A. 10-463, LAC-Ottawa.

Assistance Program. Treasury Board decided to remove the authority for educational assistance from the Order in Council. It stated that providing assistance such as support, maintenance, and transportation assistance to Indians attending joint schools away from home was “more appropriately considered simply as a cost of ‘Education’ and thus covered by the Education Vote; accordingly, this assistance could be covered in a T.B. Minute or letter.”¹¹³ Therefore, the March 9, 1963, Order in Council, which consolidated the previous authorities for capital contribution costs and tuition fees, included the cancellation of several authorities, including the November 20, 1958, Order in Council, which had originally authorized the Educational Assistance Program. Additionally, it cancelled the following Orders in Council: P.C. 1961-3/1 of January 5, 1961; P.C. 1961-3/366 of March 16, 1961; and P.C. 1961-3/1334 of September 21, 1961.¹¹⁴

The Treasury Board authorized by letter T.B. No. 601776 dated March 1, 1963, the continuation of payments in respects of Indians in training for transportation, partial or total board and room, personal allowances, and clothing.¹¹⁵

By 1963, a new and revised Form IA 4-49 was in circulation, which had been renamed “Application for Educational Assistance.” A memorandum sent out in June 28, 1963, explained in detail how these forms were to be completed.¹¹⁶ Financial assistance was divided between two votes, 528 and 529, the second vote covering “costs in connection with the student,” including board and room, clothing, personal allowance, and transportation. Parental or student contribution was to be indicated, as well as any Band contribution, explaining precisely how the Band was contributing.

Circular No. 123, in March 1965, mentioned that program budgeting was soon to be introduced, meaning that the Regional Superintendents of Schools were going to be responsible for the preparation of the Education estimates for their regions. The implementation of this new policy was tentatively planned “at least in part next year,” adding:

¹¹³ Treasury Board List Précis TB 601776, February 14, 1963 [NPC-520957a]. LAC R776-0-5 (RG 55) Vol. 273 T.B. #601776.

¹¹⁴ Order in Council P.C. 1963-5/382, March 9, 1963 [NEL-001991]. 6-21-1, Vol. 3, [Ctrl #25-1], Indian Residential Schools Resolution Registry. Note that P.C. 1961-3/1 of January 5, 1961, is not discussed in this report and does not appear to relate to the Boarding Home Program.

¹¹⁵ C. J. Mackenzie, Assistant Secretary, Treasury Board Secretary, to H. M. Jones, Acting Deputy Minister of Citizenship and Immigration, Ottawa, March 1, 1963 [FBH-007435]. RG 10 Accession 1999-01431-6 Box 67 File 1/25-8 Part 10 Library and Archives Canada.

¹¹⁶ L. C. Hunter, Regional Supervisor, Alberta, to the Agency Superintendents, Alberta, A. MacKinnon, F. N. Dew, W. Walcer, J. E. Kerans, E. S. Hunter, and the Teacher/Counsellor, Blood Agency, June 28, 1963 [VAN-076156]. 103/25-8, Pt. 6, 10/15/1962-09/07/1965, Tuition Grants, Acc. 1994-95/653, Box 6, F.A. 10-463, LAC-Ottawa.

This will require careful planning on the part of each Regional Superintendent of Schools as it will be his responsibility to s-t [sic] up the Education organization, develop the administrative procedures and provide in his annual estimates for the necessary staff. ...

It should be noted that when preparing annual estimates for the Education programme, all phases of it, including capital programs, should be discussed with and reviewed by the Regional Supervisor to determine clearly that they fit harmoniously into the overall long term Indian Affairs plans for the region.¹¹⁷

By May 1966, decisions on the allocation of funds for the Educational Assistance Program had been decentralized to regional and district responsibility centres.¹¹⁸

Decisions on funding for private boarding homes were based on information collected through three forms: 1 – Preliminary Applications for Educational Assistance; 2 – Applications for Educational Assistance (Form IA 4-49, discussed above); and 3 – Student Progress Reports. The Director of Education Services commented:

While these procedures may appear unduly burdensome at first glance, it must be realized that the educational assistance program is involving rapidly increasing expenditures and that this requires complete records or evaluation and accountability for these expenditures is made impossible.¹¹⁹

In a September 1970 memorandum, a District Superintendent of Education described the five programs involving either the financial assistance or the placement of students falling under the general rubric of educational assistance:

¹¹⁷ R. F. Battle, Assistant Deputy Minister, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, and the Regional Superintendents of Schools, March 23, 1965 [NEL-001996]. Series 'B' Yellow, JL103.C3777 v. B2 c.2, AANDC.

¹¹⁸ R. F. Davey, Director, Education Services, to all Regional Superintendents of Schools, Regional Superintendents of Vocational Training and Special Services, District Superintendents of Schools and Supervising Principals, May 25, 1966 [NEL-002061[00-03]]. 1/25-8, Pt. 8, 00/00/1965-00/00/1966, Headquarters – Educational assistance policy, general, Acc. 1999-01431-6, Box 67, F.A. 10-379 LAC – Ottawa.

¹¹⁹ R. F. Davey, Director, Education Services, to all Regional Superintendents of Schools, Regional Superintendents of Vocational Training and Special Services, District Superintendents of Schools and Supervising Principals, May 25, 1966 [NEL-002061[00-03]]. 1/25-8, Pt. 8, 00/00/1965-00/00/1966, Headquarters – Educational assistance policy, general, Acc. 1999-01431-6, Box 67, F.A. 10-379 LAC – Ottawa.

- Program 1 – Education Allowance paid to students living at home and attending school off the reserve. ...
- Program 2 – **Home Placement Program** where students are placed in private homes with their board and room paid for them, clothing purchased by Purchase Orders and allowances paid to the student each month. Program includes placement of students in non-federal student residences. ...
- Program 3 – Student Residence Program – This program refers to federally-operated Student Residences and in some cases includes the payment of allowances to students and the issue of Purchase Orders for clothing. ...
- Program 4 – **Earned Income Program** – This program is similar to Program 2 but students have more involvement in the selection of their home and are issued with bi-monthly cheques to cover the cost of board and room, clothing and allowance. ...
- Program 5 – Post School Program includes costs relative to the attendance of students at university, community colleges and trade schools. [emphasis added]¹²⁰

The Earned Income Program is detailed in Section 3.6. This program received Treasury Board approval in 1968 and was specifically designed to cater to senior students. According to DIAND officials, the program’s goal was to advance the student’s personal development and instill self-respect. The key difference between the two programs – the Home Placement Program and the Earned Income Program – being that in the latter the student had more involvement in the selection of the boarding home.

The students were to complete a form if applying for assistance for any of the five programs listed above (a handwritten note states that Form IA 352 had been replaced by “new Man. form”). Besides, a regional education district could demand the completion of an additional form. For instance, the Western Manitoba Education District imposed the completion of ‘WMED Form No. 25’ for students leaving their isolated reserve for the first time, in order to attend junior or senior high school in an urban centre.¹²¹

¹²⁰ J. R. Wright, District Superintendent of Education, Dauphin, to Guidance Counsellors, Administrators, Principals, Adult Education Supervisors, and School Committee Chairmen, September 21, 1970 [NEL-001887[00-04], p. 1]. 501/25-8, Vol. 3, 09/01/1967-07/31/1974, Indian Education – Educational Assistance – General, Acc. W1986-87/083, Box 3, F.A. 10-131 LAC – Winnipeg.

¹²¹ J. R. Wright, District Superintendent of Education, Dauphin, to Guidance Counsellors, Administrators, Principals, Adult Education Supervisors, and School Committee Chairmen, September 21, 1970 [NEL-001887[00-04], p. 2]. 501/25-8, Vol. 3, 09/01/1967-07/31/1974, Indian Education – Educational Assistance – General, Acc. W1986-87/083, Box 3, F.A. 10-131 LAC – Winnipeg.

All eligible reasons for admitting students to Programs 2, 3, or 4 were placed under five categories:

- 1 – lack of school or appropriate grade level in the home community;
- 2 – absence of the parents on excess of three months during the school year;
- 3 – unsatisfactory home environment upon statement by a qualified official that no foster home could be located;
- 4 – placement necessary in order to receive proper medical care as recommended by a doctor or a nurse; and
- 5 – placement in an educational program not available in the home community.

Placement priority was given first to students falling under Category 1 and for “students who are age 15 or over or will be in Grade 8 or over and who plan to continue their education in the same community and who are making satisfactory progress in school.”¹²² Second priority was given to students in Category 2, third priority to students in Categories 4 and 5, and the fourth priority – the lowest – to students living in an unsatisfactory home environment along with “[s]tudents noted in First, Second and Third Choice above who are not making satisfactory progress in school, or who are requesting transfer from one community to another.”¹²³ The Circular even contained a table matching each one of the regional bands with locations recommended for placement, for instance suggesting as locations Guy Student Residence or The Pas private homes for the Barren Lands, Mathias Colomb, and Granville Lake Bands.

In July 1971, a memorandum reminded all the Guidance Counsellors of the Western Manitoba Education District, that no educational assistance payments were to be made without the completion and approval of an Application for Educational Assistance. It also added that, starting in 1971-72, all cheques for Programs 1-5 were to be made payable to a student. No cheques would be made payable to Guidance Counsellors.¹²⁴ This appears to suggest that students living in boarding homes were to

¹²² J. R. Wright, District Superintendent of Education, Dauphin, to Guidance Counsellors, Administrators, Principals, Adult Education Supervisors, and School Committee Chairmen, September 21, 1970 [NEL-001887[00-04], p. 4]. 501/25-8, Vol. 3, 09/01/1967-07/31/1974, Indian Education – Educational Assistance – General, Acc. W1986-87/083, Box 3, F.A. 10-131 LAC – Winnipeg.

¹²³ J. R. Wright, District Superintendent of Education, Dauphin, to Guidance Counsellors, Administrators, Principals, Adult Education Supervisors, and School Committee Chairmen, September 21, 1970 [NEL-001887[00-04], p. 4]. 501/25-8, Vol. 3, 09/01/1967-07/31/1974, Indian Education – Educational Assistance – General, Acc. W1986-87/083, Box 3, F.A. 10-131 LAC – Winnipeg.

¹²⁴ J. R. Wright, District Superintendent of Education, Dauphin, to Guidance Counsellors, July 1971 [VAN-045823]. 506/25-8, Pt. 1, 05/04/1971-12/08/1971, Indian Education – Educational Assistance – General, Perm. Vol. 13631, F.A. 10-158, LAC-Winnipeg.

be made responsible for all payments to boarding house operators, although it is not clear whether this instruction was implemented.

In August 1971, Educational Assistance was available for students in four categories, including Group B: 'Students who attend school from a Boarding Home.' Provision for students to travel home at Christmas had been approved by the Minister on July 5, 1971, and clothing for Group B was provided from Education funds.¹²⁵

Effective January 1, 1976, DIAND was to distribute up to \$100 per student per month for Boarding Allowances, which represented an increase of \$25 from the previous amount.¹²⁶ In 1977, monthly boarding home payments were increased from \$125 to \$130 in the Interlake Area.¹²⁷

In 1980, DIAND made a commitment to the Treasury Board that standards of service would be developed for its non-discretionary education programs.¹²⁸ Draft documents prepared by the British Columbia Regional Office suggested that DIAND set standards for both federal day schools and Band-operated schools for the following five categories: 1) Instruction; 2) Maintenance of Students; 3) Transportation; 4) Curriculum Development; and 5) Committee & Boards. Under heading of "Maintenance of Students," the draft stated that a Board Home Support rate was to be established locally to reflect the local rate for non-Indian students, and eligibility would be based upon the 1971 Education Assistance Policy, which would require updating.¹²⁹

Upon raising doubt that there was no proper authority allowing the provision of grants to individual Indian and Inuit students for allowances to pay for room and board,

¹²⁵ G. D. Cromb, Director, Education Branch, DIAND, to all Regional Directors, Indian and Eskimo Affairs, and to the Regional Superintendents of Education, the District Superintendents of Education and the Counsellors, August 10, 1971 [018253]. RG10, Box A-18, Accession V.85-86/476, File 989/25-8, Indian Education, Educational Assistance – General, NAC. Transportation to allow students to go home for holidays is discussed in Section 5.5 below.

¹²⁶ J. L. Canty, Superintendent, Administrative Services, Department of Education, Victoria, November 24, 1975 [VAN-020000]. 25-1 EAC, 01/01/1980-12/31/1980, Indian Education – Administration Circulars, Acc. 1994-95/472, Box 2, F.A. 10-136, LAC-Vancouver.

¹²⁷ R. Brown, Education Counsellor, Interlake Area, to the Boarding home parents of students on the educational assistance program in the Interlake Area, December 13, 1976 [VAN-046325]. 501/25-8, Pt. 12, 10/01/1976-08/31/1977, Educational Assistance, Acc. 2000-01170-5, Box 3, F.A. 10-572, LAC-Winnipeg.

¹²⁸ A. H. Friesen, Director, Education, British Columbia Region, to all District Managers, October 17, 1980 [VAN-082331[00-09]]. 975/25-1, 01/01/1979-12/31/1981, Indian Education – General, Acc. 2007-00592-1, Box 4, F.A. 10-138, LAC-Vancouver.

¹²⁹ DIAND, Federal School – Standards, circa October 1980 [VAN-082331[02-09], p. 2]. 975/25-1, 01/01/1979-12/31/1981, Indian Education – General, Acc. 2007-00592-1, Box 4, F.A. 10-138, LAC-Vancouver.

transportation and incidental school supplies, the 1982-83 funds dedicated to that purpose had been frozen by Treasury Board. A Treasury Board Submission was now issued, showing that sufficient authority did exist, stating that Treasury Board 763729 of April 4, 1979, had already approved the terms and conditions determining the eligibility of this class of recipients.¹³⁰ The submission was approved on March 17, 1983; grants were to be charged to Vote 15.¹³¹

By 1989, Student and Educational Support Services were largely administered by the Canadian Indigenous community: “[i]n 1987-88, approximately 90% of the program budget was controlled by Indian administrators.” Student Support Services represented 2.9% of the total DIAND Budget for 1987-88, that was \$89.8 million.¹³²

DIAND’s 1989 Indian Education Handbook reported that an Education Database Management System (EDMS) had been put in place which contained “financial and student enrolment information about education services, including program delivery, per student costs, and total costs for each service.”¹³³ The data’s source came from the Financial Resource information submitted by the regions to Headquarters. These regional submissions reported expenditures from the previous fiscal year, along with estimates for coming years. This information was used by Headquarters in order to produce reports showing the cost of various education services. A summary would then be used to form DIAND’s Multi-year Operation Plan submission to Treasury Board.

3. The Boarding Home Program

With the 1958 approval of the Educational Assistance Program, Indian Affairs had authority to pay for room and board for students attending schools while staying at boarding homes.

As far as the Province of Saskatchewan was concerned, the Regional Supervisor wanted to align the new program’s policy with that of provincial welfare services. Consequently, rates were to follow the Department of Social Welfare’s: \$1.10 a day per child under 13 years; \$1.25 a day per child 13 and up; and up to \$2.00 for special care. A clothing allowance would also be provided, and the family allowances of the child would be

¹³⁰ Treasury Board List Précis TB 784751, March 11, 1983 [ISP-03663]. LAC RG 55 VOL 21804 File TB # 784751.

¹³¹ Treasury Board Minute 784751, March 17, 1983 [ISP-03666]. LAC RG 55 VOL 21804 File TB # 784751.

¹³² Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Education Branch, *Indian Education Handbook – Resources and Management Systems* (Ottawa: Department of Indian Affairs and Northern Development, 1989) [FBH-000029, p. 21].

¹³³ Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Education Branch, *Indian Education Handbook – Resources and Management Systems* (Ottawa: Department of Indian Affairs and Northern Development, 1989) [FBH-000029, p. 40].

made available to the foster parents, based on the understanding that the child would receive a monthly personal allowance.¹³⁴

A circular in November 1961 asserted that the boarding home owners across the country were receiving higher rates for accommodation for Indian children than foster home owners were receiving from governmental and private agencies. The circular also reported the lack of uniformity between rates paid for children placed for welfare reasons and children placed for educational purposes. Therefore, the Department was looking into equating these rates. Where foster homes were controlled by a Licensing Act, it sought advisability on the feasibility of having the boarding homes comply with such regulations.¹³⁵

The reduction in the number of students which an Indian residential school was allowed to accommodate may have put some extra pressure on regional Indian Affairs staff.¹³⁶ As a consequence of such a reduction, additional private homes in urban centres needed to be found, if possible, in order to accommodate students who normally could have stayed at the residential school while attending a provincial school.¹³⁷

While Indian Affairs preferred to place younger children in residential schools, by February 1967 there were approximately 4,000 students in boarding homes for educational purposes. DIAND expected that number to double within the next five

¹³⁴ N. J. McLeod, Regional Supervisor, Indian Agencies, Saskatchewan, to all Superintendents and Assistants, Indian Agency, and all Indian Missionaries, September 25, 1959 [VAN-030032]. 701/25-8, Pt. 1, 12/01/1959-12/31/1969, Educational assistance – General, Acc. 1985-86/137, Box 9, F.A. 10-135, LAC-Ottawa.

¹³⁵ H. M. Jones, Director, Indian Affairs Branch, to the Regional Supervisors, and the Indian Commissioner for B.C., November 20, 1961 [FBH-002266]. RG 10 Volume 8770 File 1/25-8 Part 6 Library and Archives Canada.

¹³⁶ In this particular case, Brandon Indian Residential School saw its authorized enrollment quota reduced for unknown reasons (possibly for safety and space issues). As a broader picture though, since the end of the Second World War, Indian Affairs was facing growing opposition from Indian communities and declining public support to the Indian residential schools system and was trying to move towards the termination of the system. This new vision led to the closing of many Indian residential schools in the 1950s, 1960s, and 1970s. See, for instance, J. R. Miller, *Shingwauk's Vision, A History of Native Residential Schools* (Toronto: University of Toronto Press, 1996) [BHR-003015]. One of the goals of the integrated schools policy was to provide an alternative; moreover, Indian Affairs officials recognized that placement in a boarding home was less expensive than a placement in a residential school. See "Excerpt from Regional Supervisors' Conference," January 1959 [NEL-000733[03-05]]. 128/25-1, Indian Education – General, 06/1958-11/1960, Locator 409-M-11 Resolution and Individual Affairs Sector, AANDC. The title and date of this document are taken from information in NEL-000733[00-05]].

¹³⁷ A. G. Leslie, Regional Supervisor Manitoba, to the Chief, Education Division, Indian Affairs Branch, Ottawa, May 23, 1961 [BRS-000618-0000]. File 501/25-1-065, Vol. 2 INAC – Resolution Sector – IRS Historical Files Collection – Ottawa.

years.¹³⁸ In May 1967, the Director of Indian Affairs, Education Services, R. F. Davey, sent a memorandum to the Regional and District School Superintendents further clarifying the Educational Assistance Program. Davey stated that, according to projection, the cost of the Educational Assistance Program would triple within the next five years. In his memorandum, Davey described the Department's policy regarding student placement as follows:

- a) Boarding home placement should be reserved for only those students who are in secondary school or who are over 15 years of age and require boarding accommodation in order to obtain appropriate education.
- b) Boarding homes should be found as close to the student's home as practicable.
- c) Only those students whom you feel will adjust readily to the boarding home situation should be accepted for boarding home placement.
- d) Others should be placed in residential schools, hostels, or other similar accommodation.¹³⁹

DIAND compiled a summary of its education programs in September 1969. DIAND had earlier projected that the Boarding Home Program would continue to grow, and as in 1967 there were approximately 4,000 students residing in "carefully selected private homes" which according to the report offered a "better arrangement" than student residences.¹⁴⁰

Between 1969 and 1971, Indian Affairs undertook a review of its policy and guidelines relating to its Educational Assistance and Boarding Home Programs. In a 1969 draft proposal – referred to later as the Crompton Policy Paper – Indian Affairs noted that there were 70,000 registered Indian students across Canada. Approximately 12,000 students lived away from home while attending school: 8,500 in federal student residences, 700 in non-federal residences or group homes, and about 2,800 in private boarding homes in the centre where they attended school. The majority of the 2,800 students in private

¹³⁸ F. Barnes for R. F. Davey, Director, Education Services, to Regional School Superintendents, February 28, 1967 [254715]. Vol. 13471, File 901/25-17, pt. 1, Pupil Guidance, 02/1962-08/1967, FA 10-138 National Archives of Canada – Burnaby.

¹³⁹ R. F. Davey, Director, Education Services, to the Regional and District School Superintendents, May 8, 1967 [FBH-001202]. RG 10 Volume 10667 File 416/25-8 Part 4 Library and Archives Canada.

¹⁴⁰ DIAND to Bergevin, September 15, 1969 [FBH-004458[01-01], p. 6]. RG 10 Accession 2014-00827-2 Box 24 File 1/25-1 Part 35 Library and Archives Canada.

boarding homes were over 16, and 80 to 90% were high school students. All students in private boarding homes qualified for educational assistance allowances.¹⁴¹

In some regions, quotas were in place, limiting the number of admissions in private homes. For instance, a Head Counsellor in B.C., in July 1969, wrote that the lower mainland boarding program had reached its quota.¹⁴² In the case of the Western Manitoba Education District, as of September 1970, a total of 350 students could be placed in urban centres such as The Pas, Dauphin, or Brandon. First choice would be given first to students 15 or over or in Grade 8 or over who wished to continue studying in the same community, to students in their final year wishing to continue their education away from their home community, and to students who resided in an area where there was no school. Second choice was given to students whose parents were absent in excess of three months during a school year. Third choice was to students coming from unsatisfactory home environments, and final choice to students not identifiable under the above categories. In order to assist students and parents, the memorandum also provided a list which showed the preferred student residences or home placement programs – communities – based on the location of the student. It was suggested completing two applications “one for the program most desired and a second for a program that would be acceptable if space does not permit admission of the student to the program most desired by the student.”¹⁴³ In 1971, the Acting District Superintendent of Education of the Fraser District could not approve the application of an outside student as the district Boarding Home Program had reached its quota.¹⁴⁴

The Acting District Superintendent of Education of the Lethbridge District in Alberta wrote, in August 1974, that due to strict budgetary limitations, the Department would no longer enter into Boarding Contracts and that all previous agreements between

¹⁴¹ DIAND, *The Boarding Home Program and Educational Assistance – Policy and Guidelines – Draft proposal only* [VAN-045053[00-01], p. 3]. Ottawa: Guidance and Special Services Division – Education Branch, DIAND, 1969. 773/25-8, Pt. 3, 04/01/1969-12/31/1970, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

¹⁴² B. W. Banner, Head Counsellor, Education Division, Vancouver, to D. W. Smith, District Superintendent of Indian Schools, North Coast District, Prince Rupert, B.C., July 4, 1969 [VAN-079135]. 911/25-8-21, Pt. 3, 01/01/1969-12/31/1970, Lower Mainland Boarding Program Survey, Acc. 1985-86/453, Box 1, F.A. 10-137, LAC-Vancouver.

¹⁴³ J. R. Wright, District Superintendent of Education, Dauphin, to School Committee Chairmen (or Chiefs), Administrators, Guidance Counsellors, and Principals, February 5, 1970 [NEL-001152, p. 3]. 511/25-2, Pt. 8, 01/04/1970-07/14/1972, Indian Education – Admission and Discharge of Pupils – General, Perm. Vol. 13671, F.A. 10-158 LAC – Winnipeg.

¹⁴⁴ B. W. Banner, Acting District Superintendent of Education, Fraser Indian District, to E. J. Littlewood, Superintendent, Whitehorse, Y.T., July 9, 1971 [VAN-051811]. 987/25-8, 05/01/1971-12/31/1972, Education Assistance – General – Fraser District, Acc. 1998-00317-5, Box 25, F.A. 10-333, LAC-Vancouver.

boarding home operators and the Department were declared null and void, adding that “[u]nder the new policy the student’s parents are responsible for the payment of their room and board. Boarding home parents will make their own arrangements with the student’s parents before accepting the student into the boarding home.”¹⁴⁵ It is unclear if this directive was in fact implemented, since boarding homes funding continued well beyond 1974.

In September 1978, budgetary restraints forced the Manitoulin Service Centre to decline to sponsor Grade 7 graduates for the Boarding Home Program. However, the Centre committed to “making arrangements” for these graduates to attend the Manitoulin Secondary School.¹⁴⁶ This decision consequently prompted the Wikwemikong Band Council to seek support from the Chiefs of the Ojibway Nation of Lake Huron which sent a petition denouncing DIAND’s decision.¹⁴⁷

Documentation on the negotiation to transfer education programming to the Prince Albert District Chiefs’ Council (Saskatchewan) in 1987 mentions that if the program is transferred the budget will be limited, resulting in student quotas.¹⁴⁸

3. Financial Contributions by Students and Parents

As early as 1894, the *Indian Act* regulations included a provision authorizing the Governor in Council to use the annuity and interest money of children to pay for the maintenance of the industrial or boarding school, or the maintenance of the children themselves.¹⁴⁹ This provision was carried forward into the *Indian Act* of 1906.¹⁵⁰ An amendment in 1920 transferred this authority to the Superintendent General, but it still

¹⁴⁵ Glen F. Johnson, Acting District Superintendent of Education, to “attached list of boarding homes,” August 1974 [VAN-030289[00-01]]. 773/25-8, Pt. 6, 08/01/1974-01/25/1977, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

¹⁴⁶ M. J. Best, Assistant District Superintendent of Education, Manitoulin Service Centre, to the Parent or Guardian, September 1, 1978 [FBH-007524[03-07]]. RG 10 Accession 1995-96/694 Box 62 File 411/25-8 Part 2 Library and Archives Canada.

¹⁴⁷ The Chiefs of the Ojibway Nation, “The Chiefs of the Ojibway Nation of Lake Huron,” circa September 1978 [FBH-007524[07-07], p. 1]. RG 10 Accession 1995-96/694 Box 62 File 411/25-8 Part 2 Library and Archives Canada.

¹⁴⁸ Update – Report to Prince Albert District Chiefs’ Council – Boarding Home Program – Transfer of Boarding Home Program from INAC to PADCC, circa March 31, 1987 [FBH-003105, p. 9]. RG 10 Accession 1998-00847-9 Box 11 File E-4700-1 Part 3 Library and Archives Canada.

¹⁴⁹ *Regulations Relating to the Education of Indian Children* (Ottawa: Government Printing Bureau, 1894) [BHR-003029, p. 10]. RG 10, Volume 6032, File 150-40A, Part 1, Reel C-8149, LAC – Ottawa.

¹⁵⁰ *An Act respecting Indians*, S.C. 1906, c. 81, Section 11(2) [BHR-003007, p. 102]. Sharon Helen Venne, *Indian Acts and Amendments, 1868-1975, An Indexed Collection* (DIAND: Claims and Historical Research Centre, 1981).

applied specifically to children enrolled in residential schools.¹⁵¹ An amendment in 1930 modified the provision only to allow the use of the annuity and interest money for the “maintenance of such children” and not anymore for the maintenance of the residential school.¹⁵² This provision was still included in the 1951 and 1970 *Indian Acts*, always restricted to children in residential schools. In other words, the authority to assign interest and annuity moneys to cover education costs was never extended to the boarding home program. Section 114(d) of the 1951 *Indian Act* reads:

114. The Minister may
...
(d) apply to whole or any part of moneys that would otherwise be payable to or on behalf of a child who is attending a residential school to the maintenance of that child at that school.¹⁵³

As seen previously, tuition grants had been in place since the late 1920s. In 1957, Superintendent of Education Davey wrote that tuition grants “should not” be used to cover lunches, personal expenses, transportation, etc. “except in the most urgent cases;” such expenses were to be paid by the parents or the students.¹⁵⁴

4. Transportation

Provisions for the transportation of Indian children were introduced in the amended 1920 *Indian Act*. But Section 9(3) limited such transportation “to and from the boarding or industrial schools.”¹⁵⁵ Section 114(b) of the updated 1951 *Indian Act* allowed the Minister to provide for the transportation of children without limiting such transportation to boarding or industrial schools:

114. The Minister may
...
(b) provide for the transportation of children to and from school.¹⁵⁶

¹⁵¹ *An Act to amend the Indian Act*, S.C. 1919-20, c. 50 (10-11 Geo. V) [BHR-003007, p. 92]. See Section 9(6).

¹⁵² *An Act to amend the Indian Act*, S.C. 1930, c. 25 (20-21 Geo. V) [BHR-003007, p. 133]. See Section 2.

¹⁵³ *The Indian Act*, S.C. 1951, c. 29 (15 Geo. VI) [BHR-003011, p. 52]. See Section 114(d).

¹⁵⁴ R. F. Davey, Superintendent of Education, Indian Affairs Branch, Department of Citizenship and Immigration, to the Indian Commissioner for B.C., Regional Supervisors of Indian Agencies, and Superintendents of Indian Agencies, April 1, 1957 [FBH-001981]. RG 10 Volume 11452 File 494/25-8 Part 1 Library and Archives Canada.

¹⁵⁵ *The Indian Act*, S.C. 1919-20, c. 50 (10-11 Geo. V) [BHR-003007, p. 92]. See Section 9(3).

¹⁵⁶ *The Indian Act*, S.C. 1951, c. 29 (15 Geo. VI) [BHR-003011, p. 52]. See Section 114(b).

Section 122(b) of the Act defined “school” as including day schools, technical schools, high schools, and residential schools.¹⁵⁷

As seen in Section 3.1, tuition grants, in place since the late 1920s, were not to be used to cover transportation, except in urgent situations.¹⁵⁸ Indeed, records show that tuition grants had been used to pay for transportation. Davey himself, in November 1956, authorized such a grant which covered transportation and other expenses.¹⁵⁹

As previously noted, Indian Affairs obtained, in 1958, Treasury Board approval to provide funding to pay the cost of transportation for the student, from his place of residence to school and return. As regards to transportation, Order in Council P.C. 1958-8/1578 dated November 20, 1958, stated:

That partial or total transportation costs and board and room have often been necessary when the student had to leave his home to receive training, or if his home was some distance from the educational institution attended.¹⁶⁰

The Privy Council consequently recommended amending Section 113 of the *Indian Act*, in order that authority be granted to pay, on behalf of Indians in training, services including “the cost of transportation for the student from his place of residence to the school and return.”¹⁶¹ It does not appear that such an amendment was passed, however.

A memorandum from the B.C. Indian Commissioner, dated July 11, 1962, stated that the cost of transportation, if paid by the Department, was to be shown on the Application for Educational Assistance, adding that local transportation, such as from the boarding home to the vocational school, was included in the Authority. Though transportation

¹⁵⁷ *The Indian Act*, S.C. 1951, c. 29 (15 Geo. VI) [BHR-003011, p. 55]. See Section 122(b).

¹⁵⁸ R. F. Davey, Superintendent of Education, Indian Affairs Branch, Department of Citizenship and Immigration, to the Indian Commissioner for B.C., Regional Supervisors of Indian Agencies, and Superintendents of Indian Agencies, April 1, 1957 [FBH-001981]. RG 10 Volume 11452 File 494/25-8 Part 1 Library and Archives Canada.

¹⁵⁹ R. F. Davey, Superintendent of Education, to V. M. Gran, Superintendent, Duck Lake Indian Agency, November 6, 1956 [FBH-017668]. RG 10 Volume 8779 File 674/25-8 Part 2 Library and Archives Canada.

¹⁶⁰ Order in Council P.C. 1958-8/1578, November 20, 1958 [VAN-045053[01-01], pp. 2-3]. 773/25-8, Pt. 3, 04/01/1969-12/31/1970, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

¹⁶¹ Order in Council P.C. 1958-8/1578, November 20, 1958 [VAN-045053[01-01], pp. 2-3]. 773/25-8, Pt. 3, 04/01/1969-12/31/1970, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

from the student's home to the school was not included in the Authority, the words "Local Transportation" had to be added in the required section of the application when applicable.¹⁶² The B.C. Indian Commissioner also reported that Indian Affairs had asked to separate the local transportation allowance from the personal allowance. By April 1963, the transportation allowance was charged against Vote 529 Allotment 42.¹⁶³

By January 1963, a High School Boarding Program had been established in order to supplement those residential schools used as hostels. The little booklet created, stated that transportation from home to the urban centre where the school was located was a "personal responsibility of the students taking part in the program and their families."¹⁶⁴ If unable to pay though, they were to make arrangements through their agency superintendents. It was written that pupils were usually met on arrival by the boarding parents.

The Treasury Board authorized, by letter T.B. No. 601776 dated March 1, 1963, the continuation of payments in respect of Indians in training for transportation.¹⁶⁵ In 1970, the Treasury Board proposed amending "the Program" in order "to enable School Committees to be eligible to receive Grants ..., for transportation of Indian pupils, ... with the provision that the Band Council has given approval by Resolution."¹⁶⁶ Such grants would be chargeable to Vote I – Grants and Contributions.

In 1971, the Department's education program as it related to transportation and maintenance of pupils was defined as follows: "[t]o provide living accommodation in boarding homes, transportation to and from school, and other education support services for Indian children who cannot attend school in their communities."¹⁶⁷ The program had the same policy/objectives at the regional level.

¹⁶² J. Jampolsky, Regional Superintendent of Indian Schools, to the District Superintendents of Indian Schools, and the Agency Superintendents, July 11, 1962 [VAN-020014]. 25-8C, 01/01/1961-12/31/1966, Educational assistance – Circulars, Acc. 1984-85/316, Box 51, F.A. 10-136, LAC-Vancouver.

¹⁶³ A. N. Wark, Superintendent, Carlton Agency, to Indian Affairs Branch, Ottawa, April 25, 1963 [FBH-002360]. RG 10 Volume 8776 File 672/25-8 Part 3 Library and Archives Canada.

¹⁶⁴ Canada, High School Boarding Program (Ottawa: Roger Duhamel, F.R.S.C, for Queen's Printer and Controller of Stationery, 1963) [VAN-020004, p. 3]. 25-8, 04/01/1963-04/30/1963, Tuition Grants – General, Acc. 1998-00317-5, Box 25, F.A. 10-333, LAC-Vancouver.

¹⁶⁵ C. J. Mackenzie, Assistant Secretary, Treasury Board Secretary, to H. M. Jones, Acting Deputy Minister of Citizenship and Immigration, Ottawa, March 1, 1963 [FBH-007435]. RG 10 Accession 1999-01431-6 Box 67 File 1/25-8 Part 10 Library and Archives Canada.

¹⁶⁶ DIAND to the Treasury Board, February 9, 1970 [ISP-02727]. LAC RG 10 Control No. 2009-0037 Box 27 File 1/25-18 Vol. 3.

¹⁶⁷ Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Report, Education Program, Saskatchewan – Indian-Eskimo Program, Information Centre (Ottawa: Department of

Provision for students to travel home at Christmas was approved by the Minister on July 5, 1971.¹⁶⁸ However, a few months later, when DIAND released a “comprehensive inventory of programs and services available to Canada’s Indian people,”¹⁶⁹ it only mentioned that transportation allowances were available for a return trip once a year, adding that it “may include daily fares between the student's boarding home and school and transportation for school-sponsored extracurricular activities.”¹⁷⁰ It was noted that escorts could be arranged to transport large numbers of young students. As to the procedure, the report stated:

Indian parents request transportation, maintenance while away from home, and other allowances for their children either individually or as a group, through the Chief and Council. The District School Superintendent and Counsellors ensure that parents are aware of the various types of assistance available, and take the necessary administrative action to provide this assistance to children who require it, while counselling students to ensure that the maximum benefit is derived from the assistance granted.¹⁷¹

Program Circular E-1 on Education Policy was released in November 1978; it stated that either the Department or the Band Council could make transportation arrangements for students living away from home, for the beginning and end of the school year, as well for the Christmas break.¹⁷² The Circular further stated:

Indian Affairs and Northern Development, 1971) [FBH-000005, p. 77]. Found at: https://publications.gc.ca/collections/collection_2017/aanc-inac/R5-258-1971-eng.pdf.

¹⁶⁸ G. D. Cromb, Director, Education Branch, DIAND, to all Regional Directors, Indian and Eskimo Affairs, and to the Regional Superintendents of Education, the District Superintendents of Education and the Counsellors, August 10, 1971 [018253]. RG10, Box A-18, Accession V.85-86/476, File 989/25-8, Indian Education, Educational Assistance – General, NAC.

¹⁶⁹ Indigenous and Northern Affairs Canada, Program Information Center – Report on the Education Program (Ottawa: Department of Indian Affairs and Northern Development, 1971) [FBH-000007, p. 2].

¹⁷⁰ Indigenous and Northern Affairs Canada, Program Information Center – Report on the Education Program (Ottawa: Department of Indian Affairs and Northern Development, 1971) [FBH-000007, p. 44]. http://publications.gc.ca/collections/collection_2017/aanc-inac/R5-287-1971-eng.pdf INAC-HQ.

¹⁷¹ Indigenous and Northern Affairs Canada, Program Information Center – Report on the Education Program (Ottawa: Department of Indian Affairs and Northern Development, 1971) [FBH-000007, p. 45]. http://publications.gc.ca/collections/collection_2017/aanc-inac/R5-287-1971-eng.pdf INAC-HQ.

¹⁷² R. D. Brown, Assistant Deputy Minister – Programs Indian and Inuit Affairs, November 1, 1978 [VAN-045006[01-01], p. 9]. 701/25-1, Pt. 32, 01/1979-03/1980, Education – General, Acc. 1997-98/161, Box 71, F.A. 10-437, LAC-Ottawa.

Such seasonal transportation will normally be provided by regularly scheduled road, rail and air services. Charter arrangements may be made where number of students, and geography so warrant.¹⁷³

In 1980, DIAND made a commitment to the Treasury Board that standards of service would be developed for its non-discretionary education programs;¹⁷⁴ a draft was prepared to that purpose. Regarding the transportation standard for boarding home students, defined as “Seasonal,” it noted that the standard had been defined in the [1971] Educational Assistance Policy, allowing a return trip between the student’s home and the school centre at the beginning and end of the school years and at Christmas. The draft further recommended allowing a return trip for the spring break.¹⁷⁵

5. Allowances

As seen in Section 3.3, except in rare occasions, personal expenses were not to be covered by tuition grants, as such expenses were to be paid by the parents or the students.¹⁷⁶ However, records show that advances were sought to cover “incidentals and spending money” for a high school student, in August 1956, because her mother, being a widow, could provide with “very little or nothing” towards her education.¹⁷⁷ Monthly personal allowances were consequently fully sanctioned when Educational Assistance was authorized by Order in Council P.C. 1958-8/1578 dated November 20, 1958. As regards to allowances, it stated:

That it has recently been found essential, on occasion, when the student is an orphan or his family is poor, to provide a monthly

¹⁷³ R. D. Brown, Assistant Deputy Minister – Programs Indian and Inuit Affairs, November 1, 1978 [VAN-045006[01-01], p. 9]. 701/25-1, Pt. 32, 01/1979-03/1980, Education – General, Acc. 1997-98/161, Box 71, F.A. 10-437, LAC-Ottawa.

¹⁷⁴ A. H. Friesen, Director, Education, British Columbia Region, to all District Managers, October 17, 1980 [VAN-082331[00-09]]. 975/25-1, 01/01/1979-12/31/1981, Indian Education – General, Acc. 2007-00592-1, Box 4, F.A. 10-138, LAC-Vancouver.

¹⁷⁵ DIAND, Federal School – Standards, circa October 1980 [VAN-082331[02-09], p. 4]. 975/25-1, 01/01/1979-12/31/1981, Indian Education – General, Acc. 2007-00592-1, Box 4, F.A. 10-138, LAC-Vancouver.

¹⁷⁶ R. F. Davey, Superintendent of Education, Indian Affairs Branch, Department of Citizenship and Immigration, to the Indian Commissioner for B.C., Regional Supervisors of Indian Agencies, and Superintendents of Indian Agencies, April 1, 1957 [FBH-001981]. RG 10 Volume 11452 File 494/25-8 Part 1 Library and Archives Canada.

¹⁷⁷ A. N. Wark, Superintendent, Duck Lake Indian Agency, to E. S. Jones, Regional Supervisor of Indian Agencies, Regina, August 13, 1956 [FBH-017672]. RG 10 Volume 8779 File 674/25-8 Part 2 Library and Archives Canada.

personal allowance to cover such miscellaneous expenses as carfare, laundry and other incidentals.¹⁷⁸

The Privy Council consequently recommended amending Section 113 of the *Indian Act*, in order that authority be granted to pay, on behalf of Indians in training, services including “the cost of providing the student with a monthly personal allowance to cover carfare, laundry and other incidental expenditures in connection with his educational training.”¹⁷⁹ As with transportation funding, it does not seem that this amendment was made.

As discussed above, in September 1958, the Saskatchewan Supervisor of Indian Agencies introduced the Indian Affairs’ new placement program in private homes. A monthly personal allowance was to be provided to the child out of its family allowances, which would be placed at the disposal of the foster parents. Children from 6 to 10 were to receive \$2.00 per month, \$3.00 for children 11 to 12, \$4.00 for children 13 to 14, and \$5.00 for children 15 to 16. It was noted that these rates could be increased in December, “for Christmas spending.”¹⁸⁰

The Treasury Board authorized, by letter T.B. No. 601776 dated March 1, 1963, the continuation of payments in respects of Indians in training for personal allowances and clothing.¹⁸¹

According to R. F. Davey, Director of Education Services, as of April 1968, “Personal Allowances vary greatly (\$7.50 to \$20 per month) from Region to Region; from locality to locality and sometimes from grade to grade.”¹⁸² Davey suggested setting an upper limit of \$17.50 but thought that the Regions should be responsible for setting a lower limit, according to their own local situation. As of July 25, 1969, students residing in boarding homes received an allowance of \$10 per month “for miscellaneous and

¹⁷⁸ Order in Council P.C. 1958-8/1578, November 20, 1958 [VAN-045053[01-01], p. 3]. 773/25-8, Pt. 3, 04/01/1969-12/31/1970, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

¹⁷⁹ Order in Council P.C. 1958-8/1578, November 20, 1958 [VAN-045053[01-01], p. 3]. 773/25-8, Pt. 3, 04/01/1969-12/31/1970, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

¹⁸⁰ N. J. McLeod, Regional Supervisor, Indian Agencies, Saskatchewan, to all Superintendents and Assistants, Indian Agency, and all Indian Missionaries, September 25, 1959 [VAN-030032]. 701/25-8, Pt. 1, 12/01/1959-12/31/1969, Educational assistance – General, Acc. 1985-86/137, Box 9, F.A. 10-135, LAC-Ottawa.

¹⁸¹ C. J. Mackenzie, Assistant Secretary, Treasury Board Secretary, to H. M. Jones, Acting Deputy Minister of Citizenship and Immigration, Ottawa, March 1, 1963 [FBH-007435]. RG 10 Accession 1999-01431-6 Box 67 File 1/25-8 Part 10 Library and Archives Canada.

¹⁸² R. F. Davey, Director, Education Services, April 16, 1968 [NEL-001971]. 1/25-8, Vol. 10, 00/00/1967-00/00/1968, Headquarters – Educational assistance policy, general, Acc. 1999-01431-6, Box 67, F.A. 10-379 LAC – Ottawa.

hygienic supplies.”¹⁸³ Davey further wrote that they usually spent their allowance in order to participate in community affairs and social activities. He proposed adding an ‘Education Allowance’ under the provisions of the Educational Assistance Program to help parents who were not able to provide an allowance. An application was to be completed by the parents on behalf of their children. The allowance would be made available for certain categories of students, including those living away from home:

(1) The current miscellaneous allowance (personal allowance) of \$10.00 per month to all students in private boarding homes be continued and to be referred to as an ‘Education Allowance.’¹⁸⁴

Through this allowance, Davey also proposed to help financially students in Indian Student Residences, and students in Grades 9 and above, 14 years old or older, and attending school from their home communities.

Thus, the allowance program was broadened “considerably” during the 1969-70 fiscal year.¹⁸⁵ Authorization was given for payment of Education Allowances to cover miscellaneous and personal supplies, in order to allow students to participate in social activities. These allowances were to be issued when the parents were unable to cover all the costs or only able to partially cover the costs of such activities. For students residing in private homes, a minimum of \$10 per month could be provided. The process had to be initiated upon a request from the parents and after completion of an Application for Educational Assistance. However, as there was no money for that purpose in the 1969-70 budget, assistance would be granted only for exceptional cases. Starting in September 1970, the rates would be increased.¹⁸⁶

In October 1970, administrators of student residences were encouraged to involve the students placed in private homes in their recreation programs:

¹⁸³ R. F. Davey, Director, Education Branch, to all Regional Directors for the Regional Superintendents of Schools, July 25, 1969 [NCA-002118]. RG10, Box 67, Acc. 1999-01431-6, File 1/25-8, pt. 12 Library and Archives Canada.

¹⁸⁴ R. F. Davey, Director, Education Branch, to all Regional Directors for the Regional Superintendents of Schools, July 25, 1969 [NCA-002118]. RG10, Box 67, Acc. 1999-01431-6, File 1/25-8, pt. 12 Library and Archives Canada.

¹⁸⁵ Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Report, Education Program, Saskatchewan – Indian-Eskimo Program, Information Centre (Ottawa: Department of Indian Affairs and Northern Development, 1971) [FBH-000005, p. 82]. http://publications.gc.ca/collections/collection_2017/aanc-inac/R5-258-1971-eng.pdf INAC-HQ.

¹⁸⁶ J. R. Wright, District Superintendent of Education, Dauphin, to Principals, School Committee Chairmen, Guidance Counsellors, and Administrators, November 25, 1969 [NEL-001802]. 506/25-8, Vol. 1, 01/02/1970-01/14/1970, Indian Education – Educational Assistance – General, Perm. Vol. 13638, F.A. 10-158 LAC – Winnipeg.

Additional supplies of such equipment [recreational equipment] have been made available to Student Residences and Student Residence Administrators may include the number of students living in private homes in their area in their calculation of available funds for extra-curricular activities. In other words, the recreation program developed at a Student Residence should wherever possible be a program for all the students of the area who desire and require it.¹⁸⁷

Some districts then, such as the Western Manitoba Education District, introduced the position of Recreation Director to manage these programs.¹⁸⁸ These newly appointed directors became responsible for the development of a recreational program for both students living in student residences and students placed in private homes.

In order to obtain funding for a personal allowance, an Application for Educational Assistance was to be completed and approved. Allowances were paid according to different scales, falling into three different programs. Program 1 was intended for students living at home and attending schools away from their community, and Program 3 for students residing in student residences. Students placed in boarding homes fell under Program 2. Rates varied in terms of grades: \$5.00 per month for Grades 1-4; \$7.50 for Grades 5-6; \$10.00 for Grades 7-8; \$15.00 for Grades 9-10; and \$20.00 for Grades 11-12. A memorandum noted that \$1 would be deducted, per day of absence, if the student was unable to provide with a satisfactory explanation, and also added that the students on the Earned Income Program (see below in Section 3.6) did not qualify for this allowance.¹⁸⁹

In 1980, DIAND made a commitment to the Treasury Board that standards of service would be developed for its non-discretionary education programs.¹⁹⁰ A draft was

¹⁸⁷ J. R. Wright, District Superintendent of Education, Dauphin, to the Administrators, October 16, 1970 [VAN-046359]. 577/25-17, Pt. 1, 04/01/1969-01/31/1971, Indian Education – Pupil Guidance, Acc. 2000-01600-6, Box 22, F.A. 10-573, LAC-Winnipeg.

¹⁸⁸ J. R. Wright, District Superintendent of Education, Western Manitoba Education District, to the Administrators, August 3, 1971 [VAN-046201]. 511/25-17, Pt. 1, 04/02/1971-07/14/1972, Indian Education – Pupil Guidance, Perm. Vol. 13676, F.A. 10-158, LAC-Winnipeg.

¹⁸⁹ J. R. Wright, District Superintendent of Education, Dauphin, to High School Students, School Committee Chairmen, Guidance Counsellors, and Administrators, August 1970 [VAN-046234]. 576/25-8, Pt. 1, 04/17/1970-03/19/1973, Indian Education – Educational Assistance – General, Perm. Vol. 13713, F.A. 10-158, LAC-Winnipeg.

¹⁹⁰ A. H. Friesen, Director, Education, British Columbia Region, to all District Managers, October 17, 1980 [VAN-082331[00-09]]. 975/25-1, 01/01/1979-12/31/1981, Indian Education – General, Acc. 2007-00592-1, Box 4, F.A. 10-138, LAC-Vancouver.

prepared for that purpose, noting that the standard for student allowances had been set by the 1971 Education Assistance Policy, and would require updating.¹⁹¹

6. Earned Income Program (EIP)

In order to create a sense of responsibility among “senior” students, and move away from a purely donor-client relationship, the Director of Education Services suggested, in September 1968, launching a new program which would directly give the student a certain sum of money to allow him to procure room and board, clothing, personal allowances, and incidental expenses. Authority for a new Earned Income Program was granted in Treasury Board Minute No. 618950.¹⁹² The guidelines for the new program suggested the sum of \$5.50 per legal school day for students in Grade 10 and below, \$5.75 for students in Grade 11, and \$6.00 for students in Grade 12. Every two weeks, upon presentation of a Statement of Attendance to his counsellor, showing his actual attendance for the last two weeks, the student would get his bi-weekly cheque which he would use to pay his expenses. Any financial obligation not fulfilled would lead to the termination of the program, and the student would be placed back on the controlled program.

In the original TB Minute, the benefits of the EIP were listed as follows: adult accountability, extra funds for clothing, more liberal allowance, cash to pay for additional expenses such as for lockers and other activities, opportunity to save for travel home and special events, and eventually pride in being considered as an adult.¹⁹³ DIAND officials recognized, however, that the key difference between the Earned Income Program and the regular Home Placement Program was that students in the EIP had more involvement in the selection of their home.¹⁹⁴ Under the Earned Income Program, students were entitled to find their own boarding home, providing that they

¹⁹¹ DIAND, Federal School – Standards, circa October 1980 [VAN-082331[02-09], p. 2]. 975/25-1, 01/01/1979-12/31/1981, Indian Education – General, Acc. 2007-00592-1, Box 4, F.A. 10-138, LAC-Vancouver.

¹⁹² R. F. Davey, Director of Education Services, to all Regional School Superintendents, September 11, 1968 [VAN-020273[00-03]]. 901/25-8, [Folder 3], 08/01/1968-05/31/1969, Educational Assistance, Perm. Vol. 13466, F.A. 10-138, LAC-Vancouver.

¹⁹³ DIAND, Guidelines, circa September 1968 [VAN-020273[01-03]]. 901/25-8, [Folder 3], 08/01/1968-05/31/1969, Educational Assistance, Perm. Vol. 13466, F.A. 10-138, LAC-Vancouver.

¹⁹⁴ See, for example, J. R. Wright, District Superintendent of Education, Dauphin, to Guidance Counsellors, Administrators, Principals, Adult Education Supervisors, and School Committee Chairmen, September 21, 1970 [NEL-001887[00-04], p. 1]. 501/25-8, Vol. 3, 09/01/1967-07/31/1974, Indian Education – Educational Assistance – General, Acc. W1986-87/083, Box 3, F.A. 10-131 LAC – Winnipeg.

gave two weeks' notice to his previous home, and two weeks' notice to their Guidance Counsellor, allowing the counsellor time to visit the new home.¹⁹⁵

DIAND used the terms "junior" and "senior" students in correspondence and instructions, but it appears that the definitions may have changed through time. The division seems to have been approximately that students who were both below age 16 (sometimes age 17) and below Grade 9 (sometimes Grade 10) were considered to be junior students; conversely, senior students were both over the age of 15 (or 16) and above Grade 8 (or 9).

A summary of the program in Treasury Board Minute 784751 also described the benefits of the EIP to DIAND:

For many years, the Department has been providing room and board, allowances and transportation to eligible Indian and Inuit students attending provincial or private schools. For the past several years, **for administrative expediency but more particularly, in the interest of the students' self-respect, and personal development, as well as the public image**, the funds for payment of these services have been provided to the individual students. [emphasis added]¹⁹⁶

The student could be transferred back to the regular Home Placement Program under certain conditions: if the student missed any payment for board and room, if the monthly record of attendance was not regularly presented, or in the case of mismanagement of the funds. Rates varied in terms of placement communities and grades. To qualify, the student had to be in Grade 10 or higher and at least 17 years old.¹⁹⁷ It seems that the qualification threshold for the program was eventually raised

¹⁹⁵ J. R. Wright, District Superintendent of Education, Dauphin, to Students (Earned Income Program), Parents, Houseparents, Guidance Counsellors, Principals, School Committee Chairmen, Administrators, Superintendent-in-Charge, and Superintendent of Schools, August 1970 [VAN-046232]. 576/25-8, Pt. 1, 04/17/1970-03/19/1973, Indian Education – Educational Assistance – General, Perm. Vol. 13713, F.A. 10-158, LAC-Winnipeg.

¹⁹⁶ Treasury Board Minute 784751, March 17, 1983 [ISP-03666]. LAC RG 55 Vol. 21804 File TB # 784751.

¹⁹⁷ J. R. Wright, District Superintendent of Education, Dauphin, to Students (Earned Income Program), Parents, Houseparents, Guidance Counsellors, Principals, School Committee Chairmen, Administrators, Superintendent-in-Charge, and Superintendent of Schools, August 1970 [VAN-046232]. 576/25-8, Pt. 1, 04/17/1970-03/19/1973, Indian Education – Educational Assistance – General, Perm. Vol. 13713, F.A. 10-158, LAC-Winnipeg.

from Grade 9 to Grade 10. The EIP also came to be known as the “Honour” scheme or program.¹⁹⁸

Upon review of its activities, the Department had redefined these allowances as ‘Grants’ because these were provided directly to individuals. This explains why the Department sought to secure specific authority from the Treasury Board, which it acquired on March 17, 1983.¹⁹⁹

7. Clothing Allowance

Funding to individual students living in boarding homes could also include a limited amount of money for clothing. For instance, a memorandum in August 1956 shows that authorization was sought to renew the tuition grant of a high school student to help cover various expenses, including clothing.²⁰⁰ A memorandum dated April 1, 1957, also stated that the Department Welfare Division would assume responsibility for the purchase of clothing for students with approved tuition grants.²⁰¹

At least in Saskatchewan, a clothing allowance was suggested in September 1959. A memorandum sent out by the Saskatchewan Regional Supervisor of the Indian Agencies to its field staff stated that specific amounts had been approved for clothing: \$100 a year for students aged 5 to 7, \$110 for those 8 to 10, \$150 for those 11 to 14, and \$200 for students 15 to 21 years old.²⁰²

In order to specifically include assistance for clothing, Order in Council P.C. 1958-8/1578 was amended in September 1961 by Order in Council P.C. 1961-3/1334. The Treasury Board and the Governor in Council approved expanding the Educational Assistance Program to include such assistance, effective April 1, 1962: “(e) the cost of required

¹⁹⁸ Indigenous and Northern Affairs Canada, Program Information Center – Report on the Education Program (Ottawa: Department of Indian Affairs and Northern Development, 1971) [FBH-000007, p. 46]. http://publications.gc.ca/collections/collection_2017/aanc-inac/R5-287-1971-eng.pdf INAC-HQ.

¹⁹⁹ Treasury Board Minute 784751, March 17, 1983 [ISP-03666]. LAC RG 55 Vol. 21804 File TB # 784751.

²⁰⁰ A. N. Wark, Superintendent, Duck Lake Indian Agency, to E. S. Jones, Regional Supervisor of Indian Agencies, Regina, August 13, 1956 [FBH-017672]. RG 10 Volume 8779 File 674/25-8 Part 2 Library and Archives Canada.

²⁰¹ R. F. Davey, Superintendent of Education, Indian Affairs Branch, Department of Citizenship and Immigration, to the Indian Commissioner for B.C., Regional Supervisors of Indian Agencies, and Superintendents of Indian Agencies, April 1, 1957 [FBH-001981]. RG 10 Volume 11452 File 494/25-8 Part 1 Library and Archives Canada.

²⁰² N. J. McLeod, Regional Supervisor, Indian Agencies, Saskatchewan, to all Superintendents and Assistants, Indian Agency, and all Indian Missionaries, September 25, 1959 [VAN-030032]. 701/25-8, Pt. 1, 12/01/1959-12/31/1969, Educational assistance – General, Acc. 1985-86/137, Box 9, F.A. 10-135, LAC-Ottawa.

clothing as determined by the Department in light of the financial circumstances of the Indian and the type of institution being attended.”²⁰³

As early as 1962-63, in Ontario, male students placed in boarding homes and enrolled in high schools in Sault Ste. Marie were receiving an additional \$5.00 per month to cover “the extra washing, ironing and mending involved in the case of boys’ clothing.”²⁰⁴ As for the female students, it was expected that they did their own mending and ironing.²⁰⁵

The Treasury Board authorized, by letter T.B. No. 601776 dated March 1, 1963, the continuation of payments in respects of Indians in training for partial or total board and room, personal allowances, and clothing.²⁰⁶

A memorandum written by the Superintendent of the Stony/Sarcee Indian Agency, in September 1963, shows that the Blood Band was providing, in certain cases at least, a \$50 contribution from their Band funds to help some of their students pay for clothing.²⁰⁷

As of 1970, students enrolled in the Home Placement Program were entitled to purchase clothing upon the receipt of a purchase order issued by the Guidance Counsellor. The purchase order indicated the amount at the student’s disposal, but he was free to choose his own store. Students aged 6 to 12 could receive \$100 covering the period September-March and \$25 for the end of the school year; students aged 13 to 17 could receive \$120 and additionally \$50.²⁰⁸

²⁰³ Order in Council P.C. 1961-3/1334, Treasury Board Minute 584069, September 21, 1961 [NPC-523057]. DIAND Ontario Region, Harold Gideon Collection, T.B. #584069, Sep-21-1961.

²⁰⁴ DIAND, Handbook for Boarding Home Parents, Sault Ste. Marie, Ontario, School Year 1962-1963, circa 1962 [SWK-001985, p. 6]. File 13/25-1, Vol. 1 Ontario Regional Service Centre – LAC – Toronto.

²⁰⁵ DIAND, Handbook for Boarding Home Parents, Sault Ste. Marie, Ontario, School Year 1962-1963, circa 1962 [SWK-001985, p. 6]. File 13/25-1, Vol. 1 Ontario Regional Service Centre – LAC – Toronto.

²⁰⁶ C. J. Mackenzie, Assistant Secretary, Treasury Board, to H. M. Jones, Acting Deputy Minister of Citizenship and Immigration, March 1, 1963 [FBH-007435]. RG 10 Accession 1999-01431-6 Box 67 File 1/25-8 Part 10 Library and Archives Canada.

²⁰⁷ I. F. Kirkby, Superintendent, Stony/Sarcee Indian Agency, to J. R. Tully, Superintendent, Blood Indian Agency, Cardston, Alberta, September 17, 1963 [VAN-046750]. 103/25-8, Pt. 6, 10/15/1962-09/07/1965, Tuition Grants, Acc. 1994-95/653, Box 6, F.A. 10-463, LAC-Ottawa.

²⁰⁸ J. R. Wright, District Superintendent of Education, Dauphin, to the Guidance Counsellors and the Administrators, September 2, 1970 [VAN-046353]. 577/25-8, Pt. 1, 01/01/1966-01/31/1972, Indian Education – Educational Assistance – General (General Policy and General Correspondence), Acc. 2000-01600-6, Box 21, F.A. 10-573, LAC-Winnipeg.

8. Noon Lunches

A memorandum in April 1957 specifically stated that tuition grants could not be used to purchase noon lunches.²⁰⁹ On March 1, 1963, Treasury Board sent Indian Affairs a letter in which certain points were set down “for the record.” The document stated that although it had not been covered in the Order in Council (which would be passed on March 9, 1963), Treasury Board approved the continuation of payments in respect of Indians in training, for various items, including:

- c) as determined by the Department in light of the financial circumstances of the Indian and his family, either of
 - (i) partial or total board and room, or
 - (ii) a meal allowance approximately equal to the prevailing cost of board in the locality in which the student is obtaining his education, but not to exceed \$12.50 per week and partial or total room.²¹⁰

In Alberta, by 1968, all students in either federal day schools or provincial schools received a full lunch with the cost covered by the Department. In other parts of Canada, the program was less consistently available.²¹¹ The Director of Education observed that this “lack of consistency and soundness” indicated a need for a revision to the existing policy.²¹² A coordination at the federal level was necessary because of the “rapidly-escalating costs.” If in Alberta, the policy was more consistent:

On other reserves which are relatively poor, band councils contribute a third or more of the cost of lunches. Some reserves have not requested nor do their students receive noon lunches. There are other arrangements which do not follow any particular pattern.²¹³

²⁰⁹ R. F. Davey, Superintendent of Education, Indian Affairs Branch, Department of Citizenship and Immigration, to the Indian Commissioner for B.C., Regional Supervisors of Indian Agencies, and Superintendents of Indian Agencies, April 1, 1957 [FBH-001981]. RG 10 Volume 11452 File 494/25-8 Part 1 Library and Archives Canada.

²¹⁰ C. J. Mackenzie, Assistant Secretary, Treasury Board Secretary, to H. M. Jones, Acting Deputy Minister of Citizenship and Immigration, Ottawa, March 1, 1963 [FBH-007435]. RG 10 Accession 1999-01431-6 Box 67 File 1/25-8 Part 10 Library and Archives Canada.

²¹¹ Regional Directors’ Conference, May 22 to 24, 1968 [Doc. No. 254771]. LAC RG 10 Vol. 13351 File 901/1-2-2-32 Pt. 1, Folder 1 of 2. See p. 13 (p. 7 in original).

²¹² Appendix C: Noon-Day Lunches – Draft for Discussion Purposes, May 1968 ca., n.d. [Doc. No. 254771c]. LAC RG 10 Vol. 13351 File 901/1-2-2-32 Pt. 1, Folder 1 of 2.

²¹³ Appendix C: Noon-Day Lunches – Draft for Discussion Purposes, May 1968 ca., n.d. [Doc. No. 254771c]. LAC RG 10 Vol. 13351 File 901/1-2-2-32 Pt. 1, Folder 1 of 2.

The Director of Education estimated that the involvement of the Indian people was essential and proposed a new policy on school lunches under which the Department would pay half the cost of a noon lunch program requested and administered by band councils, for students in both day schools and provincial schools. Band councils should identify who required school lunches and the Band should be responsible for paying the other half of the cost.

9. Contemporary Funding for Home Placements

The 1989 Handbook reported a budget of \$130.8 million earmarked “Student support services,” that is 4.3% of the total budget dedicated to Education (\$620 million).²¹⁴ Student support services were available to students who had to leave home to attend school, providing them with accommodation, seasonal transportation to and from the reserve, living allowances, and counselling.²¹⁵

²¹⁴ Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Education Branch, *Indian Education Handbook – Resources and Management Systems* (Ottawa: Department of Indian Affairs and Northern Development, 1989) [FBH-000029, p. 29].

²¹⁵ Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Education Branch, *Indian Education Handbook – Resources and Management Systems* (Ottawa: Department of Indian Affairs and Northern Development, 1989) [FBH-000029, p. 21].

4. Policy Development

The *Indian Act* provided legislative authority to the federal government to establish educational programs for Indian children. A lot of the regulatory authority has been exercised by Orders in Council, but overall, regulations have been shaped by the *Constitution Act*, the *Indian Act* and its subsequent amendments, manuals, including the Indian Affairs Branch Field Manual, and series of circulars starting in the late 1950s after the introduction of the Education Assistance Program in 1958.

Policy decisions were conveyed to field staff through memoranda and circulars. While the two terms can be used interchangeably in some periods, during some periods Indian Affairs created numbered and colour-coded series of circulars that were intended to be key guiding documents for field staff. Memoranda, while they could cover the same topics, could be specific to a single region or even a single case, while circulars were, as the name suggests, intended to have broad application. It is worth noting, however, that some regions created their own circulars, while some memoranda were intended for circulation to field staff across the country.

In the case of the Federal Boarding Home Program, provincial and territorial regulations may have played a determining role, in the sense that the federal government decided to align its own regulations governing the placement of Indian children in boarding homes with those established by the provinces and territories to place their non-Indian children in foster homes through their welfare services.²¹⁶

1. The Branch's Education Policy, 1954–1973

A memorandum was sent in April 1954 by the Superintendent of Education, R. F. Davey, discussing the procedures to obtain or renew tuition grants. Tuition grants were issued with the following provisions:

A tuition grant is a sum payable on the basis of individual merit and need for the education of an Indian pupil attending a non-Indian school. The Department expects the student and parents to make the maximum contribution their circumstances will permit. In the case of high school students grants will be continued only when students successfully complete each year's studies. [emphasis in original]²¹⁷

²¹⁶ For more on the subject, see ISP-01147, pp. 2-4.

²¹⁷ R. F. Davey, Superintendent of Education, Indian Affairs Branch, Ottawa, to the Indian Commissioner for B.C., all Regional Supervisors, the Indian Superintendents, Agents and Regional Inspectors of

All applications were to be submitted before August 1st of each year. Davey reported complaints received by the Department about delays relating to “payment of board and lodging for pupils enrolled in non-Indian schools and living in private homes.” [emphasis in original]²¹⁸ To avoid these delays, Superintendents were asked to request an accountable advance for each student; however, board and lodging were to be paid only after the services had been rendered, not before. Accounts for payment were to be accompanied by vouchers showing the name of the pupil. In a later memorandum, Davey reported that authority for grants were covered by a numbered Letter of Authority, otherwise “the file number and date of telegram or correspondence authorizing the expenditure will be entered.”²¹⁹

The rapid growth of the Indian school population, along with the lack of accommodation available in Indian residential schools, encouraged Indian Affairs to come up with a new approach. One of the first regions to put this policy into practice was Saskatchewan. As the Regional Supervisor in Saskatchewan explained the Educational Assistance Program and funding approved in 1958: “Headquarters has now approved a plan, submitted by this office, whereby Indian children may be placed in educational homes for educational purposes on a ten month basis.”²²⁰

Interestingly, the Saskatchewan Office drew a direct parallel between the new Boarding Home Program and an existing foster placement system. Introducing the Boarding Home Program, the Regional Supervisor noted that a similar plan was already in operation in Saskatchewan, run by the Department of Social Welfare, whose regulations and inspection would now apply to Indian Affairs’ program. The problem of distinguishing foster care from educational placements is discussed further in Section 5.3.4 below.

Indian Schools, April 13, 1954 [FBH-001579]. RG 10 Volume 8955 File 55/25-8 Part 1 Library and Archives Canada.

²¹⁸ R. F. Davey, Superintendent of Education, Indian Affairs Branch, Ottawa, to the Indian Commissioner for B.C., all Regional Supervisors, the Indian Superintendents, Agents and Regional Inspectors of Indian Schools, April 13, 1954 [FBH-001579]. RG 10 Volume 8955 File 55/25-8 Part 1 Library and Archives Canada.

²¹⁹ R. F. Davey, Superintendent of Education, Indian Affairs Branch, to the Indian Commissioner for B.C., the Regional Supervisors of Indian Agencies, and the Superintendents, Indian Agency, December 28, 1955 [FBH-011437]. RG 10 Volume 9042 File 26/25-8-2 Part 1 Library and Archives Canada.

²²⁰ N. J. McLeod, Regional Supervisor, Indian Agencies, Saskatchewan, to all Superintendents and Assistants, Indian Agency, and all Indian Missionaries, September 25, 1959 [VAN-030032]. 701/25-8, Pt. 1, 12/01/1959-12/31/1969, Educational assistance – General, Acc. 1985-86/137, Box 9, F.A. 10-135, LAC-Ottawa.

The Saskatchewan Office intended to maintain strict control over the selection of the students and the rates paid:

We do not wish our placement programme to be considered as a money-making venture by prospective foster parents, but rather as a Christian undertaking where love of children and concern for their welfare are prevailing factors.²²¹

Children were to be selected through consultation with the Agency Superintendent, adding that “unauthorized placement by missionaries, or other welfare personnel, will not be recognized, and payments will be withheld.”²²² The Province of Saskatchewan demanded that a foster home accommodating more than two children be licensed, which stipulation the Department wanted to adhere to. Students considered for placement were divided up into four categories:

- (a) those for whom attendance at a day school is impractical (no facilities, distance) when no residential school accommodation is available;
- (b) orphans, children from broken or migrant homes, when residential school facilities are not available;
- (c) those children normally considered to be residential school cases, for whom no residential school of their own denomination is available;
- (d) special cases with language handicaps, the mentally deficient, etc., who need special therapy or other treatment.²²³

Agency Superintendents had to adopt a specific procedure. First, Form IA3-114 was to be completed and vouchers issued under the appropriate vote for board

²²¹ N. J. McLeod, Regional Supervisor, Indian Agencies, Saskatchewan, to all Superintendents and Assistants, Indian Agency, and all Indian Missionaries, September 25, 1959 [VAN-030032]. 701/25-8, Pt. 1, 12/01/1959-12/31/1969, Educational assistance – General, Acc. 1985-86/137, Box 9, F.A. 10-135, LAC-Ottawa.

²²² N. J. McLeod, Regional Supervisor, Indian Agencies, Saskatchewan, to all Superintendents and Assistants, Indian Agency, and all Indian Missionaries, September 25, 1959 [VAN-030032]. 701/25-8, Pt. 1, 12/01/1959-12/31/1969, Educational assistance – General, Acc. 1985-86/137, Box 9, F.A. 10-135, LAC-Ottawa.

²²³ N. J. McLeod, Regional Supervisor, Indian Agencies, Saskatchewan, to all Superintendents and Assistants, Indian Agency, and all Indian Missionaries, September 25, 1959 [VAN-030032]. 701/25-8, Pt. 1, 12/01/1959-12/31/1969, Educational assistance – General, Acc. 1985-86/137, Box 9, F.A. 10-135, LAC-Ottawa.

and room. Form IA3-100 was then needed to determine the proper clothing allowance. Next, the educational portion of the placement was to be covered by Tuition Grant Form IA 4-49. Finally, details of the placement were to be forwarded to the local Provincial Welfare office.²²⁴

By April 1960, while an application for educational assistance was approved by the Regional Office Committee, accommodation was to be arranged by the Education Division.²²⁵ By November 1961, it appears that the Branch's policy regarding the placement of Indian children in private homes was to exclude, if possible, children under the age of 16 except if the child was to attend high school. It was also reported that the Branch's policy was being reviewed.²²⁶ The implementation of this policy is discussed further in Section 5.3.3 below.

In 1969, the Dauphin District Superintendent of Education in Manitoba wrote that students would be allowed to leave their home communities to attend school only when no suitable educational facilities were available in the home community. He then stated that in the Central and Western Districts, all placements in private homes or student residences, effective immediately – September 23, 1969 – were to be made based on the recommendation of the Children's Aid officials. In the rest of Manitoba, however, where there were no Children's Aid Societies, counsellors could recommend placements and were encouraged to consult with Band Welfare officials, Assistant Indian agents, and Provincial Welfare officials. They recommended that counsellors should become "less welfare officers concerned with welfare problems."²²⁷

1. The 1959–1961 Joint Committee

A joint committee of the Senate and House of Commons was established in 1959, by the Diefenbaker government, in order to investigate Indian policy and administration. Leaders of Indian bands and Indigenous rights associations were invited to participate, and many witnesses came to testify on the urgent need to improve health, education, and social welfare services. The integration policy was also scrutinized. A delegation of

²²⁴ N. J. McLeod, Regional Supervisor, Indian Agencies, Saskatchewan, to all Superintendents and Assistants, Indian Agency, and all Indian Missionaries, September 25, 1959 [VAN-030032]. 701/25-8, Pt. 1, 12/01/1959-12/31/1969, Educational assistance – General, Acc. 1985-86/137, Box 9, F.A. 10-135, LAC-Ottawa.

²²⁵ A. G. Leslie, Regional Supervisor of Indian Agencies, Winnipeg, to Superintendents, Assistants and Principals, April 1, 1960 [FBH-002336, pp. 1-2]. RG 10 Volume 8774 File 501/25-8 Part 2 Library and Archives Canada.

²²⁶ K. J. Gavigan, Acting Regional Director, Saskatchewan, to the Chief, Education Division, November 17, 1961 [FBH-000863[00-02]]. RG 10 Volume 8754 File 601/25-1 Part 3 Library and Archives Canada.

²²⁷ J. R. Wright, District Superintendent of Education, Dauphin, to all Guidance Counsellors, September 23, 1969 [NEL-001885]. 501/25-1. Vol. 1, 06/01/1969-10/31/1975, Indian Education – General, Acc. W1986-87/083, Box 1, F.A.10-131 LAC – Winnipeg.

the B.C. Interior Tribes stated that they wished to retain their cultures, rights, lands and resources, while relying on cooperation with Canadian society and not integration.²²⁸ On the other side, the Federation of Saskatchewan Indians (FSI) and the Indian Association of Alberta were advocating integration for off-reserve Indian students.²²⁹ The latter organisation also recommended the establishment of hostels in Calgary and Edmonton. Apparently, the lack of consensus regarding integration “was disconcerting to members of the joint committee.”²³⁰ During the final round of hearings, the Indian Branch Director, Jones, presented a positive overview of the Branch’s achievements, including progress on the integration of Indian children into provincial schools. The final report of the Joint Committee recommended expanding the integration policy, though asking the provinces to ensure that school curricula offer a more comprehensive and accurate history of the Indian people.²³¹

2. Indian Affairs Branch Field Manual

Indian Affairs developed regulations with respect to teacher employment, training, salaries, discipline, and accommodation. These regulations were supplemented by guides included in the instructions to Indian agents, which were later compiled into comprehensive field manuals. These field manuals were divided into chapters, and Education formed Chapter 11, and included sub-chapters related to topics such as policy, types of schools, attendance at school, transportation, etc. Educational Assistance formed sub-chapter 11.08, and reads:

11.08 Educational Assistance

General Assistance

In order to further facilitate integration it has been decided to adopt the some policy at the High School level as has been followed for some years at the Elementary level. Indian students who wish to attend High School on a day basis for whom only tuition fees and school supplies will be a charge against federal funds may be enrolled in accordance with existing policy without completion of an Educational Assistance form and without referral to headquarters. For record purposes these

²²⁸ John F. Leslie, “Assimilation, Integration or Termination? The Development of Canadian Indian Policy, 1943-1963,” Thesis, Carleton University, 1999 [01054, p. 333].

²²⁹ John F. Leslie, “Assimilation, Integration or Termination? The Development of Canadian Indian Policy, 1943-1963,” Thesis, Carleton University, 1999 [01054, pp. 334, 337].

²³⁰ John F. Leslie, “Assimilation, Integration or Termination? The Development of Canadian Indian Policy, 1943-1963,” Thesis, Carleton University, 1999 [01054, p. 338].

²³¹ John F. Leslie, “Assimilation, Integration or Termination? The Development of Canadian Indian Policy, 1943-1963,” Thesis, Carleton University, 1999 [01054, p. 385].

students as well as those receiving individual assistance will be reported annually on the census of Indians attending non-Indian schools. The cost for such students will be met from a blanket allotment at Headquarters and accounts to cover such expenditures will be processed for payment in the same manner as accounts for elementary pupils.

Individual Assistance

If financial assistance in excess of the above is necessary, the Department expects the student or parents to make the maximum contribution which their circumstances will permit. Assistance will only be continued when a student successfully completes the studies of the preceding year, unless extenuating circumstances account for his or her failure. (This regulation does not apply to elementary school pupils or to Students under school-leaving age).

... [emphasis in original]²³²

As regards Individual Assistance, students and/or parents were expected to make the maximum financial contribution possible, and each request had to be formulated through Form IA 4-49. The Parliament Appropriation was divided as equally as possible between the regions, each having full responsibility for the use of its funds for educational assistance. These regional funds were to cover:

- A Maintenance of pupils in boarding homes and institutions involving room, board, clothing and incidental personal expenses including daily transportation where there is no group transportation provided.
- B Transportation from home to training centre and return.
- C Tuition fees and supplies for all courses except regular elementary and high school.²³³

The Field Manual gave special instructions in order to make funds “go as far as possible,” including the revision of all Residential School enrolments to ensure that only eligible students were admitted. Such revision was required principally to make sure

²³² Indian Affairs Branch Field Manual, Chapter 11, “Education,” updated to March 1963 [BHR-003009, p. 16]. No source information provided.

