

## **EXHIBIT LIST**

File Number	Appellant
SDAB 2025-007	Daniel Roy Represented by Robert Homersham -Terra Legal

Legal Description	Civic Address		
Lot 3 Block 10 Plan 5642NY	193 MacKenzie Avenue, Fort Chipewyan		

Exhibit #	Description	Filing Date
	Subject Area Map	2025-11-24
1.	Notice of Appeal (2 pages)	2025-10-20
2.	Development Permit No. 2025-DP-00169 (22 pages)	2025-10-20
3.	Correspondence re Notice of Appeal Appendix (4 pages)	2025-10-26
4.	Notice of Appeal with Appendix (6 pages)	2025-10-26
P5.	Applicant - Correspondence – Scope of the Appeal (4 pages)	2025-10-29
P6.	Preliminary Hearing Decision - November 12, 2025 (6 pages)	2025-11-19
P7.	Municipality – Evidence Disclosure – Preliminary Hearing (92 pages)	2025-11-12
P8.	Applicant – Memorandum of Argument re: jurisdictional matters (75 pages)	2025-12-01
P9.	Appellant – Memorandum of Argument re: jurisdictional matter (223 pages)	2025-12-09





#### SUBDIVISION AND DEVELOPMENT APPEAL BOARD **NOTICE OF APPEAL**

In accordance with Section 678 and 686 of the Municipal Government Act and the Regional Municipality of Wood Buffalo Land Use Bylaw 99/059, an appeal to the Subdivision and Development Appeal Board must be filed within the legislated time frame.

Sect	tion 1 – Pr	operty Info	rmat	ion						
Legal	Land Descript	tion:(i.e. Lot, Block,	Plan or A	ATS 1/4	4 Sec-Twp-Rng-I	Mer)				
Lot 3		Block 10			Plan 5642	2NY	ATS			
Civic	Address			1						
193 l	Mackenzie Av	enue, Fort Chipe	wyan,	Alber	ta					
	opment Permit DP-00169	Number or type	of Ord	ler						
		pellant Info ne appeal hearin				agent must p	produce the co	mpleted an	d signed Age	ent Authorization Form.
MIKIS		he Appellant is a				-			CORPORATIO	N LTD.
	Name (if app						Contact Nan	ne (if differe	ent) and posit	ion held
Orlagh	n O'Kelly									
	g Address					City/Town			Province	Postal Code
403, 1	0113 - 104 St	reet NW				Edmonton			Alberta	T5J 1A1
	none Number		Alterr	nate T	elephone Nu		Email Addre	SS	<u> </u>	
587-5	25-8348						orlagh.okelly	r@okellvlav	v.ca	
Sect	tion 3 – A	opeal (Check	One Bo	ox On	ly) for multip	le appeals yo	,			al
				Suk	division A	Application	1	Notice	of Order	
	Approval Condition of Ap	oproval			Approval Condition of	Approval		☐ Notio	ce of Order	
	Refusal	provai			Refusal	Арргочаг		L Note	Le di Oldei	
	I/We are the Ap	oplicant or Land O	wner o	f the s	ubject proper	ty				
	I/We are a pers	on affected by an	order,	decisi	on or develop	ment permit				
Sect	tion 4 – Re	easons for	Аррє	eal						
of you	r appeal, you a	re requested to p								or the appeal. In support
	gs or plans for	cianfication.  ne decision of the	Approv	al Aut	hority for the f	ollowing reaso	un(e) as the PM	MR did not	concult with M	ICEN and did not
1/VVE 11	егеру арреаг п	ie decision or the	Appiov	ai Auii 		Ollowing reaso	iri(s) as the rxivi	VVB did flot	COLISCIL WILL IV	ICITIN and did not
SE	EE APENDIXA									
									(Attach a s	eparate page if required)
PLEASI	E SEE REVER	SE FOR IMPORT	ANT IN	NFOR	MATION					
OCT	TOBER 17 202	5								
Date					Sig	nature of Appe	ellant/Agent			
lf an A	gent is repre	senting the pro	perty	owne	er, a letter is	s required fr	om the owne	er giving c	onsent to a	property inspection.
Regist	tered Owner:					-	Municipality of purpose of this		alo to do a s	site inspection and take
						anoture of Dan	istored Owner			_
					510	anature of Keo	istered Owner			
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Clerk of the Subdivision and Development Appeal Board, 7th Floor, Jubilee Center, 9909 Franklin Avenue, Fort McMurray AB T9H 2K4 Telephone: 780-743-7001 Email: sdab@rmwb.ca

Protection of Privacy
The personal information you provide on this form is being collected under the authority of section 33(c) of the Freedom of Information and Protection of Privacy Act. The personal information is used to process your designation of an agent for appeals with the Subdivision and Development Appeals Board. If you have any questions about the collection and use of the personal information contact the Legislative Officer –SDAB , 7th Floor 9909 Franklin Avenue, Ft. McMurray AB T9H 2K4; or call 780.788.2222

<sup>1</sup> Agent — A person who acts for a Property Owner, Appellant, and/or Affected/Adjacent Property Owner during the appeal hearing process or at a hearing before the Subdivision and Development Appeal Board.



# Permit Number 2025-DP-00169

September 26, 2025	
Applicant	Owner
DANIEL ROY	DANIEL ROY

RE: Permanent Liquor Store, Office & Warehouse Sales building (with a temporary liquor store operating for up to one year while permanent building is completed)

193 MACKENZIE AVENUE Lot: 3 Block: 10 Plan: 5642NY

Your application for a development permit at the above location has been approved by the Development Officer. This approval is subject to the conditions as outlined in the enclosed Development Permit.

#### PLEASE READ PERMIT CONDITIONS CAREFULLY.

This development permit shall expire and no longer be valid after one year from the date of decision of the permit if no construction has been initiated. Any other necessary permits shall be in place prior to commencement of any construction or occupancy. In the case of a change of use within an existing structure, where no significant construction of reconstruction is necessary, the applicant shall have the new use in operation within one year of the decision of the development permit.

#### **IMPORTANT NOTE**

- 1. Under the Municipal Government Amendment Act, this approval may be appealed within twenty one (21) days after the day of decision being posted. Should this decision be appealed within twenty one (21) days after the Date of Decision, this permit shall not become effective until the Subdivision and Development Appeal Board has determined the appeal and the Permit may be modified or nullified thereby. Commencement of the approved Development prior to expiry of the appeal period is at your own risk.
- 2. An appeal shall contain statement of the grounds of appeal and shall be delivered personally or by registered mail so as to reach the Secretary of the Subdivision and Development Appeal Board, 9909 Franklin Avenue, Fort McMurray, AB T9H 2K4 within the prescribed time period of twenty one (21) days.
- 3. Upon delivery of Notice of Appeal, the appellant shall pay to the Regional Municipality of Wood Buffalo, where the appellant is the owner of the site, or his agent, a fee of \$1000.00.

Compliance with other legislation - A person applying for, or in possession of a valid development permit is not relieved from full responsibility for ascertaining and complying with, or carrying out development in accordance with:

- a. the requirements of the Safety Codes Act, Environment Protection and Enhancement Act and Natural Resources Conservation Board Act;
- b. the requirements of any other Federal, Provincial, or Municipal statue, regulation code or standard; and
- c. the conditions of any caveat, covenant, easement or other instrument affecting a building or land. The Municipality is not responsible for not does the Municipality have any obligation whatsoever to determine what other legislation may apply to a development, nor monitor or enforce compliance with such legislation.

# REGIONAL MUNICIPALITY OF WOOD BUFFALO Planning & Development Department per:

September 26, 2025

Phyllis Agyemang
Planner I
Planning and Development Dept.
Regional Municipality of Wood Buffalo

phyllis.agyemang@rmwb.ca

9909 Franklin Avenue, Fort McMurray, Alberta, Canada, T9H 2K4 www.rmwb.ca

Anzac • Conklin • Draper • Fort Chipewyan • Fort Fitzgerald • Fort MacKay

Fort McMurray • Gregoire Lake Estates • Janvier • Mariana Lake • Saprae Creek Estates

**Date** 



## Permit Number 2025-DP-00169

Applicant: Daniel Roy Issued : September 26, 2025

## **Development Permit**

#### **193 MACKENZIE AVENUE**

Lot	Block	Plan	Sec	ction	Township	Range	
3	10	5642NY	7		112	7	

#### **New Commercial Industrial or Institutional Development**

Permanent Liquor Store, Office & Warehouse Sales building (with a temporary liquor store operating for up to one year while permanent building is completed)

Advertisement Date: October 2, 2025

- This development was approved by the Development Officer and is subject to the conditions attached to this permit.
- All conditions stated on this development permit must be complied with.
- You have one year from Date of Decision to commence construction. All appropriate building/mechanical permits must be applied for and issued. In the case of a change of use within an existing structure where no significant construction or reconstruction is necessary, the applicant shall have the new use in operation within one year of the decision of the development permit.

Regional Municipality of Wood Buffalo Planning & Development Department per:



**Issued:** September 26, 2025

Date

Phyllis Agyemang
Planner I
Planning and Development Dept.
Land Services Branch
Regional Municipality of Wood Buffalo
phyllis.agyemang@rmwb.ca

Permit: 2025-DP-00169 193 MACKENZIE AVENUE Lot: 3 Block: 10 Plan: 5642NY

#### **Advisory Notes:**

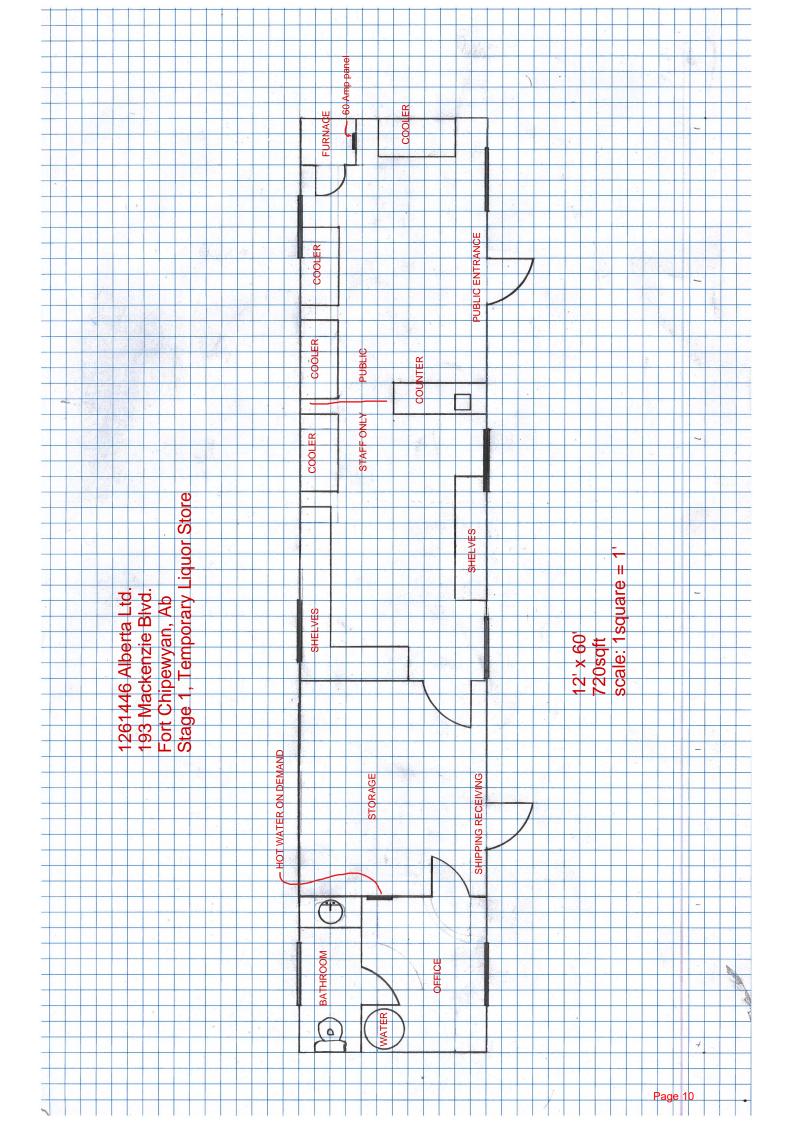
1 Any signage proposed for this development shall require a separate application and approval.

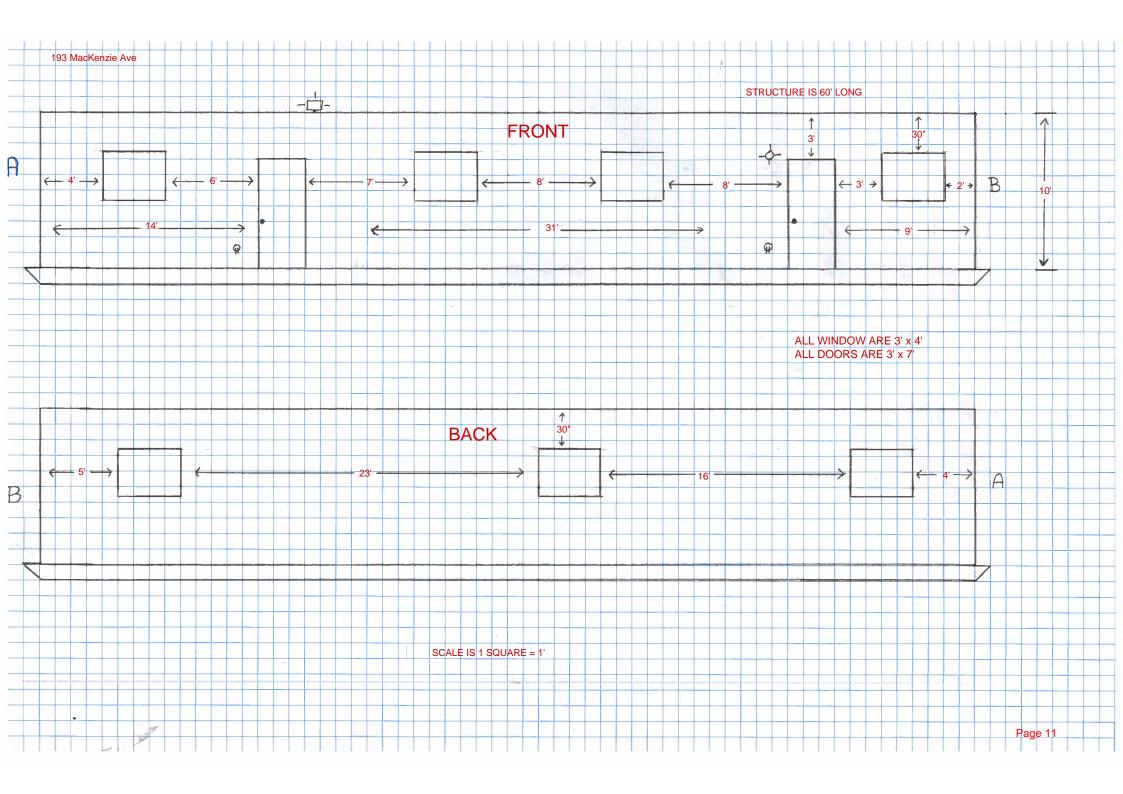
- The sump shall be installed so that discharge is as per the requirements of the Sewage Bylaw.
- 3 The developer shall install all appropriate signage at access/egress locations in accordance with the requirements of the Engineering Department.
- 4 Site services shall be in accordance with the Engineering Standards of the Regional Municipality of Wood Buffalo Fort McMurray Urban Service Area and the standards set by the Franchise Utilities operating within the Fort McMurray Urban Service Area.
- A Utility Installation Permit is required from the developer and shall be obtained from Engineering Services Division prior to installing underground utilities.
- It shall be the developer's responsibility and expense to terminate, at the main, all sanitary and water services which will not be utilized in this development.
- If a route permit is required for this development, it shall be applied for through the Planning and Development Department.
- 8 Any damage to the streets, sidewalks, curbs or landscaped boulevards caused by this development shall be the full responsibility of the developer to restore.
- 9 A Health Certificate may be required for this development. Please contact the Health Inspector for the necessary information.
- A Municipal Business License may be required for this development. Please contact the Licensing Enforcement Officer for information and an application, if required.
- The Alberta Fire Code applies in and around buildings existing or being constructed on a site. Complete project plans and specifications, construction fire safety plans, and fire related activities requiring Fire Prevention Permits shall be reviewed by the Fire Authority prior to the commencement of any work related thereto. Inquiries and permit applications shall be submitted to the Fire Authority.
- All Federal, Provincial and Municipal statutes and regulations shall be met, including the Alberta Building Code.

#### **Conditions:**

- 1 This development is classified as a Liquor Store, Office and Warehouse Sales and is a Discretionary Use in the HC- Hamlet Commercial District.
- The business must have all valid licenses/approvals from the provincial government prior to starting operations and shall be in compliance with the provincial legislation.
- The 18.3 meter x 3.7 meter temporary building shall be removed from the site no later than September 12, 2026.
- The 18.3 meter x 3.7 meter temporary building shall be receive all required Safety Code Permits under the Safety Codes Act required for a commercial space.
- 5 Construction materials, including garbage, shall be stored so as not to create a nuisance to neighbouring properties.
- Any temporary or auxiliary buildings/signs placed on site during construction shall be removed prior to occupancy of the permanent structures.
- The garbage and waste material shall be stored in weather-proof and animal-proof containers and shall be visually screened in a manner compatible with the design and external materials of the principal buildings on the site. If a wood screen fence is used, it shall be constructed in accordance with drawing 10-301 of the Engineering Servicing Standards.
- The building location, orientation, capacity and/or use shall be as indicated on the approved drawings. Any changes to the approved plans shall be submitted to the Development Officer for further approval.
- A minimum of 19 on-site parking stalls shall be provided as indicated on the approved plan. All parking stalls shall be hard surfaced with asphalt pavement, concrete or other similar paving material and shall be completed prior to the issuance of an Occupancy Permit. Should a seasonal allowance be required for paving the parking lot, the developer shall provide a written request for the seasonal allowance together with an automatically renewable and irrevocable letter of credit equal to 100 percent of the cost of paving the parking lot. A minimum of 2of the required stalls shall be accessible parking stalls. These parking stalls shall be hard-surfaced, level, located close to an entrance, and shall be designated with the International Symbol of Access.
- A minimum of one loading space shall be provided for this development. Loading shall be designed and located so that all vehicles using those spaces can be parked and maneuvered entirely within the bounds of the site before moving onto adjacent streets or lands.
- All parking stalls shall be graded such that no slope in any direction is less than 0.5% and not more than 4%, to the satisfaction of the Development Officer. All soft landscaped areas shall have a minimum slope of 2% away from buildings.
- A final site grading plan shall be prepared to the satisfaction of the Engineering Department and shall be approved prior to occupancy of any buildings.
- The applicant may need to enter into a Development Agreement with the Municipality to pay for the installation of public utilities, other than telecommunication systems or works, which are necessary to serve the development.
- Any excess fill must be deposited on a site approved by the Municipality. Please contact the Engineering Department and/or the Environmental Branch of the Public Works Department.
- Any and all easements required by the Municipality or any franchise utility as a result of this development shall be provided by the developer at no cost to the Municipality or any franchise utility and shall be registered on title by Utility Right-of-Way Plan.
- Should it be necessary to alter any on site Municipal or franchise utilities, all cost shall be borne by the developer.
- 17 There shall be no unauthorized use of any adjoining Public Utility Lot or Reserve Land during the course of the approved development construction. The developer may apply to the Development Officer to utilize these lands.
- All on site lighting shall be located, oriented and shielded so as to restrict the unnecessary illumination of adjacent residential properties.

