

From: CHRT Registry Office <Registry.Office@chrt-tcdp.gc.ca>

Sent: Thursday, July 23, 2026 3:18 PM

To: --REDACTED--

Subject: Message and Direction from the Member- FNCFCSC et al v. AGC - T1340

Dear parties, please find Tribunal Member Marchildon's message and direction below:

Dear parties, following the CMCC held on July 21, 2026, I conveyed to Member Lustig the parties' appreciation for his work and their well wishes. I also informed him that, during the CMCC, I had advised the parties that he would review the detailed reasons concerning the OFA and sign the decision, and that Canada had expressed comfort in that understanding.

Upon further consideration, Member Lustig requested that I convey to the parties that, following his immediate resignation, he does not believe it would be appropriate for him to have any further involvement in the case, including in the review of the detailed reasons for the Letter-Decision concerning the OFA. He therefore remains a co-signatory to the Letter-Decision.

Accordingly, I am prepared to complete, on my own, the detailed reasons explaining the Panel's Letter-Decision of March 30, 2026.

For the parties' consideration, the OFA was fully adjudicated by both members of the Panel and was entirely and carefully deliberated upon by the two members. A meeting of the minds was reached and expressed in the letter-decision. The letter-decision was carefully crafted to include all orders and all necessary elements required to inform the parties of the Panel's decision.

Given the length of the reasons required to fully elaborate upon the decision, together with the approaching April 1, 2026, deadline, it was not possible for the Panel to draft all of its reasons in full detail within such a short timeframe.

I do not believe that Member Lustig's resignation permits me to depart from what we fully decided together as a Panel. The reasons must remain consistent with, and explain, the decision that we already reached jointly. However, because Member Lustig will not review the fully detailed reasons, I cannot sign them on his behalf.

I request submissions from the parties as to whether they consent to this approach and, if they do not, the reasons for their position, supported by relevant case law **by August 4, 2026**. The context of this case and the impacts on First Nations children, families, and Nations in Ontario should be given significant consideration, and the issue should be addressed through a human rights and administrative law lens.

Kind regards,

Amanda Wilkes
(she/her I elle)

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