²³³ Indian Affairs Branch Field Manual, Chapter 11, “Education,” updated to March 1963 [BHR-003009, p. 18]. No source information provided.

that students under 16 years of age were accommodated in Residential Schools, as they were not to be placed in boarding homes “unless absolutely necessary.” And it further declared that in case a student under 16 had to be placed in a private home for “Welfare reasons” arrangements should consequently be made by the appropriate welfare authority.²³⁴ Over 16 years of age, placement rates were to meet the local rates: “Placement of students in private homes will be made at rates as close to the boarding schedule of local Child Welfare Agencies as possible. Rates for personal allowance will also be kept in line with the rates approved by such authorities.” [emphasis in original]²³⁵ Regarding the associated costs, here is what the Field Manual stated:

- E Do not allow any set amount for clothing but consider each case on its own merits after applying a rigid means test. (Certain limits must not be exceeded, for example \$90.00 per year for elementary, and \$100.00 for high school students....)

- F Do not allow any set amount as a personal allowance for students. Personal allowances are not a right of all but are to be considered as a privilege for only those who need and will be subject to as rigid a means test as is the clothing allowance. (Where personal allowances are absolutely necessary, reduce the amounts to such figures as \$5.00 to \$7.50 per month for elementary and junior high school students – \$7.50 to \$10.00 for senior high school students and students in technical courses....) Care should be taken to see that all allowances are used only for the purposes for which they were provided. In no cases will personal allowances exceed \$15.00 per month.

- G If group transportation is not available and bus or streetcar fare is a necessity, such costs will be shown as a charge against transportation on the Application Form and not included with Personal Allowances. Wherever possible, advantage should be taken of reduced rates for bus passes or through bulk purchase of tickets.

For every Student for whom the Department must assume board and room, maintenance, or clothing costs and for every student taking courses outside the regular Elementary or High School program, an

²³⁴ Indian Affairs Branch Field Manual, Chapter 11, “Education,” updated to March 1963 [BHR-003009, p. 18]. No source information provided.

²³⁵ Indian Affairs Branch Field Manual, Chapter 11, “Education,” updated to March 1963 [BHR-003009, p. 18]. No source information provided.

individual Educational Assistance Form must be completed annually.
[emphasis in original]²³⁶

The Education Division was to assume the cost of clothing, ensuring that the Indian students were clothed “equally as well as, but not better than, the average student, in the school where he attends.” [emphasis in original]²³⁷ The Field Manual further stated that the parents and band councils were to be encouraged to participate in these costs as much as possible. Each region was to report quarterly to Headquarters on the number of students enrolled in non-Indian Schools.

3. Circulars, 1957–1969

In December 1957, Circular No. 23 was sent to all Regional Supervisors and Superintendents, and enclosed census forms which would allow the Department to keep records of Indian children attending non-Indian schools and receiving tuition grants.²³⁸

Circular No. 117²³⁹ contained instructions pertaining to tuition grants. Similar instructions had been regularly sent in previous years through memorandums.²⁴⁰ These records were usually sent out in April, when the time came to complete applications or renew tuition grants.

Around January 1959, the Field Manual was modified in order to clarify coding and allocations of costs for maintenance of children between the Education and Welfare Divisions. Circular No. 87 informed that Section 13.31 had been added for that purpose, which clarified the distribution of costs between the two.²⁴¹

²³⁶ Indian Affairs Branch Field Manual, Chapter 11, “Education,” updated to March 1963 [BHR-003009, pp. 18-19]. No source information provided.

²³⁷ Indian Affairs Branch Field Manual, Chapter 11, “Education,” updated to March 1963 [BHR-003009, p. 19]. No source information provided.

²³⁸ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commissioner for B.C., the Regional Supervisors, and the Superintendents of Indian Agencies, December 16, 1957 [VAN-045355]. 25-8, Pt. 3, 07/01/1957-01/31/1958, Tuition grants, Acc. 1989-90/101, Box 41, F.A. 10-151, LAC-Vancouver.

²³⁹ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, and the Superintendents of Indian Agencies, April 28, 1959 [FBH-001307]. RG 10 Volume 8543 File 51/25-8 1959-1960 Library and Archives Canada.

²⁴⁰ See for instance: R. F. Davey, Superintendent of Education, Indian Affairs Branch, Ottawa, to the Indian Commissioner for B.C., all Regional Supervisors, the Indian Superintendents, Agents and Regional Inspectors of Indian Schools, April 13, 1954 [FBH-001579]. RG 10 Volume 8955 File 55/25-8 Part 1 Library and Archives Canada.

²⁴¹ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, and the Superintendents of Indian Agencies, January 5, 1959 [255398]. Acc. V92-93/185,

Circular No. 34, in February 1960, stated that some regions had been operating “for nearly two years under a decentralized system of educational assistance control, while others have had approximately one year of experience in this regard.”²⁴² It was now time to clarify some aspects of the program and bring some uniformity. First, the term “Tuition Grant” was replaced by “Educational Assistance,” being “a sum payable on behalf of such Indian students attending non-Indian educational institutions.”²⁴³ The Circular then reported that there were two different types of Educational Assistance: 1 – the payment of tuition fees, school books and supplies for Indian children attending elementary integrated schools; 2 – assistance required by Indian students beyond the elementary level. For the second type, individual applications and authorities were necessary and the maximum financial contribution possible was expected from the student and/or his parents. Authorities for Expenditures were numbered chronologically from April 1, 1960, each number being prefixed by the Regional Office code number. The letter “E” identified Authorities issued from Branch Headquarters. Ordinary applications, not exceeding \$1,000 for tuition, maintenance, and transportation could be approved by the regional office. The Circular mentioned that many applications had been sent to headquarters, which could have been approved at the regional centre instead “by securing a slightly larger contribution from the parents or student, or cutting down slightly on the personal allowance or transportation provided.”²⁴⁴ Applications involving only tuition and not above \$400 could be approved by the regional office; others applications were to be referred to headquarters.

Following the approval of O.C.P.C. 1958-8/1578 in November 1958, Educational Assistance came to replace Tuition Grants. Circular Letter No. 53 was sent in order to “establish a procedure which will be aimed towards attaining maximum benefit to the Indians in return for the time and labor spent by all concerned.”²⁴⁵ The Manitoba Regional Supervisor of Indian Agencies, A. G. Leslie, suggested the following steps: A.

Box 1, File 901/1-2-3-1, vol. 1, Field Manuals, 02/1941-05/1972, FA 10-167 National Archives of Canada – Burnaby.

²⁴² H. M. Jones, Director, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, the Regional and District School Superintendents, and the Regional School Inspectors, February 15, 1960 [NCA-011701]. RG10, Vol. 8769, File 1/25-8, pt. 4 Library and Archives Canada.

²⁴³ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, the Regional and District School Superintendents, and the Regional School Inspectors, February 15, 1960 [NCA-011701]. RG10, Vol. 8769, File 1/25-8, pt. 4 Library and Archives Canada.

²⁴⁴ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, the Regional and District School Superintendents, and the Regional School Inspectors, February 15, 1960 [NCA-011701]. RG10, Vol. 8769, File 1/25-8, pt. 4 Library and Archives Canada.

²⁴⁵ A. G. Leslie, Regional Supervisor of Indian Agencies, Winnipeg, to Superintendents, Assistants and Principals, April 1, 1960 [FBH-002336, p. 1]. RG 10 Volume 8774 File 501/25-8 Part 2 Library and Archives Canada.

Preliminary Assessment; B. Educational Assistance Application; C. Liaison; and D. Financial Assistance. Following the Preliminary Assessment, and upon approval of the Educational Assistance Application, accommodation was to be arranged by the Education Division. Financial Assistance could be provided by the Department in various categories: personal allowance, transportation, board and room, clothing and special clothing, and tools. In concluding:

The value of Educational Assistance cannot be measured in terms of cost. The importance of proper selection of individuals and the completion of students' records are emphasized in order that a higher percentage of students' successfully completing courses and entering employment in the field chosen may be achieved.²⁴⁶

From now on, circulars repeated the importance of preliminary assessment before accepting any application: "[a]pplications should not be submitted without careful consideration having been given to the academic standing, character, and attitudes of the Indian student concerned."²⁴⁷ This process was to be carefully observed in order to avoid any misunderstanding, frustration, and suspicion on the part of the Indians. It also reported that students were covered under Departmental authorities E.R. 67.

In April 1961, the Acting Director of Indian Affairs informed field staff that tuition fees had been divided between "elementary schools, high schools and other tuition fees which are indicated as "general."²⁴⁸ A coding summary for the Education Division was attached to the circular. Expenses related to tuition and maintenance of Indian children were to be coded under Vote 526, Allotment 42, Sub-allotments 801 (Tuition Fees – General), 802 (Tuition Fees – Elementary School), 803 (Tuition Fees – High School), 804 (Room and Board), 805 (Personal Allowance, and 807 (Transportation of Pupils);

²⁴⁶ A. G. Leslie, Regional Supervisor of Indian Agencies, Winnipeg, to Superintendents, Assistants and Principals, April 1, 1960 [FBH-002336, p. 5]. RG 10 Volume 8774 File 501/25-8 Part 2 Library and Archives Canada.

²⁴⁷ A. G. Leslie, Regional Supervisor of Indian Agencies, Winnipeg, to Superintendents, Assistants and Principals, April 1, 1960 [FBH-002336, p. 1]. RG 10 Volume 8774 File 501/25-8 Part 2 Library and Archives Canada.

²⁴⁸ L. L. Brown, Acting Director, Indian Affairs Branch, to the Acting Indian Commissioner for B.C., the Regional Supervisors, and the Regional Superintendents of Indian Agencies, April 13, 1961 [NEL-002113[00-01]]. 1/16-1, Pt. 4, 00/00/1948-00/00/1961, General Correspondence regarding Indian Affairs Finances, Perm. Vol. 8836, F.A. 10-28, LAC – Ottawa.

additional sub-allotments were available for other expenses.²⁴⁹ By April 1963, board, room, and personal allowances were charged against Vote 529, Allotment 22.²⁵⁰

As the number of high school Indian students requiring educational assistance was growing fast, Indian Affairs turned to new terms to contain the growing expense. Residential schools began to offer hostel accommodation for those high school students receiving education in a nearby non-Indian school, but as Circular No. 62 in June 1961 pointed out, the use of private homes represented another solution, and the Boarding Home Program expanded as quickly as hostel accommodation. While the Department expected high school enrolment to keep increasing, the available space in residential schools was limited and the construction of new hostels would likely not be able to fully contain the growth, so the Department was asking its staff to make sure that the private home boarding option was “fully exploited”:

To what extent the expansion of this program is possible or desirable cannot accurately be estimated at this point. Its success will inevitably depend on student selection and supervision. The tremendous advantages for the right student in the right home with adequate counselling on educational, social and emotional problems are apparent. The difficulties, disappointments and harm that can result from an unfortunate combination of circumstances in the boarding of Indian pupils in private homes are familiar to you. However, we are not aware of any greater incidence of maladjustment amongst these pupils than amongst pupils in the same age group in hostels and residential schools.²⁵¹

Admitting that the complete number of students boarding in private homes was unknown, it assessed that there were nearly as many students in private homes than in hostels. Based on a current 6.5% high school enrolment, the circular projected a 1% increase for the next ten years, meaning an annual increase of between 450 and 600 high school students, and anticipated a total enrolment by 1970 of 62,000, including 16% or about 10,000 students attending high schools. Out of this last number, it estimated that 4,000 would be day students, while the remainder would be equally split

²⁴⁹ Summary of Coding, April 13, 1961 [NEL-002113[01-01]]. 1/16-1, Pt. 4, 00/00/1948-00/00/1961, General Correspondence regarding Indian Affairs Finances, Perm. Vol. 8836, F.A. 10-28, LAC – Ottawa.

²⁵⁰ A. N. Wark, Superintendent, Carlton Agency, to Indian Affairs Branch, Ottawa, April 25, 1963 [FBH-002360]. RG 10 Volume 8776 File 672/25-8 Part 3 Library and Archives Canada. This change appears to have been proposed by A. G. Leslie [VAN-046842].

²⁵¹ H. M. Jones, Director, Indian Affairs Branch, to the Acting Indian Commissioner for B.C., the Regional Supervisors, and the School Superintendents, June 30, 1961 [BAX-000800]. RG10, Vol. 8769, File 1/25-8, pt. 5 Library and Archives Canada.

between hostels and residential schools, and private homes. Regarding foster home care, the circular wrote: “[f]oster home care for some welfare cases has been exploited successfully on reserves where suitable homes and day school accommodation are available.”²⁵²

In November 1961, Circular No. 67 asked Regional Supervisors to report on provincial regulations relating to private homes. H. M. Jones, Director of the Indian Affairs Branch, wrote: “[i]f private homes offering care for children in the Province are controlled by a Licensing Act or other means, I would appreciate your views on the advisability of insisting that persons offering boarding home care for Indian children comply with any regulations there may be.”²⁵³

For the Department, the use of licensed homes was preferable in order to maintain its standards: “[t]he restriction of homes used for Departmental purposes to those which have been licensed or approved by the proper Provincial authority would serve to ensure that the adequate standards are maintained.”²⁵⁴ Replying to Circular No. 67, the Alberta Regional Supervisor stated that, since the Alberta Province did not require licenses for private homes taking less than four students, and as provincial Indian Affairs authorities placed preferably one child and “not more than two to a home” no license was required according to him.²⁵⁵ However, Indian Affairs also had concerns about limiting the Boarding Home Program to licensed homes because Indian residential schools could not absorb the demand for accommodation for Indian students studying outside their community.²⁵⁶ The issue of licensing is taken up again in Section 5.2.1 below. Ultimately, Indian Affairs did not introduce a licensing system for boarding homes.

²⁵² H. M. Jones, Director, Indian Affairs Branch, to the Acting Indian Commissioner for B.C., the Regional Supervisors, and the School Superintendents, June 30, 1961 [BAX-000800]. RG10, Vol. 8769, File 1/25-8, pt. 5 Library and Archives Canada.

²⁵³ H. M. Jones, Director, Indian Affairs Branch, to the Regional Supervisors, and the Indian Commissioner for B.C., November 20, 1961 [FBH-002266]. RG 10 Volume 8770 File 1/25-8 Part 6 Library and Archives Canada.

²⁵⁴ H. M. Jones, Director, Indian Affairs Branch, to the Regional Supervisors, and the Indian Commissioner for B.C., November 20, 1961 [FBH-002266]. RG 10 Volume 8770 File 1/25-8 Part 6 Library and Archives Canada.

²⁵⁵ L. C. Hunter, Regional Supervisor, to Indian Affairs Branch, December 20, 1961 [VAN-030030]. 701/25-8, Pt. 1, 12/01/1959-12/31/1969, Educational assistance – General, Acc. 1985-86/137, Box 9, F.A. 10-135, LAC-Ottawa.

²⁵⁶ DIAND, Draft of Policy Governing Placement of Indian Children in Boarding Homes, circa November 1961 [FBH-000863[01-02], p. 1]. RG 10 Volume 8754 File 601/25-1 Part 3 Library and Archives Canada.

In November 1961, the Education Division prepared draft regulations for boarding home placements, which were shared with representatives of the United Church for information and review. It was also reported that one home licensed by the [Saskatchewan] Department of Social Welfare had also been used to place Indian children for education purposes.²⁵⁷ Indian Affairs hoped to expand the use of boarding homes, although welfare cases such as orphans and children from broken homes would continue to be placed in Indian residential schools, or managed by the foster-home program. The officials emphasized the need to distinguish between “boarding home” and “foster home” stating, “[i]t should be recognized clearly that any placement arranged by our Branch does not involve a transfer of guardianship.”²⁵⁸

The officials expressed a willingness to place children in Indigenous homes, but expressed concern that the increasing demand for foster care placements meant that very few suitable Indigenous homes were available for boarding home placements. The draft policy highlighted a few problems and advised caution in the following:

- (1) That the Branch use only suitable and adequate homes. For this reason an appropriate Application for Boarding an Indian Student Form has been designed. When completed, it will provide us with a fairly thorough and accurate assessment of the individual homes. Reference will be checked. We expect Church Officials and our own Staff to recommend good homes.
- (2) That parents give written consent to placement of their children and agree to relieve the Branch and persons acting on its behalf of any responsibility or liability in the event of mishap.
- (3) That parents give consent authorizing the Indian Affairs Branch to provide medical care for the child by qualified medical practitioners, as needed.
- (4) That parents indicate the religious affiliation of the home in which the child is to be placed.
- (5) That a medical and dental report be obtained for each child before he is placed in a non-Indian home. The child should be properly immunized and this record be kept on file.
- (6) That a minimum amount of information about the child and his parents be maintained at the Agency Office. A statement of marks obtained the previous year should accompany the Application for Educational Assistance.

²⁵⁷ K. J. Gavigan, Acting Regional Director, Saskatchewan, to the Chief, Education Division, November 17, 1961 [FBH-000863[00-02]]. RG 10 Volume 8754 File 601/25-1 Part 3 Library and Archives Canada.

²⁵⁸ DIAND, Draft of Policy Governing Placement of Indian Children in Boarding Homes, circa November 1961 [FBH-000863[01-02], p. 1]. RG 10 Volume 8754 File 601/25-1 Part 3 Library and Archives Canada.

- (7) That the parents agree to the placement for one year unless home conditions on the Reserve change during this time or it becomes necessary, in the opinion of Branch Officials, to transfer the child to another home.
- (8) That every placement be reviewed periodically and pertinent information about the placement be recorded.
- (9) That no child now in a Foster Home, approved by the Welfare Division will be accepted under this program.
- (10) That liaison be maintained between the boarding home, the school, the natural parents, the pupil and the Agency Office.²⁵⁹

An application therefore had to be completed for each case, and funds required were to be indicated under the following headings:

- (i) Tuition and Supplies.
- (ii) Room and Board (up to \$60.00 per month for elementary pupils, \$65.00 per month for High School pupils. When two pupils share a bedroom, it may be possible to obtain reduced rates.
- (iii) Transportation, including daily carfare, when needed.
- (iv) Personal allowance when deemed necessary. (Rates should not exceed \$15.00 per month for High School pupils and \$10.00 per month for Elementary pupils).²⁶⁰

Circular No. 345 in February 1962 informed Indian Affairs officials that in order to further facilitate integration, the policy of requiring individual applications and authorities for “general” educational assistance, such as tuition fees and school supplies, for Indian students who wished to attend high school was being changed and would no longer require individual applications and authorities, as was the practice for children at the elementary level. General assistance to such high school students would be charged against a blanket allotment at Headquarters. Although the Circular stressed that, in the case of “individual” educational assistance, the decentralization of control of educational assistance had procured “greater facility and freedom of action,” it also pointed out some of the problems encountered, including the lack of uniformity

²⁵⁹ DIAND, Draft of Policy Governing Placement of Indian Children in Boarding Homes, circa November 1961 [FBH-000863[01-02], p. 2]. RG 10 Volume 8754 File 601/25-1 Part 3 Library and Archives Canada.

²⁶⁰ DIAND, Draft of Policy Governing Placement of Indian Children in Boarding Homes, circa November 1961 [FBH-000863[01-02], p. 4]. RG 10 Volume 8754 File 601/25-1 Part 3 Library and Archives Canada.

between the regions. The circular stated that each region was to assume full responsibility for the use of its funds, which should be divided as equally as possible between the regions; it also recommended using the funds “to the best possible advantages for the greatest number of students and as their financial circumstances warrant.”²⁶¹ According to the circular, regional funds needed to cover:

- (a) Maintenance of pupils in boarding homes and institutions involving room, board, clothing and incidental personal expenses including daily transportation where there is no group transportation provided.
- (b) Transportation from home to training center and return.
- (c) Tuition fees and supplies for all courses except regular elementary and high school.²⁶²

Further, in order to bring the operations of the Department “more closely in line with Children’s Aid and Welfare payments” it issued the following directions:

- (a) Do not place students under 16 years of age in boarding-homes unless absolutely necessary. (Carefully control residential school enrolment to make room for those students who need boarding accommodation and who are under 16 years of age.)
- (b) Reduce board and room rates until they are comparable to provincial rates for students of a similar age who need foster home care.
- (c) Do not allow any set amount for clothing but consider each case on its own merits after applying a rigid means test. (Perhaps your regional staff should be advised that certain limits must not exceed, for example \$60.00 per year for high school students or \$100.00 per year for university students, etc.).

²⁶¹ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commissioner for B.C., the Regional Supervisors, the Superintendents of Indian Agencies, the Superintendents of Indian Schools, and the Education Specialists, February 12, 1962 [FBH-001517]. RG 10 Volume 8871 File 55/25-8 Part 8 Library and Archives Canada.

²⁶² H. M. Jones, Director, Indian Affairs Branch, to the Indian Commissioner for B.C., the Regional Supervisors, the Superintendents of Indian Agencies, the Superintendents of Indian Schools, and the Education Specialists, February 12, 1962 [FBH-001517]. RG 10 Volume 8871 File 55/25-8 Part 8 Library and Archives Canada.

- (d) Do not allow any set amount as a personal allowance for students. Personal allowances are not a right of all but are to be considered as a privilege for only those who need and will be subject to as rigid a means test as is the clothing allowance. (Where personal allowances are absolutely necessary, reduce the amounts to such figures as \$5.00 to \$7.50 per month for elementary and junior high school students – \$7.50 to \$10.00 for senior high school students and students in technical courses – \$10.00 to \$12.50 per month for students in university, etc. Care should be taken to see that all allowances are used only for the purposes for which they were provided. In no case will personal allowance exceed \$15.00 per month.)

If group transportation is not available and bus or street-car fare is a necessity such costs will be shown as a charge against transportation on the Application Form and not included with Personal Allowances. Wherever possible, advantage should be taken of reduced rates for bus passes or through bulk purchase of tickets.²⁶³

Circular No. 345 concluded by reminding that an individual Educational Assistance Form had to be completed for every student “taking courses outside the regular Elementary or High School program” for which the Department accepted to assume board and room, maintenance, or clothing costs. Each region was to report quarterly on the total number of students enrolled in non-Indian schools: those attending elementary schools, high schools, trade or vocational schools, teacher training schools, nursing institutions, university, and any other institution.²⁶⁴

Circular No. 384 was sent in July 1962 to clarify the situation following some concerns raised by Circular No. 345: “[a]s the number increases, the problems become more involved and inconsistencies in practice become more apparent. Hence, it is important

²⁶³ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commissioner for B.C., the Regional Supervisors, the Superintendents of Indian Agencies, the Superintendents of Indian Schools, and the Education Specialists, February 12, 1962 [FBH-001517]. RG 10 Volume 8871 File 55/25-8 Part 8 Library and Archives Canada.

²⁶⁴ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commissioner for B.C., the Regional Supervisors, the Superintendents of Indian Agencies, the Superintendents of Indian Schools, and the Education Specialists, February 12, 1962 [FBH-001517]. RG 10 Volume 8871 File 55/25-8 Part 8 Library and Archives Canada.

for us to consider a more realistic approach to the total situation.”²⁶⁵ Some of the problems encountered included the difficulty of reaching uniformity of assistance for children placed in private boarding homes; the difficulty of reaching equality in financial assistance for students placed in Indian Residential Schools, private boarding homes, or other boarding institutions; and the difficulty of reaching uniformity of rates paid for board, room, and personal allowance as compared with the rates paid by other governmental and private organizations offering Child Welfare Services. The Department issued the following directions:

- (a) Carefully review all Residential School enrolments to ensure that only bona fide students are allowed to benefit from such accommodation at public expense. (Bona fide students are those whose parents have residential status on reserves, or who reside on Crown land; and whose children must leave home because of home conditions or because the education which the children require is not otherwise available).
- (b) Generally speaking, Residential School facilities will be used for children under 16 years of age placed for educational reasons. If private home placements are necessary, due to lack of accommodation, wherever practical students over 16 years of age will be placed in private homes leaving room for the younger group in the Residential Schools. This principle should be applied judiciously to avoid disruption of present programmes and disturbing arrangements to which students have adjusted well.
- (c) Review the circumstances of all children under 16 now in private boarding homes and, wherever it seems wise, make provision for them in Residential Schools commencing this September. (It may even be possible to return some of them to their homes).
- (d) If placement of a child under 16 years of age in a private home is necessary for welfare reasons the arrangements should be made by the appropriate welfare authority.
- (e) Placement of students 16 years and over will be made at rates as close to the boarding schedule of local Child Welfare Agencies as

²⁶⁵ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commissioner for B.C., the Regional Supervisors, and the Regional School Superintendents, July 3, 1962 [FBH-001983]. RG 10 Volume 11452 File 494/25-8 Part 2 Library and Archives Canada.

possible. Rates for personal allowance will also be kept in line with the rates approved by such authorities.²⁶⁶

Facing a rapidly increasing number of educational assistance cases, Regional Supervisor of Indian Agencies A. G. Leslie instructed his field staff to assure careful guidance and counselling to Indian students, in order to avoid wasting public money:

In a previous circular, Agency and School Superintendents have been asked to make a careful assessment of a student's potential before directing him into an academic high school program because of the possible waste of public funds that results when pupils fail to make satisfactory achievement.²⁶⁷

Leslie added that parents were expected to contribute as much as possible towards the costs of "special student assessments and extra-curricular functions at high school and also provide the pupils with necessary pocket money." [emphasis added]²⁶⁸ It was suggested introducing a basic contribution for the parents to meet these expenses, effective September 1, 1963. In response, the Superintendent of the Pas Agency pointed out that "[p]arent responsibility for assuming any costs has always been a problem," even though he recognized that whenever possible parents were assisting financially their children.²⁶⁹

In order to help "the greatest possible number of pupils qualified to attend high school" Indian Affairs decided, effective September 1, 1963, to impose a basic financial contribution to the parents. As regards to meeting the costs to place students in boarding homes, Circular No. 77 wrote that it also required "the greatest parental

²⁶⁶ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commissioner for B.C., the Regional Supervisors, and the Regional School Superintendents, July 3, 1962 [FBH-001983]. RG 10 Volume 11452 File 494/25-8 Part 2 Library and Archives Canada.

²⁶⁷ A. G. Leslie, Regional Supervisor of Indian Agencies, Indian Affairs Branch, to the Agency Superintendents, the Assistant Superintendents, the Principals of the Residential Schools, November 19, 1962 [VAN-046845]. 128/25-8, Pt. 1, 01/01/1961-03/31/1963, Indian Education – Educational Assistance – Tuition Grants, Acc. 2001-01036-2, Box 1, F.A. 10-481, LAC-Winnipeg.

²⁶⁸ A. G. Leslie, Regional Supervisor of Indian Agencies, Indian Affairs Branch, to the Agency Superintendents, the Assistant Superintendents, the Principals of the Residential Schools, November 19, 1962 [VAN-046845]. 128/25-8, Pt. 1, 01/01/1961-03/31/1963, Indian Education – Educational Assistance – Tuition Grants, Acc. 2001-01036-2, Box 1, F.A. 10-481, LAC-Winnipeg.

²⁶⁹ J. R. Bell, Superintendent, The Pas Agency, to A. G. Leslie, Regional Supervisor, Manitoba, November 23, 1962 [VAN-046844]. 128/25-8, Pt. 1, 01/01/1961-03/31/1963, Indian Education – Educational Assistance – Tuition Grants, Acc. 2001-01036-2, Box 1, F.A. 10-481, LAC-Winnipeg.

assistance.” To that purpose, a minimum contribution of \$10 to \$25 was proposed.²⁷⁰ Circular No. 497 in February 1964 wrote that the educational assistance program was based upon the maximum possible contribution of parents or pupils, which could then be used including towards the costs of room or board. It further remarked that there had been difficulties in handling funds contributed by parents or students, adding, “in many instances it is not practical for the parents to make a direct payment and funds are turned over to the department to be applied towards the cost of education.”²⁷¹ Funds received were to be deposited in the Agency trust account, if not applicable in the trust account of the office which assumed responsibility for the education of the student.

In 1963, the Treasury Board consolidated several authorities relating to capital contribution agreements, which included the authority for the Educational Assistance Program, first authorized on November 20, 1958. Treasury Board decided to remove the authority for educational assistance from the Order in Council. It stated that providing assistance such as support, maintenance, and transportation to Indians attending joint schools away from home was “more appropriately considered simply as a cost of ‘Education’ and thus covered by the Education Vote; accordingly, this assistance could be covered in a T.B. Minute or letter.”²⁷²

By February 1964, the Educational Assistance Program was made up of four sections:

- (a) General assistance for all Indian students in non-Indian schools and institutions of learning.
- (b) Bursaries to augment parents or students funds for those students who must leave home in order to receive suitable training.
- (c) Scholarships for outstanding students.
- (d) Loans for those who do not qualify for bursaries.²⁷³

²⁷⁰ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commission for B.C. and the Regional Supervisors, October 4, 1962 [VAN-030024]. 701/25-1, Pt. 7, 06/01/1962-12/31/1963, Education – General, Acc. 1985-86/137, Box 3, F.A. 10-135, LAC-Ottawa.

²⁷¹ R. F. Battle, Director, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, the Superintendents of Indian Agencies, and the Regional and District School Superintendents, February 17, 1964 [FBH-002210]. RG 10 Volume 8544 File 51/25-8 Part 17 Library and Archives Canada.

²⁷² Treasury Board List Précis TB 601776, February 14, 1963 [NPC-520957a]. LAC R776-0-5 (RG 55) Vol. 273 T.B. #601776.

²⁷³ By July 1964, DIAND had removed the Loans section from its Educational Assistance Programme. R. F. Battle, Director, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, the Superintendents of Indian Agencies, the Superintendents of Indian Schools, and the Educational Specialists, February 12, 1964 [FBH-002274]. RG 10 Volume 8770 File 1/25-8 Part 7 Library and Archives Canada.

The financial costs relating to the placement of the students in boarding homes fell within the second section, i.e., the “Bursary Programme,” which included three categories: (a) the maintenance of the students in boarding homes and institutions “involving room, board, clothing and incidental personal expenses including daily transportation where there is no group transportation provided;” (b) transportation from and to the institution; and (c) tuition fees and supplies “except regular elementary and high school.”²⁷⁴ By July 1964, Circular No. 529 officially reported that such educational assistance would be known as “bursaries,” while it reformulated the section in question:

2. For students who have to board away from home, the Department gives financial assistance to cover costs of board and lodging, in addition to the payment of tuition fees, supplies, etc.²⁷⁵

Circular No. 529 in July 1964 divided educational assistance to Indian students into three categories:

1. Tuition fees and supplies on behalf of Indian pupils attending Elementary and High Schools from their homes.
2. For students who have to board away from home, the Department gives financial assistance to cover costs of board and lodging, in addition to the payment of tuition fees, supplies, etc.
3. Special scholarship awards to outstanding students.²⁷⁶

Regarding the second category, the Circular informed that these expenses will from now on be known as “bursaries.” As usual, parents were expected to contribute towards the costs of the education of their children.

With the decentralization of financial responsibility to the field, the Assistant Deputy Minister R. F. Battle, in Circular No. 551 dated October 21, 1964, asked that the regional

²⁷⁴ R. F. Battle, Director, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, the Superintendents of Indian Agencies, the Superintendents of Indian Schools, and the Educational Specialists, February 12, 1964 [FBH-002274]. RG 10 Volume 8770 File 1/25-8 Part 7 Library and Archives Canada.

²⁷⁵ R. F. Battle, Director, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, the Superintendents of Indian Agencies, the Superintendents of Indian Schools, and the Educational Specialists, July 7, 1964 [200307]. (205)701/25-8, Vol. 3, 01/64-06/65 NAC – Edmonton.

²⁷⁶ R. F. Battle, Director, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, the Superintendents of Indian Agencies, the Superintendents of Indian Schools, and the Educational Specialists, July 7, 1964 [PBQ-002772]. RG 10, Accession 2002-00101-4, Box 80, File 301/25-8 Part 10 Library and Archives Canada.

staff send the Regional Quarterly Return in time – all students receiving individual educational assistance were to be included in these reports. These returns were crucial for Headquarters in order to develop a national picture of enrolment, dropouts, and expenditures.²⁷⁷

A circular in February 1969 claimed that new measures introduced in the spring of 1968 would allow for a better preparation of the educational needs of high school students; it added that more improvements were advisable in 1969 to keep the dropout situation at a minimum. Guidance staff were asked to take action to assist students, including individual interviews with Grade 8 students to help them plan either their commute or a “boarding plan” in an urban centre. They were instructed to provide students with details regarding schools, social activities, boarding arrangements, allowances, clothing allotments, transportation, counsellor help and supervision, adding, “[t]he essential point of view here is that all reasonable needs of boarding students will be taken care of.”²⁷⁸ Urban centre counsellors – also known as the receiving counsellors – were asked to ensure that a sufficient number of boarding homes would be available, contacting church groups and “various clubs” if necessary to find new homes.

By 1969, student residences were admitting students who needed a period of adjustment to urban living before they could “manage” a placement in a private home; students were also placed in student residences if there was no available boarding home in the urban centre where the school was located. This is discussed further in Section 5.3.1 below. For the period 1968-69, a total of 3,671 students had been placed in boarding homes, a third of them in Ontario; the majority of the students being 16 years old or older and enrolled in high schools.²⁷⁹

4. New Circulars, 1973–1978

Beginning in 1973, DIAND developed a series of 12 circulars, known as E-series circulars, related to education policy for Indians. These guidelines were established by the government as a way to establish parameters for responsibility and authority over education expenditures. The E-circulars laid out policy guidelines, a framework for transferring education programs to Band Council control, defined local control of

²⁷⁷ R. F. Battle, Assistant Deputy Minister, Indian Affairs Branch, to the Indian Commissioner for B.C., the Regional Supervisors, the Superintendents of Indian Agencies, and the Regional School Superintendents, October 21, 1964 [NEL-002006[00-02]]. Series 'C' Green, JL103.C3777 v C5 C.2, AANDC.

²⁷⁸ R. E. Bean, Assistant, Regional Superintendent of Education, Saskatchewan, to District School Superintendents and Guidance Counsellors, February 21, 1969 [VAN-047689]. Guidance – general corresp. etc, 02/29/1968-04/08/1971, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa.

²⁷⁹ D. K. F. Wattie, Chief, Guidance and Special Services, to R. F. Davey, Director, Education Branch, August 11, 1969 [121697]. File 1/25-13, Vol. 14, 06/1968-08/1969.

education, curriculum and language programs, and transportation costs.²⁸⁰ One key stipulation was that Band-operated programs must not cost the Department more than it would if the Department were operating them.²⁸¹

The E-Series guidelines were distributed to Bands in April and May of 1975. At this point the National Indian Brotherhood rejected the guidelines on the grounds that they had not been consulted.²⁸² In November 1978, DIAND released the E-1 Program Circular which replaced all earlier policy statements regarding the education program. The preamble to the new circular stated that it incorporated changes in the delivery of education services that had been worked out jointly with “Indian representatives” in recent years;²⁸³ in practice, the 1978 guidelines retained most of the key elements of the 1975 guidelines.

Program Circular E-1 on Education Policy was released in November 1978; it stated that either the Department or the Band Council could make housing arrangements for status Indian students living on-reserve who needed to live off-reserve during the school term to attend “an appropriate school.”²⁸⁴ The E-1 Circular focused on policy for kindergarten, elementary and secondary education, accommodation and facilities, and Cultural Education Centres. Government responsibility for Indian education was to remain limited to on-reserve Indians only.²⁸⁵ Program Circular No. E-1 outlined changes brought to the Education Policy of Indian and Inuit Affairs in the delivery of educational services to Indian people. As regards to costs relating to boarding homes, it stated:

- 2.5 The financing of educational services to status Indians will be budgeted for through Departmental Estimates, and the administration of the program must conform to normal federal government policies, standards, requirements and controls.

²⁸⁰ See, for example, Department of Indian and Northern Affairs, Indian and Eskimo Affairs Program, Program Circular E.3 (Advance Copy), April 1975 ca., n.d. [ISP-01165[01-01]]. DIAND File NCRSH 8888-119.HQ.5 UNC Vol. 3.

²⁸¹ Department of Indian and Northern Affairs, Indian and Eskimo Affairs Program, Program Circular E.1 (Advance Copy), January 1, 1975 [ISP-01175[01-01]]. DIAND File NCRSH 8888-122.HQ.1 UNC Vol. 2.

²⁸² Education and Social Development Branch, “Indian Education Policy Review Phase I,” November 27, 1981 [ISP-01380[00-08], p. 14]. DIAND File NCR-E 4700-0 UNC Vol. 1 Ann. 2.

²⁸³ Indian and Inuit Affairs, Circular E-1, November 1, 1978 [ISP-01088]. DIAND File 1/25-1 Vol. 85. See point 1.1.

²⁸⁴ R. D. Brown, Assistant Deputy Minister – Programs Indian and Inuit Affairs, November 1, 1978 [VAN-045006[01-01], p. 9]. 701/25-1, Pt. 32, 01/1979-03/1980, Education – General, Acc. 1997-98/161, Box 71, F.A. 10-437, LAC-Ottawa.

²⁸⁵ Indian and Inuit Affairs, Circular E-1, November 1, 1978 [ISP-01088]. DIAND File 1/25-1 Vol. 85. See points 2.2, 4.2, and 4.3.

- 4.7 Where a suitable or desired level of education is not available on a reserve, Indian children, with the consent of parents or guardians, may be provided with residence or boarding home care at government expense at a location where the necessary education services are available.
- 4.9 Except during the first twelve (12) months of residence off-reserve, the Department of Indian Affairs will not accept financial responsibility for education services to such status Indian school-age children.
- 8.1 Where status Indian students living on reserve are required to live away from home during term time in order to attend an appropriate school, the Department or a Band Council shall make arrangements for the care of the children in a residence, group or boarding home situation.
- 8.3 Arrangements may be made with private homes for the boarding of Indian children requiring such services. The liaison with and supervision of such private homes shall be carried out by the Department or Band-appointed counsellors or counsellor-assistants under the appropriate Departmental directives.²⁸⁶

2. Indigenous Responses

A speech delivered in September 1971 by Minister Jean Chrétien “caused consternation” among Indigenous peoples. According to the National Indian Brotherhood, it was even a step backwards despite the recommendations made by the Standing Committee on Indian Affairs and Northern Development in June 1971 – see Section 9.4 below on the Fifth Report of the Standing Committee on Indian Affairs and Northern Development (Watson Report) – and the friendly discussion that had just happened between Chrétien and the NIB. That speech was reminiscent of the rejected 1969 White Paper, wrote the NIB, adding:

²⁸⁶ R. D. Brown, Assistant Deputy Minister – Programs Indian and Inuit Affairs, November 1, 1978 [VAN-045006[01-01], pp. 3-10]. 701/25-1, Pt. 32, 01/1979-03/1980, Education – General, Acc. 1997-98/161, Box 71, F.A. 10-437, LAC-Ottawa.

IN MATTERS THAT CONCERN US AND AFFECT OUR LIVES AND FUTURE
WE WANT DIRECT INVOLVEMENT AND PARTICIPATION AT EVERY
LEVEL OF PLANING, DECISION MAKING AND ADMINISTRATION.²⁸⁷

The NIB was particularly concerned by the Department's unilateral decision to transfer Indian education to provinces. The NIB demanded that any transfer of Indian children into integrated schools had to take place "with the consent and at the request" of the concerned parents themselves.²⁸⁸

A National Education Liaison Committee critiqued the E-1 Circular shortly after its introduction; it charged that although the new guidelines purported to include changes "developed jointly by the Department and Indian representatives," in fact the new circular represented departmental policy without taking Indian views into consideration. Specifically:

It excludes changes in the delivery of educational services which would effect control by Indian people. No consultation with Indian people or their representatives occurred in the preparation of this policy. The administrative procedures currently in force impede the realization of Indian Control of Indian Education.²⁸⁹

The Committee protested the exclusion of off-reserve children from the guidelines on the grounds that "[l]ocal control and parental responsibility extend to all phases of Indian education, both on and off-reserve."²⁹⁰ It argued that the Department was retaining too much control with regard to tuition agreements with the provinces, requirements to conform to federal policies and standards, and caveats allowing for "Departmental discretion" in the approval of programs and funding.²⁹¹

²⁸⁷ George Manuel, President, National Indian Brotherhood, to Jean Chrétien, Minister of Indian Affairs and Northern Development, September 28, 1971 [01047[01-01], p. 2]. MG 32, C69, Volume 68, File 8, LAC – Ottawa.

²⁸⁸ George Manuel, President, National Indian Brotherhood, to Jean Chrétien, Minister of Indian Affairs and Northern Development, September 28, 1971 [01047[01-01], p. 2]. MG 32, C69, Volume 68, File 8, LAC – Ottawa.

²⁸⁹ National Education Liaison Meeting, E-1 Critique, February 19-21, 1979 [ISP-03282]. DIAND File 1/25-1 Vol. 84. See point 1.1.

²⁹⁰ National Education Liaison Meeting, E-1 Critique, February 19-21, 1979 [ISP-03282]. DIAND File 1/25-1 Vol. 84. See points 2.2, 4.2 and 4.9.

²⁹¹ National Education Liaison Meeting, E-1 Critique, February 19-21, 1979 [ISP-03282]. DIAND File 1/25-1 Vol. 84. See points 2.4 to 2.6, 4.1 and 4.3.

By 1981, the E-1 Program Guidelines had also been withdrawn due to “[s]trong pressures from the Indian political organizations.”²⁹²

By October 1980, DIAND was committed to developing standards of service for its non-discretionary education programs, including Maintenance of Students and Transportation. To that purpose, it prepared a draft and distributed it to all district managers, in order to get their feedback. DIAND expected that the district managers would consult with the Band representatives as to include their recommendations in their feedback.²⁹³ More information on the role of Bands and Indigenous organizations in the Boarding Home Program can be found in Section 7 of this report; additional information on critiques and suggestions from Indigenous organizations can be found in Section 9.

3. *Communication between Field and Headquarters*

The circulars discussed above were a key tool in communication from Headquarters to the field staff; sometimes, field staff were invited to respond to directives, but often the channels of communication appear to have been less formal and, in many instances, decisions were made on a case-by-case basis. A 1984 report recognized that, in practice, policy development had historically been “an ad hoc type of activity ranging from written instructions to field staff to the development of guidelines formulated in headquarters.”²⁹⁴ It further acknowledged that, until recently, quality had not been a main driver in the development of Indian education policy. In the absence of its own policies in certain areas, DIAND also relied mainly on provincial standards in order to guide federal policy development.

1. *DIAND Educational Assistance Policy Manual*

In 1970 DIAND released a policy manual dedicated to Educational Assistance titled *Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students*. This was the outcome of “Regional and District workshops and

²⁹² Education and Social Development Branch, “Indian Education Policy Review Phase I,” November 27, 1981 [ISP-01380[00-08], p. 14]. DIAND File NCR-E 4700-0 UNC Vol. 1 Ann. 2.

²⁹³ DIAND. Federal School – Standards, circa October 1980 [VAN-082331[02-09], pp. 2-3]. 975/25-1, 01/01/1979-12/31/1981, Indian Education – General, Acc. 2007-00592-1, Box 4, F.A. 10-138, LAC-Vancouver.

²⁹⁴ DIAND. First Nations Elementary and Secondary Education, January 13, 1984 [DAY-060506, p. 15]. RG 10 Accession 2014-02388-3 Box 82 File 8888-76.A.3 Part 3 Library and Archives Canada RG 10 Accession 2014-02388-3 Box 82 File 8888-76.A.3 Part 3 Library and Archives Canada.

exchanges of correspondence between Headquarters and field officers.”²⁹⁵ Its origin was to be found in the 1968 study on boarding homes by Miss B. Snider. The DIAND policy paper was written under the supervision of the Director of Education, G. D. Cromb, and came to be known as the Cromb Policy Paper. This manual superseded all previous circulars related to Educational Assistance and any statements found in the Section 11.08 of the Branch Field Manual which would contradict the present policy paper. For more on the Cromb Paper, see Section 9.3.

Five types of Educational Assistance were available:

- 1 – Tuition Fees;
- 2 – Books and Supplies;
- 3 – Board and Room;
- 4 – Clothing;
- 5 – Transportation; and
- 6 – Education Allowance.

Board and Room Educational Assistance was defined as follows:

Board and room in an approved boarding home may be provided for students who must live away from home in order to attend school. Payment for board and room is usually arranged by the Counsellor. The rates paid for board and room may vary between Regions, but they should be comparable to the rates paid by other students living in boarding homes in the same area. ...

Senior students may receive a cash allowance to pay for board and room, clothing and incidentals. This latter method is referred to as the Honour System. Placement of a student on the Honour System should be contingent on regular school attendance and on prompt payment of board and room accounts. If a student on the Honour System of allowances defaults in the payment of board and room, the Department will ensure that his outstanding board and room account is paid in full. The defaulting student should be removed from the Honour System, but, as this is a learning experience, he should be

²⁹⁵ DIAND, Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, 1970 [200653B, p. 3]. File 701/25-8, Vol. 9, 01/1970-04/1971 National Archives of Canada – Edmonton.

reinstated as soon as there is evidence of his ability to once again handle the responsibility.²⁹⁶

Transportation Educational Assistance was described as follows:

Transportation allowances may include return plane, train or bus fare from the student's home to the school once a year. It may also include daily bus fares between the student's home and the school and transportation for school-sponsored extra-curricular activities.

Parents should be encouraged to provide the transportation for their children to return home during extended school vacations, and the Counsellor and District Superintendent of Education should cooperate to make this possible. Whenever possible, school committees or parent's groups should be involved in the transportation arrangements for extra-curricular activities.²⁹⁷

And Educational Assistance as it related to Education Allowance was defined as follows:

An education allowance may be provided to cover miscellaneous and personal supplies, and to enable the student to take part in community affairs and social activities. This allowance is intended for students whose parents are unable to provide them with an allowance, or only a partial allowance, and on whose behalf the parents have completed an Application for Educational Assistance form. The education allowance may be paid to students in the categories as listed in Section C following. It is intended to provide equal incentive to continue in school for all students, whether they attend school from their home on the reserve, from a boarding home or from student residence.²⁹⁸

The Policy Manual identified three distinct groups of in-school students: students living on the Reserve; students living in a Boarding Home; and those living in a Student Residence. Students living in a Boarding Home were eligible to all six types of

²⁹⁶ DIAND, Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, 1970 [200653B, p. 8]. File 701/25-8, Vol. 9, 01/1970-04/1971 National Archives of Canada – Edmonton.

²⁹⁷ DIAND, Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, 1970 [200653B, p. 9]. File 701/25-8, Vol. 9, 01/1970-04/1971 National Archives of Canada – Edmonton.

²⁹⁸ DIAND, Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, 1970 [200653B, pp. 9-10]. File 701/25-8, Vol. 9, 01/1970-04/1971 National Archives of Canada – Edmonton.

Educational Assistance. The following clarifications were given relating to transportation:

Return transportation by the most direct and economical route from the student's home to the school centre may be provided once a year. Daily bus fares between the boarding homes and the school, and transportation to school-sponsored extra-curricular activities may also be provided as necessary.²⁹⁹

And regarding Education Allowance, the Manual stated that students living in boarding homes were eligible to a minimum of \$10 per month.³⁰⁰

The DIAND Policy Manual was revised in 1971, particularly in order to bring new clarifications regarding transportation assistance, clothing and education allowances. The Manual now specified that Educational Assistance for in-school programs could be granted only following the completion and approval of an Application for Educational Form (Form 1A352), signed by the parent or the guardian. Also, to be granted, no other source of assistance was to be available, and no other agency was to provide the same service. Group B – students living in boarding homes – were eligible for the whole range of Educational Assistance – i.e., tuition fees, books and school supplies, education allowance, transportation, clothing, and board and room. There was no modification regarding Board and Room Educational Assistance, but the transportation paragraph was altered in order to reflect the change of policy allowing the expense of a return trip at Christmas:

Return transportation by the most direct and economical route between the student's home and the school centre may be provided at the beginning and end of the school year and at the Christmas holiday break to enable the students to spend Christmas with their families. Daily bus fares between the boarding home and the school, and transportation to school-sponsored extra-curricular activities may also be provided as necessary. Whenever possible, parents, school

²⁹⁹ DIAND, Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, 1970 [200653B, p. 12]. File 701/25-8, Vol. 9, 01/1970-04/1971 National Archives of Canada – Edmonton.

³⁰⁰ DIAND, Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, 1970 [200653B, p. 12]. File 701/25-8, Vol. 9, 01/1970-04/1971 National Archives of Canada – Edmonton.

committees, band councils or parent's groups should be involved in the transportation arrangements for extra-curricular activities.³⁰¹

Students were also eligible for a clothing allowance to ensure that they were suitably dressed in all seasons, and for special school occasions, although parents were encouraged to provide the necessary clothing. The District Superintendent of Education was responsible for determining the maximum amount available for clothing. Transportation from home at the beginning of the school year and to home at the end may be provided, transportation at Christmas, as well as daily bus fares required to attend school; parents, school committees, band councils, or parents' groups were encouraged to provide the transportation for extra-curricular activities. Finally, an education allowance of \$10 per month was available for students living in boarding homes for "miscellaneous and personal supplies" and to allow the students to participate in community affairs and social activities. The types of educational assistance were generally the same as those listed in the 1970 Manual:

Tuition Fees

Payment of tuition fees is arranged by the Superintendent of Schools.

Books and School Supplies

Books and school supplies may be provided with the limitations as noted in Section B. 2.

Board and Room

Board and room may be provided as noted in Section B. 3.

Clothing

Clothing may be provided as noted in Section B. 4.

Transportation

Return transportation by the most direct and economical route from the student's home to the school centre may be provided once a year. Daily bus fares between the boarding homes and the school may also be provided as necessary.

Education Allowance

A minimum of \$10.00 per month may be provided to all students living in boarding homes.³⁰²

³⁰¹ DIAND, Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, Revised in July 1971 [200408, p. 10]. File 701/25-8, Vol. 14, 01/1975-02/1976 National Archives of Canada – Edmonton.

5. Operation of Homes

While legislation, funding agreements, and policy documents established guidelines and standards for the Boarding Home Program, interpretations of these varied through time and by region, so that the history of the Boarding Home Program includes many different approaches to the use of private boarding homes as a strategy for making education accessible to Indigenous students.

1. Early use of Boarding Homes (pre-1954)

As noted in Section 3.1, prior to the creation of the Educational Assistance program in 1958, tuition grants for individual students could include money for “room and board,” as well as clothing and transportation. The documents reviewed include many examples of tuition grant applications for room and board funding.

The evidence suggests that some of these payments were made to institutions, such as convents, but that Indian Affairs also occasionally placed children in private boarding homes. Placements with religious institutions have not been researched in detail since these do not fit within the parameters of what would later be described as the Boarding Home Program. Some were considered for inclusion in the Residential Schools Settlement Agreement.³⁰³

The tuition grant form required applicants to explain why funding was required. The documentation reviewed shows that many requests pertained to social welfare concerns. Examples of placements in private homes prior to 1958 include:

- In 1951, Indian Affairs paid four weeks’ room and board for a student in New Brunswick who could not travel back and forth due to weather conditions.³⁰⁴

³⁰² DIAND, *The Boarding Home Program and Educational Assistance – Policy and Guidelines – Draft proposal only* (Ottawa: Guidance and Special Services Division – Education Branch, DIAND, 1969) [VAN-045053[00-01], pp. 12-13]. 773/25-8, Pt. 3, 04/01/1969-12/31/1970, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

³⁰³ See for example *Application for Tuition Grant – PROVOST, Gladys, July 25, 1957* [VAN-076185[06-06]]. 116/25-8, Pt. 6, 03/30/1957-08/31/1958, Tuition Grants, Acc. 1994-95/653, Box 12, F.A. 10-463, LAC-Ottawa. This application was for payment of room and board at Kermaria Convent, which was considered in the 2013 list “Requests made pursuant to Article 12 to add institutions to the Settlement Agreement,” but was not included on the grounds that it was operated by a religious organization. Residential Schools Settlement Official Court Notice – <https://www.residentialschoolsettlement.ca>. See “Ker Maria Convent,” p. 8.

³⁰⁴ Voucher No. 846, December 27, 1951 [FBH-011332]. RG 10 Volume 9041 File 26/25-8 Part 3 Library and Archives Canada.

- Also in 1951, Indian Affairs paid room and board for a student from Restigouche attending a trade school in Montreal.³⁰⁵
- In a letter dated April 13, 1954, Superintendent of Education R. F. Davey remarked that the Department had been receiving many complaints about delays in payments for “board and lodging” for students “enrolled in non-Indian schools and living in private homes.”³⁰⁶
- In July 1954, it was reported that some high school students in British Columbia were being boarded “in non-Indian communities or elsewhere” because there was no space for them at residential schools. The writer noted an inequality because Indian Affairs paid the costs of the students in residential schools, but when students boarded elsewhere, “the parents assume a significant part of the cost.”³⁰⁷
- A seven-year-old boy in New Brunswick was recommended for placement in a private home to allow him to attend school. The child had attended Grade 1 at a public school closer to his home, but was not able to continue there due to “overcrowding.”³⁰⁸
- In 1955, a 16-year student from Quebec was recommended for placement in a boarding home to attend high school because she was “not well treated at home by her father.”³⁰⁹
- In 1956, a 16-year-old student in Manitoba was recommended to receive funding for room and board in order to attend high school.³¹⁰
- In 1957, Indian Affairs paid for “room and board” for some Saskatchewan students. In some cases, the students were boarded with religious organizations,

³⁰⁵ Receipt for room and board – Basque, Henry, July 31, 1951 [FBH-011345[00-01]]; and E. Laliberté, Directeur, Le Service Social de la jeunesse ouvrière catholique: accueil masculin, September 5, 1951 [FBH-011345[01-01]]. Both in RG 10 Volume 9041 File 26/25-8 Part 3 Library and Archives Canada.

³⁰⁶ R. F. Davey, Superintendent of Education, to Indian Commissioner for B.C., All Regional Supervisors, Indian Superintendents, Agents and Regional Inspectors of Indian Schools, April 13, 1954 [FBH-001579]. RG 10 Volume 8955 File 55/25-8 Part 1 Library and Archives Canada.

³⁰⁷ R. F. Davey, Superintendent of Education, to W. S. Arneil, Indian Commissioner for BC, July 13, 1954 [120587]. Indian Affairs, RG 10, Vol. 8760, File 901/25-1, Pt. 2 Public Archives Canada.

³⁰⁸ V. J. Caissie, Acting Superintendent, Miramichi Agency, to Indian Affairs Branch, September 28, 1954 [FBH-001577]. RG 10 Volume 8955 File 55/25-8 Part 1 Library and Archives Canada.

³⁰⁹ Application for Tuition Grant – Metallic, Patricia, May 16, 1955 [FBH-011451]. Another student, age 19, was also recommended for a boarding home placement to attend a Home Economics course. Application for Tuition Grant – Metallic, Regina, May 16, 1955 [FBH-011452]. Both in RG 10 Volume 9042 File 26/25-8-2 Part 1 Library and Archives Canada.

³¹⁰ Application for Tuition Grant – Shingoose, Hazel Grace, August 24, 1956 [FBH-014721[01-01]]. RG 10 Volume 10395 File 511/25-8 Part 6 Library and Archives Canada.

- but at least two students attending provincial schools appear to have been boarded through private arrangements.³¹¹
- Also in 1957, Indian Affairs paid room and board for some Ontario high school students. The reasons given for assistance focused on the economic circumstances of the families and the academic achievements of the students. Additional funding requested for clothing allowances was not approved.³¹²
 - A 16-year-old Yukon student was recommended to receive funding for room and board to attend a different high school, even though Grade 9 was available in her home community, because “the home conditions are not good.”³¹³

Once the Boarding Home Program was formally initiated in 1958, it expanded rapidly. By 1961, a substantial number of students were living in private boarding homes, although at that date there were no statistics available.³¹⁴ H. M. Jones, Director of the Indian Affairs Branch, commented on the potential and risks of the boarding home program:

To what extent the expansion of this program is possible or desirable cannot accurately be estimated at this point. Its success will inevitably depend on student selection and supervision. The tremendous advantages for the right student in the right home with adequate counselling on educational, social and emotional problems are apparent. The difficulties, disappointments and harm that can result from an unfortunate combination of circumstances in the boarding of students in private homes are familiar to you. However, we are not

³¹¹ See for example Voucher Form – room and board for Martha Constant attending Pahonan School – April 1957, May 16, 1957 [FBH-004762]; and Voucher Form – partial accounting for room and board for Jacob Mike attending Stobart High School, November 22, 1957 [FBH-004779]. The first was paid to Mrs. Charlie Smith and the second to the Duck Lake Agency account. Compare with Voucher Form – room and board for students attending high school – October and November 1956, October 28, 1957 [FBH-004777], which was paid to the Sisters of St. Joseph. All in RG 10 Volume 8779 File 674/25-8 [Duck Lake] Part 2 Reel C-9711 Library and Archives Canada.

³¹² See for example Application for Tuition Grant – Moonias, Raphael, August 2, 1957 [FBH-013550]; Application For Tuition Grant – Onobigon, Genevieve, July 31, 1957 [FBH-013551]; and Application For Tuition Grant – Penewatang [Abraham], Marguerite Veronica, August 8, 1957 [FBH-013552]. All in RG 10 Volume 8773 File 492/25-8 Part 1 Library and Archives Canada.

³¹³ Application for Tuition Grant – Hager, Laura, May 23, 1957 [VAN-045364]. 25-8, Pt. 3, 07/01/1957-01/31/1958, Tuition grants, Acc. 1989-90/101, Box 41, F.A. 10-151, LAC-Vancouver.

³¹⁴ Specifically, it was estimated that “nearly 50 per cent” of high school students required accommodation, and that “roughly equal” numbers were in boarding homes and hostels, the two forms of accommodation available at the time. Since the students living away from home were not all high school students, it would be difficult to extrapolate any kind of numerical estimate from this report. See Circular No. 62 – Hostel Accommodation and Private Home Accommodation for Indian Students, June 30, 1961 [NCA-013241]. RG10, Vol. 8769, File 1/25-8, pt. 5 Library and Archives Canada.

aware of any greater incidence of maladjustment amongst these pupils than amongst pupils in the same age group in the hostels and residential schools.³¹⁵

2. Selection of Boarding Home Operators

The selection of boarding home operators was based in part on proximity to the school in question. Other criteria commonly considered included the physical condition of the bedroom and/or study area that the student would use and the character of the prospective boarding home operators. While many of the documents refer to these as “parents,” this report prefers to reserve that term for the actual parents of the students. Still, in reading the documents, it is useful to remain aware that Indian Affairs thought of boarding home operators as a sort of substitute family for students.

1. General Standards

Many regions had specific, written criteria for boarding home operators. In 1961, the Teacher-Supervisor of Indian Students in Edmonton recommended the following:

Physical Requirements

1. Good class modern home in better districts.
2. Single beds if double room.
3. Desk and student lamp for study purposes.

Other Requirements

1. If possible walking distance from school to be attended.
2. Strong family unit with ability to control and discipline if necessary.
3. Ability to supervise home study to some degree.
4. Regular and strong members of church.
5. Willingness to accept student as a member of the family.³¹⁶

A handbook for the Vancouver program suggested that the selection of boarding homes included a requirement for proximity to a church of the student’s denomination, and that the pastor would be apprised of the student’s arrival.³¹⁷

³¹⁵ H. M. Jones, Director, Indian Affairs Branch, to Acting Indian Commissioner for B.C., Regional Supervisors, and Schools Superintendents, Circular No. 62 – Hostel Accommodation and Private Home Accommodation for Indian Students, June 30, 1961 [NCA-013241]. RG10, Vol. 8769, File 1/25-8, pt. 5 Library and Archives Canada.

³¹⁶ J. E. Kerens, Teacher Supervisor, Edmonton, to G. K. Gooderham, Regional Superintendent of Indian Schools, November 27, 1961 [VAN-030031]. 701/25-8, Pt. 1, 12/01/1959-12/31/1969, Educational assistance – General, Acc. 1985-86/137, Box 9, F.A. 10-135, LAC-Ottawa.

The Regional Supervisor for the District of Mackenzie also reported that private boarding homes were not licensed and recommended against introducing a licensing system. He noted that the process of selection included “an investigation by the Superintendent or his representative who may in some cases be a Northern Affairs’ Social Worker.”³¹⁸ The Supervising School Principal for the Southern Alberta Region reported that the selection of boarding homes was guided by “certain minimum standards.”³¹⁹ In Brandon, Manitoba, the selection of boarding homes was managed by the principal of a residential school, who described the procedure he used:

... each applicant who wishes to board our children must be interviewed by me then advised that their application must be approved by both the City Health unit and the Children’s Aid ... usually there is no objection to the City Health unit inspecting these homes but the majority do object strenuously when told they must be prepared to have a social study made of their entire family before their home can be approved.³²⁰

The 1962 handbook for the Akaitcho Hall Home Boarding Program (NWT/Nunavut) states that private home boarding parents were to provide “a warm and hospitable family atmosphere.”³²¹

An application form used in the Lakehead Inspectorate (Ontario) asked prospective boarding home operators about their proximity to a high school, whether they had their own children or foster children in the home already, whether the woman of the house was employed, whether the student would be expected to work while in placement, and whether the house would have a study table and lamp for the use of the student. The

³¹⁷ New to Vancouver – An Information Booklet for Students, June 26, 1958 [VAN-045385[01-01], p. 7]. 25-8, Pt. 4, 07/01/1958-06/30/1959, Tuition grants, Acc. 1989-90/101, Box 41, F.A. 10-151, LAC-Vancouver.

³¹⁸ J. G. McGilp, Regional Supervisor, District of Mackenzie, to Indian Affairs Branch, November 29, 1961 [FBH-002260]. RG 10 Volume 8770 File 1/25-8 Part 6 Library and Archives Canada.

³¹⁹ A. MacKinnon, Supervising School Principal, Southern Alberta Region, to Regional Supervisor, Alberta, December 11, 1961 [VAN-030029[00-01]]. 701/25-8, Pt. 1, 12/01/1959-12/31/1969, Educational assistance – General, Acc. 1985-86/137, Box 9, F.A. 10-135, LAC-Ottawa.

³²⁰ Ford Bond to S. E. M. Joblin, associate Secretary, Board of Home Missions, November 22, 1961 [VAN-055332[01-01]]. 501/25-8 [Portage Prairie], Pt. 5, 1961-1967, Education Ass, Acc. 1999-01431-6, Box 242, F.A. 10-379, LAC-Ottawa.

³²¹ Akaitcho Hall Boarding Home Program [AHU-002895, p. 2]. Akaitcho Hall Misc. [Handbook], 1987-1992 Transfer No. 1530, Box 18 Government of Northwest Territories – Education, Culture and Employment.

home was also asked to provide references from (1) family doctor, (2) a friend, and (3) clergy. A form letter attached to this application asks three questions:

1. Is the moral atmosphere of this home conducive to good training?
2. Are these parents and their children in normal good health?
3. Do you feel the parents will accept supervision and co-operate with the Branch?³²²

An application used in the Abitibi District (Quebec) included questions about the prospective home's economic situation, previous experience boarding children, and whether they would be willing to sign an agreement that the children they boarded would be well fed, well housed, and well looked after. The applicants were asked to provide two references.³²³

In 1968, Manitoba guidance counsellors were told that all prospective boarding homes should be inspected by a Health Inspector and that the counsellor should consider the following in deciding whether or not to select a boarding home:

Criteria on What Makes a Suitable Home

People who like children and where there is a good relationship in the home. Excessive drinking should be considered. Neurotic people not accepted. Dictatorial attitude not accepted. Home to be gauged by personal reaction. Best homes are often ones which are referred by people who already are on private home placement.³²⁴

According to the 1970 Education Assistance Guidelines, each applicant was to be assessed by a counsellor in a home visit and interview. Any provincial or municipal standards for boarding homes must be met, but the counsellor was to equally weigh the "home environment." Specifically, the requirements included:

- "indications that the boarding home family is normal, healthy and well-adjusted, has a sincere interest in teenage children and their education and has an understanding of ethnic, cultural and religious differences."

³²² A. F. McWhinnie, Supervising Principal, Lakehead Inspectorate, Room and Board, 1965 ca [FBH-002916]. 401/25-8 Volume 5 Jan-Dec 65 INAC-HQ.

³²³ Agence Indienne d'Abitibi, re: Pensions pour étudiants (tes) indien(nes), 1965 ca. [PBQ-000530[01-01]]. RG 10, Accession 2006-00588-X, Box 18, File 371/25-8 Part 4 Library and Archives Canada.

³²⁴ Western Manitoba Education District Guidance Counsellors Workshop, December 9-11, 1968 [NEL-001840]. 511/25-17, Vol. 3, 09/09/1968-11/19/1969, Indian Education – Pupil Guidance, Perm. Vol. 13676, F.A. 10-158, LAC – Winnipeg.

- Evidence that the family and specifically the mother was prepared for the responsibilities of an additional child.
- Evidence that the parents were “able to maintain their objectivity when disciplinary problems arise. Corporal punishment must not be used.”
- Confidence that the parents would encourage contact and visits with the child’s parents.
- A quiet place for study.
- Well-balanced, sufficient and nutritious meals.
- Adequate sleeping arrangements meeting provincial or municipal standards.
- Adequate heating, lighting and ventilation.
- Sewage and waste disposal systems meeting local standards.
- Clean drinking water.
- Chest x-rays of all people in the home over the age of 16, with the possibility of complete medical examinations if required by provincial or municipal regulations.³²⁵

The 1970 program guidelines called for “preliminary placement” of students in June and finalization of placements in August.³²⁶

A report on District of Abitibi (Quebec) activities by the Education Counsellor dated July 1971 notes that some boarding homes would no longer be used, because they had more homes than students and therefore had more flexibility to reject certain homes. For the same reason, the grouping of three or four students in the same home was also eliminated. The counsellor noted that this grouping was economical, but had the effect of reducing student integration into the boarding family. Two boarding homes still had three students each, but this was at the explicit request of the parents.³²⁷

³²⁵ Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, April 30, 1970 revised October 1970 and July 1971 [VAN-045033, pp. 15-16]. 701/25-8, Pt. 10, 05/01/1970-03/31/1972, Educational assistance – General, Acc. 1985-86/137, Box 10, F.A. 10-135, LAC-Ottawa.

³²⁶ Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, April 30, 1970 revised October 1970 and July 1971 [VAN-045033, pp. 22-23]. 701/25-8, Pt. 10, 05/01/1970-03/31/1972, Educational assistance – General, Acc. 1985-86/137, Box 10, F.A. 10-135, LAC-Ottawa.

³²⁷ Raymond Delamarre, Education, Counsellor, Abitibi, Rapport des activités, July 1971 [PBQ-002246[01-01]]. RG 10, Accession 2002-00101-4, Box 66, File 301/23-3 Part 6 From Jan 71 to Oct 71 Library and Archives Canada.

2. Recruitment Strategies

Recruitment of new boarding home operators often depended on word of mouth, either through schools or religious organizations.³²⁸ The first record of an advertisement soliciting boarding home applications found to date is a classified ad Indian Affairs placed in a Yukon newspaper in October 1964, seeking boarding homes for students in vocational training programs.³²⁹ Together with a radio appeal, this was apparently very successful.³³⁰

By 1967, there was a general shortage of boarding homes. At a meeting with the heads of Indian residential schools, the Minister of Indian Affairs asked “Canadian” families to open their homes to Indian students requiring boarding homes:

“I am appealing to the motherly instinct in Canadian women, to the fatherly instinct in Canadian men,” Mr. Laing said. “I ask experienced parents to make a home for a student from the wilderness for the school year.”³³¹

The Minister’s speech was published in newspaper articles such as “Make Home for Indians Appeal,” “Indian Homes Sought,” and “Families urged to take in Indians.”³³² Some agencies also appear to have taken out newspaper advertisements.³³³

³²⁸ See for example Ann Fortes, Port Arthur, to the Department of Indian Affairs, July 20, 1965 [FBH-002917[00-01]]. 401/25-8 Volume 5 Jan-Dec 65 INAC-HQ.

³²⁹ Invoice, Whitehorse News-Advertiser, October 2, 1964 [VAN-055158]. 25-8, Pt. 12, 05/01/1964-11/05/1964, Ed. Asst. – Tuition, Acc. 1989-90/101, Box 42, F.A. 10-151, LAC-Vancouver.

³³⁰ V. R. Friesen, Special Vocational Guidance Counsellor, to Regional Superintendent of Indian Schools, Vancouver, October 5, 1964 [VAN-045583, p. 3]. 991/25-8, Pt. 11, 04/01/1964-06/30/1968, Educational assistance, Acc. 1989-90/101, Box 42, F.A. 10-151, LAC-Vancouver.

³³¹ “Make Home for Indian Appeal,” March 1967 ca., n.d. [FBH-007655[02-02]]. RG 10 Accession 1999-01431-6 Box 68 File 1/25-8-18 Part 1 Library and Archives Canada.

³³² “Indian Homes Sought,” March 25, 1967 ca., n.d. [FBH-007641]. RG 10 Accession 1999-01431-6 Box 68 File 1/25-8-18 Part 1 Library and Archives Canada; and “Families urged to take in Indians,” *Sherbrooke Daily Record*, March 16, 1967 [FBH-007634]. RG 10 Accession 1999-01431-6 Box 68 File 1/25-8-18 Part 1 Library and Archives Canada. Both these articles contained similar, perhaps identical, text to that found in the article “Make Home for Indians Appeal” cited above. While there are records of responses to this appeal, it is unclear if any resulted in actual boarding home placements.

³³³ See for example Questionnaire re Boarding Home Placement, May 16, 1967 [VAN-030044, p. 1]. 701/25-17, Pt. 3, 09/01/1966-05/31/1969, Pupil guidance, Acc. 1985-86/137, Box 20, F.A. 10-135, LAC-Ottawa; and V. S. Devashayam, Education Counsellor, Prince Albert District, to the Prince Albert Daily Herald, July 9, 1973 [VAN-047649]; and July 19, 1973 [VAN-047648]. Both in 672/25-14, Pt. 1, 01/04/1973-10/16/1973, High School Education, Acc. 1996-97/356, Box 9, F.A. 10-452, LAC-Ottawa.

Correspondence from the summer of 1970 suggests that there remained a shortage of boarding homes for children from northern areas, although in 1971 Abitibi reported a surplus of homes available.³³⁴

Writing in 1969, one operator in the Kamloops area described how she was approached by DIAND to take boarding students; while she had fostered children for over ten years previously, after a period of illness she had decided not to take any more placements:

I told him I hadn't been well and thought I'd done my share. However, he came back several weeks later and asked me to take two teenage girls that would look after themselves and help me as well. So I was talked into it.³³⁵

The 1970 boarding home program guidelines explained that potential boarding home operators generally applied to the Department in response to newspaper and radio advertisements, announcements at “educational, social or religious meetings,” or direct approach. The recruitment of boarding home operators was one of the responsibilities of counsellors.³³⁶

The Anglican Church organized a small number of boarding home placements in 1969-70, but by the spring the boarding home operators told a DIAND counsellor that they had been “left to fend for themselves” and had no information on whether the program would be continued.³³⁷ In September 1976, the Superintendent of Vocational Education, Indian and Northern Affairs reported “an urgent demand for Boarding Homes for Inuit (Eskimo) students in Ottawa.”³³⁸ The Department made an appeal to the Anglican Church for assistance recruiting boarding homes in Ottawa because “over 95% of the Inuit students that came to Ottawa are Anglicans.” DIAND had placed advertisements in

³³⁴ Ralph Ritcey, Superintendent of Vocational Education, to J. R. Witty, Supervisor of Vocational Programs, N.W.T., July 28, 1970 [ISP-099044]. Accession G-1999-048 Box 289 File 75-073-000 Vol 1 October 1969-December 1972 Prince of Wales Northern Heritage Centre – NWT Archives; and Raymond Delamarre, Education, Counsellor, Abitibi, Rapport des activités, July 1971 [PBQ-002246[01-01]]. RG 10, Accession 2002-00101-4, Box 66, File 301/23-3 Part 6 From Jan 71 to Oct 71 Library and Archives Canada.

³³⁵ Lydia Clarkson, Cobble Hill, B.C., to [Mr. Marchand, MP], January 27, 1969 [FBH-000061]. 1/25-8-18 Vol 3 May 1970-Feb 1969 INAC – NCR Region.

³³⁶ Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, April 30, 1970 revised October 1970 and July 1971 [VAN-045033]. 701/25-8, Pt. 10, 05/01/1970-03/31/1972, Educational assistance – General, Acc. 1985-86/137, Box 10, F.A. 10-135, LAC-Ottawa. See pp. 15 and 20.

³³⁷ G. L. Reddick, Vocational Counsellor, to R. Ritcey, March 20, 1970 [ISP-000256]. RG 85 Accession 2003-02300-3 Box 16 File 600-1-11 Part 1 LAC.

³³⁸ Ralph Ritcey, Superintendent of Vocational Education, re: Boarding Homes for Inuit Students, September 7, 1976 [ISP-003075]. N-5100-2 Vol 4 4/76-11/76 INAC – Archival Unit.

local newspapers, but received few responses, so it reached out to the Anglican Church, “pleading for your assistance.”³³⁹ The students were entering Grade 9 and 10 and had not previously lived in southern Canada.³⁴⁰

In May 1972, a Guidance Councillor in the Blood/Peigan District in Alberta printed an advertisement to be placed in church bulletins seeking boarding home placements with non-Indian families for children between the ages of 14 and 20.³⁴¹

A Superintendent of Education in Manitoba reported in 1981 that he intended to have staff undertake “a door to door survey for home placement,” in order to identify potential boarding homes before students arrived in September, “instead of looking for homes as the need arises.” He also suggested that this survey would help clear up misunderstandings about the Boarding Home Program.³⁴²

3. Placements in Indigenous Boarding Homes

A circular issued in the B.C. Region in 1958 stated, “we have no objection to students boarding with friends or relatives providing the homes meet with our approval.”³⁴³ In 1961, however, the Indian Commissioner for B.C. specified that, in the Lower Mainland area at least, the Indian Affairs Branch sought “suitable non-Indian homes,” which was viewed as a key requirement to achieve the goal of integration.³⁴⁴ This was not the practice in Saskatchewan, where staff stated that it would be their preference to place children in Indigenous home, although they reported that they had placed “several” children in Indigenous boarding homes, using “almost all available homes.” They also expressed concerns that “most Agency Superintendents report difficulties in assessing foster homes and in supervising placements.”³⁴⁵ Another report confirms that at least

³³⁹ Ralph Ritcey, Superintendent of Vocational Education, to George Thompson and D. R. MacNeill, June 11, 1976 [ISP-003139]; and Ritcey to G. L. Thompson, ACND Secretariat, June 24, 1976 [ISP-003126]. Both in N-5100-2 Vol 4 4/76-11/76 INAC – Archival Unit.

³⁴⁰ Ralph Ritcey, Superintendent of Vocational Education, to Canon E. Lackey, Anglican Diocesan Office, June 7, 1976 [ISP-003143]. N-5100-2 Vol 4 4/76-11/76 INAC – Archival Unit.

³⁴¹ Paul Van Cleve, Guidance Counsellor, Blood/Peigan District, Alberta, May 15, 1972 [VAN-045065]. 773/25-8, Pt. 4, 01/01/1971-07/31/1972, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

³⁴² Phil Green, Superintendent of Education – Comprehensive/Progress Report – October 2, 1981 [WIN-077531, p. 14]. LAC (WFRC) RG10 ACC. W-2001-00939-9 BOX 23 FILE WIN-E-4700-2164 PT. 3 (JANUARY 1981 TO DECEMBER 1982).

³⁴³ Tuition Grants – Specialized Training-Senior Students, June 17, 1958 [VAN-045350]. 25-8, Pt. 3, 07/01/1957-01/31/1958, Tuition grants, Acc. 1989-90/101, Box 41, F.A. 10-151, LAC-Vancouver.

³⁴⁴ J. V. Boys, Indian Commissioner for B.C., to Indian Affairs Branch, December 13, 1961 [FBH-002464]. RG 10 Volume 8780 File 901/25-8 Part 3 Library and Archives Canada.

³⁴⁵ “Draft of Policy Governing Placement of Indian Children in Boarding Homes” [FBH-000863[01-02]], attached to Acting Regional Supervisor, Saskatchewan, to Chief, Education Division, November 17,

one Saskatchewan boarding home operator was identified as a Treaty Indian.³⁴⁶ In Manitoba, guidance counsellors were advised to contact on-reserve families that might be considering moving into larger centres to see if they would be interested in boarding children.³⁴⁷ In the 1970s, students in some regions asked to board with family members.³⁴⁸ One recruitment advertisement seeking boarding home placements in Alberta in 1972 specifically stated that “one of the purposes of the program is to give Indian boys and girls between the ages of 14 and 20 the opportunity of living with a non-Indian family for ten months.”³⁴⁹

4. Specific Requirements

The 1960 Indian Student’s Handbook specified that the boarding home should provide students with the following:

- Adequately warm and ventilated place for study.
- Good study lighting and desk or table.
- QUIET – no T.V. or radio noise while they study.
- Comfortable bed and warm blankets.
- Adequate cupboard and drawer space for their clothes.³⁵⁰

The Akaitcho Hall Handbook specified that the boarding home must provide for each student:

1. A bed of his/her own.
2. A desk, table or any other suitable study area appropriate lighting.
3. Easy access to washroom facilities including bath or shower.