- Any required removal or modification of existing on-site underground storage tanks and the management of identified contaminants shall be undertaken to the satisfaction of the appropriate authorities prior to the construction of the approved development and all applicable permits received from the local Fire Authority.
- Engineering securities of \$40,000 in total [including (a) \$10,000 for 1 approach, (b) \$20,000 for service connections (\$10,000/water + \$10,000/sanitary each), and (c) \$10,000 for a new storm outfall, shall be provided before issuance of the development permit. This is also a damage deposit for any damage to municipal property including roads, sidewalks, curb and gutter, underground infrastructure, boulevard, parks, URWs. All must be restored to original or better condition.
- 21 A Development Completion Certificate is required and shall be applied for by the applicant on completion of the conditions of development and prior to occupancy
- Before any construction starts, the applicant shall ensure that the site is fully fenced, as per the approved fencing plan, in order to prevent any damage to Municipal infrastructure and landscaping surrounding the site, to ensure controlled and safe access and egress of the site, and to provide safe pedestrian access on and through any municipal lands adjacent to the site. The site access locations shall be established as per the fencing plan and will be maintained and operated to the satisfaction of the Development Authority. The fencing is to remain in place and in good working condition until all construction activities have ceased and a Full Development Completion Certificate has been issued
- The applicant shall provide security in a form acceptable to the Municipality in the amount of \$7,150.00 as a guarantee for the installation and maintenance of the construction fencing.
- A water meter permit may be required. Please contact Underground Services Division for details at 780-799-7493. 780-788-1456 ext. 5832
- A service connection permit may be required. Please apply at https://www.rmwb.ca/en/permits-and-development/applications-licences-and-permits.asp x.
- Construction activities will be completed in adherence to all environment and regulatory requirements which include, but are not limited to the Federal Fisheries Act and the Provincial Environmental Protection and Enhancement Act. Construction activities will implement effective sediment control measures at all stages of construction until disturbed soil has been addressed and the fish bearing water body is effectively protected from any impacts.
- All required Safety Code permits under the Safety Code Act in the: building, mechanical, electrical, gas, plumbing and private sewage disciplines must be obtained for this development. Please contact the Regional Municipality of Wood Buffalo Planning and Development Branch to obtain the required Safety Code permits or for information regarding these permits 780-799-8695 or follow up on our permitting website: https://aca.woodbuffalo.ab.ca/citizenaccess/





LAKESIDE LIQUOR 193 MACKENZIE AVE, FORT CHIPEWYAN, AB **LOT 3 BLOCK 10 PLAN 5642NY** 

**CIVIL DRAWINGS** 

**ISSUED FOR DEVELOPMENT PERMIT - 24 SEPT 2025** 

PROJECT NO.: 23-2279-003



**KEY PLAN** 

	DRAWING LIST				
SHEET NO.	SHEET DESCRIPTION				
G-001	COVERSHEET & INDEX PAGE				
V-101	SURVEY PLAN				
C-101	GRADING PLAN				
C-102	WATER SERVICE PLAN				
C-103	SANITARY SEWER PLAN				

ACCEPTED:

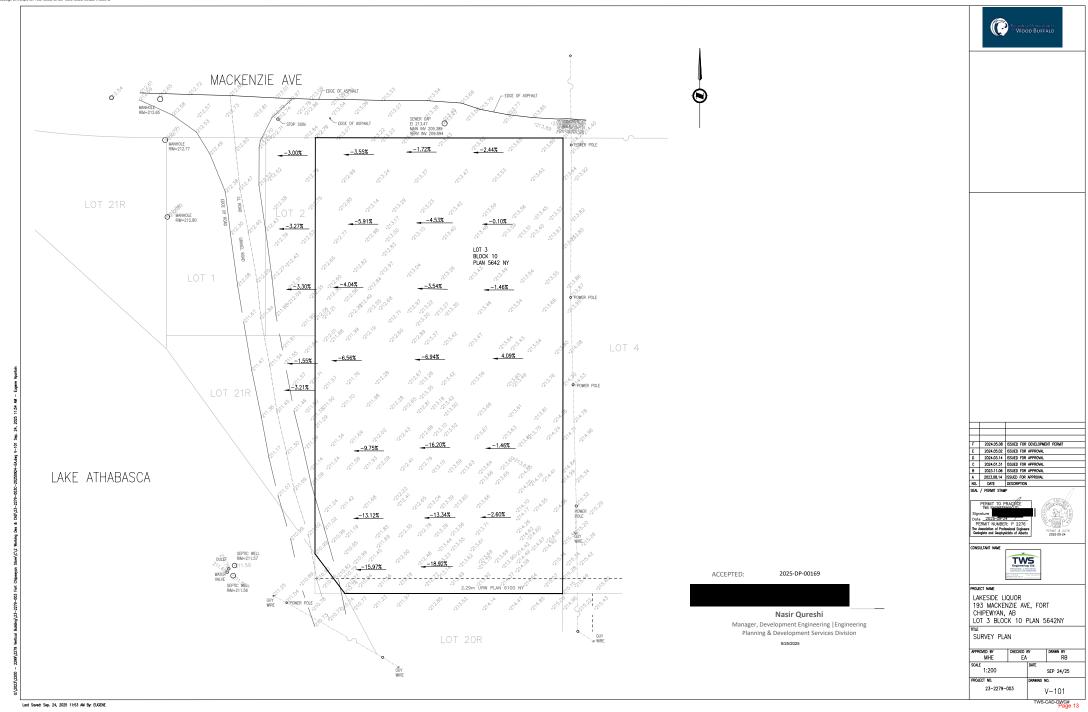
2025-DP-00169

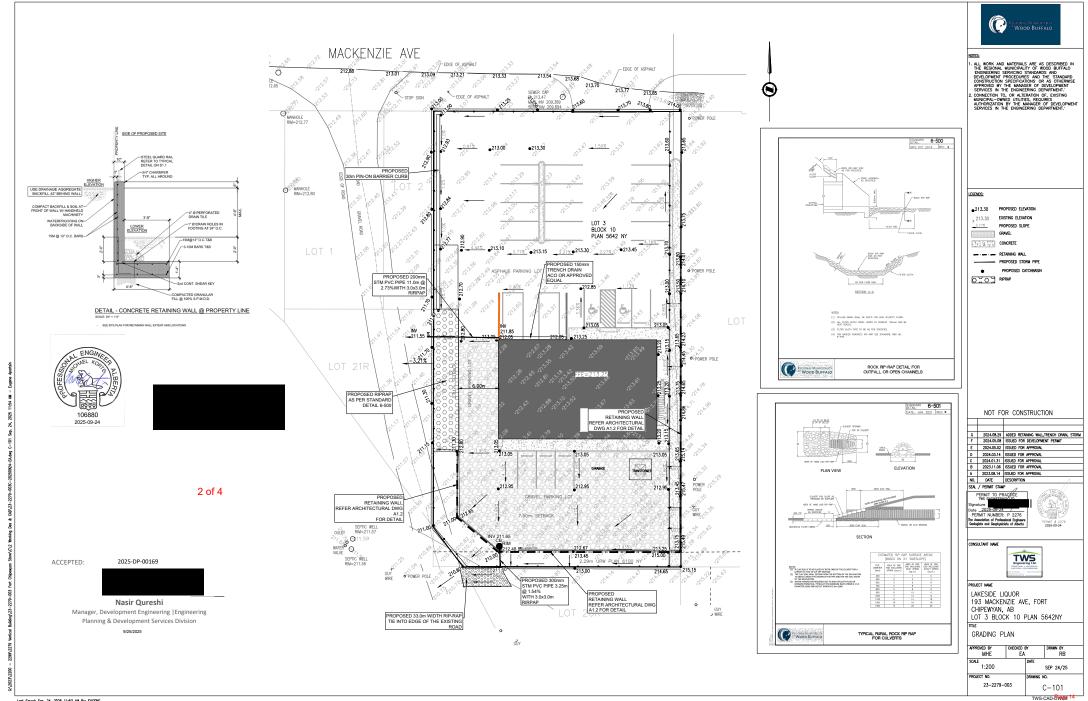
Manager, Development Engineering | Engineering Planning & Development Services Division

9/25/2025

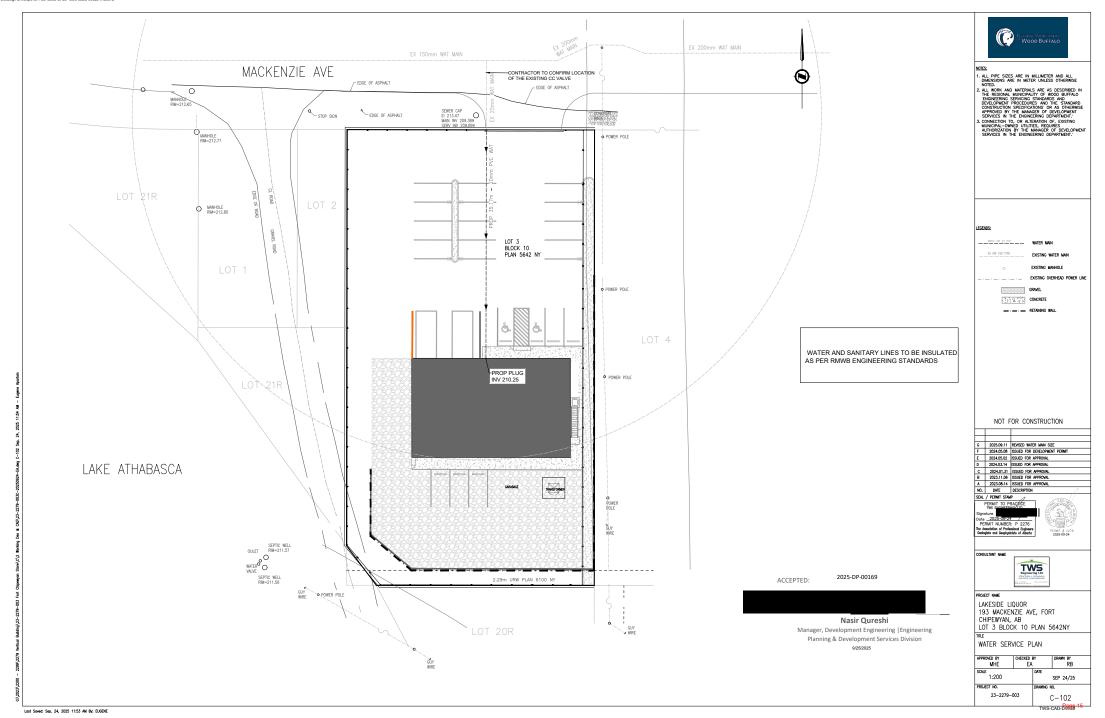


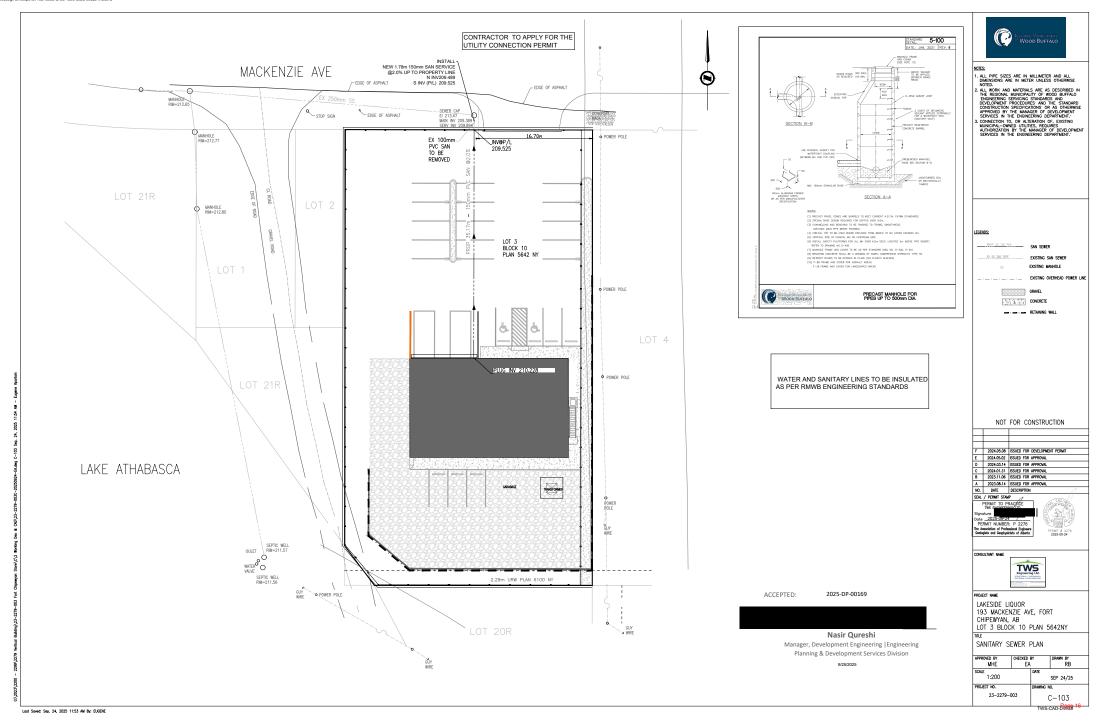


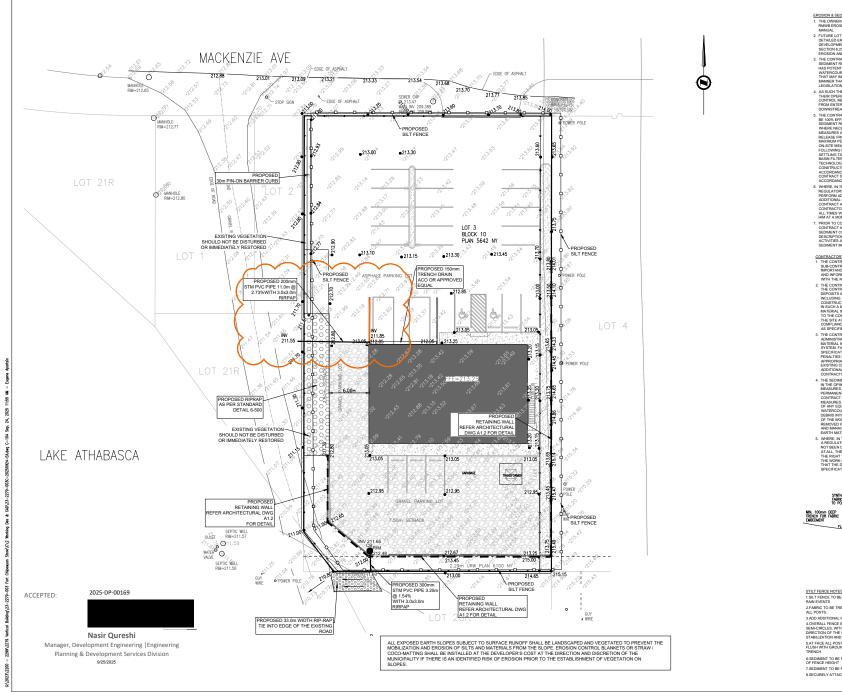




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EROSION & SEDIMENT CONTROL GENERAL NOTES

THE OWNER/DEVELOPER MUST CONFORM TO THE REQUIREMENTS OF THE RMWB EROSION AND SEDIMENTATION CONTROL GUIDELINES AND FIELD

ANNUAL.



- EROSION AND SEDIMENT CONTROL MEASURES.

  THE CONTRACTOR ACKNOWED EDES THAT SURFACE EROSION AND SEDIMENT RUNOFF RESULTING FROM THE CONSTRUCTION OPERATIONS HAS POTENTIAL TO CAUSE A DETRIBUENTAL MIRACT TO ANY DOMNSTREAM WATEROURSE OR SEWER, AND THAT ALL CONSTRUCTION OPERATIONS THAT MAY IMPROVED THOWN MATER QUALITY SHALL BE CARRIED OUT IN A MANNER THAT STRICTLY MEETS THE REQUIREMENTS OF ALL APPLICABLE LEGISLATION AND REQUILATIONS.
- LEGISLATION AND REGULATIONS.
  AS SUCH THE CONTRACTOR SHALL BE RESPONSIBLE FOR CARRYING OUT THEIR OPERATIONS, AND SUPPLYING AND INSTALLING ANY APPROPRIATE CONTROL MEASURES, SO AS TO PREVENT SERIMENT LADER RUNOFF FROM ENTERING ANY SEWIER OR WATERCOURSE WITHIN OR DOWNSTREAM OF THE WORKING AREA.
- DOWNSTREAM OF THE WORROWS AREA.

  5 THE CONTROLOGY AND ANOMAZIONES THAT NO ONE MEASURE IS LIKELY TO BE MOST THAT AND ANOMAZIONES THAT NO ONE MEASURE IS LIKELY TO BE MOST THE CONTROL THE C CONSTRUCTION. SPECIFIC MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF TOWN OF ST ALBERT CONTRACT SPECIFICATION SECTION 01 35 43 WHERE APPROPRIATE, OR IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.
- ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.

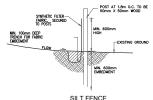
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- HIM AT A MOMENT'S NOTICE.

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- CONTRACTOR'S RESPONSIBILITIES FOR EROSION & SEDMENT CONTROL.

  1. THE CONTRACTOR SHALL ISSURE THAT ALL WORDERS INCLUDING
  SHOULD BE SERVED AND SHAPE THE SITE AT THE CONTRACTOR'S EXPENSE AND MANAGED IN COMPLIANCE WITH THE REQUIREMENTS FOR EXCESS EARTH MATERIAL AS SPECIFIED ELSEWHERE IN THE CONTRACT.
- THE CONTRACTOR SHALL IMMEDIATELY REPORT TO THE CONTRACT ADMINISTRATOR ANY ACCIDENTAL DISCHARGES OF SEDIMENT MATERIAL INTO EITHER THE WATERCOURSE OR THE STORM SEWER SYSTEM. FAILURE TO REPORT WILL CONSTITUTE A BREACH OF THIS SYSTEM FAILURE TO REPORT WILL CONTITUTE A BREACH OF THIS SPECIFICATION AND THE CONTRACTOR MAY ALSO BE SUBJECT TO THE PENAL TIES IMPOSED BY MAY APPLICABLE REGULATORY AGENCY. SENSITING CONTROL MEASURES OR THE IMPLEMENTATION OF ADDITIONAL CONTROL MEASURES, SHALL BE CARRIED OUT BY THE CONTRACTOR WITHOUT DELAY.
- CONTRACTOR WITHOUT DELAY.

  I THE SEDIMENT CONTROL MEASURES SHALL ONLY BE REMOVED WHEN IN THE OPINION OF THE CONTRACT ADMINISTRATOR, THE MEASURE OF MEASURES, IS NO LONGER REQUIRED. NO CONTROL MEASURE MAY BE PERMANENTLY REMOVED WITHOUT PRIOR AUTHORIZATION FROM THE CONTRACT ADMINISTRATOR. ALL SEDIMENT AND EROSING CONTROL. CONTINUAL FIRMING AND RESIDENCE THAT WAS RESIDENCE THAT AVOIDS THE ENTRY OF ANY EQUIPMENT, OTHER THAN HAND-HELD EQUIPMENT, OTHER THAN HAND-HELD EQUIPMENT, OTHER THAN HAND-HELD EQUIPMENT, INTO ANY WATERCOURSE, AND PREVENTS THE RELEASE OF ANY SEDIMENT OR DEBRIS INTO ANY SEWER OR WATERCOURSE WITHIN OR DOWNSTREAM OF THE WORKING AREA ALL ACCIMILATED ESDIMENT SHALL BE ADMINISTREAM.
- WHERE, IN THE OPINION OF EITHER THE CONTRACT ADMINISTRATOR OF A REGULATORY AGENCY, ANY OF THE TERMS SPECIFIED HEREIN HAVE A REGULATORY AGENCY, ANY OF THE TERMS SPECIFIED HEREIN HAVE NOT BEEN COMPLEX WITH THE REPORTMEN IN A SUITABLE MANNEY OR THE REPORT OF THE SPECIFICATION OF THE OFFICE OF THE SPECIFICATION OF THE CONTRACTOR HAVE BEEN REMEDIED.



1.SILT FENCE TO BE INSPECTED WEEKLY (MIN) AND AFTER ANY RAIN EVENTS

RAIN EVENTS
2-FARRIO TO BE TRENCHED IN, TIGHT AND CONSISTENT BETWEEN
ALL POSTS.
3-ADO ADDITIONAL POST AS REQUIRED.
4-OVERALL FENCE: INSTALLATION TO BE INSTALLED IN STRATEGIC
SEME-CINCLES: WITH THE CROWN OF THE CURVE TO BE IN
STRALEGATION AND EFFECTIVENESS OF THE FENCE.
STABLEGATION AND EFFECTIVENESS OF THE FENCE. 5.AT FACE ALL POST TO BE REMOVED AND FABRIC TO BE CUT FLUSH WITH GROUND - DO NOT PULL FENCE FABRIC FROM

6.SEDIMENT TO BE REMOVED WHEN ACCUMULATION REACHES # SEDIMENT TO BE REMOVED TO AN OFFSITE LOCATION 8.SECURELY ATTACH FILTER FABRIC TO UPSTREAM SIDE POST



ALL WORK AND MATERIALS ARE AS DESCRIBED IN THE REGIONAL MUNICIPALITY OF WOOD BUFFAR. THE REGIONAL MUNICIPALITY OF WOOD BUFFAR. THE RESIDENCE OF THE STANDARD CONSTRUCTION OF THE STANDARD CONSTRUCTION SPECIFICATIONS OR AS OTHERWISE APPROVED BY THE MANAGER OF DEVELOPMENT SERVICES IN THE BROMBERS OF DEVELOPMENT SERVICES IN THE BROMBERS OF DEVELOPMENT STANDARD UTILITIES, REQUIRES STANDARD UTILITIES, REQUIRES STANDARD AND THE STANDARD OF THE STANDARD SERVICES IN THE ROWNERSON OF DEVELOPMENT SERVICES IN THE ROWNERSON OF DEVELOPMENT SERVICES IN THE ROWNERSON OF DEPARTMENT.



213.30 PROPOSED ELEVATION EXISTING ELEVATION 213,30 PROPOSED SLOPE GRAVEL

CONCRETE

---- RETAINING WALL - PROPOSED STORM PIPE PROPOSED CATCHBASIN

O O O O RIPRAP

NOT FOR CONSTRUCTION

G	2024.08.29	ADDED RETAINING WALL, TRENCH DRAIN, STOP
F	2024.05.08	ISSUED FOR DEVELOPMENT PERMIT
Ε	2024.05.02	ISSUED FOR APPROVAL
D	2024.03.14	ISSUED FOR APPROVAL
С	2024.01.31	ISSUED FOR APPROVAL
В	2023.11.06	ISSUED FOR APPROVAL
٨	2023.08.14	ISSUED FOR APPROVAL
NO.	DATE	DESCRIPTION
SFAI	/ PERMIT STAN	P //





CONSULTANT NAME

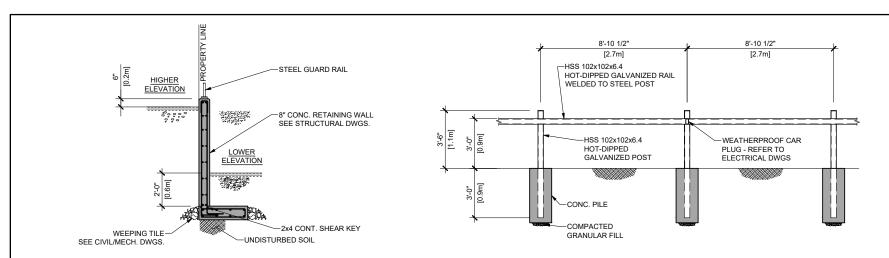


PROJECT NAME

LAKESIDE LIQUOR 193 MACKENZIE AVE, FORT CHIPEWYAN, AB LOT 3 BLOCK 10 PLAN 5642NY

EROSION CONTROL PLAN

MHE	CHECKED E	31	DRAWN BY RB
1:200		DATE	SEP 24/25
ROJECT NO.		DRAWING N	0.
23-2279-003		C-104	
		TWS-0	CAD-DWIGH 17



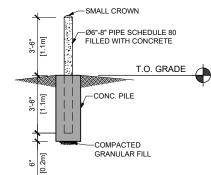
# BARRIER FREE SIGN Ø1 1/2" GALVANIZED POLE-

#### **DETAIL - BARRIER FREE PARKING SIGNAGE**

- SEE SITE PLAN FOR EXTENT AND LOCATIONS

#### **DETAIL - CAR PARK RAILING**

- SEE SITE PLAN FOR EXTENT AND LOCATIONS



### **DETAIL - BOLLARD CONSTRUCTION**

SCALE: 3/4' = 1'-0"



FEB 02/24

**PRELIMINARY** NOT FOR CONSTRUCTION

9918 - 75 AVENUE Phone: (780) 468-5477
EDMONTON, AB. T6E 1J2 Fax: (780) 465-5368
office@twsengineering.com www.twsengineering.com

E 2023-11-06 ISSUED FOR REVIEW & COORDINATION

F 2024-02-02 ISSUED FOR REVIEW & COORDINATION

DATE REVISIONS

NO.

