

Federal Court



Cour fédérale

Date: 20240422

Docket: T-813-24

Citation: 2024 FC 597

Ottawa, Ontario, April 22, 2024

**PRESENT:** The Honourable Madam Justice McVeigh

**BETWEEN:**

**CECILIA (TONI) JOSEPHINE HERON**

**Applicant**

**and**

**SALT RIVER FIRST NATION NO. 195**

**Respondent**

**AMENDED ORDER AND REASONS**

[1] This is a motion for an interlocutory injunction (dated April 11, 2024) to:

- (a) staying the Respondent's suspension of the Applicant dated April 4, 2024;
- (b) staying the Respondent's sanction of the Applicant banishing her from interfering with staff, business, banking and governmental relations dated April 4, 2024;
- (c) prohibiting the Respondent from issuing any further suspensions of the Applicant, banishments of the Applicant, other sanctions of the Applicant without the prior leave of this Court; and

- (d) prohibiting the Respondent from calling any Special Meeting for the purpose of voting upon the removal of the Applicant from the office of Chief of Salt River First Nation No. 195 (“SRFN”) without prior leave of this court.

[2] This has been an ongoing litigation battle since the Applicant has been elected on September 19, 2022. She has been in office since her election and has had rolling suspensions without pay of 60 days that have been renewed by counsel. In her 3-year term she has been suspended approximately 17 ½ months.

[3] The facts are set out in two long detailed decisions. Injunction motions have been brought before Justice Ann Marie McDonald and Justice Paul Favel (March 22, 2023; 2023 FC 1124) with the latest being an injunction granted by Justice Christine Pallotta dated on April 4, 2024 (2024 FC 525). Justice Favel issued a long, detailed decision dated March 12, 2024 (2024 FC 413) dealing with a consolidation of judicial reviews, in which the Applicant was successful. The factual basis can be gleaned from these decisions rather than repeating them as the actions by the First Nation are repeated with only slight differences. Of note is that Justice Favel dealt with two of the suspension decision. But the First Nation continued to suspend the Applicant after Justice Favel’s hearing and before the decision was issued. Those post hearing suspensions were not judicially reviewed. It is noted that those suspensions followed much the same as the decisions subject to Justice Favel’s decision.

[4] The Applicant attempted to resume her duties as Chief after she was successful on the March 12, 2024 decision, but she was suspended on March 20, 2024, which was 8 days after the

Federal Court decision was released. Both Justice Favel's judicial review decision and Justice Pallota's injunction have been appealed to the Federal Court of Appeal by the First Nation.

[5] The current pertinent facts from those decisions are that Justice Pallota: a) stayed the operation of a March 2024 Band Council Resolution [BCR] until the judicial review was determined. That BCR suspended the Applicant until a special meeting could be held on April 4, 2024 at 6:00 p.m. (para 4 of Justice Pallota's decision); and b) prohibited the First Nation from holding a special meeting of the members on April 4, 2024 for the purpose of voting on Chief Heron's removal from the office of Chief.

[6] Before me now we know that the First Nation issued a BCR (Appendix A) that suspended the Applicant from April 4 until April 19, at midnight with a meeting on April 18, 2024 that she was invited to for a reconsideration. The Respondent in their memorandum at paragraph 42 said that the special meeting did not take place but "[h]aving received the Court's order just before noon on April 4th, 2024 it was too late to cancel the catered dinner ordered for after the meeting or to notify all members who may have seen the Notices of Special Meeting; so an Information Meeting, without discussion of removal what held for those who showed up." When asked at the hearing how did this BCR come about then if there was no meeting counsel said that at 5:00 p.m. there was a regular council meeting and it is at that meeting that the Chief was suspended.

[7] Based on the information before me this can only be seen as a disregard for the Court's order as it can be labelled subterfuge or duplicity.

[8] The Applicant's evidence is that she was not told of the meeting as she had understood from the order that they could not hold the special meeting. She was given a letter dated April 9, 2024 (Appendix B) that told her of a council meeting set for April 18, 2024, at 5:00 to discuss with her the reconsideration of her suspension. This letter goes on to tell her a number of things about council's positions and ask her 43 questions of which more may arise during the reconsideration discussion.