1961 [FBH-000863[00-02]]. Both in RG 10 Volume 8754 File 601/25-1 Part 3 Library and Archives Canada.

³⁴⁶ N. J. McLeod, Superintendent, to Regional Supervisor, Saskatchewan, July 25, 1961 [VAN-047683[00-02]]. 114/25-8, 08/14/1961-06/10/1966, BDG homes – tuition, Acc. 1996-97/435, Box 30, F.A. 10-600, LAC-Ottawa.

³⁴⁷ Western Manitoba Education District Guidance Counsellors Workshop, December 9-11, 1968 [NEL-001840]. 511/25-17, Vol. 3, 09/09/1968-11/19/1969, Indian Education – Pupil Guidance, Perm. Vol. 13676, F.A. 10-158, LAC – Winnipeg.

³⁴⁸ See, for example, P. R. Swartman, District Supervisor, Blood/Peigan District, to W. K. Pearson, District Supervisor, Blackfoot/Stony/Sarcee District, June 2, 1972 [VAN-063217]. 772/25-8-8-1, Pt. 4, 10/01/1971-11/30/1972, Educational Assistance – Other Agencies, Acc. 1994-95/653, Box 31, F.A. 10-463, LAC-Ottawa. No response to these requests has been found.

³⁴⁹ Paul Van Cleve, Guidance Counsellor, Blood/Peigan District, Alberta, May 15, 1972 [VAN-045065]. 773/25-8, Pt. 4, 01/01/1971-07/31/1972, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

³⁵⁰ Indian Student’s Handbook, 1960 ca. [VAN-047749, p. 6]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa.

4. Regular balanced meals – lunch is provided at Akaitcho Hall.
5. Access to laundry facilities.
6. Closet and/or cupboard space for clothing and other personal belongings.
7. Easy access to Sir John Franklin School by bus or on foot.³⁵¹

In 1968, a guidance counsellor in Manitoba reported that some students had rooms in cellars, they were treated as members of family, had access to the house, and that some of the placements in cellar rooms were providing excellent care and guidance.³⁵² At a training session later that year, Manitoba guidance counsellors were advised that children could be boarded in basement rooms as long as they had access to the whole house.³⁵³

The 1970 program guidelines included a recommendation from the Department's Legal Advisor to obtain a written agreement from the boarding home operator.³⁵⁴

Guidelines for the Vancouver program updated for the 1979-80 year noted that students should be paid for any babysitting.³⁵⁵

A handbook for the Ontario program written in 1988 listed what the boarding home should provide:

- Well balanced and nutritious meals and snacks
- Adequate lunch for school
- Comfortable bed and warm blankets
- Adequately warm and ventilated place for study
- Quiet and well-lit study area

³⁵¹ Akaitcho Hall Boarding Home Program [AHU-002895, p. 2]. Akaitcho Hall Misc. [Handbook], 1987-1992 Transfer No. 1530, Box 18 Government of Northwest Territories – Education, Culture and Employment.

³⁵² James R. Wright, Guidance Counsellor, Dauphin, to Dr. Lorne Jonat, Medical Director, January 10, 1968 [VAN-046190]. 511/25-8-310, Pt. 1, 01/10/1968-09/16/1969, Indian Education – Educational Assistance – Dauphin, Perm. Vol. 13668, F.A. 10-158, LAC-Winnipeg.

³⁵³ Western Manitoba Education District Guidance Counsellors Workshop, December 9-11, 1968 [NEL-001840]. 511/25-17, Vol. 3, 09/09/1968-11/19/1969, Indian Education – Pupil Guidance, Perm. Vol. 13676, F.A. 10-158, LAC – Winnipeg.

³⁵⁴ Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, April 30, 1970 revised October 1970 and July 1971 [VAN-045033, p. 17]. 701/25-8, Pt. 10, 05/01/1970-03/31/1972, Educational assistance – General, Acc. 1985-86/137, Box 10, F.A. 10-135, LAC-Ottawa.

³⁵⁵ Guidelines Boarding Home Program – 1979-80 – Vancouver District – Department of Indian Affairs, September 1979 [VAN-030062[01-01]]. 801/25-8, Pt. 22, 02/01/1979-04/30/1980, Education assistance – General, Acc. 1989-90/101, Box 42, F.A. 10-151, LAC-Vancouver.

- Adequate cupboard and drawer space for clothing, books and personal belongings
- Adequate bedroom space.³⁵⁶

The handbook noted that the space must not be overcrowded, that students' privacy should be respected, and that the student's parents should be welcomed into the house. While students could be given "chores," any other work they did should be paid.³⁵⁷

3. Identification of Eligible Students

Indian Affairs selected students for boarding homes based on academic potential as well as other considerations. Eligibility for funding was based primarily on the family's financial need.

1. General Eligibility

In December 1963, the Indian Commissioner for B.C. circulated a booklet "for the information of boarding home parents," although since there were limited copies, the Commissioner advised Agency Superintendents and School District Superintendents to use it for reference only, "when interviewing prospective applicants for educational assistance." The Superintendents were advised to "ensure that students have a complete medical examination prior to their entering a boarding home arrangement. This would include the examination of eyes as well as the teeth."³⁵⁸ The booklet explained that the Boarding Home Program was intended to supplement residential schools and allow students from isolated communities without a local high school "to obtain a high school education while living under supervision in selected boarding homes."³⁵⁹ To be eligible for the program, students must be recommended both by a district school superintendent and their agency superintendent, which required that they "must be of good character and must have worked well in school."³⁶⁰

³⁵⁶ Native Students' Handbook [Boarding Home Program], September 21, 1988 [FBH-000140, p. 5]. 4906-1 Vol 1 05-88-8/91 INAC – ON Region.

³⁵⁷ Native Students' Handbook [Boarding Home Program], September 21, 1988 [FBH-000140, p. 6]. 4906-1 Vol 1 05-88-8/91 INAC – ON Region.

³⁵⁸ J. V. Boys, Indian Commissioner for B.C., to all Superintendents – Indian Agencies and District Superintendents of Indian Schools, December 10, 1963 [250637]. LAC Burnaby v8485/316, File 988/25-8C, 51(500349), 1961-1966.

³⁵⁹ "Purpose of the Boarding Program," December 1963 ca. [250637A, p. 1]. LAC Burnaby v8485/316, File 988/25-8C, 51(500349), 1961-1966.

³⁶⁰ "Purpose of the Boarding Program," December 1963 ca. [250637A, pp. 2-3]. LAC Burnaby v8485/316, File 988/25-8C, 51(500349), 1961-1966.

Students were required to provide their most recent report card and arrive with appropriate clothing, provided by their parents. Although the booklet stated that students and their families were expected to arrange transportation to the city or town, Agency superintendents could assist with paying for the cost; it also recommended that the Agency superintendent should make the arrangements to ensure that the boarding home operators could meet the student on arrival. While students were “usually” met on arrival, if there was no one to meet them they were advised to report to the ticket counter and wait. If students wanted to return home at Christmas or Easter, they must arrange return transportation and advise the boarding parents of their exact timetable.³⁶¹

New guidelines for Indian student residences in 1968 included instructions for determining whether a student should be boarded in a residence or a private home. For students up to 14 years old (Categories 1 to 4), private homes were not suggested as an option, but for students 15 and older (Categories 3 to 6), student residences were to be preferred if the child required “a gradual orientation to urban living,” such as a child coming from “a relatively closed reserve culture” (Category 5), or if no “suitable” boarding home was available (Category 6).³⁶²

A committee established to review the policy on student residences and private boarding home placements expressed concern that Category 5 could be “abused” and that care should be taken that a student admitted to a residence for a year before moving to a boarding home did not remain at the residence or hostel. Similarly, the committee expressed concern that the term “suitable” in Category 6 could be used as “an escape for placing students elsewhere.”³⁶³

The 1970 guidelines on the Boarding Home Program listed five reasons that a boarding home placement would be funded:

- The student’s home was isolated.
- The student had a disability preventing daily commuting but “slight enough to allow him to participate in a regular school program,” as determined by a medical professional.

³⁶¹ “Purpose of the Boarding Program,” December 1963 ca. [250637A, pp. 3-5]. LAC Burnaby v8485/316, File 988/25-8C, 51(500349), 1961-1966.

³⁶² Admissions policy for Indian Student Residences, May 28, 1968 [014596A, pp. 3; 5]. File 1/25-2, Vol. 4, 10/1961-04/1970.

³⁶³ Reporting of Meeting on Field Organization for the Administration and Supervision of the Student Residences and Private Home Placement, October 17, 1968 [NEL-001070[01-03], p. 3]. 1/25-8, Vol. 11, 00/00/1968-00/00/1969, Headquarters – Educational assistance policy, general, Acc. 1999-01431-6, Box 67, F.A. 10-379 LAC – Ottawa.

- The recommended school program was not available in the home community.
- The student required a move for educational reasons, “because there are serious problems for the student in the home, the school, or the community, which have demonstrated adverse effects on the student’s educational progress. This does not include those students who require care by the Children’s Aid Society or other child welfare agencies.” [emphasis in original]
- The parents were migratory for at least 12 consecutive weeks per year.³⁶⁴

A report on the Boarding Home Program in 1970 listed five reasons students were placed in boarding homes:

- I. Distance from school offering required course
- II. Parents trapping
- III. Overcrowding at home – no place to study
- IV. Need for readily available medical attention
- V. Orphaned³⁶⁵

A guide for guidance counsellors in Saskatchewan written in 1971 recommended discussing the option of boarding home placement directly with students:

Where there is a choice it might be worthwhile to discuss the relative merits of boarding versus commuting well before the time of actual registration to make sure students fully realize the problems of each so they can better decide which is best for them. Too often students feel that going on Educational Assistance in the city is a much desired goal and do not realize accompanying problems.³⁶⁶

In May 1971, the Home-School Coordinator in Cranbrook, B.C., reported that she had added several children to the Boarding Home Program to remove them from homes where they were suffering physical abuse.³⁶⁷

³⁶⁴ Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, April 30, 1970 revised October 1970 and July 1971 [VAN-045033, p. 14]. 701/25-8, Pt. 10, 05/01/1970-03/31/1972, Educational assistance – General, Acc. 1985-86/137, Box 10, F.A. 10-135, LAC-Ottawa.

³⁶⁵ This information is found in multiple reports on the different regions. See for example, Report – Education Program (Quebec), July 1970 [NCA-013848, p. 87]. RG22, Vol. 802, File 6-21-1, pt. 6, Enclosure Library and Archives Canada.

³⁶⁶ Counsellors' Guide for All Saskatchewan Region Guidance Counsellors, April 30, 1971 [RCS-000484, p. 9]. GRS Files, Box 10A, File 8 INAC – Resolution Sector – IRS Historical Files Collection – Ottawa.

³⁶⁷ Patricia Wright, Home-School Coordinator, Cranbrook District, to J. D. MacDonald, District Superintendent of Education, May 12, 1971 [VAN-079120]. 25-1-982, 01/01/1970-12/31/1973,

A report on education services for the Lesser Slave Lake region of Alberta, written in 1982, found that the Boarding Home Program was generally used where the student's home community did not offer the grade level required, usually high school. In some cases, however, children were placed in boarding homes even if the community had a complete K-12 education program: "This would be done for social reasons, like a family breakdown, no existing guardians, or if the local school recommends a placement to improve the child's educational advancement."³⁶⁸ Of the 42 students placed in boarding homes for the 1981-82 year, two were placed for medical reasons and four were for "social/educational reasons."³⁶⁹ Note that this program was directed by a Regional Council.

Information on the Thunder Bay District education program for 1983 suggested that the initial identification of students requiring high school placements was made by education staff, dependent on parental consent. Counsellors then met with parents and students to discuss school services, the Boarding Home Program, and administrative requirements. Counsellors were encouraged to arrange for students to visit the boarding home in advance of their move and to follow up on the placement.³⁷⁰

New guidelines issued in May 1986 identified four criteria for eligibility:

1. Lack of "suitable education program" in the home community: intended to allow students with proven exceptional abilities to attend specialized programs such as professional hockey training.
2. Medical reasons: the example provided is severe motion sickness preventing a child from riding in a school bus.
3. Disciplinary reasons: the guidelines state that if a student is expelled for disciplinary reason, the counsellor should attempt to have the student placed again, but if unsuccessful the student should take correspondence courses.

Indian Education – Kootenay – Okanagan, Acc. 1996-97/816, Box 31, F.A. 10-189, LAC-Vancouver. These children are listed on the return of Boarding Home Students for May 1971 [VAN-061314]. 25-8-982, 01/01/1973-12/31/1973, Educational Assistance – Kootenay – Okanagan, Acc. 1996-97/816, Box 42, F.A. 10-189, LAC-Vancouver.

³⁶⁸ Lesser Slave Lake Indian Regional Council, Education Division "Annual Operating Report 1981-82" [LBS-000017, p. 6]. File 4700-D34, Vol 1, RCAP, Resolution and Individual Affairs Sector [formerly IRSRC].

³⁶⁹ Lesser Slave Lake Indian Regional Council, Education Division "Annual Operating Report 1981-82" [LBS-000017, p. 10]. File 4700-D34, Vol 1, RCAP, Resolution and Individual Affairs Sector [formerly IRSRC].

³⁷⁰ Student/Parent Orientation, July 14, 1985 [FBH008112]. THU-E 4785-2 Volume 1 Part 1 May/81 – May/86 INAC Ontario Region.

4. Social reasons: resulting from identification as a ward of the court. “In these cases, Social Services will pick up the costs within their program mandate.”³⁷¹

In the B.C. Region, students were considered eligible only if they had “special learning abilities or disabilities” that required access to a program that was not available in the home community.³⁷² Nationally, however, the 1971 guidelines still applied as of 1989.³⁷³

2. Eligibility in Northern Regions³⁷⁴

In northern areas, boarding homes were being used around 1959 as “a short-term arrangement” to keep children in school while their parents were away trapping. This program was discussed at a Regional Supervisors’ Conference held in January 1959. It was noted that boarding children with families on the reserves would be less expensive than sending them to residential schools, allow the children to remain in a home setting, and would not require parents to commit to a full ten months of boarding their children away from home. In some cases, children could be boarded in homes on their own reserves, as was already being done in the N.W.T. to allow for short-term boarding while parents were away trapping. It was stressed that there should be no competition between boarders and foster home candidates and that boarding homes should be chosen with the assistance of the social worker. Teachers would be tasked with regular supervision of the boarding home placements.³⁷⁵

Around the same time, the Band Chief at Nelson House, Manitoba, asked to have a Protestant residential school established near the reserve because many people in the community found they could not go trapping while their children were attending

³⁷¹ R. E. Pinney, Acting Regional Manager of Education, Indian & Inuit Affairs – Atlantic, to C. I. MacLennan, District Superintendent of Education, New Brunswick District Office, May 28, 1986 [FBH-000414[01-01]]. E-4785-2-1 Vol 1 11/84-8/2007 INAC – Atlantic Region.

³⁷² Program Administration – INAC Education Program – British Columbia Region – Administrative Handbook, March 31, 1988 (Ottawa: Indian and Northern Affairs Canada, 1988). http://publications.gc.ca/collections/collection_2018/aanc-inac/R44-157-1988-eng.pdf INAC-HQ [FBH-000031, p. 119].

³⁷³ Joe McNeil, Acting Director of Education, Indian and Northern Affairs Program, Atlantic Region, April 12, 1989 [FBH-000440[00-05]]. E-4906-1 Vol 1 86/06 INAC – Atlantic Region.

³⁷⁴ “Northern Regions” corresponded to areas where some Indian families were making a living by trapping during two to three months each year, e.g., Northern Ontario and Northern Manitoba. In that particular case, the issue raised concerned the placement of Indian children of the Nelson House area, in Northern Manitoba.

³⁷⁵ “Excerpt from Regional Supervisors’ Conference,” January 1959 [NEL-000733[03-05]]. 128/25-1, Indian Education – General, 06/1958-11/1960, Locator 409-M-11 Resolution and Individual Affairs Sector, AANDC. The title and date of this document are taken from information in NEL-000733[00-05]].

school.³⁷⁶ By this time, Indian Affairs was moving away from the establishment of new residential schools; also, the Regional Inspector of Schools for Manitoba protested that “we do not take students into the Residential School just to permit the parents to go on the trap line.”³⁷⁷ Instead, it was proposed that the students could be boarded with families that stayed in the settlement while the parents were away trapping. The boarding home families would be paid \$1.00 per day. Another Regional Inspector of Schools suggested that the homes would have to be carefully selected and regularly checked, so that “homes could receive a rating which could be further improved through competition among the Indians to benefit from the income to the home.”³⁷⁸

The Manitoba Regional Inspector agreed that this proposal had merit, but expressed concerns based on previous experience:

In general, the arrangement whereby children of trappers are to be kept by other parents residing on the reserve, during trapping time, so that these children can continue to attend school has merit and may be a solution to a ticklish problem.

In Shamattawa, this system was tried out but the “keeping” families were not paid a dollar a day instead they were given extra rations. Unfortunately the arrangement did not work too well, it seems that the “keeping” parents were more interested in using their charges as servants and at the same time not giving them their fair share of the rations.

It may be that the “keeping” parents were not chosen carefully enough but there again the choice is very limited. It must be remembered that the good or better Indians are anxious to go on the trapline, those who remain on the reserve are not the best type.

³⁷⁶ R. D. Ragan, Regional Supervisor, to G. H. Marcoux, Regional School Inspector, February 19, 1959 [NEL-000733[01-05]]. 128/25-1, Indian Education – General, 06/1958-11/1960, Locator 409-M-11 Resolution and Individual Affairs Sector, AANDC.

³⁷⁷ G. H. Marcoux, Regional Inspector of Indian Schools for Manitoba, to R. G. Ragan, Regional Supervisor, March 3, 1959 [NEL-000733[02-05]]. 128/25-1, Indian Education – General, 06/1958-11/1960, Locator 409-M-11 Resolution and Individual Affairs Sector, AANDC.

³⁷⁸ J. Slobodzian, Regional Inspector of Indian Schools, to A. G. Leslie, Acting Regional Supervisor, Manitoba, April 2, 1959 [NEL-000733[04-05]]. 128/25-1, Indian Education – General, 06/1958-11/1960, Locator 409-M-11 Resolution and Individual Affairs Sector, AANDC.

I would like to see the arrangement tried again on some other reserves but the choice of keeping parents must be made very carefully and strict supervision must be exercised.³⁷⁹

A. G. Leslie, Acting Regional Supervisor for the Manitoba Region, took the proposal to Headquarters and was encouraged to pursue it. Leslie instructed the Superintendent for the Pas Agency to advise the Chief of the Nelson House Band that no new residential school would be built and suggested, “I will leave it to your good judgment, as you may be able to contrive, that the idea of placing children in carefully selected homes would seem to have originated with the Indians themselves.” He stressed that the Regional Supervisor would need to coordinate with the social worker, “since this is in large measure a welfare matter.”³⁸⁰

In the N.W.T., Indian Affairs focused on families where the parents were away less than 60 days, since the Administration Branch exercised what was known as the “60-day rule” to determine whether children should be sent to a hostel. It was proposed to issue a directive stating that, where hostels existed, boarding homes should be used only in cases where parents were away from the community for part of the school year, but less than 60 days.³⁸¹ A follow-up letter suggested that the eligibility was extended to children whose parents were away for two or three months.³⁸² Children from Fort Severn were boarded in private homes in Sioux Lookout. Davey stated that an allowance of \$1 per day was paid for their board.³⁸³

By 1962, eligibility for the program in the N.W.T. was understood somewhat differently. The Akaitcho Hall Boarding Home Program guidelines stipulated that students with disciplinary issues would not be considered, and that the program was considered to be

³⁷⁹ G. H. Marcoux, Regional Inspector of Indian Schools for Manitoba, April 3, 1959 [NEL-000733[05-05]]. 128/25-1, Indian Education – General, 06/1958-11/1960, Locator 409-M-11 Resolution and Individual Affairs Sector, AANDC.

³⁸⁰ A. G. Leslie, Acting Regional Superintendent of Indian Agencies, Manitoba, to J. R. Bell, Superintendent, the Pas Agency, April 3, 1959 [NEL-000733[00-05]]. 128/25-1, Indian Education – General, 06/1958-11/1960, Locator 409-M-11 Resolution and Individual Affairs Sector, AANDC.

³⁸¹ J. V. Jacobson, Acting Chief, Northern Administration Branch, Memorandum for Mr. R. A. J. Phillips, October 5, 1959 [RCN-005880]. RG85, Perm. Vol. 1338, File 600-1-1, pt. 15, Education – Schools, N.W.T. [General and Policy File] September 1959 – August 1960, F.A. 85-4 Library and Archives Canada – Ottawa.

³⁸² J. V. Jacobson, Acting Chief, Northern Administration Branch, Memorandum, December 1960 ca. [QDS-002182]. RG85, File 600-1-5, Vol 1261, Pt 1, LAC.

³⁸³ DIAND. Plenary Meeting General Subject, January 15, 1959 [254978d, p. 6]. FA 10-138, Perm. Vol. 13351, 901/1-2-2-32, Conferences – Regional Directors, Part 1, Folder 2 of 2, 1958/12-1970/10, NAC – Burnaby.

“a privilege for responsible students who are well behaved and will benefit academically from a less restricted living environment.”³⁸⁴

In 1965, Davey described a practice of sending “post-elementary” students from Northern Quebec and the N.W.T. to private boarding homes in cities in the south, “where they may hope to find employment on graduation.”³⁸⁵

3. Age and Grade Level

Some of the earliest examples of the use of private boarding homes involve young children. Correspondence in the Atlantic Region in 1954 refers to “exceptional cases” in which Grade 8 students could be boarded, and in at least one case a seven-year-old child in Grade 2 was placed in a private boarding home for the 1954-55 year.³⁸⁶ A letter dated December 1961 lists 18 children at boarding homes in Saskatchewan who were considered “too young to travel alone.”³⁸⁷ A letter discussing standards for boarding homes in Edmonton advised, “children from 12 to 16 years of age have to be completely socialized and require more training and care and supervision than those over 16, as many are in urban homes for the first time.”³⁸⁸ In particular the boarding home operators would be expected to teach the children “respect for other people’s property ... study habits ... constructive recreational activities” and to provide “more home nursing ... more washing, especially boys” and the adjustment and alteration of clothes. Laundry costs would be covered for “junior girls” and all boys.³⁸⁹

³⁸⁴ Akaitcho Hall Boarding Home Program [AHU-002895, p. 1]. Akaitcho Hall Misc. [Handbook], 1987-1992 Transfer No. 1530, Box 18 Government of Northwest Territories – Education, Culture and Employment.

³⁸⁵ R. F. Davey, Director of Education Services, Indian Affairs, to B. Thorsteinsson, Chief, Education Division, Northern Administration Branch, December 29, 1965 [ISP-01830 – not in FBH database]. LAC RG 10-B-3 BAN No. 2003-02042-X Box 2 File 1/25-1 Pt. 15.

³⁸⁶ E. B. McKinnon, Regional Supervisor of Indian Agencies, to E. J. Blakey, Superintendent, Indian Agency, July 27, 1954 [FBH-001578]; and V. J. Caissie, Acting Superintendent, Miramichi Agency, to Indian Affairs Branch, September 28, 1954 [FBH-001577]. Both in RG 10 Volume 8955 File 55/25-8 Part 1 Library and Archives Canada. Three children in the Miramichi Indian Agency, who were entering Grades 3, 4, and 6 in September 1959, had reportedly been boarding for “several years.” Blakey to Indian Affairs Branch, July 6, 1959 [FBH-001413]. RG 10 Volume 8871 File 55/25-8 Part 5 Library and Archives Canada.

³⁸⁷ K. J. Gavigan, Acting Regional Supervisor of Indian Agencies, Saskatchewan Region, to Superintendent Woodsworth, December 6, 1961 [VAN-063079]. 25-8, Pt. 28, 08/1960-02/1962, Educational Assistance, Acc. 1996-97/451, Box 9, F.A. 10-444, LAC-Ottawa.

³⁸⁸ Supervisor of Indian Students, Edmonton, November 27, 1961 [VAN-030031, p. 3]. 701/25-8, Pt. 1, 12/01/1959-12/31/1969, Educational assistance – General, Acc. 1985-86/137, Box 9, F.A. 10-135, LAC-Ottawa.

³⁸⁹ Supervisor of Indian Students, Edmonton, November 27, 1961 [VAN-030031, p. 3]. 701/25-8, Pt. 1, 12/01/1959-12/31/1969, Educational assistance – General, Acc. 1985-86/137, Box 9, F.A. 10-135, LAC-Ottawa.

The 1960 Indian Student's Handbook included instructions for all grade levels.³⁹⁰ In November 1961, the Regional Supervisor in Saskatchewan reported on a meeting with the Manitoba Region and the Director of Education, at which "concern was ... expressed over the fact that so many children under the age of 16 had been placed in private homes off reserves." At this meeting, it was "tentatively decided that, if possible, no children under the age of 16 would be placed in private homes except for high school purposes."³⁹¹

Responding to the 1962 Circular No. 345 which, as discussed in Section 4.1.3 above, asked the Regions to limit boarding home placements to students 16 years or older "unless absolutely necessary,"³⁹² the Winnipeg Regional Office stated that there would be a gradual reduction in placements of students under 16 years of age until they were "entirely eliminated except for genuine welfare cases."³⁹³ The Indian Commissioner for B.C. was informed that children under the age of 16 were to be placed by "a Child Placing Agent [...] instead of us," except in cases where children under the age of 16 required a boarding home placement to attend high school.³⁹⁴

In Saskatchewan, however, Regional Headquarters informed Agency Superintendents that they should interpret this directive to apply only to elementary school students. Students in Grades 9 to 12, regardless of their age, should be placed in private boarding homes. One group of children in southern Saskatchewan identified as "the United Church children" were to be transferred to the Welfare Division. Since the Branch had paid the Province for school spaces in Prince Albert that had not been used, Superintendents were encouraged to consider private boarding home placements in Prince Albert.³⁹⁵

³⁹⁰ Indian Student's Handbook, 1960 ca. [VAN-047749, p. 4]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa.

³⁹¹ K. J. Gavigan, Acting Regional Director, Saskatchewan, to the Chief, Education Division, November 17, 1961 [FBH-000863[00-02]]. RG 10 Volume 8754 File 601/25-1 Part 3 Library and Archives Canada.

³⁹² "Educational Assistance," Circular No. 345, February 12, 1962 [FBH-001517]. RG 10 Volume 8871 File 55/25-8 Part 8 Library and Archives Canada.

³⁹³ [Illegible] for A. G. Leslie, Winnipeg Regional Office, to Indian Affairs Branch, March 21, 1962 [NRD-001544, p. 1]. RG10, Vol. 8770, File 1/25-8, pt. 6 Library and Archives Canada.

³⁹⁴ R. F. Davey, Chief, Education Division, to the Indian Commissioner of B.C., April 6, 1962 [VAN-020180[01-02]]. 901/25-8, Pt. 2 [Folder 2], 03/01/1962-10/31/1962, Educational Assistance, Perm. Vol. 13466, F.A. 10-138, LAC-Vancouver.

³⁹⁵ J. Brennan, Acting Regional Supervisor for Saskatchewan, to all Agency Superintendents, May 29, 1962 [VAN-047686]. 121/25-8, Pt. 4, 04/09/1962-03/11/1963, Tuition grants, Acc. 1996-97/435, Box 33, F.A. 10-600, LAC-Ottawa.

A follow-up to Circular No. 345 discussed the question of children “being cared for apart from their homes at Departmental expense for Welfare or Educational purposes” from the perspective of ensuring equitable funding across different regions and for children in various types of care. Regional offices were directed to ensure that students under the age of 16 who were in private care were either moved to residential schools or returned to their homes by September 1962, although the circular allowed for the possibility that some children under the age of 16 would require boarding home placements for educational purposes. Arrangements for children under the age of 16 who required care in a private home for welfare reasons should be made by welfare authorities, not education authorities.³⁹⁶

Amendments to the IAB Field Manual in March 1963 stipulated that students under 16 should not be placed in boarding homes “unless absolutely necessary.”³⁹⁷

Table 1: Records of Elementary and Under-16 Students in Boarding Homes

Year	Region	Elementary Students	Students Under 16
1963-1964	Saskatchewan	12 ³⁹⁸	
1968-1969	Saskatchewan	119 ³⁹⁹	
1971-1972	British Columbia	9 (Cranbrook area) ⁴⁰⁰	
1978-1979	Yukon	5 (September); 3 (May) ⁴⁰¹	
1961-1962	British Columbia		2+ ⁴⁰²

³⁹⁶ Circular No. 384, “Policy Re Placement of Indian Children in Private Homes, Residential Schools, and Other Institutions,” July 3, 1962 [VAN-020015[01-02]. 25-8C, 01/01/1961-12/31/1966, Educational assistance – Circulars, Acc. 1984-85/316, Box 51, F.A. 10-136, LAC-Vancouver.

³⁹⁷ DIAND, *Indian Affairs Branch Field Manual*, Amendment No. 86, March 1963 (Ottawa: DIAND) [BHR-003009, unpaginated (p. 28 of the pdf)].

³⁹⁸ J. G. McGilp, Regional Supervisor, Saskatchewan, to Assistant Director, Education, November 28, 1963 [VAN-046795, p. 1]. 601/25-1, NCR-O, Vol. 4, 07/01/1963-05/01/1966, EDUCATION – GENERAL, UNC, NCR 13TH, INAC-Ottawa.

³⁹⁹ N. M. Wasyliw, Counsellor, Education Directorate, Saskatchewan, to District School Superintendent, January 1961 ca. [VAN-047630]. 23-3, Pt. 1, 02/01/1969-01/31/1975, Counsellors Monthly returns, Acc. 1996-97/415, Box 27, F.A. 10-447, LAC-Ottawa.

⁴⁰⁰ J. C. Lawrance, Acting Superintendent of Indian Schools, Thompson River District, to Patricia Wright, Home-School Co-ordinator, Cranbrook, B.C., January 18, 1972 [VAN-061300]. 25-8-982, 01/01/1973-12/31/1973, Educational Assistance – Kootenay – Okanagan, Acc. 1996-97/816, Box 42, F.A. 10-189, LAC-Vancouver.

⁴⁰¹ Bob Sharp, *Rural Students in Urban Schools*, August 31, 1979 [VAN-046045, p. 14]. E4700-1, Pt. 15, 06/15/1979-02/20/1980, General, Acc. 2013-00326-9, Box. 7, F.A. 10-650, LAC-Vancouver.

⁴⁰² J. V. Boys, Indian Commissioner for B.C., to Indian Affairs Branch, December 13, 1961 [FBH-002464]. RG 10 Volume 8780 File 901/25-8 Part 3 Library and Archives Canada. The letter reports that there is only one case in which two or more children under the age of 15 are boarding in the same home.

Year	Region	Elementary Students	Students Under 16
1969-1970	B.C. and Yukon	236	486 ⁴⁰³
1969-1970	Quebec	371	360 (elementary) 112 (secondary) ⁴⁰⁴
1969-1970	Maritimes	18	8 (elementary) 11 (secondary) ⁴⁰⁵
1969-1970	Ontario	165	162 (elementary) 185 (secondary) 24 (auxiliary) ⁴⁰⁶
1969-1970	Manitoba	95	88 (elementary) 125 (secondary) ⁴⁰⁷
1969-1970	Alberta	106	93 (elementary) 80 (secondary) 6 (auxiliary) ⁴⁰⁸
1969-1970	Saskatchewan	84	70 (elementary) 91 (secondary) 15 (auxiliary) ⁴⁰⁹
1970-1971	British Columbia		21 (Cranbrook District only) ⁴¹⁰

⁴⁰³ Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Report – Education Program – British Columbia and Yukon (Ottawa: Department of Indian Affairs and Northern Development, 1971) [FBH-000027, pp. 94-95].
http://publications.gc.ca/collections/collection_2017/aanc-inac/R44-143-1971-eng.pdf INAC-HQ.

⁴⁰⁴ Report – Education Program (Quebec), July 1970 [NCA-013848, pp. 85-86]. RG22, Vol. 802, File 6-21-1, pt. 6, Enclosure Library and Archives Canada.

⁴⁰⁵ Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Report, Education Program, Maritime – Indian-Eskimo Program, Information Centre (Ottawa: Department of Indian Affairs and Northern Development, 1971) [FBH-000006, p. 94].
http://publications.gc.ca/collections/collection_2017/aanc-inac/R5-261-1971-eng.pdf INAC-HQ.

⁴⁰⁶ Report, Education Program, Ontario/Indian-Eskimo Program, Information Center (Ottawa: Department of Indian Affairs and Northern Development, 1971) [PBQ-003176, pp. 87-88].
http://publications.gc.ca/collections/collection_2017/aanc-inac/R44-141-1971-eng.pdf Library and Archives Canada.

⁴⁰⁷ Report, Education program, Manitoba/Indian-Eskimo Program, Information Center (Ottawa: Department of Indian Affairs and Northern Development, 1971) [PBQ-003160, pp. 96-97].
http://publications.gc.ca/collections/collection_2017/aanc-inac/R5-260-1971-eng.pdf Library and Archives Canada.

⁴⁰⁸ Report, Education program, Alberta/Indian-Eskimo Program, Information Center (Ottawa: Department of Indian Affairs and Northern Development, 1971) [PBQ-003159, pp. 89-90].
http://publications.gc.ca/collections/collection_2017/aanc-inac/R5-259-1971-eng.pdf Library and Archives Canada.

⁴⁰⁹ Report – Education Program (Saskatchewan), February 1971 [FBH-000005, pp. 92-93].
http://publications.gc.ca/collections/collection_2017/aanc-inac/R5-258-1971-eng.pdf INAC-HQ.

In a memorandum dated May 8, 1967, R. F. Davey informed Regional and District School Superintendents that the “policy in regards to placing students in boarding homes” was “only those students who are in secondary school or who are over 15 years of age and require boarding accommodation to obtain appropriate education” should be placed in boarding homes.⁴¹¹

Nonetheless, as Table 1 shows, there continued to be exceptions to this general policy. In one case in B.C., for example, a child in Grade 1 was placed in a boarding home for the 1967-68 school year because he was the only child of school age in his community, so school bus transportation had been cancelled.⁴¹² The Regional School Superintendent informed the District School Superintendent that “if the parents are satisfied with the boarding home selected,” and he thought it was a good alternative to a residential school, nothing in the regulations prohibited such a placement.⁴¹³

In February 1969, R. F. Davey asked the Regional Superintendent of Schools for B.C. his opinion about the use of boarding homes for students under 16 and the possibility of placing them in foster homes. The Regional Superintendent recommended that students under 16 should be allowed into the Boarding Home Program in preference to a foster home placement:

... the criterion should be sufficiently flexible so that a child younger than that may be placed in a boarding home if the Counsellor and District School Superintendent involved feel that the child is sufficiently mature, or that the boarding home parents are the type quite capable of caring for a younger child. You may be able to find some suitable foster homes, but foster homes are in such short supply

⁴¹⁰ Patricia Wright, Home-School Coordinator, Boarding Home Students, May 31, 1971 [VAN-061314]; and June 30, 1971 [VAN-061309]. Both in 25-8-982, 01/01/1973-12/31/1973, Educational Assistance – Kootenay – Okanagan, Acc. 1996-97/816, Box 42, F.A. 10-189, LAC-Vancouver.

⁴¹¹ R. F. Davey, Director, Education Services, to Regional and District School Superintendents, May 8, 1967 [VAN-046358]. 577/25-8, Pt. 1, 01/01/1966-01/31/1972, Indian Education – Educational Assistance – General (General Policy and General Correspondence), Acc. 2000-01600-6, Box 21, F.A. 10-573, LAC-Winnipeg. See also Western Manitoba Education District Guidance Counsellors Workshop, December 9-11, 1968 [NEL-001840, p. 3]. 511/25-17, Vol. 3, 09/09/1968-11/19/1969, Indian Education – Pupil Guidance, Perm. Vol. 13676, F.A. 10-158, LAC – Winnipeg.

⁴¹² M. W. Tataryn, District Superintendent of Indian Schools, to R. M. Hall, Regional School Superintendent, October 31, 1967 [VAN-051838[02-03]]. 985/25-8, Pt. 3, 07/01/1965-03/31/1969, Indian Education – Education Assistance, Acc. 2005-00463-4, Box 73, F.A. 10-594, LAC-Vancouver.

⁴¹³ R. M. Hall, Regional School Superintendent, to M. W. Tataryn, District School Superintendent, November 3, 1967 [VAN-051838[00-03]]. 985/25-8, Pt. 3, 07/01/1965-03/31/1969, Indian Education – Education Assistance, Acc. 2005-00463-4, Box 73, F.A. 10-594, LAC-Vancouver.

that many of them are very unsatisfactory and I would not want our students placed in most of them. Also, the foster home is the responsibility of Provincial Welfare and they are doing such a poor job in this area I would hate to contemplate the results of them taking over.⁴¹⁴

As this suggests, the distinction between boarding home and foster home placements is not always clear in the records, particularly in discussions concerning placements for younger children. This issue is discussed further in the next section.

The policy on admissions to residences in place at this time stated that older students should be placed in private boarding homes when possible. In Manitoba, the Western Education District planned to have guidance counsellors interview all students with the aim of finding boarding home placements. Residential school placements were to be preferred for Grade 9 students entering an integrated school for the first time. Students to be considered for boarding homes included students in Grade 8 and up who had previously lived in residences.⁴¹⁵ A second letter stated that students would not be placed in boarding homes “until they have been in residence for at least one year or have completed Grade 9.”⁴¹⁶ A year later, however, a social worker asked why children in elementary or junior high school could not be boarded locally instead of being sent to Dauphin, “where they cannot maintain any kind of realistic contact with their family and relatives.” She named four children specifically, who according to an attached list were entering Grades 1 (one child), 3 (two children) and 9 (one child) that year.⁴¹⁷

In 1973, the President of the Northern Quebec Inuit Association met with students from Ungava Bay who were living in Ottawa. The students expressed dissatisfaction with their boarding home placements, complaining that many of the parents were old and did not

⁴¹⁴ Regional Superintendent of Education, Vancouver, to the Director of Operations, Social Affairs Programme, February 27, 1969 [VAN-020261]. 901/25-8, [Folder 2], 08/01/1968-05/31/1969, Educational Assistance, Perm. Vol. 13466, F.A. 10-138, LAC-Vancouver.

⁴¹⁵ J. R. Wright, District Superintendent of Schools, Western Education District, Dauphin, to Administrators of all Student Residences, All Guidance Counsellors, January 21, 1969 [NEL-001889]. 501/25-8, Vol. 3, 09/01/1967-07/31/1974, Indian Education – Educational Assistance – General, Acc. W1986-87/083, Box 3, F.A. 10-131 LAC – Winnipeg.

⁴¹⁶ J. R. Wright, District Superintendent of Schools, Western Education District, Dauphin, to All Principals and Guidance Counsellors, January 28, 1969 [NEL-002120]. 501/25-2, Pt. 1, 09/01/1968-12/31/1969, Indian Education – Admission and Discharge – Residential Schools, Acc. W1986-87/083, Box 3, F.A. 10-131 LAC – Winnipeg.

⁴¹⁷ Irene Dickman, Social Worker, Churchill District Office, to James Wright, Guidance Office, Dauphin, September 2, 1970 [VAN-046225]. 511/25-17-095-Thompson, Pt. 1, 01/15/1969-06/22/1972, Indian Education – Pupil Guidance – Thompson, Perm. Vol. 13677, F.A. 10-158, LAC-Winnipeg. See also Band: Churchill, August 10, 1970 [VAN-064448]. 511/25-8, Pt. 1, 08/10/1970-08/10/1970, Indian Education – [Student and School Lists by Band Name], Perm. Vol. 13669, F.A. 10-158, LAC-Winnipeg.

understand them. They recommended that younger students be housed together or placed with “a fairly young and understanding family.” They also thought many of the students were too young for the program and that students under the age of 16 should not come south and that Grade 9 should be offered in the communities so that students could stay at home longer.⁴¹⁸

4. Boarding Homes vs. Foster Homes

The records show that some children were placed in the Boarding Home Program as a form of foster care placement. This includes documentation of decisions to place children in the Boarding Home Program because of their home living conditions. For example, in 1955, a 16-year student from Quebec was recommended for placement in a boarding home to attend high school because she was “not well treated at home by her father.”⁴¹⁹ A 16-year-old in Manitoba was recommended in 1956 because “this is a broken up home even before the mother died....” In this case, the Agency Superintendent proposed to have the student board in his own home.⁴²⁰ A 16-year-old Yukon student was recommended to receive funding for room and board to attend a different high school, even though Grade 9 was available in her home community, because “the home conditions are not good.”⁴²¹ A 15-year-old student in Nova Scotia was recommended for room and board funding to attend Grade 9 because she was “the product of a broken home.”⁴²²

Circular No. 67, issued on November 24, 1961, commented that IAB paid different rates for “welfare” placements than for “educational” ones. Regional Supervisors were asked to comment on the advisability of standardizing rates to match provincial or local agencies and whether or not Indian boarding homes should be licensed under provincial

⁴¹⁸ C. W. Watt, President, [Northern Quebec Inuit Association], to Ralph Ritcey, Superintendent of Vocational Education, February 7, 1973 [ISP-001320[00-01]]; and “Meeting between Northern Quebec Inuit Association and Inuit Students of Northern Quebec held on January 13, 3:00 P.M. at I.T.C. office Ottawa” [ISP-001320[01-01]]. Both in Accession No 81-8 01/1973-01/1976 File QUE-V 375-25-1 FRC – Quebec City.

⁴¹⁹ Application for Tuition Grant – Metallic, Patricia, May 16, 1955 [FBH-011451]. RG 10 Volume 9042 File 26/25-8-2 Part 1 Library and Archives Canada.

⁴²⁰ S. J. Kitella, Superintendent, Dauphin Indian Agency, to R. D. Ragan, Acting Regional Supervisor of Indian Agencies, Manitoba, August 24, 1956 [FBH-014721[00-01]]; and Application for Tuition Grant – Shingoose, Hazel Grace, August 24, 1956 [FBH-014721[01-01]]. Both in RG 10 Volume 10395 File 511/25-8 Part 6 Library and Archives Canada.

⁴²¹ Application for Tuition Grant – Hager, Laura, May 23, 1957 [VAN-045364]. 25-8, Pt. 3, 07/01/1957-01/31/1958, Tuition grants, Acc. 1989-90/101, Box 41, F.A. 10-151, LAC-Vancouver.

⁴²² Application for Tuition Grant – Paul, Rebecca, June 27, 1957 [FBH-015182]. RG 10 Volume 8333 File 88/25-8 Part 6 Library and Archives Canada.

regulations.⁴²³ One response, from Southern Alberta, remarked that “most of our non-ward welfare cases move from Welfare to Education as soon as they are a) old enough or b) settled enough, or c) school term sta[rts].”⁴²⁴

Sometimes, the Boarding Home Program used homes that had previously taken foster children. In November 1961, it was reported that in Saskatchewan, foster homes were being approached to see if they had space for boarding home placements. A Child Welfare worker asked for clarification about the Branch’s policy for off-reserve placements for education and welfare reasons.⁴²⁵ In Quebec, a social worker at the Quebec Regional Office described boarding homes in the same terms as foster placements.⁴²⁶ Correspondence from the Manitoba Region in 1962 also suggests that placements in boarding homes were not always fully distinct from foster placements.⁴²⁷

Draft policies in place for the Saskatchewan Region at this time stressed that boarding home placements should be distinguished from welfare or foster home placements. Children in the foster home program were not eligible for the Boarding Home Program.⁴²⁸ The Indian Commissioner for B.C. also drew a sharp distinction between the two cases: while private boarding homes were non-Indian families, many foster placements were with a child’s relatives, often on-reserve.⁴²⁹ Circular No. 345, issued in February 1962, discussed the use of boarding homes for students in comparison to foster homes, stating that efforts should be made to make the rate equivalent. A follow-

⁴²³ Maintenance of Indian Children in Boarding or Foster Homes – Circular No. 67, November 24, 1961 [FBH-002264]. RG 10 Volume 8770 File 1/25-8 Part 6 Library and Archives Canada.

⁴²⁴ A. MacKinnon, Supervising School Principal, Southern Alberta Region, Memo to R.S., December 4, 1961 [VAN-030029[01-01]]. 701/25-8, Pt. 1, 12/01/1959-12/31/1969, Educational assistance – General, Acc. 1985-86/137, Box 9, F.A. 10-135, LAC-Ottawa.

⁴²⁵ K. J. Gavigan, Regional Supervisor, Saskatchewan, to Chief, Education Division, November 17, 1961 [FBH-000863[00-02]]. RG 10 Volume 8754 File 601/25-1 Part 3 Library and Archives Canada.

⁴²⁶ Berthe Fortin, Professional Social Worker, Quebec Regional Office, to R. L. Boulanger, Regional Supervisor, December 21, 1961 [FBH-002258]. See also translation [FBH-002259]. Both in RG 10 Volume 8770 File 1/25-8 Part 6 Library and Archives Canada.

⁴²⁷ See, for example, [Illegible] for A. G. Leslie, Winnipeg Regional Office, to Indian Affairs Branch, March 21, 1962 [NRD-001544, p. 1]. RG10, Vol. 8770, File 1/25-8, pt. 6 Library and Archives Canada; and Leslie to Indian Affairs Branch, April 3, 1962 [FBH-002352]. RG 10 Volume 8775 File 501/25-8 Part 3 Library and Archives Canada; and Dorothy McFadyen, Teacher-Counsellor, Indian Residential School [Brandon], to J. Slobodzian, Regional Superintendent of Schools, Winnipeg, November 19, 1962 [BRS-000043]. RG10, Vol. 6861, File 511/25-2-015, pt. 4 Library and Archives Canada.

⁴²⁸ Saskatchewan Regional Office, “Draft of Policy Governing Placement of Indian Children in Boarding Home,” June 1961 ca. [FBH-000863[01-02]]. RG 10 Volume 8754 File 601/25-1 Part 3 Library and Archives Canada.

⁴²⁹ J. V. Boys, Indian Commissioner for B.C., to Indian Affairs Branch, December 13, 1961 [FBH-002464]. RG 10 Volume 8780 File 901/25-8 Part 3 Library and Archives Canada.

up to this circular in April noted that any placements in private boarding homes “for welfare reasons” should be managed by the appropriate child welfare agency.⁴³⁰

The term “foster home” was still used in some documents to describe boarding home placements in the 1970s, particularly in reference to students from northern communities and Quebec.⁴³¹

5. Off-Reserve Students

The Department issued Circular No. 17 in October 1958, informing about the availability of fifteen bursaries, on an experimental basis, for Indian students whose parents lived off-reserve and who needed to leave home to pursue their education. Among other criteria, to be eligible, the student’s family had to have resided off-reserve for one to five years; up to 80% of the total cost could be covered by Indian Affairs.⁴³² This program was extended in 1960 under the same terms.⁴³³ In 1965, Indian Affairs decided to change the program, limiting it to students at the vocational and university levels but eliminating the restriction to families who had lived off-reserve for less than five years.⁴³⁴

As discussed in Sections 2 and 4 above, in 1970 the *Indian Act* was amended to limit the Minister’s authority over education services to on-reserve Indians, and a new directive on the educational assistance policy was issued. Indigenous organizations and DIAND field staff were quick to comment on the new policy, including the lack of services for off-reserve families. The shortcomings listed included lack of funding for books, school supplies, and allowances. Room and board was not mentioned in the summary of this

⁴³⁰ Policy Replacement of Indian Children in Private Homes, Residential Schools, and Other Institutions, April, 1962 [NCA-014588, p. 3]. RG10, Vol. 8770, File 1/25-8, pt. 6 Library and Archives Canada.

⁴³¹ See, for example, Rapport Détaillé du Conseiller Pédagogique – Mois de Septembre 1969 [FBH-001877]. RG 10 Accession 2014-02388-3 Box 269 File 8888-448.Q.41 371/25-1 Part 2 Library and Archives Canada; Irene Dickman, Social Worker, Churchill District Office, to James Wright, Guidance Office, Dauphin, September 2, 1970 [VAN-046225]. 511/25-17-095-Thompson, Pt. 1, 01/15/1969-06/22/1972, Indian Education – Pupil Guidance – Thompson, Perm. Vol. 13677, F.A. 10-158, LAC-Winnipeg; and A Brief Study of the Factors Influencing the Withdrawal from Ottawa Schools of Inuit Students from the Ungava Bay District in November and December, 1972 [ISP-001249, pp. 5-7]. RG 85 Accession 2003-02300-3 Box 16 File 600-1-11 Part 6 LAC.

⁴³² H. M. Jones, Director, Indian Affairs Branch, to the Indian Commissioner for B.C., and Regional Supervisors, October 17, 1958 [NEL-002002]. Series 'B' Yellow, JL103.C3777 v. B2 c.2, AANDC.

⁴³³ Circular No. 43: Bursaries for Educational Assistance of Indian Students Whose Families Reside Away from the Reserve, May 25, 1960 [NEL-002001]. Series 'B' Yellow, JL103.C3777 v. B2 c.2, AANDC.

⁴³⁴ Circular No. 614, August 31, 1965 [NCA-012872-0005]. File 976/25-1, Vol. 2 (Ctrl #H-75-392) INAC – Resolution Sector – IRS Historical Files Collection – Ottawa.

feedback written by the Assistant Deputy Minister for Indian and Eskimo Affairs.⁴³⁵ Proposed changes to the eligibility criteria for educational assistance, however, included provision for room and board:

- (B) For those students who must leave their homes on the reserve in order to continue their education, the present terms of educational assistance will continue. This includes funds for board and room and clothing in addition to the 2 items mentioned above. However, as soon as possible, the matter of Branch responsibility for administering this aspect of educational assistance should be reexamined with a view to increasing the involvement of the Indian people themselves in the direction and control of this part of the program.⁴³⁶

A memorandum discussing proposed changes to the *Indian Act* in 1977 stated that DIAND considered Band members who had lived off-reserve for less than a year to be “the full responsibility of the Department in terms of the payment of educational fees, student assistance, etc.,” noting that some provinces required residence for a year before an individual could qualify for educational services. After a year of continuous off-reserve residence, a Band member was considered as “a bona fide resident of the school district in which he resides,” on the assumption that by paying property tax, the member would be eligible for provincial school services. The memorandum continued:

- 5. However, the situation has often arisen, especially in the case of large families, in which additional assistance continues to be required by off-reserve Band members for children of compulsory attendance age. The Department, under those circumstances, assists in providing books, supplies and allowances.
- 6. In the area of optional education, particularly at the post-school level, the Department continues to provide financial assistance to off-reserve Band members who are in need. This assistance can cover payment of fees, books, supplies, travel, clothing and allowances.⁴³⁷

⁴³⁵ J. B. Bergevin, Assistant Deputy Minister, Indian and Eskimo Affairs, to the Regional Director, October 6, 1970 [VAN-045514]. 25-8, Pt. 19, 06/01/1969-12/31/1971, Educational asst. – General, Acc. 1989-90/101, Box 42, F.A. 10-151, LAC-Vancouver.

⁴³⁶ G. D. Cromb, Director, Education Branch, D. W. Simpson, K. Gooderham, O. Zakreski, D. Kogawa, and E. Ellis, Committee for Review of Educational Assistance, to Bergevin, September 10, 1970 [FBH-005244]. RG 10 Accession 2014-000827-2 Box 25 File 1/25-8 Part 14 Library and Archives Canada.

⁴³⁷ Indian Act Revisions – Education, May 1977 ca. [ISP-01114[00-01]]. INAC File 1/25-1 Vol. 75.

The changes proposed, which would have made it possible for Band councils to assume responsibility for all education services to both on- and off-reserve members, were not implemented.

In 1982, the Department received legal advice that assistance to off-reserve students was beyond its authority, based on Section 4(3) of the *Indian Act*, which “clearly excludes elementary and secondary students who do not live on reserves or Crown lands from receiving these services.” Regions were directed to discontinue assistance to these students.⁴³⁸ The Director of Education for the Ontario Region confirmed that it had not provided any services to off-reserve students “for several years.”⁴³⁹

A 1983 letter from the Minister of Indian Affairs to the Indian Association of Alberta provides some insight into the Department’s decision not to fund education services for off-reserve students. The Minister stated:

Our Education Assistance Policy, covering services for off-reserve students, was instituted to meet departmental priorities during the period prior to the early 1970’s when the transfer of Indian students to provincial schools was being encouraged.⁴⁴⁰

With the introduction of Band-controlled education services, however, some aspects of the policy had become outdated and were reappraised. With the need to reduce spending in 1980-81 and 1981-82, some regions focused on on-reserve students. Subsequent legal analysis confirmed the Department’s lack of authority to provide off-reserve educational services. The Minister stated that the federal government’s position was that Section 91(24) of the *Constitution Act* “... did not create a federal obligation to provide services to Indians living off reserve.”⁴⁴¹ The education of status Indian children living off-reserve was a responsibility of the province or territory in which they were resident.

⁴³⁸ D. K. Goodwin, Assistant Deputy Minister (Indian and Inuit Affairs), to Regional Directors General, August 26, 1982 [FBH-000111[01-04]]. 4710-10 Vol 1 Feb 82-Dec 87 INAC – ON Region. Document ID written as entered in database.

⁴³⁹ G. A. Mullin, Director of Education, Ontario Region, to the District Superintendent of Education, September 10, 1982 [FBH-000111[00-03]]. 4710-10 Vol 1 Feb 82-Dec 87 INAC – ON Region.

⁴⁴⁰ John C. Munro to Ernest Crane, Indian Association of Alberta, November 14, 1983 [Doc. No. 250729]. LAC Edmonton File 4785-2-1 Vol. 2, 12/1982-04/1984.

⁴⁴¹ John C. Munro to Ernest Crane, Indian Association of Alberta, November 14, 1983 [Doc. No. 250729]. LAC Edmonton File 4785-2-1 Vol. 2, 12/1982-04/1984.

6. Non-Status Students

The 1970 guide to the Educational Assistance program stated that funding could be provided to non-status children under certain circumstances, listing six categories.⁴⁴² By 1970, several regions reported that small numbers of non-status students were enrolled in the Boarding Home Program.⁴⁴³

4. Placement and Transfers

A Teacher-Supervisor in Edmonton recommended in 1961 placing one student per home to achieve “a more rapid adjustment and orientation with fewer problems and better results at school.”⁴⁴⁴

New recommendations in October 1968 proposed that when a child was to enter the Boarding Home Program, the counsellor in charge of the program should visit the child at home and meet the parents, as well as visiting the child at school.⁴⁴⁵

By 1970, it was reported that decisions about boarding homes were made jointly by parents and federal staff, often with the involvement of a School Committee. According to information provided by the Regional Superintendent of Education:

Choosing the Boarding home ideally is the prerogative of the parent, however, in most cases selection of homes is done by Counselling staff. Efforts are made to orient both the boarding home parents and

⁴⁴² Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, April 30, 1970 revised October 1970 and July 1971 [VAN-045033, p. 7]. 701/25-8, Pt. 10, 05/01/1970-03/31/1972, Educational assistance – General, Acc. 1985-86/137, Box 10, F.A. 10-135, LAC-Ottawa.

⁴⁴³ See, for example, Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Report – Education Program – British Columbia and Yukon. Ottawa: Department of Indian Affairs and Northern Development, 1971 [FBH-000027, pp. 94-95].
http://publications.gc.ca/collections/collection_2017/aanc-inac/R44-143-1971-eng.pdf INAC-HQ;
and Report – Education Program (Saskatchewan), February 1971 [FBH-000005, pp. 92-93].
http://publications.gc.ca/collections/collection_2017/aanc-inac/R5-258-1971-eng.pdf INAC-HQ.

⁴⁴⁴ J. E. Kerens, Teacher Supervisor, Edmonton, to G. K. Gooderham, Regional Superintendent of Indian Schools, November 27, 1961 [VAN-030031]. 701/25-8, Pt. 1, 12/01/1959-12/31/1969, Educational assistance – General, Acc. 1985-86/137, Box 9, F.A. 10-135, LAC-Ottawa.

⁴⁴⁵ Reporting of Meeting on Field Organization for the Administration and Supervision of the Student Residences and Private Home Placement, October 17, 1968 [NEL-001070[01-03], p. 3]. 1/25-8, Vol. 11, 00/00/1968-00/00/1969, Headquarters – Educational assistance policy, general, Acc. 1999-01431-6, Box 67, F.A. 10-379 LAC – Ottawa.

the Indian student to the program with adequate follow-up by the Counsellors throughout the year.⁴⁴⁶

The Chief of Guidance and Special Services reported, however, that in reality “there is generally a lack of sufficient time for the Counsellors to do adequate follow-up due to the number of students per Counsellor.”⁴⁴⁷ In Saskatchewan, guidance counsellors were encouraged to contact parents before making a decision to transfer a student from one boarding home to another.⁴⁴⁸

1. Authorization for Moving Out of a Boarding Home

The 1960 Indian Student’s Handbook advised students that they were legally required to give seven days’ notice before moving.⁴⁴⁹ A handbook for students in Saskatchewan stated that students required “special permission” to move.⁴⁵⁰ A handbook produced in 1975 for students in the Brandon District added more details:

You may not move from your boarding home without special permission. Talk to your Counsellor first if you think you have a good reason. If you move without permission, we will have to deduct out of your allowance, any double rent payments.⁴⁵¹

The 1970 program guidelines specified that if the boarding home was found to be “not compatible with the student and his needs,” then the counsellor was responsible for finding an alternative arrangement.⁴⁵² In the Vancouver District, students were told that they were expected to stay in the same boarding home for the full year, but if a move

⁴⁴⁶ Report – Education Program (Quebec), July 1970 [NCA-013848, p. 77]. RG22, Vol. 802, File 6-21-1, pt. 6, Enclosure Library and Archives Canada.

⁴⁴⁷ Report – Education Program (Quebec), July 1970 [NCA-013848, p. 80]. RG22, Vol. 802, File 6-21-1, pt. 6, Enclosure Library and Archives Canada. The same information is found in the reports for other regions produced at the same time. See, for example, Report – Education Program (Saskatchewan) [FBH-000005, p. 87].

⁴⁴⁸ Counsellors' Guide for All Saskatchewan Region Guidance Counsellors, April 30, 1971 [RCS-000484, p. 10]. GRS Files, Box 10A, File 8 INAC – Resolution Sector – IRS Historical Files Collection – Ottawa.

⁴⁴⁹ Indian Student’s Handbook, 1960 ca. [VAN-047749, p. 8]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa.

⁴⁵⁰ Saskatchewan E.A. Student's and Landlady's Handbook, 1960 ca. [VAN-047750, p. 4]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa.

⁴⁵¹ Student Handbook [Brandon], June 3, 1975 [FBH-005160, p. 4]. RG 10 Accession 2001-01046-X Box 6 File 578/25-8 Part 1 Library and Archives Canada.

⁴⁵² Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, April 30, 1970 revised October 1970 and July 1971 [VAN-045033, p. 17]. 701/25-8, Pt. 10, 05/01/1970-03/31/1972, Educational assistance – General, Acc. 1985-86/137, Box 10, F.A. 10-135, LAC-Ottawa.

was necessary, it must be made at the end of the month.⁴⁵³ In the Ontario Region, students were told that they required the permission of the Social Counsellor to change homes, but no specific time frame was proposed. Boarding home operators were advised that they must give two weeks' notice to have a student removed.⁴⁵⁴

5. Holiday Transportation

In the early 1960s, Indian Affairs made arrangements for Christmas transportation for some students, including providing transportation for some students and purchasing bus or train tickets for others.⁴⁵⁵ In other cases, transportation was only paid for September and June.⁴⁵⁶ Students in the Sault Ste. Marie program were advised that they could apply for reduced fares through their school or the Greyhound bus company. They were also instructed to buy return tickets.⁴⁵⁷ Students at North Bay were told that they were allowed to go home on the Thanksgiving and Victoria Day weekends only, but there was no mention of funding for these holidays or for Christmas and Easter.⁴⁵⁸

By 1969, DIAND was aware that many students were not able to travel home for the Christmas and Easter holidays. The Snider Report (discussed in Section 9.2 below) identified this as a problem (note that the Snider Report studied samples of “metropolitan” education districts in large urban centres and “urban” education districts in smaller centres):

Indian parents and Indian students place great stress on the family reunion at Christmas and Easter, especially at Christmas. However,

⁴⁵³ Guidelines Boarding Home Program – 1979-80 – Vancouver District – Department of Indian Affairs, September 1979 [VAN-030062[01-01]]. 801/25-8, Pt. 22, 02/01/1979-04/30/1980, Education assistance – General, Acc. 1989-90/101, Box 42, F.A. 10-151, LAC-Vancouver.

⁴⁵⁴ Native Students' Handbook [Boarding Home Program], September 21, 1988 [FBH-000140, pp. 3; 6]. 4906-1 Vol 1 05-88-8/91 INAC – ON Region.

⁴⁵⁵ See, for example, K. J. Gavigan, Acting Regional Supervisor of Indian Agencies, Saskatchewan Region, to Superintendent Woodsworth, December 6, 1961 [VAN-063079]. 25-8, Pt. 28, 08/1960-02/1962, Educational Assistance, Acc. 1996-97/451, Box 9, F.A. 10-444, LAC-Ottawa.

⁴⁵⁶ See, for example, Guide for Students and Landladies, 1960 [VAN-047745, p. 6]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa.

⁴⁵⁷ Handbook for Boarding Home Parents – Sault Ste. Marie. Ontario – School Year 1962-1963 [SWK-001985, p. 8]. File 13/25-1, Vol. 1 Ontario Regional Service Centre – LAC – Toronto.

⁴⁵⁸ Guide for Students and Landladies, Education Division, Indian Affairs Branch, North Bay, Ontario, June 24, 1965 [FBH-001250, p. 10]. RG 10 Volume 10668 File 81/25-8-8-3-1 [ED] Library and Archives Canada.

only 50 per cent of the Metropolitan students and 60 per cent of the urban students get home for these festive holidays.⁴⁵⁹

A 1970 report on the Quebec Region confirmed that lack of funding to transport students home for the Christmas and Easter holidays was a problem area.⁴⁶⁰

In July 1971, DIAND officials recognized that there was “strong pressure from various Indian organizations” for funding to allow students to travel home by Christmas. The Department’s Educational Assistance Policy and Guidelines paper was updated in July 1971 to include payment of transportation home during the Christmas holidays as an allowable expense. The list of counsellor services in the same document noted that counsellors should make arrangements for students to travel home at Christmas and Easter, but also stated, however, that “at the present time Departmental funds are not available for this type of travel.”⁴⁶¹

Initially, DIAND had categorized this as “a ‘B’ level item,” but decided to make it a higher priority “A” budget item for 1972-73. Regional offices were advised to fund Christmas transportation for Christmas 1971, but offered no additional funding for this purpose.⁴⁶² By November, however, DIAND realized that, in Arctic Quebec and the N.W.T., this would not be possible.⁴⁶³

This situation, in which students in southern Canada received funding to go home for Christmas but students from the North did not, was repeated in 1972. One report comments on the fact that Christmas was “the high point of the Inuit year,” adding that, for this reason, “it is difficult for a child to leave its parents immediately following this

⁴⁵⁹ Bessie W. Snider, *A Study of the Boarding Home Program for Indian School Students in British Columbia, Alberta, Saskatchewan, Manitoba and Ontario* (Ottawa: Education Branch, Department of Indian Affairs and Northern Development, 1969) [BHR-003030, p. 11]. Found at: <https://publications.gc.ca/site/eng/9.839234/publication.html>.

⁴⁶⁰ Report – Education Program (Quebec), July 1970 [NCA-013848, p. 80]. RG22, Vol. 802, File 6-21-1, pt. 6, Enclosure Library and Archives Canada.

⁴⁶¹ Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, April 30, 1970 revised October 1970 and July 1971 [VAN-045033, pp. 5; 10; 26]. 701/25-8, Pt. 10, 05/01/1970-03/31/1972, Educational assistance – General, Acc. 1985-86/137, Box 10, F.A. 10-135, LAC-Ottawa.

⁴⁶² J. B. Bergevin, Assistant Deputy Minister, Indian and Eskimo Affairs, to the Minister, July 8, 1971 [NCA-001459-0064]. File 1/27-8, Vol. 7 (Ctrl #P146-103) National Capital Regional Service Centre – LAC – Ottawa.

⁴⁶³ D. A. Davidson, Acting Director, Territorial Affairs Branch, to A. D. Hunt, Assistant Deputy Minister for Northern Development, November 15, 1971 [NCA-016464]. File 600-1-12, Vol. 2 (Ctrl #440-19) INAC – Resolution Sector – IRS Historical Files Collection – Ottawa.

most festive time of year.”⁴⁶⁴ The policy of the Indian and Eskimo Affairs Program was to provide funding for all students, but students in the N.W.T. were funded through the Northern Services Program.⁴⁶⁵ The Superintendent of Vocational Education for the Northern Program, Ralph Ritcey, reported to the Superintendent for the Ungava District in November 1972 that students in Ottawa and Winnipeg were asking to go home for Christmas, but he did not have an answer for them. He pointed out that upgrading students would only get two days off, while others would have about 10 days, and suggested it would be unfair if students from one district were allowed to go home while others were not. Noting that the District would bear the cost, he asked for advice.⁴⁶⁶ He was informed that because the holiday was not long enough and weather conditions were unpredictable, “our decision is that no student will go home for Christmas.”⁴⁶⁷ Another letter to Ritcey on this subject stated that there was no money in the budget for this purpose and agreed that it would be unfair for some students to go home and not others.⁴⁶⁸

Later in December, however, arrangements were made to transport children from several northern communities home for Christmas, although no reliable arrangements could be made for some children, who reportedly accepted that they would remain in Ottawa rather than risk being stranded. It was suggested that Ritcey, the Superintendent of Vocational Education, had made no effort to try to make arrangements for the children, and referred to one of the communities as “the end of the world,” although in fact staff were later able to make arrangements for children from this community without significant difficulty. John Ciaccia, Assistant Deputy Minister, concluded that Ritcey also failed to reach out to the Quebec Region to discuss potential solutions. He described this incident as an example of the lack of

⁴⁶⁴ A Brief Study of the Factors Influencing the Withdrawal from Ottawa Schools of Inuit Students from the Ungava Bay District in November and December, 1972 [ISP-001249, p. 8]. RG 85 Accession 2003-02300-3 Box 16 File 600-1-11 Part 6 LAC.

⁴⁶⁵ John Ciaccia, Assistant Deputy Minister, Indian and Eskimo Affairs, to H. B. Robinson (Personal and Confidential), December 21, 1972 [DAY-070803]. RG 10 Accession 2017-00189-9 Box 216 File 380/27-8 Library and Archives Canada – Winnipeg.

⁴⁶⁶ Ralph Ritcey, Superintendent of Vocational Education, to Warren Halligan, Superintendent of Education, Ungava District, November 2, 1972 [DAY-070795[01-01]]. RG 10 Accession 2017-00189-9 Box 216 File 380/27-8 Library and Archives Canada – Winnipeg.

⁴⁶⁷ O’Neill Côté, Great Whale River, to Ralph Ritcey, Superintendent of Vocational Education, November 10, 1972 [DAY-070797]. RG 10 Accession 2017-00189-9 Box 216 File 380/27-8 Library and Archives Canada – Winnipeg.

⁴⁶⁸ R. Martineau, Education Counsellor, for W. Halligan, Supervisor of Education, to Ralph Ritcey, Superintendent of Vocational Education, November 8, 1972 [DAY-070796[01-01]]. RG 10 Accession 2017-00189-9 Box 216 File 380/27-8 Library and Archives Canada – Winnipeg.

communication between the Indian and Eskimo Affairs Program and the Northern Services Program.⁴⁶⁹

In 1973, the N.W.T. initially agreed to provide funding for Christmas travel, but in October, they suggested restricting this to hostel students. The Deputy Minister of DIAND proposed several possible responses, recommending that the N.W.T. should be directed either to fund Christmas travel for students under 18 or for all students.⁴⁷⁰ It appears, however, that neither of these options was chosen and both in 1973 and 1974, “only certain individuals from the N.W.T. were permitted to travel home at Christmas.”⁴⁷¹ In February 1975, parents from the Hudson Bay District in Ontario asked for their children to be sent home for the holidays.⁴⁷²

In 1980, as part of a project to create standards of service for non-discretionary education programs, it was recommended to add funding to travel home at spring break as well as Christmas, although it is unclear whether this was implemented.⁴⁷³

By 1988, students in boarding homes in Ontario could travel home on weekends with parental permission.⁴⁷⁴

6. Group Homes

As of 1968-69, about 100 students in the N.W.T. lived in group homes, residences for 8-12 students supervised by Inuit house-parents.⁴⁷⁵ When the Yukon Territorial

⁴⁶⁹ John Ciaccia, Assistant Deputy Minister, Indian and Eskimo Affairs, to H. B. Robinson (Personal and Confidential), December 21, 1972 [DAY-070803]. RG 10 Accession 2017-00189-9 Box 216 File 380/27-8 Library and Archives Canada – Winnipeg.

⁴⁷⁰ H. B. Robinson, Office of the Deputy Minister of Indian Affairs and Northern Development, to the Minister, November 16, 1973 [NCA-016467]. File 600-1-12, Vol. 2 (Ctrl #440-19) INAC – Resolution Sector – IRS Historical Files Collection – Ottawa. See also J. Ciaccia to Assistant Deputy Minister, Northern Affairs, April 19, 1973 [ISP-002922[02-05]]; and A. D. Hunt, Assistant Deputy Minister, Northern Affairs Program, to [Assistant Deputy Minister], April 1973 ca. [ISP-002922[01-05]]. Both in N 5280-0 Vol 1 UN 01/01/1974-12/31/1982 INAC – Archival Unit.

⁴⁷¹ J. T. Fournier to J. H. Parker, November 18, 1975 [ISP-002922[00-05]]. N 5280-0 Vol 1 UN 01/01/1974-12/31/1982 INAC – Archival Unit.

⁴⁷² Ralph Ritcey, Superintendent of Vocation Education, “Visitors from Hudsons Bay District,” February 1975 [QDS-001116]. INAC File 381-25-8, Vol V2 1, QUE-V.

⁴⁷³ A. H. Friesen, Director of Education, British Columbia Region, to all District Managers, October 17, 1980 [VAN-082331[00-09]]; enclosing Federal School – Standards, circa October 1980 [VAN-082331[02-09], p. 4]. Both in 975/25-1, 01/01/1979-12/31/1981, Indian Education – General, Acc. 2007-00592-1, Box 4, F.A. 10-138, LAC-Vancouver.

⁴⁷⁴ Native Students' Handbook [Boarding Home Program], September 21, 1988 [FBH-000140, p. 4]. 4906-1 Vol 1 05-88-8/91 INAC – ON Region.

Government took over responsibility for all educational services in 1968, a general policy statement discussed the options available, which included living in the family home whenever possible, or else in (1) group homes, (2) foster homes, or (3) hostels or student residences. Boarding home placements were not listed, but may have been included in one of the above categories. The guidelines stated that placements could be recommended by the Department of Welfare but required approval by the Department of Education. An emphasis was to be placed on maintaining contact with the home community and placements were to be made as close to the parents as possible to allow for frequent visits.⁴⁷⁶

Prioritization of hostel placements appears to have been adhered to throughout the 1960s in the Yukon Region. A letter from the Indian Commissioner states that students will only be boarded out to private homes if there was evidence that they are “unsuitable for hostel life – for example, has he ever been asked to leave the hostel, or has he personal problems that would be accentuated by hostel life.”⁴⁷⁷ In practice, the Whitehorse Guidance Counsellor appears to have been pressured by the Region to place as few students in boarding homes as possible, reiterating to the Regional School Superintendent in a letter dated December 31, 1965 “I have not boarded out one person this term.... Except in rare cases, I have and I shall, (somewhat to my consternation) go down defending the hostels.”⁴⁷⁸ Documents suggest children were boarded in private homes only in extreme circumstances, with a small number of students being sent to boarding homes in Southern British Columbia, notably Victoria, from at least 1966 on, according to a memorandum dated August 9, 1966, and a letter dated May 31, 1968.⁴⁷⁹

⁴⁷⁵ The Indian and Eskimo in the Northern Territories, October 29, 1969 [NCA-016590-0002, p. 3]. File 1/1-2-16-1, Vol. 9, Locator N359-3 National Capital Regional Service Centre – LAC – Ottawa.

⁴⁷⁶ General Policy Statement, November 1968, ca. [NCA-016453-0002]. File 801/25-1, Vol. 5, (Locator #E129-64) National Capital Regional Service Centre – LAC – Ottawa. The Territory took over administrative and financial responsibility for education services retroactive to April 1, 1967. R. F. Davey, Director, Education Services, to Indian Commissioner for B.C., November 21, 1967 [VAN-045545]. 991/25-8, Pt. 11, 04/01/1964-06/30/1968, Educational assistance, Acc. 1989-90/101, Box 42, F.A. 10-151, LAC-Vancouver.

⁴⁷⁷ Indian Commissioner for B.C. to H. Kendall, Vocational Guidance Counsellor, Yukon Agency, September 23, 1965 [VAN-045569]. 991/25-8, Pt. 11, 04/01/1964-06/30/1968, Educational assistance, Acc. 1989-90/101, Box 42, F.A. 10-151, LAC-Vancouver.

⁴⁷⁸ D. S. Fraser, Guidance Counsellor, to R. M. Hall, Regional School Superintendent [VAN-045561]. 991/25-8, Pt. 11, 04/01/1964-06/30/1968, Educational assistance, Acc. 1989-90/101, Box 42, F.A. 10-151, LAC-Vancouver.

⁴⁷⁹ See, for example, David Fraser, Counsellor, to A. Friesen, D.S.S., Indian Affairs Branch, Vancouver, B.C., 1967 ca. [VAN-045461]. 25-8, Pt. 16, 04/01/1967-01/31/1968, Education asst. – General, Acc. 1989-90/101, Box 42, F.A. 10-151, LAC-Vancouver; and David S. Fraser, Guidance Counsellor, Yukon Indian Agency, Whitehorse, Y.T., to R. M. Hall, Regional School Superintendent, August 9, 1966 [VAN-045555]. 991/25-8, Pt. 11, 04/01/1964-06/30/1968, Educational assistance, Acc. 1989-90/101, Box

A summary of the education program drafted by Indian Affairs in 1969, wrote that about 4,000 high school students were currently accommodated in “carefully selected private homes.” Acknowledging that the adjustment to an urban setting could be a traumatic experience for these students, it reported that DIAND was experimenting with group homes:

We are therefore doing some experimentation with the use of group homes which would look after 8 to 12 students who, because they are able to relate to others with similar backgrounds, can draw support from their association with their peers in this kind of home. Not all require this kind of support but in our opinion a significant number do. This, of course, is a costly program regardless of whether they are placed individually in homes or are placed in small groups. The cost now runs close to 4,000,000.⁴⁸⁰

By 1970, memoranda articulated a renewed interest in expanding the Boarding Home Program in the Yukon. A proposal for a High School boarding program in Whitehorse for the 1970-71 school year was approved as a possible solution to combat the increasing dropout rate of students in Grade 9 and up.⁴⁸¹ This program was projected to have 10-15 students in September 1970 and was intended to expand over time.⁴⁸² However, no evidence has been located that this program ever grew substantially.

Varying proposals for the use of group homes emerged in the 1970s. The Northern Quebec Inuit Association suggested the possibility of placing Inuit students in group homes with Inuit house-parents for a three-month orientation period when they first

42, F.A. 10-151, LAC-Vancouver; and Dave Fraser, Yukon Indian Agency, Whitehorse, Y.T., to E. Lee, Counsellor, Indian Affairs Branch, Nanaimo, B.C., May 31, 1968 [VAN-045481]. 25-8, Pt. 17, 01/01/1968-05/31/1969, Education asst. – General, Acc. 1989-90/101, Box 42, F.A. 10-151, LAC-Vancouver.