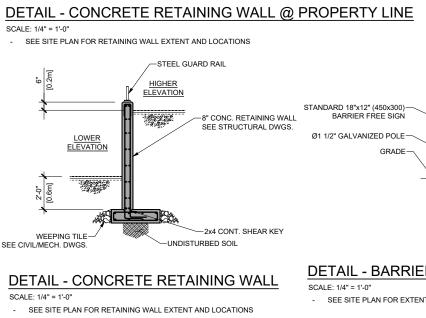
ROJECT

LAKESIDE LIQUOR FORT CHIPEWYAN, AB

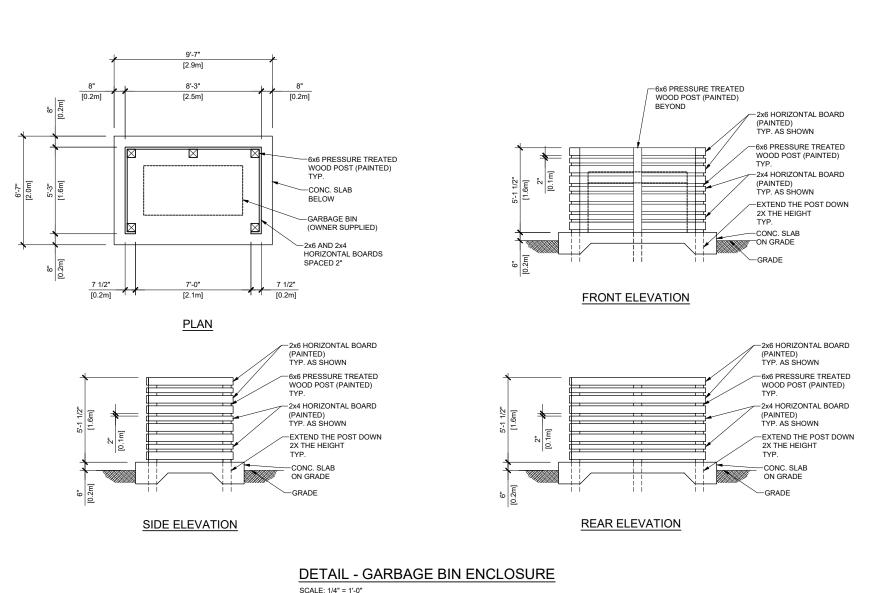
SITE PLAN DETAILS

PROJECT NUMBER DRAWING NUMBER

A1.2 23-2279-003







Engineering Ltd. 9918 - 75 AVENUE Phone: (780) 468-5477
EDMONTON, AB. T6E 1J2 Fax: (780) 465-5368
office@twsengineering.com www.twsengineering.com E 2023-11-06 ISSUED FOR REVIEW & COORDINATION F 2024-02-02 ISSUED FOR REVIEW & COORDINATION NO. DATE REVISIONS **PRELIMINARY** NOT FOR CONSTRUCTION AO AO SCALE AS SHOWN FEB 02/24 PROJECT LAKESIDE LIQUOR FORT CHIPEWYAN, AB SITE PLAN DETAILS PROJECT NUMBER DRAWING NUMBER A1.3 23-2279-003

#### **BUILDING CONSTRUCTION**

EXTERIOR WALLS EIFS ON STEEL STUD WALLS

FINISHED FLOORING ON SLAB ON GRADE

ROOF

SPS ROOF SYSTEM ON METAL ROOF DECK

#### LIMITING DISTANCE CALCULATIONS

	E CLASSIFICATION	E CLASSIFICATION	E CLASSIFICATION	E CLASSIFICATION
	(NORTH WALL)	(SOUTH WALL)	(EAST WALL)	(WEST WALL)
LIMITING DISTANCE:	115'-6" (35.3m)	64'-7" (19.7m)	6'-3" (1.9m)	32'-10" (10m)
WALL LENGTH:	80'-0" (24.4m)	80'-0" (24.4m)	50'-0" (15.2m)	50'-0" (15.2m)
WALL HEIGHT:	25'-0" (7.6m)	22'-0" (6.7m)	27'-6" (8.4m)	27'-6" (8.4m)
RATIO:	XXX	XXX	XXX	XXX
AREA OF UNPROTECTED	356 ft <sup>2</sup> (33.1m <sup>2</sup> )	42 ft <sup>2</sup> (3.9 m <sup>2</sup> )	0	0
OPENINGS CALCULATED	17.13%	2.30%	0%	0%
FROM TABLE				
FIRE RATING REQUIRED	2 HR	2 HR	2 HR	2 HR
COMBUSTIBLE				_
CONSTRUCTION ALLOWED	Υ	N	N	N
COMBUSTIBLE				
CLADDING ALLOWED	N	N	N	N

- CONSTRUCTION OF EXPOSED BUILDING FACE AS PER 2019 ABC 3.2.3.7.

MARK	LOCATION	DESCRIPTION
W1	EXTERIOR WALL	EXTERIOR FINISH 2" EIFS INSULATION (RAIN SCREEN) ROLL ON AIR BARRIER (VP) 1/2" DENGLASS SHEATHING 6" x 20 Ga. STEEL STUDS @ 16" O.C. R22 BATT INSULATION 6 mil POLY VAPOUR BARRIER 2 LAYERS 5/8" GYPSUM BOARD WALL FINISH
W2	INTERIOR WALL	WALL FINISH 5/8" GYPSUM BOARD 6" STEEL STUDS @ 16" O.C 5/8" GYPSUM BOARD WALL FINISH
W3	INTERIOR WALL	WALL FINISH 5/8" GYPSUM BOARD 3 5/8" STEEL STUDS @ 16" O.C 5/8" GYPSUM BOARD WALL FINISH
W4	INTERIOR WALL	WALL FINISH 5/8" GYPSUM BOARD 6" STEEL STUDS @ 16" O.C. 6" MINERAL FIBER INSULATION 5/8" GYPSUM BOARD WALL FINISH -OR-

INSULATED METAL PANELS (IMP)

FOR COLD STORAGE APPLICATION

WALL SCHEDULE

WINDOW SCHEDULE							
MARK	WIDTH	HEIGHT	COUNT	DESCRIPTION			
(A1)	7'-0"	1'-6"	4	EXTERIOR WINDOW			
(A2)	10'-0"	8'-0"	1	MAIN ENTRANCE WINDOW AROUND DOUBLE SLIDING DOOR			

DOOR SCHEDULE						
MARK	WIDTH	HEIGHT	COUNT	DESCRIPTION		
D1)	3'-4"	7'-0"	2	EXTERIOR MANDOOR		
D2	6'-0"	8'-0"	1	MAIN ENTRANCE DOUBLE SLIDING DOOR		
D3	8'-0"	8'-0"	1	STORAGE ROOM OVERHEAD DOOR		
D4	10'-0"	12'-0"	1	COLD STORAGE ROOM OVERHEAD DOOR		
D5	3'-4"	7'-0"	1	TYPICAL MANDOOR		
D6	6'-0"	7'-0"	1	TYPICAL DOUBLE MANDOOR		

#### FIRE RATINGS, ETC REQUIRED

- FLOOR ASSEMBLIES SHALL BE FIRE SEPARATIONS AND, IF OF COMBUSTIBLE CONSTRUCTION, SHALL HAVE A FIRE-RESISTANCE RATING NOT LESS THAN 45 MIN,
- MEZZANINES SHALL HAVE. IF OF COMBUSTIBLE CONSTRUCTION. A FIRE-RESISTANCE RATING NOT LESS THAN 45 MIN,
- ROOF ASSEMBLIES SHALL HAVE, IF OF COMBUSTIBLE CONSTRUCTION, A FIRE-RESISTANCE RATING NOT LESS THAN 45 MIN.
- LOADBEARING WALLS, COLUMNS AND ARCHES SUPPORTING AS ASSEMBLY REQUIRED TO HAVE A FIRE-RESISTANCE RATING SHALL i) HAVE A FIRE-RESISTANCE RATING NOT LESS THAN 45 MIN,
- ii) BE OF NONCOMBUSTIBLE CONSTRUCTION. 1 HR 1 HR FRR/FIRE SEPARATION AND MECHANICAL UTILITY ROOMS.
- 2 HR FRR/FIRE SEPARATION BETWEEN SUITES.
- FIRE ALARM SYSTEM IS NOT REQUIRED.
- STANDPIPE & HOSE SYSTEM IS NOT REQUIRED.

#### SETBACK REQUIREMENTS

MINIMUM LOT AREA: 465m<sup>2</sup> MINIMUM LOT WIDTH: 16.0m

MINIMUM YARD SETBACKS

FRONT: AT THE DISCRETION OF THE DEVELOPMENT OFFICER SIDE: 4.5m OR 10% OF THE LOT WIDTH, WHICHEVER IS LESS

REAR: 7.5m

MAXIMUM HEIGHT: 10.0m



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office@twsengineering.com www.twsengineering.com

Е	2023-11-06	ISSUED FOR REVIEW & COORDINATION
F	2024-02-02	ISSUED FOR REVIEW & COORDINATION
NO.	DATE	REVISIONS

SEAL

**PRELIMINARY** NOT FOR CONSTRUCTION

APPROVED	CHECKE	)	DRAWN	
AO	Α	0	MF	
SCALE		DATE		
AS SHOWN	1	FEB 02/24		
PROJECT				

LAKESIDE LIQUOR FORT CHIPEWYAN, AB

PROJECT INFORMATION,

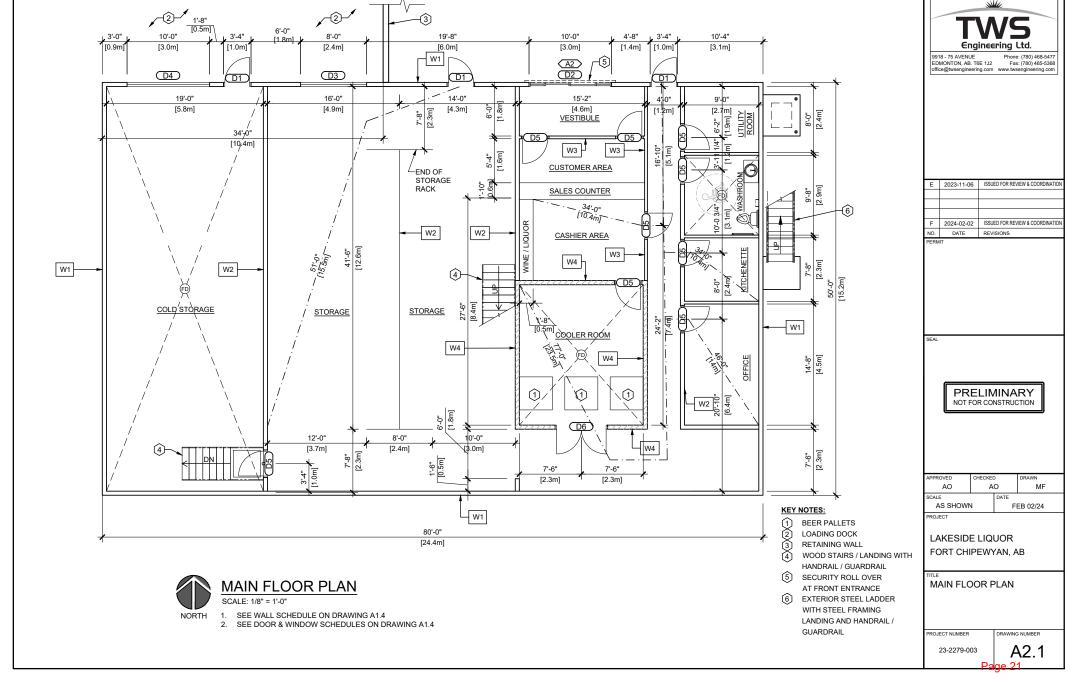
CODE ANALYSIS, & **SCHEDULES** 

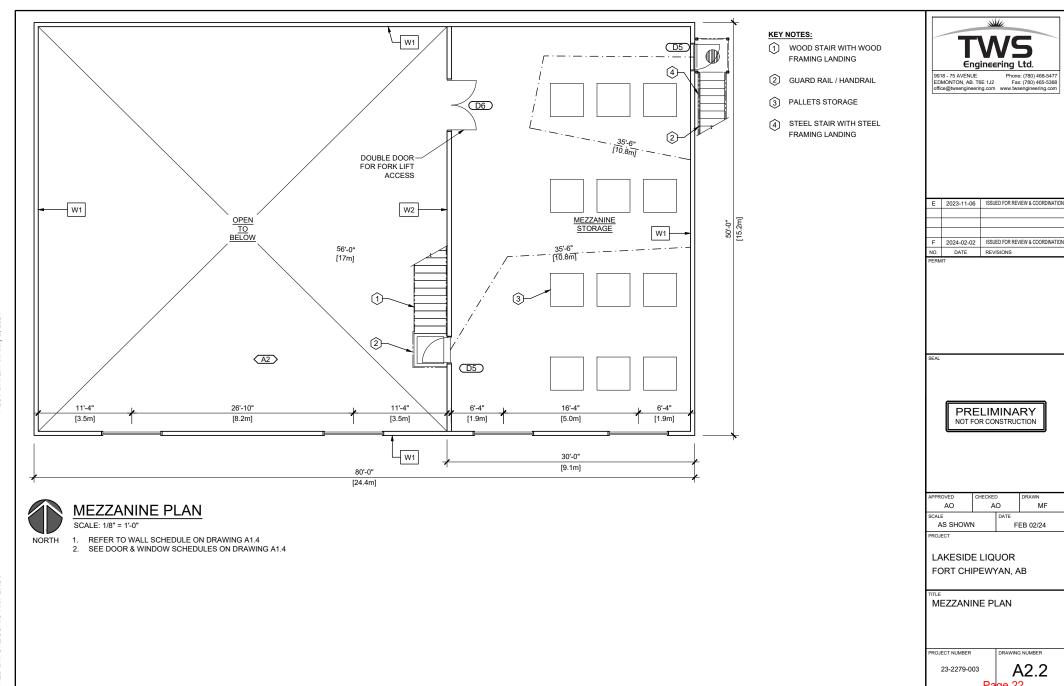
PROJECT NUMBER

DRAWING NUMBER

23-2279-003

A1.4





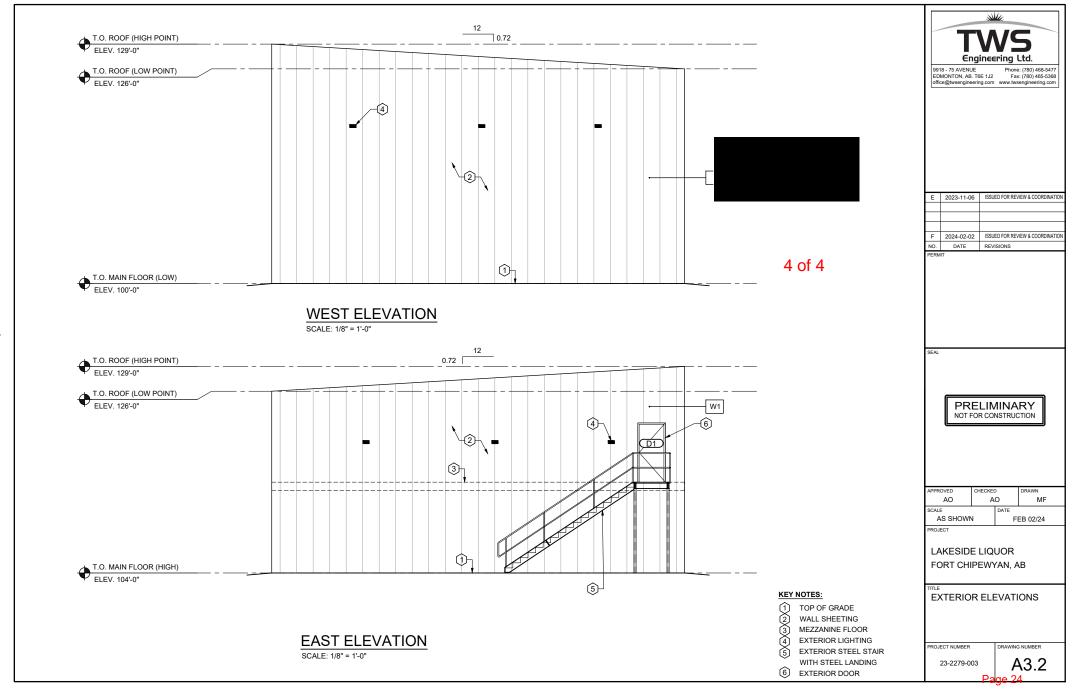
W1

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W1

T.O. ROOF (HIGH POINT)
ELEV. 129'-0"

G:\Z023\Z200 - 2289\Z279 VERTICAL BUILDING\Z3-2279-003 FORT CHIPEWYAN STOREIK\\3 2D WDWORKING\DETAILS\\Z3-2279-003R\_LAKESIDE LIQUOR.DWG LAYOUT: A3.1 PLOTTED BY: GREGORIO NISPEROS



From: Orlagh O"Kelly

To: Subdivision and Development Appeal Board

Cc: Shelley Metera; chiefandcouncil@mikisewcree.ca; Subdivision and Development Appeal Board; ceo

Subject: Re: Notice of Appeal - 193 MacKenzie Avenue - 2025- DP - 00169

**Date:** Sunday, October 26, 2025 4:30:44 PM

Attachments: image003.png image005.png

SDAB Notice of Appeal with Appendix A.pdf

#### External Message - Please be cautious when opening links or attachments in email

Good afternoon Ms. Fredeen,

Please see attached which hopefully works with the Appendix. I am not sure what happened with the other form.

With regard to the Agent Authorization, I have asked the client to re-sign a newly dated form, same to the one that was submitted last year. I will share this with you ASAP.

Thank you,

Orlagh O'Kelly

Lawyer



403, 10113 104 Street NW | Edmonton, Alberta | T5J 1A1

amiskwaciwâskahikan – Treaty 6 **t:** 587-525-8348 **direct**: 825-480-4542

e: orlagh.okelly@okellylaw.ca w: www.okellylaw.ca

This message, including attachments, is for the addressee(s) only. It may contain privileged, confidential or other information exempt from disclosure. If you received this email in error please notify the sender and delete this email message and all attachments.

From: Heather Fredeen < Heather. Fredeen@rmwb.ca > on behalf of Subdivision and

Development Appeal Board <SDAB@rmwb.ca>

Date: Monday, October 20, 2025 at 9:21 AM

To: Orlagh O'Kelly <orlagh.okelly@okellylaw.ca>

Cc: Shelley Metera <shelley.metera@okellylaw.ca>, chiefandcouncil@mikisewcree.ca

<chiefandcouncil@mikisewcree.ca>, Subdivision and Development Appeal Board

<SDAB@rmwb.ca>

Subject: RE: Notice of Appeal - 193 MacKenzie Avenue - 2025- DP - 00169

#### Good morning Ms. O'Kelly,

This will confirm receipt of your Notice of Appeal filed with the Subdivision and Development Appeal Board on October 17, 2025. To complete your application, I have attached an agent authorization form that will need to be filled out. Additionally, it appears some wording in Section 4 "Reasons for Appeal", has been cut off. You also refer to an appendix in this section, which we have not received. Please provide this information at your earliest convenience so that we can begin processing your application.

#### Warm regards,



#### **Heather Fredeen**

Tribunal Clerk

T: 780-743-7001 |rmwb.ca 9909 Franklin Avenue Fort McMurray | σ°⊂<i·♭° | Nistawâyâw | Ełídlį Kuę́ Alberta T9H 2K4

I humbly acknowledge that the land on which we live, learn, work and play is Treaty 8 Territory, the traditional

lands of the Cree, Dene, and the unceded territory of the Métis.

STATEMENT OF CONFIDENTIALITY: The information contained in this email message and any attachments may be confidential and legally privileged and is for the use of the intended recipient(s) only. If you are not an intended recipient, please: (1) notify me immediately by replying to this message; (2) do not use, disseminate, distribute or reproduce any part of the message or any attachment; and (3) destroy all copies of this message and any attachments. Thank you.

From: Orlagh O'Kelly <orlagh.okelly@okellylaw.ca>

Sent: Friday, October 17, 2025 4:22 PM

**To:** Subdivision and Development Appeal Board <SDAB@rmwb.ca>

**Cc:** Shelley Metera <shelley.metera@okellylaw.ca>; Mikisew Chief and Council

<chiefandcouncil@mikisewcree.ca>

**Subject:** Notice of Appeal - 193 MacKenzie Avenue - 2025- DP - 00169

Importance: High

#### External Message - Please be cautious when opening links or attachments in email

#### Good afternoon:

Please find enclosed the Appeal filed on behalf of Mikisew Cree First Nation, Mistee Seepee Development Corporation and 1112958 Alberta Ltd in relation to 2025-DP-00169.

Sincerely

#### Orlagh O'Kelly



Lawyer

403, 10113 104 Street NW | Edmonton, Alberta | T5J 1A1

amiskwaciwâskahikan – Treaty 6

t: 587-525-8348 direct: 825-480-4542

e: orlagh.okelly@okellylaw.ca w: www.okellylaw.ca

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**From:** Phyllis Agyemang < <a href="mailto:Phyllis.Agyemang@rmwb.ca">Phyllis.Agyemang@rmwb.ca</a>>

**Sent:** Friday, October 3, 2025 12:25:23 PM

**To:** Councillor Paul Tuccaro <<u>paul.tuccaro@mikisewcree.ca</u>> **Cc:** Shailesh Makwana <<u>Shailesh.Makwana@rmwb.ca</u>> **Subject:** Notice of Decision - 193 MacKenzie Avenue

Hi Paul,

It was a pleasure talking with you over the phone this afternoon. As discussed, the development permit for 193 MacKenzie Avenue was approved on September 26, 2025.

