



Court File No T-3594-25

FEDERAL COURT

ATTORNEY GENERAL OF CANADA

Applicant

and

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA,
ASSEMBLY OF FIRST NATIONS, CANADIAN HUMAN RIGHTS COMMISSION,
CHIEFS OF ONTARIO, NISHNAWBE ASKI NATION
and AMNESTY INTERNATIONAL CANADA,**

Respondents

APPLICATION FOR JUDICIAL REVIEW

THE ATTORNEY GENERAL OF CANADA

Department of Justice Canada
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Counsel for the Applicant, the Attorney General of Canada

FEDERAL COURT

BETWEEN:

ATTORNEY GENERAL OF CANADA

Applicant

and

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA,
ASSEMBLY OF FIRST NATIONS, CANADIAN HUMAN RIGHTS COMMISSION,
CHIEFS OF ONTARIO, NISHNAWBE ASKI NATION
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Respondents

NOTICE OF APPLICATION FOR JUDICIAL REVIEW

TO THE RESPONDENTS:

A PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the applicant. The relief claimed by the applicant appears below.

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the applicant. The applicant requests that this application be heard at *(place where Federal Court of Appeal (or Federal Court) ordinarily sits)*.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must file a notice of appearance in Form 305 prescribed by the *Federal Courts Rules* and serve it on the applicant's solicitor or, if the applicant is self-represented, on the applicant, WITHIN 10 DAYS after being served with this notice of application.

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 OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

September 19, 2025

Issued by: _____
Registry Officer
Federal Court of Canada
701 West Georgia Street
Vancouver, BC V7Y 1B6

TO: **Canadian Human Rights Tribunal**
c/o Judy Dubois, Registry Officer
240 Sparks Street, 6th Floor West
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Counsel for the Respondent, Amnesty International

APPLICATION

This is an application for judicial review of the Canadian Human Rights Tribunal's (**Tribunal**) Decision, released August 20, 2025, and amended on September 17, 2025 (**2025 CHRT 80**, also referred to as **the Decision**), in the matter of *First Nations Child and Family Caring Society of Canada et al. v Attorney General of Canada*, Tribunal file number T1340/7008.

The applicant makes an application for:

1. An order pursuant to s 18.1 of the *Federal Courts Act*, RSC 1985, c F-7, in the nature of *certiorari*, setting aside, in whole or in part, the Tribunal's Decision;
2. An order requiring that the Decision be remitted to a differently constituted panel of the Tribunal for redetermination in accordance with this Court's directions; and
3. Such further and other relief as this Court considers appropriate.

The grounds for the application are:

1. On August 20, 2025, the Tribunal issued the Decision following the parties' and interested parties' responses to the Tribunal's February 10, 2025 Direction related to Tribunal file number T1340/7008;
2. On September 12, 2025, the Tribunal issued Supplemental Reasons for the Decision;
3. On September 17, 2025, the Tribunal amended its Decision;
4. On September 17, 2025, the Tribunal issued Further Supplemental Reasons for the Decision, in the form of an email and letter;

5. In issuing the Decision, the Tribunal breached natural justice and the duty of fairness;
6. The Decision was unreasonable because the Tribunal:
 - a. unreasonably interpreted its statutory authority;
 - b. ordered unreasonable remedies;
 - c. unreasonably exercised its discretion;
 - d. unreasonably failed to consider evidence and submissions;
7. *Federal Courts Act*, RSC 1985, c F-7, sections 18 and 18.1;
8. *Federal Courts Rules*, SOR/98-106;
9. *Canadian Human Rights Act*, RSC 1985, c H-6; and
10. Such further and other grounds as counsel may advise and this Honourable Court may permit.

This application will be supported by the following material:

1. The Certified Tribunal Record of the Tribunal;
2. The Tribunal's Direction, issued February 10, 2025;
3. The Tribunal's Decision, dated August 20, 2025 and amended September 17, 2025;
4. The Tribunal's Supplemental Reasons for the Decision, dated September 12, 2025;
5. The Tribunal's Further Supplemental Reasons for the Decision, dated September 17, 2025, including:
 - a. The Tribunal's letter, dated September 17, 2025;
 - b. The Tribunal's email, dated September 17, 2025;

6. An affidavit in support of the application; and
7. Such other materials as this Honorable Court may request and allow.

THE ATTORNEY GENERAL OF CANADA REQUESTS, pursuant to Rule 317 of the *Federal Courts Rules*, SOR/98-106, that the Tribunal provide a certified copy of all documents in its possession related to the Decision, dated August 20, 2025 and amended September 17, 2025, regarding Tribunal file number T1340/7008.

September 19, 2025

THE ATTORNEY GENERAL OF CANADA

I HEREBY CERTIFY that the above document is a true copy of
the original issued out of / filed in the Court on the 19
day of September A.D. 2025

Dated this 19 day of September 2025



**ERIN LIVINGSTONE
REGISTRY OFFICER
AGENT DU GREFFE**



Department of Justice Canada
Prairie Regional Office
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