⁴⁸⁰ DIAND to Bergevin, September 15, 1969 [FBH-004458[01-01], p. 6]. RG 10 Accession 2014-00827-2 Box 24 File 1/25-1 Part 35 Library and Archives Canada.

⁴⁸¹ P. W. Frankish, Counsellor, Yukon Indian Agency, to A. H. Friesen, Asst. Regional Superintendent of Education, February 12, 1970 [VAN-046040]. E4700-1, Pt. 6, 03/28/1969-09/02/1970, General, Acc. 2013-00326-9, Box. 6, F.A. 10-650, LAC-Vancouver; and A. H. Friesen, Asst. Regional Superintendent of Education, to P. W. Frankish, Counsellor, Yukon Indian Agency, Whitehorse, Y.T., February 17, 1970 [VAN-045497]. 801/25-8, Pt. 18, 09/01/1968-07/31/1971, Educational assistance, Acc. 1989-90/101, Box 42, F.A. 10-151, LAC-Vancouver.

⁴⁸² P. W. Frankish, Counsellor, Yukon Indian Agency, to A. H. Friesen, Asst. Regional Superintendent of Education, February 12, 1970 [VAN-046040]. E4700-1, Pt. 6, 03/28/1969-09/02/1970, General, Acc. 2013-00326-9, Box. 6, F.A. 10-650, LAC-Vancouver.

arrived in Ottawa.⁴⁸³ According to correspondence from 1974, in the Yukon group homes were expected to replace student residences.⁴⁸⁴ In the Saskatchewan Region, they were discussed as an alternative to foster homes or institutions.⁴⁸⁵ A hostel program in Quebec described its group homes as “half way between the residence and the private home.” In this example, a group home for about twelve students under the supervision of one family was developed as an alternative to a private boarding home program, which had “caused many problems for the community.” The “guardians” of the hostel were selected by the Band Council.⁴⁸⁶

In Ontario, the Northern Nishnawbe Education Council developed group homes at Pelican as an alternative to boarding homes in southern Ontario, when the need for boarding homes in Sioux Lookout outstripped capacity. The group homes, located near Sioux Lookout, allowed students from remote communities to attend high school as day students without living in private boarding homes. The main goal of the project was to give Grade 9 students one year to adjust before moving to Sioux Lookout as boarding home students.⁴⁸⁷ At Pelican, students were allotted a set amount of long-distance call time and the supervisors of each home were required to write letters to their parents every six weeks describing “the progress and attitude of their children.” The supervisors were also instructed to encourage parents to visit whenever possible.⁴⁸⁸ The first year of the Pelican program was reportedly difficult. The guidelines for 1979-80 noted problems with intoxicated and violent students and suggested that, if necessary, the police could be called and the students jailed overnight.⁴⁸⁹

⁴⁸³ A Brief Study of the Factors Influencing the Withdrawal from Ottawa Schools of Inuit Students from the Ungava Bay District in November and December, 1972 [ISP-001249, p. 11]. RG 85 Accession 2003-02300-3 Box 16 File 600-1-11 Part 6 LAC.

⁴⁸⁴ P. B. Lesaux, Assistant Deputy Minister, Indian and Eskimo Affairs, to H. B. Robinson, May 30, 1974 [NCA-017354-0000]. File 801/25-1, Vol. 7 (Locator #N338-402) National Capital Regional Service Centre – LAC – Ottawa.

⁴⁸⁵ R. Martin, Regional Coordinator of Student Residences, to District Supervisors, Saskatchewan Region, July 18, 1974 [012071]. File 1/25-1, Vol. 60 DIAND HQ.

⁴⁸⁶ See, for example, The Hostel Program, 1976, Fort George, Quebec [NCA-004293-0002, pp. 2-3]. File 372/25-13-019, Vol. 1, Control 87-Q-18 INAC – Resolution Sector – IRS Historical Files Collection – Ottawa.

⁴⁸⁷ Pelican Group Homes – Staff Manual – 1979 [FBH-018385, pp. 4-5]. RG 10 Accession 2014-01956-8 Box 11 File 401/25-1-18 Part 1 Library and Archives Canada.

⁴⁸⁸ Pelican Group Homes – Staff Manual – 1979 [FBH-018385, pp. 15-16]. RG 10 Accession 2014-01956-8 Box 11 File 401/25-1-18 Part 1 Library and Archives Canada.

⁴⁸⁹ Pelican Group Homes – Staff Manual – 1979 [FBH-018385, pp. 5; 21]. RG 10 Accession 2014-01956-8 Box 11 File 401/25-1-18 Part 1 Library and Archives Canada.

Inuit students from Ungava Bay recommended that younger students should live together and asked for an Inuit student residence where they could meet.⁴⁹⁰

By 1988, group homes were considered as an alternative to private boarding homes in the B.C. Region.⁴⁹¹

7. Summer Placements

In 1958, the Regional Supervisor of Indian Agencies in Alberta reported that principals of residential schools sometimes arranged for children to board “with Indian or non-Indian families” during the summer. He indicated that this was considered preferable to leaving the children at residential school for the summer, but that the Regional Office would need to approve all placements, which he described as “foster homes.”⁴⁹² This term continued to be used to describe summer placements for residential school students into the 1960s. A list of summer placements for children from the Abitibi District in 1965 included placements with Indigenous and non-Indigenous families, on- and off-reserve. The rate of payment was reported to be slightly lower than the standard Social Services rates.⁴⁹³

An April 1967 letter from the principal of the La Tuque IRS to the Anglican Bishop of James Bay described summer placements for students as one of several kinds of “foster homes” that pupils with no suitable home to return to during the summer vacation had boarded with “School staff or Church friends.” The principal noted Indian Affairs had forbidden this and preferred to “rely instead on the Provincial Social Welfare Department.” The principal expressed concern that this would lead to children being placed in homes of “people who want to make money off the children,” as opposed to “people interested in the children.”⁴⁹⁴

⁴⁹⁰ “Meeting between Northern Quebec Inuit Association and Inuit Students of Northern Quebec held on January 13, 3:00 P.M. at I.T.C. office Ottawa” [ISP-001320[01-01]]. Accession No 81-8 01/1973-01/1976 File QUE-V 375-25-1 FRC – Quebec City.

⁴⁹¹ Indigenous and Northern Affairs Canada, INAC Education Program: British Columbia Region Administrative Handbook (Ottawa: Indian and Northern Affairs Canada, 1988) [FBH-000031, p. 119]. http://publications.gc.ca/collections/collection_2018/aanc-inac/R44-157-1988-eng.pdf INAC-HQ.

⁴⁹² R. F. Battle, Regional Supervisor of Indian Agencies, to all Alberta Superintendents, Alberta & N.W.T. Region, and all Alberta Principals of Residential Schools [OMI-030946, p. 1]. Acc. 71.220/9187/245 Provincial Archives – Alberta.

⁴⁹³ Superintendent, Abitibi, to the Quebec Regional Office, May 18, 1965 [FBH-001929]. RG 10 Accession 2014-02388-3 Box 91 File 8888-86.Q.7 Part 2 Library and Archives Canada.

⁴⁹⁴ J. E. DeWolf, Principal, La Tuque, to the Right Reverend Neville R. Clarke, Bishop of James Bay, April 3, 1967 [FBH-006841, p. 1]. RG 10 Accession 1999-01431-6 Box 134 File 401/25-8 Part 6 Library and Archives Canada.

In April 1971, the Coordinator of the “Home-School” Program in Cranbrook B.C. asked if the 12 children in the Boarding Home Program could stay in boarding homes over the summer months. She reported that the children had “no relatives who are ‘capable’ of keeping the children,” and that it would be preferable to arrange housing for them through Indian Affairs rather than the Social Rehabilitation Department, because “the Indian people have had many distasteful encounters with this department.” She stated that in her position as Home School Coordinator, she ensured “a constant relationship between the child’s home and the boarding home,” and that “the ties between the parent and child are not severed or discouraged.”⁴⁹⁵ The Regional Superintendent of Education advised her:

It is always preferable to have the children return home for the summer holidays because we think it is a good thing for them to spend time with their family, if possible, and if not, with relatives. However, if this works a hardship on the children involved or if there is no way they can be with their kin, then there are regulations which all us to carry them through the summer months in their boarding home, providing they are returning to school the next year and will live in the same boarding home. The decision as to which students should be carried over and who should not is that of the District Superintendent of Education, Mr. MacDonald.⁴⁹⁶

8. Regional Variations

Funding for boarding house placements tended to vary by location. One report from 1975 summarizing the then-current rates shows that urban centres had variable rates of room and board, clothing, personal allowance, and transportation. Some districts used an “honour system” approach, in which students managed some or all of the funding themselves, while others had set rates.⁴⁹⁷

⁴⁹⁵ Patricia Wright, Home-School Coordinator, to Ray Hall, Regional Superintendent of Education, April 19, 1971 [VAN-020119[01-01]]. 901/25-8-21, Pt. 2, 02/04/1971-04/26/1974, Boarding Homes, Perm. Vol. 11473, F.A. 10-138, LAC-Vancouver.

⁴⁹⁶ R. M. Hall, Regional Supervisor of Education, British Columbia, to Patricia Wright, Home-School Coordinator, April 27, 1971 [RCB-000341-0000]. File 901/25-8-21, Part 2, Boarding Homes, 1971-74, FA 10-138, Perm. Vol.11473 Library and Archives Canada – Burnaby.

⁴⁹⁷ J. Fedak, Supervisor Counselling Centre, to G. T. Ross, Assistant Regional Director of Education, November 20, 1975 [VAN-046299]. 501/25-8, Pt. 10, 07/01/1975-12/31/1975, Educational Assistance, Acc. 2000-01170-5, Box 2, F.A. 10-572, LAC-Winnipeg.

Some students in Quebec were required to live in a student residence for at least a year before moving into the Boarding Home Program as an orientation period.⁴⁹⁸

1. Placement of Northern Students in Ottawa and Other Southern Centres

In the Yukon, the policy seems to have been to place students in hostels whenever possible, using private boarding homes only for “a small category of high school and vocational students about which we all agree and for which the best of hostel life would not be an answer ... for whom private home boarding arrangements are necessary.” The correspondence on individual students suggests that this included students who were opposed to living in the hostels due to conflict with staff there and students that guidance staff believed should be sent to more distant schools.⁴⁹⁹ This included vocational students as well as some high school students who “simply don’t fit in at the hostels,” who were placed in private boarding homes for the 1964-65 year.⁵⁰⁰ In one case, the guidance counsellor initially proposed boarding two sisters, ages 15 and 16, with their grandparents, but then boarded the 16-year-old with a cousin and “insisted” that the 15-year-old remain in a hostel. Noting that he had not allowed any other students to live in private boarding homes that year, he reported that the 15-year-old must also be moved to a boarding home “in spite of her stupidity and our feelings about precedent in relation to escapees from the hostels.”⁵⁰¹ Some students were sent to high schools in B.C., but the guidance counsellor reported that this was not a success. While he had hoped to establish “a sort of tradition and nucleus in a specific school,” the students reported that they were isolated and homesick; two of three boys returned home by the end of October. Two of the boys were boarded together but one of them reported that he found it “quite lonely.”⁵⁰²

⁴⁹⁸ Annexe au Rapport de Conseiller Pédagogique – Mois de Septembre 1969 [FBH-001878, p. 1]. RG 10 Accession 2014-02388-3 Box 269 File 8888-448.Q.41 371/25-1 Part 2 Library and Archives Canada.

⁴⁹⁹ “Counselling Case Load,” April 1964 ca. [VAN-045557]. For examples, see D. Fraser, Guidance Counsellor, to Mr. Hall Regional Superintendent for Indian Schools, September 29, 1965 [VAN-045566]; Fraser to Hall, September 30, 1965 [VAN-045565]; Hall to Fraser, October 5, 1965 [VAN-045564]; and Fraser to Hall, August 9, 1966 [VAN-045555]. All in 991/25-8, Pt. 11, 04/01/1964-06/30/1968, Educational assistance, Acc. 1989-90/101, Box 42, F.A. 10-151, LAC-Vancouver.

⁵⁰⁰ V. R. Friesen, Special Vocational Guidance Counsellor, to Regional Superintendent of Indian Schools, Vancouver, October 5, 1964 [VAN-045583]. 991/25-8, Pt. 11, 04/01/1964-06/30/1968, Educational assistance, Acc. 1989-90/101, Box 42, F.A. 10-151, LAC-Vancouver.

⁵⁰¹ D. S. Fraser, Guidance Counsellor, to R. M. Hall, Regional School Superintendent, November 8, 1965 [VAN-045561]. 991/25-8, Pt. 11, 04/01/1964-06/30/1968, Educational assistance, Acc. 1989-90/101, Box 42, F.A. 10-151, LAC-Vancouver.

⁵⁰² D. S. Fraser, Guidance Counsellor, to R. M. Hall, Regional School Superintendent, November 1, 1967 [VAN-045546]; and V. Janzen, District Superintendent of Indian Schools, to A. H. Friesen, Assistant Regional Superintendent of Indian Schools, December 8, 1967 [VAN-045543]. Both in 991/25-8, Pt. 11, 04/01/1964-06/30/1968, Educational assistance, Acc. 1989-90/101, Box 42, F.A. 10-151, LAC-Vancouver.

While the N.W.T. Government took over responsibility for education services in the Mackenzie District in 1969 and for Keewatin and Frobisher in 1970, DIAND retained responsibility for Arctic Quebec. As of March 1971, there were 35 students from Arctic Quebec boarding in Ottawa and Winnipeg. At a meeting attended by the Quebec Region, the Arctic Quebec District, and the Northern Services Division, it was agreed that students would be allowed to choose to board in the city where their friends were already studying, or to attend school in Quebec if they preferred.⁵⁰³

2. Newfoundland and Labrador

During 1966 negotiations on federal assistance for Indigenous peoples in Newfoundland and Labrador, federal representatives asked if Indian children from Labrador could be sent to Roman Catholic boarding schools for high school, but the Deputy Minister of Education replied that “such a plan has not as yet succeeded with Indians.”⁵⁰⁴ Also in 1966, the Minister of Education asked the Executive Council to waive restrictions on student eligibility for bursaries covering housing costs for one year to allow more students to attend school.⁵⁰⁵ In 1969, the Roman Catholic Board for Labrador recommended that students should be sent out of North West River for Grades 9 and 10, on the grounds that they would be less likely to drop out. The school board was paying all the expenses of four students at Wabush, including boarding, and asked the Department if those costs could be reimbursed.⁵⁰⁶ The Department agreed to provide bursaries for the students at Wabush “placed in boarding houses approved by the School Board.”⁵⁰⁷

In 1973, the Department of Education reported to the Committee that 12-15 Indian students were asking to attend high school in St. John’s rather than at North West River. A representative from the federal Department of Indian Affairs “pointed out that under the [federal] Indian education policy the parents have the responsibility and should be

⁵⁰³ Yves Gosselin, District Supervisor, Arctic Quebec, to the Regional Director, Arctic Quebec Region, March 8, 1971 [ISP-001409]. Accession No 81-8 01/08/1971-03/16/1972 File QUE-V 375-25-8 Vol 1 ANN 1 NCL FRC – Quebec City.

⁵⁰⁴ Third Meeting of the Federal-Provincial Committee on Financial Assistance for Indians and Eskimos in Northern Labrador, June 21, 1966 [BHR-003036[01-01], p. 3]. RPA PRC 35 Box 52-01-05-3 File 75/1 Vol. I.

⁵⁰⁵ J. R. Smallwood, Acting Minister of Education, Memorandum to the Executive Council E.55-66, September 19, 1966 [BHR-003037]. MUN COLL. 075 2.09.018.

⁵⁰⁶ Patrick Hanrahan, District Superintendent, Roman Catholic School Board for Labrador, to C. Roebothan, Associate Deputy Minister, Newfoundland Department of Education, December 1, 1969 [BHR-003038, p. 2]. RPA PRC 35 Box 51-1-1-3 File 75 Vol. 23.

⁵⁰⁷ W. H. Rompkey, District Superintendent, Labrador East Integrated School Board, to Cecil Roebothan, Associate Deputy Minister of Education, Newfoundland, December 11, 1969 [BHR-003039]. RPA PRC 35 Box 51-1-1-3 File 75 Vol. 23.

consulted rather than have someone else make their decisions.”⁵⁰⁸ The meeting participants were critical of a decision to send five children from Davis Inlet to the Island for higher education: “It was felt they should be educated locally.”⁵⁰⁹

In 1974, the Committee discussed the secondary education options for Indian students from North West River, some of whom had been sent to St. John’s, which they did not like. The Chairman stated that they should not have sent the students to St. John’s.⁵¹⁰

In 1974-75, 26 students from Conne River, Newfoundland, were sent to St. John’s to attend school, but 24 or 25 of them did not complete the year and returned home. A resident from Conne River suggested that this could be attributable to “a big cultural difference to which the children cannot adjust.”⁵¹¹ A resident from North West River, Labrador, reported at the same meeting that he understood that “an experimental home in St. John’s” was being considered for Indian students from Davis Inlet and North West River, although there was already a dormitory at North West River.⁵¹² By 1982, the Department of Education reported that Labrador school boards were making a concerted effort to offer high school education in home communities.⁵¹³

⁵⁰⁸ Sixteenth Meeting of the Federal-Provincial Committee on Financial Assistance to Indians and Eskimos in Northern Labrador, June 26, 1973 [BHR-003033, p. 2]. RPA PRC 35 Box 52-01-05-3 File 75/1 Vol. 2.

⁵⁰⁹ Sixteenth Meeting of the Federal-Provincial Committee on Financial Assistance to Indians and Eskimos in Northern Labrador, June 26, 1973 [BHR-003033, p. 8]. RPA PRC 35 Box 52-01-05-3 File 75/1 Vol. 2.

⁵¹⁰ Eighteenth Meeting of the Federal-Provincial Committee on Financial Assistance to Indians and Eskimos, July 3, 1974 [BHR-003034, p. 24]. RPA PRC 35 Box 52-01-05-3 File 75/1 Vol. 2.

⁵¹¹ Twenty second meeting of the Federal-Provincial Committee on financial assistance to Indians and Eskimos, June 26, 1975 [BHR-003035, p. 9]. RPA PRC 35 Box 52-01-05-3 File 75/1 Vol. 2.

⁵¹² Twenty second meeting of the Federal-Provincial Committee on financial assistance to Indians and Eskimos, June 26, 1975 [BHR-003035, p. 9]. RPA PRC 35 Box 52-01-05-3 File 75/1 Vol. 2.

⁵¹³ B. T. Fradsham, “Native Education Report 1981-82, 1982-83,” February 4, 1982 [BHR-003040, p. 5]. RPA PRC 35 Box 51-4-1-2 File 75/4 Vol. 1.

6. Supervision and Oversight

In the 1950s, the administration of the Education Program was primarily managed by the Superintendents of Schools.

Initially, in many Regions boarding home placements appear to have been handled by school principals or residential school staff. In 1960, the Education Division began an “experimental program” of using teachers to find boarding homes, supervise placements, and act as liaisons between the Department and the boarding home. This was reportedly a success and in December 1960 R. F. Davey, Chief of the Division, raised the possibility of hiring staff for this purpose in major centres across Canada, including Vancouver, Edmonton, Saskatoon, Winnipeg, Port Arthur or Sault Ste. Marie, Toronto, Montreal, and the Maritimes.⁵¹⁴ In 1961, Education Assistants were hired to assist School Superintendents in certain urban centres. Their responsibilities included locating boarding homes, counselling students, and visiting the homes of students where possible.⁵¹⁵ It is not clear whether the term “home” in this context referred to the boarding home or the family home.

As the program expanded, IAB started to hear some complaints about the extra workload.⁵¹⁶ In some cases, such as the Akaitcho Hall program, a member of staff was designated as the Coordinator of the Boarding Home Program.⁵¹⁷ At Sault Ste. Marie, the main point of contact for boarding home parents was an Education Assistant, with additional contact names provided in case of emergency.⁵¹⁸

By 1970, there were 40 Education Districts.⁵¹⁹ In the B.C. and Yukon Region, some school boards were providing accommodation services by 1970.⁵²⁰

⁵¹⁴ R. F. Davey, Chief, Education Division, to L. Jampolsky, District Superintendent of Schools, Edmonton, December 5, 1960 [NRD-001384]. RG10, Vol. 8598, File 1/1-13-1, pt. 7 Library and Archives Canada.

⁵¹⁵ H. M. Jones, Director, Indian Affairs Branch, to Acting Indian Commissioner for B.C., Regional Supervisors, and Schools Superintendents, Circular No. 62 – Hostel Accommodation and Private Home Accommodation for Indian Students, June 30, 1961 [NCA-013241]. RG10, Vol. 8769, File 1/25-8, pt. 5 Library and Archives Canada.

⁵¹⁶ Ford Bond to S. E. M. Joblin, Associate Secretary, Board of Home Missions, November 22, 1961 [VAN-055332[01-01]]. 501/25-8 [Portage Prairie], Pt. 5, 1961-1967, Education Ass, Acc. 1999-01431-6, Box 242, F.A. 10-379, LAC-Ottawa.

⁵¹⁷ Akaitcho Hall Boarding Home Program [AHU-002895, p. 3]. Akaitcho Hall Misc. [Handbook], 1987-1992 Transfer No. 1530, Box 18 Government of Northwest Territories – Education, Culture and Employment.

⁵¹⁸ Handbook for Boarding Home Parents – Sault Ste. Marie. Ontario – School Year 1962-1963 [SWK-001985, p. 4]. File 13/25-1, Vol. 1 Ontario Regional Service Centre – LAC – Toronto.

⁵¹⁹ Report – Education Program (Quebec), July 1970 [NCA-013848, p. 20]. RG22, Vol. 802, File 6-21-1, pt. 6, Enclosure Library and Archives Canada.

1. Role of Counsellors

The terms “teacher counsellor,” “vocational counsellor” and “guidance counsellor” were both used in reference to the staff responsible for supervising students living in boarding homes. By 1967, the term “guidance counsellor” was more generally used in English documents.⁵²¹ French-language documents continued to use the term “conseiller pédagogique.”⁵²²

In Vancouver, the Boarding Home Program provided students with counselling services as early as 1958, but this seems to have been unusual.⁵²³ In 1960, “teacher counsellors” were assigned responsibility for the Boarding Home Program in Saskatchewan and Alberta.⁵²⁴ It seems that some of the “guidance counsellors” in Saskatchewan were regional Superintendents of Schools, while others were part of the Social Services Branch.⁵²⁵ In Winnipeg, ongoing supervision of the program was included in the work of guidance counsellors, but initial placements were made by other staff in the Education Division.⁵²⁶ By 1964, the Winnipeg office employed separate counsellors for male and female students, each responsible for placements, supervision, and follow-up.⁵²⁷

⁵²⁰ Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Report – Education Program – British Columbia and Yukon (Ottawa: Department of Indian Affairs and Northern Development, 1971) [FBH-000027, p. 89].
http://publications.gc.ca/collections/collection_2017/aanc-inac/R44-143-1971-eng.pdf INAC-HQ.

⁵²¹ Guidance Manual [Draft], January 1967 [NEL-001847[01-01]]. 511/25-17, Vol. 2, 09/13/1965-08/17/1969, Indian Education Pupil Guidance, Perm. Vol. 13677, F.A. 10-158, LAC – Winnipeg.

⁵²² René E. Carrière to the Guidance Counsellor in charge, Abitibi, January 10, 1968 [PBQ-001610]. RG 10, Accession 2002-00101-4, Box 66, File 301/23-3 Part 3 From Sept 67 to Juillet 68 Library and Archives Canada.

⁵²³ New to Vancouver – An Information Booklet for Students, June 26, 1958 [VAN-045385[01-01], p. 6]. 25-8, Pt. 4, 07/01/1958-06/30/1959, Tuition grants, Acc. 1989-90/101, Box 41, F.A. 10-151, LAC-Vancouver.

⁵²⁴ Guide for Students and Landladies, 1960 [VAN-047745]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa, p. 3; and W. F. Walcer, Teacher Counsellor, Monthly Report for December and January, January 1961 ca. [FBH-000724]. RG 10 Volume 10416 File 118/23-1 Library and Archives Canada.

⁵²⁵ Saskatchewan E.A. Student's and Landlady's Handbook, 1960 ca. [VAN-047750, pp. 2-3]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa.

⁵²⁶ Winnipeg Student's Hand Book, 1960 [VAN-047747, p. 5]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa.

⁵²⁷ Specific duties of each member of education staff at Regional Office, December 1, 1964 [FBH-000232[01-01], p. 2]. A third teacher-counsellor with similar duties was added to the staff in March 1965. See Regional School Superintendent, Manitoba, to Director, Education Services, March 5, 1965 [FBH-000232[00-01]]. Both in 501/1-13-300 Vol 1 1963-65 INAC – NCR Region. The program at The Pas also had separate counsellors for boys and girls. Guide for Students and Landlords September

Students in the North Bay (ON) program were instructed to discuss problems with the boarding home operator, the teacher counsellor, IAB staff, or their school counsellor, and encouraged to contact the teacher counsellor first.⁵²⁸ The earliest report from a Teacher Counsellor in Quebec found to date is from November 1964.⁵²⁹

Education Services created the position of “teacher counsellor” by 1965 to identify staff providing additional resources for Indigenous students, beyond regular guidance services in non-federal schools.⁵³⁰ Draft guidelines written the following year distinguished between guidance counsellors, responsible for students in Grades 1 to 13, and vocational counsellors, who supervised students in post-school or specialized programs.⁵³¹

The new guidelines were approved in April 1967. The role of guidance counsellors focused mainly on coordinating with the student to supervise academic and personal matters, which in the case of boarding home students included liaison with the boarding home. Their list of duties included a focus on “orientation” for students moving from federal to non-federal schools, but there is no mention of the counsellors participating in placement decisions.⁵³² In October 1968, however, it was recommended that counsellors should take on this responsibility.⁵³³ Neither the new guidelines nor reporting forms were translated into French.⁵³⁴

1970 [VAN-046218, p. 3]. 511/25-17-094-The Pas, Pt. 1, 05/16/1968-04/11/1972, Indian Education – Pupil Guidance – The Pas, Perm. Vol. 13677, F.A. 10-158, LAC-Winnipeg.

⁵²⁸ Guide for Students and Landladies, Education Division, Indian Affairs Branch, North Bay, Ontario, June 24, 1965 [FBH-001250, pp. 4; 9]. RG 10 Volume 10668 File 81/25-8-8-3-1 [ED] Library and Archives Canada.

⁵²⁹ Léon Gagné, Teacher Counsellor, Pointe Bleue, November 23, 1964 [PBQ-001509]. RG 10, Accession 2002-00101-4, Box 66, File 301/23-3 Part 1 From Oct 64 to Juin 66 Library and Archives Canada.

⁵³⁰ R. F. Davey, Director, Education Services, June 7, 1965 [NCA-013117-0000]; and attached “Teacher Counsellors,” June 7, 1965 [NCA-013117-0001]. Both in RG10, Vol. 8597, File 1/1-13, pt. 7 Library and Archives Canada.

⁵³¹ Guidelines for the Vocational Training and Special Services Programs [Draft], March 14, 1966 [PBQ-002812[01-01]]. RG 10, Accession 2002-00101-4, Box 64, File 301/25-8-17 Part 1 Library and Archives Canada. The document is identified as a draft in the cover letter from R. F. Davey, Director, Education Services, to A. R. Jolicoeur, Regional School Superintendent, Quebec, March 14, 1966 [PBQ-002812[00-01]]. RG 10, Accession 2002-00101-4, Box 64, File 301/25-8-17 Part 1 Library and Archives Canada.

⁵³² Guidance Manual [Draft], January 1967 [NEL-001847[01-01]], pp. 7-9]. 511/25-17, Vol. 2, 09/13/1965-08/17/1969, Indian Education Pupil Guidance, Perm. Vol. 13677, F.A. 10-158, LAC – Winnipeg; and Head, Guidance Services, to J. C. Lawrence, District School Superintendent, Vancouver, April 3, 1967 [VAN-030336]. 901/25-17, NCR-O, Vol. 1, 01/01/1956-06/30/1970, EDUCATION – PUPIL GUIDANCE, UNC, NCR CFD/FRC, INAC-Ottawa.

⁵³³ Reporting of Meeting on Field Organization for the Administration and Supervision of the Student Residences and Private Home Placement, October 17, 1968 [NEL-001070[01-03], p. 3]. 1/25-8, Vol.

By 1968, guidance counsellors were recognized as full-time federal employees and Indian Affairs informed them that they would require certification.⁵³⁵ The Department recognized that the Boarding Home Program was a major component of the work of many counsellors. Unlike school-based guidance counsellors, Indian Affairs counsellors focused on “social or personal counselling” for students, as well as “supportive counselling” for boarding home operators.⁵³⁶ This work was divided between the “Sending Counsellor” based on the reserve and the “Receiving Counsellor” based in the centre where the boarding home and school were located.

Counsellors were the key point of contact between students, boarding homes, teachers, and parents. They also created and/or compiled many of the records on each student.⁵³⁷ By 1971, some districts were making efforts to employ Indigenous counsellors, including the reclassification of some positions from Education Counsellors to Social Counsellors.⁵³⁸ In February 1972, the Education Branch authorized all regions to convert vacant Education Counsellor positions to Social Counsellor positions.⁵³⁹ The job description for Education Counsellors recommended that candidates possess university degree in psychology or diploma in guidance and counselling, as well as a teacher’s

11, 00/00/1968-00/00/1969, Headquarters – Educational assistance policy, general, Acc. 1999-01431-6, Box 67, F.A. 10-379 LAC – Ottawa.

⁵³⁴ R. Demers for A. R. Jolicoeur, Regional Superintendent of Education, to Study Directors and Teacher Counsellors, Quebec, October 26, 1966 [FBH-001900]. RG 10 Accession 2014-02388-3 Box 89 File 8888-84.Q.13 Part 1 Library and Archives Canada; and René E. Carrière to the Guidance Counsellor in charge, Abitibi, January 10, 1968 [PBQ-001610]. RG 10, Accession 2002-00101-4, Box 66, File 301/23-3 Part 3 From Sept 67 to Juillet 68 Library and Archives Canada.

⁵³⁵ Western Manitoba Education District Guidance Counsellors Workshop, December 9-11, 1968 [NEL-001840]. 511/25-17, Vol. 3, 09/09/1968-11/19/1969, Indian Education – Pupil Guidance, Perm. Vol. 13676, F.A. 10-158, LAC – Winnipeg.

⁵³⁶ Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, April 30, 1970 revised October 1970 and July 1971 [VAN-045033, p. 18]. 701/25-8, Pt. 10, 05/01/1970-03/31/1972, Educational assistance – General, Acc. 1985-86/137, Box 10, F.A. 10-135, LAC-Ottawa.

⁵³⁷ For a list of the types of records maintained, see Counsellors' Guide for All Saskatchewan Region Guidance Counsellors, April 30, 1971 [RCS-000484, pp. 6-7]. GRS Files, Box 10A, File 8 INAC – Resolution Sector – IRS Historical Files Collection – Ottawa.

⁵³⁸ G. D. Cromb, Director, Education Branch, to all Regional Directors, Indian and Eskimo Affairs, April 30, 1971 [VAN-045808[00-02]]. 501/25-17, Pt. 2, 01/01/1971-12/31/1971, Indian Education – Pupil Guidance and Drop-out – General, Acc. 1986-87/083, Box 54, F.A. 10-131, LAC-Winnipeg.

⁵³⁹ P. E. Bisson, Eastern Education District, to A. F. Hiltz, Regional Superintendent of Personnel, Winnipeg Regional Office, November 19, 1971 [NEL-001905[00-01]]. 501/25-17, Vol. 1A, 02/01/1962-11/30/1971, Indian Education – Pupil Guidance – General, Acc. W1986-87/083, Box 54, F.A. 10-131 LAC – Winnipeg; and G. D. Cromb, Director, Education Branch, to all Regional Directors, February 7, 1972 [121739]. File 976/1-13, Vol. [?], 11/1971-03/1975.

certificate.⁵⁴⁰ For the Social Counsellor position, which specifically included administration of the Boarding Home Program, the suggested professional credential was a one-year training program for Indian counsellors.⁵⁴¹

In response to the recommendations of the 1976 Task Force on the Educational Needs of Native Peoples, DIAND established a Native Counsellor Training Program in 1977.⁵⁴² An assessment of the Native Counsellor Training Program in the 1990s, which included counsellors employed since 1972, found that about 60% of the Native counsellors they surveyed indicated that they worked with students in boarding home placements.⁵⁴³ This relatively low figure likely reflects the decreasing use of boarding home placements since the 1970s.

1. Case Load

In Quebec, vocational counsellors also served as guidance counsellors, including at least some who had responsibility for students in private boarding homes as well as all students in public schools and students in vocational training.⁵⁴⁴ New guidelines were prepared by early 1967, which allowed one guidance counsellor for every 60-75 boarding home students in high school and one for every 100 in elementary school.⁵⁴⁵ Feedback from one Superintendent in Manitoba suggested that this would be too heavy a case load, particularly for the high school students who required significant guidance services. He suggested that a light case load would allow for “constructive and possibly preventative guidance rather than destructive and corrective guidance.”⁵⁴⁶ The District Superintendent in Vancouver similarly expressed concern that the suggested case load was too heavy. He suggested that perhaps the supervision of the boarding home program had become “too personal a service” and that “if we didn’t hold both the

⁵⁴⁰ Education Counsellor, February 1972 ca. [121739A, p. 3]. File 976/1-13, Vol. [?], 11/1971-03/1975.

⁵⁴¹ Social Counsellor, February 1972 ca. [121739B, p. 4]. File 976/1-13, Vol. [?], 11/1971-03/1975.

⁵⁴² Arrole Lawrence, *An Evaluation of the Long Term Effectiveness of the Native Counsellor Training Program*, published by the Royal Commission on Aboriginal Peoples, 1994 [BHR-003023, p. 4].

⁵⁴³ Arrole Lawrence, *An Evaluation of the Long Term Effectiveness of the Native Counsellor Training Program*, published by the Royal Commission on Aboriginal Peoples, 1994 [BHR-003023, p. 65].

⁵⁴⁴ A. R. Jolicoeur, Regional School Superintendent, and R. L. Boulanger, Regional Director of Indian Affairs, to R. F. Davey, Director of Education Services, April 4, 1966 [PBQ-002811[00-01]]. RG 10, Accession 2002-00101-4, Box 64, File 301/25-8-17 Part 1 Library and Archives Canada.

⁵⁴⁵ Guidance Manual [Draft], January 1967 [NEL-001847[01-01], p. 3]. 511/25-17, Vol. 2, 09/13/1965-08/17/1969, Indian Education Pupil Guidance, Perm. Vol. 13677, F.A. 10-158, LAC – Winnipeg.

⁵⁴⁶ G. T. Ross, District School Superintendent, Clondeboye Education District, to F. Barnes, Head, Educational Guidance services, January 24, 1967 [NEL-001953]. 1/25-17, Vol. 3, 00/00/1966-00/00/1967, Headquarters – Indian education, pupil guidance – General, Acc. 1999-01431-6, Box 69, F.A. 10-379 LAC – Ottawa.

boarding parents and students' hands so much, then we might be able to implement some of the objectives you outline...."⁵⁴⁷

As a possible alternative, he proposed introducing "Counsellors' Aides." The Head of Guidance Services took up this suggestion and listed the possible duties of such an Aide, which would include "boarding home problems, of a non-professional nature." He also agreed with the concern that "we are being too protective and too paternalistic" in the supervision of the Boarding Home Program. Possibly, he considered, "more careful screening of students" was required.⁵⁴⁸

Davey reported that there was "still a severe shortage" of guidance counsellors as of August 1967.⁵⁴⁹ As of 1970, there were no staff in the Quebec Region specifically assigned to the program area of Transportation and Maintenance of Pupils, although there were 30 Education Counsellors and Placement Officers.⁵⁵⁰ In Dauphin, Manitoba, concerns were raised about the workload of counsellors, noting that they were responsible for the Boarding Home Program and also for all guidance counselling for students from ten reserves.⁵⁵¹

2. Communication with Students, Parents, and Boarding Homes

Counsellors were the primary point of contact between students and boarding home operators at one end and the home community at the other. The 1960 guide for the Saskatchewan program suggested that teacher counsellors would seek reports on students "now and then" and would get progress reports from the school three times a year.⁵⁵² The Winnipeg guide similarly suggested that guidance counsellors would contact the boarding home "now and then" for a report, but students were also warned that the boarding home was required to contact the guidance counsellor "if you keep

⁵⁴⁷ J. G. Lawrence, District Superintendent of Indian Schools, Vancouver, to F. Barnes, Head, Guidance Services, March 28, 1967 [VAN-030337]. 901/25-17, NCR-O, Vol. 1, 01/01/1956-06/30/1970, EDUCATION – PUPIL GUIDANCE, UNC, NCR CFD/FRC, INAC-Ottawa.

⁵⁴⁸ F. Barnes, Head, Guidance Services, to J. C. Lawrence, District School Superintendent, Vancouver, April 3, 1967 [VAN-030336]. 901/25-17, NCR-O, Vol. 1, 01/01/1956-06/30/1970, EDUCATION – PUPIL GUIDANCE, UNC, NCR CFD/FRC, INAC-Ottawa.

⁵⁴⁹ R. F. Davey, Director, Education Services, to All Regional and District School Superintendents, Education Division Letter No. 20, August 28, 1967 [WIN-077120]. LAC (WFRC) RG10 VOL. 13673 FILE 511-25-1.

⁵⁵⁰ Report – Education Program (Quebec), July 1970 [NCA-013848, pp. 12; 22]. RG22, Vol. 802, File 6-21-1, pt. 6, Enclosure Library and Archives Canada.

⁵⁵¹ Education of Indian Students – Dauphin, Manitoba, March 18, 1971 [DRS-033008-0000, p. 2]. RG10, Acc. W86-87/083, Box 054, File 501/25-17, Vol. 1A Library and Archives Canada – Winnipeg.

⁵⁵² Guide for Students and Landladies, 1960 [VAN-047745, pp. 6-7]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa.

late hours, neglect your studies or display any form of misbehaviour.”⁵⁵³ In 1971, the Saskatchewan Regional Office prepared a new guide for its counsellor program, which listed responsibilities to students, parents, teachers, boarding parents, and other groups. Counsellors were encouraged to focus on boarding home students at the beginning of the school year to support them during the transition. Under the list of services provided to parents, the guide included assistance in choosing schools and boarding homes. Guidance to boarding home operators included a requirement to review the Educational Assistance Program, with the help of the Indian Students’ Handbook, to “enlist support in stressing the need for good study habits, budgeting time and money,” assistance in resolving any problems, providing background information on each student, and providing the student with information about the boarding home.⁵⁵⁴ In Manitoba, there were complaints that boarding home operators were provided with no information about the students placed with them and that the counsellors did not visit the boarding homes enough.⁵⁵⁵

In one Quebec district, the counsellor reported meetings with all boarding home operators one day and all students the next, at which issues of general concern could be discussed. The counsellor reported that the students were happy to have this opportunity, although he provided no details on the topics discussed.⁵⁵⁶

In 1983, DIAND prepared new guidelines for the counsellor program in the Fort McMurray and Fort Vermilion Districts. DIAND recommended that counsellors should offer orientation to students, boarding home operators, and parents that addressed “cultural differences” and “keep in close contact with all students on the Boarding Home Program.” Counsellors were also tasked with forwarding all progress reports on the students to their parents.⁵⁵⁷

⁵⁵³ Winnipeg Student's Hand Book, 1960 [VAN-047747, p. 6]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa.

⁵⁵⁴ Counsellors' Guide for All Saskatchewan Region Guidance Counsellors, April 30, 1971 [RCS-000484, pp. 4-5]. GRS Files, Box 10A, File 8 INAC – Resolution Sector – IRS Historical Files Collection – Ottawa.

⁵⁵⁵ Education of Indian Students – Dauphin, Manitoba, March 18, 1971 [DRS-033008-0000, p. 3]. RG10, Acc. W86-87/083, Box 054, File 501/25-17, Vol. 1A Library and Archives Canada – Winnipeg.

⁵⁵⁶ Annexe au Rapport de Conseiller Pédagogique – Mois de Septembre 1969 [FBH-001878, pp. 2-3]. RG 10 Accession 2014-02388-3 Box 269 File 8888-448.Q.41 371/25-1 Part 2 Library and Archives Canada.

⁵⁵⁷ Indian Affairs Counselling-Guidance Program for In-School and Post-School Students – Fort McMurray, Fort Vermilion, September 1983 [VAN-030233[01-01]]. E4730-1, Pt. 1, 01/04/1980-01/04/1985, Education – Counselling, Acc. 1997-98/179, Box 59, F.A. 10-200, LAC-Ottawa.

3. Rules and Disciplinary Measures

The staff running boarding home programs in various centres generally instructed boarding home operators to handle most discipline issues themselves. Boarding home operators in the Sault Ste. Marie program were advised to impose “kind, but firm” discipline on the students who boarded with them. The boarding home operators were told to “insist on” regular attendance at activities, punctuality, two hours a day of homework, one night a week for activities, assistance with housework, personal cleanliness, and other details.⁵⁵⁸ Research to date indicates that the 1970 program guidelines specified for the first time that corporal punishment was not permitted.⁵⁵⁹

In one Quebec region, boarding home operators reported that some of their students were using drugs and the counsellor asked the police to investigate, but was told that because they were using substances like glue and nail polish, there was nothing the police could do. At the request of the counsellor, a police officer convened an information meeting to inform the students about the negative consequences of drug use. The counsellor reported that this had some effect, although some students continued to use these drugs. They were given written warnings, as were four boys caught with alcohol.⁵⁶⁰

In the Sault Ste. Marie program, additional rules for girls only included responsibility for their own laundry and an earlier curfew. Boarding home operators were to be given additional funds to pay for washing the clothes of boys, but not girls.⁵⁶¹ The North Bay student’s guide also expected girls to take care of their own laundry and instructed girls that “if you should be invited out by a boy, have him come to your [boarding] home to

⁵⁵⁸ Handbook for Boarding Home Parents – Sault Ste. Marie. Ontario – School Year 1962-1963 [SWK-001985, pp. 6; 11]. File 13/25-1, Vol. 1 Ontario Regional Service Centre – LAC – Toronto. Similar instructions can be found in the 1965 North Bay handbook [FBH-001250, p. 5]. RG 10 Volume 10668 File 81/25-8-3-1 [ED] Library and Archives Canada.

⁵⁵⁹ Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, April 30, 1970 revised October 1970 and July 1971 [VAN-045033, p. 16]. 701/25-8, Pt. 10, 05/01/1970-03/31/1972, Educational assistance – General, Acc. 1985-86/137, Box 10, F.A. 10-135, LAC-Ottawa.

⁵⁶⁰ Annexe au Rapport de Conseiller Pédagogique – Mois de Septembre 1969 [FBH-001878, p. 3]. RG 10 Accession 2014-02388-3 Box 269 File 8888-448.Q.41 371/25-1 Part 2 Library and Archives Canada.

⁵⁶¹ Handbook for Boarding Home Parents – Sault Ste. Marie. Ontario – School Year 1962-1963 [SWK-001985, pp. 2; 10-12]. File 13/25-1, Vol. 1 Ontario Regional Service Centre – LAC – Toronto.

meet your [boarding house] family.”⁵⁶² This division of rules for boys and girls appears to have been somewhat unusual, although not unique to this region.⁵⁶³

Requirements for homework found in guides from the 1960s generally suggested two hours a day, at least for high school students. Guides in the 1970s were more flexible, advising for example that students establish “some form of study schedule which will suit them.” The recommended amount of time was still two hours a day for Grades 9 to 11, with three or four hours suggested for Grade 12 students and one hour a day for those in elementary school. This same guide warned students, in all caps:

SOMETIMES IT IS NECESSARY FOR US TO SEND A STUDENT HOME WHO IS NOT WILLING TO KEEP REGULAR HOURS AND GOOD BEHAVIOUR. YOU WOULD BE WISE TO CO-OPERATE WITH YOUR HOUSEMOTHER BY FOLLOWING RULES OF GOOD CONDUCT.⁵⁶⁴

As this example suggests, the main disciplinary approach employed was the threat of being sent home. This was expressed in different ways depending on the individual program. A booklet in 1958, aimed at students in a vocational training program in Vancouver, advised the students that “sometimes we have to send home a student who is not willing to keep regular hours and good behavior. You would be wise to co-operate with your landlady by following good rules of conduct.”⁵⁶⁵ The Sault Ste. Marie handbook stated, “misdemeanor will not be tolerated and could result in the student being removed from school and sent home.”⁵⁶⁶

A handbook for students and boarding home operators distributed in The Pas in 1970 suggested that educational assistance was linked to academic results, but that it could be continued “when there is evidence that he has worked diligently even though he may have failed a subject or two.” This guide also suggested that students could lose their place in the Boarding Home Program if they failed to observe a curfew or consumed

⁵⁶² Guide for Students and Landladies, Education Division, Indian Affairs Branch, North Bay, Ontario, June 24, 1965 [FBH-001250, pp. 8; 10]. RG 10 Volume 10668 File 81/25-8-8-3-1 [ED] Library and Archives Canada.

⁵⁶³ For example, see Supervisor of Indian Students, Edmonton, November 27, 1961 [VAN-030031, p. 3]. 701/25-8, Pt. 1, 12/01/1959-12/31/1969, Educational assistance – General, Acc. 1985-86/137, Box 9, F.A. 10-135, LAC-Ottawa.

⁵⁶⁴ Student Handbook [Brandon], June 3, 1975 [FBH-005160, pp. 5-6]. RG 10 Accession 2001-01046-X Box 6 File 578/25-8 Part 1 Library and Archives Canada.

⁵⁶⁵ New to Vancouver – An Information Booklet for Students, June 26, 1958 [VAN-045385[01-01], p. 5]. 25-8, Pt. 4, 07/01/1958-06/30/1959, Tuition grants, Acc. 1989-90/101, Box 41, F.A. 10-151, LAC-Vancouver.

⁵⁶⁶ Handbook for Boarding Home Parents – Sault Ste. Marie. Ontario – School Year 1962-1963 [SWK-001985, p. 10]. File 13/25-1, Vol. 1 Ontario Regional Service Centre – LAC – Toronto.

alcohol, although “depending on attitude, he may redeem himself after discussing the matter with the counsellor.”⁵⁶⁷ Similar examples can be found in other regions.⁵⁶⁸

Possibly related, a review of the boarding home policy in 1968 recorded a question from the floor requesting a decision as to whether special permission was required to move a student from a boarding home to a student residence.⁵⁶⁹

Another disciplinary measure was the forfeiture of a student’s allowance money. In North Bay, students were advised that if they left their boarding home for a weekend or did not return promptly after a holiday, they could lose their clothing allowance or their personal allowance. Some or all of the personal allowance could also be withheld if a student missed school or for “causing concern and inconvenience to your boarding home parents or to agency staff.”⁵⁷⁰ In the Brandon District, students were warned that if they did not pay for their long-distance calls, or if they moved without giving two weeks’ notice, the amounts owing could be deducted either from their allowance or from their pay, if they were enrolled in the Earned Income Program.⁵⁷¹

4. Inspection

The inspection of boarding homes is not well-documented in the existing document collection. For example, a guidance counsellor might report that a certain number of boarding homes had been inspected, but without providing any details.⁵⁷² A report from

⁵⁶⁷ Guide for Students and Landlords September 1970 [VAN-046218, pp. 1-2]. 511/25-17-094-The Pas, Pt. 1, 05/16/1968-04/11/1972, Indian Education – Pupil Guidance – The Pas, Perm. Vol. 13677, F.A. 10-158, LAC-Winnipeg.

⁵⁶⁸ See for example Guide for Students and Landladies, 1960 [VAN-047745, p. 7]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa; Winnipeg Student's Hand Book, 1960 [VAN-047747, p. 7]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa; Saskatchewan E.A. Student's and Landlady's Handbook, 1960 ca. [VAN-047750, p. 10]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa. Guide for Students and Landladies, Education Division, Indian Affairs Branch, North Bay, Ontario, June 24, 1965 [FBH-001250, p. 5]. RG 10 Volume 10668 File 81/25-8-8-3-1 [ED] Library and Archives Canada.

⁵⁶⁹ Reporting of Meeting on Field Organization for the Administration and Supervision of the Student Residences and Private Home Placement, October 17, 1968 [NEL-001070[01-03], p. 5]. 1/25-8, Vol. 11, 00/00/1968-00/00/1969, Headquarters – Educational assistance policy, general, Acc. 1999-01431-6, Box 67, F.A. 10-379 LAC – Ottawa.

⁵⁷⁰ Guide for Students and Landladies, Education Division, Indian Affairs Branch, North Bay, Ontario, June 24, 1965 [FBH-001250, pp. 10; 13]. RG 10 Volume 10668 File 81/25-8-8-3-1 [ED] Library and Archives Canada.

⁵⁷¹ Student Handbook [Brandon], June 3, 1975 [FBH-005160, p. 12]. RG 10 Accession 2001-01046-X Box 6 File 578/25-8 Part 1 Library and Archives Canada.

⁵⁷² See for example J. D. Roberts, Guidance Counsellor, to District Superintendent of Schools, Edmonton-Hobbema District, January 22, 1969 [FBH-007445[00-02]]. RG 10 Accession 1 999-01431-6 Box 67 File 1/25-8 Part 11 Library and Archives Canada; and Bev Randell, Counsellor, Counsellor’s

an unidentified school district in Alberta dating from 1967 stated that “complaints are investigated promptly.”⁵⁷³

5. Accountability

Guidance counsellors were appointed by Regional and District School Superintendents, who were their immediate superiors in the organization of the Education Division.⁵⁷⁴ The Education Division conducted annual evaluations of the work of District School Superintendents. These were prepared by Regional School Superintendents or their assistants. One of the four areas to be assessed was “guidance services.”⁵⁷⁵ A questionnaire on boarding home placements to be completed in June 1967 asked for information on the number of elementary and secondary students, costs, statistics on academic progress, information on how boarding homes were selected and supervised, the need for the program in the present and the future, and an assessment of the success of the program.⁵⁷⁶

When the position of Social Counsellor was created to supervise the Boarding Home Program, supervision was again in the hands of the District School Superintendent.⁵⁷⁷ For more information on the chains of communication within the Education Division, see Sections 2.4 and 2.5.

6. Regional Variations

Some students from the region of Abitibi in Quebec went to schools in Ontario. The policy was that all students placed in Sault Ste. Marie were supervised by an Education Assistant at the Sault Ste. Marie District Office, who was responsible for finding their boarding homes and regularly checking in with the students. The Sault Ste. Marie District School Superintendent reported to the Abitibi Superintendent in May 1962 that “the students have fitted into their new homes remarkably well.” The report suggests that the students were babysitting for the boarding homes, stating, “The students find

Monthly Report, October 14, 1970 [VAN-030270]. 773/23-3-1-E3, Pt. 1, 09/01/1970-06/30/1971, Counsellor's Monthly Report – B. Randell, Acc. 1994-95/653, Box 48, F.A. 10-463, LAC-Ottawa.

⁵⁷³ Questionnaire re Boarding Home Placement, May 16, 1967 [VAN-030044, p. 1]. 701/25-17, Pt. 3, 09/01/1966-05/31/1969, Pupil guidance, Acc. 1985-86/137, Box 20, F.A. 10-135, LAC-Ottawa. The district may have been Lethbridge, Alberta, based on information under points (f) and (h) on p. 2.

⁵⁷⁴ Guidance Manual [Draft], January 1967 [NEL-001847[01-01], p. 3]. 511/25-17, Vol. 2, 09/13/1965-08/17/1969, Indian Education Pupil Guidance, Perm. Vol. 13677, F.A. 10-158, LAC – Winnipeg.

⁵⁷⁵ R. F. Davey, Director, Education Services, to All Regional and District School Superintendents, Education Division Letter No. 2, August 24, 1966 [WIN-012538]. LAC (WFRC) RG10 VOL. 13662 FILE 511-23-5-General.

⁵⁷⁶ Questionnaire re Boarding Home Placement, May 16, 1967 [VAN-030044]. 701/25-17, Pt. 3, 09/01/1966-05/31/1969, Pupil guidance, Acc. 1985-86/137, Box 20, F.A. 10-135, LAC-Ottawa.

⁵⁷⁷ Social Counsellor, February 1972 ca. [121739B, p. 5]. File 976/1-13, Vol. [?], 11/1971-03/1975.

people depending on them and trusting them alone in their homes and with their young children.”⁵⁷⁸ In February 1965, however, the Teacher Counsellor for Abitibi reported that they knew nothing about the boarding home students, suggesting that possibly a counsellor in Ontario was in touch with them.⁵⁷⁹

In 1973, Inuit students from Ungava Bay requested an Inuit counsellor, because they found it very hard to communicate with their supervisor.⁵⁸⁰

⁵⁷⁸ R. E. Bean, District School Superintendent, Sault Ste. Marie, to the Superintendent, Abitibi Agency, May 2, 1962 [PBQ-000802[00-01]]. RG 10, Accession 2006-00588-X, Box 19, File 371/25-8-8 Sault Ste Marie Part 64 Library and Archives Canada.

⁵⁷⁹ M. St-Amant, Teacher Counsellor, Annexe au [sic] rapports A-17, A-18 et A-19, February 2, 1965 [PBQ-000539, p. 2]. RG 10, Accession 2006-00588-X, Box 18, File 371/25-8 Part 4 Library and Archives Canada.

⁵⁸⁰ “Meeting between Northern Quebec Inuit Association and Inuit Students of Northern Quebec held on January 13, 3:00 P.M. at I.T.C. office Ottawa” [ISP-001320[01-01]]. Accession No 81-8 01/1973-01/1976 File QUE-V 375-25-1 FRC – Quebec City.

7. Parental, Community, and Band Involvement

Despite the fact that boarding homes policy directives regularly required parents to make a financial contribution to boarding homes expenses, it does not appear that there was any mechanism or requirement to seek parental consent for a boarding home placement in the initial program.

In 1973, DIAND approved funding for the Lake Manitoba Band to hire a Home-School Coordinator.⁵⁸¹ The job description that DIAND proposed the Band use included responsibility for determining the eligibility of students for the Boarding Home Program, completing Educational Assistance applications, acting as liaison between students and their home communities, and assisting in problem resolution. The position would be supervised by the Manitoba Education Office of DIAND, with additional supervision by the school principal and an Area Coordinator of Counselling Services, and direction from the local school community.⁵⁸²

1. Selection of Students

The basic application form for Educational Assistance used in the 1960s, IA-47, did not require parental consent, nor did it include any evidence of parental participation in the application, such as a signature.⁵⁸³ In 1966, officials in Manitoba used a form designed for transfers between residential schools to obtain consent to move one child into a private boarding home.⁵⁸⁴ By 1967, “basic permission forms” in Alberta providing parental consent for children to attend public schools and live in private boarding homes were used in, at least, Blood/Peigan District for the 1967-68 school year.⁵⁸⁵

During a review of boarding homes policy in 1968, one of the “suggestions from the floor” was that “the Indian people should have some say in selecting students for the

⁵⁸¹ R. H. Penner, Acting Superintendent of Student Services, to Chief George Swan, Lake Manitoba Band, April 30, 1973 [MCL-02079[00-01]]. INAC, MRO, FILE NCR-O 501/3-1-13 (UNC), VOL 1.

⁵⁸² Position Title: Home-School Coordinator, January 26, 1973 [MCL-02079[01-01]]. INAC, MRO, FILE NCR-O 501/3-1-13 (UNC), VOL 1.

⁵⁸³ See for example Application for Educational Assistance – Wynne [Kitchiekeesic], Ada, August 14, 1961 [FBH-013497]. RG 10 Volume 8773 File 492/25-8 Part 1 Library and Archives Canada.

⁵⁸⁴ Parent's or Guardian's Approval of Transfer of Student to Residential Schools, September 1, 1966 [NEL-001854[01-01]]. 501/25-8-Eastern, Vol. 1, 09/01/1966-09/30/1971, Indian Education – Educational Assistance – Eastern, Acc. W1986-87/083, Box 26, F.A. 10-131, LAC – Winnipeg.

⁵⁸⁵ See for example Statement of Parental Permission re Jeanne Joanne SIMEON – Chiniquay No 180 – Birthdate 3-6-53 – Religion – United, June 30, 1968 [VAN-030249]. 772/25-8-8, Pt. 1, 09/1966-06/1968, Education Assistance – Non-Indian Schools, Acc. 1997-98/161, Box 143, F.A. 10-437, LAC-Ottawa.

boarding home program.”⁵⁸⁶ A similar suggestion was raised during a training workshop for guidance counsellors in Manitoba two months later.⁵⁸⁷ In B.C., one District Superintendent reported in 1969 that parents of Grade 7 students were learning about the program from other families and as a result were asking “more pointed questions” such as whether siblings could board together or whether they could request a particular counsellor. The Superintendent also recommended that the Superintendent in Vancouver might visit in the fall as well as the spring. This would be useful for both students and parents, since it was in the fall that the parents were “most anxious to know how their children are getting along.”⁵⁸⁸

In 1971, DIAND staff in the Manitoba Region proposed creating “Boards of Management” with community representation and responsibilities that would include:

- Approval of all transfers of students between education programs
- Approval of all boarding home operators
- Consideration of resolutions and recommendations from students
- Investigation of complaints about the Boarding Home Program.⁵⁸⁹

According to a 1971 report on the Education Program, parents often made the initial request for a boarding home placement and were involved in the selection of the home:

The Indian parent or guardian who wishes his or her child to be placed in the boarding home program initiates the request for assistance and signs the application. When this procedure is not possible due to special circumstances, teachers, counsellors, or the student, if he is an adult, may initiate the request for boarding home placement. The Counsellor then arranges an interview with the parent or guardian, and/or student, in order to assess the reasons given for the request.

⁵⁸⁶ Reporting of Meeting on Field Organization for the Administration and Supervision of the Student Residences and Private Home Placement, October 17, 1968 [NEL-001070[01-03], p. 5]. 1/25-8, Vol. 11, 00/00/1968-00/00/1969, Headquarters – Educational assistance policy, general, Acc. 1999-01431-6, Box 67, F.A. 10-379 LAC – Ottawa.

⁵⁸⁷ Western Manitoba Education District Guidance Counsellors Workshop, December 9-11, 1968 [NEL-001840, p. 3]. 511/25-17, Vol. 3, 09/09/1968-11/19/1969, Indian Education – Pupil Guidance, Perm. Vol. 13676, F.A. 10-158, LAC – Winnipeg.

⁵⁸⁸ D. W. Smith, District Superintendent of Indian Schools, Fort Rupert, to C. E. Johnson, District School Superintendent, Vancouver, March 7, 1969 [VAN-020227]. 911/25-8-21, Pt. 3, 01/01/1969-12/31/1970, Lower Mainland Boarding Program Survey, Acc. 1985-86/453, Box 1, F.A. 10-137, LAC-Vancouver.

⁵⁸⁹ J. R. Wright, District Superintendent of Education, to Administrators, Guidance Counsellor Coordinators, and School Committee Chairman, March 10, 1971 [BRS-000981-0001]. File 501/25-13, Vol. 1 INAC – Resolution Sector – IRS Historical Files Collection – Ottawa.

Requests will be granted according to need on the basis of a number of priorities.

The parents or guardians of the student and the students themselves should be responsible for the selection of the boarding home. They should meet the boarding home parents, approve the accommodation, and provide the boarding home with any information, such as food allergies, that may assist both the boarding home parents and the child in adjusting to the new situation.

If the parents or guardians cannot visit the school centre where the boarding home is located, the Counsellor assumes the responsibility for the selection of the boarding homes and the successful placement of the student. In these cases, the Counsellor must ensure that the parents or guardians know where and with whom their child is staying throughout the school year.

The Counsellor will ensure that any provincial or municipal standards regarding the physical requirements of boarding homes are met. The program requires the provision of guidance and social and personal counselling to the students on an individual or group basis.⁵⁹⁰

2. Selection of Homes

The level of parental involvement in the selection of homes varied from region to region and even district to district. In Saskatchewan, students were advised that their parents should be involved in making arrangements “through your Agency Office and Teacher-Counsellor.”⁵⁹¹ In the 1962 Akaitcho Hall Boarding Home Program, parental involvement was limited to a confirmation of “parental acceptance” of the placement.⁵⁹² Parents in the Georgian Bay area were provided with a form they could use to indicate the boarding home of their choice. The form allowed the parents to identify a first and

⁵⁹⁰ Indigenous and Northern Affairs Canada, Program Information Center – Report on the Education Program (Ottawa: Department of Indian Affairs and Northern Development, 1971) [FBH-000007, p. 45]. http://publications.gc.ca/collections/collection_2017/aanc-inac/R5-287-1971-eng.pdf INAC-HQ.

⁵⁹¹ Guide for Students and Landladies, 1960 [VAN-047745, p. 5]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa.

⁵⁹² Akaitcho Hall Boarding Home Program [AHU-002895, p. 3]. Akaitcho Hall Misc. [Handbook], 1987-1992 Transfer No. 1530, Box 18 Government of Northwest Territories – Education, Culture and Employment.

second choice.⁵⁹³ The Regional Superintendent reported in 1970 that there was “insufficient Indian parental involvement.”⁵⁹⁴

The 1970 program guidelines suggested that it would be ideal for parents and students to choose boarding homes, but that “unfortunately, it is not always possible for the parents or guardians of the student to visit the school centre, particularly when their homes are in the more remote areas.” In these cases, placement decisions were made by the counsellor and the parents were simply informed of the identity and location of the boarding home.⁵⁹⁵ Where possible, counsellors were instructed to visit reserves and meet with parents to explain the Boarding Home Program and other resources that would be available to the students.⁵⁹⁶ The list of tasks for counsellors included the requirement to inform the parents, but nothing about arranging for parents to visit or meet potential boarding home operators.⁵⁹⁷

The idea of creating a committee that included Indigenous people to supervise boarding home placements was discussed in Saskatchewan; it was suggested that this would relieve some of the responsibilities of guidance counsellors.⁵⁹⁸

In the Ontario James Bay District, Education staff solicited feedback from parents in 1973 and found that they were primarily concerned to avoid breaking up family groups. A report in April 1973 noted, “those who do not have their own relatives available as boarding parents want no part of the idea of boarding their children in the

⁵⁹³ W. B. Gibb, Guidance Counsellor, Georgian Bay Inspectorate, to [blank], October 20, 1965 [FBH-009918[00-01]]; and attached form, October 20, 1965 [FBH-009919[01-01]]. Both in RG 10 Accession 1999-01431-6 Box 159 File 475/25-8 [Christian Island] Part 3 Library and Archives Canada.

⁵⁹⁴ Report – Education Program (Quebec), July 1970 [NCA-013848, p. 80]. RG22, Vol. 802, File 6-21-1, pt. 6, Enclosure Library and Archives Canada. The same information is found in the reports for other regions produced at the same time. See for example Report – Education Program (Saskatchewan) [FBH-000005, p. 88].

⁵⁹⁵ Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, April 30, 1970, revised October 1970 and July 1971 [VAN-045033, p. 15]. 701/25-8, Pt. 10, 05/01/1970-03/31/1972, Educational assistance – General, Acc. 1985-86/137, Box 10, F.A. 10-135, LAC-Ottawa.

⁵⁹⁶ Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, April 30, 1970, revised October 1970 and July 1971 [VAN-045033, p. 22]. 701/25-8, Pt. 10, 05/01/1970-03/31/1972, Educational assistance – General, Acc. 1985-86/137, Box 10, F.A. 10-135, LAC-Ottawa.

⁵⁹⁷ Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, April 30, 1970, revised October 1970 and July 1971 [VAN-045033, pp. 22-27]. 701/25-8, Pt. 10, 05/01/1970-03/31/1972, Educational assistance – General, Acc. 1985-86/137, Box 10, F.A. 10-135, LAC-Ottawa.

⁵⁹⁸ Counsellors' Guide for All Saskatchewan Region Guidance Counsellors, April 30, 1971 [RCS-000484, p. 12]. GRS Files, Box 10A, File 8 INAC – Resolution Sector – IRS Historical Files Collection – Ottawa.

community.”⁵⁹⁹ A second report six months later explained that two families had tried boarding homes in the previous year and rejected them, three families had children in boarding homes that they approved, and nine families “rejected the idea of boarding homes completely.” The child care worker stated that some families might be willing to try boarding homes if the children were not separated and if the parents were able to inspect and approve of the boarding home in advance.⁶⁰⁰

In 1979, a Native Friendship Centre appears to have been in charge of soliciting boarding home applicants in one B.C. district.⁶⁰¹ At an RCAP hearing in Fort St. John in 1992, one speaker reported that the preference was to place students in Indigenous homes.⁶⁰²

3. Communication Between Students and Parents

Students in the Akaitcho Hall Boarding Home Program were permitted one eight-minute phone call home per month, which had to be scheduled in advance with the program coordinator.⁶⁰³ At Sault Ste. Marie and North Bay, all telephone calls by students were limited to five minutes.⁶⁰⁴ In Winnipeg and Saskatchewan, students were advised that local calls were to be limited to three minutes and no long-distance calls should be made because they were “very expensive” and the student would be required to pay for them.⁶⁰⁵ A student handbook dating from 1975 advised students to notify the boarding

⁵⁹⁹ Lauder Smith, Child Care Worker, Horden Hall Residence, Moose Factory, to District Supervisor, James Bay District, April 25, 1973 [MFI-000078-0001, p. 2]. File 486/25-13-2 INAC – Resolution Sector – IRS Historical Files Collection – Ottawa.

⁶⁰⁰ “Parents Views -October 1973,” Lauder Smith, Child Care Worker, Horden Hall Residence, Moose Factory, to District Supervisor, James Bay District, April 25, 1973 [MFI-000078-0002, p. 2]. File 486/25-13-2 INAC – Resolution Sector – IRS Historical Files Collection – Ottawa.

⁶⁰¹ Cheryl Brooks, Executive Director, Quesnel Tillicum Society Native Friendship Centre, July 13, 1979 [JOE-026127-0000]. 989/25-13, vol. 1, Indian Education-Student Residence British Columbia 10/09/73-04/14/81, [98-B-10], IRSRHFC.

⁶⁰² Royal Commission on Aboriginal Peoples (RCAP), Fort St. John, B.C., November 19, 1992 [hearing transcript] [BHR-003024, p. 46]. Found at: <https://recherche-collection-search.bac-lac.gc.ca/eng/home/record?app=rcap&IdNumber=85&q=royal%20commission%20fort%20st.%20john>.

⁶⁰³ Akaitcho Hall Boarding Home Program [AHU-002895, p. 5]. Akaitcho Hall Misc. [Handbook], 1987-1992 Transfer No. 1530, Box 18 Government of Northwest Territories – Education, Culture and Employment.

⁶⁰⁴ Handbook for Boarding Home Parents – Sault Ste. Marie. Ontario – School Year 1962-1963 [SWK-001985, p. 12]. File 13/25-1, Vol. 1 Ontario Regional Service Centre – LAC – Toronto; and Guide for Students and Landladies, Education Division, Indian Affairs Branch, North Bay, Ontario, June 24, 1965 [FBH-001250, p. 7]. RG 10 Volume 10668 File 81/25-8-8-3-1 [ED] Library and Archives Canada.

⁶⁰⁵ Winnipeg Student’s Hand Book, 1960 [VAN-047747, p. 6]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa; and Saskatchewan E.A. Student’s and Landlady’s

house operators before making a long-distance call and explained that the students would be required to pay the cost.⁶⁰⁶ A handbook dated 1988 advised students to “maintain reasonable telephone habits,” and to seek permission to make long-distance calls.⁶⁰⁷

In 1973, one group of parents asked that boarding homes with young children should communicate with them through letters.⁶⁰⁸

In the other direction, in 1960 parents were advised to contact the boarding home or a local IAB counsellor if their children were not going to return to the boarding home or school when they were expected.⁶⁰⁹ In 1988, parents in Ontario were advised to communicate with the boarding home and visit their children “as often as possible.”⁶¹⁰

4. Resolution of Problems

One Band Council in Quebec summoned a teacher counsellor and the head of a student residence to a meeting on the reserve in November 1969 to discuss several problems relating to education, including the fact that a number of students placed in residence and boarding homes had returned to the reserve. After an initial meeting with the Band Council, a meeting with all the parents of students enrolled in schools at Amos was organized, with a Band Councillor acting as interpreter. While the head of the student residence was familiar with the community, this was the first time the teacher counsellor had met the council and parents.⁶¹¹

Handbook, 1960 ca. [VAN-047750, p. 4]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa.

⁶⁰⁶ Student Handbook [Brandon], June 3, 1975 [FBH-005160, p. 5]. RG 10 Accession 2001-01046-X Box 6 File 578/25-8 Part 1 Library and Archives Canada.

⁶⁰⁷ Native Students' Handbook [Boarding Home Program], September 21, 1988 [FBH-000140, p. 3]. 4906-1 Vol 1 05-88-8/91 INAC – ON Region.

⁶⁰⁸ Ralph Paul, Education Counsellor, to Mr. Mihaychuk, Area Co-ordinator, August 8, 1973 [VAN-079473]. 501/25-8-090G, Pt. 1, 04/10/1972-10/31/1975, Education G.S. – Indian Education – Educational Assistance – Winnipeg Guidance Office, Acc. 2001-01035-4, Box 19, F.A. 10-481, LAC-Winnipeg.

⁶⁰⁹ Indian Student's Handbook, 1960 ca. [VAN-047749, p. 6]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa.

⁶¹⁰ Native Students' Handbook [Boarding Home Program], September 21, 1988 [FBH-000140, p. 5]. 4906-1 Vol 1 05-88-8/91 INAC – ON Region.

⁶¹¹ G. Labonté, Teacher Counsellor, Rapport Détaillé du Conseiller Pédagogique – Amos – Mois de Novembre 1969 [FBH-001875, p. 1]. RG 10 Accession 2014-02388-3 Box 269 File 8888-448.Q.41 371/25-1 Part 2 Library and Archives Canada.

5. Placement of Residential School and Day-School Students in Homes on Reserve

In 1971, it was reported that 13 students in Grades 1 to 9 were being boarded with families on the Blackfoot Reserve. These children were students at non-federal schools. A note explained, “no other suitable living accommodation available.”⁶¹² A report on one of these placements described the home as a “foster Blackfoot family.”⁶¹³ A small number of students in North-western Ontario were reported to be boarded “on-reserve” in 1973-74 and 1974-75. These students appear to have been enrolled in non-federal schools.⁶¹⁴

By 1973, the statistical returns for federal schools included a requirement to document the number of students in the Boarding Home Program who were living in homes on reserve (“Maintenance of Pupils (On-Reserve)”).⁶¹⁵

6. Regional Variations

A 1972 report on placements of students from the Ungava District pointed to some specific problems facing Inuit students and their parents:

Several individuals pointed to the sacrifices entailed in having their children away from home for long periods. This they are willing to accept if they can see results. They recognized that the students get homesick and also that communication with them is not easy. The fathers bitterly resent the students writing or telephoning and upsetting the mothers. The parents are then faced with the dilemma

⁶¹² J. R. Muir, Coordinator of Counselling, Blackfoot/Stoney/Sarcee District, to Regional Director, Alberta, December 31, 1971 [BSS-002462]. 4785-0 09/1971 -01/1973, Vol.3, CR Alberta. INAC – AB Regional Records Office – Edmonton.

⁶¹³ Student on Educational Assistance Progress Report, February 29, 1972 [VAN-060483]. 772/25-8-8, Pt. 3, 11/1970-10/1976, Education Assistance – Non-Indian Schools, Acc. 1997-98/161, Box 143, F.A. 10-437, LAC-Ottawa.

⁶¹⁴ Statistical Returns, 1973-1974, October 18, 1973 [FBH-003340[01-01], p. 2]. RG 10 Accession 2014-02388-3 Box 137 File 8888-211.11 Part 1 Library and Archives Canada; and Statistical Returns, 1974-1975, April 24, 1975 [FBH-003272, p. 3]. RG 10 Accession 2014-02388-3 Box 137 File 8888-211.11 Part 1 Library and Archives Canada.

⁶¹⁵ “Guidelines – Statistical Returns, September 21, 1973 [FBH-003341[01-03]]. RG 10 Accession 2014-02388-3 Box 137 File 8888-211.11 Part 1 Library and Archives Canada.

of deciding, with perhaps few clues as to the actual circumstances, whether or not to authorize their child's return home.⁶¹⁶

The students strongly expressed their feelings of homesickness and isolation and asked for more contact with other Inuit. This included access to Inuit counsellors; the report suggested that if the students could speak to Inuit counsellors, they would more readily discuss their problems. Both parents and students suggested that a group home would be preferable to placements in individual boarding homes. The parents also wanted local schools to be extended to at least Grade 9 and were "strongly opposed" to students under the age of 15 being boarded in the south.⁶¹⁷ The Northern Quebec Inuit Association, who also contributed to this report, pointed to the cultural challenges the students faced, and offered to assist in making more country food available to students.⁶¹⁸ The report expressed concern that many of the boarding home operators expressed a defeatist attitude towards the students and the challenges they faced.⁶¹⁹ Recommendations included the establishment of group homes with at least some Inuit involvement in management, the addition of Inuit counsellors and at least one Inuk woman counsellor, more communication between counsellors and home communities, no placements of children under the age of 15, more social events, a review of the allowances program, and cooperation with the Northern Quebec Inuit Association to provide students in the south with country food.⁶²⁰

⁶¹⁶ A Brief Study of the Factors Influencing the Withdrawal from Ottawa Schools of Inuit Students from the Ungava Bay District in November and December, 1972 [ISP-001249, p. 7]. RG 85 Accession 2003-02300-3 Box 16 File 600-1-11 Part 6 LAC.

⁶¹⁷ A Brief Study of the Factors Influencing the Withdrawal from Ottawa Schools of Inuit Students from the Ungava Bay District in November and December, 1972 [ISP-001249, pp. 5-7]. RG 85 Accession 2003-02300-3 Box 16 File 600-1-11 Part 6 LAC.

⁶¹⁸ A Brief Study of the Factors Influencing the Withdrawal from Ottawa Schools of Inuit Students from the Ungava Bay District in November and December, 1972 [ISP-001249, pp. 11-12]. RG 85 Accession 2003-02300-3 Box 16 File 600-1-11 Part 6 LAC.

⁶¹⁹ A Brief Study of the Factors Influencing the Withdrawal from Ottawa Schools of Inuit Students from the Ungava Bay District in November and December, 1972 [ISP-001249, p. 13]. RG 85 Accession 2003-02300-3 Box 16 File 600-1-11 Part 6 LAC.

⁶²⁰ A Brief Study of the Factors Influencing the Withdrawal from Ottawa Schools of Inuit Students from the Ungava Bay District in November and December, 1972 [ISP-001249, p. 16]. RG 85 Accession 2003-02300-3 Box 16 File 600-1-11 Part 6 LAC.

8. Welfare of Boarders

Specific information on the welfare of students placed in boarding homes can be difficult to find. Reports submitted by counsellors often reference problems with boarding home placements in general terms, without explaining the nature of the issue. Sometimes this is because the counsellor was not in fact aware of the details. For example, two sisters were sent to boarding homes in Quebec in September 1969. One of them went home, and soon after the girls' mother came and removed the second girl. The counsellor reported, "I don't know what she could have said to her parents but her mother came to get her several days after Louise arrived. It was impossible to find out why or to do anything."⁶²¹

1. Physical Health and Medical Treatment

While most aspects of student welfare were managed by education staff, as discussed in Section 6 above, medical information and decisions were the responsibility of Indian Health Services (IHS), so both students and boarding home operators were directed to IHS staff for all medical issues.⁶²²

Early in 1969, a boarding home operator in the Kamloops area (B.C.) complained that she was not able to obtain necessary health and clothing supplies for children in her home. She reported that she had worked as a foster parent for multiple agencies and had never experienced these problems, asserting that "we can't get anything for these children without a fight and months of waiting." The unmet medical needs included chest x-rays for tuberculosis, medication to treat conjunctivitis, replacement teeth, eyeglasses, and treatment for a suspected ovarian cyst.⁶²³ The Regional Director for the Pacific Region investigated the claims and found that chest x-rays had been taken. He commented that this misunderstanding would not have arisen if the boarding home operator had been shown each child's "health card." In his opinion, this was a responsibility of the counsellor. Other problems were blamed on pharmacists unwilling to explain how to submit claims, delays in obtaining medical insurance, and confusion

⁶²¹ Translation by JHA of the original, « Je ne sais pas ce qu'elle a pu raconter à ses parents mais sa mère est venue la chercher quelques jours après l'arrivée de Louise. » Annexe au Rapport de Conseiller Pédagogique – Mois de Septembre 1969 [FBH-001878, p. 2]. RG 10 Accession 2014-02388-3 Box 269 File 8888-448.Q.41 371/25-1 Part 2 Library and Archives Canada.