As a resident of Fort Chipewyan, you have the right to appeal this decision to the Subdivision and Development Appeal Board. If you wish to exercise your right, a written notice of appeal must be received by the Secretary of the Subdivision and Development Appeal Board within 21 days of the date of the decision. Appeal Forms are available from the Planning and Development Services Division or the Fort Chipewyan municipal contact office and must be forwarded to:

By mail: Regional Municipality of Wood Buffalo

Attention: Legislative Services 9909 Franklin Avenue – 7<sup>th</sup> Floor Fort McMurray, AB, T9H 2K4

By e-mail: <u>SDAB@rmwb.ca</u>

If a reply is not received by **October 17, 2025** it shall be assumed that you have no comments or concerns regarding this application. Any major concerns arising from this circulation will be heard by the Subdivision and Development Appeal Board.

If you have questions regarding the application, please contact the undersigned. Questions regarding the appeal process must be directed to the Clerk of the Subdivision & Development Appeal Board at 780-743-7001 or email

#### SDAB@rmwb.ca.

#### Regards,



**Phyllis Agyemang,** BSc., MSc. Planner I Planning and Development Services

**T:** 780-743-7084 | <u>rmwb.ca</u> 9909 Franklin Avenue Fort McMurray | ♂^⊂◁ీీ♭° | Nistawâyâw | Ełídlį Kuę́ Alberta T9H 2K4

I humbly acknowledge that the land on which we live, learn, work and play is Treaty 8 Territory, the traditional lands of the Cree, Dene, and the unceded territory of the Métis.

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How did we do? Provide anonymous feedback on your experience with RMWB Planning & Development Services to help us improve our services.

Planning & Development Services Customer Satisfaction Survey | Participate Wood Buffalo (rmwb.ca)

Please consider the environment before printing this email.



#### SUBDIVISION AND DEVELOPMENT APPEAL BOARD **NOTICE OF APPEAL**

In accordance with Section 678 and 686 of the Municipal Government Act and the Regional Municipality of Wood Buffalo Land Use Bylaw 99/059, an appeal to the Subdivision and Development Appeal Board must be filed within the legislated time frame.

Section 1 – Property Info	rmation						
Legal Land Description:(i.e. Lot, Block,	i e		LATO				
Lot 3 Block 10	Plan 5642	2NY	ATS				
Civic Address							
193 Mackenzie Avenue, Fort Chipe	ewyan, Alberta						
Development Permit Number or type 2025-DP-00169	e of Order						
Section 2 - Appellant Info NB: At the time of the appeal hearin		agent must p	oroduce the co	mpleted and	d signed Age	ent Authorization Form.	
Appellant Name (If the Appellant is a MIKISEW CREE FIRST NATION (CREE and 1112958 ALBERTA LTD.)		-			CORPORATIO	N LTD.	
Agent <sup>1</sup> Name (if applicable)			Contact Name (if different) and position held			ion held	
Orlagh O'Kelly							
Mailing Address		City/Town			Province	Postal Code	
403, 10113 - 104 Street NW		Edmonton			Alberta	T5J 1A1	
Telephone Number (Daytime)	Alternate Telephone Nu	umber	Email Addres	ss			
587-525-8348		orlagh.okelly@okellylaw.ca					
Section 3 – Appeal (Check One Box Only) for multiple appeals you must submit another Notice of Appeal  Subdivision Application Notice of Order							
□ Approval     □ Condition of Approval     □ Refusal	☐ Approval ☐ Condition of a ☐ Refusal	Approval		□ Notic	ce of Order		
☐ I/We are the Applicant or Land C	Owner of the subject propert	ty					
☐ I/We are a person affected by an	order, decision or develop	ment permit					
Section 4 – Reasons for	Appeal						
Section 678 and 686 Municipal Govern of your appeal, you are requested to p drawings or plans for clarification.	·						
I/We hereby appeal the decision of the	Approval Authority for the fo	ollowing reaso	n(s) as the RM\	NB did not o	consult with M	CFN and did not	
SEE APENDIXA							
(Attach a separate page if required)							
PLEASE SEE REVERSE FOR IMPORTANT INFORMATION							
OCTOBER 17 2025							
Date Signature of Appellant/Agent							
If an Agent is representing the pro	pperty owner, a letter is	s required fr	om the owne	r giving c	onsent to a	property inspection.	
_	reby give permission to the	-			alo to do a s	ite inspection and take	
	Sig	gnature of Reg	istered Owner				
Please return the completed	form and prescribe	ed filing fe	ee to:				

Clerk of the Subdivision and Development Appeal Board, 7th Floor, Jubilee Center, 9909 Franklin Avenue, Fort McMurray AB T9H 2K4 Telephone: 780-743-7001 Email: sdab@rmwb.ca

Protection of Privacy
The personal information you provide on this form is being collected under the authority of section 33(c) of the Freedom of Information and Protection of Privacy Act. The personal information is used to process your designation of an agent for appeals with the Subdivision and Development Appeals Board. If you have any questions about the collection and use of the personal information contact the Legislative Officer –SDAB , 7th Floor 9909 Franklin Avenue, Ft. McMurray AB T9H 2K4; or call 780.788.2222

For Office Use Only							
Appeal #:	Fee:	Appeal Hearing Date:	Date Applicant Notified:	Date Appellant Notified:			

<sup>1</sup> Agent — A person who acts for a Property Owner, Applicant, Appellant, and/or Affected/Adjacent Property Owner during the appeal hearing process or at a hearing before the Subdivision and Development Appeal Board.

#### **MATTERS FOR AN APPEAL**

- · A decision of the Subdivision Authority concerning a subdivision application;
- A decision of the Development Authority concerning a development permit application;
- An enforcement order issued by the Development Authority.

#### SUBDIVISION AND DEVELOPMENT APPEAL BOARD

In accordance with the Municipal Government Act, once you file an appeal, it will be scheduled for a hearing. The appellant, applicant, owner of the property and anyone considered an affected person will receive written notification of the hearing date, a minimum of five days prior to the hearing. Hearing dates are advertised in the local papers and Municipal website www.rmwb.ca/sdab, the Friday prior to the hearing.

#### **IMPORTANT NOTICES**

Your completed form and any supporting attachments, the agent authorization form, and the prescribed filing fee must be submitted to the Clerk of the Subdivision and Development Appeal Board at the contact information provided below prior to the deadline indicated on the notice or decision issued:

Clerk of the Subdivision and Development Appeal Board, 7th Floor, Jubilee Center, 9909 Franklin Avenue, Fort McMurray AB T9H 2K4

Telephone: 780-743-7001 Email: sdab@rmwb.ca

#### APPENDIX A

## Mikisew Cree First Nation, Cree-Ations Enterprises Ltd., Mistee Seepee Development Corporation Ltd and 1112958 Alberta Ltd.

#### APPEAL OF PERMIT NUMBER 2025-DP-00169

- 1. This is an appeal of the permit number 2025-DP-00169 granted to Daniel Roy for a liquor store located at 193 Mackenzie Avenue, Lot: 3 Block: 10 Plan 5642NY in the hamlet of Fort Chipewyan in the municipality Regional Municipality of Wood Buffalo ("RMWB"). The discretionary permit was granted pursuant to the Land Use Bylaw No. 99/059.
- 2. The proposed Liquor Store will be located at the centre of the hamlet and looking out over the lakefront. The Liquor Store is approximately 1 kilometre from MCFN's Dog Head 218 Reserve and 12km from MCFN's Alison Bay Reserve 219.

#### STATEMENT OF FACTS

- 3. The Appellants, Cree-Ations Enterprises Ltd ("Cree'Ations"), Mistee Seepee Development Corporation Ltd. ("Mistee Seepee") and 1112958 Alberta Ltd, are corporations registered under the <u>Business Corporations Act RSA 2000, c B-9</u>. (collectively referred to as the "Corporations"). The Corporations are wholly owned by Mikisew Cree First Nation and, in the case of Cree'Ations, their shares are held by Chief Billy-Joe Tuccaro in trust for Mikisew Cree First Nation ("MCFN"). MCFN cannot hold title to lands in fee simple except through such corporations.
- 4. The Appellant, Mikisew Cree First Nation, has nine (reserves) in what is now known as RWMB, including two reserves in close proximity to Fort Chipewyan (Dog Head and Allison Bay). MCFN's ancestors entered into Treaty No. 8 in 1899 at Fort Chipewyan. Treaty No. 8 was a Nation-to-Nation agreement to share the land, including all of the land that is now referred to as the Regional Municipality of Wood Buffalo. Neither RMWB nor the province of Alberta existed in 1899.
- 5. One of the Crown's primary motives for Treaty No. 8 was to impose law and order following the Klondike goldrush, and, as part of this, to control the "liquor trade" in MCFN's territory.
- 6. The Appellant submits that one of the Crown's oral promises in Treaty No. 8 was to control intoxicants in MCFN's territories ("**Promise**"). The Promise was consistent with the one provided, sometimes explicitly, in other numbered Treaties, such as <u>Treaty No. 6</u>. To break this Promises, is to breach the Treaty.
- 7. MCFN has an asserted Treaty right to protection from intoxicants, i.e. the liquor trade, and Treaty right to health ("Treaty Right").
- 8. The provincial Crown has delegated the management of municipal land use planning to municipalities under the *Municipal Government Act*, <u>RSA 2000, c M-26</u> ("**MGA**"). The land-use planning is delegated Crown conduct. To manage objections to the land-use planning within municipalities, the provincial Crown created the subdivision and development appeal board ("**SDAB**"). Together, the land use planning and the

- SDAB are delegated provincial Crown Conduct ("Crown Conduct"). In doing so, they have created a regulatory scheme that may trigger the duty to Consult.
- 9. The hamlet of Fort Chipewyan was part of a smaller northern district, Improvement District 18 ("I.D. 18"). Sometime before 1994, I.D. 18 was amalgamated into Improvement District 143 ("I.D. 143"). The Regional Municipality of Wood Bufalo was created by the Regional Municipality of Wood Buffalo Order in Council (O.C. 817.94) which amalgamated the City of Fort McMurray and Improvement District No, 143 as a specialized municipality under the MGA ("Amalgamation"). I.D. 143 was previously created to include Improvement District 18 of which was more local oversight, directly by the province of the northern and central parts of I.D. 143. This Amalgamation encompassed 63,000 square kilometres, all of which is within Treaty No. 8 territory. As a result of the Amalgamation, RWMB has received hundreds of millions of royalties and taxes from the oil sands; MCFN receives none.
- 10. This Amalgamation, through the MGA, vested jurisdiction and control over all municipal lands already administered municipally. RMWB lands can be expanded or appropriated by the provincial Crown at any time, under the MGA and the *Public Lands Act*, RSA 2000, c P-40, <u>s 9</u>.
- 11. RMWB, in engaging in land use planning in Fort Chipewyan, in particular in licensing a liquor store, engages in Crown Conduct that may adversely impact MCFN's Treaty, Treaty Rights and the Promise. As such, RMWB, acting as part of a provincial regulatory scheme, owed MCFN:
  - a. a duty to consult;
  - b. a duty to accommodate;
  - c. obligations to honour the Treaty, the Promise and the Treaty Right pursuant to the Honour of the Crown.
- 12. RMWB owes common law duties to act reasonably (including having regard to the imperative of Reconciliation) and act procedurally fairly, including the duty to consult in administrative law.
- 13. MCFN, through the Corporations, owns at least 27 residential properties in the hamlet of Fort Chipewyan, including but not limited to the **Neighbouring Properties**:
  - a. 5 units at 125 Mackenzie Avenue Plan 5642NY, Block 9, Lot 9 Registered Owner: Mistee Seepee Development Corporation Ltd.
  - b. Fourplex Units at 105 Loutit St Plan 5642NY, Block 5, Lot 12 Registered Owner: Cree-Ations Enterprises Limited
  - c. House at 103 Logan Crescent Plan 5642NY, Block 6, Lot 17 Registered Owner: Mistee Seepee Development Corporation Ltd.
  - d. House at 100 Tourangeau Ave Plan 5642NY, Block 1, Lot 7 Registered Owner: Mistee Seepee Development Corporation Ltd.
  - e. Triplex Units at 112 MacKay Crescent
  - f. House at 223 Delta Drive Plan 9122991, Block 7, Lot 20 Registered Owner: Her Majesty the Queen in Right of Canada as Represented by Department of Indian and Northern Affairs

- g. House at 109 McDonald Street Plan 8322365, Block 3, Lot 9B Registered Owner: Cree-Ations Enterprises Limited
- h. House at 105 McDonald Street Plan 8322365, Block 3, Lot 12A Registered Owner: Cree-Ations Enterprises Limited
- i. House at 112 Mercredi Street Plan 5642NY, Block 6, Lot 10 Registered Owner: 1112958 Alberta Ltd.
- j. Trailer at 109 Cardinal Avenue Plan 8321682, Block 1, Lot 21
- k. Eight plex units at 104 McDonald Steet Plan 7520202, Block 5, Lot 18A Registered Owner: Maureen Dale Hanson
- 14. The Neighbouring Properties house Mikisew Cree First Nation Members and/or staff and are in close proximity to the proposed Liquor Store.
- 15. Approximately 60 per cent of the population of Fort Chipewyan are MCFN members. The lack of housing on reserve makes it necessary for many of MCFN members to live in the nearby hamlet of Fort Chipewyan, including at the Neighbouring Properties.
- 16. MCFN members living on reserve or in Fort Chipewyan live in a remote community, accessible boat, plane and, between December and March, by winter road. MCFN has previously declared a State of Local Emergency, in April 2023, due to suicide, mental issues and addictions to intoxicants, including alcohol ("SOLE").
- 17. On July 16, 2025, RMWB sent a general "Notice to Adjacent Property Owners" to the Chief and Chief Executive Officer by email only from a previously unknown addres. As such the Notice was not found until August 20/21, 2025. At that time, MCFN made, once again, their submission, like they did on August 17, 2023 to the very same application. The MCFN Objection noted the
  - a. the results of a Survey, which were overwhelmingly opposed to the Liquor Store;
  - b. Submissions based on Treaty No. 8, the duty to consult, the Promise and Treaty Right;
  - c. The SOLE;
  - d. Incidents of crime so far in 2025, which were provided by the RCMP;
  - e. Health statistics requested but not provided by Nunee Health.
- 18. No response to the MCFN Objection was received until the Decision was posted on or about October 3, 2025.
- 19. In re-issuing the same Decision that MCFN previously successfully appealed, the RMWB approved the Liquor Store ("**Decision**"). In making the Decision, RMWB:
  - a. Did not consult MCFN;
  - b. Did not accommodate MCFN;
  - c. Did not respond to, nor consider the MCFN Objection;
- 20. The Decision did not contain reasons.

#### **GROUNDS OF APPEAL**

- 21. The Appellant appeals the Decision approving the Liquor Store on the following grounds.
  - a. The Decision is unreasonable.
  - b. The Decision-makers fettered their discretion to the by-law and failed to consider the decision of the previous SDAB revocation, including due to the unabated alcohol related crime in Fort Chipewyan.
  - c. The Decision was made without consideration for the incompatibility of a liquor store with the surrounding properties in a remote community, predominantly made up of First Nations with Treaty status and where there is a known and documented history of alcohol related crime.
  - d. The Decision is inconsistent with the public interest function of the MGA.
  - e. The Decision was procedurally unfair in that no meaningful opportunity to respond was provided to MCFN and that the RMWB failed to fulfill the common law duty to consult owed to MCFN.
  - f. The Decision-makers failed to comply with the constitutional duty to consult with MCFN based on asserted Treaty Rights and the Promise.
  - g. The Decision-makers failed to comply with the duty to accommodate MCFN.
  - h. The Decision was made in an unconscionable and dishonourable manner while RMWB provides no additional funding to the municipality for policing and has repeatedly failed to address the needs of the local predominantly First Nation population, all while receiving millions in federal/provincial funding and royalties.
  - i. Such other grounds as MCFN may submit and the SDAB may permit.
- 22. Through the SDAB or the RWMB, discharging or recognizing the duty to consult and accommodate are not a "question of constitutional law" under <u>section 10</u> of the *Administrative Procedures and Jurisdiction Act*, RSA 2000, c A-3, s 10. To hold otherwise, would be to allow the provincial Crown to evade its duties by subdelegating all regulatory processes to municipalities and immunizing any review of such processes from review.

From: Robert Homersham

To: Gwendolyn Stewart - Palmer; Heather Fredeen; Subdivision and Development Appeal Board; Orlagh O"Kelly; Shelley Metera

Subject: Re: appeal of DP 2025-DP-00169 By Mikisew Cree First Nation et al

Date: Wednesday, October 29, 2025 9:15:42 AM

Attachments: image001.png image001.png

#### External Message - Please be cautious when opening links or attachments in email

Thanks for your email. I understand the deadline for filing a Notice of Appeal was October 23rd. The Notice of Appeal (without Appendix A) was, I am advised, filed prior to that date – October 17 or October 20. However, the Appendix A was, I am further advised, filed after the deadline – October 26. Accordingly, the Reasons for Appeal are to be confined to "the RMWB did not consult with MCFN" as stated in Section 4 of the Notice of Appeal filed prior to the deadline. I request that the Appellant agree to confine its appeal to this single reason, failing which I request that the scope of the appeal be the subject of a preliminary hearing before the SDAB. Once the scope of the appeal is determined, a hearing on the substantive matters can be scheduled.

I have limited availability for anything other than a scheduling hearing within the 30-day period. I am available on the following days: November 3, 4, 12, 18, 19. I will request at the scheduling hearing that the Board schedule the next hearing for the sole purpose of determining the scope of appeal unless of course the Appellant has agreed to limit its Reasons for Appeal, as described above.

Regards,

Bob

Robert Homersham Barrister & Solicitor



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From: Gwendolyn J. Stewart-Palmer < Gwendolyn@shoresjardine.com>

Date: Wednesday, October 29, 2025 at 7:28 AM

To: Robert Homersham < robert.homersham@homersham.com >, Orlagh O'Kelly

<orlagh.okelly@okellylaw.ca>

Cc: Shelley Metera <shelley.metera@okellylaw.ca>, Heather Fredeen <Heather.Fredeen@rmwb.ca>,

Subdivision and Development Appeal Board <sdab@rmwb.ca>

Subject: RE: appeal of DP 2025-DP-00169 By Mikisew Cree First Nation et al

Hello everyone,

Bob, my apologies for the delay in responding.

I am enclosing the Notice of Appeal with Appendix A.

I am advised by the Clerk that the appeal was filed within the required deadline.

The Clerk received the form on October 17, and received the form again (with Appendix A) on October 26, 2025.

The Clerk accepted the appeal on October 17, 2025, noting the reason listed on the bottom of page 1. Should you have any concerns about the timing of the appeal, you are able to bring this to the Board's attention as a preliminary matter.

I note also that I had written to both Bob and Orlagh regarding the dates for the hearing of the matter, and have not heard back from either of you.

The Board must open the hearing within 30 days of receipt of the appeal notice. Due to the requirements for notification, it would be helpful if the Board had a firm hearing date. It is possible for the Board to convene a preliminary hearing to set dates and address any preliminary matters.

I will be on vacation as of October 30, 2025, but you may contact Heather Fredeen, Clerk to the SDAB, who is copied on this email.

I look forward to hearing from you.

Gwendolyn



Gwendolyn J. Stewart-Palmer K.C. (pronouns: she/her/hers)

Partner

Suite 2250 Bell Tower | 10104-103 Avenue | Edmonton, Alberta T5J 0H8

Tel | Direct 780-702-4275 | Fax 780.423.0163 | Cell | <u>www.shoresjardine.com</u>

780.448.9275

780.914.4458

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From: Robert Homersham < robert.homersham@homersham.com>

Sent: October 25, 2025 10:19 AM

To: Gwendolyn J. Stewart-Palmer <Gwendolyn@shoresjardine.com>; Orlagh O'Kelly <orlagh.okelly@okellylaw.ca>

Cc: Shelley Metera <shelley.metera@okellylaw.ca>; Heather Fredeen <Heather.Fredeen@rmwb.ca>

Subject: Re: appeal of DP 2025-DP-00169 By Mikisew Cree First Nation et al

Gwendolyn,

Thanks for your email. My client and I have received an incomplete Notice of Appeal. That is, the reasons for appeal reference an Appendix with additional reasons or additional detail, which was not received. Please provide me with the complete Notice of Appeal and evidence that the complete Notice was received within the appeal period.

Regards,

Bob

Robert Homersham Barrister & Solicitor (403) 475-0246 (d)

(403) 830-5037 (c)

rhomersham@terra-legal.com robert.homersham@homersham.com



#### terra-legal.com

Terra Legal is a trade name of Robert A. Homersham Professional Corporation

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From: Gwendolyn J. Stewart-Palmer < Gwendolyn@shoresjardine.com>

Sent: Saturday, October 25, 2025 9:24:10 AM

To: Orlagh O'Kelly <orlagh.okelly@okellylaw.ca>; Robert Homersham <robert.homersham@homersham.com>

Cc: Shelley Metera <shelley.metera@okellylaw.ca>; Heather Fredeen <Heather.Fredeen@rmwb.ca>

**Subject:** appeal of DP 2025-DP-00169 By Mikisew Cree First Nation et al

Good morning Orlagh and Bob,

I act for the RMWB SDAB.

I have been advised that MCFN et al have filed an appeal of the above noted development permit. At this time, I am not certain if there is counsel for the Development Authority.

Heather Fredeen is the clerk. I have looped her in, because she will be liaising with the DA until we know whether the DA has counsel.

The Board needs to schedule the hearing, I thought there might be value in hearing from you about your thoughts on dates and disclosure. We will need to loop in the DA once we know about whether they are represented.

If you think a quick call would work, please send a few times for the upcoming week that might work. Alternatively if you wanted to liaise with one another to propose a joint schedule, I believe the board would also be pleased with that, subject to their availability.

Thanks. Gwendolyn



Gwendolyn J. Stewart-Palmer K.C. (pronouns: she/her/hers)

Partner

Suite 2250 Bell Tower | 10104-103 Avenue | Edmonton, Alberta T5J 0H8

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### NOTICE OF PRELIMINARY HEARING DECISION

FILE NO. **SDAB 2025-007** 

APPLICATION No.: 2025-DP-00169

DEVELOPMENT: Permanent Liquor Store, Office and Warehouse Sales

Building (with a temporary liquor store operating for up to one year while permanent building is completed)

LEGAL DESCRIPTION: Lot 3, Block 10, Plan 5642NY

CIVIC ADDRESS: 193 Mackenzie Avenue, Fort Chipewyan, Alberta

**IN THE MATTER OF AN APPEAL** filed with the Regional Municipality of Wood Buffalo Subdivision and Development Appeal Board ("the Board") pursuant to Sections 685 and 686 of the *Municipal Government Act*, R.S.A 2000, c. M-26 ("the Municipal Government Act"), the Preliminary Hearing was held via Microsoft Teams on Wednesday, November 12, 2025.