[9] But pertinent to this injunction motion is that the letter goes on to tell her why she is suspended and that same argument is also advanced to me today. That argument summarized is that the Applicant in her capacity of Chief may not bring an injunction application or she will be suspended. The Applicant may bring an injunction in her personal capacity, however, doing so as a suspended Chief, goes against the council's decision in the BCR that suspended her. Council is elected and the Applicant has a duty and obligation to the First Nation so that, if an injunction is brought that would undermine a decision by the majority of the elected council, this would result in her breaching her duty to the First Nation. The Respondent says the Applicant requires a full trial (or in this case a judicial review) to question a decision of the council and an injunction is not a full trial, therefore, the Applicant cannot question the BCR that suspended her. A more detailed discussion of this argument is in the April 9, 2024, letter.

[10] Directing myself to the conjunctive tripartite test in *Toth v Canada (Minister of Employment and Immigration)* (1988), 86 NR 302 (FCA); *RJR-McDonald Inc v Canada (Attorney General)*. [1994] 1 SCR 311.

I. Serious Issue

[11] The first matter at issue is whether I should apply the standard of the serious issue being neither frivolous nor vexatious or the higher standard set out for a mandatory interlocutory injunction on serious issue being a strong *prima facie* case (*R v Canadian Broadcasting Corp.*, 2018 SCC 5).

[12] I will find, as did Justice Pallotta, that on either standard, the Applicant has met the serious issue standard. This was at the hearing conceded by the Respondent. Of the many serious issues proposed, this branch of the test has been satisfied. Given there are so many matters currently before the Federal Court of Appeal and all are interrelated I will only allude to one serious issue that meets the test in the interest of expediency but in no way does this reflect on the other issues put forth as serious issues as having less merit. The serious issue that the Applicant was not given notice of the suspension after the decision of Justice Favel was clear that meetings to suspend her demanded a high degree of procedural fairness. The April 4 BCR (Appendix B), the subject of the underlying judicial review meets both standards of not being frivolous and vexatious as well as having a strong *prima facie* case.

II. Irreparable Harm

[13] The Applicant argues that she has been suspended for 17 months plus 3 weeks out of her 3-year term so she is not able to fulfil her duty to the First Nation. This harm is continuing in that she has been successful in her judicial reviews and then in her injunction application and yet, 13 days later she has another injunction hearing. Now the Applicant understands that if she brings

an injunction to stay her suspension that the First Nation's position is they have said have grounds to suspend her. The grounds the Respondent alleges is that she has breached her duty to the First Nation when she questions the BCR that suspends her. This is time she cannot get back when she was duly elected and cannot carry out her mandate. She campaigned with initiatives that she has not been able to do as well as reputational harm in the continued suspensions. The Applicant also alleges there are other duties in her role that she is unable to fulfil.

[14] Contrary to this, the Respondent argued that her reputation is not harmed as she was out of office in 2008 because of a court case against her and yet she was still elected once eligible to run for office. (68 votes for her out of 174 voters). Additionally, the Respondent argues she will not suffer irreparable harm if the orders are granted and she has to go to the April 18 meeting and make representations or wait until her current suspension expires at midnight on April 19. The Respondent also argues that she must prove that if council is not prohibited from exercising their powers to use the *Election code* to discipline her, then what harm would she suffer, given she was subject to council's disciplinary powers the day she was elected.

[15] There is also the fact that the April 9 letter asks her to attend the meeting on April 18 and to answer questions before the suspension expires on April 19th. Given the latter, I am not convinced that this meeting would do anything but suspend her again given that she currently has this injunction motion before the Court. I do not see this as a true ability to meet and discuss things to resolve the situation. The Respondent had no inclination to mediate so I do not see this April 18 meeting as anything other than notice that there is a high degree of possibility she will be suspended again given the past patterns of behaviour.

[16] The irreparable harm the Applicant alleges is not speculative as these suspensions continue to be made despite her success in her judicial review application (Favel J.) and by receiving an injunction (Pallotta J.). The Respondent at the hearing indicated that they are relying on suspensions that took place after the Favel judicial review hearing and before the decision issued to say those suspensions have not had a full judicial review on them so they are still valid.

[17] The Applicant has not met the test for irreparable harm. I do not agree with the Respondent's argument that the fact she was elected shows suspensions or law suits do not harm her. The irreparable harm is that though she was elected after a campaign on a platform with certain initiatives by the band members she is not able to go forward with that platform. Irreparable harm could also arise by the fact there are posters of her suspensions and this could cause a voter to see futility in placing their vote with her as council will suspend her during the term.