⁶²² See for example Guide for Students and Landladies, 1960 [VAN-047745, p. 4]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa; Handbook for Boarding Home Parents – Sault Ste. Marie, Ontario – School Year 1962-1963 [SWK-001985, pp. 4-5]. File 13/25-1, Vol. 1 Ontario Regional Service Centre – LAC – Toronto.

⁶²³ Lydia Clarkson, Cobble Hill, B.C., to [Mr. Marchand, MP], January 27, 1969 [FBH-000061]. 1/25-8-18 Vol 3 May 1970-Feb 1969 INAC – NCR Region.

over whether a boarding home student should receive medical care from “a designated physician” or the home’s family doctor.⁶²⁴

This complaint was also forwarded to the Regional Superintendent of Schools for action.⁶²⁵ The Regional Superintendent replied that the officials at National Health and Welfare were offering little assistance; in his opinion, they did not want to provide medical services to Indian students and hoped to shift this responsibility to the Province.⁶²⁶

A guidance counsellor in Alberta reported that she sent one student home early in the 1970-71 school year because the girl was “quite young and very lonely. I talked to her on two occasions and had other people talk to her but she became physically ill and I had to send her home.”⁶²⁷

In February 1972, Guidance Counsellors in the Alberta Region were advised that consent for medical procedures for minors “must be obtained from the parent or guardian.” The counsellors were instructed to cooperate with health authorities and plan ahead whenever the need for consent could be foreseen in order to arrange this. Only in an emergency should the blanket consent obtained from parents or guardians through the Educational Assistance application forms be used. Even in an emergency, “every effort ... must be made to obtain the consent from the parent or guardian for the particular emergency situation arising, before resorting to the general authorization provided by the parent [...]”⁶²⁸

In 1976, a student named Isaac and boarding in Winnipeg wrote a letter to his mother describing his boarding home experience. The student reported that he and the other boys were often hungry, that they were only allowed to shower twice a week, their landlady would not wash their blankets, and the basement where they slept was very

⁶²⁴ R. D. Thompson, Regional Director, to Director General, Medical Services, February 4, 1969 [NPC-621696]. RG 29, Vol. 2938, File 851-1-X500, pt. 2 Library and Archives Canada.

⁶²⁵ R. F. Davey, Director, Education Branch, to R. M. Hall, Regional Superintendent of Schools, British Columbia, February 19, 1969 [VAN-020262]. 901/25-8, [Folder 2], 08/01/1968-05/31/1969, Educational Assistance, Perm. Vol. 13466, F.A. 10-138, LAC-Vancouver.

⁶²⁶ Regional Superintendent of Education, Vancouver, to the Director of Operations, Social Affairs Programme, February 27, 1969 [VAN-020261]. 901/25-8, [Folder 2], 08/01/1968-05/31/1969, Educational Assistance, Perm. Vol. 13466, F.A. 10-138, LAC-Vancouver.

⁶²⁷ Bev Randell, Counsellor, Counsellor’s Monthly Report, October 14, 1970 [VAN-030270]. 773/23-3-1-E3, Pt. 1, 09/01/1970-06/30/1971, Counsellor’s Monthly Report – B. Randell, Acc. 1994-95/653, Box 48, F.A. 10-463, LAC-Ottawa.

⁶²⁸ W. Ivan Mouat, Regional Superintendent of Schools, Alberta, to Guidance Counsellors, February 29, 1972 [VAN-045102]. E4785-0, Pt. 3, 09/01/1971-01/31/1973, Education Assistance – Policy, Acc. 2009-01054-X, Box 2, F.A. 10-659, LAC-Ottawa.

dusty. The landlady had chastised one of the other boys for taking food at night, so he had started going to “Peter’s place” to eat to make sure he wouldn’t be hungry. He reported this to the counsellors a few times, but told his mother, “they don’t seem to care, they just seem to say ‘that’s your problem, not ours’ – we have given up on them.” The boy had used some money that his mother sent him to buy more food and reported that he tried to save his own money for food as well. He asked to move to “Peter’s Place” and the counsellor suggested that it would be up to him to make the arrangements. He told his mother, “we want to get out of the place where we are staying but we can’t because we don’t know where to go and we don’t want to go back home until we finish our schooling.”⁶²⁹

Isaac was reportedly moved to a new home.⁶³⁰ Superintendent of Vocational Education Ralph Ritcey informed the Vocational Counsellor involved of the letter, but emphasized that he had no intention of investigating the complaints, since he believed “the entire situation is one between student and counsellor,” and declared that he was “not too concerned” about the allegation that the student was hungry.⁶³¹

2. Social and Psychological Health

Students in the North Bay Boarding Home Program were cautioned to fit in to the boarding home environment:

You must no longer expect to do exactly as your friends do, go where he (she) goes, or have what he (she) has. Your first consideration must be of your boarding family and you must be guided by their customs and daily habits.⁶³²

A report from an education district in Alberta found that two students had complained that the boarding home operator “keeps reminding the boys of their good fortune in having the Government pay for their education,” which one of them told the guidance counsellor, “makes us feel cheap.” The same boarding home operator called the guidance counsellor in the middle of the night “to tell me that they had left after being

⁶²⁹ Isaac Anowak, Winnipeg, to his mother, November 15, 1976 [ISP-003034[01-01]]. N-5100-2, Vol. 4, 4/76-11/76, INAC – Archival Unit.

⁶³⁰ Robert Leonard, Education Counsellor, to Ralph Ritcey, Superintendent of Vocational Education, November 25, 1976 [ISP-003028[00-01]]. N-5100-2, Vol. 4, 4/76-11/76, INAC – Archival Unit.

⁶³¹ Ralph Ritcey, Superintendent of Vocational Education, to M. Marykuca, Vocational Counsellor, November 26, 1976 [ISP-003027]. N-5100-2 Vol 4 4/76-11/76 INAC – Archival Unit.

⁶³² Guide for Students and Landladies, Education Division, Indian Affairs Branch, North Bay, Ontario, June 24, 1965 [FBH-001250, p. 2]. RG 10 Volume 10668 File 81/25-8-8-3-1 [ED] Library and Archives Canada.

bawled out for coming in at 11:30.” The guidance counsellor concluded that the boarding home operator was “lacking in judgment an [*sic*] is too arithmetical in her attitude.” One of the boys returned to his reserve and the other was moved to a new home.⁶³³

One boy from Frobisher Bay, N.W.T., was sent to Ottawa in 1967 and completed both Grade 7 and 8 that year, although he was described as a “difficult student.” The next year he enrolled in Grade 9 but had “many, many problems.” He was referred to a clinic for an unspecified reason, but in the spring of 1969 was moved to a new boarding home, because he had “caused complete havoc.” In the fall of 1969, he was moved to a third boarding home. The counsellor who visited him there reported that he would not speak to the counsellor or his teachers at school, sometimes stayed in bed all day, and never spoke to the family operating the boarding home, who were afraid of him. The student returned to his home community in December 1969. A complete welfare assessment was recommended.⁶³⁴

In 1971, a meeting was held in Dauphin, Manitoba, attended by guidance counsellors, boarding home operators, education staff, and some students. Concerns were raised that there was “less integration now than when all students lived at Student Residence,” and that conflict with non-Indigenous students was increasing. The meeting report commented, however, that the meaning of “integration” varied widely and in many cases was interpreted to mean assimilation, “a policy which most Indians would never accept.” On the subject of boarding home placements specifically, the report noted, “The group stated that non-Indian students have parents to cover up for them whereas the Indian is often on his own.” In general, too, homesickness was “a problem which often could not be solved.”⁶³⁵ At a meeting with parents and students living in private boarding homes in Dauphin in 1973, the Education Counsellor reported complaints that “these children were being fought when at the McKay Student Residence.”⁶³⁶

A study by DIAND’s Northern Services Division in 1972 reported that it was challenging to find boarding home placements in the south for Inuit students. While DIAND reported

⁶³³ Ethel Stewart, Guidance Counsellor, Narrative Report – Medicine Hat and Bow Island – Boarding Home Program – October 1968 [VAN-045040, p. 2]. 773/23-3-1-E3, 09/01/1967-08/28/1970, Counsellor’s Monthly Report – Miss E. Stewart, Acc. 1994-95/653, Box 48, F.A. 10-463, LAC-Ottawa.

⁶³⁴ R. Ritcey for Administrator of the Arctic, to Regional Administrator, Frobisher Bay, December 31, 1969 [ISP-000288]. RG 85 Accession 2003-02300-3 Box 16 File 600-1-11 Part 1 LAC.

⁶³⁵ Education of Indian Students – Dauphin, Manitoba, March 18, 1971 [DRS-003308-0000, pp. 2-3]. RG10, Acc. W86-87/083, Box 054, File 501/25-17, Vol. 1A Library and Archives Canada – Winnipeg.

⁶³⁶ Ralph Paul, Education Counsellor, to Mr. Mihaychuk, Area Co-ordinator, August 8, 1973 [VAN-079473]. 501/25-8-090G, Pt. 1, 04/10/1972-10/31/1975, Education G.S. – Indian Education – Educational Assistance – Winnipeg Guidance Office, Acc. 2001-01035-4, Box 19, F.A. 10-481, LAC-Winnipeg.

that this was due in part to an increase in “anti-social behaviour, negative attitudes towards school work and involvement with drugs,” parents also expressed concern about assimilation, and the students who dropped out of the program universally reported that the reason they left was homesickness and concern about conditions at home. The students repeatedly stated that they would have liked to be able to spend more time with other Inuit, including classmates. Girls said that they would have preferred to have a female counsellor and all the students expressed a wish to have “an experienced Inuk counsellor.”⁶³⁷

3. Complaints or Reports of Abuse

A series of letters and reports from June 1965 documented concerns about a British Columbia boarding home and specified that there had been numerous complaints from young women boarding in the home. Officials believed that there was “enough truth to justify the suspension of this home for a period of time.” The current boarders would leave the home and Indian Affairs would not use the home again for four to six months, at which time the home would be reassessed.⁶³⁸

In 1973, students in boarding homes in Dauphin complained to their parents that they were not getting proper food and were being made to do farm labour.⁶³⁹

At a hearing of the Royal Commission on Aboriginal Peoples in Old Crow, Yukon, in November 1992, one parent expressed grave concerns about abuse in boarding homes:

My daughter is going to a school in Whitehorse. I have had to board her with a family as a resident. The residence has some 40 people on a list before her. There are no controls on what can be charged for a room or board nor are there regulations as to how these children are treated. There is no-one supervising nor checking these places out.

⁶³⁷ A Brief Study of the Factors Influencing the Withdrawal from Ottawa Schools of Inuit Students from the Ungava Bay District in November and December, 1972 [ISP-001249, pp. 3; 5]. RG 85 Accession 2003-02300-3 Box 16 File 600-1-11 Part 6 LAC.

⁶³⁸ J. E. Cooper, Superintendent, Vocational and Special Services, to Guy Williams, President, Native Brotherhood of British Columbia, June 21, 1965 [VAN-020203[00-02]. 901/25-8, [Folder 1], 09/01/1964-10/31/1965, Educational Assistance, Perm. Vol. 13466, F.A. 10-138, LAC-Vancouver; see also documents, dated circa 1965 VAN-020203[01-02]; VAN-020203[02-02]; and VAN-020201.

⁶³⁹ Ralph Paul, Education Counsellor, to Mr. Mihaychuk, Area Co-ordinator, August 8, 1973 [VAN-079473]. 501/25-8-090G, Pt. 1, 04/10/1972-10/31/1975, Education G.S. – Indian Education – Educational Assistance – Winnipeg Guidance Office, Acc. 2001-01035-4, Box 19, F.A. 10-481, LAC-Winnipeg.

This means that outrageous prices are charged with only \$270 being supplied by the government as assistance.

But worse, is the fact that these children are being physically, mentally and sexually abused. Unfortunately, most do not have a mouthy child like I do so they find out about the fact afterwards. As to a solution, apparently there isn't one or at least that is what I was told when I very aggressively questioned the school authorities in Whitehorse. There have been attempts, but due to the many problems involved no-one wants to handle it.⁶⁴⁰

One of the Commissioners asked the speaker if this abuse was taking place in the present, and the parent replied, "I am told that it has occurred in the past and that it is now occurring." They also added that the students were used to do many hours of babysitting and sometimes housecleaning. Explaining further, they said that this information had come from the school authorities, who said that "there is nothing we can do about it. There are too many problems involved in settling it."⁶⁴¹ The Commissioners followed up on the allegation of sexual abuse, suggesting that it might involve children from northern B.C. as well as Yukon, but the participants at this meeting did not add further information.⁶⁴² No further discussion of these allegations has been found in the records of the RCAP hearings.

4. Academic Outcomes

In 1967, DIAND circulated a questionnaire to collect data on the academic progress of students in the Boarding Home Program. They summarized the findings by region and nationally, finding that overall 71% of students in the program were passing, with 10% failing and 18% dropping out. Regional variations in the percentage of students passing

⁶⁴⁰ Royal Commission on Aboriginal Peoples (RCAP), Old Crow, Yukon, November 17, 1992 [hearing transcript] [BHR-003026, pp. 182-183]. Found at: <https://recherche-collection-search.bac-lac.gc.ca/eng/home/record?app=rcap&IdNumber=47&q=royal%20commission%20old%20crow>.

⁶⁴¹ Royal Commission on Aboriginal Peoples (RCAP), Old Crow, Yukon, November 17, 1992 [hearing transcript] [BHR-003026, pp. 184-185]. Found at: <https://recherche-collection-search.bac-lac.gc.ca/eng/home/record?app=rcap&IdNumber=47&q=royal%20commission%20old%20crow>.

⁶⁴² Royal Commission on Aboriginal Peoples (RCAP), Old Crow, Yukon, November 17, 1992 [hearing transcript] [BHR-003026, p. 188]. Found at: <https://recherche-collection-search.bac-lac.gc.ca/eng/home/record?app=rcap&IdNumber=47&q=royal%20commission%20old%20crow>.

were considerable, from a low of 50% in Manitoba to a high of 89% in Quebec. The Head of Guidance Services described the results as “encouraging.”⁶⁴³

⁶⁴³ Head, Guidance Services, to R. F. Davey, Director of Education Services, September 8, 1967 [stamped] [VAN-045671[01-01]]. 601/25-17, Pt. 1, 08/01/1962-11/30/1967, Pupil guidance, Acc. 1998-00773-1, Box 14, F.A. 10-328, LAC-Ottawa.

9. Program Evaluations

Since the introduction of the Boarding Home Program, evaluations of education services to Indigenous children have periodically included assessments and critiques of the program, including its focus, delivery, and funding. Some of these assessments are discussed in this section of the report.

1. 1967 – Hawthorn and Caldwell Reports

Around 1966-67, two reports sponsored by the federal government threw a very critical light on the residential school system. The first one, led by a team of social scientists and later known as the Hawthorn Report, recommended a more rapid transition away from the residential school system towards integrated schools. It suggested that the former residential schools should be used only as hostels to board children attending non-federal schools.⁶⁴⁴ Soon after this, the Canadian Government proposed, in the infamous 1969 White Paper, “the elimination of all constitutional and legislative bases of discrimination against Indians.”⁶⁴⁵

A second report, in 1967, focused on nine residential schools in Saskatchewan and conducted by a child care specialist, George Caldwell, revealed many flaws in the residential school system. The Caldwell Report concluded that the government and churches should continue to decrease their reliance on the residential schools; consequently, the report made a series of recommendations in order to reduce the number of Indian children residing in residential schools, including placing more students in:

- a) well-supervised Indian foster homes,
- b) well-supervised white foster homes,
- c) transition centres where special emphasis will be placed on assisting the child to adapt from the Indian to the white culture,
- d) hostels to provide for group care for Indian children in the urban setting.⁶⁴⁶

⁶⁴⁴ H. B. Hawthorn, ed., *A Survey of the Contemporary Indians of Canada – Economic, Political, Educational Needs and Policies*, two parts (Ottawa: Indian and Northern Affairs October, 1967) [BHR-003019 and BHR-003020]. Found at: <https://publications.gc.ca/site/eng/9.700111/publication.html>.

⁶⁴⁵ DIAND, First Nations Elementary and Secondary Education, January 13, 1984 [DAY-060506, p. 78]. RG 10 Accession 2014-02388-3 Box 82 File 8888-76.A.3 Part 3 Library and Archives Canada RG 10 Accession 2014-02388-3 Box 82 File 8888-76.A.3 Part 3 Library and Archives Canada.

⁶⁴⁶ George Caldwell, *Indian residential schools: a research study of the child care programs of nine residential schools in Saskatchewan* (Prepared for the Department of Indian Affairs and Northern Development, 1967) p. 153 [BHR-003012]. Found at:

2. 1969 – Snider Report

Around February 1968, Indian Affairs announced the launching of a national study on its Boarding Home Program for Indian high school students.⁶⁴⁷ The study was to examine the effectiveness of the program, report on its problems, consider its strengths and weaknesses, “develop an appropriate system for recording and reporting data on the boarding home program,” and make suggestions for its improvement. As stated, the purpose of the program was to provide the opportunity to Indian students to pursue their education or training at the secondary school level or at the vocational level. It was expected that the results of the study [later known as the Snider Report, named after its author, researcher Bessie Snider] would assist the Department “to extend and improve its boarding home program.”⁶⁴⁸ As a reason for the study, its announcement stated as follows:

Although the program is regarded by administration as successful and an important resource for the education of Indian youth, there have been criticisms from time to time of policies and procedures from the boarding home parents, Indian youth and their parents, and outside agencies.

Concerns were identified in the following areas: educational assistance procedures, parental involvement, counsellor’s role and services, selection procedures and standards, frequency of boarding home change, provision of medical services, referrals, and documentation.⁶⁴⁹

In 1968, a committee reviewing boarding homes policy found that there was “an urgent need” to develop criteria for the selection of boarding homes and new guidelines for the

<https://publications.gc.ca/site/fra/9.849888/publication.html>. See also Indian and Northern Affairs, *Indians in Education – 1976* (Ottawa: Indian and Northern Affairs, 1976) [FBH-000024]. Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Education and Cultural Development Branch. *Indians in Education - 1976*. Ottawa: Indian and Northern Affairs, 1976. http://publications.gc.ca/collections/collection_2018/aanc-inac/R44-123-1976-eng.pdf INAC-HQ.

⁶⁴⁷ R. F. Davey, Director, Education Services, Indian Affairs Branch, to Indian Commissioner for B.C., January 26, 1968 [PBQ-001250]. RG 10, Accession 1999-01431-6, Box 68, File 1/25-8-18 Part 2 From Dec 66 to Mar 69 Library and Archives Canada.

⁶⁴⁸ “Study of Boarding Home Program for Indian High School Students,” circa February 1968 [FBH-007787]. RG 10 Accession 1999-01431-6 Box 68 File 1/25-8-18 Part 2 Library and Archives Canada.

⁶⁴⁹ DIAND, *The Boarding Home Program and Educational Assistance – Policy and Guidelines – Draft proposal only* (Ottawa: Guidance and Special Services Division – Education Branch, DIAND, 1969) [VAN-045053[00-01], pp. 4-5]. 773/25-8, Pt. 3, 04/01/1969-12/31/1970, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

program.⁶⁵⁰ The Committee Dealing with Residential Schools and the Boarding Home Program recommended that counsellors be held responsible for placing the students in boarding homes or institutions. The Committee also recommended the development of norms for the selection of boarding homes, and recommended to use Snider's Report to assess the data provided by the field personnel. It further stated:

This committee recommends that the entire structure of the existing boarding home program be studied evaluated and modified. It is recommended that a committee consisting of representatives from the Regions be appointed to be in Ottawa to study this matter and to make recommendations.⁶⁵¹

3. 1970 – Cromb Policy Paper

Following the release of the Snider Report in 1969, DIAND followed up in 1970 with a policy paper later known as the Cromb Paper, from the Director of the Education Branch, G. D. Cromb, and fully titled *Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students*.⁶⁵² In 1969, DIAND circulated drafts of the paper to First Nations for feedback, and held nationwide regional workshops to discuss the proposed guidelines. In its introduction it stated the purpose of the program and the intent of the paper as follows:

The reason for the Boarding Home Program for Indian students is to provide a satisfactory living environment for students who must leave their own homes in order to continue their education. The intent of this paper is to clarify Departmental policy with regard to the implementation of the Boarding Home Program and to provide guidelines for its continued operation.⁶⁵³

⁶⁵⁰ Reporting of Meeting on Field Organization for the Administration and Supervision of the Student Residences and Private Home Placement, October 17, 1968 [NEL-001070[01-03], p. 4]. 1/25-8, Vol. 11, 00/00/1968-00/00/1969, Headquarters – Educational assistance policy, general, Acc. 1999-01431-6, Box 67, F.A. 10-379 LAC – Ottawa.

⁶⁵¹ “Report of Meeting on the Field Organization for the Administration and Supervision of the Student Residences and Private Home Placement,” October 17, 1968 [NEL-001979[01-03], p. 4]. 1/25-8, Vol. 11, 00/00/1968-00/00/1969, Headquarters – Educational assistance policy, general, Acc. 1999-01431-6, Box 67, F.A. 10-379 LAC – Ottawa.

⁶⁵² G. D. Cromb, *Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students* (Ottawa: DIAND, Education Branch, 1971) [BHR-003017]. Found at: https://publications.gc.ca/collections/collection_2018/aanc-inac/R44-156-1971-eng.pdf.

⁶⁵³ DIAND, *The Boarding Home Program and Educational Assistance – Policy and Guidelines – Draft proposal only* (Ottawa: Guidance and Special Services Division – Education Branch, DIAND, 1969)

The draft reported that a majority of the students living in boarding homes were sixteen years of age or older, 80% to 90% of whom were attending high schools. It also stated that, to be successful, the Boarding Home Program had to be carefully planned and administered. In order to reach this goal, and “to ensure that the students are able to receive the maximum benefit available from the Program, with a minimum of disruption to themselves, their families and their Boarding Home parents,”⁶⁵⁴ a series of records and documents needed to be maintained and completed by the Counsellor.

Interestingly, a handwritten note added a seventh possible type of assistance, to help with private tutoring for those students who would need it, costs also to be taken care by the Department.⁶⁵⁵

This draft paper was finally first published in April 1970 and came to be known as the Cromb Policy Paper. The paper established standards for the selection of boarding homes, provided guidelines for the selection of the students and their placement, defined the role of the counsellors, and recommended procedures to be followed in order for the policy and the program to be successful.

The Cromb Paper included a section dedicated to Educational Assistance for in-school programs and stated that assistance would be granted based on the following:

1. An Application for Educational Assistance (Form 1A352) must be completed and signed by the parent or guardian, if the student is a minor, or by the student, if he/she is of age of consent as defined by the province in which the student resides.
2. The need for assistance is established and is not available from any other source.

[VAN-045053[00-01], p. 3]. 773/25-8, Pt. 3, 04/01/1969-12/31/1970, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

⁶⁵⁴ DIAND, The Boarding Home Program and Educational Assistance – Policy and Guidelines – Draft proposal only (Ottawa: Guidance and Special Services Division – Education Branch, DIAND, 1969) [VAN-045053[00-01], p. 23]. 773/25-8, Pt. 3, 04/01/1969-12/31/1970, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

⁶⁵⁵ DIAND, The Boarding Home Program and Educational Assistance – Policy and Guidelines – Draft proposal only (Ottawa: Guidance and Special Services Division – Education Branch, DIAND, 1969) [VAN-045053[00-01], p. 8]. 773/25-8, Pt. 3, 04/01/1969-12/31/1970, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

3. There is no duplication of services provided by other agencies.⁶⁵⁶

Before the beginning of the school year, students and parents were asked to provide an estimate of the total costs of the educational program for the coming academic year, with the help of the Counsellor, in addition to the amount they – the student and/or his parents – were able to contribute. This exercise would determine the Educational Assistance required from the Department. Educational Assistance was provided to four different groups of students: Group A, those living at home; Group B, the subject of this report, those residing in Boarding Homes; Group C, those residing in a Student Residence; and Group D, those living off-reserve.

Following the release of the Cromb Paper, certain categories of Educational Assistance were extended to off-reserve students in October 1970, while transportation assistance was extended in July 1971. By 1971, it was well established that a contract was required to be signed with the boarding home operator.

4. 1971 – Fifth Report of Standing Committee on Indian Affairs and Northern Development (Watson Report)

In 1971, the Standing Committee on Indian Affairs and Northern Development submitted its fifth report, which focused on education. This report is also known as the Watson Report, after the chair of the Standing Committee, Ian Watson, who also headed the subcommittee that prepared the education report. The Watson Report opened with a critique of the integration program as “a day-to-day, year-to-year improvisation attitude that regarded Indian Education as a passing thing and Indian and Eskimo young people have suffered as a result.”⁶⁵⁷ On the subject of student residences, the Committee recommended an emphasis on local day schools. DIAND commented that “residential services will continue to be required for children in high school who live in areas where neither provincial nor federal high schools are feasible.”⁶⁵⁸ A proposal to provide funding for “boarding school students” to travel home at Christmas was reportedly approved and became part of DIAND policy.⁶⁵⁹

⁶⁵⁶ G. D. Cromb, *Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students* (Ottawa: DIAND, Education Branch, 1971) [BHR-003017, p. 5]. Found at: https://publications.gc.ca/collections/collection_2018/aanc-inac/R44-156-1971-eng.pdf.

⁶⁵⁷ Fifth Report of the Standing Committee on Indian Affairs and Northern Development, June 30, 1971 [400748, p. 1]. File 1/25-1, Vol. 66 DIAND, Main Records Office.

⁶⁵⁸ Fifth Report of the Standing Committee on Indian Affairs and Northern Development, June 30, 1971 [400748, p. 10]. File 1/25-1, Vol. 66 DIAND, Main Records Office.

⁶⁵⁹ Fifth Report of the Standing Committee on Indian Affairs and Northern Development, June 30, 1971 [400748, p. 11]. File 1/25-1, Vol. 66 DIAND, Main Records Office.

5. 1972 – Indian Control of Indian Education

In 1972, the National Indian Brotherhood (NIB) issued its landmark policy paper on education, “Indian Control of Indian Education.” While the NIB stated that it would not make a general statement on residences, it reported that “many parents object to sending their children long distances and want accommodations provided at the village level.”⁶⁶⁰ It recommended more day schools on reserves and increased use of hostels or group homes to provide “familiar, homelike accommodations.” The NIB proposed a model for group homes “located centrally in every village and operated by an Indian couple.”⁶⁶¹ The NIB also emphasized that Indigenous counsellors were needed and identified non-Indigenous counsellors with little training in Indigenous culture as a key factor in the problems faced by students living away from home. The NIB recommended that Band Education Authorities should be given authority over counselling services and in the short term should be consulted in the appointment of both teachers and counsellors. Indigenous communities should also be involved in educating counsellors on culture, language, and history.⁶⁶²

The recommendations adopted by the National Indian Brotherhood are summarized below:

The Brotherhood states unequivocally that:

- 1) Indian parents must have “Full Responsibility and control of Education”;
- 2) this responsibility and control will be exercised by granting authority for educational decision-making to local Band Councils and by providing Indian representation on provincial school boards;
- 3) the Indian people will be a party to negotiations with provincial education departments when agreements for education of their children are negotiated;
- 4) integration can take place only with the full consent and participation of the Indians and non-Indians Concerned;
- 5) Indians have full and free choice of education facilities on or off reserves in accordance with their needs and that these facilities be first class;

⁶⁶⁰ National Indian Brotherhood, “Indian Control of Indian Education,” Policy paper presented to the Minister of Indian Affairs and Northern Development, 1972 [BHR-003022, p. 21].

⁶⁶¹ National Indian Brotherhood, “Indian Control of Indian Education,” Policy paper presented to the Minister of Indian Affairs and Northern Development, 1972 [BHR-003022, p. 23].

⁶⁶² National Indian Brotherhood, “Indian Control of Indian Education,” Policy paper presented to the Minister of Indian Affairs and Northern Development, 1972 [BHR-003022, pp. 19-20].

- 6) a wide range of educational programs be provided in the Indian community “The local Education Authority must take the initiative in identifying the needs in adult or vocational education, remedial classes, kindergarten, alcohol and drug addiction education, etc. etc.,”
- 7) school curricula include the native language and recognize the Indian contribution made to Canadian history and life;
- 8) the Federal Government must take the initiative in providing training and employment for Indians as teachers, counsellors and paraprofessionals and that non-Indian teachers have improved qualifications particularly in those areas referring to Indian language, culture and cross-cultural education;
- 9) adequate funding and policy control of the Cultural Education Centres by the Indian people be ensured.⁶⁶³

6. 1982 – Indian Education Paper, Phase 1

In 1982, DIAND conducted an internal assessment that focused on four key issues in education programming:

- Quality of education
- Indian control
- Education management framework
- Funding

The report reviewed the history of education programming since 1972. On the subject of communication with Bands, it explained that DIAND prepared a series of circulars in the mid-1970s that attempted to “explain policies, establish program standards, describe implementation procedures and set funding limits,” but Bands complained that they were not consulted and this process was abandoned.⁶⁶⁴ This report emphasized the problems caused by the failure of the Department’s attempt “to have bands accept a set of guidelines for the operation of education programs by bands.” The report found

⁶⁶³ D. W. Simpson, *Together or Apart – Today's Dilemma in Indian Education* (Winnipeg, Manitoba: Department of Indian and Northern Affairs, Indian and Eskimo Affairs Program, Education Branch, 1972) [FBH-000033, p. 18]. http://publications.gc.ca/collections/collection_2017/aanc-inac/R77-17-1972-eng.pdf INAC-HQ.

⁶⁶⁴ DIAND, *Indian Education Paper, Phase 1* (Ottawa: Department of Indian Affairs and Northern Development, 1982) [BHR-003018, p. 7].

that this led to an inconsistent approach and more problems transferring education services to Band control, particularly where there were disputes over funding.⁶⁶⁵

As the report explained, boarding homes were used when high school services were not available in reserve communities, but the adaptation to large schools and non-Indigenous homes was stressful. The long-term solution in many cases should be to build local schools, but existing funding agreements were an impediment. Between 1955 and 1980, the federal government established 678 joint capital agreements with a total value of \$103 million. Because the agreements were contracts, the Department made these a priority in budget allocations, leading to a major backlog in federal and band school construction projects.⁶⁶⁶ Briefly, the report found that the federal government was diverting funds from federal and band schools to provincial schools on the grounds that only provincial schools had fixed funding formulae.⁶⁶⁷ Another report two years later developed this point further, explaining that the 1973 policy “not to respond to band requests for the construction of on-reserve school facilities where the Department’s investment in a joint federal/provincial school is still undepreciated” had led to significant delays in the construction of on-reserve schools. The report noted, “This caveat is seen by some bands as a failure to honour the spirit of the local control policy.”⁶⁶⁸

The recommendations did not include any remarks specific to boarding, although there was a general comment that the education system should use “a wide range of program mechanisms” and that funding should be based on provincial standards with additional cost elements to cover the “special characteristics” of administration, programming and delivery.⁶⁶⁹

7. 1988 – Tradition and Education: Towards a Vision of Our Future

In 1988, the Assembly of First Nations published *A Declaration of First Nations Jurisdiction Over Education*. The declaration summarized the “failed federal system” and

⁶⁶⁵ DIAND, *Indian Education Paper, Phase 1* (Ottawa: Department of Indian Affairs and Northern Development, 1982) [BHR-003018, pp. 32-33].

⁶⁶⁶ DIAND, *Indian Education Paper, Phase 1* (Ottawa: Department of Indian Affairs and Northern Development, 1982) [BHR-003018, p. 22].

⁶⁶⁷ DIAND, *Indian Education Paper, Phase 1* (Ottawa: Department of Indian Affairs and Northern Development, 1982) [BHR-003018, p. 33].

⁶⁶⁸ Kenneth Watson and Kent Gooderham, Evaluation and Strategic Management Associates Ltd., *Final Report – Study of the Quality of Education of First Nations’ People*, Prepared for the Department of Indian Affairs and Northern Development, 1984 [BHR-003031, p. 33].

⁶⁶⁹ DIAND, *Indian Education Paper, Phase 1* (Ottawa: Department of Indian Affairs and Northern Development, 1982) [BHR-003018, p. 45].

criticized the federal policy of using delegated authority as a means of sharing control over education with First Nations. The report stated that the mechanism of delegated authority meant that education funding was perpetually insecure and inadequate to compete with provincial or territorial schools. With specific relevance to the Boarding Home Program, the report called for lower student-counsellor ratios and stated that “First Nations must develop policies guaranteeing all support services for First Nations students living in urban centres.”⁶⁷⁰ This report also proposed developing distance education resources.

Volume One of the report included a brief comment on the Home Placement Program:

First Nations sponsored and managed home placement or group home services for the benefit of First Nations students forced to relocate to urban centres for further education or training can provide critical and positive support for such students. This is an area of concern that merits further study and action.⁶⁷¹

In the Declaration published after the report, the AFN recommended increased funding for capital construction to build local schools “to ensure First Nation students have the opportunity, like other students in Canada, to be educated in their own community.”⁶⁷² Parental involvement was considered key to the success of Indigenous education programs.⁶⁷³ The Declaration did not directly discuss the use of boarding homes, but pointed to the fact that the use of provincial schools continued to require students to live far from their home communities. This included a critique of the joint school agreement funding mechanism, explaining that the continued existence of long-term agreements meant that federal funding was not available to build local schools.⁶⁷⁴

⁶⁷⁰ Assembly of First Nations, *Tradition and Education: Towards a Vision of Our Future – A Declaration of First Nations Jurisdiction over Education*, [Summary] (Ottawa: 1988), p. 20 [BHR-003006]. Found at: https://www.afn.ca/uploads/files/education/7._1988_december_afn_tradition_and_education-_a_declaration_on_fn_jurisdiction_over_education.pdf.

⁶⁷¹ Assembly of First Nations, *Tradition and Education: Towards a Vision of Our Future – A Declaration of First Nations Jurisdiction over Education*, Volume 1 (Ottawa: 1988) [BHR-003006]. See p. 106.

⁶⁷² Assembly of First Nations, *Tradition and Education: Towards a Vision of Our Future – A Declaration of First Nations Jurisdiction over Education*, [Summary] (Ottawa: 1988), p. 22 [BHR-003006]. Found at: https://www.afn.ca/uploads/files/education/7._1988_december_afn_tradition_and_education-_a_declaration_on_fn_jurisdiction_over_education.pdf.

⁶⁷³ Assembly of First Nations, *Tradition and Education: Towards a Vision of Our Future – A Declaration of First Nations Jurisdiction over Education*, [Summary] (Ottawa: 1988), p. 27 [BHR-003006]. Found at: https://www.afn.ca/uploads/files/education/7._1988_december_afn_tradition_and_education-_a_declaration_on_fn_jurisdiction_over_education.pdf.

⁶⁷⁴ Assembly of First Nations, *Tradition and Education: Towards a Vision of Our Future – A Declaration of First Nations Jurisdiction over Education*, [Summary] (Ottawa: 1988), p. 29 [BHR-003006]. Found at:

8. 1992 – RCAP Community Hearings

Community hearings raised a wide variety of issues. While education was a major topic of discussion, only a few speakers talked specifically about the Boarding Home Program. The allegation of abuse at a hearing in Old Crow, Yukon, has been discussed in Section 8.3 above. Other references to the Boarding Home Program are summarized here.

At La Ronge, Saskatchewan, a group of four students in the Boarding Home Program addressed the Commission. Their concerns focused on their home communities and the need for secondary schools and support services for youth in those communities. No specific concerns about the Boarding Home Program were raised.⁶⁷⁵

At Sault Ste. Marie, an Educational Counsellor for post-secondary students addressed the Commission on the topic of counselling services. She reported that there were 512 students in the Boarding Home Program for her district. Her main concerns were that counsellors had too much administrative work and were not being paid well enough.⁶⁷⁶

At Thunder Bay, specific concerns about the Boarding Home Program were raised by the manager of a youth program at the Friendship Centre:

Education is a very, very major concern with regard to the fact that there are so many kids that are early school leavers. The reason that the youth aren't finishing school in Thunder Bay, for example, is that many of them are non-resident students. The barriers faced alone by youth coming into Thunder Bay and being challenged with living with a family that they don't know, being in a community where they are not aware of the services, where there are not enough boarding homes or adequate supervision – just dealing with those kinds of concerns, I have to share something in the past six weeks.

https://www.afn.ca/uploads/files/education/7._1988_december_afn_tradition_and_education_-_a_declaration_on_fn_jurisdiction_over_education.pdf.

⁶⁷⁵ Royal Commission on Aboriginal Peoples (RCAP), La Ronge, Saskatchewan, May 28, 1992 [hearing transcript] [BHR-003025, pp. 263-272]. Found at: <https://recherche-collection-search.bac-lac.gc.ca/eng/home/record?app=rcap&IdNumber=20&q=royal%20commission%20la%20ronge>.

⁶⁷⁶ Royal Commission on Aboriginal Peoples (RCAP), Sault Ste. Marie, Ontario, June 11, 1992 [hearing transcript] [BHR-003027, p. 277]. Found at: <https://recherche-collection-search.bac-lac.gc.ca/eng/home/record?app=rcap&IdNumber=25&q=royal%20commission%20sault%20ste%20marie>.

Within the past three years, two youths that I am aware of have come to Thunder Bay for an education. Within the last three years, the services have not enabled them to adequately maintain their education and stay in this community. Both youths have returned back to their reserve. Within the past six weeks, both youths have died tragically, one by her own hand and the other by another's. It makes you question. The kids need the support to be in Thunder Bay.⁶⁷⁷

The speaker also stated that the only access youth living in Thunder Bay had to counselling services was by telephone to counsellors on the reserves.⁶⁷⁸

⁶⁷⁷ Royal Commission on Aboriginal Peoples (RCAP), Thunder Bay, Ontario, October 27, 1992 [hearing transcript] [BHR-003028, pp. 217-218]. Found at: <https://recherche-collection-search.bac-lac.gc.ca/eng/home/record?app=rcap&IdNumber=68&q=royal%20commission%20thunder%20bay>.

⁶⁷⁸ Royal Commission on Aboriginal Peoples (RCAP), Thunder Bay, Ontario, October 27, 1992 [hearing transcript] [BHR-003028, pp. 218-219]. Found at: <https://recherche-collection-search.bac-lac.gc.ca/eng/home/record?app=rcap&IdNumber=68&q=royal%20commission%20thunder%20bay>.

10. Devolution of the Program

Research to date has identified some specific program transfers, but in general the transfer of responsibility for boarding home placements from DIAND to Indigenous organizations appears to have been incorporated into a general transfer of education programs. By 1988, most boarding home placements in the B.C. Region were administered by Bands. According to a handbook on the education program in B.C., DIAND administered placements only in “some very special cases.” The Department still reviewed the Bands’ decisions to confirm individual eligibility for funding, however.⁶⁷⁹

As of 1989, boarding homes were included in the category of “Student and Educational Support Services.” About 90% of the funding for this program was Band-controlled.⁶⁸⁰

The Ontario Region continued to administer a Boarding Home Program at this date.⁶⁸¹ Some students in B.C. and Yukon were still using boarding homes to attend high school as of 1992.⁶⁸²

1. Transfers To Bands, Regional Councils, and Indigenous School Boards

In April 1974, a memorandum sent by the British Columbia Regional Director to all the District Supervisors reported that a review of the admission of students to Student Residences and the High School Boarding Home Program had become necessary. Its reasoning was as follows:

⁶⁷⁹ Indigenous and Northern Affairs Canada. INAC Education Program: British Columbia Region Administrative Handbook (Ottawa: Indian and Northern Affairs Canada, 1988) [FBH-000031, p. 119]. http://publications.gc.ca/collections/collection_2018/aanc-inac/R44-157-1988-eng.pdf INAC-HQ.

⁶⁸⁰ Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Education Branch. *Indian Education Handbook – Resources and Management Systems* (Ottawa: Department of Indian Affairs and Northern Development, 1989) [FBH-000029, p. 21]. http://publications.gc.ca/collections/collection_2018/aanc-inac/R44-150-1989-eng.pdf INAC-HQ.

⁶⁸¹ N. R. R. Coulter, District Superintendent of Education, Western District, Thunder Bay, Ontario, to Gwen Gordon, Cochenour, Ontario, September 21, 1988 [FBH-000139]. 4906-1 Vol 1 05-88-8/91 INAC – ON Region.

⁶⁸² Royal Commission on Aboriginal Peoples (RCAP), Old Crow, Yukon, November 17, 1992 [hearing transcript] [BHR-003026, p. 182]. Found at: <https://recherche-collection-search.bac-lac.gc.ca/eng/home/record?app=rcap&ldNumber=47&q=royal%20commission%20old%20crow>; and Royal Commission on Aboriginal Peoples (RCAP), Fort St. John, B.C., November 19, 1992 [hearing transcript] [BHR-003024, p. 45]. Found at: <https://recherche-collection-search.bac-lac.gc.ca/eng/home/record?app=rcap&ldNumber=85&q=royal%20commission%20fort%20st.%20john>.

1. A large percentage of pupils from some reserves are removed from their home community to attend school elsewhere either in student residences or on the boarding home program. The placements occur in spite of increased resources becoming available to families and communities for the adequate maintenance of children locally. The question then arises whether alternative child care arrangements are being sufficiently explored before placement with either the student residences or boarding home program occurs.
2. A number of pupils approved for both programs appear to reside off reserve.
3. Some applications give no reason or very vague reasons why the child cannot remain at home. While there probably are good reasons for admission of most of the children in these programs, it would appear that quite a few are approved each year that are at best debatable.
4. Last summer the West Coast District checked on students enrolled in the Alberni Student Residence. It became rather obvious that quite a few of these students could remain at home and attend local schools.
5. In some Districts it does not appear to be at all clear as to who has the authority to either approve or reject applications and this should be clarified.

A team was therefore assembled to visit each District Office and meet with the local staff to review the procedures in connection with the approval of the applications.⁶⁸³

By 1977, Bands on Vancouver Island could potentially operate the Boarding Home Program for their community. This was to include: identification of students, selection of boarding home and school, arrangement of transportation, and submission of annual reports on each student showing attendance and academic results.⁶⁸⁴

⁶⁸³ L. E. Wight, Regional Director, British Columbia Region, Indian and Northern Affairs, to all District Supervisors, April 25, 1974 [FBH-001880]. RG 10 Accession 2014-02388-3 Box 271 File 8888-449.81 Part 1 Library and Archives Canada.

⁶⁸⁴ Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Education Branch, Education Services – Department of Indian Affairs – Vancouver Island – Handbook (Ottawa: Department of Indian Affairs, 1977) [FBH-000032, p. 25].
http://publications.gc.ca/collections/collection_2017/aanc-inac/R77-16-1977-eng.pdf INAC-HQ.

The Lesser Slave Lake Regional Council had taken over the Boarding Home Program for Treaty 8 Bands by 1981-82. The annual report for their education program described the program: “Students are placed in volunteer private homes, where they need a good deal of patience and interest to survive in their new school.” Of 42 students who started in boarding homes in September 1981, only 27 remained by March 1982. The report suggested that “failing to adjust to their new community socially” was the main reason students dropped out.⁶⁸⁵ The program run by the Regional Council offered the students paid transportation home at the start and end of the year, Christmas, Easter, and for emergencies.⁶⁸⁶

The Big Cove Band in New Brunswick was provided with guidelines on the Boarding Home Program in 1986.⁶⁸⁷

Many other First Nations have likely taken over responsibility for the administration of the Boarding Home Program as part of a general transfer of authority for education services.

2. Transfers To Province/Territory

Discussions with school boards in Quebec raised the issue of transferring responsibility for boarding as well as tuition as early as 1969. While plans were being considered for a possible student residence in the future, a number of students were housed in boarding homes.⁶⁸⁸

The Yukon government offered to pay a boarding allowance to some students in lieu of providing accommodation in student dormitories, but only if no dormitory space was available. In 1984, the Yukon Department of Education estimated that there would be 25 students in boarding homes.⁶⁸⁹ At the same time, the federal Boarding Home

⁶⁸⁵ Lesser Slave Lake Indian Regional Council, Education Division “Annual Operating Report 1981-82” [LBS-000017, p. 10]. File 4700-D34, Vol 1, RCAP, Resolution and Individual Affairs Sector [formerly IRSRC].

⁶⁸⁶ Lesser Slave Lake Indian Regional Council, Education Division “Annual Operating Report 1981-82” [LBS-000017, p. 10]. File 4700-D34, Vol 1, RCAP, Resolution and Individual Affairs Sector [formerly IRSRC].

⁶⁸⁷ C. MacLennan, District Superintendent of Education, New Brunswick District, to Levi Sock, Director of Education, Big Cove Band Office, June 3, 1986 [FBH-000414[00-01]]. E-4785-2-1 Vol 1 11/84-8/2007 INAC – Atlantic Region.

⁶⁸⁸ Vincent Comeau to A. R. Jolicoeur, Regional Superintendent of Education, September 8, 1969 [PBQ-004248[00-01]]. RG 10 Accession 1999-01431-6 Box 126 File 379/25-11-154 Part 2 Library and Archives Canada.

⁶⁸⁹ Educational Boarding Policy – Yukon Department of Education, October 1984 ca. [FBH-000886[01-01]]. WHI-CR 4975-3 UNC Vol 1 1981-10-01-1989-06-30 INAC – NWT Region.

Program continued to operate, at least until August 1984, when according to an Assistant Deputy Minister in the Yukon Education Department, the federal government “unilaterally abandoned much of an educational boarding program that had been in existence for years.” The ADM was adamant that the Territory would not be taking over the federal program.⁶⁹⁰

3. Reduction or End of Programs

In 1980, the Boarding Home Program for students from the Wikwemikong Unceded reserve in Ontario was discontinued. According to a subsequent letter from the Chief and a community petition, this decision was taken without consulting the community, where many students wished to attend high school off-reserve.⁶⁹¹

The Atlantic Region discussed reducing the number of students using the Boarding Home Program in 1985 and 1986. The District Superintendent of Education for New Brunswick reported that an increase in the number of students had resulted from a number of students being expelled from school and cases of “social disruption in the students’ home, often leading to expulsion from the home.” The Superintendent wondered whether some of these cases should be paid for by Social Services rather than Education.⁶⁹²

The Manitoba Region reduced the budget for Student Accommodation and Maintenance to 70% of the prior year for 1991/1992.⁶⁹³

⁶⁹⁰ R. G. Wallace, Assistant Deputy Minister, Public Schools, Yukon Department of Education, to Oliver J. Nelson, Regional Director, Yukon Region, Indian and Inuit Affairs, October 22, 1984 [FBH-000886[00-01]. WHI-CR 4975-3 UNC Vol 1 1981-10-01-1989-06-30 INAC – NWT Region.

⁶⁹¹ Phyllis George et al., Petition to the Education Committee and Chief and Council, Wikwemikong Unceded Indian Reserve, March 1986 ca. [FBH-000418[01-10]]; and Ronald J. Wakegijig, Chief, Wikwemikong Unceded Indian Reserve, to David Crombie, Minister, Indian and Northern Affairs, March 19, 1986 [FBH-000418[00-10]]. Both in E-4906-1 Vol 1 12-1981-6-86 INAC – NCR Region.

⁶⁹² C. MacLennan, District Superintendent of Education, New Brunswick, to the Director of Indian Services, Atlantic Region, May 20, 1986 [FBH-000413[00-01]]. E-4785-2-1 Vol 1 11/84-8/2007 INAC – Atlantic Region.

⁶⁹³ Education Management Regime – 1991-92 [VAN—045233[02-09], p. 9]. E4700-1, WIN-E, Vol. 8, 01/02/1990-05/30/1993, EDUCATION – GENERAL, PRB, PRIV, INAC-Manitoba.

11. Conclusion

Due to specific circumstances, JHA conducted very limited new research at LAC and in secondary sources. This leaves one particular issue unresolved: a clearer idea of the gradual phasing-out of the Boarding Home Program. Additionally, although JHA was able to identify several sources assessing the program, further research could have possibly provided additional relevant sources.⁶⁹⁴

Records show that from at least the 1930s onwards, a few Indigenous students were provided with educational financial assistance mainly but not exclusively for room and board in the form of tuition grants. A milestone was reached in 1958, when Educational Assistance was formally authorized by Order in Council P.C. 1958-8/1578. This O.C. sanctioned the implementation of the Boarding Home Program, in order to allow the increasing number of Indigenous students to pursue their education away from their communities. The Boarding Home Program also became an alternative to the placement of Indigenous students in Indian residential schools, as those did not have enough space to accommodate all the students, and as the boarding homes represented a cheaper option.

Quality had not been the main incentive that led to the development of Indian education policy; this could probably be said to be true for the development, implementation and running of the Boarding Home Program. Sources show that the program encountered many issues, as highlighted by the Snider Report in 1969 (although it may have improved the situation, it does not seem to have resolved all the issues):

- the Program lacked uniformity through the provinces and territories;
- the procedures, standards and norms in the selection process of the boarding homes were deficient;
- roles and responsibilities were not clearly defined (parental involvement, counsellor's role, etc.);
- the rules surrounding the provision of medical services were not clear;
- the responsibility chain was not well established;
- etc.⁶⁹⁵

⁶⁹⁴ Between the draft and the final report, research was carried out in the "Federal Boarding Homes" Ringtail database in order to add student enrollment numbers in the Table "Statistics on Boarding Home Placements" which is presented at the end of this report.

⁶⁹⁵ See Bessie W. Snider, *A Study of the Boarding Home Program for Indian School Students in British Columbia, Alberta, Saskatchewan, Manitoba and Ontario* (Ottawa: Education Branch, Department of Indian Affairs and Northern Development, 1969) [BHR-003030]. Found at: <https://publications.gc.ca/site/eng/9.839234/publication.html>.

Like other educational programs once run by the federal government, the responsibility for a Boarding Home Program was progressively transferred to some First Nations, Indigenous Regional Councils and at least to one province/territory (Yukon). The devolution process may have started in the 1970s, and by the end of the 1980s, 90% of funding for the program was Band-controlled.

Appendix A: Statistics on Boarding Home Placements

The data includes figures for enrollment at national and regional levels.

Year	Region	Number	Ages	Remarks	Sources
1957 Circa	British Columbia	20			VAN-020065[02-02]
1957- 1958	NWT (Nunavut)	18		Students attending Baker Lake FDS	BLS-000867-0001
1959- 1960	Alberta	90		Academic or vocational	VAN-063489[00-01]
1960- 1961	Alberta	150		Projection	VAN-063489[00-01]
1960- 1961	Arctic District	84			DAY-008630[01-03]
1961- 1962	British Columbia	100+		All in the Lower Mainland	FBH-002464, p. 2
1961- 1962	British Columbia	93		High school students, including 15 in St. Thomas Aquinas homes	VAN-079592[00-01]
1961- 1962	Yukon	195			VAN-020100
1961- 1962	Arctic District	84			VAN-055697[01-01]
1961- 1962	Arctic District	150			RCN-012950-0000; RCN-012950-0001; RCN-012950-0002
1961- 1962	Manitoba	20		Students in Portage La Prairie IRS moved to private homes	PLP-000074
1961- 1962	Manitoba	43		Brandon area	BRS-001771
1961- 1962	Ontario	45		High School pupils formerly housed at Shingwauk	NCA-006483

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Year	Region	Number	Ages	Remarks	Sources
1962-1963	British Columbia	122			VAN-053709
1962-1963	Manitoba	33-43		Projection for Brandon area	BRS-001771
1965-1966	British Columbia	407		Grades 9-13	VAN-030328[01-03]
1965-1966	Alberta	221		Projection	NEL-001952
1965-1966	Saskatchewan	506		Projection	NEL-001952
1965-1966	Manitoba	581		Projection	NEL-001952
1965-1966	Ontario	800		Projection	NEL-001952
1965-1966	Quebec	273		Projection	NEL-001952
1965-1966	Maritimes	80		High school students, Grades 9-13	FBH-007489[01-01]
1965-1966	Canada	4,000		Approximate total of elementary and secondary students	254715
1966-1967	British Columbia	700 (some)		Lower Mainland	VAN-075834[03-03]
1966-1967	BC & Yukon	679			NEL-002065[01-01]
1966-1967	Alberta	262			NEL-002065[01-01]
1966-1967	Saskatchewan	300			NEL-002065[01-01]
1966-1967	Manitoba	232			NEL-002065[01-01]
1966-1967	Ontario	713			NEL-002065[01-01]
1966-1967	Quebec	204			NEL-002065[01-01]
1966-1967	Maritimes	92		Projection	NEL-001952

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Year	Region	Number	Ages	Remarks	Sources
1966-1967	New Brunswick	89			NEL-002065[01-01]
1966-1967	Mackenzie District	59			RCN-001071-0018
1966-1967	Canada	5,346		Grades 1-13 and students attending vocational training and special courses	ISP-001567, p. 9
1966-1967	Canada	4,000 (approx.)		Elementary and Secondary	VAN-020026[00-01]
1967-1968	Maritimes	52		80 to 90% high school students	NEL-001934, p. 5
1967-1968	Maritimes	60		Elementary and Secondary	NEL-001934, p. 5
1967-1968	Quebec	215		80 to 90% high school students	NEL-001934, p. 5
1967-1968	Quebec	167		Elementary and Secondary	NEL-001934, p. 5
1967-1968	Ontario	710		80 to 90% high school students	NEL-001934, p. 5
1967-1968	Ontario	868		Elementary and Secondary	NEL-001934, p. 5
1967-1968	Ontario	630		Grades 1-13	NEL-001934, p. 45-46
1967-1968	Ontario	638		Grades 9 to 13; includes breakdown by Grade	ISP-00667[01-01]
1967-1968	Manitoba	204		Grades 1-13	NEL-001934, p. 45
1967-1968	Manitoba	207		80 to 90% high school students	NEL-001934, p. 5
1967-1968	Manitoba	225		Elementary and Secondary	NEL-001934, p. 5
1967-1968	Manitoba	223		High School Students, grades 9-12	NEL-002160

Federal Indian Boarding Homes Policy

Year	Region	Number	Ages	Remarks	Sources
1967-1968	Saskatchewan	386		Grades 1-13	NEL-001934, p. 45
1967-1968	Saskatchewan	443		80 to 90% high school students	NEL-001934, p. 5
1967-1968	Saskatchewan	401		Elementary and Secondary	NEL-001934, p. 5
1967-1968	Alberta	254		High School Students, Grades 9-12	VAN-079869
1967-1968	Alberta	311		Grades 1-13	NEL-001934, p. 44
1967-1968	Alberta	376		80 to 90% high school students	NEL-001934, p. 5
1967-1968	Alberta	349		Elementary and Secondary	NEL-001934, p. 5
1967-1968	BC & Yukon	764		80 to 90% high school students	NEL-001934, p. 5
1967-1968	BC & Yukon	471		Elementary and Secondary	NEL-001934, p. 5
1967-1968	British Columbia	421		Grades 1-13	NEL-001934, p. 44
1967-1968	British Columbia	749		Elementary and Secondary	FBH-000450, p. 92
1967-1968	Yukon	6		High School Students, Grades 8-11	VAN-020194
1967-1968	Yukon	9		Grades 1-13	NEL-001934, p. 44
1967-1968	Yukon	15		Elementary and Secondary	FBH-000450, p. 92
1967-1968	Mackenzie District	96			FBH-001836
1967-1968	Canada	1,961		Grades 1-13	NEL-001934, p. 46
1967-1968	Canada	3,700		“most” over the age of 16 and high school students	1969 AR
1967-1968	Canada	3,287		Grades 1-13	ISP-001567, p. 9

Federal Indian Boarding Homes Policy

Year	Region	Number	Ages	Remarks	Sources
1967-1968	Canada	2,767		80 to 90% high school students	NEL-001934, p. 5
1967-1968	Canada	2,541		Elementary and Secondary	NEL-001934, p. 5
1968-1969	BC & Yukon	734		Majority 16 years or older	NCA-011326, p. 3
1968-1969	British Columbia	734		Elementary and Secondary	FBH-000449, p. 111
1968-1969	Alberta	461		Majority 16 years or older	NCA-011326, p. 3
1968-1969	Saskatchewan	467		Majority 16 years or older	NCA-011326, p. 3
1968-1969	Saskatchewan	389-394		Private homes, Kindergarten to Grade 13	VAN-047630
1968-1969	Manitoba	337		Majority 16 years or older	NCA-011326, p. 3
1968-1969	Manitoba	195			VAN-046195, p. 5
1968-1969	Ontario	1218		Majority 16 years or older	NCA-011326, p. 3
1968-1969	Quebec	391		Majority 16 years or older	NCA-011326, p. 3
1968-1969	Maritimes	63		Majority 16 years or older	NCA-011326, p. 3
1968-1969	Northern Territories	100 (another)		In small, 8-12 bed residences under the care of Eskimo house parents	NCA-016590-0002, p. 3
1968-1969	Canada	4,000		“majority” over the age of 16, 90% high school students	1970 AR
1968-1969	Canada	3,700		“majority” over the age of 16 and “most” high school students	1969 AR
1968-1969	Canada	3,671		Elementary and Secondary	FBH-000449, p. 3

Federal Indian Boarding Homes Policy

Year	Region	Number	Ages	Remarks	Sources
1969-1970	Maritime	38	13-16	Grade 7-11	FBH-000006, p. 94
1970-1971	Maritime	46	17+	Grades 8-12	FBH-000006, p. 94
1969-1970	Ontario	531	5-16	Kindergarten to Grade 12, auxiliary	PBQ-003176, pp, 87-88
1969-1970	Ontario	298	17+	Grades 9-13, auxiliary	PBQ-003176, pp, 87-88
1969-1970	Alberta	253	7-16	Grades 1-12, auxiliary	PBQ-003159, pp. 89-90
1969-1970	Alberta	139	17+	Grades 7-12, auxiliary	PBQ-003159, pp. 89-90
1969-1970	Manitoba	335	5-16	Grades 1-11	PBQ-003160, pp. 96-97
1969-1970	Manitoba	302	17+	Grades 9-11	PBQ-003160, pp. 96-97
1969-1970	British Columbia	820		High School purposes, figure includes students in hostels	VAN-079504[01-01]
1969-1970	BC and Yukon	486	6-16	Grades 1-12, auxiliary	FBH-000027, pp. 94-95
1969-1970	BC and Yukon	346	17+	Grade 8-12, auxiliary Does not include students in "Special" (all students 17+)	FBH-000027, pp. 94-95
1969-1970	Quebec	474	4-16	Kindergarten to Grade 12	NCA-013848, p. 85-86
1969-1970	Quebec	231	17+	Grade 7-13	NCA-013848, p. 85-86
1969-1970	Quebec	689		Elementary and High School	NCA-013848, p. 88
1969-1970	Saskatchewan	280	5-16	Kindergarten to Grade 12, auxiliary	FBH-000005, p. 92-93
1969-1970	Saskatchewan	193	17+	Grades 8-12, auxiliary	FBH-000005, p. 92-93

Federal Indian Boarding Homes Policy

Year	Region	Number	Ages	Remarks	Sources
1969-1970	Canada	6,000*		*Includes students living in group homes	1971 AR
1969-1970	Canada	5,000		"mainly" high school students	FDS-002730[00-01]
1969-1970	Canada	4,784		Estimate	NCA-016802, p. 3
1970-1971	British Columbia	1,097			VAN-030410[02-03], p. 10
1970-1971	Alberta	632			VAN-030410[02-03], p. 10
1970-1971	Saskatchewan	537			VAN-030410[02-03], p. 10
1970-1971	Manitoba	835			VAN-030410[02-03], p. 10
1970-1971	Manitoba	781			NEL-001799
1970-1971	Manitoba	350		Quotas for 1970-71	GUY-070194-0000
1970-1971	Ontario	1110			VAN-030410[02-03], p. 9
1970-1971	Quebec	703			VAN-030410[02-03], p. 9
1970-1971	Maritimes	126			VAN-030410[02-03], p. 9
1970-1971	Canada	5,477*		*estimated	FBH-004456[01-14], p. 7; see also FBH-000006, p. 85
1970-1971	Canada	6,000		Private boarding homes and group homes	GOT-000561, pp. 18-19
1971-1972	Quebec	447	6-19+	Kindergarten to Grade 13, including 8 "other"	PBQ-002821, pp. 5-6
1971-1972	Saskatchewan	451-498			VAN-045648

Federal Indian Boarding Homes Policy

Year	Region	Number	Ages	Remarks	Sources
1971-1972	Manitoba	896		Authorized enrolment capacity of home placement in Manitoba	NCA-008169-0001, pp. 2-3
1971-1972	Maritimes	69	10-19+		FBH-000692, p. 6
1971-1972	British Columbia	892	6-19+	Kindergarten to Grade 13, including 27 "other" and 3 "unkn"	FBH-000699, p. 6
1971-1972	Alberta	846	Grade 10 (412) Grade 11 (272) Grade 12 (162)	High school students provided with allowance, most being either in Edmonton or Calgary ⁶⁹⁶	VAN-046794
1971-1972	Canada	6,000		Private boarding homes and group homes	400778A, p. 3
1971-1972	Canada	3,294	0-4 to 19+	Kindergarten to Grade 13, including 150 "other" and 7 "unkn"	FBH-000695, p. 6
1972-1973	Arctic District (NWT and Quebec)	132			ISP-001249
1972-1973	British Columbia	950		High School Students	VAN-052500, p. 4
1973-1974	Canada	6,084		Estimate	NCA-016802, p. 3
1974-1975	British Columbia	1009		includes students residing in dormitories	VAN-030200[02-02]
1975-1976	Nova Scotia	10		Boarding in off-reserve homes	FBH-003131[00-01]

⁶⁹⁶ Although it is not clear how many students were living in boarding homes out of this total number.

Federal Indian Boarding Homes Policy

Year	Region	Number	Ages	Remarks	Sources
1975-1976	British Columbia	745		includes students residing in dormitories and group homes	VAN-030201; VAN-030203
1975-1976	British Columbia	808		Includes 87 students in Prince George College, 24 in provincial dormitory, 13 in Victoria Group Home, 1 in AB and 1 in SK	VAN-030202
1976-1977	British Columbia	654			VAN-045241[07-18]
1977-1978	Atlantic Region	6		Room and Board	PBQ-002996[02-02]
1977-1978	Quebec	1,341		Room and Board	PBQ-002996[02-02]
1977-1978	Ontario	1,030		Room and Board	PBQ-002996[02-02]
1977-1978	Manitoba	601		Room and Board	PBQ-002996[02-02]
1977-1978	Saskatchewan	1,253		Room and Board	PBQ-002996[02-02]
1977-1978	Alberta	209		Room and Board	PBQ-002996[02-02]
1977-1978	BC and Yukon	1,004		Room and Board	PBQ-002996[02-02]
1977-1978	British Columbia	493			VAN-020132
1977-1978	British Columbia	493		includes 1 student in Yukon Region and 1 in Edmonton District	VAN-020133
1977-1978	Canada	5,444		Room and Board	PBQ-002996[02-02]
1978-1979	British Columbia	795		includes students residing in dormitories	VAN-020130

Federal Indian Boarding Homes Policy

Year	Region	Number	Ages	Remarks	Sources
1978-1979	British Columbia	441		Boarding on and off-reserve; includes 74 students in Group Homes	PBQ-002995
1978-1979	Atlantic	13		Boarding on and off-reserve	PBQ-002995
1978-1979	Quebec	1,234		Boarding on and off-reserve; includes 97 students in Group Homes	PBQ-002995
1978-1979	Ontario	666		Boarding on and off-reserve; includes 28 students in Group Homes	PBQ-002995
1978-1979	Manitoba	257		Boarding on and off-reserve; includes 10 students in Group Homes	PBQ-002995
1978-1979	Saskatchewan	231		Boarding on and off-reserve; includes 25 students in Group Homes	PBQ-002995
1978-1979	Alberta	133		Boarding on and off-reserve; includes 4 students in Group Homes	PBQ-002995
1979-1980	British Columbia	748			VAN-052501
1979-1980	British Columbia	768			VAN-079010[03-17]
1979-1980	British Columbia	768		Includes 3 students placed in Yukon	VAN-030209

Year	Region	Number	Ages	Remarks	Sources
1979-1980	Manitoba	225 – Dept. Ctrl 114 – Band Ctrl	Elementary and secondary students	Total: 339 Students placed in private and group homes	VAN-045688, p. 13, 20
1980-1981	British Columbia	142 – Dept. Ctrl 590 – Indian Ctrl	Elementary and secondary students	Total: 732 Students placed in private or group homes; also students requiring placement because of special learning problems (deaf, blind)	200396A, p. 25
1980-1981	British Columbia	622 ⁶⁹⁷		Includes 2 students placed in Yukon	VAN-030139[01-02]
1980-1981	British Columbia	816			VAN-052502, p. 5
1980-1981	Alberta	139 – Dept. Ctrl 47 – Indian Ctrl	Elementary and secondary students	Total: 186 Students placed in private or group homes; also students requiring placement because of special learning problems (deaf, blind)	200396A, p. 25
1980-1981	Saskatchewan	321 – Dept. Ctrl NIL – Indian Ctrl	Elementary and secondary students	Students placed in private or group homes; also students requiring placement because of special learning problems (deaf, blind)	200396A, p. 25

⁶⁹⁷ A 1980-1981 Students on In-School Boarding Home Program chart listing all British Columbia Districts provides a smaller figure of 622 boarding home students, and possibly only 601 students as one District figure of 58 is crossed out and replaced with a figure of 37 [VAN-030139[01-02]].

Federal Indian Boarding Homes Policy

Year	Region	Number	Ages	Remarks	Sources
1980-1981	Saskatchewan	208			VAN-047611
1980-1981	Manitoba	183 – Dept. Ctrl 121 – Indian Ctrl	Elementary and secondary students	Total: 304 Students placed in private or group homes; also students requiring placement because of special learning problems (deaf, blind)	200396A, p. 25
1980-1981	Ontario	271 – Dept. Ctrl 917 – Indian Ctrl	Elementary and secondary students	Total: 1188 Students placed in private or group homes; also students requiring placement because of special learning problems (deaf, blind)	200396A, p. 25
1980-1981	Quebec	332 – Dept. Ctrl 117 – Indian Ctrl	Elementary and secondary students	Total: 449 Students placed in private or group homes; also students requiring placement because of special learning problems (deaf, blind)	200396A, p. 25
1980-1981	Atlantic	3 – Dept. Ctrl 2 – Indian Ctrl	Elementary and secondary students	Total: 5 Students placed in private or group homes; also students requiring placement because of special learning problems (deaf, blind)	200396A, p. 25

Federal Indian Boarding Homes Policy

Year	Region	Number	Ages	Remarks	Sources
1980-1981	Canada	1391 – Dept. Ctrl 1794 – Indian Ctrl	Elementary and secondary students	Total: 3185 Students placed in private or group homes; also students requiring placement because of special learning problems (deaf, blind)	200396A, p. 25
1981-1982	Yukon	19		Watson Lake	VAN-045863
1981-1982	British Columbia	637			VAN-030135[01-02]
1981-1982	British Columbia	667			VAN-052503, p. 5
1982-1983	British Columbia	649			VAN-052504, p. 5
1988-1989	British Columbia	682			VAN-020403[01-01]
1988-1989	Saskatchewan	328			VAN-045638

Court File No.: T-1417-18

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINAL PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

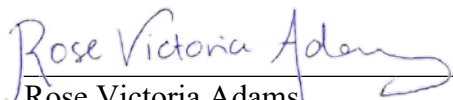
- and -

HIS MAJESTY THE KING

Defendant

EXHIBIT Y TO THE AFFIDAVIT OF LÉA LEMAY LANGLOIS

This is Exhibit Y to the affidavit of
Léa Lemay Langlois, as solemnly sworn
before me the 21st day of July, 2023



Rose Victoria Adams
Barreau du Québec n°358105-5

SCHEDULE K – LIST OF FEDERAL INDIAN DAY SCHOOLS

Province	School Name	Name Variants	Opening Date	Closing or Transfer Date	Location	Religious Affiliation
Alberta	Alexander		November 1, 1949	September 1, 1981	In Riviere qui Barre	Roman Catholic
Alberta	Alexis	Glenevis Alexis Elementary	June 1, 1949	September 1, 1990	Located on the Alexis Reserve	Roman Catholic
Alberta	Assumption Day		September 9, 1968	September 1, 1971	Assumption, Alberta on Hay Lakes Reserve	Roman Catholic
Alberta	Atikameg	Atikameg (St. Benedict)	March 1, 1949	September 1, 1962	Atikameg, AB; Atikamisie Indian Reserve; Atikameg Lake, AB	Roman Catholic
Alberta	Beaver Lake		September 1, 1952	June 30, 1960	Lac La Biche, AB	Roman Catholic
Alberta	Big Horn	Bighorn Ta Otha Ta Otha (Bighorn) Taotha	March 1, 1949	September 1, 1989	Located on the Big Horn Reserve near Rocky Mountain House	Mennonite United Church
Alberta	Bishop Piché School	Fort Chipewyan Chipewyan	September 1, 1956 September 1, 1971	June 30, 1963 September 1, 1985	Fort Chipewyan, AB	Roman Catholic
Alberta	Blue Quills		February 1, 1971	July 1, 1972	St. Paul, AB	
Alberta	Boyer River		September 1, 1955	September 1, 1964	Rocky Lane, AB	Roman Catholic
Alberta	Cold Lake	LeGoff ¹	June 1, 1916 March 1, 1922 September 1, 1953	June 30, 1920 June 30, 1933 September 1, 1997	At Beaver Crossing on the Cold Lake Reserve	Roman Catholic
Alberta	Crowfoot	Blackfoot	December 31, 1968	September 1, 1989	Cluny, AB	Roman Catholic
Alberta	Driftpile		September 1, 1955	September 1, 1964	Faust, AB (Driftpile Reserve)	Roman Catholic
Alberta	Dunbow (St. Joseph's) Industrial School		1884	December 30, 1922	High River, Alberta	Roman Catholic

¹ Still a federally-operated school.