### **BETWEEN:**

Mikisew Cree First Nation acting through 1112958 Alberta Ltd., Cree-Ations Enterprises Limited; and Mistee Seepee Development Corporation Ltd. (collectively "the Appellant")

-and-

The Regional Municipality of Wood Buffalo ("the Municipality")

#### **BEFORE:**

- D. Cleaver (Chair)
- A. McKenzie
- K. Carruthers
- T. Salisbury

### Administration:

- H. Fredeen, Clerk for the Subdivision and Development Appeal Board
- W. Collins, Clerk for the Subdivision and Development Appeal Board
- A. Reid, Legal Counsel to the Subdivision and Development Appeal Board

SDAB File No.: SDAB 2025-007 Page **2** of **6** 

[1] Following the introduction of the Board, the Chair confirmed with the participants in attendance that there were no objections to the constitution of the Board.

### PRELIMINARY MATTERS

- [2] Before the hearing, Robert Homersham, legal counsel for Daniel Roy, raised a preliminary matter with regard to the scope of the appeal. He requested a preliminary hearing to address the scope of the appeal before the Board.
- [3] The Board opened the hearing on November 12, 2025. The following participants attended the hearing: the Appellant, represented by Orlagh O'Kelly; the Municipality, represented by Janice Agrios; and Mr. Roy, represented by Mr. Homersham.
- [4] The purpose of the hearing was:
  - to set a date for the preliminary hearing to address the preliminary matter brought forward by Mr. Roy,
  - to set disclosure dates for the preliminary hearing,
  - to set merit hearing dates, and
  - · to set disclosure dates for the merit hearing.

### Preliminary Hearing

- [5] Prior to the hearing, the Clerk circulated potential hearing dates for the preliminary matter (the "preliminary hearing") and for the merits.
- [6] Ms. Agrios indicated that she was available on December 10, 11, and 15, 2025, and January 22, 28 and February 4 and 5, 2026 for the preliminary hearing.
- [7] Ms. O'Kelly indicated that she was available for the preliminary hearing on December 10, 11, and 15, 2025 and on January 21, 22, and 28, and February 4 and 5, 2026.
- [8] Mr. Homersham indicated he was available on all potential dates for the preliminary hearing. He requested that the preliminary hearing be scheduled as soon as possible.
- [9] Ms. Agrios suggested a preliminary hearing date of December 15, 2025. All the participants confirmed that they were available for this date.

SDAB File No.: SDAB 2025-007 Page **3** of **6** 

[10] The participants also provided their submissions on disclosure timelines. The participants agreed that Mr. Roy would provide his submission on the preliminary matter first; however, Mr. Homersham requested that the Municipality provide the development permit file materials, particularly the information submitted through the development permit approval process, in advance of his submissions. The Municipality agreed to provide these materials by November 24, 2025.

### Merit Hearing

- [11] The Chair canvassed the participants' availability for a merit hearing date of Monday, February 2, 2026, and an overflow date of Tuesday, February 3, 2026.
- [12] Ms. O'Kelly and Ms. Agrios submitted that the dates of January 22, and 28, and February 2, 3, 4, 5, 25 and 26, and March 4 and 5, 2026 were suitable for them.
- [13] Mr. Homersham submitted that the proposed dates were suitable for him but requested that the Board schedule the merit hearing in January 2026.
- [14] The Chair canvassed disclosure timelines for the merit hearing after the hearing dates of February 2 and 3, 2026 were confirmed. Mr. Homersham, Ms. Agrios, and Ms. O'Kelly agreed to the following disclosure timelines:

January 15, 2026 Appellant Submission

January 22, 2026 Municipality Submission Mr. Roy's Submission

### **DECISION**

[15] In accordance with section 686 of the *Municipal Government Act* the appeal hearings and relevant disclosure timelines are scheduled as follows:

### **Preliminary Hearing**

Date: Monday, December 15, 2025

Format: Virtual via Microsoft Teams

**Time:** 6:00 p.m.

**Disclosure:** Municipality Disclosure: 12:00 p.m. Monday, November 24, 2025

SDAB File No.: SDAB 2025-007 Page 4 of 6

Mr. Roy's Submission: 12:00 p.m. Monday, December 1, 2025

Appellant Submission: 12:00 p.m. Tuesday, December 9, 2025

Municipality Submission: 12:00 p.m. Tuesday, December 9, 2025

### **Merit Hearing**

**Date:** Monday, February 2, 2026 (Tuesday, February 3, 2026 overflow)

Format: Virtual via Microsoft Teams

**Time:** 6:00 p.m.

**Disclosure:** Appellant Submission: 12:00 p.m. Thursday, January 15, 2026

Municipality Submission: 12:00 p.m. Thursday, January 22, 2026

Mr. Roy's Submission: 12:00 p.m. Thursday, January 22, 2026

- [16] In addition to filing the evidence with the Clerk in accordance with the above-mentioned disclosure timelines, the Board orders the participants to ensure that all evidence is duly exchanged among the other parties as well as the Board's legal counsel.
- [17] In accordance with section 686(3) of the *Municipal Government Act*, notice of the hearings will be sent out.

### **REASONS FOR THE DECISION**

- [18] The Board is aware that it must commence a hearing within 30 days of the appeal, and therefore, the Appeal hearing for SDAB 2025-007 is hereby opened and adjourned to December 15, 2025, which preserves the Board's jurisdiction relating to this appeal.
- [19] The purpose of the hearing was to hear submissions in relation to preliminary dates, disclosure dates for the preliminary hearing, merit hearing dates, and disclosure dates related to the merit hearing. The Board noted Mr. Homersham's request to have the preliminary hearing and merit hearing scheduled in an expeditious manner.
- [20] The Board selected December 15, 2025 for the preliminary hearing, as it is the earliest date mutually available for the participants and the Board that would also allow reasonable timelines for disclosure. The Board noted the participants' consent to the date.

SDAB File No.: SDAB 2025-007 Page **5** of **6** 

[21] The disclosure dates for the preliminary hearing are set out above. The participants agreed that the disclosure dates are reasonable. As all participants are represented, the Board has provided for disclosure to be staged so that the Municipality and the Appellant can provide submissions and respond to Mr. Roy's submissions in advance of the preliminary hearing, preserving procedural fairness. There is also time to ensure that the Board can receive and review the materials in advance of the preliminary hearing.

- [22] Similarly, the Board selected February 2, 2026, for the merit hearing date as it was the earliest date mutually available for the Parties and the Board. The Board directed that February 3, 2026, be held as an overflow date. The Board considered the participants' submissions and consent to the disclosure dates set out above. The disclosure dates are similarly staggered to ensure an opportunity to respond to the Appellant's submissions.
- [23] The Board clarified during the hearing that the members sitting during this preliminary hearing on November 12, 2025 are not seized with the matter, since there were no submissions on the merits of the appeal.

Dat	ed at the Reg	ional Municip	ality of Wood Buffalo in the Province of Alberta, this	_19	day
of	November	2025.			

CHAI		
	Dean Cl	eaver

SDAB File No.: SDAB 2025-007 Page **6** of **6** 

### APPENDIX "A"

### REPRESENTATIONS

Person Appearing	Capacity
Janice Agrios Phyllis Agyemang	Legal Counsel, Regional Municipality of Wood Buffalo Development Officer, Regional Municipality of Wood Buffalo
Shailesh Makwana	Development Authority Supervisor, Regional Municipality of Wood Buffalo
Robert Homersham	Legal Counsel, Mr. Roy
Daniel Roy	Development Permit Applicant
Orlagh O'Kelly	Legal Counsel, Appellant



Planning & Development Department

Regional Municipality of Wood Buffalo

Office: 309 Powder Drive, Fort McMurray, AB TgK cMu

Maiking. 3909 Franklin Avenue, Fort McMurray, AB TgH 2K4

T: 780-799-8695 F: 780-743-7874 E: current planning@rowsk

# Development Permit Application Form

OFFICE DP#	USE ONLY	-NP-	00169	
Fee: Receip	t No:	4/	2008	5

This Application Form shall be **complete** and **include** an attached Development Permit Checklist. Please Note:

- NO DEVELOPMENT shall commence without a valid Development Permit. Any work started prior shall be subject to a double fee penalty and further enforcement actions;
- An Administrative Fee will be withheld for any refunds. Please note that all applicable permit
  refunds will be issued by cheque only; and,
- Submission of a duly signed application form authorizes the Development Officer to enter the property to carry out inspections necessary for this development.

I/We hereby make application under the provisions of the Land Use Bylaw 99/059 for a Development Permit.

#### **PLEASE PRINT**

Applicant ar	nd Owner Information:	134.1	in the second		
Applicant Name:		26 1440	o Ab Ltd.	)	
Mailing Address:	THE PARTY ST				
			Posta	Code:	
Daytime Phone:	Altema	ate: _		Fax:	
Email Address:					
Registered Owner(s	s): Same as above	9			
Mailing Address:	Same as accord		1711		
_			Posta	l Code:	
Daytime Phone:	Altema	ate:		Fax:	
Email Address:		-			
☐ Property Inf	ormation			L'ISTELLECTION	
Legal Land Descrip	tion <sup>1</sup> : Lot: 3	Block:	/o Plan:	5642 NY	
Alberta Township G	Grid System: LSD	Sec	TWP	Range	W4M
Civic Address:	93 Mackenzie Aue.				
Project Description:	Liquor Store			- 110	
Has development c	commenced?	☑ No			
Existing Use of Lan					
Size of Proposed D			TARRINGS	10 To and 1.1	Parking
Estimated Construction			Fnd Date	July 1st 202	16 LAING
Estimated Construct	μ <u></u>	*	End Date.	July 1 20	<u>-                                    </u>
Familiared College	MOII GOSTI II 10 000				

<sup>1</sup> Civic Address Translator: https://apps2.mwb.ca/electronicpermitting/CivicTranslator.aspx



Planning & Development Department
Regional Municipality of Wood Buffalo
Office: 309 Powder Drive, Fort McMurvay, AB T9K oMs
Mailing: 9909 Franklin Avenue, Fort McMurvay, AB T9H xK4
T: 780-799-8595 F: 780-743-7874 E: current planning@mmk.ca

Lat Areas 2// 0 d	Building Area <sup>2</sup> : 67 Sarm
Lot Area: 2660 Sam	
Accessory Coverage <sup>3</sup> :	Site Coverage <sup>4</sup> : 2,5%
Building Type: Atco trailer Part 10	Complexit Number of Storeys: 1
☐ Credit Card Information	
Credit Card #:	Card Type: پر
Card Holders Name: Daniel Roy	Expiry Date:
☐ Registered Owner (or person acting	on the registered owner's behalf)
1. Daniel Koy	hereby certify that
/ _	registered owner, or
🔯 I am the	_
I am the ☐ I am the	agent authorized to act on behalf of the registered owner
☑ I am the ☐ I am the and that the information given on this for	e agent authorized to act on behalf of the registered owner rm is full and complete and is, to the best of my knowledge, a
I am the ☐ I am the	e agent authorized to act on behalf of the registered owner rm is full and complete and is, to the best of my knowledge, a
☑ I am the ☐ I am the and that the information given on this for	e agent authorized to act on behalf of the registered owner rm is full and complete and is, to the best of my knowledge, a

The personal information on this form is collected under the authority of Section 33 (c) of the Alberta Freedom of Information and Protection of Privacy Act. The personal information will be used as contact information and to process your application. If you have any questions regarding the collection or use of this information contact the Supervisor, Support Services, Planning and Development, Timbertea Landing, 309 Powder Drive, T9K 0M3, or call (780) 793-1069.

1 Q

<sup>&</sup>lt;sup>2</sup> Total includes attached garages, cantilevers, decks, porches, and/or verandas

 $<sup>^{\</sup>rm 3}$  If applicable, note the area of the shed or detached garage

<sup>&</sup>lt;sup>4</sup> The percentage of the lot area covered by proposed and existing structures



## Permit Number 2025-DP-00169

September 26, 2025	
Applicant	Owner
DANIEL ROY	DANIEL ROY

RE: Permanent Liquor Store, Office & Warehouse Sales building (with a temporary liquor store operating for up to one year while permanent building is completed)

193 MACKENZIE AVENUE Lot: 3 Block: 10 Plan: 5642NY

Your application for a development permit at the above location has been approved by the Development Officer. This approval is subject to the conditions as outlined in the enclosed Development Permit.

### PLEASE READ PERMIT CONDITIONS CAREFULLY.

This development permit shall expire and no longer be valid after one year from the date of decision of the permit if no construction has been initiated. Any other necessary permits shall be in place prior to commencement of any construction or occupancy. In the case of a change of use within an existing structure, where no significant construction of reconstruction is necessary, the applicant shall have the new use in operation within one year of the decision of the development permit.

#### **IMPORTANT NOTE**

- 1. Under the Municipal Government Amendment Act, this approval may be appealed within twenty one (21) days after the day of decision being posted. Should this decision be appealed within twenty one (21) days after the Date of Decision, this permit shall not become effective until the Subdivision and Development Appeal Board has determined the appeal and the Permit may be modified or nullified thereby. Commencement of the approved Development prior to expiry of the appeal period is at your own risk.
- 2. An appeal shall contain statement of the grounds of appeal and shall be delivered personally or by registered mail so as to reach the Secretary of the Subdivision and Development Appeal Board, 9909 Franklin Avenue, Fort McMurray, AB T9H 2K4 within the prescribed time period of twenty one (21) days.
- 3. Upon delivery of Notice of Appeal, the appellant shall pay to the Regional Municipality of Wood Buffalo, where the appellant is the owner of the site, or his agent, a fee of \$1000.00.

Compliance with other legislation - A person applying for, or in possession of a valid development permit is not relieved from full responsibility for ascertaining and complying with, or carrying out development in accordance with:

- a. the requirements of the Safety Codes Act, Environment Protection and Enhancement Act and Natural Resources Conservation Board Act;
- b. the requirements of any other Federal, Provincial, or Municipal statue, regulation code or standard; and
- c. the conditions of any caveat, covenant, easement or other instrument affecting a building or land. The Municipality is not responsible for not does the Municipality have any obligation whatsoever to determine what other legislation may apply to a development, nor monitor or enforce compliance with such legislation.

REGIONAL MUNICIPALITY OF WOOD BUFFALO Planning & Development Department per:



Phyllis Agyemang
Planner I
Planning and Development Dept.
Regional Municipality of Wood Buffalo
phyllis.agyemang@rmwb.ca

September 26, 2025

**Date** 



## Permit Number 2025-DP-00169

Applicant: Daniel Roy Issued : September 26, 2025

### **Development Permit**

### **193 MACKENZIE AVENUE**

	Lot	Block	Plan	Section	Township	Range	
	3	10	5642NY	7	112	7	

### **New Commercial Industrial or Institutional Development**

Permanent Liquor Store, Office & Warehouse Sales building (with a temporary liquor store operating for up to one year while permanent building is completed)

Advertisement Date: October 2, 2025

- This development was approved by the Development Officer and is subject to the conditions attached to this permit.
- All conditions stated on this development permit must be complied with.
- You have one year from Date of Decision to commence construction. All appropriate building/mechanical permits must be applied for and issued. In the case of a change of use within an existing structure where no significant construction or reconstruction is necessary, the applicant shall have the new use in operation within one year of the decision of the development permit.

Regional Municipality of Wood Buffalo Planning & Development Department per:



Issued: September 26, 2025

Date

Phyllis Agyemang
Planner I
Planning and Development Dept.
Land Services Branch
Regional Municipality of Wood Buffalo
phyllis.agyemang@rmwb.ca

Permit: 2025-DP-00169 193 MACKENZIE AVENUE Lot: 3 Block: 10 Plan: 5642NY

#### **Advisory Notes:**

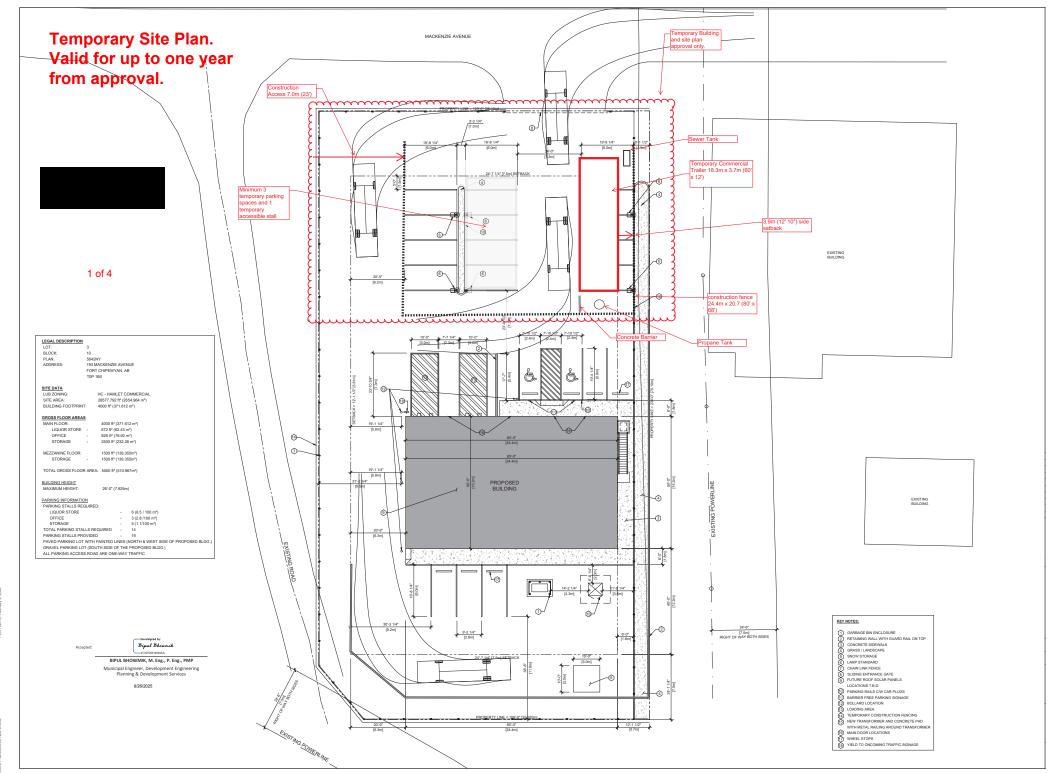
Any signage proposed for this development shall require a separate application and approval.

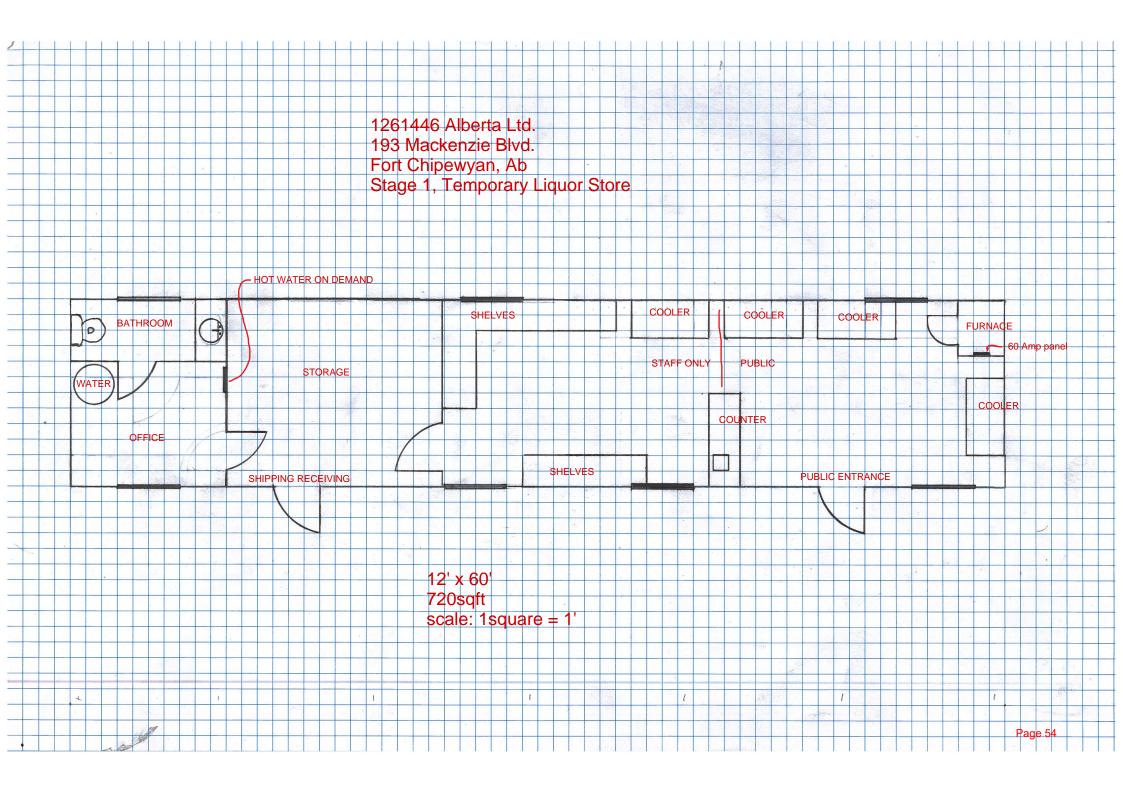
- The sump shall be installed so that discharge is as per the requirements of the Sewage Bylaw.
- The developer shall install all appropriate signage at access/egress locations in accordance with the requirements of the Engineering Department.
- 4 Site services shall be in accordance with the Engineering Standards of the Regional Municipality of Wood Buffalo Fort McMurray Urban Service Area and the standards set by the Franchise Utilities operating within the Fort McMurray Urban Service Area.
- A Utility Installation Permit is required from the developer and shall be obtained from Engineering Services Division prior to installing underground utilities.
- It shall be the developer's responsibility and expense to terminate, at the main, all sanitary and water services which will not be utilized in this development.
- If a route permit is required for this development, it shall be applied for through the Planning and Development Department.
- 8 Any damage to the streets, sidewalks, curbs or landscaped boulevards caused by this development shall be the full responsibility of the developer to restore.
- 9 A Health Certificate may be required for this development. Please contact the Health Inspector for the necessary information.
- A Municipal Business License may be required for this development. Please contact the Licensing Enforcement Officer for information and an application, if required.
- The Alberta Fire Code applies in and around buildings existing or being constructed on a site. Complete project plans and specifications, construction fire safety plans, and fire related activities requiring Fire Prevention Permits shall be reviewed by the Fire Authority prior to the commencement of any work related thereto. Inquiries and permit applications shall be submitted to the Fire Authority.
- All Federal, Provincial and Municipal statutes and regulations shall be met, including the Alberta Building Code.