### III. Balance of Convenience

[18] The Respondent argues that the balance lies with them given that the status quo in this case is that since October 13, 2022, she has been suspended. They say if the status quo is not maintained, it will result in irreparable harm as it would give the Applicant her ultimate remedy, treating as invalid the First Nation's government's exercise on April 4 and in the future of its inherent and *Election Code* powers, without a full hearing on the merits (para 67 of the Respondent's memorandum). They further say that since the March 12 decision of Justice Favel that there is public doubt and ambiguity as the Applicant is trying to change the signing authority on banking as well as other described upheaval (paras 71-74).

[19] I agree with Justice Pallotta's assessment that the status quo is not as the Respondent characterized it as being to maintain the suspension and the council that has been in place since October 2022.

[20] The balance of convenience favours the Applicant given she has been out of office for 17 months and was successful at Court on previous judicial review suspensions.

[21] The balance of convenience does follow in this case. Though the upheaval is real, it follows from Justice Favel's and Justice Pallotta's decisions that the balance is in the Applicant's favour.

[22] This litigation is costly and cannot be in the First Nation's best interest. I asked the parties to consider participating in a judge-led mediation that involved elders to demonstrate to the community the self-determination type resolution rather than an imposed result by a judge. The Applicant agreed with some conditions but the Respondent's instructions were not to accept any of the offered dispute resolution. My cost determination takes this into consideration given evidence was led that the Applicant is paying her own legal fees.

#### IV. Relief Sought

[23] I will grant an injunction staying the operation of the April 4, 2024 BCR suspending the Applicant pending the determination of the underlying judicial review.

[24] I will order that the matter be case managed and heard in an expedited hearing.



[25] I will restate that the injunction issued by Justice Pallotta remains in place where she is staying all the related sanctions put on the Applicant.

[26] I will prohibit the meeting to take place on April 18, 2024 where reconsideration of her suspension was to take place. This does not mean that the first Nation may hold a meeting on a different day or call it something else; it means that they are prohibited from having meetings to suspend the Applicant until the underlying judicial review is determined.

[27] I will not issue a prohibition order as requested by the Applicant at this time as I do not have sufficient evidence to support one, nor do I wish to thwart the *Election Code* in any way. But without compliance with the orders of this Court then further motions may be brought.

[28] I will not order solicitor-client costs against the councillors, but I will award costs in the amount of \$6,000 payable forthwith to the Applicant by the Respondent.

**ORDER in T-813-24**

**THIS COURT ORDERS that:**

1. The operation of the April 4, 2024 BCR is stayed depending a determination on the underlying judicial review unless the Court orders otherwise;
2. SRFN is prohibited from holding a meeting on April 18, 2024, regarding the suspension of Cecilia (Toni) Josephine Heron until the determination on the underlying judicial review unless the Court orders otherwise;
3. Costs are awarded in the amount of \$6,000 payable forthwith to the Applicant by the Respondent; and
4. That the matter be case managed with the expectation of an expedited hearing unless the Court orders otherwise.

"Glennys L. McVeigh"

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Judge

Appendix A

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	<b>Chronological Number</b>	008 -2024
	<b>Reference Number</b>	2024-0404
<b>The Council of Salt River First Nation No. 195</b>		
<b>Duly Convened Meeting DATE:</b>	<b>April 4, 2024</b>	

**WHEREAS** Salt River First Nation #195 (“SRFN”) has the inherent Aboriginal right and authority to govern relations among its members and between SRFN and other governments and agencies;

**AND WHEREAS** the Aboriginal and Treaty rights of SRFN to self-government were recognized and affirmed in Treaty 8 entered between Her Majesty the Queen and SRFN and confirmed by the *Constitution Act* of 1982;

**AND WHEREAS** the SRFN Council (the “Council”) is legally and traditionally authorized to make decisions on behalf of SRFN and its members in furtherance of the welfare, best interests and good governance of SRFN and its members;

**AND WHEREAS** the customs and traditions of the SRFN require democratic, fair and open Elections for Chief and Council and Chief and Council are elected and hold office under the Amended Amended Customary Election Regulations of the Salt River First Nation, most recently amended in 2017 (the “Election Code”);

**AND WHEREAS** the Election Code contains sections 153 – 156 which give Council powers to discipline all members of Council, including the Chief;

**AND WHEREAS** on March 20, 2024 Council exercised its power under section 154 of the Election Code to call a Special Meeting of Electors for April 4, 2024 recommending the removal of Chief Heron and exercised its power under section 153A of the Election Code to suspend her from exercising the powers of Chief from March 20, 2024 to May 18, 2024;

