

April 12, 2024

## VIA EMAIL

Judy Dubois  
Registry Operations  
Canadian Human Rights Tribunal  
240 Sparks Street, 6th Floor West  
Ottawa, ON K1A 1J4

Dear Ms. Dubois:

**RE: FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA ET AL V ATTORNEY GENERAL OF CANADA – T#1340/7008**  
**OUR MATTER ID: 5204-002**

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I write further to the Panel's direction of April 12, 2024, to request a modification to the schedule contained in that direction to maximize the chances of the hearing proceeding in July or August 2024. The suggested schedule contained below was provided to Canada at 12:31 PM today in order to seek their views; however, we have not had a response. Given that the Panel Chair will be away starting next Tuesday, April 16, 2024, I am writing as quickly as possible to put this suggestion before the Tribunal.

The schedule in the Panel's direction of today's date contemplates the filing of three factums each by the Caring Society and Canada. The Caring Society would file on April 19 (in chief on its motion), June 7 (in reply on its motion), and June 28 (in response to Canada), while Canada would file on May 24 (in response to the Caring Society), June 7 (in chief on its cross-motion) and July 19 (in reply on its cross-motion).

The Caring Society proposes that the filing schedule be streamlined by having the Caring Society address both the motion and the cross-motion in its April 19, 2024 factum (which is already our intention), and by having Canada address both the motion and the cross-motion in its May 24, 2024 factum (which is the typical route followed when two matters are being heard together, for instance with respect to cross-appeals (see, for e.g., Rule 346(3) of the *Federal Courts Rules*)).

For clarity, the proposal is to consolidate the Caring Society's June 7 and 28, 2024 deadlines and Canada's May 24, 2024 and June 7, 2024 deadlines, with the remaining steps after Canada's May 24 factum following the same time delays provided for in the Tribunal's direction. This would have the effect of submissions being complete by July 5, 2024, instead of July 19, 2024.

The Caring Society is concerned that it will be difficult to schedule this hearing in the time available over the summer months. Streamlining the schedule to provide for two factums each from the Caring Society and Canada, rather than three, will have the matter ready for hearing earlier. This would allow more flexibility with the schedules of all participants. It will also lead to a more streamlined presentation of written arguments to the Tribunal.

The resulting schedule proposed is:

April 12, 2024: Answers to requests for information

April 19, 2024: Caring Society factum (addressing both motion and cross-motion)

May 10, 2024: Commission factum (and any of COO/NAN supporting)

May 17, 2024: AFN factum (supporting and opposing elements)

May 24, 2024: Canada factum (addressing both motion and cross-motion) and any of COO/NAN opposing Caring Society's motion

June 14, 2024: AFN/Commission/COO/NAN response to Canada's cross-motion submissions and Caring Society factum in reply (i.e., any issues not already addressed in factum in chief filed on April 19, 2024)

July 5, 2024: Canada factum in reply (i.e., any issues not already addressed in factum in chief filed on May 24, 2024)

TBA: In-person hearing in Ottawa (2 or 3-day hearing) no later than August.

As noted above, the Caring Society is providing this schedule without having circulated to parties other than Canada given the timeframe involved and in order to minimize any inconvenience to the Panel.

Please advise if the Tribunal has any questions or requires further submissions.

Yours truly and respectfully submitted,



David P. Taylor

DPT/jk

**Copy to:** Dayna Anderson, Kevin Staska, Samantha Gergely, Christopher Rupar, Paul Vickery, Sarah-Dawn Norris, and Meg Jones  
*Co-counsel for the respondent Attorney General of Canada*

**Stuart Wuttke, Adam Williamson and Lacey Kassis**  
***Co-counsel for the complainant Assembly of First Nations***

**Brian Smith and Jessica Walsh**  
***Counsel for the Canadian Human Rights Commission***

**Maggie Wente and Darian Baskatawang**  
***Co-counsel for the interested party Chiefs of Ontario***

**Justin Safayeni, Stephen Aylward and Taskeen Nawab**  
***Co-counsel for the interested party Amnesty International***

**Julian Falconer, Christopher Rapson, Natalie Posala and Michael Hyer**  
***Co-counsel for the interested party Nishnawbe Aski Nation***

**Sarah Clarke, Anne Levesque, and Kevin Droz**  
***Co-counsel for the complainant First Nations Child and Family Caring Society of Canada***