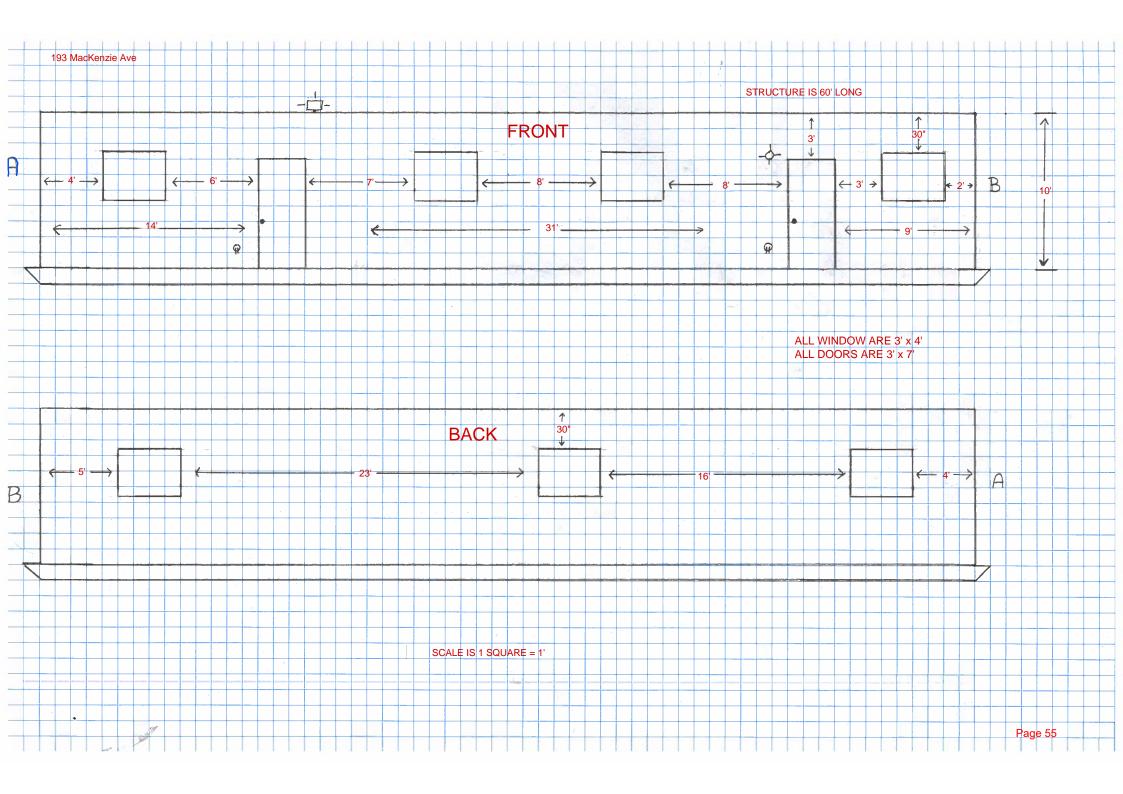
### **Conditions:**

- 1 This development is classified as a Liquor Store, Office and Warehouse Sales and is a Discretionary Use in the HC- Hamlet Commercial District.
- The business must have all valid licenses/approvals from the provincial government prior to starting operations and shall be in compliance with the provincial legislation.
- The 18.3 meter x 3.7 meter temporary building shall be removed from the site no later than September 12, 2026.
- The 18.3 meter x 3.7 meter temporary building shall be receive all required Safety Code Permits under the Safety Codes Act required for a commercial space.
- 5 Construction materials, including garbage, shall be stored so as not to create a nuisance to neighbouring properties.
- Any temporary or auxiliary buildings/signs placed on site during construction shall be removed prior to occupancy of the permanent structures.
- The garbage and waste material shall be stored in weather-proof and animal-proof containers and shall be visually screened in a manner compatible with the design and external materials of the principal buildings on the site. If a wood screen fence is used, it shall be constructed in accordance with drawing 10-301 of the Engineering Servicing Standards.
- The building location, orientation, capacity and/or use shall be as indicated on the approved drawings. Any changes to the approved plans shall be submitted to the Development Officer for further approval.
- A minimum of 19 on-site parking stalls shall be provided as indicated on the approved plan. All parking stalls shall be hard surfaced with asphalt pavement, concrete or other similar paving material and shall be completed prior to the issuance of an Occupancy Permit. Should a seasonal allowance be required for paving the parking lot, the developer shall provide a written request for the seasonal allowance together with an automatically renewable and irrevocable letter of credit equal to 100 percent of the cost of paving the parking lot. A minimum of 20f the required stalls shall be accessible parking stalls. These parking stalls shall be hard-surfaced, level, located close to an entrance, and shall be designated with the International Symbol of Access.
- A minimum of one loading space shall be provided for this development. Loading shall be designed and located so that all vehicles using those spaces can be parked and maneuvered entirely within the bounds of the site before moving onto adjacent streets or lands.
- All parking stalls shall be graded such that no slope in any direction is less than 0.5% and not more than 4%, to the satisfaction of the Development Officer. All soft landscaped areas shall have a minimum slope of 2% away from buildings.
- A final site grading plan shall be prepared to the satisfaction of the Engineering Department and shall be approved prior to occupancy of any buildings.
- The applicant may need to enter into a Development Agreement with the Municipality to pay for the installation of public utilities, other than telecommunication systems or works, which are necessary to serve the development.
- Any excess fill must be deposited on a site approved by the Municipality. Please contact the Engineering Department and/or the Environmental Branch of the Public Works Department.
- Any and all easements required by the Municipality or any franchise utility as a result of this development shall be provided by the developer at no cost to the Municipality or any franchise utility and shall be registered on title by Utility Right-of-Way Plan.
- Should it be necessary to alter any on site Municipal or franchise utilities, all cost shall be borne by the developer.
- 17 There shall be no unauthorized use of any adjoining Public Utility Lot or Reserve Land during the course of the approved development construction. The developer may apply to the Development Officer to utilize these lands.
- All on site lighting shall be located, oriented and shielded so as to restrict the unnecessary illumination of adjacent residential properties.

- Any required removal or modification of existing on-site underground storage tanks and the management of identified contaminants shall be undertaken to the satisfaction of the appropriate authorities prior to the construction of the approved development and all applicable permits received from the local Fire Authority.
- Engineering securities of \$40,000 in total [including (a) \$10,000 for 1 approach, (b) \$20,000 for service connections (\$10,000/water + \$10,000/sanitary each), and (c) \$10,000 for a new storm outfall, shall be provided before issuance of the development permit. This is also a damage deposit for any damage to municipal property including roads, sidewalks, curb and gutter, underground infrastructure, boulevard, parks, URWs. All must be restored to original or better condition.
- 21 A Development Completion Certificate is required and shall be applied for by the applicant on completion of the conditions of development and prior to occupancy
- Before any construction starts, the applicant shall ensure that the site is fully fenced, as per the approved fencing plan, in order to prevent any damage to Municipal infrastructure and landscaping surrounding the site, to ensure controlled and safe access and egress of the site, and to provide safe pedestrian access on and through any municipal lands adjacent to the site. The site access locations shall be established as per the fencing plan and will be maintained and operated to the satisfaction of the Development Authority. The fencing is to remain in place and in good working condition until all construction activities have ceased and a Full Development Completion Certificate has been issued
- The applicant shall provide security in a form acceptable to the Municipality in the amount of \$7,150.00 as a guarantee for the installation and maintenance of the construction fencing.
- A water meter permit may be required. Please contact Underground Services Division for details at 780-799-7493. 780-788-1456 ext. 5832
- A service connection permit may be required. Please apply at https://www.rmwb.ca/en/permits-and-development/applications-licences-and-permits.asp x.
- Construction activities will be completed in adherence to all environment and regulatory requirements which include, but are not limited to the Federal Fisheries Act and the Provincial Environmental Protection and Enhancement Act. Construction activities will implement effective sediment control measures at all stages of construction until disturbed soil has been addressed and the fish bearing water body is effectively protected from any impacts.
- All required Safety Code permits under the Safety Code Act in the: building, mechanical, electrical, gas, plumbing and private sewage disciplines must be obtained for this development. Please contact the Regional Municipality of Wood Buffalo Planning and Development Branch to obtain the required Safety Code permits or for information regarding these permits 780-799-8695 or follow up on our permitting website: https://aca.woodbuffalo.ab.ca/citizenaccess/







LAKESIDE LIQUOR 193 MACKENZIE AVE, FORT CHIPEWYAN, AB **LOT 3 BLOCK 10 PLAN 5642NY** 

**CIVIL DRAWINGS** 

**ISSUED FOR DEVELOPMENT PERMIT - 24 SEPT 2025** 

PROJECT NO.: 23-2279-003



**KEY PLAN** 

DRAWING LIST		
SHEET NO.	SHEET DESCRIPTION	
G-001	COVERSHEET & INDEX PAGE	
V-101	SURVEY PLAN	
C-101	GRADING PLAN	
C-102	WATER SERVICE PLAN	
C-103	SANITARY SEWER PLAN	

ACCEPTED:

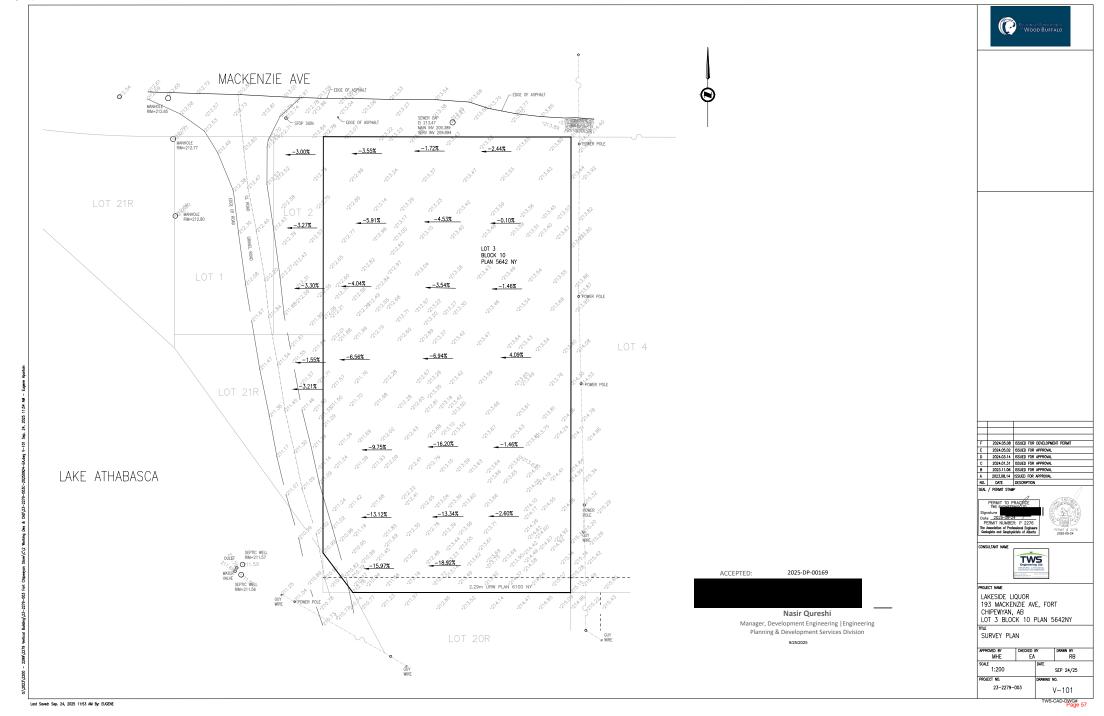
2025-DP-00169

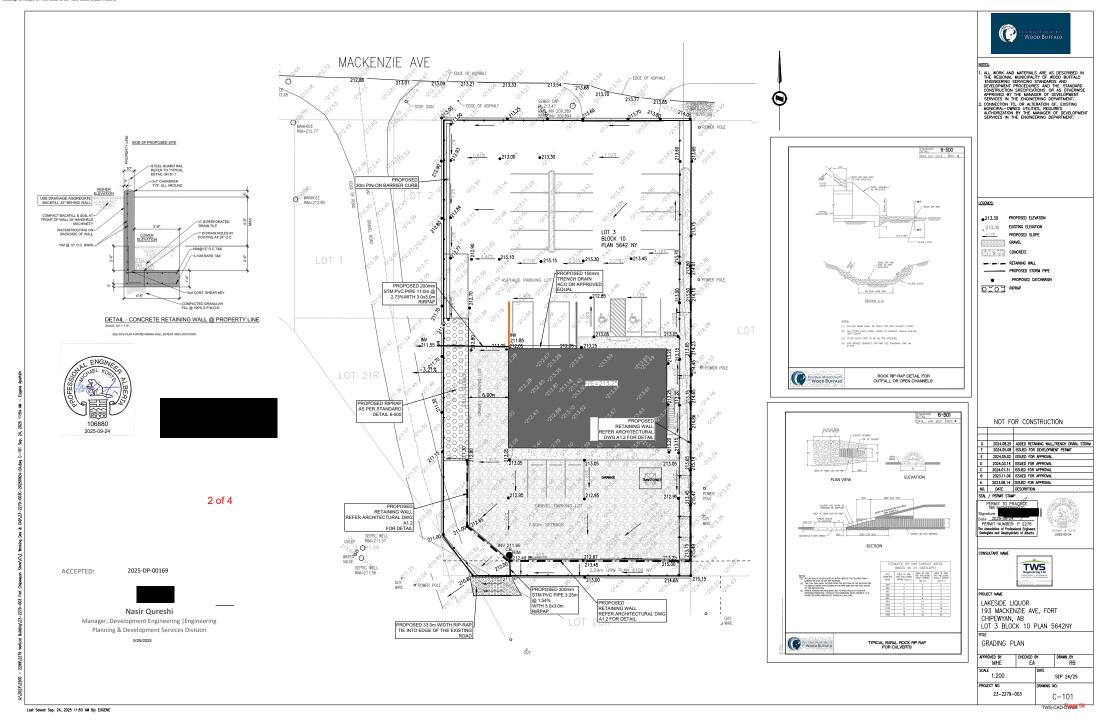
Manager, Development Engineering | Engineering Planning & Development Services Division

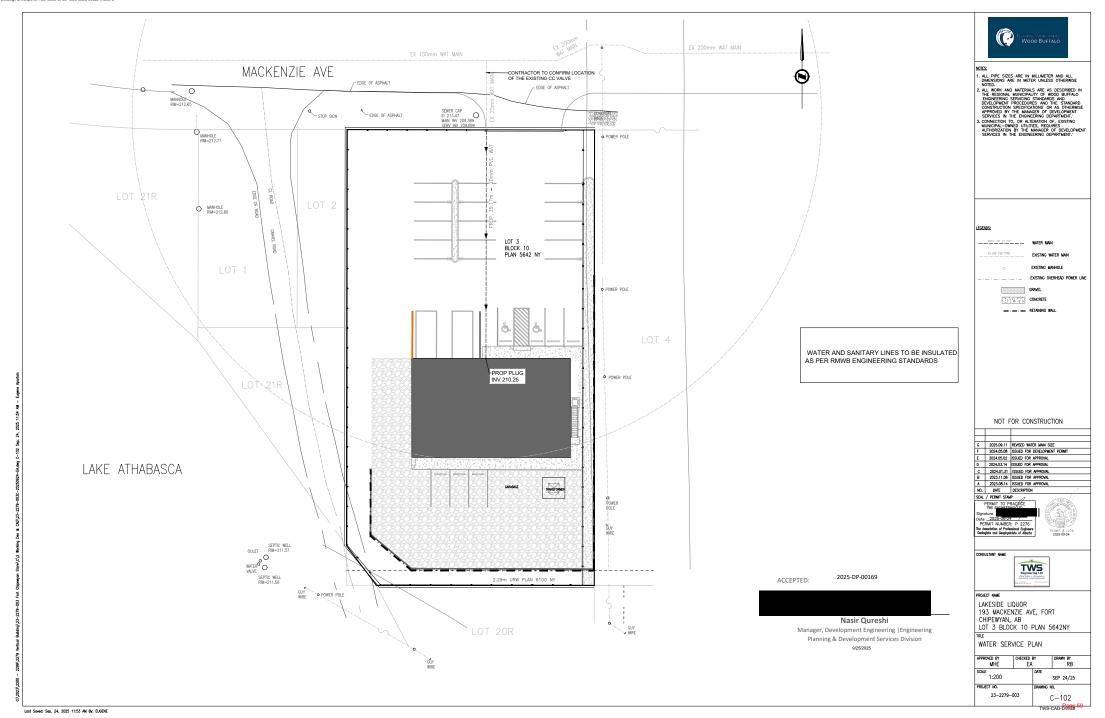
9/25/2025

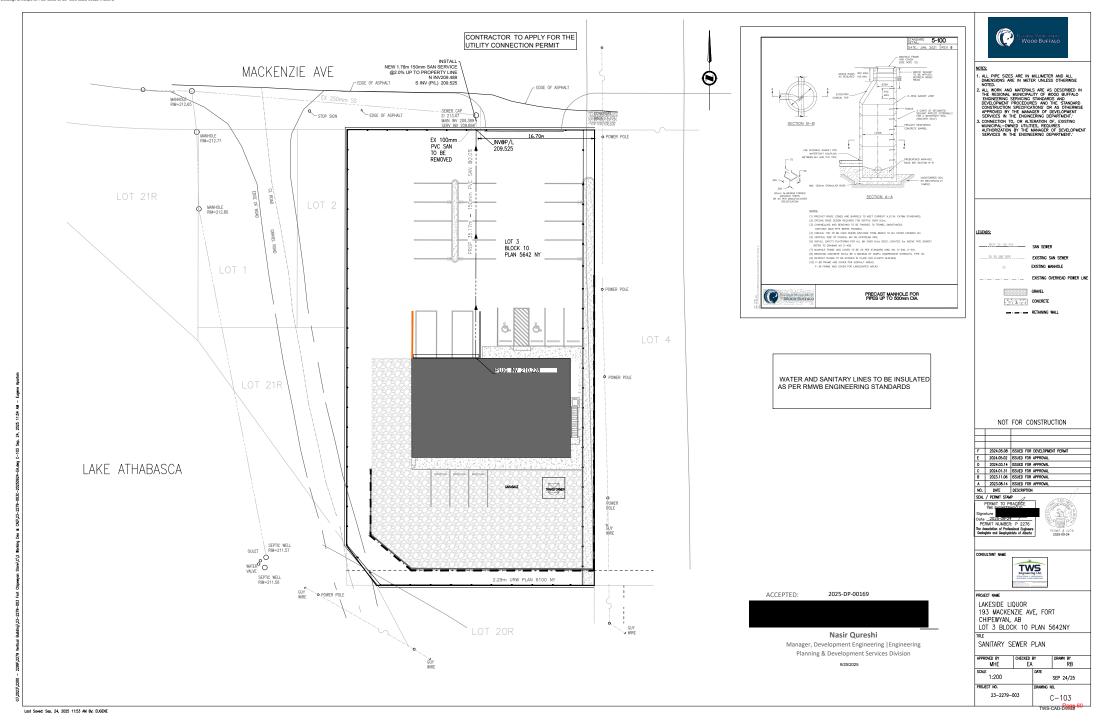


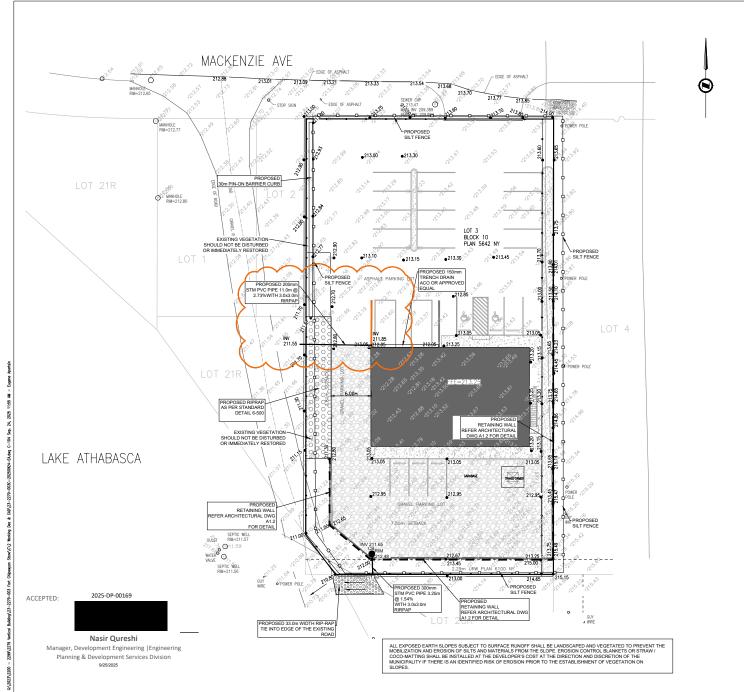












EROSION & SEDIMENT CONTROL GENERAL NOTES

- THE OWNER/DEVELOPER MUST CONFORM TO THE REQUIREMENTS OF THE RMWB EROSION AND SEDIMENTATION CONTROL GUIDELINES AND FIELD

  ANNUAL.
- FITTIRE LOT DEVELOPERS/BUILDERS MUST PROVIDE AND IMPLEMENT A FOTURE LOT DEVELOPERSIBULIZED MUST PROVIDE AND IMPLEMENT A DETAILED ERGSION AND SEDIMENTATION CONTROL PLAN AT THE TIME OF DEVELOPMENT OF EACH INDIVIDUAL LOT CONFORMING TO THE RIM/B SECTION 6.25 EROSION AND SEDIMENT CONTROL AND SECTION 12 EROSION AND SEDIMENT CONTROL MEASURES.
- EROSION AND SEDIMENT CONTROL MEASURES.