**AND WHEREAS** Toni Heron is challenging the March 20, 2024 decisions of Council in the Federal Court and has obtained an Order of that Court staying all of Council’s March 20, 2024 decisions and stopping the April 4, 2024 Special Meeting of Electors;

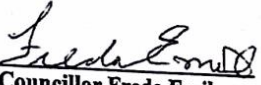
**AND WHEREAS** Council believes that the Court’s Order interferes with and violates SRFN’s inherent and treaty rights as a sovereign First Nation within Canada and believes that the duties and obligations of a Chief under our Election Code are in conflict and are breached by getting a Court to interfere with SRFN’s inherent and treaty rights of self-government, rights all members of Council, including the Chief, swore to uphold and defend ;

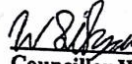
**NOW THEREFORE BE IT RESOLVED THAT:**

1. MLT Aikins is instructed to immediately appeal the Court Order obtained by Toni Heron, and to report to and take instructions from Council or whoever Council shall appoint for that purpose.
2. Chief Heron is suspended from exercising any and all of the powers of Chief under section 153A (b) from today, April 4, until midnight on April 19, 2024 while Council considers the consequences and effect of the Court's Order on SRFN's inherent and treaty rights of self-government.
3. During the Chief's suspension the Chief is banned from interfering with staff and from interfering with the business, banking and governmental relationships of the SRFN.
4. At the April 18, 2024 regular Thursday Council Meeting Council shall reconsider the Chief's suspension and will, at that Council Meeting, hear the Chief's representations and submissions.

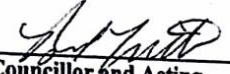
A quorum of the Council consists of four (4) members of Council.

  
 Councillor Don Beaulieu

  
 Councillor Freda Emile

  
 Councillor Warren Sikyea

  
 Councillor Kendra Bourke

  
 Councillor and Acting Chief Bradley Laviolette

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 Councillor Levi MacDonald

## APPENDIX B



## Salt River First Nation #195

P. O. Box 960

Fort Smith, NT X0E 0P0

Phone (867) 872-2986 Fax (867) 872-3550

April 9, 2024

Dear Chief Heron (suspended)

**RE: Council Meeting, April 18, 2024 at 5:00 PM in Council Chambers**

When Council met on Thursday, April 4, 2024 and suspended you until midnight on April 19, 2024 it also scheduled, for discussion with you at the Council Meeting on Thursday April 18, 2024, a reconsideration of your suspension.

As we were all elected to Council under the Election Code our primary duty and obligation to the membership is to protect and preserve and not undermine or diminish the inherent rights of Salt River First Nation as an Aboriginal people of Canada, our Treaty Rights, our rights under the Treaty Land Entitlement Agreement and the Election Code that was passed by membership in referendum.

That an elected leader of Salt River First Nation would disrespect, ignore and publicly urge the Nation's Bank, staff, business associates and other governments in Canada to disrespect and ignore valid decisions made by Council at Council Meetings at which quorum is present is a very serious breach of that primary duty. As we all know, the decisions of Council at such Council Meetings are valid and binding upon all members of Salt River unless or until they are successfully challenged in Court after a full trial. It is a very serious breach of the trust reposed in all of us when one of us actively disrespects valid and binding decisions of council. It is an even bigger breach of trust to incite that disrespect in members, staff and to sow doubt and uncertainty in the wider community of Fort Smith and the NWT.

Council recognizes that you, as an individual, have a right to go to the Courts and challenge Council's decisions. But Council does not understand how, in your capacity as an elected leader of Salt River, you are not in breach of your primary duty to protect, preserve and not undermine Salt River's inherent aboriginal rights of self-government, its Treaty rights and its Election Code, when you ask the Court to stop, without a full trial and for your own personal benefit, the operation of a valid decision of Council.

That is what you did last week. You were successful as an individual. The Nation obeyed the Court Order you got on April 4, 2024. The Nation has appealed it.

But the Nation, and as you know, Council speaks for the Nation, is very concerned that what you, as an individual did, is a very very serious breach of your duty as an elected leader of Salt River to always act in the best interests of Salt River and not to act to diminish Salt River's rights or reputation or powers as a First Nation in Canada for personal aggrandizement or other reasons.