Alberta	Eden Valley		February 8, 1949	September 1, 1990	Eden Valley Indian Reserve No. 126	United Church Anglican Church
Alberta	Ermineskin Elementary/Junior High	Ermineskin Day School	April 1, 1969	September 1, 1991	Hobbema Reserve	Roman Catholic
Alberta	Ermineskin Kindergarten		September 1, 1970	September 1, 1991	Hobbema Reserve	Roman Catholic
Alberta	Ermineskin Primary		April 1, 1969	September 1, 1991	Ermineskin Reserve	Roman Catholic
Alberta	Fort McKay	McKay Fort Mackay	August 1, 1949	June 30, 1963	Was near Fort McMurray, not on the reserve	Roman Catholic
Alberta	Fox Lake		September 1, 1957	September 1, 1964	On the Fox Lake Reserve, Vermilion Agency	Roman Catholic
Alberta	Frog Lake	Napayo Napaya Napewow Napeweaw	September 1, 1975	September 1, 1985	Frog Lake, Alberta	
Alberta	Frog Lake (AC)		September 1, 1914	September 1, 1975	Frog Lake, Alberta	Anglican Church
Alberta	Frog Lake (RC)		September 1, 1955	September 1, 1975	Frog Lake, Alberta	Roman Catholic
Alberta	Gooderham	Wabamum Wabamun Duffield Paul's Paul's Elementary	September 1, 1951	September 1, 1994	Located on the Wabamun Reserve	United Church
Alberta	Goodfish Lake (RC)		September 1, 1953	June 30, 1968	Located in Saddle Lake, Alberta, on the Goodfish Lake Reserve	Roman Catholic
Alberta	Goodfish Lake (UC)	Pakan	January 1, 1884 June 29, 1948	June 30, 1925 September 1, 1995	Located in Saddle Lake, Alberta, on the Goodfish Lake Reserve	Methodist United Church
Alberta	Habay		September 1, 1962	September 1, 1965	Located in the village of Habay at the Hay Lake Reserve	Roman Catholic

Alberta	Heart Lake School		January 1, 1973 September 1, 1981	October 26, 1978 September 1, 1986	Lac La Biche, AB	
Alberta	Hobbema No. 1	Hobbema Kindergarten	September 6, 1949 September 1, 1966	September 1, 1960 June 30, 1967	In the community of Hobbema, on block 7 between 5th and 6th streets	United Church
Alberta	Hobbema No. 2	Samson	September 1, 1950	April 30, 1957	On the Samson Reserve	Roman Catholic
Alberta	Hobbema No. 3	Montana	September 1, 1950	June 30, 1973	Located on Montana Reserve	Baptist
Alberta	Horse Lake		September 1, 1952	September 1, 1959	Fort St. John Agency, AB	Roman Catholic
Alberta	Janvier		November 1, 1950	July 1, 1963	Janvier Indian Reserve near Chard, AB	Roman Catholic
Alberta	Levern	Glenwood Lavern Leverne	September 1, 1964	September 1, 1988	In Glenwood, Alberta on the Blood Reserve	Roman Catholic
Alberta	Long Lake	Kehewin Keeheewin Kahwin Kehiwin	March 20, 1916 September 1, 1935 May 3, 1965 May 1, 1966 April 1, 1969	June 30, 1933 September 1, 1964 June 30, 1965 July 1, 1966 September 1, 1972	On the Kehewin Reserve No. 123 in Alberta	Roman Catholic
Alberta	Louis Bull	Bear's Hill School	1918 September 1, 1950	June 27, 1924 September 1, 1960	Louis Bull Reserve	Methodist Baptist Roman Catholic
Alberta	Michel	Michel (Villeneuve)	September 1, 1948	September 1, 1955	Michel Indian Reserve	Roman Catholic
Alberta	Montana Kindergarten	Montana K School	September 1, 1991	September 1, 1994	Located on Montana Reserve	
Alberta	Morley Indian Day School	Morleyville David Bearspaw Bers Paw	September 1, 1951 April 1, 1969	September 1, 1954 September 1, 1986	Morley Reserve	Methodist
Alberta	Namew		September 1, 1959	June 30, 1970	Calais, AB	Roman Catholic
Alberta	Nordegg	Nordegg River	September 1, 1956	April 1, 1973	Rocky Mountain House	Mennonite
Alberta	Old Sun	Chief Old Sun Gleichen	October 1, 1928 September 1, 1971	June 30, 1930 September 1, 1989	Blackfoot Reserve, AB	Anglican Church

Alberta	Peigan	Peigan No. 2 Peigan Elementary Junior Secondary School	January 1, 1950	September 1, 1986	In Brocket on the Peigan Reserve	Roman Catholic
Alberta	Peigan (AC)	Peigan #1 Peigan Protestant	September 1, 1955	June 30, 1971	In Brocket on the Peigan Reserve	Anglican Church
Alberta	R.B. Steinhauer School	Steinhauer Steinhaver Saddle Lake Saddle Lake #2	September 1, 1951	June 30, 1959	On the Saddle Lake Reserve	United Church
Alberta	Saddle Lake	Saddle Lake (RC) Saddle Lake (#1) Onchaminahos	1881 June 1, 1949	April 30, 1924 September 1, 1981	Located on the Saddle Lake reserve	Methodist Roman Catholic
Alberta	Saddle Lake (UC)	Saddle Lake (#2)	January 1, 1888	June 30, 1924	Located on the Saddle Lake reserve	Methodist
Alberta	Samson	Battle River Hobbema # 2	1899 September 1, 1960	June 29, 1926 June 7, 1973	Samson Reserve	United Church
Alberta	Sarcee	Bull Head School	January 25, 1922	September 1, 1961	On the Sarcee Reserve	Anglican Church Methodist United Church Mennonite Roman Catholic
Alberta	Sovereign	Whitefish Lake Whitefish Lake CE Sovereign Church of England	September 1, 1950	September 1, 1962	Grouard Atikameg	Anglican Church
Alberta	St. Mary's (Blood)	Blood	September 1, 1969	September 1, 1988	On the Blood Reserve	Roman Catholic
Alberta	Standoff	Standoff Elementary	September 14, 1953	September 1, 1988	At Standoff, on the Blood Reserve	Roman Catholic

		Stoney Plain Stony Plains Stony Plain Winterburn Enoch				
Alberta	Stony Plain		September 1, 1948	June 30, 1975	Stony Plain Reserve	Roman Catholic
		Sunchildcree Sunchild Mission Sunchild O'Chiese Stelfox Henry Stelfox Rocky Mountain House				
Alberta	Sunchild Cree		January 1, 1950	September 1, 1994	In Rocky Mountain House on the Sunchild Cree Indian Reserve	United Church Mennonite
Alberta	Upper Hay River	Meander River	January 1, 1950	September 1, 1971	Meander River, AB	Roman Catholic
Arctic Quebec	Fort Chimo		October 1, 1949	September 1, 1978	Fort Chimo, QC	Anglican Church
		George River Seasonal School Government School George River Port-Nouveau-Quebec				
Arctic Quebec	George River		July 10, 1959 September 1, 1962	September 1, 1960 September 1, 1978	At George River, QC	Anglican Church
		Post-de-la-Baleine Great Whale Federal Day School				
Arctic Quebec	Great Whale River School		March 12, 1958	September 1, 1978	Eastern coast of Hudson Bay in Quebec	Anglican Church
		Ivayuvik Ivuyivik Notre-Dame d'Ivugivik School Ivujivik				
Arctic Quebec	Inuyivik		September 22, 1960	September 1, 1978	At Ivuyivik, QC	Protestant
		Koartak Notre-Dame de Koartac School				
Arctic Quebec	Koartac School		October 11, 1960	September 1, 1978	Koartak, QC	
Arctic Quebec	Maricourt School	Wakehan	September 1, 1964	July 31, 1972	South shore of Hudson Strait, QC	
Arctic Quebec	Payne Bay	Bellin School	September 1, 1960	September 1, 1978	Payne Bay, QC	
		Inocedjouac School Inoucdjouac				
Arctic Quebec	Port Harrison		January 1, 1950	June 30, 1973	Port Harrison, QC	
Arctic Quebec	Povungnituk	Povungnetuk	September 1, 1958	September 1, 1972	Povungnetuk, QC	Anglican Church

Arctic Quebec	Sugluk	Saglouk	October 1, 1957	September 1, 1978	Sugluk, 62° 14'N 73° 30'W, on Hudson Strait, QC	
Arctic Quebec	Wakeham Bay	Wakeham Bay Government School	September 26, 1960	September 1, 1978	Wakeham Bay	Anglican Church
British Columbia	Adams Lake		October 1, 1956	September 1, 1971	Adjacent to the Adams Lake village, on the Adams Lake Indian Reserve.	Roman Catholic
British Columbia	Ahousaht	Ahouset	February 1, 1940	September 1, 1985	At Ahousaht Indian Reserve	United Church Presbyterian Roman Catholic
British Columbia	Aiyansh	New Aiyansh	November 1, 1964	September 1, 1975	Located on the Aiyansh Indian Reserve, about 80 miles north of Terrace, B.C	Anglican Church
British Columbia	Alert Bay	Nimkish	1883	June 30, 1969	On the Nimpkish Indian Reserve No. 1A	Anglican Church
British Columbia	Alkali Lake	Alkali Lake Community School	November 1, 1957	September 1, 1979	On Alkali Lake Indian Reserve No. 1, approximately 35 miles south of Williams Lake, B.C.	Roman Catholic
British Columbia	Anahim Lake	Upper Dean River	September 1, 1947	September 1, 1973	On Squinas (Anahim Lake) Indian Reserve No. 2.	Roman Catholic
British Columbia	Bella Bella		1883	September 1, 1976	Bella Bella Reserve No. 1, Campbell Island, B.C	Methodist Church United Church
British Columbia	Bella Coola		October 1, 1902	June 30, 1957	Bella Coola Reserve, Bella Coola, B.C.	Methodist Church United Church
British Columbia	Blueberry River		September 1, 1962	September 2, 1975	64 miles from Fort St. John, and 12 miles from the nearest non-Indian school	Roman Catholic
British Columbia	Bonaparte School		November 2, 1958	June 30, 1962	On Bonaparte Indian Reserve No. 3A	Roman Catholic

British Columbia	Boothroyd		May 1, 1915	December 31, 1945	On the Boothroyd Indian Reserve, near the town of Lytton	Anglican Church
British Columbia	Campbell River		November 18, 1935	June 1, 1955	At Campbell River	United Church
British Columbia	Canim Lake		September 1, 1957	January 14, 1969	In Canim Lake, via Exeter, B.C.	Roman Catholic
British Columbia	Canoe Creek		September 1, 1962 September 6, 1966	November 30, 1964 June 30, 1975	At Canoe Creek Indian Reserve about 40 miles west of Mile 70, Caribou Highway, B.C	Roman Catholic
British Columbia	Canyon City	Gwinaha	April 1, 1911 October 1, 1930	December 31, 1924 June 30, 1971	On the Gwinaha (Kitwilluckshilt) Reserve	Salvation Army
British Columbia	Cape Mudge		1892/1893	September 1, 1958	On Quadra Island opposite Campbell River	United Church
British Columbia	Capilano	Capilano Nursery	September 1, 1959	June 30, 1968	North Vancouver	Roman Catholic
British Columbia	Caribou Hide	Cariboo Hyde	October 15, 1938	June 30, 1951	Located "250 miles Trail S.E., Telegraph Creek, B.C.	Roman Catholic
British Columbia	Chehalis	Chehahlis	October 1, 1916	November 30, 1979	Near the village of Harrison Mills, Lower Fraser Valley	Roman Catholic
British Columbia	Chemainus Bay		December 1, 1955	September 1, 1964	Chemainus Reserve at Kulleets Bay	Roman Catholic
British Columbia	Chilcotin	Anaham Anaham Lake	August 1, 1944	September 1, 1991	On the Anaham Indian Reserve	Roman Catholic
British Columbia	Deadman's Creek		January 1, 1955	October 31, 1966	Savona, B.C	Roman Catholic
British Columbia	Dease Lake		June 4, 1937	January 31, 1945	At Dease Lake, B.C.	Roman Catholic
British Columbia	Doig River		January 1, 1950 September 1, 1963 September 1, 1968	September 1, 1962 September 1, 1967 June 30, 1969	Rose Prairie, BC	Roman Catholic
British Columbia	Douglas	Port Douglas	September 1, 1950	December 31, 1961	On the Douglas Indian Reserve at the north end of Harrison Lake	Roman Catholic

British Columbia	Fort Babine	Babine Fort Babine (Moricetown)	September 1, 1913 September 1, 1958 September 1, 1960	September 1, 1957 September 1, 1959 September 1, 1983	At Fort Babine Indian Reserve No. 6 – North end of Babine Lake	Roman Catholic
British Columbia	Fort Graham	Fort Grahame	May 1, 1935	September 1, 1949	Located on the Fort Grahame Indian Reserve	Roman Catholic
British Columbia	Fort McLeod	McLeod Lake McLeod's Lake	June 1, 1935	September 1, 1950	Cariboo District	Roman Catholic
British Columbia	Fort Nelson	Fort Nelson Pre-School	September 1, 1961	June 30, 1966	Fort Nelson Reserve	Roman Catholic
British Columbia	Fort Rupert		July 1, 1880 January 1, 1929	June 30, 1904 June 30, 1931	Fort Rupert Reserve at Port Hardy, BC	Anglican Church
British Columbia	Fort St. James		January 1, 1951	June 30, 1970	On Necoslie Reserve No. 1, at the east end of Stuart Lake, 40 miles north of Vanderhoof and 110 miles from Prince George	Roman Catholic
British Columbia	Fort Ware	Aatse Davie	September 1, 1963	September 1, 1994	Fort Ware Indian Reserve No. 1 near Ware, B.C.	Roman Catholic
British Columbia	Fountain		October 1, 1950	June 30, 1968	Located 4 miles north of Lillooet	Roman Catholic
British Columbia	Gilford Island	Gilford Day School	September 1, 1950	June 30, 1968	Located on Gilford Island (Guayasdums) Reserve, Simoon Sound, near Alert Bay	Anglican Church
British Columbia	Gitlakdamix	Gitladamicks Gitladamicks Gitladamiks Gitladamiksh Gitlakdamiks Kitla-damox Kitlacadamax Kitladamiks Kitladamicks	January 1, 1909	August 31, 1968	On the Gitladamiks (Kitladamax) Indian Reserve	Anglican Church

British Columbia	Glen Vowell		1899	December 31, 1968	Located at Glen Vowell near Hazelton on the Upper Skeena River	Salvation Army
British Columbia	Halfway River		June 1, 1950	September 1, 1994	Approximately 120 kilometres northwest of Fort St. John, British Columbia, or 50 kilometres south and west of Wonowon, British Columbia	Roman Catholic
British Columbia	Hartley Bay		1899	September 1, 1975	Located at Hartley Bay Indian Reserve, on the entrance of Douglas Channel, near Kitimat, British Columbia	Methodist United Church
British Columbia	Hazelton		1889	June 30, 1950	In Hazelton, B.C	Anglican Church
British Columbia	Homalco	Church House Indian Day School	August 1, 1908 September 9, 1959	September 1, 1952 June 30, 1980	Located on the Homalco Indian Reserve, about 30 miles north of Powell River	Roman Catholic
British Columbia	Irish Creek		September 1, 1951	September 1, 1962	Vernon, B.C. Okanagan Indian Reserve No. 1	Roman Catholic
British Columbia	Katzie	Katsie	August 1, 1914	September 1, 1942	Katzie Indian Reserve; One mile from Hammond, B.C.	Roman Catholic
British Columbia	Kincolith		1874	November 6, 1975	In Kincolith, "at the mouth of the Nass River"	Anglican Church
British Columbia	Kingcome Inlet		March 1, 1929 November 1, 1950	January 31, 1944 September 1, 1981	Quaae Indian Reserve #7	Anglican Church
British Columbia	Kisgegas		April 1, 1901 October 1, 1938	June 30, 1916 February 28, 1942	Hazelton, B.C	Anglican Church

British Columbia	Kispiox	Kishpiox Kispioux Kishpiox Kishpiax Kisfiax Kispiox Elementary	1892	September 1, 1981	Situated on the Kishpiax reserve	Methodist United Church
British Columbia	Kitamaat	Kitimaat Kitimat Kitamat	1883 September 1, 1944	June 30, 1943 September 1, 1985	On Douglas Channel, at the mouth of the Kitamaat river	Methodist United Church
British Columbia	Kitkatla	Kitkahtla Lach Klan	1891	August 31, 1979	In the village of Kitkatla	Anglican Church
British Columbia	Kitsegukla	Gitsegukla Kits Kitsegucala Kitsequkla Sheena Crossing	1897 September 1, 1945 September 1, 1947	January 31, 1945 June 30, 1946 September 1, 1986	Skeena River Crossing, on Highway 16, 100 kilometres east of Terrace, BC	Methodist United Church
British Columbia	Kitselas (New Town)		1904	February 1, 1959	Located at Copper River, B.C.	Methodist United Church Salvation Army
British Columbia	Kitwancool	Kitwancoo Gitanyow	September 1, 1938	July 31, 1986	13 miles by road from Kitwanga, B.C., and 45 miles from Hazelton, B.C.	Anglican Church
British Columbia	Kitwanga	Kitwanger Kitwinger Gitwingak	December 1898	September 1, 1975	Kitwanga Reserve	Anglican Church

British Columbia	Klappan	Klappen Iskut Lake	October 1, 1936 January 25, 1945 November 15, 1948 September 1, 1962	January 1, 1944 June 30, 1947 April 1, 1949 September 1, 1989	Iskut, BC	Roman Catholic
British Columbia	Klemtu	China Hat	September 1, 1903 October 1, 1921 September 1, 1958	June 30, 1919 September 1, 1957 August 30, 1979	Kitasoo Reserve	Methodist Church United Church
British Columbia	Kluskus		September 1, 1980	June 30, 1983	100 miles west of Quensel, BC	None
British Columbia	Koksilah		1906	August 31, 1953	Near Duncan, BC	Methodist Church
British Columbia	Kuper Island		September 1, 1968	September 1, 1987	Kuper Island Reserve	Roman Catholic
British Columbia	Kyuquot		1882 September 1, 1949	December 31, 1911 September 1, 1974	Kyuquot, B.C	Roman Catholic
British Columbia	Lakalsap	Nass River Greenville Lakalzap	1877/1878	May 31, 1975	Lakalsap (Greenville) Indian Reserve No. 9	Methodist Church Anglican Church
British Columbia	Lower Post		September 1, 1968	June 30, 1975	Watson Lake	Roman Catholic
British Columbia	Mamalillikula	Mamalillikulla Village Island	May 1, 1928 September 1, 1952	June 30, 1940 September 1, 1964	Village Island I.R. No. 1	Anglican Church
British Columbia	Masset	Masset Old Masset Village School	1877	May 1, 1974	Masset Reserve, B.C.	Anglican Church
British Columbia	McDames	McDame McDames Creek	June 1, 1931 June 1, 1936	September 30, 1934 September 30, 1944	Cassiar District	Roman Catholic
British Columbia	Metlakatla	Metlakahtla Metlakalta	1893/1894	June 30, 1960	Village of Metlakatla, six miles across the water from Prince Rupert	Anglican Church
British Columbia	Moricetown		January 10, 1938 September 1, 1946	October 30, 1945 July 1, 1959	On Moricetown Indian Reserve No. 1	Roman Catholic
British Columbia	Mount Currie	Pemberton	January 1, 1939	September 1, 1973	On Mount Currie Indian Reserve No. 10	Roman Catholic

British Columbia	Nanaimo	Nanaimo Kindergarten	1877	September 1, 1964	On on Nanaimo town Reserve No. 1	Methodist Church United Church
British Columbia	Nazko		January 1, 1955	November 5, 1969	At Nazko via Williams Lake, B.C.	Roman Catholic
British Columbia	Neskainlith		September 27, 1949	September 1, 1963	On the Neskainlith (Aniskamilith) Indian Reserve at Shuswap, B.C.	Roman Catholic
British Columbia	Nootka	Friendly Cove Day School Yuquot Yugot	September 1, 1951	June 30, 1968	Nootka, BC	Roman Catholic
British Columbia	Okanagan	Okanagan Day School Six Mile Creek	January 1, 1923 January 1, 1947	June 30, 1945 February 29, 1968	On Okanagan Indian Reserve No. 1.	Roman Catholic
British Columbia	Old Fort Babine		October 1, 1938	May 31, 1940	On the Old Fort Babine Reserve, about 30 miles S.E. of Fort Babine.	Roman Catholic
British Columbia	Opitsaht	Clayoquot	September 1, 1957	June 30, 1971	Opitsaht Reserve	Roman Catholic
British Columbia	Osoyoos	Inkameep Inkaneep	April 1, 1915	September 1, 1954	On the Inkameep Indian Reserve, near Oliver, BC	Roman Catholic
British Columbia	Penticton		September 5, 1922 November 1, 1947	September 1, 1946 September 1, 1963	On the Penticton Indian Reserve No. 1 at the foot of Okanagan Lake	Roman Catholic
British Columbia	Port Edward	Port Edward Cannery	February 13, 1945	June 24, 1949	In Port Edward, British Columbia	Non-denominational
British Columbia	Port Essington		December 1, 1885	August 31, 1947	On the Skeena Reserve at Port Essington, B.C.	Methodist Church United Church
British Columbia	Port Simpson	Fort Simpson	1875	September 1, 1975	At Port Simpson, approximately 25 miles from Prince Rupert	Methodist Church United Church
British Columbia	Portage	Stuart-Trembleur	October 1, 1975	September 1, 1990	On the Nancut Indian Reserve	
British Columbia	Prophet River		January 1, 1946	September 1, 1994	On Prophet River Reserve	Roman Catholic

British Columbia	Quatsino	Koskemo	September 1, 1935 September 1, 1948	September 1, 1941 September 1, 1965	Quattishe Indian Reserve No. 1	Anglican Church
British Columbia	Quilchena		February 8, 1960	September 1, 1971	Quilchena, B.C.	Roman Catholic
British Columbia	Redstone Meadows	Red Stone Meadows Redstone Alexis Creek	November 1, 1943 September 1, 1959	March 31, 1952 June 30, 1966	Redstone Flats Indian Reserve No. 1	Roman Catholic
British Columbia	Roche Déboulé	Rocher Deboule Rocher De Boule Hagwilget	January 3, 1911	July 1, 1960	New Hazelton, B.C	Roman Catholic
British Columbia	Saanich	East Saanich Saanich Catholic	December 1, 1941	July 1, 1951	At East Saanich, B.C	Roman Catholic
British Columbia	Sea Bird	Seabird Seabird Island	September 1, 1923	June 30, 1968	East of Agassiz	Roman Catholic
British Columbia	Seton Lake	Shalalth Seton Lake Nursery- Kindergarten	January 1, 1925	September 1, 1975	Slosh Indian Reserve No. 1	Roman Catholic
British Columbia	Shell Beach		September 1, 1955	October 31, 1965	Ladysmith, B.C	Roman Catholic
British Columbia	Shesley	Sheslay	June 1, 1946	December 31, 1958	At Shesley, British Columbia	Roman Catholic
British Columbia	Shulus	Sholus	August 1, 1908 August 1, 1944	October 1, 1942 September 1, 1976	Lower Nicola, B.C.	Anglican Church
British Columbia	Skidegate		1894	August 1, 1965	Five miles east of Queen Charlotte City	Methodist Church United Church
British Columbia	Skwah	Chilliwack	March 5, 1914	September 1, 1952	One mile north of Chilliwack, BC	Roman Catholic
British Columbia	Sliammon		January 1, 1909	November 1, 1961	In Powell River, B.C.	Roman Catholic
British Columbia	Smith's Inlet	Takush	September 1, 1928 September 1, 1950	June 30, 1939 September 1, 1964	Indian Reserve No. 3 at Takush Harbour, Smiths Inlet	United Church
British Columbia	Snowcap	Day School at Skookumchuck	October 13, 1961	July 31, 1966	On the Skookumchuck Indian Reserve at Skookumchuck, B.C	Roman Catholic

British Columbia	Songhees	Songhees Indian Day School	September 1, 1913	June 30, 1965	Songhees Reserve No. 1	Roman Catholic
British Columbia	St. Catharine's	St. Catherine's Cowichan Indian Day School Comeaken Comeakin	September 1, 1923	September 1, 1973	Cowichan Indian Reserve No. 1	Roman Catholic
British Columbia	St. Paul	St. Paul's Indian Day School Squamish Day School	September 1, 1959	September 1, 1973	North Vancouver	Roman Catholic
British Columbia	Stone		December 1, 1963 November 1, 1965 September 1, 1967	December 31, 1964 January 30, 1966 September 1, 1989	On the Stone Indian Reserve	Roman Catholic
British Columbia	Stoney Creek	Stony Creek Stony Creek Kindergarten Stoney Creek Kindergarten	October 1, 1947 September 1, 1962	June 30, 1958 September 1, 1988	Near Valocated 10 miles southwest of Vanderhoof	Roman Catholic
British Columbia	Sugar Cane	(Williams Lake) Sugar Cane Indian Day School	January 1, 1955	August 7, 1967	At Williams Lake, BC	Roman Catholic
British Columbia	Tache	Tatshe Indian Day School Tachie Taché Eugene Joseph	November 1, 1963	September 1, 1990	On the Tache Indian reserve	Roman Catholic
British Columbia	Tahltan		June 1, 1934 September 1, 1950	August 31, 1943 September 1, 1952	On the Tahltan Reserve, near Telegraph Creek	Anglican Church
British Columbia	Takla Landing	Takla Lake	June 1, 1937 September 1, 1962	March 1, 1956 September 1, 1994	North Takla Lake Indian Reserve No. 7	Roman Catholic
British Columbia	Tanaktouk		September 1, 1957	June 30, 1969	Deadpoint Indian Reserve No. 5	Anglican Church
British Columbia	Telegraph Creek		September 1, 1906	September 1, 1924	Telegraph Creek, British Columbia	

British Columbia	Tsartlip	West Saanich School Tsartlip Consolidated School Tsartlip Elementary	October 1, 1931	September 1, 1988	On the Tsartlip Reserve	Roman Catholic
British Columbia	Turnour Island		September 1, 1948	August 31, 1965	On Karlukwees I.R. No. 1 on Turnour Island, British Columbia	Anglican Church
British Columbia	Ucluelet		1894/1895 January 1, 1927 September 1, 1948	June 30, 1925 September 1, 1943 June 30, 1966	Ittatsoo Reserve No. 1	Presbyterian United Church
British Columbia	Ulkatcho Seasonal School		November 1, 1940	September 1, 1943	On Ulkatcho Indian Reserve in Anahim Lake, BC	Roman Catholic
British Columbia	Upper Nicola	Douglas Lake	January 1, 1954	July 31, 1970	On Upper Nicola Indian Reserve # 3 (Douglas Lake)	Roman Catholic
British Columbia	Westholme		November 23, 1949	June 30, 1964	On Halalt Reserve No. 2.	Roman Catholic
Manitoba	Anama Bay		September 1, 1979	September 1, 1981	Dauphin River Reserve; Gypsumville, Manitoba	
Manitoba	Berens River (RC)	Berens River No. 003	August 1, 1918	September 1, 1966	Berens River, Manitoba	Roman Catholic
Manitoba	Berens River (UC)	Berens River No. 002	1901	September 1, 1967	Berens River, Manitoba	Methodist United Church
Manitoba	Big Eddy	Carrot River Big Eddy Nursery and Kindergarten	1884 September 1, 1966	September 1, 1965 September 1, 1974	The Pas, Manitoba	Anglican Church
Manitoba	Birdtail Sioux	Birdtail Bird Tail Birdtail Nursery	September 1, 1957 January 1, 1975	September 1, 1963 January 31, 1976	Birdtail Sioux Indian Reserve Uno, Manitoba	Presbyterian

Manitoba	Bloodvein (Interdenominational)	Miskoosepi	September 1, 1967	September 1, 1985	Bloodvein Indian Reserve, Manitoba	Interdenominational
Manitoba	Bloodvein River (Mennonite)	Bloodvein Mennonite Bloodvein Protestant Bloodvein (UC)	September 1, 1964	September 1, 1967	Bloodvein Indian Reserve, Manitoba	Mennonite
Manitoba	Bloodvein River (Methodist)		October 1, 1903	March 31, 1920	Bloodvein Reserve	Methodist
Manitoba	Bloodvein River (RC)		August 16, 1920	September 1, 1967	Bloodvein Indian Reserve, Manitoba	Roman Catholic
Manitoba	Brokenhead	Broken Head River Brokenhead River Brokenhead Kindergarten	1875	June 30, 1970	Brokenhead Reserve, Scanterbury, Manitoba	Anglican Church
Manitoba	Chemawawin	Cedar Lake	1884	June 30, 1964	Cedar Lake, Manitoba	Anglican Church
Manitoba	Churchill (AC)	Churchill Kindergarten	September 1, 1963	June 30, 1966	Churchill, Manitoba	Anglican Church
Manitoba	Churchill (Seasonal)	St. Paul's Churchill Indian School	June 1, 1934 June 1, 1940	August 31, 1938 August 31, 1940	Fort Churchill, Manitoba (1934-1938); Long Point Winter Camp (1939-1940)	Anglican Church
Manitoba	Crane River		September 1, 1947	September 1, 1960	Crane River Reserve, Manitoba	Roman Catholic Church
Manitoba	Cross Lake (RC)	Natimik	February 25, 1930	September 1, 1969	Cross Lake, Manitoba	Roman Catholic
Manitoba	Cross Lake (UC)	Wapak	1902	September 1, 1969	Cross Lake, Manitoba	United Church
Manitoba	Cross Lake School	Natimik North Natimik South Wapak Cross Lake Junior High School Wapak Junior High Saggitowack Nekopak Otter Nelson River	September 1, 1969	September 1, 1988	Cross Lake, Manitoba	Non-Denominational

		School				
Manitoba	Easterville	E.J. Johnson Chemawawin	September 1, 1964	September 1, 1981	Easterville, Manitoba	Anglican Church
Manitoba	Ebb and Flow Lake North		September 1, 1955	September 1, 1968	Ebb and Flow Indian Reserve, Manitoba	Roman Catholic
Manitoba	Ebb and Flow Lake South	Ebb and Flow	1885	June 30, 1967	Ebb and Flow Indian Reserve, Manitoba	Roman Catholic
Manitoba	Fairford	Fairford Improved Fairford #1A	February 1, 1916	September 1, 1957	Fairford, MB	Anglican Church
Manitoba	Fairford #1	Fairford Lower	September 1, 1941 May 1, 1947	October 30, 1945 December 30, 1950	Fairford, MB	Anglican Church
Manitoba	Fairford #2	Fairford Upper	September 1, 1949	September 1, 1957	Fairford, MB	Anglican Church
Manitoba	Fairford #3	Fairford West	October 27, 1948 February 19, 1951 January 1, 1958	November 30, 1949 March 1, 1956 September 1, 1963	Fairford, MB	Anglican Church
Manitoba	Fairford (Consolidated)		September 1, 1957	June 30, 1970	Fairford, MB	Anglican Church
Manitoba	Fisher River		March 1, 1881	September 1, 1984	Koostatak, Manitoba	Methodist United Church
Manitoba	Fort Alexander #1 - (AC)	Upper Protestant Prot-Day School	July 1, 1890 September 1, 1965	September 1, 1964 September 1, 1966	Fort Alexander Indian Reserve, Manitoba; South side/bank of the Winnipeg River	Anglican Church

Manitoba	Fort Alexander #2 - (RC)	North Shore School	September 1, 1949 September 1, 1956	September 1, 1954 December 16, 1974	Fort Alexander Indian Reserve, Manitoba	Roman Catholic Interdenominational
Manitoba	Fort Alexander #3 - (AC)	Northside (Anglican)	April 7, 1952	September 1, 1962	Fort Alexander Indian Reserve, Manitoba	Anglican Church
Manitoba	Fort Alexander #4 - (RC)		June 1, 1955	September 1, 1961	Fort Alexander Indian Reserve, Manitoba; on the north side of the Winnipeg River	Roman Catholic
Manitoba	Garden Hill		September 1, 1946	September 1, 1991	Garden Hill, Island Lake, Manitoba	United Church
Manitoba	God's Lake Gold Mine		October 1, 1946	December 31, 1955	God's Lake Gold Mine, MB	Non-denominational
Manitoba	God's Narrows (Combined)	God's Lake	September 1, 1968	September 1, 1993	God's Lake Narrows, MB	Interdenominational
Manitoba	God's Narrows (RC)	God's Lake (RC)	June 1, 1935	September 1, 1968	God's Lake Narrows, MB	Roman Catholic
Manitoba	God's Narrows (UC)	God's Lake (UC)	September 1, 1922 June 10, 1931	September 1, 1929 September 1, 1968	God's Lake Narrows, MB	United Church
Manitoba	God's River	Amos Okemow Memorial God's River Lodge	September 1, 1959	September 1, 1994	God's River, Manitoba	Roman Catholic
Manitoba	Grand Rapids	Grand Rapids Kindergarten	1885 February 1, 1963	September 1, 1961 September 1, 1967	Grand Rapids, Manitoba	Anglican Church
Manitoba	Granville Lake		September 25, 1972	September 1, 1980	Granville Lake, Manitoba	
Manitoba	Griswold Sioux	Oak River Griswold	September 1, 1955	September 1, 1966	Griswold, Manitoba	Roman Catholic
Manitoba	Guy Hill		September 1, 1968	June 30, 1979	Clearwater Lake, MB	Roman Catholic
Manitoba	Hollowwater River (AC)	Hollow Water River Hollow Water Protestant	December 1, 1884	September 1, 1968	Wanipigow, Manitoba	Anglican Church
Manitoba	Hollowwater River (RC)	Hollow Water River	September 1, 1953	September 1, 1968	Wanipigow, Manitoba	Roman Catholic
Manitoba	Island Lake (RC)	St. Theresa Point St. Therese School	September 1, 1928	September 1, 1990	Massinacp, Island Lake; St. Theresa Point, Island Lake, Manitoba	Roman Catholic

Manitoba	Island Lake (UC)	Lowesville Methodist Island Lake Protestant	November 3, 1902	September 1, 1959	Island Lake Reserve No. 2, Island Lake, Manitoba	Methodist; United Church
Manitoba	Jack River (AC)	Jack River Church of England Day School	December 1, 1904	September 1, 1965	Jack River Reserve (1911- 1928); Norway House Reserve (1922-1933)	Anglican Church
Manitoba	Jack River (RC)		September 1, 1925	August 30, 1968	Jack River Reserve (1925- 1928); Norway House Reserve (1929-1939)	Roman Catholic
Manitoba	Jackhead		September 1, 1922	June 30, 1981	Dallas, Manitoba; Jackhead Harbour, Manitoba	Anglican Church
Manitoba	Koostatak Centre	Koostatak	January 19, 1953	September 1, 1963	Koostatak, Manitoba	United Church
Manitoba	Lac Brochet	Lac du Brochet Northlands Brochet	September 1, 1974	September 1, 1995	Lac Brochet Indian Reserve	
Manitoba	Lake Manitoba No. 1	Dog Creek	1894	September 25, 1979	Lake Manitoba Indian Reserve No. 46	Roman Catholic
Manitoba	Lake Manitoba No. 2		September 13, 1952	September 1, 1963	Fisher River Agency; Vogar, Manitoba	Roman Catholic
Manitoba	Lake St. Martin		June 30, 1875	September 1, 1989	Lake St. Martin reserve; Gypsumville, Manitoba	Anglican Church
Manitoba	Little Black River	Black River	1875 October 15, 1951	April 1, 1947 September 1, 1981	Little Black River, Manitoba	Anglican Church United Church
Manitoba	Little Grand Rapids (RC)		March 1, 1927	September 1, 1970	Little Grand Rapids, Manitoba	Roman Catholic
Manitoba	Little Grand Rapids (UC)		July 1, 1904	September 1, 1981	Little Grand Rapids, Manitoba	United Church
Manitoba	Little Saskatchewan	Little Saskatchewan (AC)	September 1, 1876	September 1, 1994	Little Saskatchewan Reserve; Gypsumville, Manitoba	Anglican Church
Manitoba	Lizard Point		September 1, 1956	September 1, 1964	Angusville; Rossburn, Manitoba	United Church
Manitoba	Long Plain #1		September 1, 1947	September 1, 1963	Edwin, Manitoba	United Church

Manitoba	Long Plain #2	Long Plain Kindergarten	September 1, 1952 February 1, 1966	September 1, 1965 September 1, 1977	Long Plain Indian Reserve; Edwin, Manitoba	United Church
Manitoba	Long Plain #3	Keeseekoowenin	September 1, 1957	September 1, 1959	Long Plain Indian Reserve; Edwin, Manitoba	United Church
Manitoba	Murdoch	Murdock Centre	September 1, 1948	September 1, 1963	Dallas, Manitoba	Anglican Church; United Church
Manitoba	Nelson House (RC)	St. Patrick's RC School Catholic Point School	October 1, 1925	March 16, 1970	Nelson House, Manitoba	Roman Catholic
Manitoba	Nelson House (UC)	Roland Lauze	January 1, 1901 September 1, 1948	September 1, 1947 September 1, 1981	Nelson House, Manitoba	Methodist United Church
Manitoba	Nickaway		September 1, 1958	November 1, 1968	Norway House, Manitoba	Roman Catholic
Manitoba	Oak River Sioux	Oak River North Sioux Valley School	1889 May 19, 1913	December 1, 1907 September 1, 1978	Griswold, Manitoba	Anglican Church
Manitoba	Oak River South		January 1, 1959	September 1, 1964	Oak River Reserve, Portage La Prairie Indian Agency, MB	Anglican Church
Manitoba	Oxford House (Consolidated)		January 1, 1967	September 1, 1993	Oxford House, Manitoba	
Manitoba	Oxford House 1		September 1, 1907	January 1, 1967	Oxford House, Manitoba	United Church
Manitoba	Oxford House 2		September 1, 1947	September 1, 1962	Oxford House, Manitoba	United Church
Manitoba	Oxford House 3		September 1, 1952	January 1, 1967	Oxford House, Manitoba	Roman Catholic
Manitoba	Pauingassi		September 1, 1963	September 1, 1981	Little Grand Rapids, Manitoba; Pauingassi Settlement, Manitoba	Mennonite
Manitoba	Peguis (AC) #1	Peguis South-West No. 1	January 1, 1949	September 1, 1966	Peguis Reserve, Manitoba; Hodgson, Manitoba	Anglican Church
Manitoba	Peguis (AC) #2	Peguis South	November 1, 1911	September 1, 1966	Peguis Reserve, Manitoba	Anglican Church
Manitoba	Peguis (AC) #3	Peguis Centre	October 1, 1920 January 1, 1948	June 30, 1946 September 1, 1966	Peguis Reserve, Manitoba; Hodgson, Manitoba	Anglican Church
Manitoba	Peguis (AC) #4	Peguis North	November 1, 1911	September 1, 1966	Peguis Reserve, Manitoba; Dallas, Manitoba	Anglican Church
Manitoba	Peguis (RC)	Peguis R.C.	September 1, 1958	September 1, 1966	Hodgson, Manitoba	Roman Catholic

Manitoba	Peguis Central	Chief Peguis Junior High	September 1, 1958	September 1, 1977	Hodgson, Manitoba	Anglican Church
Manitoba	Pine Bluff		September 1, 1922	March 7, 1966	Pine Bluff Reserve, Manitoba; Pas Agency	Roman Catholic
Manitoba	Pine Creek		April 1, 1969	September 1, 1984	Camperville, Manitoba	
Manitoba	Pipestone	Oak Lake Oak Lake Sioux	October 1, 1950	September 1, 1968	Oak Lake Sioux, Manitoba	Roman Catholic
Manitoba	Playgreen	Playgreen Lake	September 1, 1956	September 1, 1969	Norway House, Manitoba	United Church
Manitoba	Poplar River (Consolidated)		July 1, 1969	September 1, 1981	Poplar River, Manitoba; Negginan, Manitoba	Interdenominational
Manitoba	Poplar River (RC)		November 1, 1961	September 1, 1969	Poplar River, Manitoba	Roman Catholic
Manitoba	Poplar River (UC)	Poplar River (Protestant)	1884	July 1, 1969	Poplar River, MB Negginan, MB	Methodist United Church
Manitoba	Pukatawagan		June 1, 1950	September 1, 1987	Pukatawagan, Manitoba	Roman Catholic
Manitoba	Red Sucker Lake		September 1, 1952	September 1, 1990	Red Sucker Lake, Manitoba	United Church
Manitoba	Rolling River Day School		January 1, 1952	June 30, 1961	Rolling River Reserve	Presbyterian
Manitoba	Roseau Rapids		October 1, 1903	September 30, 1920	Roseau Rapids Reserve, Manitoba	Non-Denominational
Manitoba	Roseau River (RC)		September 1, 1950	September 1, 1967	Roseau River Reserve; Letellier, Manitoba	Roman Catholic
Manitoba	Roseau River (UC)		September 1, 1959	September 1, 1967	Roseau River Reserve; Dominion City, Manitoba	United Church
Manitoba	Roseau River Kindergarten	Roseau River Nursery	September 1, 1967	April 1, 1980	Roseau River Reserve	
Manitoba	Rossville	Norway House Pi-se-qui-nip Rundle School Ta-pas-ta-num	September 1, 1875	September 1, 1957	Norway House, Manitoba	United Church

Manitoba	Saggitawack (RC)	Sagitawack R.C. Saggitowack Saggitawuk	January 1, 1950	September 1, 1969	Cross Lake, Manitoba	Roman Catholic Non- Denominational
Manitoba	Saggitawack (UC)	Sagitawac U.C. Sagittawuk Saggitawak Sagitawuk Sagitowak	September 1, 1948	October 11, 1967	Cross Lake, Manitoba	United Church
Manitoba	Sagkeeng Consolidated	South Shore School	September 1, 1969	September 1, 1976	Fort Alexander, Manitoba	
Manitoba	Sandy Bay		September 1, 1970	September 1, 1974	Marius, Manitoba	
Manitoba	Shamattawa	Shamattawa-Nelson River Nelson River- Shamattawa Nelson House- Shamattawa Shamattawa-Nelson House	June 1, 1949	September 1, 1988	Shamattawa, Manitoba	Anglican Church
Manitoba	Shoal River (AC)	St. Andrews	1890	September 1, 1957	Shoal River Indian Reserve, Manitoba	Anglican Church
Manitoba	Shoal River (RC)		September 1, 1954	September 1, 1957	Shoal River, Pelican Rapids, Manitoba	Roman Catholic
Manitoba	Split Lake		January 1, 1909	September 1, 1990	Split River, Manitoba	Anglican Church
Manitoba	St. Peter's (North)	North St. Peter's Day School	December 31, 1874	April 30, 1925	St. Peter's Reserve (North), Manitoba Clandeboye Agency	Anglican Church
Manitoba	Stedman's School	Stedman	July 1, 1977	September 1, 1981	Fairford Reserve, Manitoba	
Manitoba	Swan Lake	Indian Springs	January 1, 1903	September 1, 1964	Swan Lake Reserve, Manitoba	United Church
Manitoba	Tadoule Lake School		September 1, 1974	September 1, 1995	Tadoule Lake, Manitoba	

Manitoba	Tatowich	Cross Lake R.C. Day #597	September 1, 1962	June 30, 1968	Cross Lake Indian Reserve, Manitoba, Norway House Indian Agency	Roman Catholic Inter-denominational
Manitoba	The Pas	Carrot River (Classroom)	1880	September 1, 1966	The Pas, Manitoba	Anglican Church
Manitoba	Tower Island		September 1, 1953	November 1, 1968	Norway House Agency, Manitoba	Anglican Church
Manitoba	Valley River	Valley River Kindergarten	April 1, 1946	September 1, 1972	Valley River Reserve, Manitoba	Roman Catholic
Manitoba	Wassagamach	Wasagamack Waasagamach Wassagamack George Knott	September 1, 1966	September 1, 1992	St. Theresa Point, Manitoba	
Manitoba	Wassagamach (RC)	Wasagamach RC Seasonal	June 1, 1951	September 30, 1956	St. Theresa Point, Manitoba	Roman Catholic
Manitoba	Wassagamach (UC)	Wasagamach UC Seasonal	June 1, 1955	September 1, 1961	St. Theresa Point, Manitoba	United Church
Manitoba	Waterhen River	Water Hen Waterhand	1882 September 1, 1924	December 31, 1921 June 30, 1971	Waterhen (River) Reserve, Manitoba	Roman Catholic
Manitoba	Waywayseecappo		April 2, 1951	September 1, 1961	Lizard Point; Near Rossburn and Angusville, Manitoba	United Church Presbyterian
Manitoba	York Factory		1904 June 1, 1920	June 30, 1916 September 30, 1941	York Factory Reserve, Manitoba	Anglican Church
Manitoba	York Landing		September 7, 1971	September 1, 1994	York Landing, MB	
New Brunswick	Big Cove		September 1, 1897	September 1, 1985	Elsipogtog First Nation	Roman Catholic
New Brunswick	Burnt Church		1880	September 1, 1982	Burnt Church Reserve	Roman Catholic
New Brunswick	Edmundston		January 1, 1911	June 30, 1923	Edmundston Reserve in Madawaska County	Roman Catholic
New Brunswick	Eel Ground		1882	November 1, 1993	Eel Ground Reserve	Roman Catholic
New Brunswick	Eel River		January 1, 1913	June 30, 1957	Eel River Bar Reserve in Restigouche County	Roman Catholic

New Brunswick	Indian Island		September 1, 1930	June 30, 1940	Indian Island Micmac Reserve	
New Brunswick	Kingsclear	Kings Clear	1883	September 1, 1975	Kingsclear	Roman Catholic
New Brunswick	Oromocto		September 7, 1909 September 1, 1955	June 30, 1940 June 30, 1967	Oromocto First Nation	Roman Catholic
New Brunswick	Red Bank	Metepenagiag	September 1, 1914	July 31, 1992	On Red Bank Reserve	Roman Catholic
New Brunswick	St. Mary's	Devon North Devon	1883	September 1, 1985	On St. Mary's Reserve	Roman Catholic
New Brunswick	Tobique	Mah-Sos	February 1, 1881 September 1, 1976	September 1, 1975 September 1, 1984	On Tobique Indian Reserve No. 20	Roman Catholic
New Brunswick	Woodstock	Woodstock Primary and Senior Department Indian School	September 1, 1909	January 1, 1965	On Woodstock Indian Reserve	Roman Catholic
Northwest Territories	Aklavik	Aklavik Old	January 1, 1950	April 1, 1969	Aklavik	Anglican Church Roman Catholic
Northwest Territories	Arctic Red River		January 1, 1951	April 1, 1969	Arctic Red River	Roman Catholic
Northwest Territories	Fort Franklin		July 1, 1950	April 1, 1969	Fort Franklin	Roman Catholic
Northwest Territories	Fort Good Hope		July 1, 1950	April 1, 1969	At the Fort Good Hope Settlement	Roman Catholic
Northwest Territories	Fort Liard	Ft. Liard School	September 1, 1955	April 1, 1969	Fort Liard	
Northwest Territories	Fort McPherson	St. Matthew's Day Peter Warren Dease	September 3, 1946	April 1, 1969	Fort McPherson	Anglican Church
Northwest Territories	Fort Norman	Collin Campbell	September 1, 1947	April 1, 1969	Fort Norman Settlement	Roman Catholic
Northwest Territories	Fort Providence	Elizabeth Ward	September 1, 1959	April 1, 1969	Fort Providence on the north side of the Mackenzie River	Roman Catholic
Northwest Territories	Fort Rae	Rae	April 15, 1948	April 1, 1969	Fort Norman Agency, situated on Great Slave Lake	Roman Catholic

Northwest Territories	Fort Resolution	Peter Pond	March 14, 1950	April 1, 1969	Great Slave Lake near the mouth of the Slave River	
Northwest Territories	Fort Simpson	Fort David's Riverview Thomas Simpson	September 1, 1948	April 1, 1969	Fort Simpson, NWT	Protestant Roman Catholic
Northwest Territories	Fort Simpson (RC)	St. Margaret's Ste. Margaret's Simpson Day	1919	January 31, 1956	On the Mackenzie River; Fort Simpson, NWT	Roman Catholic
Northwest Territories	Fort Smith	Joseph Burr Tyrell School	September 1, 1948	April 1, 1969	Fort Smith	Roman Catholic
Northwest Territories	Fort Wrigley		June 1, 1956 September 1, 1964	June 30, 1962 September 1, 1969	Fort Wrigley, close to the airport	Roman Catholic
Northwest Territories	Hay River High School	Hay River Secondary School	September 1, 1967	April 1, 1969	Hay River, NWT	Non-Denominational
Northwest Territories	Hay River School	Princess Alexandra School Hay River Eementary	February 28, 1949	April 1, 1969	Hay River, NWT	Non-Denominational
Northwest Territories	Holman Island	Holman	September 1, 1965	April 1, 1969	Holman Island, NWT	Non-Denominational
Northwest Territories	Inuvik	Aklavik - East 3 Samuel Hearne Sir Alexander Mackenzie	September 1, 1956	April 1, 1969	Inuvik, NWT	Anglican Roman Catholic
Northwest Territories	Jean Marie River	Marie River	October 5, 1953 September 1, 1955	October 18, 1953 April 1, 1969	At the mouth of the Rabbitskin River in the District of Mackenzie, NWT	Roman Catholic
Northwest Territories	Lac la Martre Day School		September 1, 1954	April 1, 1969	Lac la Martre, NWT	Roman Catholic
Northwest Territories	Nahanni Butte	Paul Tesou	September 1, 1955 September 1, 1963	January 1, 1963 April 1, 1969	Nahanni Butte	Roman Catholic
Northwest Territories	Norman Wells		September 1, 1960	April 1, 1969	Norman Wells, NWT	
Northwest Territories	Pine Point		September 1, 1965	April 1, 1969	Pine Point, NWT	

Northwest Territories	Reindeer Station	Reindeer Depot Reindeer Range	October 8, 1956	June 30, 1968	Reindeer Station, NWT	Protestant
Northwest Territories	Rocher River Day School		September 1, 1949	December 31, 1959	North of Fort Resolution	Roman Catholic
Northwest Territories	Sachs Harbour		September 1, 1968	April 1, 1969	Sachs Harbour, NWT	-
Northwest Territories	Snowdrift		July 18, 1957	April 1, 1969	On the southeast shore of Great Slave Lake in the District of Mackenzie close to the treeline and less than a mile from the mouth of the Snowdrift River to the northeast	Roman Catholic
Northwest Territories	Trout Rock Seasonal School	Ptarmigan Point Seasonal School	May 1, 1958	September 30, 1959	Trout Lake, NWT; Ptarmigan Point	
Northwest Territories	Tuktoyatuk		September 8, 1947	April 1, 1969	Tuktoyaktuk, NWT	
Nova Scotia	Afton		December 1, 1913	September 1, 1969	Afton Reserve, Paq'tnkek First Nation	Roman Catholic
Nova Scotia	Bear River		February 1, 1872	July 1, 1942	Bear River Reserve	Roman Catholic
Nova Scotia	Eskasoni		November 1, 1875	September 1, 1980	Ekasoni, Nova Scotia	Roman Catholic
Nova Scotia	Indian Cove	Pictou Landing	1880	June 30, 1985	Micmac Indian Reserve at Fisher's Grant, near Pictou. The Reserve is also known as the Indian Cove or Fisher's Cove Reserve.	Roman Catholic
Nova Scotia	Malagawatch	Big Harbour Island	January 10, 1910	April 30, 1942	Malagawatch, Nova Scotia, on a Micmac reserve	Roman Catholic
Nova Scotia	Middle River	Wagamatcook Wagmatcook Nagamatcook	November 1, 1883	September 1, 1987	Middle River/Wagmatcook Reserve	Roman Catholic
Nova Scotia	Millbrook		1898	September 1, 1956	Millbrook Indian Reserve, near Truro	Roman Catholic

Nova Scotia	New Germany		September 1, 1887	December 31, 1926	New Germany Indian Reserve, Lunenburg County, Nova Scotia	Roman Catholic
Nova Scotia	Salmon River	St. Anne's Barra Head Chapel Island	1886	June 30, 1965	Salmon River, Chapel Island	Roman Catholic
Nova Scotia	Shubenacadie	Micmac Indian Day Indian Brook Day Sister Cody Kindergarten	September 1, 1894 September 1, 1943	February 28, 1930 February 14, 1997	Indian Brook Reserve	Roman Catholic
Nova Scotia	Sydney	Sydney Bay Olsebookt	September 1, 1903	December 31, 1964	The school was located on Kings Road Reserve until 1927, then on the Membertou Reserve at a different location in the city	Roman Catholic
Nova Scotia	Whycocomagh	Wyacocomagh	July 1874	October 1, 1993	On Whycocomagh Reserve	Roman Catholic
Nunavut	Arctic Bay		September 1, 1958	April 1, 1970	Arctic Bay, Baffin Island	Protestant
Nunavut	Baker Lake		January 28, 1957	April 1, 1970	Baker Lake, NWT	
Nunavut	Belcher Island	The South Camp School Belchers	September 20, 1960	April 1, 1970	At the south end of Belcher Islands	Protestant
Nunavut	Cambridge Bay		September 1, 1956	June 30, 1969	Cambridge Bay on Victoria Island	Anglican Church
Nunavut	Cape Dorset		September 26, 1950 September 1, 1954	June 30, 1953 April 1, 1970	Cape Dorset	Non-Denominational
Nunavut	Chesterfield Inlet	Sir Joseph Bernier Joseph Bernier Victor Sammurtok	September 20, 1951	April 1, 1970	Chesterfield Inlet	Roman Catholic
Nunavut	Clyde River		October 30, 1960	April 1, 1970	Arctic Education District, Baffin Island Region	Protestant

Nunavut	Coppermine	Kugluktuk School	September 1, 1950	September 30, 1969	Coppermine Settlement	Non-Denominational
Nunavut	Eskimo Point		September 21, 1959	April 1, 1970	Eskimo Point	
Nunavut	Frobisher Bay	Apex Hill Air Base School Sir Martin Frobisher	November 1, 1955	April 1, 1970	Frobisher Bay	Protestant
Nunavut	Gjoa Haven		October 1, 1962	April 1, 1969	Gjoa Haven	Roman Catholic Protestant
Nunavut	Grise Fiord		September 1, 1962	April 1, 1970	South shore of Ellesmere Island	Protestant
Nunavut	Hall Beach	Hall Lake Government School	March 1, 1967	April 1, 1970	A community on the northeastern coast of the Melville Peninsula; Baffin Region	Anglican Church
Nunavut	Igloodik		October 3, 1960	April 1, 1970	Igloodik	
Nunavut	Lake Harbour		October 1, 1949 May 1, 1960	August 1, 1950 April 1, 1970	Baffin Island, Nunavut	Anglican Church
Nunavut	Padloping Island		September 1, 1962	April 1, 1970	On the northeast coast of Baffin Island, about a hundred miles north of Pangnirtung	
Nunavut	Pangnirtung		October 1, 1956	April 1, 1970	Baffin Island, Nunavut Franklin District, NWT (Nunavut)	Protestant
Nunavut	Pelly Bay		September 1, 1962	April 1, 1969	In the south bay of the Gulf of Boothia, approximately 125 miles south east of Spence Bay	Roman Catholic
Nunavut	Pond Inlet		January 1, 1961	April 1, 1970	Pond Inlet, NWT	Non-

						Denominational
Nunavut	Port Burwell		September 1, 1964	April 1, 1970	Port Burwell, 200 miles northeast of Fort Chimo	
Nunavut	Rankin Inlet	Rankin Inlet Mine	September 15, 1957	April 1, 1970	Rankin Inlet, NWT	
Nunavut	Repulse Bay		November 1, 1968	April 1, 1970	South western edge of Melville Peninsula, north of Southampton Island.	
Nunavut	Resolute Bay		September 1, 1958	April 1, 1970	Resolute Bay	
Nunavut	Southampton Island	Coral Bay Coral Harbour	September 1, 1950	April 1, 1970	Coral Harbor, Southampton Island	Non-denominational
Nunavut	Spence Bay		November 1, 1958	April 1, 1969	Spence Bay, NWT	Protestant
Nunavut	Whale Cove		January 1, 1961	April 1, 1970	Keewatin Region, Rankin Inlet area on the western coast of Hudson Bay about 200 miles northeast of Churchill	Roman Catholic Protestant
Nunavut	Broughton Isle	Qikirtarjuaq	September 1, 1959	April 1, 1970	Broughton Island	
Ontario	Abitibi		1908	October 31, 1932	Abitibi, Ontario	Roman Catholic
Ontario	Albany River	Albany Mission Albany Albany North River	1894 August 1, 1949	October 31, 1945 June 30, 1971	Kashechewan, ON	Anglican Church
Ontario	Alnwick	Alderville Mississaugas of Alnwick	1869	June 30, 1969	Alnwick, Ontario (1872) Alderville, Ontario (1880)	Methodist United Church
Ontario	Angling Lake	Wapekeka Lake	September 1, 1968	September 1, 1988	Wapekeka Lake, ON; Angling Lake, ON	
Ontario	Aroland		September 1, 1949	May 31, 1979	On the CNR Transcontinental Line, twelve miles from Nakina, Ontario	Roman Catholic
Ontario	Attawapiskat	Attawapiskat J.R. Nakogee Elementary	March 1, 1947	September 1, 1990	Attawapiskat, Ontario	Roman Catholic

Ontario	Back Settlement	Chippewa of the Thames Muncey	1881	September 1, 1968	Muncey, Ontario	Non-denominational United Church
Ontario	Batchawana	Batchewana Batchewana Bay	October 2, 1912 September 30, 1918 September 1, 1922 May 1, 1948	September 1, 1913 June 30, 1920 June 30, 1945 June 30, 1949	Batchewana Bay Reserve, Ontario	Roman Catholic Church
Ontario	Bear Creek		1876	December 31, 1959	Caradoc Reserve, Ontario	Non-denominational; United Church
Ontario	Bearskin	Bearskin Lake Michikan	May 1, 1948 July 1, 1960	September 30, 1956 September 1, 1988	Bearskin Lake community, Michikan Lake, ON	Anglican Church
Ontario	Big Beaver House	Big Beaver House Summer	May 1, 1955	March 1, 1965	Sioux Lookout Agency, ON	Anglican Church
Ontario	Birch Island	Whitefish River Shawanosowe	October 26, 1891 September 1, 1925	June 30, 1907 June 30, 1988	Whitefish River Reserve, Ontario	Anglican Roman Catholic
Ontario	Buzwah	Buzwah's Village Paswa	1883 September 2, 1913	June 30, 1904 September 1, 1965	Manitoulin Island, Ontario	Roman Catholic
Ontario	Cape Croker (RC)	St. Mary's Cape Croker Junior Cape Croker Junior	1863	September 1, 1994	Cape Croker Reserve, Ontario	Roman Catholic
Ontario	Cape Croker (UC)	Cape Croker Public Cape Croker Senior Cape Croker Senior	September 1, 1964	September 1, 1994	Cape Croker Reserve, Ontario	United Church
Ontario	Cat Lake	Cat Lake Seasonal	July 19, 1935 June 1, 1949	September 30, 1939 September 1, 1988	Cat Lake ON	Anglican Church
Ontario	Christian Island (RC)		January 1, 1934	June 30, 1972	Christian Island Reserve, Cedar Point ON	Roman Catholic
Ontario	Christian Island (UC)		February 23, 1920	September 1, 1990	Christian Island Reserve, Cedar Point ON	United Church
Ontario	Collins		May, 1, 1946 January 1, 1960	September 30, 1959 June 30, 1979	Collins, ON	Roman Catholic Anglican Church

Ontario	Constance Lake	Constance Lake Church of England	October 1, 1944	September 1, 1993	Constance Lake Reserve, Chapleau Indian Agency, ON	Anglican Church
Ontario	Cornwall Island	Cornwall Island West	September 1, 1876	June 30, 1983	St. Regis Reserve	Roman Catholic
Ontario	Cornwall Island East		February 10, 1936	September 1, 1958	St. Regis Reserve	Roman Catholic
Ontario	Deer Lake	Anishinabie David Meekis	1914 May 1, 1948	September 30, 1920 September 1, 1990	Deer Lake, ON	Methodist United Church
Ontario	Dokis	Dokis Bay	June 4, 1918 June 1, 1947	June 30, 1942 September 1, 1982	Dokis Reserve in Monetville, ON	Roman Catholic
Ontario	Eagle Lake		September 1, 1960	September 1, 1963	Eagle River, ON	Roman Catholic
Ontario	English River	St. Mary's Mission	May 1, 1920	September 18, 1942	English River, Treaty No. 9 Agency, ON	Anglican Church
Ontario	Ferland School		August 1, 1953	February 1, 1959	Port Arthur Agency (Nakina)	Roman Catholic
Ontario	Fort Frances	Fort Francis St. Margaret's	September 1, 1968	June 30, 1974	Fort Frances, ON	
Ontario	Fort Hope	John C. Yesno	September 1, 1913	September 1, 1993	Fort Hope, Eabamet Lake, ON	Anglican Church
Ontario	Fort Severn	Mistikwospwogan	July 23, 1934 June 1, 1954	September 19, 1934 September 1, 1988	Fort Severn, Ontario	Anglican Church (1954-1964) Non- denominational (1969-1974)
Ontario	French Bay		1868-1869 January 8, 1934	September 30, 1933 September 1, 1967	Saugeen Reserve, ON	United Church
Ontario	Garden River (AC)	Garden River Protestant	1868	September 1, 1967	Garden River Indian Reserve	Anglican Church
Ontario	Garden River (RC)		1875	June 30, 1969	Garden River Indian Reserve	Roman Catholic
Ontario	Garden Village		January 3, 1906	December 31, 1943	Nipissing Indian Reserve	Roman Catholic
Ontario	Georgina Island		1868	September 1, 1980	R.R. 2, Sutton West, Ontario	Methodist Church United Church
Ontario	Gibson	Sahanatien School Watha Band School	1882	September 1, 1958	Gibson Reserve, nine miles from Bala, ON	Methodist United Church

Ontario	Golden Lake		1877	June 30, 1968	Golden Lake Reserve, County of Renfrew, On	Roman Catholic
Ontario	Goulais Bay	Goulais Mission	February 20, 1905	September 1, 1969	Goulais Bay Indian Reserve, Batchewaung Bay	Roman Catholic
Ontario	Grand Bay/McIntyre Bay	Sand Point	October 1, 1920 May 1, 1927	September 1, 1924 November 1, 1942	Off Lake Nipigon, near Macdiarmid, ON	Roman Catholic
Ontario	Grassy Narrows		September 1, 1965	September 1, 1990	English River Indian Reserve No. 21, Grassy Narrows, ON	Roman Catholic
Ontario	Gull Bay	St. Kateri Tekawitha	August 1, 1915 October 1, 1928	June 30, 1919 March 31, 1988	Gull River Indian Reserve No. 55, on Gull Bay	Roman Catholic
Ontario	Henry Coaster Memorial	Ogoki Indian Day School Marten Falls Reserve Day School Ogoki Post Day	September 8, 1970	September 1, 1993	Ogoki Post, via Nakina, ON	None
Ontario	Henvey Inlet	Miller School (Henvey's Inlet)	September 1, 1921	April 30, 1925	On an inlet of Georgian Bay, ON.	Non- Denominational
Ontario	Hornepayne	Hornepayne Seasonal School	September 1, 1951	September 30, 1962	Nakina Agency, ON	Anglican Church
Ontario	I L Thomas²	Six Nations B I.L. Thomas Odadrihonyani'ta	September 1, 1989	September 1, 1997	Six Nations Indian Reserve No. 40, Ohsweken, ON	None
Ontario	Islington	Whitedog Indian Day School	August 13, 1955	September 1, 1985	Whitedog, Islington Reserve No. 29	Anglican Church
Ontario	J.C. Hill Sr. Elementary School³	J.C. Hill Junior School Ohsweken Central	September 1, 1969	September 1, 1997	Six Nations Indian Reserve No. 40, Ohsweken, ON	None
Ontario	Jamieson⁴		September 1, 1976	September 1, 1997	Ohsweken Indian Reserve, No. 40, Six Nations, Ohsweken, ON	None

² Still a federally-operated school.

³ Still a federally-operated school.

⁴ Still a federally-operated school.

Ontario	Kaboni		September 4, 1916	June 30, 1986	Kaboni, Wikwemikong Unceded Indian Reserve No.26	Roman Catholic
Ontario	Kasabanika Lake	Kasabonika Kassabonika Sineonokway Native	September 1, 1960	September 1, 1988	Kassabonika Lake, ON	Anglican Church
Ontario	Kashechewan School	St. Andrews Kashechewan Elementary	September 1, 1971	September 1, 1989	Kashechewan, ON (Albany River)	Anglican Church
Ontario	Kettle Point	Kettle Point Kindergarten Kettlepoint	1870	September 1, 1990	Kettle Point Reserve near Forest, ON	Anglican Church
Ontario	Kingfisher Lake	Kamisquabika	September 1, 1966	September 1, 1988	Kingfisher Lake, ON	Non- Denominational
Ontario	Lac La Croix	Lac La Croix Elementary	June 1, 1951	June 30, 1975	Neguaguon Lake, Lac La Croix Reserve 25D, ON	Roman Catholic
Ontario	Lac Seul	Frenchman's Head Treaty Point Canoe River School Kejick Bay White Pine Ridge	April 1, 1922 June 1, 1949 June 1, 1959 September 1, 1970	September 30, 1923 September 30, 1957 September 30, 1961 September 1, 1990	Lac Seul, ON	Anglican Church
Ontario	Lake Helen		1883	June 30, 1967	Lake Helen, four miles from the Red Rock or Lake Helen reserve, two miles from the town of Nipigon, ON	Roman Catholic
Ontario	Lakeview		January 1, 1948	March 5, 1981	Manitoulin Island, Ontario	Roman Catholic
Ontario	Lansdowne House (AC)	Lansdowne House	June 1, 1948	September 1, 1994	Lansdowne House, ON	Anglican Church
Ontario	Lansdowne House (RC)	Lansdowne House Seasonal	August 15, 1955	June 30, 1971	Lansdowne House, ON	Roman Catholic
Ontario	Long Lac	Longlac Long Lac (Marten Falls)	September 1, 1945	June 30, 1973	Long Lack Reserve, Long Lac, ON	Roman Catholic

Ontario	Lower French River	Rivière des Français au bas	September 1, 1922	September 1, 1971	Henvey Inlet Reserve, R.R. 2, Rutter, ON	Roman Catholic
Ontario	MacDiarmid Indian Day School	Macdiarmid	September 1, 1950	September 1, 1961	MacDiarmid, ON	Roman Catholic
Ontario	Magnetawan	Maganatawan Maganetawan Magnetewan Byng Inlet School	September 2, 1924	July 1, 1945	Byng Inlet, ON	Non-denominational Roman Catholic
Ontario	Manitou Rapids		1886	June 30, 1955	Manitou Rapids Indian Reserve in Rainy River, Ontario	Anglican Church
Ontario	Martin Falls	Long Lac Long Lake	June 1, 1921 March 9, 1936	September 30, 1921 September 1, 1941	Ogoki, 180 kilometers from Nakina	Anglican Church
Ontario	Mattagami	Metagami	September 1, 1939 September 1, 1979	May 31, 1966 September 1, 1982	Mattagami Indian Reserve No. 71	Anglican Church
Ontario	Mission Bay	Squaw Bay School Fort William	March 4, 1907 September 1, 1922	September 1, 1921 September 1, 1966	Fort William Reserve, Ontario,	Roman Catholic
Ontario	Mississauga River	Mississauga Mississauga R.C.	June 30, 1879 September 1, 1923	September 1, 1917 September 1, 1968	Mississauga River Indian Reserve, north shore of Georgian Bay	Roman Catholic Non-Denominational
Ontario	Mobert	Pic Mobert Pic	November 18, 1929	September 1, 1982	Mobert Indian Reserve n. 82, Mobert, Ontario, 22 miles from White River	Roman Catholic
Ontario	Mohawk Day	Mohawk School Block	September 1, 1968	June 30, 1970	9.93 acres of land on Lot Five of the Eagles Nest Tract in Brantford, Ontario	Anglican Church
Ontario	Moose Deer Point	King Bay	October 1, 1916 April 29, 1919	June 30, 1918 June 30, 1950	Moose Deer Point Reserve	Non-denominational
Ontario	Moose Factory No. 2		September 1, 1955	January 1, 1957	Moose Factory, ON	Anglican Church
Ontario	Moose Fort		1905	January 1, 1957	Moose Fort Reserve, James Bay, ON	Anglican Church
Ontario	Moose River	French Post	April 1, 1911	May 13, 1927	"Moose River Post / French Post near Moose Fort"	Anglican Church

Ontario	Moraviantown	Moravians of the Thames, Moraviantown Kindergarten	1867 September 1, 1972	June 30, 1971 September 1, 1990	Moravian Indian Reserve No. 47, Township of Orford, County of Elgin, on the River Thames, RR#3 Thamesville, ON	Moravian Church Methodist Church United Church
Ontario	Mount Elgin	Mt. Elgin Continual Mount Elgin Senior Mount Elgin Intermediate Caradoc (Mount Elgin)	November 1, 1946	September 1, 1992	Near the River Thames on the Caradoc Reserve, near the town of Muncey, in the Township of Caradoc, Middlesex County, ON	United Church
Ontario	Mountain Village	Mountain Road Mountain Day	1909 September 1, 1949	June 30, 1923 June 30, 1968	Mountain Village, Fort William Reserve, Ontario	Roman Catholic
Ontario	Mountbatten	Mount Batten	September 1, 1948	May 19, 1966	Nemegos, ON Tophet, ON	Anglican Church
Ontario	Mud Lake	Chemong Mud Lake (Curve Lake) Mud Lake (Georgian Bay) Chemong (Curve Lake)	1886	June 30, 1978	Township of Smith in the county of Peterborough	Non-denominational Anglican Church United Church
Ontario	Muncey	Lower Muncey	1877 October 1, 1918	June 30, 1911 December 31, 1942	Caradoc Reserve, Middlesex County, RR#1 Mount Brydges, ON	Anglican Church
Ontario	Murray Hill		May 26, 1948	November 1, 1965	Maiangowi Settlement, Manitoulin Island Indian Reserve,	Roman Catholic
Ontario	Muskrat Dam		March 20, 1968	January 1, 1975	Muskrat Dam, ON via Bearskin Lake	
Ontario	Naughton School	Graham SS. No. 5 Whitefish Lake	September 5, 1950	September 1, 1964	Naughton, White Fish Reservation, ON	Methodist Church Roman Catholic
Ontario	New Credit	Mississagua New Credit School	1868	September 1, 1994	New Credit Reserve, ON	Anglican Church
Ontario	New Credit Central	New Credit #5	September 1, 1958	June 30, 1960	New Credit Reserve, ON	Anglican Church
Ontario	Northwest Angle School	N.W. Angle	September 1, 1970	September 1, 1980	Northwest Angle Indian Reserve No. 34C, ON	

Ontario	Northwest Bay		September 1, 1951	September 1, 1969	Naicatchewenin, or Rainy Lake Reserve No. 17A, Northwest Bay near Devlin, ON	Roman Catholic Non-denominational
Ontario	Ogoki (AC)	Ogoki (AC) Seasonal School Ogoki Post Church of England Indian Seasonal	June 1, 1958	September 30, 1959	Ogoki Post, Nakina, ON	Anglican Church
Ontario	Ogoki (RC)	Ogoki (RC) Seasonal School	June 1, 1956	March 1, 1965	Ogoki, 112 miles from Nakina, ON	Roman Catholic
Ontario	Ohsweken Central	Six Nations Central	November 1, 1953	June 30, 1969	Six Nations Indian Reserve No. 40, Ohsweken, ON	Anglican Church
Ontario	Ojibbewas	Ojibwas Heritage	January 1, 1956	September 1, 1989	Shoal Lake Reserve No. 40	Presbyterian
Ontario	Oliver M Smith⁵	Six Nations A Kawenni:io Elementary	September 1, 1989	September 1, 1997	Six Nations Indian Reserve No. 40, Ohsweken, ON	None
Ontario	Oneida No. 1		September 1, 1938	September 1, 1968	Oneida Reserve in the Township of Delaware, Middlesex County	United Church
Ontario	Oneida No. 2	Oneida No. 2 [Primary; Junior; Senior]	1873	September 1, 1968	Oneida Reserve in the Township of Delaware, Middlesex County	Anglican Church United Church
Ontario	Oneida No. 3	S.S. #3 Oneida	1882	September 1, 1968	Oneida Reserve in the Township of Delaware, Middlesex County	Methodist United Church
Ontario	Oneida No. 4		September 1, 1953	September 1, 1968	Oneida Reserve in the Township of Delaware, Middlesex County	United Church
Ontario	Osnaburgh	Osnaburgh Seasonal Missabay Missabay Community School	May 1, 1947 May 1, 1953	September 30, 1948 September 1, 1991	Osnaburgh House, ON	Anglican Church

⁵ Still a federally-operated school.

Ontario	Pays Plat	Pays Plat Seasonal	1893 June 1, 1950 September 1, 1952	June 30, 1932 September 30, 1950 September 1, 1956	Pays Plat, north shore of Lake Superior, ON	Roman Catholic
Ontario	Pelican Lake	Sioux Lookout	September 1, 1968	June 30, 1973	On Pelican Lake, 6 miles from Sioux Lookout, ON	
Ontario	Pic	Pic River Heron Bay School	June 1, 1927 September 1, 1928	August 6, 1927 September 1, 1990	Pic River Reserve No. 50, Heron Bay, ON	Roman Catholic
Ontario	Pickle Lake School	Pickle Lake Seasonal	May 1, 1947	September 15, 1963	Pickle Lake District, ON	Anglican Church
Ontario	Pikangikum	Pekangekum	June 1, 1917 September 1, 1926	June 30, 1921 September 1, 1988	Pikangikum, ON	United Church
Ontario	Ponask		September 1, 1979	September 1, 1988	56km north of Sachigo Lake, ON	
Ontario	Pontiac School	Wikwemikong #26	September 1, 1971	September 1, 1987	Wikwemikong Unceded Indian Reserve No. 26, Wikwemikong, ON	Roman Catholic
Ontario	Poplar Hill (Mennonite)		September 1, 1958	September 1, 1962	Poplar Hill, ON	Mennonite
Ontario	Poplar Hill (RC)	St. Theresa R.C. Berensview A. Scratch Memorial	February 1, 1959	September 1, 1990	Poplar Hill, ON	Roman Catholic
Ontario	Port Elgin	No. 3 Port Elgin Little Port Elgin Port Elgin U.C.	1884	September 1, 1964	Port Elgin, ON	United Church
Ontario	Quinte Mohawk⁶	Mohawks Bay of Quinte Tyendinaga Deseronte	September 1, 1960	September 1, 1997	Quinte Mohawk Reserve, Deseronto, ON	Anglican Church
Ontario	Rabbit Island	Rabbit Island Indian Day School No. 455	September 19, 1938	September 1, 1963	Manitoulin Island Reserve, 3.5 miles from Wikwemikong, in the Manitoulin Island Agency	Roman Catholic
Ontario	Rama		1868	September 1, 1964	Rama Reserve	United Church

⁶ Still a federally-operated school.

Ontario	Rat Portage		September 1, 1954	June 30, 1966	On the Rat Portage Reserve Near Kenora, ON	Presbyterian
Ontario	River Settlement	River Settlement (Cardoc)	1876 November 1, 1951	September 30, 1948 January 1, 1959	Chippewa of the Thames Reserve along on the Thames River, Caradoc Township, Middlesex County	United Church
Ontario	Round Lake	Native Sena Native Sena Elementary Weagamow	September 13, 1952	September 1, 1993	Weagamow Lake, ON	Anglican Church
Ontario	Ryerson	Parry Island	1877	September 1, 1980	On Parry Island, two miles from Parry Sound	Anglican Church United Church
Ontario	Sabaskong	Sab Assabaska Sabasbong Sabaskony Sabaskon Sabaskong Bay New Sabaskong Sabaskong R.C	September 1, 1956	April 1, 1977	Sabaskong Reserve No. 35D near Nestor Falls, ON	Roman Catholic Non-denominational
Ontario	Sachigo	Sachigo Lake	September 1, 1956	September 1, 1988	Sachigo, ON	Anglican Church
Ontario	Sagamok	Sagamook Sagamok R.C. River Road School	June 1, 1884 January 1, 1936	September 1, 1930 September 1, 1973	On the north shore of the north channel of Lake Huron along the south bank of the Spanish River	Roman Catholic
Ontario	Samson Beardy	Samson Beardy Memorial	September 1, 1978	September 1, 1988	Muskrat Dam, ON	
Ontario	Sandy Lake (RC)	Sandy Lake RC Seasonal	September 1, 1956 February 1, 1959	October 30, 1956 June 30, 1971	Sandy Lake Reserve, 200 miles north of Sioux Lookout, ON	Roman Catholic
Ontario	Sandy Lake (UC)	Sandy Lake Seasonal Sandy Lake AC Northern Star	June 1, 1938 September 1, 1956	September 30, 1938 September 1, 1989	Sandy Lake Reserve, 200 miles north of Sioux Lookout, ON	United Church

Ontario	Saugeen Village	Saugeen	1868-1869	June 30, 1974	Chippewa Hill, Saugeen Reserve, ON	Methodist United Church
Ontario	Scotch Settlement		1883	June 30, 1968	Saugeen Reserve, Southampton, ON	United Church
Ontario	Seine River		January 13, 1937 September 1, 1946 September 1, 1953	September 1, 1942 September 6, 1951 September 1, 1972	Wild Potato Lake, Seine River Reserve 23A, ON	Roman Catholic
Ontario	Serpent River	Kenabutch Serpent River Federal Serpent River (Cutler)	June 1, 1875	June 30, 1973	East of the mouth of the Serpent River	Roman Catholic
Ontario	Shawanaga	Shewanaga	1880	June 30, 1961	Shawanaga, ON	Anglican Church Non- denominational
Ontario	Sheguiandah (AC)	Sheshegwaning Shequiandah	April 1, 1867	June 30, 1937	Sheguiandah Reserve, ON	Anglican Church
Ontario	Sheguiandah (RC)		September 1, 1929	June 30, 1937	Near Sheguiandah Reserve, Ontario	Roman Catholic
Ontario	Sheshegwaning (AC)	Sheshegwaning C.E.	October 1, 1913	June 30, 1931	Sheshegwaning on Manitoulin Island, across Bayfield Sound from Barrie Island	Anglican Church
Ontario	Sheshegwaning (RC)	Sheshiquaning Sheshiguaning Sheseguaning Shesheguaning	1880-1884	July 16, 1987	Sheshegwaning on Manitoulin Island, across Bayfield Sound from Barrie Island	Roman Catholic
Ontario	Shoal Lake No. 39		September 1, 1976	September 1, 1979	Iskatewizaagegan No. 39 Independent First Nation (Shoal Lake Indian Reserve No. 39), Kejick, Ontario	-
Ontario	Sidney Bay	Sydney Bay	1874	June 30, 1964	Cape Croker Reserve, Wiarton, Ont	Roman Catholic United Church
Ontario	Six Nations No. 1	S. S. #1 Tuscarora	1891	September 1, 1989	Six Nations Reserve #40, Ohsweken	Anglican Church

Ontario	Six Nations No. 10	Onondaga School S. S. #10 Tuscarora	1870	September 1, 1989	Six Nations Reserve #40, Ohsweken	Anglican Church
Ontario	Six Nations No. 11	No. 11 School, Oneida (Cayuga) S. S. #11 Tuscarora	1871	September 1, 1989	Six Nations Reserve #40, Ohsweken	Anglican Church
Ontario	Six Nations No. 12	S. S. #12 Tuscarora	1873	September 1, 1989	Six Nations Reserve #40, Ohsweken	Methodist Church Anglican Church
Ontario	Six Nations No. 2	No. 2 School (Ohsweken)	1869	June 30, 1962	Six Nations Reserve #40, Ohsweken	Anglican Church
Ontario	Six Nations No. 3	No. 3 School (Smith's) S.S. #3 Tuscarora	1869	September 1, 1989	Six Nations Reserve #40, RR6 Hagersville	Anglican Church
Ontario	Six Nations No. 4	S.S. #4 Tuscarora	1867	June 30, 1982	Six Nations Reserve #40, Ohsweken	Anglican Church
Ontario	Six Nations No. 5	No. 5 School (Delaware) S. S. #5 Tuscarora Emily C. General ⁷	1867	September 1, 1997	Six Nations Reserve #40, Ohsweken	Anglican Church
Ontario	Six Nations No. 6	No. 6 School S. S. #6 Tuscarora	1867	September 1, 1989	Six Nations Reserve #40, Ohsweken	Anglican Church
Ontario	Six Nations No. 7	No. 7 Strong's School S. S. #7 Tuscarora	1867	September 1, 1987	Six Nations Reserve #40, RR6 Hagersville	Anglican Church
Ontario	Six Nations No. 8	S. S. #8 Tuscarora	1869	September 1, 1989	Six Nations Reserve #40, RR6 Hagersville	Anglican Church
Ontario	Six Nations No. 9	S.S. #9 Tuscarora	1867	June 30, 1985	Six Nations Reserve #40, RR6 Hagersville	Anglican Church
Ontario	South Bay		1877 September 1, 1955	June 30, 1925 June 30, 1963	Manitoulin Island	Roman Catholic

⁷ Still a federally-operated school.

