

Federal Court



Cour fédérale

Date: 20200128

**Dockets: T-2153-00
T-2155-00**

Citation: 2020 FC 128

Ottawa, Ontario, January 28, 2020

PRESENT: The Honourable Mr. Justice Phelan

Docket: T-2153-00

BETWEEN:

**PETER WATSON, SHARON BEAR,
CHARLIE BEAR, WINSTON BEAR and
SHELDON WATSON, being the Heads of
Family of the direct descendants of the
Chacachas Indian Band, representing
themselves and all other members of the
Chacachas Indian Band**

Plaintiffs

and

**HER MAJESTY THE QUEEN IN RIGHT OF
CANADA, as represented by THE MINISTER
OF INDIAN AND NORTHERN AFFAIRS
CANADA and THE OCHOPOWACE FIRST
NATION**

Defendants

BETWEEN:

**WESLEY BEAR, FREIDA SPARVIER, JANET
HENRY, FREDA ALLARY, ROBERT
GEORGE, AUDREY ISAAC, SHIRLEY
FLAMONT, KELLY MANHAS, MAVIS BEAR
and MICHAEL KENNY, on their own behalf
and on behalf of all other members of the
Kakisiwew Indian Band**

Plaintiffs

and

**HER MAJESTY THE QUEEN IN RIGHT OF
CANADA, as represented by THE MINISTER
OF INDIAN AND NORTHERN AFFAIRS
and THE OCHOPOWACE FIRST
NATION No. 71**

Defendants

JUDGMENT

FOR THE REASONS GIVEN, the Court adjudges and declares as follows:

1. The answers to the questions set out in the First Phase Order are the findings set forth in the Reasons for Judgment.
2. In respect of the Watson Plaintiffs, the amalgamation of the Chacachas and Kakisiwew Bands was unlawful by virtue of the failure of the federal Crown to implement the promises of *Treaty 4* in accordance with the honour of the Crown.
3. The Plaintiffs and the Ochapowace First Nation No. 71 shall have their costs.

4. The parties shall contact the Court within 90 days of this Judgment to establish a process to consider costs and to establish the process for the next phase of this litigation.
5. The Court remains seized of this matter and the matter remains subject to the Court's case management regime.

“Michael L. Phelan”

Judge