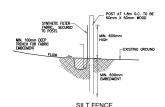
  THE CONTRACTOR ACKNOWED EDES THAT SURFACE EROSION AND SEDIMENT RUNOFF RESULTING FROM THE CONSTRUCTION OPERATIONS HAS POTENTIAL TO CAUSE A DETRIBUENTAL IMPACT TO ANY DOMNSTREAM WATEROURSE OR SEWER, AND THAT ALL CONSTRUCTION OPERATIONS THAT MAY IMPACT UPON WATER QUALITY SHALL BE CARRIED OUT IN A MANNER THAT STRICTLY MEETS THE REQUIREMENTS OF ALL APPLICABLE LEGISLATION AND FEGULATIONS.
- LEGISLATION AND REGULATIONS.
  AS SUCH THE CONTRACTOR SHALL BE RESPONSIBLE FOR CARRYING OUT THEIR OPERATIONS, AND SUPPLYING AND INSTALLING ANY APPROPRIATE CONTROL MEASURES, SO AS TO PREVENT SERIMENT LADER RUNOFF FROM ENTERING ANY SEWIER OR WATERCOURSE WITHIN OR DOWNSTREAM OF THE WORKING AREA.
- CONSTRUCTION. SPECIFIC MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF TOWN OF ST ALBERT CONTRACT SPECIFICATION SECTION 01 35 43 WHERE APPROPRIATE, OR IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.
- ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.

  6. WEREIR, IN THE OPIGNION OF THE CONTRACT ADMINISTRATION OR REGULATORY AGENCY. THE INSTALLED CONTROL MEASURES FAIL TO RECOURT A CONTRACT ADMINISTRATION OF THE CONTRACT ADMINISTRATION OR REGULATORY AGENCY. AS SUCH, THE CONTRACT ADMINISTRATION OR REGULATORY AGENCY, AS SUCH, THE CONTRACT ADMINISTRATION OR REGULATORY AGENCY. AS SUCH, THE CONTRACT ADMINISTRATION OF REGULATORY AGENCY. AS SUCH, THE ALL THE WAICH ARE BASKY ACCESSIBLE AND MAY BE IMPLEMENTED BY MAIL AT MODIFIED THE PROPERTY BOTTOM.
- HIM AT A MOMENT'S NOTICE.

  PROPE TO COMPRECIONE WORK, THE CONTRACTOR SHALL SUBMIT TO THE CONTRACT ADMINISTRATOR SIX COMES OF A DETALED ENDSIGN AND THE CONTRACT ADMINISTRATOR SIX COMES OF A DETALED ENDSIGN AND THE CONTRACT ADMINISTRATOR SIX CONTRACT FOR CONTRACT ADMINISTRATOR SIX CONTRACT FOR CONTRACT ADMINISTRATOR ADMINISTRATOR ADMINISTRATOR SIX CONTRACT ADMINISTRATOR ADMINISTRATOR ADMINISTRATOR SIX CONTRACT ADMINISTRATOR ADMINISTRA
- CONTRACTOR'S RESPONSIBILITIES FOR EROSION & SEDMENT CONTROL.

  1. THE CONTRACTOR SHALL ISSURE THAT ALL WORDERS INCLUDING
  SHOULD BE SERVED AND SHAPE THE SITE AT THE CONTRACTOR'S EXPENSE AND MANAGED IN COMPLIANCE WITH THE REQUIREMENTS FOR EXCESS EARTH MATERIAL AS SPECIFIED ELSEWHERE IN THE CONTRACT.
- THE CONTRACTOR SHALL IMMEDIATELY REPORT TO THE CONTRACT ADMINISTRATOR ANY ACCIDENTAL DISCHARGES OF SEDIMENT MATERIAL INTO EITHER THE WATERCOURSE OR THE STORM SEWER SYSTEM. FAILURE TO REPORT WILL CONSTITUTE A BREACH OF THIS SYSTEM FAILURE TO REPORT WILL CONTITUTE A BREACH OF THIS SPECIFICATION AND THE CONTRACTOR MAY ALSO BE SUBJECT TO THE PENAL TIES IMPOSED BY MAY APPLICABLE REGULATORY AGENCY. SENSITING CONTROL MEASURES OR THE IMPLEMENTATION OF ADDITIONAL CONTROL MEASURES, SHALL BE CARRIED OUT BY THE CONTRACTOR WITHOUT DELAY.
- CONTRACTOR WITHOUT DELAY.

  I THE SEDIMENT CONTROL MEASURES SHALL ONLY BE REMOVED WHEN IN THE OPINION OF THE CONTRACT ADMINISTRATOR, THE MEASURE OF MEASURES, IS NO LONGER REQUIRED. NO CONTROL MEASURE MAY BE PERMANENTLY REMOVED WITHOUT PRIOR AUTHORIZATION FROM THE CONTRACT ADMINISTRATOR. ALL SEDIMENT AND EROSING CONTROL. CONTINCT AUMINISTRATOR ALL SECIMENT AND ENGISION CONTINCT MANAGEMENT AND ENGISION CONTINCT OF ANY FOLLOWING THE ENTRY OF ANY FOUR PIMENT, OTHER THAN HAND HELD FOUR PIMENT, INTO ANY WATERCOURSE, AND PREVENTS THE RELEASE OF ANY SECIMENT OR DEBRIS INTO ANY SEVER OR WATERCOURSE WITHIN OR DOWNSTREAM OF THE WORKING AREA. ALL ACCUMULATED SEDIMENT SHALL BE
- WHERE, IN THE OPINION OF EITHER THE CONTRACT ADMINISTRATOR OF A REGULATORY AGENCY, ANY OF THE TERMS SPECIFIED HEREIN HAVE A REGULATORY AGENCY, ANY OF THE TERMS SPECIFIED HEREIN HAVE NOT BEEN COMPLEX WITH THE REPORTMEN IN A SUITABLE MANNEY OR THE REPORT OF THE SPECIFICATION OF THE PERFORMANCE OF THIS SPECIFICATION BY THE CONTRACTOR HAVE BEEN REMEDIED.



1.SILT FENCE TO BE INSPECTED WEEKLY (MIN) AND AFTER ANY RAIN EVENTS

RAIN EVENTS
2-FARRIO TO BE TRENCHED IN, TIGHT AND CONSISTENT BETWEEN
ALL POSTS.
3-ADO ADDITIONAL POST AS REQUIRED.
4-OVERALL FENCE: INSTALLATION TO BE INSTALLED IN STRATEGIC
SEME-CINCLES: WITH THE CROWN OF THE CURVE TO BE IN
STRALEGATION AND EFFECTIVENESS OF THE FENCE.
STABLEGATION AND EFFECTIVENESS OF THE FENCE. 5.AT FACE ALL POST TO BE REMOVED AND FABRIC TO BE CUT FLUSH WITH GROUND - DO NOT PULL FENCE FABRIC FROM

6.SEDIMENT TO BE REMOVED WHEN ACCUMULATION REACHES # SEDIMENT TO BE REMOVED TO AN OFFSITE LOCATION 8.SECURELY ATTACH FILTER FABRIC TO UPSTREAM SIDE POST



ALL WORK AND MATERIALS ARE AS DESCRIBED IN THE REGIONAL MUNICIPALITY OF WOOD BUFFAR. THE REGIONAL MUNICIPALITY OF WOOD BUFFAR. THE RESIDENCE OF THE STANDARD CONSTRUCTION OF THE STANDARD CONSTRUCTION SPECIFICATIONS OR AS OTHERWISE APPROVED BY THE MANAGER OF DEVELOPMENT SERVICES IN THE BROMBERS OF DEVELOPMENT SERVICES IN THE BROMBERS OF DEVELOPMENT STANDARD UTILITIES, REQUIRES STANDARD UTILITIES, REQUIRES STANDARD AND THE STANDARD OF THE STANDARD SERVICES IN THE ROWNERSON OF DEVELOPMENT SERVICES IN THE ROWNERSON OF DEVELOPMENT SERVICES IN THE ROWNERSON OF DEPARTMENT.



213.30 PROPOSED ELEVATION EXISTING ELEVATION 213,30 PROPOSED SLOPE

GRAVEL CONCRETE

---- RETAINING WALL - PROPOSED STORM PIPE

 PROPOSED CATCHBASIN O O O O RIPRAP

NOT FOR CONSTRUCTION

	G	2024.08.29	ADDED RETAINING WALL, TRENCH DRAIN, STO
	F	2024.05.08	ISSUED FOR DEVELOPMENT PERMIT
	Е	2024.05.02	ISSUED FOR APPROVAL
	D	2024.03.14	ISSUED FOR APPROVAL
	С	2024.01.31	ISSUED FOR APPROVAL
	В	2023.11.06	ISSUED FOR APPROVAL
	A	2023.08.14	ISSUED FOR APPROVAL
	NO.	DATE	DESCRIPTION





CONSULTANT NAME

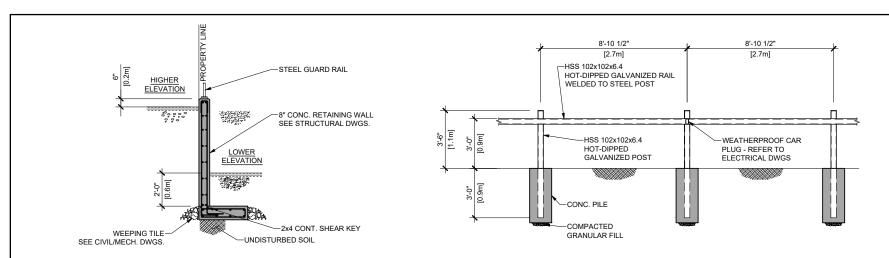


PROJECT NAME

LAKESIDE LIQUOR 193 MACKENZIE AVE, FORT CHIPEWYAN, AB LOT 3 BLOCK 10 PLAN 5642NY

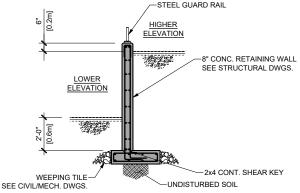
EROSION CONTROL PLAN

IPPROVED BY	CHECKED BY		DRAWN BY	
MHE	EA		RB	
CALE		DATE		
1:200		SEP 24/25		
ROJECT NO.		DRAWING NO.		
23-2279-0	003		C-104	
		TWS-0	CAD-DWISH 61	



### DETAIL - CONCRETE RETAINING WALL @ PROPERTY LINE

- SEE SITE PLAN FOR RETAINING WALL EXTENT AND LOCATIONS



# BARRIER FREE SIGN Ø1 1/2" GALVANIZED POLE-

### **DETAIL - CONCRETE RETAINING WALL**

SCALE: 1/4" = 1'-0"

- SEE SITE PLAN FOR RETAINING WALL EXTENT AND LOCATIONS

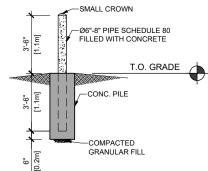
### **DETAIL - BARRIER FREE PARKING SIGNAGE**

STANDARD 18"x12" (450x300)-

- SEE SITE PLAN FOR EXTENT AND LOCATIONS

### **DETAIL - CAR PARK RAILING**

- SEE SITE PLAN FOR EXTENT AND LOCATIONS



### **DETAIL - BOLLARD CONSTRUCTION**

SCALE: 3/4' = 1'-0"



E	2023-11-06	ISSUED FOR REVIEW & COURDINATION			
F	2024-02-02	ISSUED FOR REVIEW & COORDINATION			
NO.	DATE	REVISIONS			
PERM	PERMIT				

**PRELIMINARY** NOT FOR CONSTRUCTION

APPROVED	CHECKED		DRAWN
AO	A	0	MF
SCALE		DATE	
AS SHOWN		FEB 02/24	

PROJECT

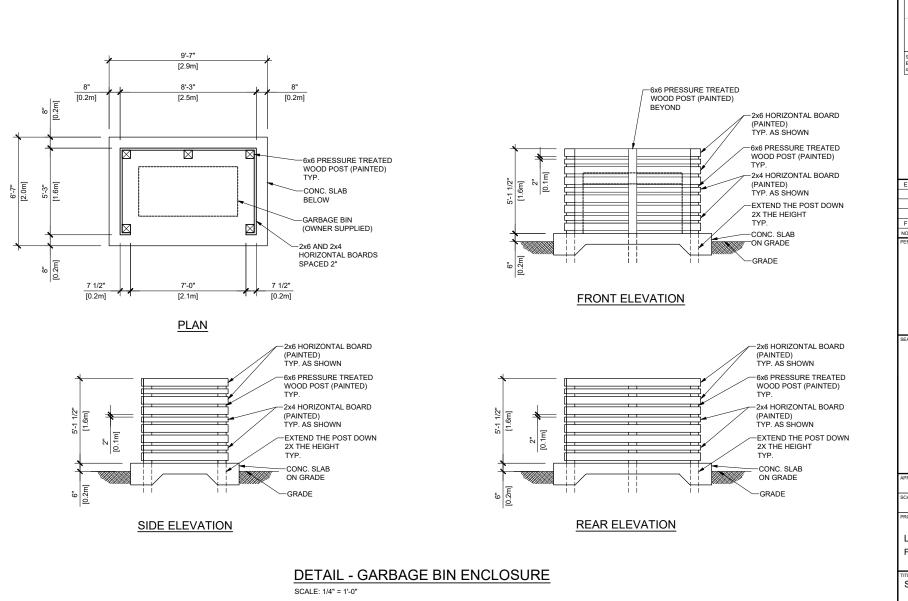
LAKESIDE LIQUOR FORT CHIPEWYAN, AB

SITE PLAN DETAILS

PROJECT NUMBER DRAWING NUMBER

> A1.2 23-2279-003





Engineering Ltd. 9918 - 75 AVENUE Phone: (780) 468-5477
EDMONTON, AB. T6E 1J2 Fax: (780) 465-5368
office@twsengineering.com www.twsengineering.com E 2023-11-06 ISSUED FOR REVIEW & COORDINATION F 2024-02-02 ISSUED FOR REVIEW & COORDINATION NO. DATE REVISIONS **PRELIMINARY** NOT FOR CONSTRUCTION AO AO SCALE AS SHOWN FEB 02/24 PROJECT LAKESIDE LIQUOR FORT CHIPEWYAN, AB SITE PLAN DETAILS PROJECT NUMBER DRAWING NUMBER A1.3 23-2279-003

#### **BUILDING CONSTRUCTION**

EXTERIOR WALLS EIFS ON STEEL STUD WALLS

**FLOOR** 

FINISHED FLOORING ON SLAB ON GRADE

ROOF

SPS ROOF SYSTEM ON METAL ROOF DECK

#### LIMITING DISTANCE CALCULATIONS

	E CLASSIFICATION	E CLASSIFICATION	E CLASSIFICATION	E CLASSIFICATION
	(NORTH WALL)	(SOUTH WALL)	(EAST WALL)	(WEST WALL)
LIMITING DISTANCE:	115'-6" (35.3m)	64'-7" (19.7m)	6'-3" (1.9m)	32'-10" (10m)
WALL LENGTH:	80'-0" (24.4m)	80'-0" (24.4m)	50'-0" (15.2m)	50'-0" (15.2m)
WALL HEIGHT:	25'-0" (7.6m)	22'-0" (6.7m)	27'-6" (8.4m)	27'-6" (8.4m)
RATIO:	XXX	XXX	XXX	XXX
AREA OF UNPROTECTED	356 ft <sup>2</sup> (33.1m <sup>2</sup> )	42 ft <sup>2</sup> (3.9 m <sup>2</sup> )	0	0
OPENINGS CALCULATED	17.13%	2.30%	0%	0%
FROM TABLE				
FIRE RATING REQUIRED	2 HR	2 HR	2 HR	2 HR
COMBUSTIBLE				_
CONSTRUCTION ALLOWED	Υ	N	N	N
COMBUSTIBLE				
CLADDING ALLOWED	N	N	N	N

- CONSTRUCTION OF EXPOSED BUILDING FACE AS PER 2019 ABC 3.2.3.7.

WALL SCHEDULE			
MARK	LOCATION	DESCRIPTION	
W1	EXTERIOR WALL	EXTERIOR FINISH 2" EIFS INSULATION (RAIN SCREEN) ROLL ON AIR BARRIER (VP) 1/2" DENGLASS SHEATHING 6" x 20 Ga. STEEL STUDS @ 16" O.C. R22 BATT INSULATION 6 mil POLY VAPOUR BARRIER 2 LAYERS 5/8" GYPSUM BOARD WALL FINISH	
W2	INTERIOR WALL	WALL FINISH 5/8" GYPSUM BOARD 6" STEEL STUDS @ 16" O.C 5/8" GYPSUM BOARD WALL FINISH	
W3	INTERIOR WALL	WALL FINISH 5/8" GYPSUM BOARD 3 5/8" STEEL STUDS @ 16" O.C 5/8" GYPSUM BOARD WALL FINISH	
W4	INTERIOR WALL	WALL FINISH 5/8" GYPSUM BOARD 6" STEEL STUDS @ 16" O.C. 6" MINERAL FIBER INSULATION 5/8" GYPSUM BOARD WALL FINISH -OR- INSULATED METAL PANELS (IMP)	

FOR COLD STORAGE APPLICATION

WALL SCHEDULE

WINDOW SCHEDULE					
MARK	WIDTH	HEIGHT	COUNT	DESCRIPTION	
(A1)	7'-0"	1'-6"	4	EXTERIOR WINDOW	
(A2)	10'-0"	8'-0"	1	MAIN ENTRANCE WINDOW AROUND DOUBLE SLIDING DOOR	

	DOOR SCHEDULE					
MARK	WIDTH	HEIGHT	COUNT	DESCRIPTION		
(D1)	3'-4"	7'-0"	2	EXTERIOR MANDOOR		
D2)	6'-0"	8'-0"	1	MAIN ENTRANCE DOUBLE SLIDING DOOR		
D3)	8'-0"	8'-0"	1	STORAGE ROOM OVERHEAD DOOR		
D4	10'-0"	12'-0"	1	COLD STORAGE ROOM OVERHEAD DOOR		
<u>D5</u>	3'-4"	7'-0"	1	TYPICAL MANDOOR		
D6	6'-0"	7'-0"	1	TYPICAL DOUBLE MANDOOR		

#### FIRE RATINGS, ETC REQUIRED

- FLOOR ASSEMBLIES SHALL BE FIRE SEPARATIONS AND, IF OF COMBUSTIBLE CONSTRUCTION, SHALL HAVE A FIRE-RESISTANCE RATING NOT LESS THAN 45 MIN,
- MEZZANINES SHALL HAVE. IF OF COMBUSTIBLE CONSTRUCTION. A FIRE-RESISTANCE RATING NOT LESS THAN 45 MIN,
- ROOF ASSEMBLIES SHALL HAVE, IF OF COMBUSTIBLE CONSTRUCTION, A FIRE-RESISTANCE RATING NOT LESS THAN 45 MIN.
- LOADBEARING WALLS, COLUMNS AND ARCHES SUPPORTING AS ASSEMBLY REQUIRED TO HAVE A FIRE-RESISTANCE RATING SHALL i) HAVE A FIRE-RESISTANCE RATING NOT LESS THAN 45 MIN,
- ii) BE OF NONCOMBUSTIBLE CONSTRUCTION. 1 HR 1 HR FRR/FIRE SEPARATION AND MECHANICAL UTILITY ROOMS.
- 2 HR FRR/FIRE SEPARATION BETWEEN SUITES.
- FIRE ALARM SYSTEM IS NOT REQUIRED.
- STANDPIPE & HOSE SYSTEM IS NOT REQUIRED.