In the circumstances, when you come to join Council for the April 18, 2024 Council Meeting for its reconsideration of your suspension, Council would like you to answer the following questions and

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address the following issues:

1. Do you believe that under our Election Code the Chief is one of seven members of Council?
2. Do you believe that under our Election Code a member of Council who is elected by acclamation is not elected?
3. Do you believe that under our Election Code the Chief's vote is only one of seven equal votes at a Council Meeting?
4. Do you believe that under our Election Code the vote of a member of Council who is elected by acclamation is not equal to the vote of a member of Council who won over other candidates?
5. Do you believe that a decision made by a majority vote at a Council Meeting is not a Council decision unless the Chief has voted for "yes"?
6. Do you believe that a member of Council who voted "no" is not bound by Council's decision?
7. Do you believe that a member of Council who voted "no" can explain to members why they voted "no" and can work within Council to get Council to reconsider the decisions?
8. Do you believe that a member of Council who voted "no" can go outside the Nation, to the Nation's bank, to the public media, to business and government partners of the Nation, and tell them that the decision is not a valid decision of Council?
9. Do you believe that a member of Council can go to the Nation's bank, to the public media, to business and government partners of the Nation and tell them that a decision made by majority vote of Council is not a valid decision of Council?
10. Do you believe that Council at a Council Meeting can make procedural decisions binding upon all members of Council, including the Chief?
11. Do you believe that Council at a Council Meeting can amend and change the agenda presented by the Chief or the chair of the Council Meeting after the Meeting is called to order?
12. Do you believe that members of Council may make motions at a Council Meeting that, if seconded by another member of Council, may be discussed, and voted on at that Council Meeting?
13. Do you believe that the Chief has a veto over what motions can be brought forward for discussion at a Council Meeting?
14. Do you understand that the Electors gave Council the power to discipline all members of Council, including the Chief under section 153A of the Election Code?
15. Do you understand that the Electors gave Council the power to call a Special Meeting of Electors recommending removal of any member of Council, including the Chief under section 154 of the Election Code?

16. When you asked the Court to give you the April 4, 2024 Order (Document A) , did you consider, as an elected leader of Salt River, whether it was appropriate for the Court to interfere with Salt River's internal governance and our inherent rights of self-government?
17. When you asked the Court to give you the April 4, 2024 Order, did you consider, as an elected leader of Salt River, whether an Order to stay a majority decision of Council before a full trial would be respectful of Salt River's inherent rights of self-government?
18. When you asked the Court to give you the April 4, 2024 Order, did you consider, as an elected leader of Salt River, whether an Order stopping a Special Meeting called by a majority of Council without waiting for a full trial would be respectful of Salt River's inherent rights of self-government?
19. When you asked the Court to give you the April 4, 2024 Order, did you consider, as an elected leader of Salt River, whether an Order stopping a Special Meeting called by a majority of Council without waiting for a full trial would be respectful of the democratic rights of Salt River Electors under section 156 of the Election Code?
20. Why did you attended the March 13 and 14, 2024 public meetings of elected Territorial, First Nation, and Metis and Town leaders publicly ignoring and denying the validity of Council's February 1, 2024 suspension that would not expire until midnight on April 4, 2024, and telling the leaders present that you were Chief and were there to speak for Salt River?
21. Do you really believe that the Chief and other individual members of Council can discipline staff and threaten staff with discipline?
22. Do you not understand that staff answer to senior administration, not the Chief and not individual members of Council?
23. Can you explain why, knowing you were suspended until midnight on April 4, 2024 under Council's February 1, 2024 decision, you attended at the Nation's bank in Fort Smith on March 19, 2024 and delivered a letter (Document B) asking the bank to change the signing authorities on the Nation's account and to give you access to the Nation's financial and banking records?
24. Do you not understand that interfering with the Nation's banking relationship and causing doubt and ambiguity and raising questions in the minds of businesses and government partners of the Nation and in the minds of staff and members about who can speak for the Nation, is contrary to your duties as a member of Council under section 4 (i)(b) and section 4(v) (b) and section 4(vi)(a) of Schedule A of the Election Code?
25. Do you not understand that interfering with the Nation's banking relationship and causing doubt and ambiguity and raising questions in the minds of businesses and government partners of the Nation and in the minds of staff and members about who can speak for the Nation is contrary to the democratic principles underlying our Election Code?
26. Can you explain why you approached Cabin Radio and gave the interview reported on March 24, 2024 (Document C) denying that the October 13, 2022 decision suspending you from exercising any and all of the duties of Chief was made by a majority of Council, not just two Councillors?