Ontario	Spanish River	Spanish Day	1889 September 1, 1921 February 1, 1928	January 1, 1917 June 30, 1923 September 1, 1979	Spanish River, ON	Roman Catholic Anglican Church
Ontario	St. Anne's	St. Ann's Fort Albany (RC) Sinclair Island School	June 30, 1976	September 1, 1990	Fort Albany, ON	
Ontario	St. Clair	St. Clair Reserve (Sarnia)	1881 September 1, 1945	December 31, 1943 September 1, 1954	St. Clair, ON	Methodist Non- denominational
Ontario	St. Mary's (Kenora)	St. Mary's School Block Kenora School	September 1, 1968	June 30, 1972	Two miles south of Kenora, ON	Roman Catholic
Ontario	Standing Stone	Oneida of the Thames Oneida School Standing Stone Elementary	September 1, 1968	September 1, 1993	Oneida Indian Reserve No. 41	None
Ontario	Stony Point	Aux Sables Stoney Point	1880	June 30, 1942	Located on the Stony Point Reserve	Methodist Interdenominati onal
Ontario	Sucker Creek		1886	September 1, 1963	Sucker Creek Reserve	Anglican Church
Ontario	Timagami	Bear Island Temagami Temogami	June 1, 1904 July 10, 1934	September 30, 1932 June 1, 1951	On Bear Island	Roman Catholic
Ontario	Trout Lake	Big Trout Lake IDS	June 1, 1930 July 1, 1946 September 1, 1949	October 31, 1940 September 30, 1948 December 31, 1988	Big Trout Lake, ON	Anglican Church
Ontario	Tyendinaga (Central)	Tyendinaga, No. 3	1882	September 1, 1969	On the Tyendinaga Reserve	Anglican Church
Ontario	Tyendinaga (Eastern)	Tyendinaga, No. 1	1882	September 1, 1969	On the Tyendinaga Reserve	Anglican Church
Ontario	Tyendinaga (Mission)	Tyendinaga, No. 4	1883	December 31, 1956	On the Tyendinaga Reserve	Anglican Church
Ontario	Tyendinaga (Western)	Tyendinaga, No. 2	1882	September 1, 1969	On the Tyendinaga Reserve	Anglican Church
Ontario	Victoria Linklater	North Spirit Lake	September 1, 1971	September 1, 1990	North Spirit Lake, ON	

Ontario	Wabigoon	Wabegon Wabegoon	September 1, 1956	September 1, 1969	Wabigoon Reserve	Presbyterian
Ontario	Wabunung	Wabung (Manitoulin) School	September 1, 1972	June 30, 1985	Unceded Indian Reserve No. 26, Wikwemikong, ON	Roman Catholic
Ontario	Walpole Island No. 1		1867	September 1, 1990	Walpole Island Reserve	Anglican Church
Ontario	Walpole Island No. 2		1880	September 1, 1968	Walpole Island Reserve	Anglican Church
Ontario	Walpole Island No. 3		December 30, 1889 November 1, 1959	1906 September 1, 1968	Walpole Island Reserve	Inter- denominational
Ontario	Webequie School	Webequi Webeque	September 1, 1964	September 1, 1994	Webequie, ON, Nakina Agency	Anglican Church
Ontario	Weeneesk	Weenusk Weenisk Winisk Muskegog Keewaytin	June 1, 1948 June 1, 1957 September 1, 1969	September 30, 1955 April 7, 1966 September 1, 1990	Weenisk, ON	Roman Catholic
Ontario	West Bay		1875	June 30, 1966	West Bay Reserve	Roman Catholic
Ontario	Whitefish Bay	St. Andrew's Baimbombeh Anishinabe	August 1, 1925	September 1, 1981	Whitefish Bay Reserve No. 32A	Roman Catholic
Ontario	Whitefish Lake	White Fish Lake Penache	September 1, 1880	June 30, 1951	At Lake Penache on the Whitefish Lake Reserve	Roman Catholic
Ontario	Whitesand	White Sands	July 1, 1930 September 1, 1940	January 12, 1938 September 1, 1941	Whitesand Reserve, ON, near Lake Nipigon	Roman Catholic
Ontario	Wikwemikong	Wikwemikong Junior	1868	September 1, 1987	Wikwemikong, ON	Roman Catholic
Ontario	Wikwemikong Senior	Wikwemikong High School	September 1, 1967	June 30, 1971	Wikwemikong, ON	Roman Catholic
Ontario	Wunnumin Lake		October 1, 1960	September 1, 1988	Wunnumin Lake Indian Reserve	Anglican Church
Prince Edward Island	Lennox Island	John J. Sark Memorial	1869	September 1, 1987	Lennox Island Reserve	Roman Catholic

Prince Edward Island	Rocky Point		October 1, 1915	June 30, 1922	East side of Charlottetown Harbour, at a former Micmac campsite acquired by the Government of Prince Edward Island for the use of the Rocky Point Band, Prince Edward Island	
Quebec	Barrière Lake	Barri (Lac Barrière) Rapid Lake Seasonal School Barriere Seasonal School	June 1, 1924 June 1, 1950 January 1, 1969	June 30, 1929 September 1, 1964 October 1, 1972	East shore of the Great Peninsula of Cabonga Reservoir Bay (Pontiac, PQ)	Roman Catholic
Quebec	Bersimis	Betsiamites Ecole Indienne de Betsiamites	1901 May 1, 1941	June 30, 1940 March 31, 1982	Bersimis Reserve	Roman Catholic
Quebec	Brennan's Lake	Brennan Lake	October 17, 1921	September 1, 1941	Brennan's Lake, Timiskaming, Quebec	Roman Catholic
Quebec	Caughnawaga	Caughnawaga - Mission	February 18, 1924	June 30, 1969	Caughnawaga Reserve, on the south shore of the St. Lawrence River	Methodist United Church
Quebec	Caughnawaga - Boys		1868	September 1, 1924	Caughnawaga village, now Kahnawa:ke, on the St. Lawrence River, opposite Lachine, Quebec	Roman Catholic
Quebec	Caughnawaga - Bush	Sacred Heart Bush School	July 1, 1906	June 30, 1946	Three miles from the village of Caughnawaga, now Kahnawa:ke, in the farming section towards the southeast end of the reserve	Roman Catholic
Quebec	Caughnawaga - Girls		1891	September 1, 1924	Caughnawaga village, now Kahnawa:ke, on the St. Lawrence River, opposite Lachine, Quebec	Roman Catholic

Quebec	Caughnawaga - R.C.	Kateri School (girls section) Eastern School (boys section)	September 1, 1924	August 31, 1969	The school site was described as occupying lots 85, 92, 93, and 94 in the village of Caughnawaga, Quebec (now Kahnawa:ke)	Roman Catholic
Quebec	Caughnawaga - St. Isidore	Caughnawaga St. Isidore Road	September 1, 1911	September 1, 1949	Located at the farming community in the western portion of the Caughnawaga (now Kahnawa:ke)	Roman Catholic
Quebec	Caughnawaga Continuation	Caughnawaga Senior	September 1, 1920	September 1, 1924	Caughnawaga Reserve, Quebec	Roman Catholic
Quebec	Chenail	Akwesasne Chenail	October 3, 1881	September 1, 1990	The Chenail Reserve, St. Regis Agency, on the mainland opposite Yellow Island in the province of Quebec.	Roman Catholic
Quebec	Chetlain		December 3, 1913	July 31, 1948	St. Regis Reserve, Huntington County, Quebec, "across the river from Cornwall, Ont."	Non-Denominational
Quebec	Congo Bridge	Congway Conge Bridge Congway Bridge	1905	September 1, 1985	Maniwaki Reserve, Quebec	Roman Catholic Non-denominational
Quebec	Eastmain	East Main Wabannutao Eyou School	July 1, 1939	July 1, 1978	Eastmain, Quebec	Anglican Church
Quebec	Fort George (AC)	Sand Park	1895 September 1, 1971	July 31, 1939 July 1, 1978	Fort George, Quebec	Episcopal Church Anglican Church Non-Denominational

Quebec	Grand Lake Victoria	Grand Lac Victoria	June 1, 1923	September 1, 1926	Grand Lake Victoria, Outside Treaty, Quebec	
Quebec	Hunter's Point		June 1907 October 1, 1920	November 5, 1909 March 31, 1940	Hunter's Point, Kippewa Lake, Quebec; included in the Temiskaming Agency and relating to the Kipawa and Grassy Lake Band.	Roman Catholic
Quebec	Karonhianonha	Karonianona	September 1, 1966	September 1, 1988	Caughnawaga Reserve No. 14	Roman Catholic
Quebec	Kateri		September 1, 1969	September 1, 1988	Village of Caughnawaga, Caughnawaga Reserve No. 14 (now Kahnawa:ke)	Roman Catholic
Quebec	Kawennanoron		September 1, 1969	September 1, 1988	Caughnawaga Reserve No. 14 (now Kahnawa:ke)	Anglican Church
Quebec	Knob Lake	Knob Lake A.C./C.E. Knob Lake Protestant Schefferville Protestant	September 1, 1958	July 16, 1966	Located "not far" from the Knob Lake R.C. Indian Day School, which was located within the boundaries of the Reserve, a few miles from the town of Schefferville	Anglican Church
Quebec	Knob Lake R.C. School	Schefferville (Knob Lake) N.-D. [Notre-Dame] des Indiens Schefferville R.C.	January 1, 1957	September 1, 1970	Located within the boundaries of the Reserve, a few miles from the town of Schefferville. The school was included in the Bersimis-Seven Islands Education District, Quebec	Roman Catholic
Quebec	Lake Simon	Lac Simon	June 1, 1922	September 21, 1929	Lake Simon Reserve, Lake [Lac] Simon, Quebec. Included in the Temiskaming Agency	Roman Catholic
Quebec	Long Point	Winneway's River Long [Longue] Point Summer School	July 1, 1911 November 1, 1950	October 31, 1937 October 1, 1958	Long Point, Timiskaming Agency, Quebec	Roman Catholic

Quebec	Lorette	Hurons of Lorette Ecole indienne de Lorette	1865	April 25, 1986	Lorette Reserve No. 7, Wendake, Quebec	Roman Catholic
Quebec	Maliotenam	Seven Islands Sept-Îles Seven Islands (Maliotenam) Maliotenam (Sept- Îles)	January 1, 1955 September 1, 1969	September 1, 1959 June 30, 1982	Sept-Îles (Seven Islands) Reserve, Quebec; The reserve was later re- named Maliotenam	Roman Catholic
Quebec	Manawon	Manouan Manouane Wapoc	June 7, 1928	September 1, 1989	Manowan Indian Reserve No. 26	Roman Catholic
Quebec	Maniwaki	River Desert Day School Ottawa Road Day School	1868	June 30, 1955	Maniwaki Reserve, Quebec	Roman Catholic Non- Denominational
Quebec	Maria		1864	November 30, 1963	Maria Reserve, Gesgapegiag, Quebec	Roman Catholic
Quebec	Minigan	Mingan Teuaikan	January 1, 1949 February 18, 1965 January 1, 1974	February 1, 1959 July 31, 1970 September 1, 1989	Mingan, Quebec	Roman Catholic
Quebec	Mistassini	Mistissini St. John's Seasonal School Mistassini Lake Indian School Mistassine	April 1, 1911 June 1, 1937 September 1, 1963	September 30, 1930 February 1, 1961 July 1, 1978	Mistassini, Quebec Baie du Poste, Quebec Mistassini Reserve, Quebec	Anglican Church
Quebec	Moisie River	Moisie	September 1, 1923 November 1, 1948	June 30, 1928 June 30, 1952	Located on the Moisie River Reserve, Seven Islands Agency, Quebec	
Quebec	Natashquan	Ecole Indienne de Natashquan St. Augustin(e) Pointe-Parent	June 1, 1948 September 1, 1957	September 1, 1956 September 1, 1989	Natashquan Reserve, Quebec	Roman Catholic
Quebec	Nemaska	Nemiska	July 1, 1950	September 1, 1965	Nemaska, Quebec	Anglican Church

Quebec	Obedjiwan	Obejiwan	June 1, 1924 June 1, 1942 June 1, 1948 June 1, 1954 September 1, 1957	September 15, 1938 September 15, 1945 September 30, 1951 September 30, 1956 September 1, 1990	Obedjiwan, Quebec	Roman Catholic
Quebec	Oka Country	Kanestake	1880	September 1, 2000	Lake of Two Mountains, Oka, Quebec Kanesatake, Oka Indian Reserve No. 16, Quebec	Methodist United Church
Quebec	Oka Village	Lake of Two Mountains (Wesleyan)	1874	June 30, 1957	Lake of Two Mountains, Oka, Quebec	Methodist United Church
Quebec	Paint Hills	Old Factory River Old Factory C.E. Factory River Wemindji	June 1, 1945 June 1, 1949	October 1, 1947 July 1, 1978	At Paint Hills on the eastern shore of James Bay. The location of the school was sometimes identified as Nouveau-Comptoir	Anglican Church Roman Catholic
Quebec	Pierreville (AC)	St. Frances (C.E) St. Francis Protestant Pierreville Protestant Abenaki Indian School	Pre-Confederation	September 1, 1941	Located on a lot between the road to the ferry and the road to Pierreville on the Pierreville Indian Reserve, also known as the St. Francis Reserve, Quebec	Anglican Church
Quebec	Pierreville (RC)	St. Francis (St. Frances) St. Joseph's St. Frances Academy Abenakis Odanak	Pre-Confederation	September 1, 1959	At St. François du Lac, Yamaska County, Quebec or as Abenakis, Pierreville or Odanak Indian Village, Quebec	Roman Catholic
Quebec	Pointe Bleue	Amishk Montagnais of Lake St. John (Lac St. Jean) Point Blue	1874-1875 September 1, 1968	September 1, 1960 June 30, 1982	Ouiatchouan Indian Reserve, Quebec	Roman Catholic
Quebec	Rapid Lake		October 1, 1972	September 1, 1995	Rapid Lake, Quebec	None

Quebec	Restigouche	Mission Point Micmacs of Restigouche	Before 1864	June 30, 1961	Restigouche Reserve, situated on the northern bank of the Restigouche River	Roman Catholic
Quebec	Romaine Indian Day School	(La) Romaine	June 1, 1948	September 1, 1968	Located on the La Romaine Reserve in the St. Augustine Agency, Quebec.	Roman Catholic
Quebec	Rupert's House	Ruperts House Waskaganish	1896/1897	July 1, 1978	Rupert's (or Fort Rupert) House, Quebec	Anglican Church
Quebec	Sanmaur	Sanmaur Kindergarten	June 1, 1967	June 30, 1973	Located in Sanmaur, Quebec, on the west bank of the Saint-Maurice River across from Weymontachie.	Roman Catholic
Quebec	Sept-Îles	Seven Islands	January 1, 1931 October 13, 1947	January 31, 1932 December 31, 1954	Located on the Sept-Îles Reserve	Roman Catholic
Quebec	St. Augustin	St. Augustine	June 1, 1953	October 1, 1960	St. Augustin, QC	Roman Catholic
Quebec	St. Regis Island		1885	June 30, 1954	St. Regis Island School was located on the St. Regis Reserve on the St. Lawrence River, QC	Roman Catholic Non-denominational
Quebec	St. Regis Village	Village School St. Regis Village R.C. St. Regis	1867	September 1, 1987	South bank of the St. Lawrence River, in the Township of Dundee, Country of Huntingdon	Roman Catholic
Quebec	Timiskaming	Temiskaming R.C. Témiscamingue Temiscamingue Notre-Dame-du-Nord	1874/1875	June 30, 1991	Temiskaming Indian Reserve No. 19, Quebec	Roman Catholic
Quebec	Waswanipi	St. Barnabas Mission School	1914	September 1, 1963	Waswanipi Reserve, Abitibi Agency, Province of Quebec	Anglican Church

Quebec	Weymontaching	Weymontachie	June 1, 1925	September 1, 1985	Weymontachie Reserve, located 120 kilometers from La Tuque and 260 kilometers from Shawinigan	Roman Catholic
Quebec	Wolf Lake		June 1, 1914 October 1, 1925 September 1, 1929 September 1, 1931	August 31, 1921 December 31, 1925 June 30, 1930 June 30, 1932	Kippiwa Indians, Wolf Lake, Quebec	Roman Catholic
Saskatchewan	Ahtahkakoops	Ahtakakoop(s) Sandy Lake	1878	September 1, 1990	Atakakup Reserve No. 104	Anglican Church
Saskatchewan	Assiniboine	Carry the Kettle	1886	September 1, 1989	Located on Assiniboine Reserve, situated about a quarter of a mile from the agency buildings	Roman Catholic United Church Presbyterian Church
Saskatchewan	Beardy's	Beardy Beardy and Okemasis	January 7, 1957	September 1, 1984	Beardy's and Okemasis Resreve	Roman Catholic
Saskatchewan	Big Island Lake	Chief Napayo Memorial Chief Napayo Big Head School Big Island Joseph Bighead	September 1, 1934	June 30, 1986	Big Head Indian Reserve No. 124	Roman Catholic
Saskatchewan	Big River (AC)	Kinoomootaya	1900 September 1, 1924	November 1, 1919 July 1, 1976	Big River Indian Reserve	Anglican Church
Saskatchewan	Big River (RC)		September 1, 1939	July 1, 1976	Big River Indian Reserve	Roman Catholic
Saskatchewan	Black Lake		June 13, 1955 September 1, 1972	September 1, 1968 June 30, 1986	Black Lake School was located on Chicken Indian Reserve No. 224, in Black Lake, Saskatchewan	Roman Catholic
Saskatchewan	Canoe Lake		September 1, 1959	September 1, 1989	Canoe Lake Indian Reserve No. 165 in Canoe Narrows, Saskatchewan. The school was on the whole of Lot 2.	Roman Catholic

Saskatchewan	Chakoo	Chackoo	September 1, 1960	September 1, 1974	Located on the Pelican Narrows Reserve, a hand drawn map showed Pelican Narrows located near the Saskatchewan-Manitoba border.	Roman Catholic
Saskatchewan	Chitek Lake	Pelican Lake Chamakese	June 1, 1938 September 1, 1949	September 30, 1946 September 1, 1990	Pelican Lake Band, Chitek Lake Reserve No. 191	Anglican Church
Saskatchewan	Cote	Cote Old School Cote Kindergarten Pelly Cote #1 Crow Stand Crowstand	1916	September 1, 1989	Cote Reserve, Saskatchewan	Presbyterian United Church
Saskatchewan	Cote No 2	Hillside Cote New School	September 1, 1951	June 30, 1963	Cote Reserve, Saskatchewan	United Church Roman Catholic
Saskatchewan	Cote No 3	Whitesand	June 1, 1954	June 30, 1969	Pelly Agency, Cote Reserve, Saskatchewan	Roman Catholic
Saskatchewan	Cote No 4		November 1, 1955	February 13, 1961	Near Kamsack, Saskatchewan	Roman Catholic
Saskatchewan	Cowessess	Cowessess Kindergarten	January 1, 1950 September 1, 1955	October 1, 1953 September 1, 1977	Cowessess Reserve	Roman Catholic
Saskatchewan	Day Star's	Day Stars Day Star	1888 June 26, 1946 Septmeber 1, 1970	June 30, 1945 June 30, 1968 June 30, 1972	Located near Punnichy Saskatchewan on the Day Star Reserve	Anglican Church
Saskatchewan	Duck Lake	Duck Lake (St. Michael's School) Block Duck Lake Block St. Michael's	September 1, 1968	September 1, 1987	One mile south of Duck Lake, SK	Roman Catholic
Saskatchewan	File Hills		September 1, 1949	June 30, 1966	Near the boundaries of the Okanese Reserve	United Church
Saskatchewan	File Hills Colony (RC)	Peepeekisis	April 1, 1957	September 1, 1988	Located on the Peepeekeesis Indian	Roman Catholic

					Reserve No. 81	
Saskatchewan	File Hills Colony (UC)		February 1, 1950	September 1, 1962	Located on the Peepeekeesis Indian Reserve No. 81	United Church
Saskatchewan	Fishing Lake		March 1, 1904	September 1, 1972	Located on the Fishing Lake reserve near Wadena, Saskatchewan	Anglican Church
Saskatchewan	Fond du Lac		September 1, 1949 September 1, 1972	September 1, 1968 July 1, 1985	Located in Fond du Lac, Saskatchewan and 60 miles from the Stony Rapids Indian Day School	Roman Catholic
Saskatchewan	Fort à la Corne (North)	James Smith (North) North Fort a la Corne	1890	October 9, 1962	Located on the north end of the James Smith Reserve	Anglican Church
Saskatchewan	Fort à la Corne (South)	James Smith (South) South Fort a La Corne	September 1, 1904 December 1, 1913 October 1, 1925	May 20, 1912 June 30, 1919 June 30, 1960	Located in the south end of the James Smith Reserve	Anglican Church
Saskatchewan	Gordon's (AC)		September 1, 1968	September 1, 1992	Gordon Indian Reserve No. 86	Anglican Church
Saskatchewan	Gordon's (RC)	Gordon Kindergarten	September 1, 1954	September 1, 1992	Located on the Gordon's Reserve at Punnichy, Saskatchewan	Roman Catholic
Saskatchewan	James Smith	James Smith Central	September 1, 1960	September 1, 1977	James Smith Reserve, at the center of the reserve	Anglican Church
Saskatchewan	John Smith	John Smith's	1878	September 1, 1954	John Smith's Reserve located in Puckahn, Saskatchewan or Davis Saskatchewan	Anglican Church
Saskatchewan	Jubilee		September 1, 1952	September 1, 1964	On the Kahkewistahaw Indian Reserve	United Church
Saskatchewan	Kakishiway	Ochapowace East	February 1, 1959	September 1, 1967	Located in Qu'Appelle Education District in the Crooked Lake Agency, 9 miles from the Ochapowace Indian Day	United Church

					Schoo	
Saskatchewan	Key (AC)	Keys	1885	September 1, 1967	Key Reserve in Southern Saskatchewan	Anglican Church
Saskatchewan	Key (RC)		September 1, 1957	September 1, 1961	Key Indian reserve, 16 miles northwest of Kamsack, SK	Roman Catholic
Saskatchewan	Kinistino		September 1, 1938	September 1, 1981	Located near Chagoiness, Saskatchewan on the Kinistino Reserve	Anglican Church
Saskatchewan	La Plonge High		September 1, 1974	July 25, 1980	La Plonge Indian Reserve No. 192 at Beauval, Saskatchewan	
Saskatchewan	Lakeside		September 1, 1950	September 1, 1960	Cowessess Indian reserve, eight miles northwest of Broadview, SK	Roman Catholic
Saskatchewan	Little Pine(s)	Little Pine Little Pine Kindergarten Chief Little Pine	1890 January 1, 1923 August 1, 1978 September 1, 1985	June 30, 1921 March 30, 1974 September 1, 1981 September 1, 1991	On the Little Pine Reserve	Anglican Church
Saskatchewan	Little Red River	Little Red River Kindergarten	February 1, 1929 September 1, 1969	September 1, 1968 September 1, 1985	On Little Red River Indian Reserve No. 106C, in Tweedsmuir, Saskatchewan	Anglican Church
Saskatchewan	Loon Lake	Loon Lake Kindergarten	September 1, 1949	September 1, 1979	Located in Loon Lake, Saskatchewan on Makwa Lake Indian Reserve No. 129	Anglican Church
Saskatchewan	Maple Creek		August 1, 1957	September 1, 1966	Maple Creek Indian reserve, 75 miles southwest of Swift Current	
Saskatchewan	Marieval	Cowessess	September 1, 1969	September 1, 1982	Cowessess Indian Reserve	Roman Catholic

Saskatchewan	Meadow Lake		February 1, 1949	June 30, 1961	Located on the Meadow Lake Indian reserve, on the north shore.	Roman Catholic
Saskatchewan	Ministikwan	Little Island Lake Island Lake	September 1, 1929 September 1, 1949	December 1, 1948 September 1, 1987	Located on the Ministikwan Reserve	Anglican Church
Saskatchewan	Mistawasis	Mistawasis Kindergarten	1882 September 1, 1928 September 1, 1966	June 30, 1926 November 1, 1960 September 1, 1982	On Mistawasis Reserve	Presbyterian
Saskatchewan	Montreal Lake School		1892 September 1, 1972	September 1, 1968 September 1, 1977	Located on Montreal Lake Indian Reserve 106	Anglican Church
Saskatchewan	Moosomin	Jack Fish Creek Murray Lake	October 28, 1912 September 1, 1951	June 30, 1918 September 1, 1988	On Moosomin Indian Reserve	Roman Catholic
Saskatchewan	Mosquito Stony	Mosquito-Grizzly Bear's Head Mosquito Grizzly Bear Mosquito-Stony GBH	September 1, 1950	September 1, 1991	Mosquito Reserve 62612, Lot 1	Roman Catholic Anglican Church
Saskatchewan	Mudie Lake		October 24, 1962	June 30, 1978	Located on the Ministikwan Reserve, in Pierceland, Saskatchewan	Roman Catholic
Saskatchewan	Muscowequan	Muscowequan Federal Kindergarten	September 1, 1968	September 1, 1990	On the Muskowekwan Reserve	Roman Catholic
Saskatchewan	Muscowpetung	Muscowpetung #1 Muscowpetung #2 Muscowpetung- Pasqua Kaniswapit Kaniswapit Central	September 1, 1953	September 1, 1990	On the Muscowpetung Reserve	Roman Catholic
Saskatchewan	Muskeg Lake	Petequakey Muskeg Lake Kindergarten/Nursery	September 1, 1953	September 1, 1982	Located on Petequakey's Reserve, Muskeg Lake. Located on Muskeg Lake Indian Reserve No. 102, in Marcelin, Saskatchewan	Roman Catholic

Saskatchewan	Muskoday	John Smith Indian Day School John Smith Kindergarten	June 27, 1950	September 1, 1979	Davis, Saskatchewan. Located on John Smith/Muskoday Reserve (southern Saskatchewan).	Anglican Church
Saskatchewan	Nut Lake North		August 1, 1957	September 1, 1965	North end of the Nut Lake Reserve	Anglican Church
Saskatchewan	Nut Lake South	Nut Lake Kindergarten	April 1, 1949	September 1, 1988	Nut Lake Indian Reserve No. 90	Anglican Church
Saskatchewan	Ochapowace	Ochapowace Nursery/Kindergarten	September 1, 1953	September 1, 1987	Located on the Ochapowace Reserve No. 71, near Broadview, Saskatchewan	United Church
Saskatchewan	One Arrow	Batoche	January 1, 1951	January 1, 1981	Located on One Arrow Lake Indian Reserve No. 95, near Batoche, Saskatchewan.	Roman Catholic
Saskatchewan	Onion Lake (AC)	St Barnabos Day	September 30, 1945	September 1, 1981	Onion Lake Saskatchewan	Anglican Church
Saskatchewan	Onion Lake (RC)		April 1, 1969	September 1, 1981	Located on the Seekaskootch Indian Reserve No. 119	Roman Catholic
Saskatchewan	Onion Lake Central	Chief Taylor School	September 1, 1973	September 1, 1981	Located on the Seekaskootch Indian Reserve No. 119	Non-denominational
Saskatchewan	Pasqua	Pasquah	September 1, 1954	June 30, 1978	On the Pasqua Reserve, which is west of Fort Qu'Appelle, Saskatchewan	Roman Catholic
Saskatchewan	Peter Pond	Dillion (Federal) Buffalo River	September 1, 1955	September 1, 1989	Located on Peter Pond Lake Indian Reserve No. 193, in Dillion Saskatchewan in Northern Saskatchewan	Roman Catholic
Saskatchewan	Piapot	Payepot	May 17, 1949	November 1, 1997	On Piapot Indian Reserve No. 75	Presbyterian Roman Catholic

Saskatchewan	Poorman	Poor Man Poorman's	1888 September 1, 1947	June 30, 1892 September 1, 1981	Located on the Poorman Reserve No. 88 near Quinton, Saskatchewan	Roman Catholic Episcopalian Church
Saskatchewan	Poundmaker	Chief Poundmaker Pound Maker Poundmaker's Poundmaker Nursey and Kindergarten	1879	September 1, 1983	Poundmaker Indian Reserve, 15 miles southwest of Paynton Saskatchewan	Roman Catholic
Saskatchewan	Qu'Appelle	Lebret	September 1, 1968	September 1, 1983	Starblanket Indian Reserve, adjacent to the village of Lebret. The reserve is now known as Wa pii Moo-toosis.	Roman Catholic
Saskatchewan	Red Earth		1901 September 1, 1972	September 1, 1968 September 1, 1980	Red Earth Reserve	Anglican Church
Saskatchewan	Red Pheasant (AC)	Red Pheasant and Stony (amalgamated)	1878	September 1, 1961	On the Red Pheasant Reserve	Anglican Church
Saskatchewan	Red Pheasant (RC)	St. Laurent	January 1, 1954	May 1, 1985	On the Red Pheasant Reserve	Roman Catholic
Saskatchewan	Round Plains	Sioux Mission Round Plain Prince Albert (Makoce Waste)	August 1, 1922	June 30, 1945	Located on the Wahspaton (Sioux) Indian Reserve	Presbyterian Church United Church
Saskatchewan	Sakimay		November 1, 1956 September 1, 1967	October 31, 1961 August 30, 1972	Located on the Sakimay Indian reserve.	Roman Catholic United Church
Saskatchewan	Saulteaux		September 1, 1957	September 1, 1982	Saulteaux Indian Reserve No. 159, Cochin Saskatchewan	Anglican Church
Saskatchewan	Sawanok		September 1, 1962	September 1, 1979	On the Sturgeon Lake (Sawanok) Reserve.	Roman Catholic
Saskatchewan	Se-se-wa-hum	Big River	September 1, 1976	September 1, 1992	Big River Indian Reserve No. 118	

Saskatchewan	Shoal Lake		1892 September 1, 1972	September 1, 1968 September 1, 1979	Pas Reserve, Manitoba Shoal Lake Reserve, Manitoba	Anglican Church
Saskatchewan	Southend	Reindeer Lake	January 1, 1961 September 1, 1972	September 1, 1968 September 1, 1981	Located on the Southend Reserve at Reindeer Lake	Roman Catholic
Saskatchewan	Springside		September 1, 1952	November 30, 1964	Located on the Kahkewistahaw Indian Reserve	United Church
Saskatchewan	St. Francis	St. Francis Roman Catholic Carlyle Indian Day School St. Frances	December 3, 1945	September 1, 1967	White Bear Indian Reserve, Carlyle, SK	Roman Catholic
Saskatchewan	St. John's	St. John Little Black Bear School	September 1, 1961	September 1, 1967	Located on the Little Black Bear Indian Reserve	Roman Catholic
Saskatchewan	St. Louis	Patuanak English River School	September 1, 1972	September 1, 1989	Located on the Wapachewunak Indian Reserve No. 192D, at the north end of Ile a la Crosse at Patuanak	
Saskatchewan	St. Philip's Day School	Kee-see-konse Keeseekouse Keeseekoose Keesickouse St. Philips St. Phillip's	August 1, 1914 September 1, 1968	December 31, 1927 September 1, 1988	Located on the Keeseekouse Indian Reserve No. 66	Roman Catholic Non- denominational
Saskatchewan	Standing Buffalo	Tatanka Najin Wayawati School	September 22, 1952	September 1, 1989	Located on the on Standing Buffalo Reserve No. 78	Roman Catholic
Saskatchewan	Stanley	Stanley Mission	January 1, 1916 September 1, 1975	September 1, 1956 July 1, 1976	Located on the Stanley Reserve in Saskatchewan.	Anglican
Saskatchewan	Stony Rapids		September 1, 1952	September 1, 1961	Stony Rapids, SK	Roman Catholic

Saskatchewan	Sturgeon Lake Day School	Sturgeon Lake Sturgeon West End Sturgeon East End Sturgeon Lake Kindergarten	1891	September 1, 1977	Located at Sturgeon Valley, Saskatchewan.	Anglican Church
Saskatchewan	Sweetgrass	Sweet Grass	January 5, 1950	October 1, 1978	10 miles southwest of Paynton Saskatchewan.	Roman Catholic
Saskatchewan	Thunderchild (AC)		May 15, 1924	July 1, 1965	On the Thunderchild Reserve	Anglican Church
Saskatchewan	Thunderchild (RC)		August 31, 1953	November 4, 1968	On the Thunderchild Reserve	Roman Catholic
Saskatchewan	Waterhen Lake	Waterhen	September 1, 1952	June 30, 1985	Located in Dorintosh, Saskatchewan, on Meadow Lake Indian Reserve No. 105	Roman Catholic
Saskatchewan	Wawpaw/Wapaw	Pelican Narrows	September 1, 1925 September 1, 1960 August 1, 1972	March 10, 1953 August 31, 1968 September 1, 1981	Located in Pelican Narrows, Saskatchewan	Anglican Church
Saskatchewan	White Bear	Moose Mountain White Bear's Day School White Bear Kindergarten	October 28, 1902	September 1, 1987	Located 10 miles from Carlyle, Saskatchewan.	United Church Presbyterian
Saskatchewan	Whitecap Sioux	Whitecap's White Cap Moose Woods Moose Woods Sioux	1889	September 1, 1981	Located at Whitecap Indian Reserve No. 94.	United Church Methodist
Saskatchewan	Witchekan Lake	Witchekan	September 13, 1952	September 1, 1989	On Witchekan Indian Reserve No. 177	United Church Anglican Church
Yukon	Burwash Landing Day School		January 1, 1945	August 1, 1951	Located on the west shore of Kluane Lake, at mile 1094 of the Alaska Highway	Roman Catholic
Yukon	Champagne Landing	Champagne Landing Seasonal	June 1, 1910	September 1, 1946	80 miles northwest of Whitehorse, Yukon Territory	Anglican Church

Yukon	Little Salmon	Carmacks	January 1, 1914	September 1, 1955	Village of Little Salmon, located 22 miles east of Carmacks. The community/gradually relocated to Carmacks after 1922.	Anglican Church
Yukon	Mayo		September 1, 1947	November 30, 1956	About 210 miles by road from Whitehorse, on the Stewart River.	Anglican Church
Yukon	Moosehide		September 1, 1911	September 1, 1957	At the mouth of Moosehide creek, on the east shore of the Yukon river, about three miles below the town of Dawson	Anglican Church
Yukon	Old Crow Village	Old Crow	January 1, 1917 July 1, 1942 July 25, 1950	December 31, 1939 June 30, 1943 June 30, 1963	Located at the confluence of the Old Crow and Porcupine Rivers, 250 miles north of Dawson, Yukon Territory	Anglican Church
Yukon	Ross River		January 1, 1916 June 1, 1950	December 31, 1934 February 1, 1959	Located on the Ross River, at the intersection of Highways # 8 and # 9, 125 miles northeast of Whitehorse, Yukon Territory.	Anglican Church Roman Catholic
Yukon	Teslin Lake		1908 September 1, 1943	June 30, 1940 September 30, 1949	Located at Teslin, mile 804 on the Alaska Highway, on the north side of Teslin Lake, Yukon Territory	Anglican Church

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINAL PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

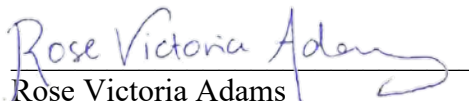
- and -

HIS MAJESTY THE KING

Defendant

EXHIBIT Z TO THE AFFIDAVIT OF LÉA LEMAY LANGLOIS

This is Exhibit **Z** to the affidavit of
Léa Lemay Langlois, as solemnly sworn
before me the 21st day of July, 2023


Rose Victoria Adams
Barreau du Québec n°358105-5



FINAL REPORT

**SURVEY OF 100 BAND
COUNCILS IN THE CONTEXT
OF THE BOARDING
HOMES CLASS ACTION**

PRESENTED TO THE PARTIES

**REGINALD PERCIVAL, ALLAN
MEDRICK MCKAY, IONA TEENA
MCKAY AND LORNA WATTS
(PLAINTIFFS)**

&

**HER MAJESTY THE QUEEN (DEFENDANT)
REPRESENTED BY THEIR RESPECTIVE
COUNSEL**

FILED BY



Gestion MV Management

(JOINT EXPERT TO THE PARTIES)

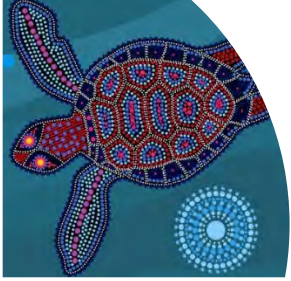
JANUARY 14, 2022



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1 - CLASS ACTION BACKGROUND

The “Boarding Homes Class Action” concerns allegations that Canada breached common law and fiduciary duties owed to Indigenous people in relation to the Indian Boarding Home Program that Canada operated in connection with providing educational programs to Indigenous students. The Indian Boarding Home Program began during the 1950s, and Canada continued to operate the program into the early 1990s. It is alleged that Canada placed Indigenous students in private homes, away from families and communities, and that in creating, operating, and maintaining the Indian Boarding Home Program created an environment where abuse, harassment, and other harms would occur. It alleges that Canada’s conduct, and that of its servants, was negligent and in breach of the fiduciary duties that Canada owes to its Indigenous Persons, and that Class Members have suffered serious and lasting harms as a result.

The class action was certified by order of Madam Justice Strickland on June 28, 2019. The certified class includes all persons who were placed by the Government of Canada in private homes for the purpose of attending school, excluding placements made for the purpose of attending a post-secondary educational institution.

2 - MANDATE

AS PER ORDER OF JUNE 21, 2021, ISSUED BY THE HONOURABLE MADAME JUDGE CECILY Y. STRICKLAND IN COURT FILE NO. T-1417-18, GESTION MV MANAGEMENT WAS COMMISSIONED AS A JOINT EXPERT TO THE PARTIES:

“To better understand the extent and duration of the boarding homes program, to trace this history so that the parties can better understand, among other things, over what period the program ran, the dates when responsibility for the boarding home program transferred from the Defendant to various band councils and, what documentary evidence is available to establish this.

“Such information will assist the parties in determining class size, ensuring the adequacy of any notice program, and ultimately in achieving a fair and efficient resolution of the claim.

“GESTION MV MANAGEMENT was commissioned to conduct a survey of 100 band councils regarding educational transfers of authority will help to confirm and supplement the limited existing archival record.”



Information gathered from various records indicate that in the past, children from your community were placed in a “boarding home” or other private home for the purposes of their education.

3 - SELECTION PROCESS (100 BAND COUNCILS)

The selection process of the 100 band councils considered that there are 26 education authorities and 6 school boards representing a total of 34 band councils (communities) located in the provinces of Alberta (2), British Columbia (8), Manitoba (22), Ontario (1) and Saskatchewan (1). The following is the list of these organizations :

PROV	NAME	ASSOCIATED BANDS
Alberta (2 bands)		
AB	Bigstone Education Authority	BIGSTONE CREE NATION (aka Wabasca)
AB	Dene Tha' Band Education Authority	DENE THA' (aka Slaves of Upper Hay River)
British Columbia (8 bands)		
BC	Alkali Lake School Board	ESK'ETEMC (aka Alkali Lake)
BC	Sxoxomic Education Authority	ESK'ETEMC (aka Alkali Lake)
BC	Anspayaxw School Society	KISPIOX (aka Kispaiox)
BC	Kispiox School Board	KISPIOX (aka Kispaiox)
BC	Fort Babine Education Society	LAKE BABINE NATION (aka Babine)
BC	Gitsegukla Native Education Society / Gitsegukla School Society	GITSEGUCLA (aka Kitsegukla)
BC	W̓sáneč School Board [formerly Saanich Indian School Board]	PAUQUACHIN (aka Pauquechin); TSARTLIP (aka Chawilp); TSAWOUT FIRST NATION; TSEY CUM
Manitoba (22 bands)		
MB	Keeseekoowenin First Nation Education Authority	KEESEEKOOWENIN (aka Giizhigoowining)
MB	Lake Manitoba Education Authority	LAKE MANITOBA (aka Dog Creek)
MB	Chemawawin Education Authority	CHEMAWAWIN CREE NATION (aka Easterville)
MB	Cross Lake Education Authority	CROSS LAKE BAND OF INDIANS
MB	Fisher River Education Authority	FISHER RIVER (aka Ochekwi Sipi)
MB	Garden Hill Education Authority	GARDEN HILL FIRST NATIONS (aka Kistiganwacheeng)
MB	Little Saskatchewan Education Authority	LITTLE SASKATCHEWAN

MB	Long Plain First Nation [Kish-ke-me-qua] School Board	LONG PLAIN (aka Kish-ke-me-qua)
MB	Miskooseepi Education Authority	BLOODVEIN (aka Miskooseepi)
MB	Peguis Education Authority	PEGUIS (aka Oshki-ishkonigan)
MB	Pine Creek Education Authority	PINE CREEK (aka Mina'igo-ziibiing)
MB	Red Sucker Lake Education Authority	RED SUCKER LAKE
MB	Roseau River Education Authority	ROSEAU RIVER ANISHINABE FIRST NATION GOVERNMENT
MB	Sagkeeng Education Authority	FORT ALEXANDER (aka Sagkeeng)
MB	Sandy Bay Education Board	SANDY BAY
MB	Shamattawa First Nation Education Authority	SHAMATTAWA FIRST NATION
MB	Sioux Valley Educational Authority Inc. / Sioux Valley First Nation School Board	SHAMATTAWA FIRST NATION
MB	St. Theresa Point Education Authority	ST. THERESA POINT
MB	Swan Lake First Nation Education Authority	SWAN LAKE
MB	The Narrows Education Authority Inc.	LAKE ST. MARTIN (Obashkodeyaang); GOD'S LAKE FIRST NATION (aka God's Lake Narrows; God's Narrows)
MB	Waywayseecappo First Nation Education Authority	WAYWAYSEECAPPO FIRST NATION
Ontario (1 band)		
ON	Northern Nishnawbe Education Council	MISHKEEGOGAMANG (aka Osnaburgh Band)
Saskatchewan (1 band)		
SK	Little Red River Educational Authority	LAC LA RONGE (aka Stanley Mission; La Ronge; Hall Lake; Little Red River; Sucker River; Grandmother's Bay)



In addition, available information on the number of children who were placed in a boarding home between 1979 and 1989 (n=30,171) was considered. These data show the following number of children, in total, by province:

PROVINCES	NUMBER OF CHILDREN	RATIO
Alberta	3881	12,86%
British Columbia	9,798	32,47%
Manitoba	1,830	6,07%
New Brunswick	48	0,16%
Northwest Territories	4	0,01%
Nova Scotia	68	0,23%
Ontario	4,707	15,60%
Prince Edward Island	12	0,04%
Quebec	6,220	20,62%
Saskatchewan	3,586	11,89%
Yukon	17	0,06%
TOTAL	30,171	100%

Considering the ratio of children who went to a private home (per province between 1979 and 1989) and considering that among the 34 bands who are under an Education Authority and/or a School Board, many counted none or very few students who lived in a private home for education purposes, the following number of bands per province were contacted:

PROVINCES	RATIO OF CHILDREN IN A BH (1979-1989)	NUMBER OF BANDS CONTACTED
Alberta	12,86%	12 bands
British Columbia	32,47%	31 bands
Manitoba	6,07%	6 bands
New Brunswick	0,16%	1 band
Northwest Territories	0,01%	1 band
Nova Scotia	0,23%	2 bands
Ontario	15,60%	15 bands
Prince Edward Island	0,04%	1 band
Quebec	20,62%	19 bands
Saskatchewan	11,89%	11 bands
Yukon	0,06%	1 band
TOTAL	100%	100 bands

The detailed list of the 100 bands is found in Appendix 1: Record of Contacts (100 bands). This list included detailed contact information and tracks all contacts made by email and/or phone to reach respondents.

4- SURVEY QUESTIONS

The following questions were agreed upon by the Parties involved:

- The Boarding Homes Program may also have been known as the “Private Home Placement” or placement in a private home for the purpose of education. Do you have any documents regarding the Program?
- If you do, can you share them?
- Is there anyone at the Band who would know more about the Program? Please can you provide their contact information?

5- SURVEY DEPLOYMENT STRATEGY

To reach the 100 selected communities, GESTION MV MANAGEMENT used a dual strategy:

- Search for contacts: field of Education contacts in all 100 bands (or other contacts if Education was not reachable);
- Email of an electronic survey to contacts found;
- Direct telephone calls to band councils’ stakeholders responsible for Education (or other departments if required).

The strategy was deployed between November 2, 2021, and December 21, 2021.

6 - LIMITATIONS

There are some important cautionary notes regarding the process. First, the deployment of the survey took place during an extremely difficult period related to the COVID-19 pandemic in First Nations communities across Canada. Many communities shut down their schools and services in favour of teleworking, making it sometimes quite difficult to reach a person at the Band Council or the Education sector.

In addition, based on the comments of many of the people contacted, the Boarding Homes Program was virtually unknown, as most had never heard of it. Many confused the program with Residential Schools, Day Schools, and the Sixties Scoop class actions, despite the clear description provided in the process.

It is also important to consider that staff turnover is a reality for many communities and that the Boarding Homes Program is several years old.

As such, it is likely that staff who were in place at the time of the Boarding Homes Program have left, or that people have retired or even passed away. One respondent also indicated that a religious community had left the community, taking all records of child placements with them. It is also likely that some records were destroyed, lost, or simply never existed.

Consequently, the reader of this report is invited to take these limitations into account.

7 - RESULTS

The following table identifies the number of communities reached versus the number of communities selected to be part of the survey process. Each band that did not respond at the first call/email was contacted at least a second time. The process resulted in 68 of the 100 Band Councils/Communities/Education Authorities being reached. The detailed actions to reach every selected band is found on Appendix 1 : Record of Contacts (100 bands).

New Brunswick, Northwest Territories and Yukon (representing 3 bands over 100) did not respond to the survey, despite attempts to reach them. As for the electronic survey, 7 bands over 100 completed the questionnaire (*see Appendix 2: Surveys completed*).

Only one band (Opitciwan, Quebec) provided substantial information that might be relevant. None of the 68 bands reached through the survey/contact process produced documents or archival records to support the process.

PROVINCES	RATIO OF CHILDREN IN A BH (1979-1989)	NUMBER OF BANDS SELECTED FOR THE SURVEY	NUMBER OF BANDS REACHED	Bands w/SUBSTANTIAL INFORMATION
Alberta	12,86%	12 bands	10 bands (83%)	0
British Columbia	32,47%	31 bands	20 bands (65%)	0
Manitoba	6,07%	6 bands	4 bands (67%)	0
New Brunswick	0,16%	1 band	0 (0%)	0
Northwest Territories	0,01%	1 band	0 (0%)	0
Nova Scotia	0,23%	2 bands	2 bands (100%)	0
Ontario ^{**} (2 survey responses)	15,60%	14 bands	11 bands (79%)	0
Prince Edward Island	0,04%	1 band	1 (100%)	0
Quebec ^{**} (5 survey responses)	20,62%	19 bands	15 bands (79%)	1
Saskatchewan	11,89%	11 bands	5 bands (45%)	0
Yukon	0,06%	1 band	0 (0%)	0

TOTAL	100%	100 bands	68 bands reached	1
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Indeed, the only substantially interesting answer comes from the community of Opitciwan which, according to existing data, had a number of 203 children placed in a boarding home between 1979 and 1989.

The detailed response from the Opitciwan’s representative is the following:

In connection with the residential school, the children of Opitciwan were placed with families during the same years and even later than 1991, the year of the official closing of the Pointe-Bleue residential school.

The community of Opitciwan took over the Education Department in 1991. From that year on, many students were placed with families because we did not have a high school in the community.

From 1960-1991, many students were placed in foster homes and attended the provincial school, Cité étudiante de Roberval. These dates coincide with the opening and closing of the residential school.

From 1991-2021, we still have some foster care placements. The data can be verified with Indigenous Services Canada as we had to produce a nominal list of our students attending our band schools and provincial schools.

8 - CONCLUSION

The Honourable Justice Strickland of the Federal Court granted a mandate to Gestion MV Management to conduct a survey with 100 bands across Canada, to inform a class action process concerning the Boarding Homes Program.

MV Management proposed a methodology for the parties to contact respondents from the education sector of the communities and education authorities of the 100 targeted band councils. The survey process began on November 2 and was completed on December 21, 2021.

Despite attempts to reach representatives who could inform the Boarding Homes Program, the communities



reached (68 out of 100) were unable to provide insightful responses about when the Program in their community.

Several reasons may explain the failure to find relevant records that could have informed the Boarding Homes Program in the communities involved. It is also important to note that the initial expectations of the process were low, and that this sampling procedure was mainly aimed at finding out whether First Nations communities or education authorities had any information to determine the period of application of the Program or had any other information that could be useful.

Reasons for the lack of relevant information collected include missing staff to answer to the survey (COVID-19 shutdowns to consider), lack of knowledge/understanding about the Boarding Homes Program, the complexity of understanding the differences with other class actions (Sixties Scoop, Day Schools, Residential Schools), lack of time, and lack of response to emails or calls placed by Gestion MV Management.

It is also to be noted that the questions of the survey were sometimes found to be complicated. Community/band respondents often needed clarification and further explanations about the survey, its purpose, and the actual Boarding Homes Program.

Despite the many efforts to reach the 100 targeted bands and their potential respondents, the process did not produce any relevant documents or information, except for the community of Opitciwan, Quebec.

9 - RECOMMENDATIONS

In my opinion, it would be virtually inconclusive to replicate this survey process with additional communities across the country, as it would probably end up with the same result as with the first 100 bands targeted, i.e., an extremely low *relevant* response rate.

Should the parties wish to pursue a data collection process with bands/education authorities, the questions or the objectives of the process may require to be revised. However, I would not recommend proceeding to another round of consultation during these challenging times of COVID-19. I also highly doubt that another survey process about the Program would result in a conclusive outcome.

Lastly, it is recommended that the response of the Opitciwan community be taken into account, considering that it provides information that can contribute to the discussions of the Class Action Parties.

SIGNATURE

This report was prepared by Melanie Vincent, from Gestion MV Management, and filed by email on January 14, 2022, to the Class Action Parties.

I testify that necessary and adequate efforts were invested to contact each of the 100 Band Councils. Each and everyone of them was provided equal attention to find at least one contact person to follow up with.

I remain available to Class Action Parties to answer any questions about this Final Report.

Tiawenk inenh,



Mélanie Vincent
Joint Expert to the Parties



Gestion MV Management

CONTACT INFORMATION

melanievincent21@yahoo.ca

Cell: (418) 580-4442



**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINAL PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

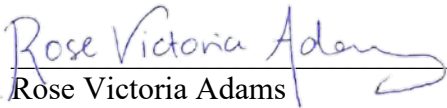
- and -

HIS MAJESTY THE KING

Defendant

EXHIBIT AA TO THE AFFIDAVIT OF LÉA LEMAY LANGLOIS

This is Exhibit **AA** to the affidavit of
Léa Lemay Langlois, as solemnly sworn
before me the 21st day of July, 2023


Rose Victoria Adams
Barreau du Québec n°358105-5

Federal Court



Cour fédérale

Date: 20200617

Docket: T-2169-16

Citation: 2020 FC 701

Ottawa, Ontario, June 17, 2020

PRESENT: The Honourable Mr. Justice Phelan

CLASS PROCEEDING

BETWEEN:

**GARRY LESLIE MCLEAN,
ROGER AUGUSTINE,
CLAUDETTE COMMANDA,
ANGELA ELIZABETH SIMONE SAMPSON,
MARGARET ANNE SWAN and
MARIETTE LUCILLE BUCKSHOT**

Plaintiffs

and

**HER MAJESTY THE QUEEN IN RIGHT OF
CANADA as represented by THE ATTORNEY
GENERAL OF CANADA**

Defendant

and

MARY ROSE NAYTOWHOW

Moving Party

ORDER: PAYMENT PROTOCOL

UPON READING the motion record of the Moving Party, the motion record of the Defendant and the consent of the parties;

FOR THE REASONS ISSUED:

THIS COURT ORDERS that:

1. The Claims Administrator shall communicate with counsel for the Moving Party and make payment in trust to counsel for the Moving Party for any amounts payable to the Moving Party in accordance with the terms of the Payment Protocol for Claimants with Individual Counsel attached hereto as Schedule “A”.
2. The Payment Protocol for Claimants with Individual Counsel, attached hereto as Schedule “A”, may apply to such counsel retained by a Claimant to assist with their Indian Day Schools Class Action Settlement Claim as may elect to be bound by it and they shall be subject to the Court’s jurisdiction over the Settlement and the provisions for payment to counsel.
3. There shall be no costs of this motion.

“Michael L. Phelan”

Judge

SCHEDULE “A”

PAYMENT PROTOCOL FOR CLAIMANTS WITH INDIVIDUAL COUNSEL

1. This Protocol shall be provided by the Claims Administrator to any lawyer retained by a Claimant other than Class Counsel to assist with the Claimant’s Indian Day Schools Class Action Settlement Claim (“Individual Counsel”) and such Individual Counsel shall be subject to the Court’s jurisdiction over this Settlement and the provisions for payment to counsel.
2. Any Individual Counsel not prepared to be bound by the Payment Protocol shall apply to the Court for such other order as they deem necessary otherwise Individual Counsel shall be bound by this Payment Protocol.
3. Individual Counsel shall provide the Claims Administrator the following documents, copied to the Defendant and Class Counsel:
 - a. Retainer Agreement/Contingency Fee Agreement executed by the Claimant and Individual Counsel; and
 - b. Direction to Pay in Trust executed by the Claimant and Individual Counsel.
4. The Retainer Agreement/Contingency Fee Agreement identified in paragraph 3 above must clearly indicate that legal services are available from Class Counsel at no cost to the Claimant, and that by retaining Individual Counsel, the Claimant is releasing Class Counsel of any ongoing responsibilities or obligations Class Counsel owes the Claimant.
5. For Claimants/Individual Counsel who have provided documentation identified in paragraph 3(a) above, the Claims Administrator shall communicate directly with

Individual Counsel with respect to matters concerning the Claimant that would otherwise be communicated directly to a Claimant who has not retained Individual Counsel.

6. For Claimants/Individual Counsel who have provided complete documentation identified in paragraph 3 above and in accordance with paragraph 4 above, upon completion of the Claims Process, the Claims Administrator shall deliver to Individual Counsel, in trust, the full amount of compensation payable to the Claimant under the Claims Process.
7. Payments made in accordance with paragraph 6 above shall be made as part of the regular payment process as determined by the Claims Administrator.
8. Individual Counsel shall make best efforts to transfer funds received in trust in accordance with paragraph 6 above, that are not subject to legal fee determination in accordance with the Retainer Agreement/Contingency Fee Agreement identified in paragraph 3 above, to the Claimant within ten (10) days.
9. Individual Counsel shall file a motion in accordance with Federal Courts Rule 334.4, on notice in writing to the Defendant and Class Counsel, within sixty (60) days of receiving the payment in trust.
10. Individual Counsel shall make best efforts to transfer any monies remaining in trust that are not approved as legal fees to the Claimant within ten (10) days after the right to appeal the Federal Court Order approving fees has expired or all avenues of appeal have been exhausted unless otherwise ordered by the Federal Court.
11. Individual Counsel shall report to the Federal Court, copied to the Defendant and Class Counsel, verifying all funds transferred to the Claimant within thirty (30) days after the

right to appeal the Federal Court Order approving fees has expired or all avenues of appeal have been exhausted or such other date specified. The report shall include confirmation of the amount(s), date(s), and method(s) of transfer.

12. In the event that Individual Counsel is unable to transfer funds to the Claimant in accordance with paragraphs 8 and 10 above, Individual Counsel shall report to the Federal Court advising of the steps taken to transfer the funds and the reason(s) why the transfer could not be completed within thirty (30) days after the right to appeal the Federal Court Order approving fees has expired or all avenues of appeal have been exhausted. In the event that Individual Counsel is subsequently able to transfer funds to the Claimant, Individual Counsel shall report to the Federal Court in accordance with paragraph 10 above.
13. Nothing in this Protocol shall interfere with the Court's ongoing supervision of the Settlement nor in any other way addressing other specific circumstances as they may arise.

Court File No.: T-1417-18

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINAL PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

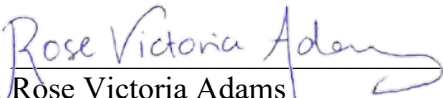
- and -

HIS MAJESTY THE KING

Defendant

EXHIBIT BB TO THE AFFIDAVIT OF LÉA LEMAY LANGLOIS

This is Exhibit **BB** to the affidavit of
Léa Lemay Langlois, as solemnly sworn
before me the 21st day of July, 2023


Rose Victoria Adams
Barreau du Québec n°358105-5

Recorded Entry Information : T-1417-18

**Type :** Federal Court**Type of Action :** Federal Court**Nature of Proceeding :** Others - Crown (v. Crown) [Actions]**Filing Date :** 2018-07-24**Office :** Vancouver **Language :** English

Recorded Entry Summary Information

Certain public documents in some proceedings are now available for online access in accordance with the Federal Court's [Online Access to Court Records – Pilot Project](#). These documents are identified with a download icon (↓) in the Download column below.

You may obtain copies of other public documents by contacting the Registry. Copies of public documents which are already in electronic format can be sent by e-mail, upon request to their local Registry office (see list of e-mail addresses in the [Update #9 and Consolidated COVID-19 Practice Direction \(June 24, 2022\)](#)). Indicate the Court File number in the subject of your email. In the text, you must clearly identify the document number and its name (this information is located in the *Recorded Entry Summary* column).

The availability of documents from the Registry, including through online access, does not grant a copyright licence or permission. Your use of such materials must be in accordance with the *Copyright Act*, RSC 1985, c C-42.

154 records found

Doc	Date Filed	Office	Recorded Entry Summary	Download
null	2023-06-16	Vancouver	Acknowledgment of Receipt received from all parties with respect to Doc. 54 placed on file on 16-JUN-2023	
54	2023-06-16	Vancouver	Order dated 16-JUN-2023 rendered by The Honourable Mr. Justice Pamel Matter considered with personal appearance The Court's decision is with regard to Motion Doc. No. 47 Result: THIS COURT ORDERS that: 1. The form of notice shall be substantially in the forms attached as Schedule A... [See Order for full terms] Filed on 16-JUN-2023 copies sent to parties Transmittal Letters placed on file. entered in J. & O. Book, volume 1599 page(s) 460 - 475 Interlocutory Decision	
null	2023-06-15	Vancouver	Draft Order (Revised) concerning Motion Doc. No. 47 received on 15-JUN-2023	
53	2023-06-15	Vancouver	Supplementary Affidavit of Whitney Santos [Confidential] sworn on 15-JUN-2023 on behalf of Plaintiff in support of Motion Doc. No. 47 with Exhibits "A"- "G" filed on 15-JUN-2023	
null	2023-06-15	Vancouver	Letter from Plaintiff dated 15-JUN-2023 further to hearing before Justice Pamel on Tuesday, May 23, 2023 and regarding supplemental affidavit and revised draft order. received on 15-JUN-2023	
null	2023-06-15	Ottawa	Acknowledgment of Receipt received from all parties with respect to Order (Doc.52) placed on file on 15-JUN-2023	
52	2023-06-15	Ottawa	Order dated 15-JUN-2023 rendered by Sylvie Molgat, Prothonotary Matter considered without personal appearance The Court's decision is with regard to Case Management Conference Result: THIS COURT ORDERS that: 1. The Plaintiffs shall, by no later than August 1, 2023, serve and file their notice of motion and supporting affidavits for class counsel fee approval. (...) 4. The Defendant shall, by no later than September 8, 2023, serve and file their responding written submissions, if any, on the motion for class counsel fee approval. Filed on 15-JUN-2023 entered in J. & O. Book, volume 1599 page(s) 392 - 393 Interlocutory Decision	
null	2023-06-14	Ottawa	Draft Order concerning Motion Doc. No. 47 received on 14-JUN-2023	

null	2023-06-07	Vancouver	Vancouver 07-JUN-2023 BEFORE The Honourable Mr. Justice Pamel Language: E Before the Court: Case Management Conference Result of Hearing: CMC heard. Counsel to submit draft order to CMT_Ottawa. held by way of video conference Duration per day: 07-JUN-2023 from 10:02 to 10:19 Courtroom : Vancouver (Zoom) Court Registrar: Priscilla Lam Total Duration: 17min Appearances: David Klein, Aden Klein, Douglas Lennox, Cheyenne Neszo (KLEIN LAWYERS LLP) 604-874-7171 representing Plaintiff Léa Lemay Langlois, Rose Victoria Adams (DIONNE SCHULZE) 514-842-0748 representing Plaintiff Québec Subclass Members Travis Henderson (DOJ) 403-503-8888 representing Defendant Comments: Draft order to be submitted by Friday, June 9 to CMT_Ottawa email address in PDF and Word formats. Minutes of Hearing entered in Vol. 1097 page(s) 157 - 158 Abstract of Hearing placed on file
null	2023-05-23	Ottawa	Oral directions received from the Court: The Honourable Mr. Justice Pamel dated 23-MAY-2023 directing that "Further to the hearing held today in this matter, the next case management conference will take place on Wednesday June 7, 2023 at 10:00am PST/ 1:00pm EST by way of videoconference to last no more than 45 minutes. The Court will shortly provide the parties with the video link for those wishing to participate virtually in the proposed settlement approval hearing scheduled to begin on September 12, 2023" placed on file on 23-MAY-2023 Confirmed in writing to the party(ies)
null	2023-05-23	Ottawa	Ottawa 23-MAY-2023 BEFORE The Honourable Mr. Justice Pamel Language: E Before the Court: Motion Doc. No. 47 on behalf of Plaintiffs Result of Hearing: Matter adjourned sine die held by way of video conference in chambers Duration per day: 23-MAY-2023 from 12:30 to 01:35 Courtroom : Judge's Chambers - Ottawa Court Registrar: Kadara Thompson Total Duration: 1h 5min Appearances: David Klein dklein@callkleinlawyers.com representing Plaintiffs Douglas Lennox dlennox@callkleinlawyers.com representing Plaintiffs Cheyenne Neszo cneszo@callkleinlawyers.com representing Plaintiffs Catharine Moore Catharine.Moore@justice.gc.ca representing Defendant Travis Henderson Travis.Henderson@justice.gc.ca representing Defendant Sarah-Dawn Norris sarah-dawn.norris@justice.gc.ca representing Defendant David Schulz dschulze@dionneschulze.ca representing Quebec Subclass Lea Langlois llemaylanglois@dionneschulze.ca representing Quebec Subclass Quebec Subclass Comments: Confidential Hearing Minutes of Hearing entered in Vol. 1096 page(s) 233 - 233 Abstract of Hearing placed on file
null	2023-05-17	Ottawa	Covering letter from Plaintiffs dated 17-MAY-2023 concerning Doc. Nos. 50 51 placed on file on 17-MAY-2023
51	2023-05-17	Ottawa	Affidavit of service of Eduardo Tanjuatco sworn on 17-MAY-2023 on behalf of Plaintiffs confirming service of Doc No. 50: Confidential Plaintiffs Motion Record upon all parties by email on 17-MAY-2023 with Exhibits A filed on 17-MAY-2023
50	2023-05-17	Ottawa	[Confidential] Motion Record containing the following original document(s): 47 48 49 Number of copies received: 1 on behalf of Plaintiffs filed on 17-MAY-2023
49	2023-05-17	Ottawa	[Confidential] Memorandum of Fact and Law contained within a Motion Record on behalf of Plaintiffs filed on 17-MAY-2023
48	2023-05-17	Ottawa	Affidavit of Whitney Santos [Confidential] sworn on 17-MAY-2023 contained within a Motion Record on behalf of Plaintiffs in support of Motion Doc. No. 47 with Exhibits A-J filed on 17-MAY-2023
47	2023-05-17	Ottawa	[Confidential] Notice of Motion contained within a Motion Record on behalf of Plaintiffs returnable at Special Sitting in Ottawa on 23-MAY-2023 to begin at 12:30 for Notice Approval filed on 17-MAY-2023 Draft Order\\Judgment received.
null	2023-05-18	Ottawa	***** CANCELLED ***** Memorandum to file from K. Thompson, Ottawa dated 18-MAY-2023 Despite Registry sending reminder to parties on May 17 2023 re: Order of the Court (Molgat,AJ) dated April 24, 2023, requiring parties to file motion materials by May 17 2023 for May 23 2023 hearing; no motion materials have been received. Registry will seek directions on how to proceed placed on file.
null	2023-05-08	Vancouver	Communication to the Court from the Registry dated 08-MAY-2023 re: ID 135 (Emailed to Strickland, J.)

null	2023-05-08	Vancouver	Letter from Plaintiffs dated 08-MAY-2023 writing in response to Justice Strickland's April 25, 2023 Direction. Advising that the parties believe that they will be able to finalize the settlement agreement over the coming days and will not require a further judicial dispute resolution conference on May 15 received on 08-MAY-2023	
null	2023-05-04	Ottawa	Acknowledgment of Receipt received from all parties with respect to Written Direction (ID.133) placed on file on 04-MAY-2023	
null	2023-05-04	Ottawa	Written directions received from the Court: Sylvie Molgat, Prothonotary dated 04-MAY-2023 directing that THIS COURT DIRECTS as follows: 1. The Plaintiff's shall, by no later than July 24, 2023, serve and file their notice of motion and supporting affidavits for settlement approval. (...) 4. The Plaintiffs shall, by no later than September 5, 2023, serve and file written representation on the motion for settlement approval. placed on file on 04-MAY-2023 Confirmed in writing to the party(ies)	
null	2023-04-28	Vancouver	Letter from Plaintiff dated 28-APR-2023 in response to the Direction of Associate Judge Molgat dated April 24, 2023 and providing a jointly proposed timetable for the completion of next steps received on 28-APR-2023	
null	2023-04-25	Ottawa	Acknowledgment of Receipt received from all parties with respect to Oral Direction dated April 25, 2023 placed on file on 25-APR-2023	
null	2023-04-13	Ottawa	Acknowledgment of Receipt received from all parties with respect to Order dated April 13 2023 placed on file on 13-APR-2023	
null	2023-04-25	Ottawa	Oral directions received from the Court: The Honourable Madam Justice Strickland dated 25-APR-2023 directing that "The Court understands the parties are not available the week of May 29 and will therefore aim to resolve outstanding issues amongst themselves. In the event that parties are unable to do so and require the Court's assistance, they shall inform the Court of the issues that remain to be addressed by way letter no later than Monday, May 8, 2023, and the Court will endeavour to accommodate a one-day dispute resolution conference in Montreal on May 15, 2023." placed on file on 25-APR-2023	
null	2023-04-24	Ottawa	Written directions received from the Court: Sylvie Molgat, Prothonotary dated 24-APR-2023 directing that Please see attachment for full details placed on file on 24-APR-2023	
null	2023-04-24	Ottawa	Memorandum to file from Ottawa dated 24-APR-2023 \ Registry e-mailed all counsel to ask again for their availability for a dispute resolution conference, pursuant to the Direction of the Court (Strickland, J.) requesting such by April 21, 2023. placed on file.	
null	2023-04-20	Vancouver	Vancouver 20-APR-2023 BEFORE The Honourable Mr. Justice Pamel Language: E Before the Court: Case Management Conference Result of Hearing: CMC heard. Directions to follow. held by way of video conference Duration per day: 20-APR-2023 from 12:00 to 12:29 Courtroom : Vancouver (Zoom) Court Registrar: Priscilla Lam Total Duration: 29min Appearances: David Klein, Aden Klein, Douglas Lennox, Cheyenne Neszo (KLEIN LAWYERS LLP) 604-874-7171 representing Plaintiff David Schulze, Léa Lemay Langlois, Rose Victoria Adams (DIONNE SCHULZE) 514-842-0748 representing Québec Subclass Members Catharine Moore, Travis Henderson, Sarah-Dawn Norris (DEPARTMENT OF JUSTICE) 403-503-8888 representing Defendant Comments: Hearing not recorded per Court's instructions. Directions to follow. Minutes of Hearing entered in Vol. 1094 page(s) 378 - 379 Abstract of Hearing placed on file	
null	2023-04-20	Ottawa	Oral directions received from the Court: The Honourable Madam Justice Strickland dated 20-APR-2023 directing that "The parties are to provide their mutual dates of availability for a one-day dispute resolution conference in Montreal the week of May 29, 2023, by no later than April 21, 2023. Parties shall also include proposed deadlines to provide materials, if any, assuming the dispute resolution conference will take place the week of May 29." placed on file on 20-APR-2023 Confirmed in writing to the party(ies)	
null	2023-04-19	Ottawa	Letter from Plaintiff dated 19-APR-2023 requesting that this letter be placed before Justice Strickland. The parties are making good progress on finalizing the settlement agreement but have issues on which they feel the assistance of Justice Strickland would be helpful. They wish to know whether Justice Strickland is available for a full day on May 12 or 15 in Montreal. received on 19-APR-2023	

null	2023-04-17	Vancouver	Oral directions received from the Court: The Honourable Mr. Justice Pamel dated 17-APR-2023 directing that "A case management conference shall take place with counsel for the parties on April 20th at noon Vancouver time / 3 pm Ottawa time by Zoom videoconference, to last no longer than one hour." placed on file on 17-APR-2023 Confirmed in writing to the party(ies)
null	2023-04-14	Vancouver	Letter from Plaintiff dated 14-APR-2023 requesting case management conference on behalf of all parties received on 14-APR-2023
46	2023-04-13	Ottawa	Order dated 13-APR-2023 rendered by Chief Justice Crampton Matter considered without personal appearance The Court's decision is with regard to Motion ex proprio motu Result: It is ordered pursuant to Rule 383 that Justice Peter G.Pamel and Associate Judge Sylvie M. Molgat are assigned as Case Management Judges in the place of Justice Cecily Y. Strickland in this matter Filed on 13-APR-2023 copies sent to parties entered in J. & O. Book, volume 1590 page(s) 349 - 349 Interlocutory Decision
null	2023-04-04	Ottawa	Acknowledgment of Receipt received from all parties with respect to Doc 45 placed on file on 04-APR-2023
null	2023-03-23	Vancouver	Communication to the Court from the Registry dated 23-MAR-2023 re: ID 118
null	2023-03-23	Vancouver	Letter from Plaintiff dated 23-MAR-2023 requesting the appointment of a new case management judge to hear the settlement approval motion received on 23-MAR-2023
45	2023-03-22	Ottawa	Consent Order dated 22-MAR-2023 rendered by The Honourable Madam Justice Strickland Matter considered without personal appearance The Court's decision is with regard to Motion in writing Doc. No. 40 Result: "THIS COURT ORDERS that: 1. Eric Khan of CA2 Inc. shall be appointed a joint expert of the parties to act as a consultant to provide advice and assistance to the parties regarding the short and long form notices of settlement approval and the claims administration process; 2. The Defendant shall pay Klein Lawyers LLP, in trust, the amount of \$50,000.00 towards Eric Khan of CA2 Inc.'s reasonable costs and disbursements for acting as a consultant; and 3. Any portion of the \$50,000.00 paid to Klein Lawyers LLP, in trust, not used to pay Eric Khan of CA2 Inc.'s reasonable costs and disbursements for acting as a consultant, shall be returned to the Defendant." Filed on 22-MAR-2023 copies sent to parties entered in J. & O. Book, volume 1587 page(s) 98 - 99 Interlocutory Decision
null	2023-03-22	Calgary	Calgary 22-MAR-2023 BEFORE The Honourable Madam Justice Strickland Language: E Before the Court: Case Management Conference Result of Hearing: Joint letter to be submitted by parties. held by way of video conference Duration per day: 22-MAR-2023 from 08:03 to 08:11 Courtroom : Conference Room - Calgary Court Registrar: Kevin Lemieux Total Duration: 8min Appearances: David Klein 604-874-7171 representing Plaintiff Rose Adams, Lea Lemay-Langlois 514-842-0748 representing Plaintiffs Quebec Subclass Travis Henderson, Sarah Dawn-Norris 613-670-6257 representing Defendant Comments: Case Management conference recorded using Zoom cloud recording and backup TASCAM MP3 recorder. Parties to submit joint letter to the Court requesting appointment of Case Management Judge for settlement hearing. Minutes of Hearing entered in Vol. 1093 page(s) 174 - 176 Abstract of Hearing placed on file
null	2023-03-17	Vancouver	Communication to the Court from the Registry dated 17-MAR-2023 re: motion doc 40
44	2023-03-16	Vancouver	Affidavit of service of Cheyanne Perfonic sworn on 16-MAR-2023 on behalf of Plaintiff confirming service of Doc 43 upon Her Majesty the Queen by email on 15-MAR-2023 with Exhibits "A"- "B" filed on 16-MAR-2023
43	2023-03-16	Vancouver	Motion Record containing the following original document(s): 40 41 42 Number of copies received: 1 on behalf of Plaintiffs filed on 16-MAR-2023
42	2023-03-16	Vancouver	Memorandum of fact and law contained within a Motion Record on behalf of Plaintiffs filed on 16-MAR-2023
41	2023-03-16	Vancouver	Affidavit of Whitney Santos sworn on 15-MAR-2023 contained within a Motion Record on behalf of Plaintiff in support of Motion Doc. No. 40 with Exhibits "A"- "D" filed on 16-MAR-2023
40	2023-03-16	Vancouver	Notice of Motion contained within a Motion Record on behalf of Plaintiffs returnable (but no hearing date indicated at this time) for an Order to appoint Eric Khan of CA2 Inc. as a joint expert of the parties to act as a consultant to provide advice and assistance... on consent (see notice of motion) filed on 16-MAR-2023 Draft Order\\Judgment received.

