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File No. 1737-001

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

Dear Registry Office:

**Re: First Nations Child and Family Caring Society et al. v. Attorney General of Canada
– Tribunal File: T1340/7008**

We are counsel for the Council of Yukon First Nations (“CYFN”) in their application for leave to intervene as an interested party in the motion filed by the Chiefs of Ontario (“COO”) and Nishnawbe Aski Nation (“NAN”) on March 7, 2025, seeking the Tribunal’s approval of the Final Agreement for Long-Term Reform of the First Nations Child and Family Services Program in Ontario (the “**Ontario FSA Motion**”). We write further to the Panel’s direction of April 24, 2025, in respect of reply submissions, and in response to the submissions filed on May 15, 2025, by the Attorney General of Canada, COO, and NAN opposing CYFN’s participation as an interested party in the Ontario FSA Motion.

CYFN addressed most of the points raised by Canada, COO, and NAN in its main submissions, filed on April 15, 2025. CYFN relies on these submissions and will not duplicate them in reply.

In this letter, CYFN: (i) replies to three discrete points raised in the submissions from Canada, COO, and NAN not yet addressed by CYFN, and (ii) sets out its position in respect of Canada’s, COO’s, and NAN’s alternative proposed relief of limited participation rights for CYFN.

In reply to the submissions made by Canada, COO and NAN:

- First, contrary to Canada’s statement that CYFN should have applied for interested party status at an earlier stage of the proceeding,¹ CYFN *did* apply as early as possible after it

¹ Canada Submissions, filed May 15, 2025 (“Canada Submissions”), at para 18.

became clear in late 2024 that Yukon First Nations' interests were not being represented by AFN, as detailed in CYFN's main submissions at paragraphs 8-9 and 27.

- Second, in reply to the argument that CYFN's interests are represented by the First Nations Child and Family Caring Society of Canada², the Caring Society cannot – and should not – speak to the specific regional context of Yukon First Nations as self-governing First Nations pursuant to self-governing agreements. The Caring Society is a not-for-profit organization committed to research, policy development, public education, and public engagement to support First Nations agencies (of which there are none in Yukon).³ It does not represent the interests of First Nations themselves.
- Finally, each of Canada, COO, and NAN accept that the Ontario FSA Motion will have precedential value for national reform.⁴ However, they all submit that this precedential value cannot have a real “impact” on CYFN's interests.

To be clear, CYFN relies on its position in its main submissions at paragraphs 26 to 27 that, apart from the precedential value of this motion, Yukon First Nations will be directly impacted if Canada relies on the Ontario FSA for future negotiations (as it says it will).

However, even if the sole potential impact arose from the precedential value of this motion, such an impact would still be extremely significant and merit CYFN's inclusion as an interested party. Canada's, COO's, and NAN's argument incorrectly assumes that for a proceeding to have a potential impact on an interested party, that party must be directly impacted by the relief granted – not the reasoning or decision – in a case. This position is inconsistent with the case law, which repeatedly establishes that if a case “could have an impact on case law affecting” the interested party, that party may be impacted.⁵ Here, all parties agree this motion will likely impact the law on national reform outside Ontario, including in Yukon; this criteria is more than met for CYFN.

CYFN agrees that this motion must be determined without delay and is committed to ensuring that, if granted interested party status, its participation not cause any delay or disruption. To help mitigate the opposing parties' concerns, if CYFN is granted leave to participate, it consents to the following additional conditions on its participation requested by the opposing parties:

² Canada Submissions, at paras 2, 20; COO Submissions, filed May 15, 2025 (“COO Submissions”) at paras 5, 45; NAN Submissions, filed May 15, 2025 (“NAN Submissions”), at para 15.

³ *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, [2016 CHRT 2](#) at para 12; CYFN Submissions, at para. 16.

⁴ Canada Submissions, at para 16; COO Submissions, at para 24; NAN Submissions, at para 23.

⁵ *Zawilski v. Cogeco Connexion Inc.*, [2025 CHRT 4](#) at para 20; *Lidkea v. Correctional Service Canada*, [2024 CHRT 91](#) at para 16.

- CYFN does not oppose a 10-page limit on written submissions if that limit applies to all interested parties.⁶
- CYFN does not oppose an order precluding it from conducting cross-examinations in the Ontario FSA Motion.⁷
- CYFN agrees that it must abide by any timelines set by the Tribunal.⁸
- CYFN agrees the parties should be permitted to respond to any submissions it makes.⁹

Yours truly,

JFK Law LLP

Per: 

Aria Laskin

AL/mo

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⁶ Canada Submissions, at para. 27(a).

⁷ Canada Submissions, at para 27(b); COO para 27(e)).

⁸ Canada Submissions, para. 27(d); COO Submissions, para. 226 (viii).

⁹ Canada Submissions, para. 28; COO Submissions, para. 226(ix).

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