27. Can you explain why you deny and ignore Council's March 14, 2024 decision (Document D) confirming that, until the Federal Court of Appeal answers the legal question that Salt River sent to the Courts on October 21, 2022 "can a suspended chief exercise the Chief's power to call a Special Meeting under section 155 of the Election Code", there had been no change on Council?
28. Can you explain why, on October 7, 2022, you decided not to recommend the removal of any of the Councillors who seconded, discussed and voted for the motion put forward by Councillor Bourke and Councillor Laviolette, the motions you refer to in your October 7, 2022 letters and in the Notice you had posted in Fort Smith on October 7, 2022 (Document E)?
29. Can you explain why you ignored and disrespected the majority of Council's decision at the October 13, 2022 (Document F) Council Meeting to suspend you and to cancel the meeting you had called to remove Councillors Bourke and Laviolette?
30. Why did you, after your October 13, 2022 suspension, have notices posted on October 18, 2022 signed by you as "Chief" (Document G) and calling a meeting to be held on October 23, 2022 at Roaring Rapids Hall at which you, as "Chief" would speak?
31. Can you explain why you threatened the removal of all 6 Councillors on October 21, 2022 (Document H)?
32. You defended against Salt River's Application filed October 21, 2022 asking the Federal Court the question "can a suspended chief exercise the Chief's power to call a Special Meeting under section 155 of the Election Code", right?
33. The judgment released by the Court on March 12, 2024 does not answer that the question the Nation asked the Court, does it?
34. Did you know, on April 5, 2024, that the April 4, 2024 Order had only stayed the March 20, 2024 suspension and stopped the April 4, 2024 removal meeting?
35. You knew, on April 5, 2024, that the April 4, 2024 Order did not stop Council from suspending you in the future or stop Council from calling another Special Meeting to remove you from office, right?
36. Can you explain why your lawyer served Salt River's lawyer with a motion asking the Court to start contempt proceedings against Councillors Emile, Beaulieu, Bourke, Laviolette and Sikyea for passing the April 4, 2024 suspension BCR at a Council Meeting?
37. Do you know that our Election Code does not give the Chief any power to relieve another member of Council from their duties?
38. Do you know that only Council, under section 153A of our Election Code, has the power to discipline a member of Council?
39. Cabin Radio on October 22, 2022 (Document I) reported that you had been suspended by Councillors Laviolette and Bourke's motion, not by Council's October 13, 2022 BCR; did you not tell them that a majority of Council had suspended you at a Council Meeting?



40. You know that Council makes its decision by majority vote, right?
41. You know that Council's decisions are not made by the member of Council who makes a motion and the member of Council who seconds the motion, right?
42. CBC on October 26, 2022 (Document J) reports "Heron said that the court system has been making decisions for their nation for years, dictating how SRFN should run. She said if they want to continue being a self-governing nation, that needs to stop." Did you say that?
43. Can you explain how you, as an elected leader of Salt River asking the Court for the April 4, 2024 Order and for the Orders stopping Council for disciplining you in the future that the Court did not give you, were protecting Salt River's inherent rights of self-government?

Other questions may arise during Council's reconsideration discussion.

**This reconsideration discussion with you and the other members of Council on April 18, 2024 will be held in camera and without lawyers (the Nation's or yours).**

**Also, if you wish to rely upon any written representations or documents during the Council Meeting your written representations and documents must be received by the current Co-Interim CEO Patsy Schaefer no later than 3:00 pm on Monday, April 15.**

Respectfully,

**Council of Salt River First Nation**

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** T-813-24

**STYLE OF CAUSE:** CECILIA (TONI) JOSEPHINE HERON v SALT RIVER  
FIRST NATION NO. 195

**PLACE OF HEARING:** HELD BY VIDEOCONFERENCE

**DATE OF HEARING:** APRIL 17, 2024

**ORDER AND REASONS:** MCVEIGH J.

**DATED:** APRIL 18, 2024

**AMENDED:** APRIL 22, 2024

**APPEARANCES:**

Glenn Epp FOR THE APPLICANT  
Inez Agovic  
David c. Rolf, K.C. FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Thompson, Laboucan & Epp LLP FOR THE APPLICANT  
Barristers and Solicitors  
Edmonton, Alberta

MLT Aikins LLP FOR THE RESPONDENT  
Barristers and Solicitors  
Edmonton, Alberta