null	2023-03-14	Vancouver	Oral directions received from the Court: The Honourable Madam Justice Strickland dated 14-MAR-2023 directing that "A case management conference shall be held with counsel for the parties on Wednesday, March 22, 2023 at 10am (EST) by Zoom videoconference." placed on file on 14-MAR-2023 Confirmed in writing to the party(ies)	
null	2023-02-28	Vancouver	Communication to the Court from the Registry dated 28-FEB-2023 re: ID 107	
null	2023-02-28	Vancouver	Letter from Plaintiff dated 28-FEB-2023 requesting a case management conference on behalf of the parties received on 28-FEB-2023	
null	2022-12-06	Toronto	Toronto 06-DEC-2022 BEFORE The Honourable Madam Justice Strickland Language: E Before the Court: Continuation of the Mediation Result of Hearing: Matter Adjourned until future date held in Court Senior Usher: Anne Brzuchalski 06-DEC-2022 Anne Brzuchalski Duration per day: 07-DEC-2022 from 09:30 to 04:20 Courtroom : Conference Room No. 7-39 - Toronto Court Registrar: John Gornick Total Duration: 2 days Appearances: David Klein, Douglas Lennox, Aden Klein 604-874-7171 representing Plaintiffs David Schulze, Rose Adams, Lea Lemay-Langlois 514-842-0748 representing Plaintiffs Catharine Moore, Travis Henderson, Sarah-Dawn Norris 403-503-8888 representing Defendants Comments: Matter Adjourned until future date Minutes of Hearing entered in Vol. 1087 page(s) 436 - 437 Abstract of Hearing placed on file	
null	2022-12-05	Toronto	Sealed envelope pursuant to instruction of the Court on behalf of Defendant purporting to contain Confidential Dispute Resolution Documentation 1 copy printed and sent to Ottawa Received on 05-DEC-2022	
null	2022-11-23	Ottawa	Acknowledgment of Receipt received from Plaintiffs via email with respect to Id No. 103: Directions of the Court (Strickland,J) dated Nov 23, 2022 placed on file on 23-NOV-2022	
null	2022-11-23	Ottawa	Oral directions received from the Court: The Honourable Madam Justice Strickland dated 23-NOV-2022 directing that "The resumption of the mediation will take place before this Court at 180 Queen Street West, in the City of Toronto, Ontario, on Tuesday, December 6 at 12:00 pm continuing to 12:00 pm on December 8, 2022." placed on file on 23-NOV-2022	
null	2022-11-14	Toronto	Toronto 14-NOV-2022 BEFORE The Honourable Madam Justice Strickland Language: E Before the Court: Mediation Result of Hearing: Matter adjourned sine die held in Court Senior Usher: Anne Brzuchalski Duration per day: 14-NOV-2022 from 09:34 to 16:56 Courtroom : Conference Room No. 7-39 - Toronto Court Registrar: Seeraladevan Scinthura 15-NOV-2022 from 09:31 to 16:43 Courtroom : Conference Room No. 7-39 - Toronto Court Registrar: Seeraladevan Scinthura 16-NOV-2022 from 09:31 to 11:33 Courtroom : Conference Room No. 7-39 - Toronto Court Registrar: Seeraladevan Scinthura Total Duration: 2.5d Appearances: David Klein 604-874-7171 representing Plaintiff Douglas Lennox 604-874-7171 representing Plaintiff Aden Klein 604-874-7171 representing Plaintiff David Schulze 514-842-0748 representing Plaintiff Rose Adams 514-842-0748 representing Plaintiff Lea Lemay-Langlois 514-842-0748 representing Plaintiff Catharine Moore 403-503-8888 representing Defendant Travis Henderson 403-503-8888 representing Defendant Sarah-Dawn Norris 403-503-8888 representing Defendant Comments: parties to reconvene for another mediation session, Court to advise parties of best available dates. Minutes of Hearing entered in Vol. 1086 page(s) 348 - 349 Abstract of Hearing placed on file	
39	2022-10-26	Toronto	Solicitor's certificate of service on behalf of Sarah-Dawn Norris confirming service of Doc 38 upon Plaintiff by electronic mail on 03-OCT-2022 filed on 26-OCT-2022	
38	2022-10-26	Toronto	Sealed envelope pursuant to Written Directions of Strickland J. dated 21-SEP-2022 on behalf of Defendant purporting to contain Mediation Brief Filed on 26-OCT-2022	
null	2022-10-05	Vancouver	***** CANCELLED ***** Memorandum to file from M. Hennessy, Registry Officer, dated 05-OCT-2022 noting that Docs. 36 and 37 were forwarded to the TOR local office via interoffice mail placed on file.	
37	2022-10-05	Vancouver	Affidavit of service of Cheyanne Perfonic sworn on 05-OCT-2022 on behalf of Plaintiffs confirming service of Doc. 36 upon Defendant by email on 04-OCT-2022 with Exhibits "A" - "B" filed on 05-OCT-2022	
36	2022-10-05	Vancouver	Sealed envelope pursuant to Directions of the Court, the Honourable Justice Strickland, 21-SEP-2022 on behalf of Plaintiffs purporting to contain copies of the Ps' Dispute Resolution Brief, dated 4-OCT-2022, the Ps' Compendium of Documents, and the Compendium of Precedent Settlement Agreements, two (2) Volumes Filed on 05-OCT-2022	

null	2022-09-21	Ottawa	Acknowledgment of Receipt received from both parties with respect to ID 95 placed on file on 21-SEP-2022
null	2022-09-21	Ottawa	Written directions received from the Court: The Honourable Madam Justice Strickland dated 21-SEP-2022 directing that "A dispute resolution conference will take place, in accordance with Rule 386(1) of the Federal Courts Rules, before this Court at 180 Queen Street West, in the City of Toronto, Ontario, on Monday, November 14, 2022 at 9:30 a.m. over three (3) days. The Plaintiffs' and the Defendant's dispute resolution briefs are to be submitted for filing in accordance with dates agreed at the last case management meeting and in sealed envelopes, marked "CONFIDENTIAL", and shall be treated as confidential in accordance with Rule 388." placed on file on 21-SEP-2022 Confirmed in writing to the party(ies)
null	2022-09-14	Ottawa	Ottawa 14-SEP-2022 BEFORE The Honourable Madam Justice Strickland Language: E Before the Court: Case Management Conference Result of Hearing: CMC heard in camera held by way of video conference Duration per day: 14-SEP-2022 from 12:33 to 12:54 Courtroom : Ottawa (Zoom) Court Registrar: Joey Arseneault-Watters Total Duration: 21 min Appearances: David Klein, Aen Klein and Lea Lemay Langlois 604-874-7171 representing Plaintiffs Travis Henderson and Sara-Dawn Norris 613-670-6257 representing Defendant Comments: Recorded on Zoom & Minutes saved in repository Minutes of Hearing entered in Vol. 1083 page(s) 334 - 335 Abstract of Hearing placed on file
null	2022-09-07	Vancouver	Written directions received from the Court: The Honourable Madam Justice Strickland dated 07-SEP-2022 directing that "Further to the case management conference held on September 7, 2022, the next case management conference is scheduled for September 14, 2022 at 12:30 pm Ottawa time by Zoom videoconference for a duration of 30 minutes." placed on file on 07-SEP-2022 Confirmed in writing to the party(ies)
null	2022-09-07	Vancouver	CONFIDENTIAL - Minutes of Hearing for CMC on 07-SEP-2022 saved in repository placed on file on 07-SEP-2022
null	2022-09-07	Vancouver	Vancouver 07-SEP-2022 BEFORE The Honourable Madam Justice Strickland Language: E Before the Court: Case Management Conference Result of Hearing: CMC heard. Next CMC is scheduled for September 14, 2022 at 12:30pm Ottawa Time by Zoom Videoconference for a duration of 30 minutes. held by way of Conference Call Duration per day: 07-SEP-2022 from 09:32 to 09:52 Courtroom : Vancouver (Zoom) Court Registrar: Michelle Liaw Total Duration: 20min Appearances: David Klein, Aden Klein, Douglas Lennox, David Schulze & Lea Lemay Langlois (Klein Lawyers LLP, Vancouver, BC) 604-874-7171 representing Plaintiffs Catharine Moore & Travis Henderson (DOJ Ottawa) 613-670-6390, 613-670-6374 representing Defendant Comments: Recorded on Zoom Cloud. Minutes of Hearing entered in Vol. 1083 page(s) 147 - 148 Abstract of Hearing placed on file
null	2022-08-05	Vancouver	Written directions received from the Court: The Honourable Madam Justice Strickland dated 05-AUG-2022 directing that "A case management conference shall take place with counsel for the parties via Zoom call in the above-named file on Wednesday, September 7, 2022, at 12:30 pm (EST) for a duration of 30 minutes." placed on file on 05-AUG-2022 Confirmed in writing to the party(ies)
null	2022-07-12	Vancouver	Communication to the Court from the Registry dated 12-JUL-2022 re: ID 88
null	2022-07-12	Vancouver	Letter from Plaintiff dated 12-JUL-2022 requesting a case management conference received on 12-JUL-2022
null	2022-02-01	Vancouver	Communication to the Court from the Registry dated 01-FEB-2022 re: ID 86 sent to Court
null	2022-01-31	Vancouver	Letter from Plaintiff dated 31-JAN-2022 providing further update from the parties' last letter to the Court dated 16-JUL-2021 received on 31-JAN-2022
null	2021-07-16	Vancouver	Communication to the Court from the Registry dated 16-JUL-2021 re: letter ID84
null	2021-07-16	Vancouver	Letter from Plaintiff dated 16-JUL-2021 further to the CMC held on 12-JUL-2021 providing a status report in writing and suggesting that a further CMC to provide the Court with the next status update be scheduled for November or December 2021. received on 16-JUL-2021

null	2021-07-12	Vancouver	Vancouver 12-JUL-2021 BEFORE The Honourable Madam Justice Strickland Language: E Before the Court: Case Management Conference Result of Hearing: Plaintiffs to submit a letter to the Court regarding status update and scheduling of the next case management conference held by way of video conference Duration per day: 12-JUL-2021 from 09:00 to 09:11 Courtroom : Vancouver (Zoom) Court Registrar: Shweta Gupta Total Duration: 11 minutes Appearances: Douglas Lennox, David Klein, Aden Klein, David Schulze & Marie-Alice D'Aoust (Klein Lawyers LLP) 604-874-7171 representing Plaintiffs Catharine Moore, Ms. Phan & Travis Henderson (Department of Justice) * representing Defendant Comments: TASCAM used Minutes of Hearing entered in Vol. 1066 page(s) 349 - 350 Abstract of Hearing placed on file	
null	2021-07-06	Vancouver	Oral directions received from the Court: The Honourable Madam Justice Strickland dated 06-JUL-2021 directing that There will be a case management conference via Zoom videoconference with counsel for the parties on Monday, July 12, 2021 commencing at 12:00pm EST. placed on file on 06-JUL-2021 Confirmed in writing to the party(ies)	
null	2021-06-21	Vancouver	Acknowledgment of Receipt received from Plaintiff with respect to Order 21-JUN_2021 placed on file on 21-JUN-2021	
35	2021-06-21	Vancouver	Order dated 21-JUN-2021 rendered by The Honourable Madam Justice Strickland Matter considered without personal appearance The Court's decision is with regard to Motion in writing Doc. No. 29 Result: granted MV Management shall be appointed as a joint expert of the parties to conduct a survey as described in the Motion Record, and The Defendant shall pay MV Management its reasonable costs for conducting the survey. Filed on 21-JUN-2021 copies sent to parties entered in J. & O. Book, volume 1497 page(s) 331 - 333 Interlocutory Decision	
null	2021-06-18	Vancouver	Letter from Plaintiff dated 18-JUN-2021 providing dates of availability for a case management conference received on 18-JUN-2021	
null	2021-06-17	Vancouver	Communication to the Court from the Registry dated 17-JUN-2021 re: letter ID77	
null	2021-06-17	Vancouver	Letter from Plaintiff dated 17-JUN-2021 requesting a case management conference and inquiring if the Court requires anything further regarding a motion filed 4-MAY-2021 received on 17-JUN-2021	
null	2021-05-06	Vancouver	Communication to the Court from the Registry dated 06-MAY-2021 re: ID 73 and 75	
null	2021-05-05	Vancouver	Covering letter from Plaintiff dated 05-MAY-2021 concerning Doc. No. 33 placed on file on 05-MAY-2021	
34	2021-05-05	Vancouver	Affidavit of service of Charmy Baracao sworn on 05-MAY-2021 on behalf of Plaintiff confirming service of Doc. 33 upon Defendant by email on 05-MAY-2021 filed on 05-MAY-2021	
33	2021-05-05	Vancouver	Motion Record containing the following original document(s): 29 30 31 32 Number of copies received: 1 on behalf of Plaintiff filed on 05-MAY-2021	
32	2021-05-05	Vancouver	Memorandum of fact and law contained within a Motion Record on behalf of Plaintiff filed on 05-MAY-2021	
31	2021-05-05	Vancouver	Affidavit of Lorenzo Babini sworn on 04-MAY-2021 contained within a Motion Record on behalf of Plaintiff in support of Motion Doc. No. 29 with Exhibits "A - C" filed on 05-MAY-2021	
30	2021-05-05	Vancouver	Consent on behalf of Plaintiff Defendant to Motion Doc. 29 filed on 05-MAY-2021	
29	2021-05-05	Vancouver	Notice of Motion contained within a Motion Record on behalf of Plaintiff in writing on consent for an Order to appoint MV Management as a joint expert of the parties to conduct a survey of 100 band councils that the Defendant pay MV Management its reasonable fees and expense in connection with the appointment. filed on 05-MAY-2021 Draft Order\Judgment received.	
null	2021-02-02	Vancouver	Communication to the Court from the Registry dated 02-FEB-2021 re: ID 67	
null	2021-02-02	Vancouver	Letter from Plaintiff dated 02-FEB-2021 pursuant to the directions of the Court dated January 7, 2021, on behalf of the parties providing a status update in the proceeding received on 02-FEB-2021	

null	2021-01-14	Ottawa	Acknowledgment of Receipt received from both parties by email with respect to ID 65 placed on file on 14-JAN-2021	
null	2021-01-08	Ottawa	Oral directions received from the Court: The Honourable Madam Justice Strickland dated 07-JAN-2021 directing that "The parties are requested to provide a report on the status of this matter subsequent to their last report of July 10, 2020." placed on file on 08-JAN-2021 Confirmed in writing to the party(ies)	
null	2020-07-13	Ottawa	Memorandum to file from Aline Longin Ott dated 13-JUL-2020 Letter from the parties dated July 10, 2020 (ID 63) sent to Court placed on file.	
null	2020-07-13	Ottawa	Letter from Plaintiff dated 10-JUL-2020 ... Further to the case management conference on June 10, 2020, the Court asked the parties to prepare a reporting letter outlining the matters discussed during the conference. The parties have jointly prepared this letter and the points below as followed... Sent to Court. received on 13-JUL-2020	
null	2020-06-10	Ottawa	Ottawa 10-JUN-2020 BEFORE The Honourable Madam Justice Strickland Language: E Before the Court: Case Management Conference Update the Court on developments Result of Hearing: Matter reserved held by way of Conference Call Duration per day: 10-JUN-2020 from 01:00 to 01:20 Courtroom : Ottawa Registry Office Court Registrar: Cassandra Cormier Total Duration: 20 mins Appearances: Mr. David Klein, Mr. Douglas Lennox and Mr. Aden Klein DIAL-IN representing Plaintiff Mr. David Schulze and Ms. Maryse Décarie-Daigneault DIAL_IN representing Plaintiff, Quebec Sub-class Ms. Catharine Moore, Ms. Sarah Dawn Norris and Ms. Carolyn Phan DIAL_IN representing Defendant Comments: Tascam used. Minutes of Hearing entered in Vol. 1045 page(s) 221 - 222 Abstract of Hearing placed on file	
null	2020-06-09	Ottawa	Acknowledgment of Receipt received from all parties by email with respect to direction dated June 9, 2020 placed on file on 09-JUN-2020	
null	2020-06-09	Ottawa	Oral directions received from the Court: The Honourable Madam Justice Strickland dated 09-JUN-2020 directing that "A Case Management Conference is to be set down tomorrow, June 10th, 2020 at 10:00 a.m. PST (1:00 p.m. EST) by teleconference." placed on file on 09-JUN-2020 Confirmed in writing to the party(ies)	
null	2020-06-03	Ottawa	Letter from Plaintiff dated 03-JUN-2020 requesting a CMC for updating the court on this matter received on 03-JUN-2020	
null	2019-11-27	Ottawa	Communication to the Court from the Registry dated 27-NOV-2019 re: Letter (ID. 57) sent electronically to the attention of the CMJ	
null	2019-11-26	Vancouver	Letter from Plaintiff dated 26-NOV-2019 On consent of the Defendant, parties request the scheduling of a CMC to brief the Court on the status of the proceeding and discuss future steps. cc'd counsel for the Defendant received on 26-NOV-2019	
null	2019-06-28	Ottawa	Acknowledgment of Receipt received from all parties by e-mail with respect to Doc 28 placed on file on 28-JUN-2019	
28	2019-06-28	Ottawa	Order dated 28-JUN-2019 rendered by The Honourable Madam Justice Strickland Matter considered without personal appearance The Court's decision is with regard to Motion in writing Doc. No. 25 Result: "THIS COURT ORDERS that: 1. This action is certified as a class proceeding against the Defendant, Her Majesty the Queen in Right of Canada; (..) 11. No costs are payable on this Motion for certification, in accordance with Rule 334.39." see ID 55 for complete Order Filed on 28-JUN-2019 copies sent to parties entered in J. & O. Book, volume 1415 page(s) 469 - 473 Interlocutory Decision	
null	2019-06-10	Vancouver	Covering letter from Plaintiff dated 10-JUN-2019 concerning Doc. Nos. 25 26 27 placed on file on 10-JUN-2019	
27	2019-06-10	Vancouver	Draft Order concerning Motion Doc. No. 25 consented to by Defendant filed on 10-JUN-2019	
26	2019-06-10	Vancouver	Consent on behalf of Plaintiff Defendant to the form of the draft order filed on 10-JUN-2019	
25	2019-06-10	Vancouver	Amended Notice of Motion on behalf of Plaintiff in writing to be placed before the Court in Ottawa for an Order certifying this action as a class proceeding pursuant to Rule 334.16 of the FCR - SEE MOTION FOR COMPLETE DETAILS filed on 10-JUN-2019	

24	2019-06-10	Vancouver	Consent on behalf of Plaintiff Defendant to the amended notice of motion pursuant to the Directions of the Court dated 3-JUN-2019 filed on 10-JUN-2019	
null	2019-06-03	Ottawa	Acknowledgment of Receipt received from all parties by return email confirmation with respect to direction dated June 3, 2019. placed on file on 03-JUN-2019	
null	2019-06-03	Ottawa	Oral directions received from the Court: The Honourable Madam Justice Strickland dated 03-JUN-2019 directing that ¿The Court has conducted a preliminary review of the Motion brought by by the Plaintiffs seeking to certify this action as a class proceeding pursuant to Rule 334.16 of the Federal Courts Rules and is satisfied that this matter can be dealt with in writing, pursuant to Rule 369, as requested. Accordingly, the matter will not be called for a hearing on Thursday, June 6, 2019. The Court, however, seeks clarification on the following points: see complete order for details. placed on file on 03-JUN-2019 Confirmed in writing to the party(ies)	
23	2019-05-03	Vancouver	Affidavit of service of Penny Chan sworn on 03-MAY-2019 on behalf of Plaintiff confirming service of Motion Record (doc 12), Book of authorities (ID 44) and draft order upon Defendant by electronic service on 03-MAY-2019 with Exhibits A-B filed on 03-MAY-2019	
22	2019-05-03	Vancouver	Consent on behalf of Defendant to electronic service of all documents in this action that are not required to be served personally; submitted for filing by the Plaintiffs filed on 03-MAY-2019	
null	2019-05-03	Vancouver	Covering letter from Plaintiff dated 03-MAY-2019 concerning Doc. No. 21 placed on file on 03-MAY-2019	
null	2019-05-03	Vancouver	Book of Authorities consisting of 2 volume(s) on behalf of Plaintiff received on 03-MAY-2019	
21	2019-05-03	Vancouver	Motion Record containing the following original document(s): 12 13 14 15 16 17 18 19 Number of copies received: 3 on behalf of Plaintiff filed on 03-MAY-2019	
null	2019-05-03	Vancouver	Draft Order concerning Motion Doc. No. 12 received on 03-MAY-2019	
20	2019-05-03	Vancouver	Memorandum of fact and law contained within a Motion Record on behalf of Plaintiff filed on 03-MAY-2019	
19	2019-05-03	Vancouver	Affidavit of Dennie Michielsen sworn on 01-MAY-2019 contained within a Motion Record on behalf of Plaintiff in support of Motion Doc. No. 12 filed on 03-MAY-2019	
18	2019-05-03	Vancouver	Affidavit of Kenneth Weistche sworn on 01-MAY-2019 contained within a Motion Record on behalf of Plaintiff in support of Motion Doc. No. 12 filed on 03-MAY-2019	
17	2019-05-03	Vancouver	Affidavit of Eduardo Tanjuatco sworn on 15-OCT-2018 contained within a Motion Record on behalf of Plaintiff in support of Motion Doc. No. 12 with Exhibits A-F filed on 03-MAY-2019	
16	2019-05-03	Vancouver	Affidavit of Lorna Watts sworn on 28-OCT-2018 contained within a Motion Record on behalf of Plaintiff in support of Motion Doc. No. 12 filed on 03-MAY-2019	
15	2019-05-03	Vancouver	Affidavit of Iona Teena McKay sworn on 04-OCT-2018 contained within a Motion Record on behalf of Plaintiff in support of Motion Doc. No. 12 filed on 03-MAY-2019	
14	2019-05-03	Vancouver	Affidavit of Allan Medrick McKay sworn on 04-OCT-2018 contained within a Motion Record on behalf of Plaintiff in support of Motion Doc. No. 12 filed on 03-MAY-2019	
13	2019-05-03	Vancouver	Affidavit of Reginald Percival sworn on 04-OCT-2018 contained within a Motion Record on behalf of Plaintiff in support of Motion Doc. No. 12 with Exhibits A-H filed on 03-MAY-2019	
12	2019-05-03	Vancouver	Notice of Motion contained within a Motion Record on behalf of Plaintiff in writing to be placed before the Court in Ottawa for certification as a class action filed on 03-MAY-2019 Draft Order\\Judgment received.	

null	2019-04-24	Ottawa	Ottawa 24-APR-2019 BEFORE The Honourable Madam Justice Strickland Language: E Before the Court: Case Management Conference Result of Hearing: Tentative of hearing for a certification motion on June 6, 2019 - moving material to be filed with the Court by Friday, May 3, 2019 held in chambers by way of Conference Call Duration per day: 24-APR-2019 from 12:05 to 12:18 Courtroom : Judge's Chambers - Ottawa Court Registrar: Kimberly Lalonde Total Duration: 13min Appearances: Mr. David Klein, Aden Klein, Ms. Angela Bospflug and Mr. Douglas Lennox 778-654-7060 representing Plaintiff Mr. David Schulze and Ms. Maryse Décarie-Daigneault 514-842-9983 representing Quebec sub-class Ms. Kathleen Kohlman, Ms. Catharine Moore and Mr. Travis Henderson 613-670-6390 representing Defendant Comments: As per the instructions of the Court, back-up recording and minutes are confidential Minutes of Hearing entered in Vol. 1022 page(s) 457 - 459 Abstract of Hearing placed on file	
null	2019-04-15	Vancouver	Email confirmation received from all parties with respect to Directions, Doc 11 placed on file on 15-APR-2019	
11	2019-04-15	Vancouver	Written directions received from the Court: The Honourable Madam Justice Strickland dated 15-APR-2019 directing that "A case management conference by telephone is to be held on Wednesday, April 24, 2019 at noon Ottawa time for a duration of 30 minutes." placed on file on 15-APR-2019 Confirmed in writing to the party(ies)	
null	2019-04-01	Vancouver	Communication to the Court from the Registry dated 01-APR-2019 re: Plaintiffs' letter dated 1-Apr-2019	
null	2019-04-01	Vancouver	Letter from Plaintiffs dated 01-APR-2019 writing further to their letter of 31-Jan-2019, with consent of Defendant, seeking a date for case management conference received on 01-APR-2019	
null	2019-01-31	Vancouver	Letter from Respondent dated 31-JAN-2019 with respect to the Tribunal Record filed with the Court and served on the Applicant today. In their view, the Tribunal Record was not submitted late as the applicant never made a written request under R.317(1). (See letter for full details) received on 31-JAN-2019	
null	2019-01-31	Vancouver	Letter from Plaintiff dated 31-JAN-2019 with consent of the parties further to the Court's Direction on 15-NOV-2018, requiring the parties to provide the Court with an update on the status of this action, or request for a case management on or before 31-JAN-2019. Advises that the parties continue to have discussions and propose a further update to the Court on the status by end of March 2019. *scanned to CMJ Strickland's JA and forwarded to Ottawa under a green sheet* received on 31-JAN-2019	
null	2018-12-05	Vancouver	Letter from Plaintiffs dated 05-DEC-2018 requesting that Angela Bospflug's name and email address (abospflug@callkleinlawyers.com) be added to the contacts list for the action as they act as co-counsel for the Plaintiffs. received on 05-DEC-2018	
null	2018-11-15	Ottawa	Acknowledgment of Receipt received from all Parties with respect to Directions dated 15-NOV-2018 placed on file on 15-NOV-2018	
null	2018-11-15	Ottawa	Written directions received from the Court: The Honourable Madam Justice Strickland dated 15-NOV-2018 directing that "Further to the case management telephone conference held on October 22, 2018, and October 31, 2018 letter from counsel for the Plaintiffs, written on behalf of counsel for both parties, while the Plaintiff's motion seeking certification of this proposed class action has been filed, because the Defendant continues to obtain information and documentation relating to the class identified by the Plaintiffs and because the parties are working together on narrowing the issues, no further procedural steps to advance this matter need to be taken at this time. The parties shall, on or before January 31, 2019, provide the Court with a status report and/or request a case management meeting, as necessary." placed on file on 15-NOV-2018 Confirmed in writing to the party(ies)	
null	2018-10-31	Ottawa	Letter from Plaintiff dated 31-OCT-2018 "I write further to the case management conference of October 22, 2018, and with consent of the parties. As discussed at the case conference, the Plaintiffs have filed their Motion Record for Class Certification. (...)" (Scanned to Strickland J.) received on 31-OCT-2018	
null	2018-10-30	Ottawa	Communication to the Court from the Registry dated 30-OCT-2018 re: Motion for Certification on behalf of the Plaintiff	

10	2018-10-22	Vancouver	Affidavit of service of Penny Chan sworn on 16-OCT-2018 on behalf of Plaintiffs confirming service of Doc. No. 9 upon Defendant by email on 15-OCT-2018 with Exhibits "A" - "B" filed on 22-OCT-2018	
9	2018-10-22	Vancouver	Motion Record containing the following original document(s): 4 5 6 7 8 Number of copies received: 1 on behalf of Plaintiffs filed on 22-OCT-2018	
8	2018-10-22	Vancouver	Affidavit of Eduardo Tanjuatco sworn on 15-OCT-2018 contained within a Motion Record on behalf of Plaintiffs in support of Motion Doc. No. 4 with Exhibits "A" - "F" filed on 22-OCT-2018	
7	2018-10-22	Vancouver	Affidavit of Iona Teena McKay sworn on 04-OCT-2018 contained within a Motion Record on behalf of Plaintiffs in support of Motion Doc. No. 4 filed on 22-OCT-2018	
6	2018-10-22	Vancouver	Affidavit of Allan Medrick McKay sworn on 04-OCT-2018 contained within a Motion Record on behalf of Plaintiffs in support of Motion Doc. No. 4 filed on 22-OCT-2018	
5	2018-10-22	Vancouver	Affidavit of Reginald Percival sworn on 04-OCT-2018 contained within a Motion Record on behalf of Plaintiffs in support of Motion Doc. No. 4 with Exhibits "A" - "H" filed on 22-OCT-2018	
4	2018-10-22	Vancouver	Notice of Motion contained within a Motion Record on behalf of Plaintiffs returnable (but no hearing date indicated at this time) for certification as a class action and for related relief filed on 22-OCT-2018	
null	2018-10-22	Ottawa	Ottawa 22-OCT-2018 BEFORE The Honourable Madam Justice Strickland Language: E Before the Court: Case Management Conference Result of Hearing: Parties to submit a Joint Letter of Discussions held by way of Conference Call in chambers Duration per day: 22-OCT-2018 from 13:58 to 14:09 Courtroom : Judge's Chambers - Ottawa Court Registrar: Sarah Bellefeuille Total Duration: 13min Appearances: Mr. David Klein (604) 714-0680 representing Plaintiff Mr. Doug Lennox (416) 506-1944 representing Plaintiff Ms. Kathleen Kohlman (780) 495-8040 representing Defendant Comments: Backup recorder used. Minutes of Hearing entered in Vol. 1008 page(s) 339 - 341 Abstract of Hearing placed on file	
null	2018-10-16	Toronto	***** CANCELLED ***** Letter from Applicant dated 16-OCT-2018 making an informal request to have the timetable Order and Confidentiality Order issued in the form as submitted by the parties on consent; cc to Respondent; sent to Ottawa CMT; received on 16-OCT-2018	
null	2018-10-10	Ottawa	Acknowledgment of Receipt received from both parties with respect to Oral direction of October 10, 2018 placed on file on 10-OCT-2018	
null	2018-10-10	Ottawa	Oral directions received from the Court: The Honourable Madam Justice Strickland dated 10-OCT-2018 directing that "The Court will conduct a case management teleconference on October 22, 2018 at 2:00 p.m. (Ottawa time)." placed on file on 10-OCT-2018 Confirmed in writing to the party(ies)	
null	2018-09-13	Ottawa	Communication to the Court from the Registry dated 13-SEP-2018 re: letter from the parties providing mutual availabilities for a case management conference.	
null	2018-09-13	Vancouver	Letter from counsel for the Plaintiffs dated 12-SEP-2018 requesting a case management conference before Madam Justice Strickland, & providing availability for both parties received on 13-SEP-2018	
null	2018-08-02	Ottawa	Communication to the Court from the Registry dated 02-AUG-2018 re: Transmitting the file to the Case Management Judge	
null	2018-07-27	Ottawa	Letter sent by Registry on 27-JUL-2018 to Defendant The Attorney General of Canada Enclosing a certified copy of the Order dated 27-Jul-2018 Copy placed on file.	
null	2018-07-27	Ottawa	Acknowledgment of Receipt received from Plaintiff with respect to Order of the Court (Strickland J.) dated 27-Jul-2018 placed on file on 27-JUL-2018	
3	2018-07-27	Ottawa	Order dated 27-JUL-2018 rendered by Chief Justice Crampton Matter considered without personal appearance The Court's decision is with regard to Motion ex proprio motu Result: "IT IS ORDERED pursuant to Rule 383 that Justice Cecily Y. Strickland is assigned as Case Management Judge in this matter." Filed on 27-JUL-2018 copies sent to parties entered in J. & O. Book, volume 1379 page(s) 38 - 38 Interlocutory Decision	

null	2018-07-25	Ottawa	Communication to the Court from the Registry dated 25-JUL-2018 re: Sent by internal mail on 25-JUL-2018 to Judicial Administrator - CMJ to be assigned - Proposed Class Action - doc. # 1 filed 24-JUL-2018.	
2	2018-07-24	Vancouver	Acknowledgment of Receipt received from Defendant with respect to Statement of Claim filed on 24-JUL-2018	
1	2018-07-24	Vancouver	Statement of Claim and 2 cc's filed on 24-JUL-2018 Certified copy(ies)/copy(ies) transmitted to Director of the Regional Office of the Department of Justice Section 48 - \$2.00	

Court File No.: T-1417-18

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINAL PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

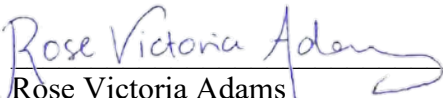
- and -

HIS MAJESTY THE KING

Defendant

EXHIBIT CC TO THE AFFIDAVIT OF LÉA LEMAY LANGLOIS

This is Exhibit CC to the affidavit of
Léa Lemay Langlois, as solemnly sworn
before me the 21st day of July, 2023


Rose Victoria Adams
Barreau du Québec n°358105-5

**DIONNE
SCHULZE**

S.E.N.C.
AVOCATS • ATTORNEYS

507 Place d'Armes # 502
Montréal, Québec
Canada H2Y 2W8
TEL: 514-842-0748
FAX: 514-842-9983
www.dionneschulze.ca

PRIVILEGED AND CONFIDENTIAL

November 22, 2022

BY EMAIL: kcweistche@outlook.com

Cree Nation Government Head Office
2 Lakeshore Road
Nemaska, Quebec J0Y 3B0

Re: *Reginald Percival et al. v. Her Majesty the Queen*, T-1673-17; our file no. 5100-009

Dear Sir, Madam,

Kenneth Weistche joined me and my colleagues Léa Lemay Langlois and Rose Victoria Adams in Toronto last week for a judicial mediation of the above-mentioned class action. The dispute resolution conference was mediated by Madam Justice Strickland of the Federal Court on November 14, 15, and 16, 2022. Klein Lawyers and counsel for the Department of Justice Canada were also present.

The class action is *Reginald Percival et al. v. Her Majesty the Queen* (T-1673-17), regarding the placement of status Indian and Inuit children and youth in boarding homes by the Government of Canada. More specifically, this class action seeks to compensate individuals placed with a family by the Government of Canada, for the purpose of attending elementary or secondary school, for their cultural loss and the psychological, physical and sexual abuse they may have suffered. This action does not include placements for the purpose of attending a post-secondary institution or placements as part of the child welfare or youth protection system.

The class action was certified by the Federal Court on June 28, 2019, with the consent of the Attorney General of Canada. Our firm is counsel for the Quebec subclass, of which Kenneth Weistche is the representative, having himself been placed in several boarding homes. Klein Lawyers of Vancouver represents the other class members.

The intention of the parties is to avoid a trial and arrive at a mutually satisfactory settlement agreement and the Toronto dispute resolution conference was held for that purpose. Such a settlement agreement which would compensate all those placed in boarding homes by Canada before an agreed-upon date, including Kenneth Weistche and most other Eeyou Istchee Crees his age.

Kenneth Weistche attended the mediation sessions in order to explain his experiences in the program and also to give instructions to us as lawyers for all Quebec residents who were in the program.

The contents of the discussions are confidential, since we have not yet come to an agreement with Canada but our goal is to arrive at an agreement-in-principle next month, after which the details would be subject to further negotiations and would then be submitted to the court for approval.

We will hold an additional dispute resolution conference in Toronto during the week of December 5th, 2022, for the purpose of negotiating a settlement agreement. The precise dates are to be confirmed. We will again need Kenneth Weistche to be present as the Quebec subclass representative.

We are very grateful for the Cree Nation Government's assistance with Kenneth Weistche's expenses. Our firm's fees and expenses will be part of the negotiations with Canada and we are optimistic that Canada will pay them.

Please do not hesitate to contact us should you have any questions or comments regarding the above.

Miigwetch,

DIONNE SCHULZE



David Schulze

Court File No.: T-1417-18

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINAL PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

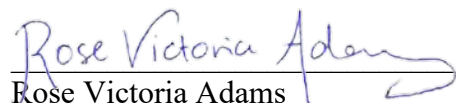
- and -

HIS MAJESTY THE KING

Defendant

EXHIBIT DD TO THE AFFIDAVIT OF LÉA LEMAY LANGLOIS

This is Exhibit **DD** to the affidavit of
Léa Lemay Langlois, as solemnly sworn
before me the 21st day of July, 2023


Rose Victoria Adams
Barreau du Québec n°358105-5

5100-009 Recours pour abus historiques / Reginal Percival et al. v. Her Majesty the Queen (T-1417-18)

David Schulze -

Facturé à ce jour:	0,00				
+ intérêts facturés:	0,00	Compte à recevoir		honoraires	autres
- paiement:	0,00	0,00		0,00	0,00
- crédit utilisé:	0,00	Provision m.c.			
- radiation m. c.:	0,00	0,00		Dernière facture:	

Date	Description	Honoraires	Déboursés	Tarif	Temps	Mémo	TPS	TVQ
03-12-2018	Miscellaneous disbursements: Queen's Bench copies, 12-03-18 (invoice enclosed)		217,00 DS			113921	*	*
10-12-2018	Miscellaneous disbursements: Copy of procedure at Queen's Bench Court in Regina, SK, 12-10-18 (invoice enclosed)		580,50 DS			114401	*	*
11-12-2018	Miscellaneous disbursements: Copy of procedure at Queen's Bench Court in Regina, SK, 12-11-18 (invoice enclosed)		186,00 DS			114402	*	*
02-02-2019	Travelling costs: Air Canada (invoice enclosed)		1 492,25 DS			118236	*	*
05-02-2019	Travelling costs: taxi (receipt enclosed).		31,25 DS			118237	*	*
06-02-2019	Travelling costs: Ferry for Maryse Décarie-Daigneault in B-C, 02-06-19 (receipt enclosed)		15,80 DS			116938	*	*
07-02-2019	Travelling costs: Granville Island Hotel (invoice enclosed).		474,05 DS			117111	*	*
07-02-2019	Travelling costs: taxi (receipt enclosed).		28,90 DS			118238	*	*
07-02-2019	Miscellaneous disbursements: Granville Island hotel (invoice enclosed).		486,18 DS			118239	*	*
11-02-2019	Travelling costs (receipt enclosed).		4,50 DS			118241	*	*
15-02-2019	Travelling costs: Taxi for Maryse Décarie-Daigneault in B-C, 02-06-19 (receipt enclosed)		82,90 DS			116939	*	*
15-02-2019	Travelling costs: Taxi for Maryse Décarie-Daigneault in B-C, 02-06-19 (receipt enclosed)		31,15 DS			116940	*	*
15-02-2019	Travelling costs: Seaplane for Maryse Décarie-Daigneault in B-C, 02-06-19 (receipt enclosed)		88,48 DS			116941	*	*
18-02-2019	Travelling costs: receipt enclosed.		7,95 DS			118309	*	*
27-08-2019	Photocopies		12,15 DS			124984	*	*
30-09-2019	Photocopies		1,50 DS			126390	*	*
07-11-2019	Frais de déplacement: Via Rail (facture ci-jointe).		159,60 DS			130010	*	*
07-11-2019	Frais de déplacement: Via rail (facture ci-jointe).		79,80 DS			130011	*	*
11-11-2019	Frais de déplacement: Via rail (facture ci-jointe).		54,60 DS			130012	*	*
12-11-2019	Déboursés divers : taxi (reçu ci-joint).		14,67 DS			130236	*	*
12-11-2019	Déboursés divers : taxi (reçu ci-joint).		13,81 DS			130237	*	*
13-11-2019	Déboursés divers : Hôtel Fairmont Château Laurier (facture ci-jointe).		275,70 DS			128901	*	*
13-11-2019	Déboursés divers : Le moulin de provence (reçu ci-joint).		10,60 DS			130234	*	*

5100-009 Recours pour abus historiques / Reginal Percival et al. v. Her Majesty the Queen (T-1417-18)

David Schulze -

13-11-2019	Déboursés divers : taxi (reçu ci-joint).	15,50 DS	130235	*	*
13-11-2019	Déboursés divers : taxi (reçu ci-joint).	17,15 DS	130309	*	*
13-11-2019	Déboursés divers : taxi (reçu ci-joint).	13,05 DS	130312	*	*
13-11-2019	Déboursés divers : café (reçu ci-joint).	5,53 DS	130313	*	*
30-11-2019	Photocopies	18,15 DS	129375	*	*
31-12-2019	Photocopies	22,95 DS	130769	*	*
29-01-2020	Copies	4,95 DS	132086	*	*
28-02-2020	Copies	11,40 DS	134278	*	*
31-07-2020	Copies	1,05 DS	141496	*	*
31-08-2020	Copies	0,60 DS	142716	*	*
30-11-2020	Copies	1,05 DS	147310	*	*
03-05-2021	Copies	10,20 DS	153788	*	*
30-11-2021	Copies	393,15 DS	164035	*	*
24-01-2022	Miscellaneous Disbursements: 1/5 - Programming of email addresses for class action registration, 24-01-22 (invoice enclosed)	32,00 DS	170147	*	*
27-01-2022	Copies	245,55 DS	166720	*	*
28-02-2022	Copies	100,80 DS	168471	*	*
18-10-2022	Miscellaneous disbursements: Billet avion Porter Airlines pour L. Lemay Langlois Montréal-Toronto, 14-11-22 9reçu ci-joint)	159,12 DS	178520	*	*
19-10-2022	REPAS RVA - 19-10-2022	57,04 DS	178195	*	*
19-10-2022	Travelling costs: Train aller-rettour Montréal-Toronto D. Schulze et R-V.Adams (reçu ci-joint)	724,20 DS	179197	*	*
20-10-2022	Travelling costs: Train ticket for L. Lemay Langlois Toronto-Montréal, Nov 16, 2022 (receipt enclose)	107,95 DS	179164	*	*
31-10-2022	Copies	14,40 DS	178143	*	*
11-11-2022	Miscellaneous disbursements: Lisa Pietersma invoice #DS22-001, 11-11-22 (invoice enclosed)	3 700,00 DS	178810	*	*
13-11-2022	Miscellaneous disbursements: Taxi, 11-13-22 (receipt enclosed)	16,00 DS	179812	*	*
14-11-2022	Miscellaneous disbursements: Taxi, 11-14-22 (receipt enclosed)	16,82 DS	178944	*	*
14-11-2022	Travelling costs: repas D. Schulze Toronto	22,90 DS	179206	*	*
14-11-2022	Miscellaneous disbursements: Hotel fees Royal York, 11-14-22 (receipt enclosed)	415,18 DS	179426	*	*
15-11-2022	Miscellaneous disbursements: Meal fees, 11-15-22 (receipt enclosed)	18,64 DS	178945	*	*
16-11-2022	Miscellaneous disbursements: hebergement - Fairmont Royal York	1 956,07 DS	178862	*	*
16-11-2022	Miscellaneous disbursements: hebergement - Hôtel Fairmont Royal York	1 366,82 DS	178863	*	*
16-11-2022	Miscellaneous disbursements: hebergement - Hôtel Fairmont Royal York	1 044,32 DS	178864	*	*
16-11-2022	Miscellaneous disbursements: Via Rail receipt, 11-16-22 (receipt enclosed)	124,99 DS	179427	*	*
16-11-2022	Miscellaneous disbursements: Via Rail receipt, 11-16-22 (receipt enclosed)	124,99 DS	179428	*	*

5100-009 Recours pour abus historiques / Reginal Percival et al. v. Her Majesty the Queen (T-1417-18)

David Schulze -

16-11-2022	Miscellaneous disbursements: Via Rail receipt, 11-16-22 (receipt enclosed)	113,90 DS	179429	*	*
16-11-2022	Miscellaneous disbursements: Taxi, 11-16-22 (receipt enclosed)	13,21 DS	179813	*	*
17-11-2022	Miscellaneous disbursements: Fairmont Royal York Hôtel à Toronto, D. Schulze 13-11-2022 à 17-11-2022	1 562,31 DS	181154	*	*
18-11-2022	Miscellaneous disbursements: Meal fees, 11-16-22 (receipt enclosed)	135,66 DS	179790	*	*
30-11-2022	Travelling costs: Taxi (receipt enclosed)	19,82 DS	179782	*	*
01-12-2022	Travelling costs: Vols D. Schulze, L. Lemay Langlois et R-V. Adams de Montréal à Toronto 2022-12-6 (reçu ci-joint)	996,37 DS	179441	*	*
02-12-2022	Travelling costs: Vol D. Schulze, L. Lemay Langlois et R-V Adams de Toronto à Montréal 2022-12-08 (reçu ci-joint)	952,72 DS	179479	*	*
06-12-2022	Travelling costs: Taxi D. Schulze à Toronto 2022-12-06 (reçu ci-joint)	12,34 DS	180570	*	*
06-12-2022	Travelling costs: Taxi D. Schulze à Montréal 2022-12-06 (reçu ci-joint)	43,81 DS	180571	*	*
06-12-2022	Meal fees Repas D. Schulze à Dorval 2022-12-06 (reçu ci-joint)	16,33 DS	180572	*	*
06-12-2022	Travelling costs: Taxi, 12-06-22 (receipt enclosed)	43,86 DS	180807	*	*
06-12-2022	Miscellaneous disbursements: Meal fees, 12-06-22 (receipt enclosed)	23,12 DS	181439	*	*
07-12-2022	Meal fees Repas D. Schulze, R-V. Adams, L.Lemay Langlois, Mathew CoonCone à Toronto 2022-12-07 (reçu ci-joint)	602,45 DS	180565	*	*
07-12-2022	Meal fees Repas D. Schulze à Toronto 2022-12-07 (reçu ci-joint)	30,37 DS	180568	*	*
07-12-2022	Meal fees Repas D. Schulze à Toronto 2022-12-07 (reçu ci-joint)	52,48 DS	180569	*	*
07-12-2022	Miscellaneous disbursements:Springer link	56,10 DS	181159	*	*
07-12-2022	Miscellaneous disbursements: Porter Airlines December 7, 2022 (invoice enclosed)	348,00 DS	181260	*	*
08-12-2022	Miscellaneous disbursements:	1 385,92 DS	180215	*	*
08-12-2022	Miscellaneous disbursements: Hebergement D. Schulze, L.Langlois et R-V. Adams à Toronto de 2022-12-05 à 2022-12-08 Hôtel Fairmont Royal York (reçu ci-joint)	874,64 DS	180218	*	*
08-12-2022	Miscellaneous disbursements: Hebergement D. Schulze, L.Langlois et R-V. Adams à Toronto de 2022-12-05 à 2022-12-08 Hôtel Fairmont Royal York (reçu ci-joint)	907,82 DS	180219	*	*
08-12-2022	Miscellaneous disbursements: Hebergement D. Schulze, L.Langlois et R-V. Adams à Toronto de 2022-12-05 à 2022-12-08 Hôtel Fairmont Royal York (reçu ci-joint)	1 353,58 DS	180220	*	*
08-12-2022	Travelling costs: Taxi D. Schulze à Montréal 2022-12-08 (reçu ci-joint)	43,37 DS	180566	*	*
08-12-2022	Travelling costs: Taxi D. Schulze à Toronto 2022-12-08 (reçu si-joint)	11,29 DS	180567	*	*

5100-009 Recours pour abus historiques / Reginal Percival et al. v. Her Majesty the Queen (T-1417-18)

David Schulze -

08-12-2022	Miscellaneous disbursements: Taxi fees, 12-08-22 (receipt enclosed)	49,51 DS	181442	*	*
31-01-2023	Copies	0,75 DS	182036	*	*
21-02-2023	Miscellaneous disbursements: Meal fees, 02-21-23 (receipt enclosed)	508,89 DS	183825	*	*
22-02-2023	Miscellaneous disbursements: Meal fees, 02-22-23 (receipt enclosed)	43,67 DS	183826	*	*
22-02-2023	Miscellaneous disbursements: Viennese pastry for meeting with counsel for the parties, 02-22-23 (receipt enclosed)	33,80 DS	184429	*	*
22-02-2023	Miscellaneous disbursements: Fruits for the counsel of the parties, 22-02-23 (receipt enclosed)	6,74 DS	184430	*	*
23-02-2023	Miscellaneous disbursements: Viennese pastry for meeting with clients, 02-24-23 (receipt enclosed)	33,80 DS	184434	*	*
23-02-2023	Miscellaneous disbursements: Fruits for meeting with clients on Feb. 24, 2023 (receipt enclosed)	7,90 DS	184435	*	*
28-02-2023	Copies	83,85 DS	183474	*	*
06-03-2023	Miscellaneous disbursements: Airfare Montreal-Toronto-Montreal with Porter Airlines for D. Schulze, L. Lemay Langlois and R.V. Adams on March 10, 2023 (receipt enclosed)	2 214,72 DS	184668	*	*
10-03-2023	Miscellaneous disbursements: Taxi, 03-10-23 (receipt enclosed)	41,81 DS	184288	*	*
10-03-2023	Miscellaneous disbursements: Taxi, 03-10-23 (receipt enclosed)	44,79 DS	184289	*	*
10-03-2023	Miscellaneous disbursements: Meal fees, 03-10-23 (receipt enclosed)	84,20 DS	185445	*	*
10-03-2023	Meal fees 03-10-2023 (receipt enclosed)	12,78 DS	185807	*	*
10-03-2023	Meal fees in Toronto - 03-10-2023 (receipt enclosed)	17,70 DS	185809	*	*
10-03-2023	Travelling costs:Taxi à Toronto - 03-10-2023 (reçu ci-joint)	16,31 DS	185814	*	*
10-03-2023	Travelling costs:Taxi à Montréal - 03-10-2023 (reçu ci-joint)	55,58 DS	185815	*	*
10-03-2023	Travelling costs:Taxi à Montréal - 03-10-2023 (reçu ci-joint)	47,95 DS	185816	*	*
10-03-2023	Travelling costs: Taxi à Montréal - 2023-03-10	51,60 DS	185993	*	*
10-03-2023	Miscellaneous disbursements: Taxi in Ontario, 03-10-23 (receipt enclosed)	14,49 DS	186049	*	*
28-03-2023	Miscellaneous disbursements: taxi, 03-28-23 (receipt enclosed)	43,96 DS	187426	*	*
29-03-2023	Miscellaneous disbursements: Meal fees, 03-29-23 (receipt enclosed)	15,60 DS	187433	*	*
30-03-2023	Travelling costs: Taxi, 03-30-2023 (receipt enclosed)	52,51 DS	185811	*	*
30-03-2023	Travelling costs: Meal fees, 03-30-23 (receipt enclosed)	8,67 DS	186231	*	*
31-03-2023	Copies	1,65 DS	185786	*	*
31-03-2023	Travelling costs: Taxi, 03-31-2023 (receipt enclosed)	47,97 DS	185819	*	*

5100-009 Recours pour abus historiques / Reginal Percival et al. v. Her Majesty the Queen (T-1417-18)

David Schulze -

13-04-2023	Travelling costs: Train tickets round-trip Montreal-Toronto for D. Schulze, L. Lemay Langlois and R. V. Adams, April 19 and 20, 2023 (receipt enclosed)	1 048,05 DS	186234	*	*
19-04-2023	Miscellaneous disbursements: taxi, 04-19-23 (receipt enclosed)	22,27 DS	187435	*	*
20-04-2023	Miscellaneous disbursements: Hotel fees in Toronto for RV Adams, April 19-20, 2023 (receipt enclosed)	605,95 DS	186180	*	*
20-04-2023	Miscellaneous disbursements: Hotel fees in Toronto for L. Lemay Langlois, April 19-20, 2023 (receipt enclosed)	605,95 DS	186181	*	*
20-04-2023	Miscellaneous disbursements: Hotel fees in Toronto for D. Schulze, April 19-20, 2023 (receipt enclosed)	717,95 DS	186182	*	*
20-04-2023	Miscellaneous disbursements: taxi, 04-20-23 (receipt enclosed)	27,12 DS	187415	*	*
20-04-2023	Miscellaneous disbursements: meal fees, 04-20-23 (receipt enclosed)	12,45 DS	187436	*	*
30-04-2023	Copies	21,15 DS	187155	*	*
04-05-2023	Miscellaneous disbursements: Meal fees with client, 05-04-23 (receipt enclosed)	176,00 DS	187760	*	*
30-06-2023	Copies	243,90 DS	189672	*	*

5100-009 Recours pour abus historiques / Reginal Percival et al. v. Her Majesty the Queen (T-1417-18)

David Schulze -

	31,733.32
Total du dossier	31,733.32
TPS - montant assujetti à la taxe:31733.32	1,586.67
TVQ - montant assujetti à la taxe:31733.32	3,165.40
Total du projet de facture	36,485.39

5100-005 Recours pour abus historiques / Anne Smith v. Attorney General of Canada David Schulze -

Facturé à ce jour:	0,00				
+ intérêts facturé:	0,00	Compte à recevoir		honoraires	autres
- paiement:	0,00	0,00		0,00	0,00
- crédit utilisé:	0,00	Provision m.c.			
- radiation m. c.:	0,00	0,00		Dernière facture:	

Date	Description	Honoraires	Déboursés	Tarif	Temps	Mémo	TPS	TVQ
31-07-2016	Documents consultation (SOQUIJ):		5,55 DS			82606	*	*
21-09-2016	Court's fees re: filing of pleading "Application for Authorization to Institute a Class Action and to Obtain the Status of Representative" at the Superior Court of Quebec		1 700,00 DS			84080		
30-09-2016	Documents consultation (SOQUIJ): (receipt enclosed)		3,00 DS			84606	*	*
31-10-2016	Documents consultation (SOQUIJ): reçu ci-joint		3,00 DS			85754	*	*
18-11-2016	Baillif fees (invoice enclosed)		31,98 DS			86190	*	*
23-11-2016	Courier: Communication des pièces à l'autre partie, 23-11-16 (facture ci-jointe)		22,13 DS			86711	*	*
27-01-2017	Parking, 01-27-17 (receipt enclosed)		17,40 DS			88556	*	*
27-01-2017	Travelling costs: Gas, 01-27-17 (receipt enclosed)		38,81 DS			88557	*	*
27-01-2017	Meal fees, 01-27-17 - including tip (receipt enclosed)		48,88 DS			88558	*	*
30-01-2017	Travelling costs: National Car Rental, 01-30-17 (invoice enclosed)		19,70 DS			88564	*	*
28-02-2018	Documents consultation SOQUIJ:		3,15 DS			102415	*	*
09-05-2018	Hotel fees for Kenneth Weistche, May 9-11, 2018 (invoices enclosed)		498,70 DS			107400	*	*
10-05-2018	Miscellaneous disbursements: Honorarium fees for Kenneth Weistche for the meeting on May 10, 2018 (invoice enclosed)		500,00 DS			104892	*	*
10-05-2018	Miscellaneous disbursements: Travel fees for Kenneth Weistche for the meeting on May 10, 2018 (invoice enclosed)		705,00 DS			104893	*	*
10-05-2018	Meal fees (with tip), 05-10-18 (receipt enclosed)		44,70 DS			105118	*	*
31-07-2018	Copies		439,35 DS			108569	*	*
31-08-2018	Copies		23,70 DS			109737	*	*
02-10-2018	Copies		18,30 DS			110949	*	*
30-10-2018	Copies		72,30 DS			112173	*	*
31-10-2018	Documents consultation SOQUIJ: October 2018 (invoice enclosed)		6,30 DS			112560	*	*
30-11-2018	Copies		0,15 DS			113832	*	*
31-12-2018	Copies		7,80 DS			115026	*	*
31-01-2019	Copies		67,05 DS			116438	*	*
20-03-2019	Travelling costs: taxi (receipt enclosed)		37,40 DS			118993	*	*
20-03-2019	Travelling costs: taxi (receipt enclosed)		16,52 DS			118994	*	*
20-03-2019	Travelling costs: taxi (receipt enclosed)		8,48 DS			118995	*	*
31-03-2019	Copies		24,90 DS			118903	*	*
10-04-2019	Meal fees with tip, 04-10-19 (receipt enclosed)		34,00 DS			119489	*	*

5100-005 Recours pour abus historiques / Anne Smith v. Attorney General of Canada *David Schulze -*

10-04-2019	Miscellaneous disbursements: meeting room rental (invoice enclosed)	40,00 DS	120279	*	*
10-04-2019	Miscellaneous disbursements: gas (receipt enclosed)	41,29 DS	120280	*	*
11-04-2019	Travelling costs: Taxi, 04-11-19 (receipt enclosed)	10,44 DS	119488	*	*
11-04-2019	Miscellaneous disbursements: gas (receipt enclosed).	9,06 DS	120480	*	*
30-04-2019	Copies	26,40 DS	120062	*	*
01-05-2019	Miscellaneous disbursements: copies (reçu ci-joint).	21,55 DS	120494	*	*
31-05-2019	Documents consultation SOQUIJ: May 2019 (invoice enclosed)	12,75 DS	121628	*	*
30-06-2019	Copies	19,65 DS	123279	*	*
31-07-2019	Copies	0,90 DS	124301	*	*
27-08-2019	Copies	13,05 DS	124980	*	*
30-09-2019	Copies	29,10 DS	126386	*	*

5100-005 Recours pour abus historiques / Anne Smith v. Attorney General of Canada *David Schulze -*

	4,622.44
Total du dossier	4,622.44
TPS - montant assujetti à la taxe:2922.44	146.12
TVQ - montant assujetti à la taxe:2922.44	291.51
Total du projet de facture	5,060.07

Invoice

Dionne Schulze s.e.n.c.
AVOCATS

507, Place d'Armes #502
Montréal (Québec) H2Y 2W8

Tél.: (514) 842-0748
Fax: (514) 842-9983
admin@dionneschulze.ca

GST no: 84992 0780 RT0001
PST no: 1213077003 RS0001

Invoice no: 7598

Wiichihiiwewin Centre of Waskaganish

Montreal, December 31, 2018

RE: Général
F/N: 5200-000

RE: Général
F/N: 5200-000

2 of 2

JUDICIAL AND EXTRAJUDICIAL DISBURSEMENTS

Miscellaneous disbursements: Letters Patent at REQ, 09-19-18 (receipt enclosed)	249.00
	-249.00
Total disbursements	\$ 0.00
Total	\$ 0.00
GST - amount subject to taxes: 0.00	\$ 0.00
PST - amount subject to taxes: 0.00	\$ 0.00
Total billed	\$ 0.00
Total payable	\$ 0.00

This invoice is payable upon receipt. Interest will be charged at the rate of 12.00% per year on any balance owing over 30 days.

Court File No.: T-1417-18

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINAL PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

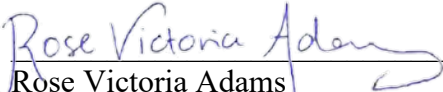
- and -

HIS MAJESTY THE KING

Defendant

EXHIBIT EE TO THE AFFIDAVIT OF LÉA LEMAY LANGLOIS

This is Exhibit **EE** to the affidavit of
Léa Lemay Langlois, as solemnly sworn
before me the 21st day of July, 2023


Rose Victoria Adams
Barreau du Québec n°358105-5

M E M O

Date: 2023-07-18
To: David Schulze
From: Rose Victoria Adams
c.c.: Léa Lemay Langlois
File: 5100-009 – Indian Boarding Homes Class Action (T-1417-18)
Re: Quebec-Specific Framework for Outreach, Assistance and Support

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I. Context..... 1

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A. General information about the Quebec subclass..... 2

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 4. Algonquins of Quebec 4

I. CONTEXT

Klein Lawyers has prepared a draft framework outline that will aid in devising strategies for survivor class member outreach, assistance and support. This framework is Canada-wide and does not provide information that is specific to Quebec. As Dionne Schulze is counsel for the Quebec subclass of the class action, you have asked us to prepare a memo containing additional information that is specific to the Quebec subclass.

Dionne Schulze is a law firm that provides legal advice and representation to Indigenous governments, organizations and individuals, in all areas of law. The firm was founded in 2007 by Paul Dionne and David Schulze. They both have been named among the best in the field of Aboriginal law by Best Lawyers in Canada each year since 2006. Partners Ms. Patterson, Mr. Dionne and Mr. Schulze have also consistently been named as “leading lawyers” in Aboriginal law by the Canadian Legal Lexpert Directory.

The firm's considerable expertise working with Indigenous peoples has allowed it to create an important network of contacts within Quebec Indigenous communities, and to develop a trauma-informed and culturally safe approach to lawyering. This will allow Dionne Schulze to perform some direct outreach with Indigenous communities in Quebec.

II. ANALYSIS

A. General information about the Quebec subclass

The majority of the Quebec subclass will be from remote communities. Quebec Indigenous communities also have higher rates of language retention than in the rest of Canada. As a result, many Quebec subclass members will have their respective Indigenous language as a first language, and either English or French as a second language. Few Quebec subclass members will speak both English and French.

We believe that most of the class members will be Cree, Inuit, Atikamekw, or Algonquin; a smaller number may be Innu or Naskapi. This hypothesis is based on our knowledge of the Indian Boarding Homes Program and which Indigenous communities in Quebec had schools during the class period of 1951 to 1992.

B. Quebec-wide organisations

[The Assembly of First Nations of Quebec and Labrador \(AFNQL\)](#) should be contacted. It is composed of the Chiefs of the 43 First Nations communities located in Quebec and Labrador and it represents a total of 10 nations: Abenaki, Algonquin, Atikamekw, Cree, Huron-Wendat, Maliseet, Mi'gmaq, Innu, Mohawk, and Naskapi. The Assembly meets about 4 times a year to give mandates to its Bureau and to the Commissions it has set up. The AFNQL is attached to the Assembly of First Nations (AFN), and the Chief of the AFNQL is a member of the AFN executive.

[The First Nations of Quebec and Labrador Health and Social Services Commission \(FNQLHSSC\)](#) should also be contacted. The FNQLHSSC was created by the AFNQL and was the result of numerous discussions highlighting the need to create an effective connection to defend the interests of First Nations and support their priorities in the areas of health and social services. However, it is important to note that the FNQLHSSC is not a health and social services provider. It rather works in the areas of policy and advocacy.

There is no specific Indigenous health services branch of the Quebec health authority – the Ministère de la Santé et des Services sociaux (MSSS) – unlike in other provinces, as outlined in the memo prepared by Klein Lawyers. [Here](#) is webpage from the MSSS website regarding the specificity of certain services provided to Indigenous people in Quebec.

To reach out to Quebec subclass members living in urban centers, we also recommend contacting

the [Quebec network of friendship centers](#), as well as the [Native Friendship Centre of Montreal](#) and [Centre Mamik](#) (Atikamekw), which are not part of this network.

C. Specific nations

1. James Bay Cree of Quebec

[The Cree Nation Government/Grand Council of the Crees \(Eeyou Istchee\) \(CNG\)](#) should be contacted to reach out to Cree Quebec subclass members. The Grand Council of the Crees (Eeyou Istchee) represents the approximately 20,000 James Bay Cree of Quebec. The Cree Nation Government exercises governmental and administrative functions on behalf of the Cree Nation. Both have identical membership, board of directors, governing structures and are managed and operated as one. The CNG is the legal representative of the James Bay Cree of Quebec pursuant to the *James Bay and Northern Quebec Agreement* (JBNQA). It would therefore make more sense to contact the CNG first and then the individual Cree First Nations.

The Cree are not subject to the *Indian Act* and its rules on estates do not apply to them.

[The Cree Board of Health and Social Services \(CBHSSJB\)](#) should also be contacted to reach out to Cree Quebec subclass members. Pursuant to the JBNQA, the CBHSSJB is responsible for the administration of health and social services for all persons residing permanently or temporarily in Region 18, the administrative region of the MSSS corresponding to the Cree territory of James Bay. Its mandate is defined in [Chapter S-5—An Act respecting health services and social services for Cree Native persons](#). Section 14 of the 1975 JBNQA was the basis for the creation of the CBHSSJB.

Relevant media to contact for Quebec Cree are the [Nation](#) magazine, the [Cree Media Unit of CBC North](#) and the [James Bay Cree Communications Society](#), a Cree language radio broadcaster servicing the Cree communities.

It should be noted that most Crees in Quebec speak Cree as a first language, English as a second, and very few of them speak French.

2. Inuit of Quebec

[Makivvik Corporation](#) should be contacted to reach out to Inuit Quebec subclass members. It is the legal representative of the approximately 15,000 Inuit of Quebec pursuant to the JBNQA. Makivvik speaks on behalf of the Inuit of Quebec in order to uphold their constitutionally protected rights, and it works with the main organizations created as a result of the JBNQA, the government of Quebec, and the Government of Canada. Makivvik's distinct mandate ranges from owning business enterprises and generating jobs; to social economic development, improving housing conditions, to protection of the Inuit language and culture and the natural environment.

It is important to note that Inuit are not subject to the *Indian Act* and therefore do not have reserves

or band councils; they are also not subject to the *Indian Act*'s estates provisions. They live in Northern Villages (NVs), which are under the responsibility of [the Kativik Regional Government \(KRG\)](#). The KRG should also be contacted.

[The Nunavik Regional Board of Health and Social Services \(NRBHSS\)](#) should also be contacted to reach out to Inuit Quebec subclass members. Pursuant to the JBNQA, the NRBHSS is responsible for the administration of health and social services for all persons residing permanently or temporarily in Region 17, the administrative region of the MSSS corresponding to the Inuit territory of Northern Quebec. It was created by [Chapter S-4.2 – Act respecting health services and social services](#). Section 15 of the JBNQA was the basis for the creation of the NRBHSS.

Relevant media to contact for Quebec Inuit are the [Nunatsiaq News](#) newspaper, [CBC North](#) and [Taqramiut Nipingat Inc.](#), an Inuktitut language radio broadcaster servicing Nunavik communities.

It should be noted that most Inuit in Quebec speak Inuktitut as a first language, English as a second, and very few of them speak French.

3. Atikamekw

Unlike the Cree and Inuit of Quebec, the Atikamekw are not covered by a land claim agreement, and the *Indian Act* therefore applies to them with respect to estates.

The Atikamekw are represented by their respective band councils of [Manawan](#), [Opitciwan](#) and [Wemotaci](#), as well as their tribal council, the [Conseil de la nation Atikamekw \(AtikamekwSipi\)](#), which should all be contacted to reach out to Atikamekw Quebec subclass members.

Relevant media to contact for Atikamekw are the three Atikamekw community radios, which are part of the [Société de communication Atikamekw-Montagnais \(SOCAM\)](#), an Atikamekw-Innu broadcasting network.

It is important to note that most Atikamekw speak Atikamekw as a first language, French as a second, and very few of them speak English. Attention should be given to providing them with information in French.

4. Algonquins of Quebec

Unlike the Cree and Inuit of Quebec, and like the Atikamekw, the Algonquins of Quebec (also called Anishinabeg) are not covered by a land claim agreement, and the *Indian Act* therefore applies to them without amendment.

The Algonquins of Quebec (also called Anishinabeg) are represented by their respective nine band councils and their two tribal councils, the [Algonquin-Anishinabeg Nation](#) and the [Algonquin Nation Programs and Services Secretariat \(ANS\)](#), which should both be contacted to reach out to Algonquin Quebec subclass members. Dionne Schulze is already in contact with the Kiticisakik

and Lac Simon band councils for another class action and will be able to rely on those contacts; new contacts will be need to be made with the other Algonquin band councils.

Relevant media to contact for Algonquins of Quebec are the Algonquin [community radio stations](#) (see [also](#)), which most Algonquin First Nations have.

It should be noted that some of the Algonquin communities speak English, while others speak French. Materials should be provided in both languages.

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINAL PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

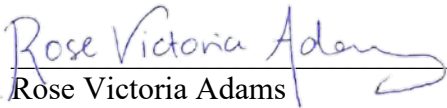
- and -

HIS MAJESTY THE KING

Defendant

EXHIBIT FF TO THE AFFIDAVIT OF LÉA LEMAY LANGLOIS

This is Exhibit **FF** to the affidavit of
Léa Lemay Langlois, as solemnly sworn
before me the 21st day of July, 2023


Rose Victoria Adams
Barreau du Québec n°358105-5

PROFESSIONAL MANDATE AND RETAINER

BETWEEN:

KENNETH WEISTCHE
("the Client")

AND:

DIONNE SCHULZE GENERAL PARTNERSHIP
("Dionne Schulze")

IN THE MATTER OF

Reginald Percival et al. v. Her Majesty the Queen in right of Canada,
Federal Court No. T-1417-19

THE PARTIES AGREE AS FOLLOWS:

1. The mandate

a. General

The Client hereby authorizes Dionne Schulze or their representatives to act for him in his capacity as representative plaintiff of the Québec subclass in the class action known as *Percival v. The Queen*, docket no. T-1417-19 (the Boarding Homes Class Action) in the Federal Court ("the Court").

This mandate has retroactive effect and replaces all previous agreements, written or verbal.

b. Duties owed by the parties

i. Dionne Schulze

Dionne Schulze undertakes to represent the Client and the members of the Quebec subclass to the best of its professional ability.

Dionne Schulze will act as class counsel in all aspects of the Boarding Homes Class Action, including:

- pursuing certification of the Boarding Homes Class Action;
- proceeding under Part 5.1 of the *Federal Courts Rules*;



Initials



Initials

- initiating other proceedings that are necessary to advance the interests of the class;
- ongoing prosecution and completion of the Boarding Homes Class Action and any other related proceedings, including *Wiichihiiwewin Centre and Anne Smith v. Attorney General of Canada*, Québec Superior Court file no. 500-06-000812-160;
- negotiating, if possible, a settlement of the Boarding Homes Class Action, including obtaining court approval of the settlement and any related proceedings; and
- obtaining court approval of legal fees and disbursements.

ii. The Client


The Client undertakes to cooperate fully with Dionne Schulze in carrying out their mandate.

Dionne Schulze have informed the Client that as representative plaintiff for the Québec subclass, he has the responsibility to give Dionne Schulze instructions on the conduct of this class action, including:

- the litigation plan for the conduct of the Boarding Homes Class Action;
- notices and communications with class members about the class action;
- any settlement agreement which is negotiated with Canada, including the process for dealing with individual claims after the settlement;
- the discontinuance of any related legal proceedings.

The Client has the obligation to cooperate with Dionne Schulze, including by:

- attending examinations by the opposing party;
- providing personal, medical and financial information, as needed;
- consenting to assessment by an expert, if necessary;
- signing any third-party funding applications or agreements recommended by Dionne Schulze.



 Initials



 Initials

Dionne Schulze has informed the Client that because it acts for all class members, Dionne Schulze is not obliged to follow his instructions if they are not in the best interests of the class. The Client and Dionne Schulze agree to use mediation as quickly as possible to solve any disagreement about the best interests of the class. However, the Client acknowledges that Dionne Schulze is entitled to take steps to advance this class action before any such dispute has been resolved, if necessary to protect the interests of the class.

In the event this class action is successful, Dionne Schulze will ask the court to award the Client compensation for his time and expenses spent as the representative plaintiff.

iii. Other litigation

The Client understands that:

- this class action concerns some of the same issues as those in the application to authorize a class action known as *Wiichihiiwewin Centre and Anne Smith v. Attorney General of Canada*, Québec Superior Court file no. 500-06-000812-160;
- Dionne Schulze is appearing for the Wiichihiiwewin Centre; and
- the agreement of the Wiichihiiwewin Centre and the approval of the Québec Superior Court may be necessary to settle this class action.

c. Cause of action

As set out in the Statement of Claim and in the Federal Court order of June 28, 2019 (“the Certification Order”), the class action concerns:

- allegations by the Plaintiffs that Canada breached common law and fiduciary duties owed to Indigenous people in relation to “boarding home” programs that Canada operated in connection with providing primary and secondary education to Indigenous students;
- boarding home programs that are alleged to have involved Canada placing Indigenous students in private homes, away from their families and communities, where they were not provided with reasonable access to their language, culture, identity, religion, heritage, customs and Aboriginal and treaty rights and where it is alleged that they experienced racism and physical, psychological, and sexual abuse, all as set out in the Statement of Claim.



Initials



Initials

d. Québec subclass

The sub-class represented by the Client, as defined in the Certification Order, consists of:

- the Primary Class: persons who were placed by the Government of Canada in private homes for the purpose of attending school, excluding placements made for the purpose of attending a post-secondary educational institution; and
- the Family Class: all persons who have a derivative claim in accordance with applicable family law legislation arising from a family relationship with a member of the Primary Class;

for Primary Class members who were resident in Québec at the time of their placement by Canada, as well as their family members who are in the Family Class.

e. Nature of a class action

Dionne Schulze has informed the Client that:

- a class action is a special kind of legal action under which common claims by a group or groups (the class or subclasses) are decided in a single legal proceeding;
- no class action can proceed unless it is first approved (or certified) by a Federal (or Superior) Court judge;
- after certification and before any settlement approval, individual members of the class will be given notice of the Certification Order and information about how to opt out of the class action, if they so choose;
- the Court will continue to supervise the class action and in particular, before a settlement of any kind can take effect, the court's approval is needed;
- if the class action is successful, whether because of a final judgment or settlement, the Court's decision will be binding on all members of the class who have not opted out, as well as on Canada as the defendant;
- once the case has been finally decided, whether through a judgment or settlement agreement, the court will issue an order that will set out the process for the determination and payment of individual claims.

Initials

Initials

2. Fees and disbursements

a. Contingency fee agreement

The Client has chosen to use a contingency fee agreement under which legal fees and disbursements shall be paid to Dionne Schulze only if the class action is successful, in whole or in part. No amount will be owing if the class action is unsuccessful.

The Client acknowledges that in representing his interests and those of the class in this class action, Dionne Schulze will be spending a significant amount of time and making disbursements.

The Client cannot pursue this class action through an hourly-rate retainer under which the lawyers would charge for each hour or a part of an hour they would work on the Client's file, billed at a specified hourly rate.

b. Responsible lawyers

David Schulze will be the lead lawyer responsible for this class action. His hourly rate as of the date of this agreement is \$320 an hour; other lawyers who will work on this class action charge a lower rate.

The Client acknowledges that the hourly rates charged by Dionne Schulze may be increased in the future.

The lawyers who work on this class action will record their time worked, based on the actual time incurred.

c. Disbursements

Disbursements are the costs and expenses incurred to advance this class action. Examples include photocopies, long-distance phone calls, postal charges, travel and accommodation, or expert reports.

Any disbursements will be charged in addition to the legal fees owing to Dionne Schulze.

The Client agrees that Dionne Schulze may withhold the amount of their disbursements as the first charge against any money collected for the benefit of members of the class; the amount will include interest accrued on such disbursements.



Initials



Initials

d. Lawyers' fees

Fees (or extra-judicial costs) are the amount billed by Dionne Schulze for its work and include amounts billed retroactively from the opening of this file.

The fees owing to Dionne Schulze will be an amount equal to the percentages set out below collected in connection with the class action, from any source, by agreement and pursuant to a judgment, for the benefit of the Québec subclass.

The Client hereby authorizes any amount paid as a settlement or judgment to be paid to Dionne Schulze, in trust, which authorization to deduct any fees or disbursements owing.

The fees owing will be:

- 20% if the amount is payable by or on behalf of the Defendant after certification but before discovery (pre-trial disclosure of evidence);
- 22.5% if the amount is payable after discovery but before a trial date is set;
- 25% if the amount is payable after a trial date is set but before any hearing on the merits;
- 30% if the amount is payable pursuant to a settlement during or after trial or pursuant to a final trial judgment;
- 35% if the amount is payable after the hearing of an appeal from a final trial judgment;
- provided however that the fees owing will be 15% on any amount payable by the Defendant over \$35,000,000.00 and 10% on any amount over \$50,000,000.00.

In plain language, imagine if the Defendant agreed or was ordered to pay \$40 million. Our fees would be:

- *\$7 million on the first \$35 million, if after certification but before discovery (pre-trial disclosure of evidence);*
- *\$7.875 million on the first \$35 million, if after discovery but before a trial date is set;*
- *\$8.75 million on the first \$35 million, if after a trial date is set but before any hearing on the merits;*



Initials



Initials

- \$10.5 million on the first \$35 million, if during or after trial;
 - \$12.25 million on the first \$35 million, if after the hearing of an appeal from a final trial judgment;
- plus \$750,000, representing 15% of the remaining \$5 million.

e. Out-of-court settlement

The Client agree that he and Dionne Schulze may negotiate any percentage or lump sum other than the percentages set out above, subject to his approval and approval by the court, to be paid by or on behalf of the Defendant to Dionne Schulze.

f. Taxes

Any applicable tax (Goods and Services Tax and Québec Sales Tax) will be charged in addition to the legal fees owing to Dionne Schulze.

g. Costs

Costs are amounts awarded by the court after litigation in order to partially compensate the successful litigant for their legal fees.


If costs are awarded to the Client at any stage of the class action, he agrees that the amount will be paid to Dionne Schulze in trust on his behalf.

Dionne Schulze may immediately apply any costs award to disbursements owing as of the date of payment. Dionne Schulze may also apply any costs award to fees owing for the step in the proceedings for which it was awarded.


Any costs award applied to fees owing to Dionne Schulze shall be considered in addition to and separate from its contingency fees.

3. Individual claims by members

If class members are required to make individual claims in order to receive compensation, whether before the court or as part of a settlement, Dionne Schulze will make separate arrangements to represent them.



 Initials



 Initials

4. Third-party funding

The Client hereby authorizes Dionne Schulze to apply to a third party, including (but not limited to) the *Fonds d'aide aux actions collectives*, for financial assistance to cover any fees or disbursements. The Client agrees to execute an amendment to this agreement as needed in order to apply for third-party funding.

The Client understands that any fees not paid by a third party will continue to be owing as provided for in this agreement. The Client also understands that if this class action is successful, in whole or in part, funds provided by a third party will have to be reimbursed, including interest, if applicable.

5. Termination of the mandate

The present agreement can be terminated for serious and valid reasons by substitution of lawyers or otherwise. In that event, the Client agrees that Dionne Schulze will be entitled to fees calculated according to the percentages established in paragraph 2 on a *pro rata* basis, taking into account the number of hours that Dionne Schulze have spent on the file in comparison to the total number of hours spent on the file.

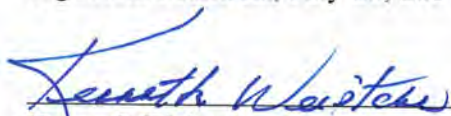
If the Client terminates this agreement, he agrees to provide Dionne Schulze with copies of all judgments or settlement transactions in time to allow Dionne Schulze to apply to the court to determine the fees to which Dionne Schulze would be entitled, where applicable, having agreed that such fees not become due and payable until the date of a final judgement or the date of a hearing of an application for approval of a settlement transaction.

6. Final provisions

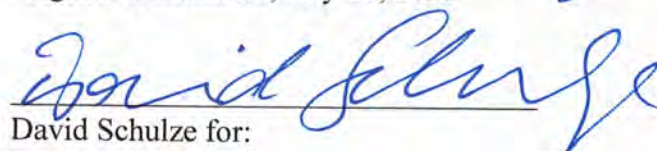
If any provision of this agreement, in whole or part, is found to be unenforceable for any reason, the remainder of this agreement and all other provisions shall remain in force.

This Agreement shall be governed by the laws of the Province of Quebec.

Signed in ~~Montreal~~, July 28, 2021

Westmount, 18 August

 Kenneth Weistche

Signed in ~~Montreal~~, July 28, 2021

Westmount, 18 August

 David Schulze for:
 DIONNE SCHULZE

Court File No.: T-1417-18

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINAL PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

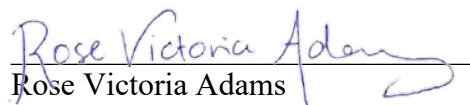
- and -

HIS MAJESTY THE KING

Defendant

EXHIBIT GG TO THE AFFIDAVIT OF LÉA LEMAY LANGLOIS

This is Exhibit **GG** to the affidavit of
Léa Lemay Langlois, as solemnly sworn
before me the 21st day of July, 2023


Rose Victoria Adams
Barreau du Québec n°358105-5



Québec, le 21 avril 2021

Maître Léa Lemay Langlois
Dionne Schulze S.E.N.C.
507, place d'Armes, bureau 502
Montréal (Québec) H2Y 2W8

**OBJET : Demande d'ajout à l'article 135 du Règlement sur l'aide
aux personnes et aux familles**

Maître,

En réponse à votre correspondance du 24 mars dernier, je vous informe que des travaux sont actuellement en cours afin de modifier le Règlement sur l'aide aux personnes et aux familles en lien avec les enjeux auxquels font face les communautés autochtones du Québec.

Ces modifications visent notamment à harmoniser les exclusions applicables aux indemnités accordées pour compenser une perte d'intégrité physique ou psychique, et ce, peu importe que ce soit à la suite d'un recours judiciaire collectif ou individuel.

Dans l'attente de l'entrée en vigueur de cette modification, sachez qu'une directive administrative a été transmise à notre personnel afin que soit exclues les sommes reçues dans le cadre du jugement A.B.et al.c. Procureur général du Canada C.S.

Je vous prie d'agréer, Maître, mes salutations distinguées.

Le directeur,

Tity K. Dinkota

- c. c. M^{me} France Veilleux, directrice générale des recours et de la qualité des services
M^{me} Esther Quirion, directrice générale de l'assistance sociale
M. Kevin Auger-Raymond, directeur du soutien à l'application de normes d'assistance sociale