#### SETBACK REQUIREMENTS

MINIMUM LOT AREA: 465m<sup>2</sup> MINIMUM LOT WIDTH: 16.0m

MINIMUM YARD SETBACKS

FRONT: AT THE DISCRETION OF THE DEVELOPMENT OFFICER SIDE: 4.5m OR 10% OF THE LOT WIDTH, WHICHEVER IS LESS

REAR: 7.5m

MAXIMUM HEIGHT: 10.0m



9918 - 75 AVENUE Phone: (780) 468-5477
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office@twsengineering.com www.twsengineering.com

2023-11-06	ISSUED FOR REVIEW & COORDINATION
2024-02-02	ISSUED FOR REVIEW & COORDINATION
DATE	REVISIONS
	2024-02-02

SEAL

**PRELIMINARY** NOT FOR CONSTRUCTION

APPROVED	CHECKED		DRAWN
AO	AO		MF
SCALE		DATE	
AS SHOWN	1	F	EB 02/24

PROJECT

LAKESIDE LIQUOR FORT CHIPEWYAN, AB

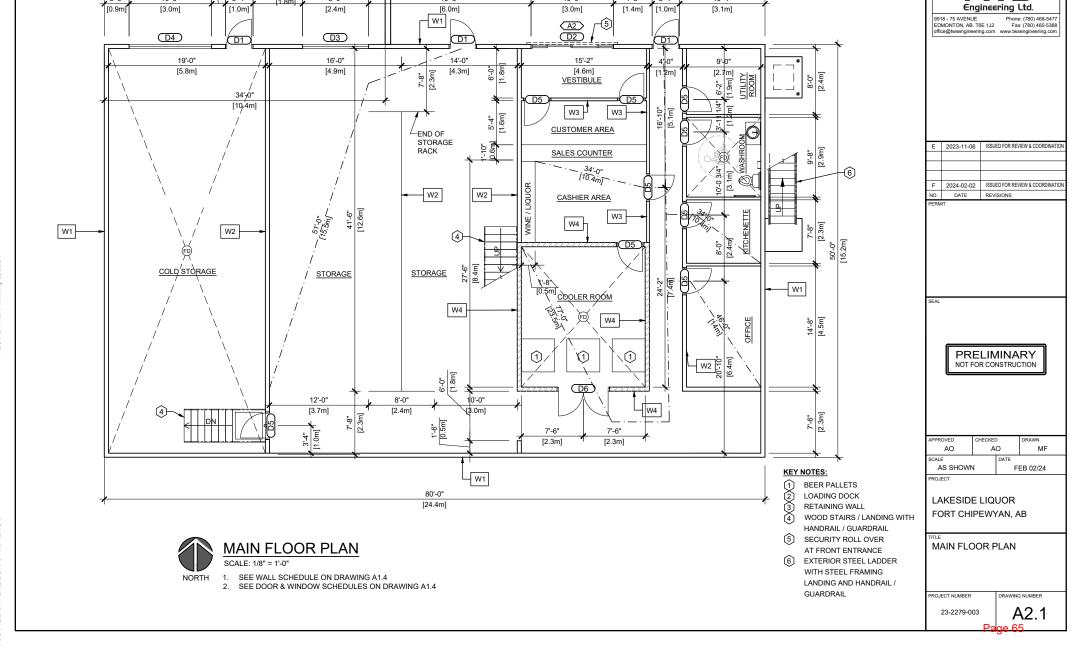
PROJECT INFORMATION, CODE ANALYSIS, & **SCHEDULES** 

PROJECT NUMBER

DRAWING NUMBER

23-2279-003

A1.4



10'-0"

10'-4"

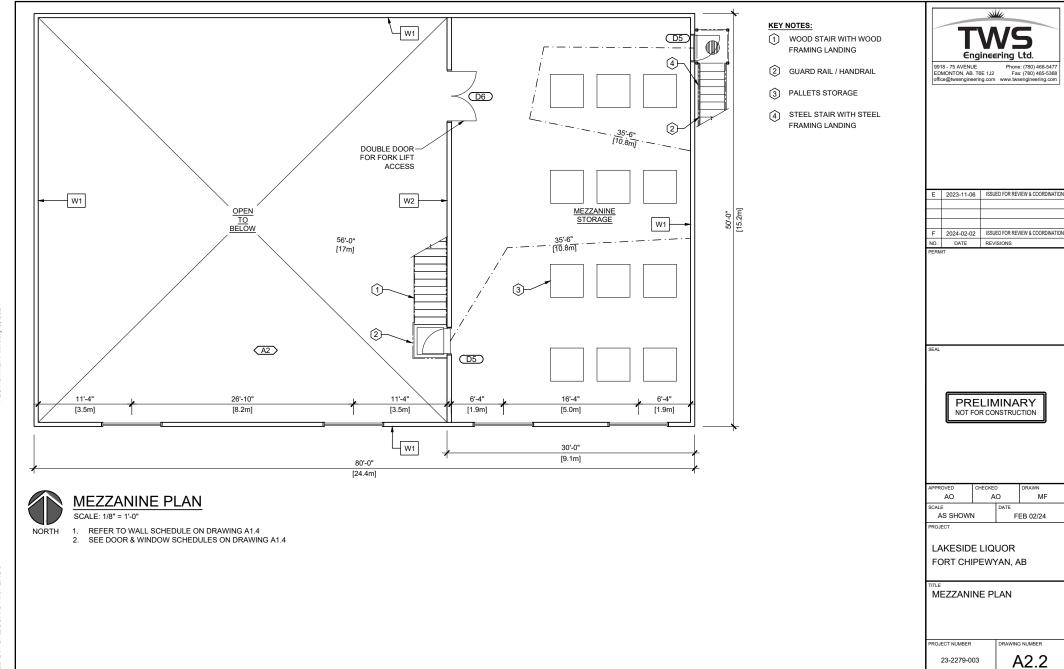
-2-1

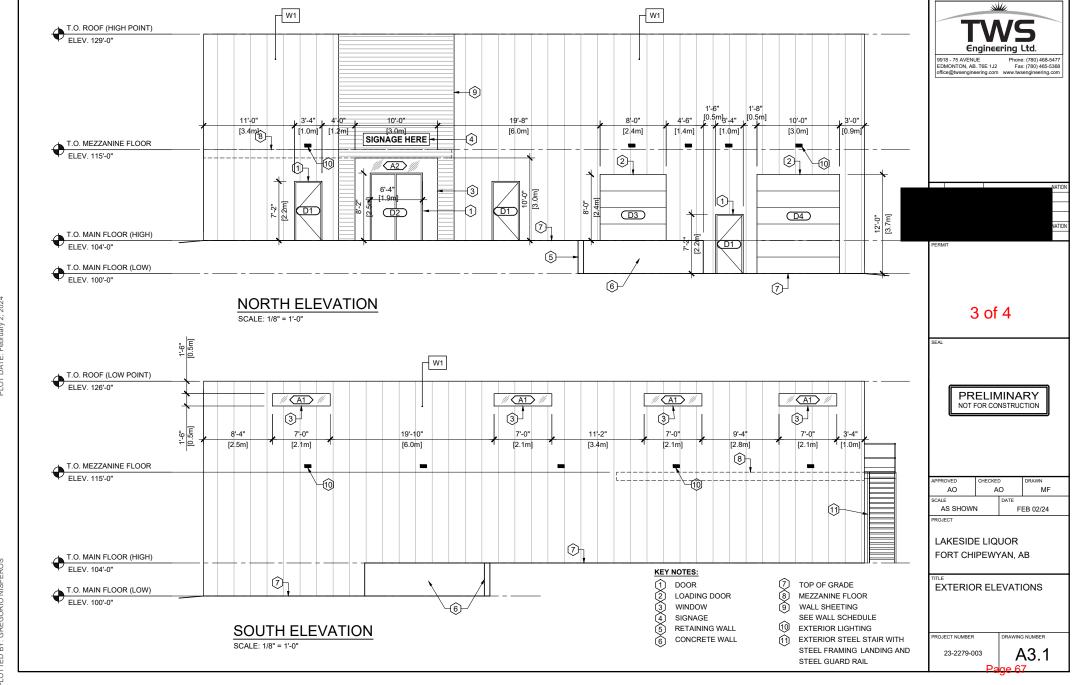
8'-0"

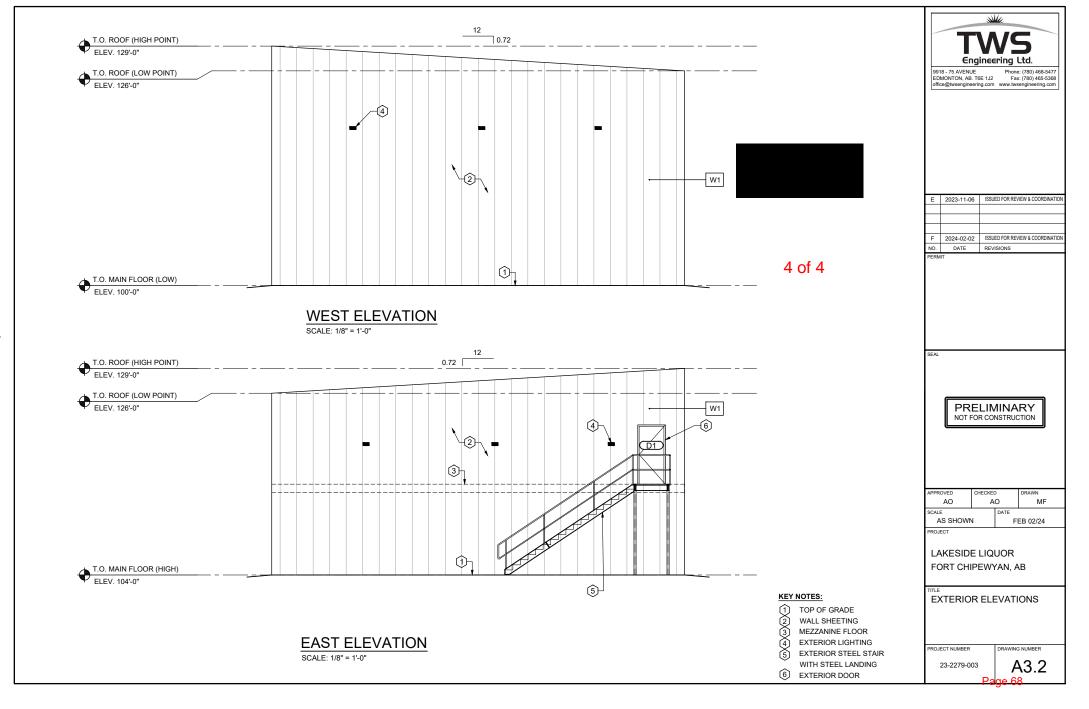
6'-0"

3'-0"

10'-0"









September 26, 2025



### NOTICE TO FORT CHIPEWYAN RESIDENTS

Application for Development Permit 2025-DP-00169 LOT 3 BLOCK 10 PLAN 5642NY; 193 Mackenzie Avenue FORT CHIPEWYAN, ALBERTA

It was the decision of the Development Officer to approve Development Permit **2025-DP-00169** which allows the Applicant to develop a **Liquor Store**, **Office and Warehouse** at the above-named site. A physical copy of the Development Permit 2025-DP-00169 is available at the Fort Chipewyan municipal contact office.

You are being informed of this development because you are a resident of Fort Chipewyan. You have the right to appeal this decision to the Subdivision and Development Appeal Board. If you wish to exercise this right, written notice of appeal must be received by the Secretary of the Subdivision and Development Appeal Board within 21 days of the date of this notice. Appeal Forms are available from the Planning and Development Services Division or the Fort Chipewyan municipal contact office and must be forwarded to:

By mail: The Regional Municipality of Wood Buffalo

Attention: Legislative Services 9909 Franklin Avenue – 7<sup>th</sup> Floor Fort McMurray, AB, T9H 2K4

By e-mail: SDAB@rmwb.ca

If a reply is not received by **October 17, 2025** it shall be assumed that you have no comments or concerns regarding this application. Any major concerns arising from this circulation will be heard by the Subdivision and Development Appeal Board.

If you have questions regarding the application, please contact the undersigned. Questions regarding the appeal process must be directed to the Clerk of the Subdivision & Development Appeal Board at 780-743-7001 or email SDAB@rmwb.ca.

Sincerely,

Phyllis Agyemang, Planner I Planning & Development Services

Phyllis.Agyemang@rmwb.ca | 780-743-7084

Page 69



October 3, 2025

### Iotice of Development Permit Approval 2025-DP-00169: Liquor Store, Office, and Warehouse

Dear Chief Adam,

I am writing to inform you that the Regional Municipality of Wood Buffalo has approved a development application for the proposed establishment of a Liquor Store, Office, and Warehouse at **193 Mackenzie Avenue (Lot 3; Block 10; Plan 5642NY)** in **Fort Chipewyan**.

The proposed development includes the establishment of a **temporary liquor store** for a period of up to one year, followed by a **permanent development** that will include a liquor store, office, and warehouse. A physical copy of the Development Permit 2025-DP-00169 is available at the Fort Chipewyan municipal contact office.

As part of our community engagement process, we are reaching out to all Nations and residents who may be impacted by this proposed development on the decision made.

If you wish to exercise your right to appeal this decision to the Subdivision and Development Appeal Board, a written notice of appeal must be received by the Secretary of the Subdivision and Development Appeal Board within 21 days of the date of this notice. Appeal Forms are available from the Planning and Development Services Division, the Fort Chipewyan municipal contact office, or online at <a href="https://www.rmwb.ca">www.rmwb.ca</a> and must be forwarded to:

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By e-mail: <u>SDAB@rmwb.ca</u>

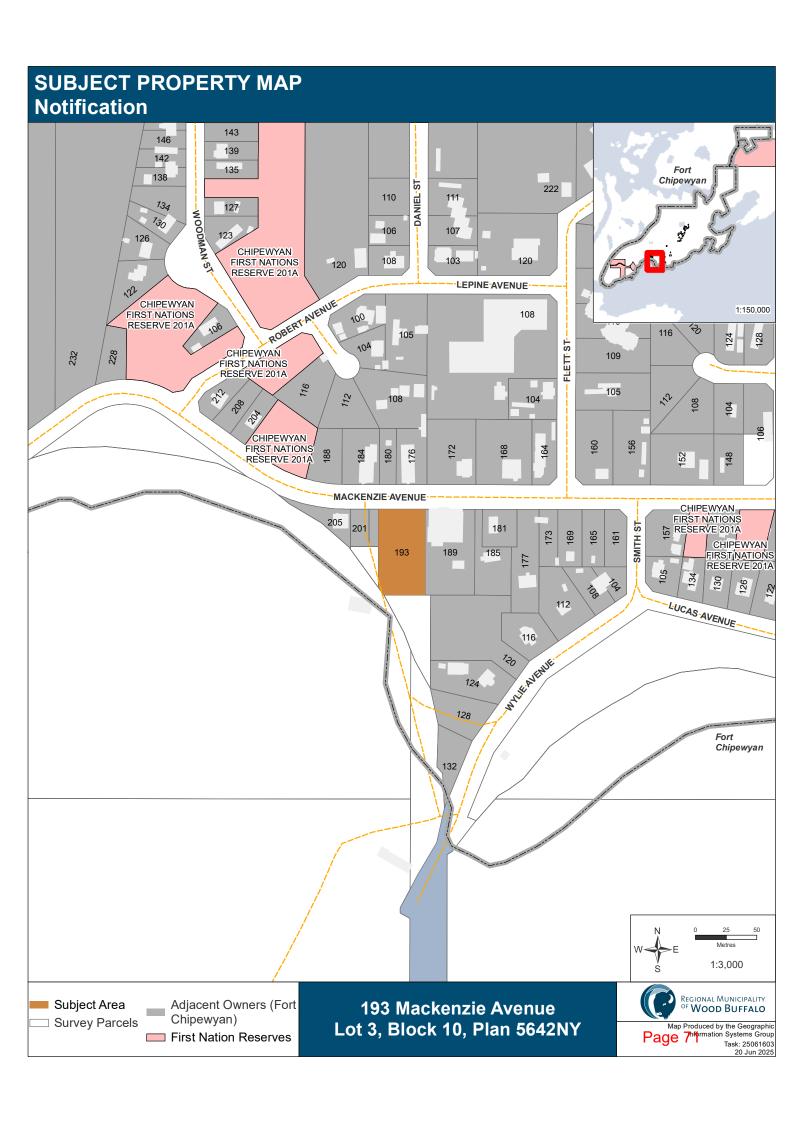
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Sincerely,

Amanda Owens
Director, Planning & Development Services
Regional Municipality of Wood Buffalo

Page 70





October 3, 2025

# otice of Development Permit Approval 2025-DP-00169: Liquor Store, Office, and Warehouse

Dear President Cardinal,

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By e-mail: <u>SDAB@rmwb.ca</u>

If a reply is not received by **October 17, 2025** it shall be assumed that you have no comments or concerns regarding this application. Any major concerns arising from this circulation will be heard by the Subdivision and Development Appeal Board.

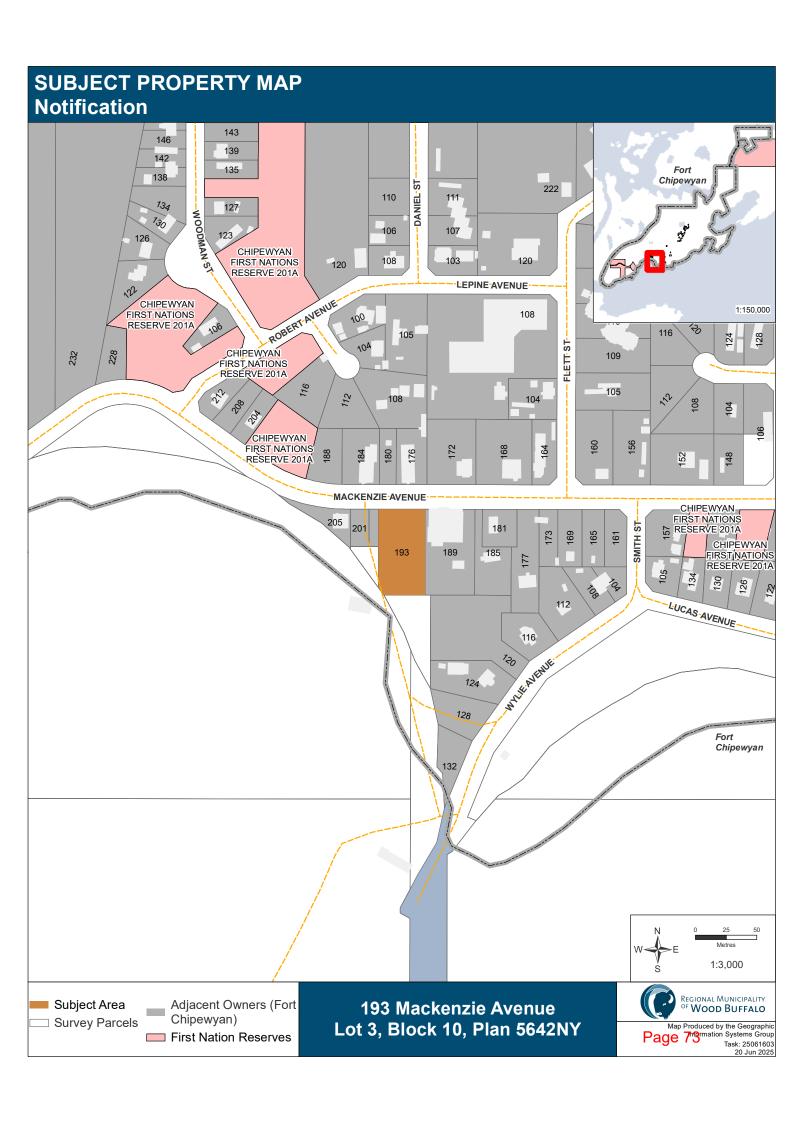
If you have questions regarding the application, please contact **Phyllis Agyemang**, Planner I, Development Officer, via email at **Phyllis.Agyemang@rmwb.ca** or by phone at 780-743-7084. Questions regarding the appeal process must be directed to the Clerk of the Subdivision & Development Appeal Board at 780-743-7001 or email SDAB@rmwb.ca.

Sincerely,

Amanda Owens
Director, Planning & Development Services
Regional Municipality of Wood Buffalo

Page 72

9909 Franklin Avenue, Fort McMurray, AB, T9H 2K4





October 3, 2025

## Iotice of Development Permit Approval 2025-DP-00169: Liquor Store, Office, and Warehouse

**Dear Chief Tuccaro** 

I am writing to inform you that the Regional Municipality of Wood Buffalo has approved a development application for the proposed establishment of a Liquor Store, Office, and Warehouse at **193 Mackenzie Avenue (Lot 3; Block 10; Plan 5642NY)** in **Fort Chipewyan**.

The proposed development includes the establishment of a **temporary liquor store** for a period of up to one year, followed by a **permanent development** that will include a liquor store, office, and warehouse. A physical copy of the Development Permit 2025-DP-00169 is available at the Fort Chipewyan municipal contact office.

As part of our community engagement process, we are reaching out to all Nations and residents who may be impacted by this proposed development on the decision made.

If you wish to exercise your right to appeal this decision to the Subdivision and Development Appeal Board, a written notice of appeal must be received by the Secretary of the Subdivision and Development Appeal Board within 21 days of the date of this notice. Appeal Forms are available from the Planning and Development Services Division, the Fort Chipewyan municipal contact office, or online at <a href="https://www.rmwb.ca">www.rmwb.ca</a> and must be forwarded to:

By mail: Regional Municipality of Wood Buffalo

Attention: Legislative Services 9909 Franklin Avenue – 7<sup>th</sup> Floor Fort McMurray, AB, T9H 2K4

By e-mail: <u>SDAB@rmwb.ca</u>

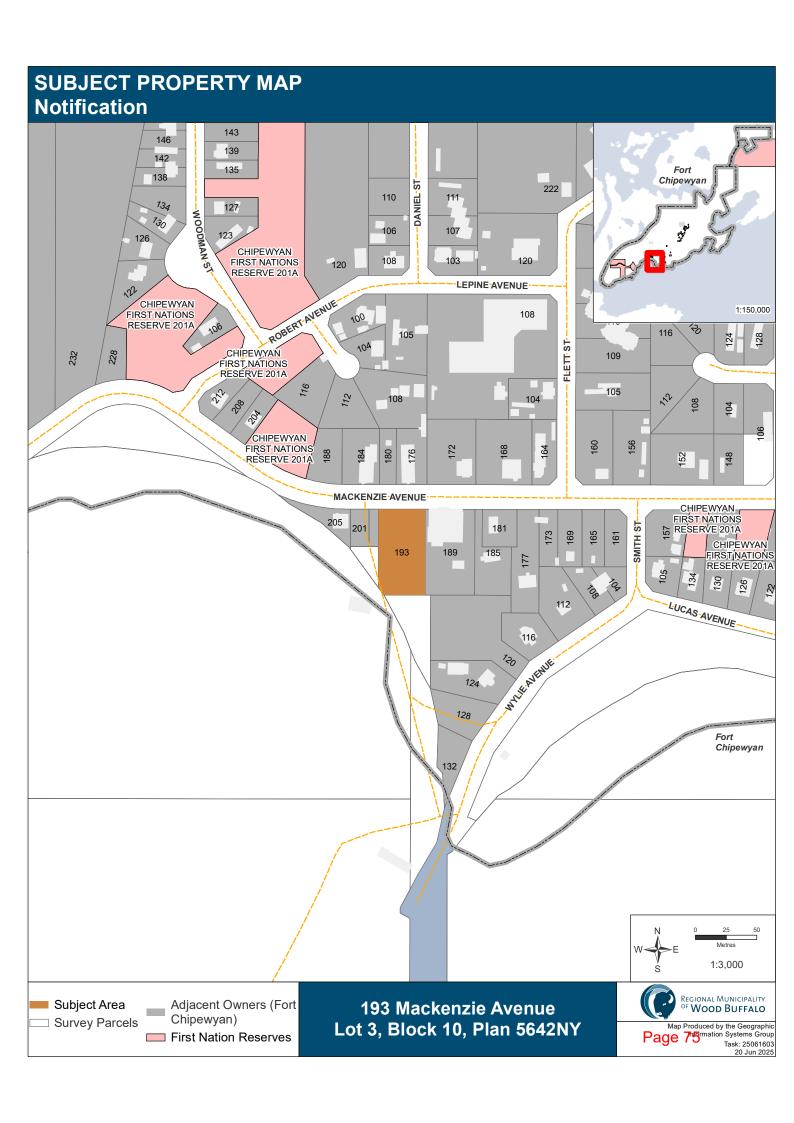
If a reply is not received by **October 17, 2025** it shall be assumed that you have no comments or concerns regarding this application. Any major concerns arising from this circulation will be heard by the Subdivision and Development Appeal Board.

If you have questions regarding the application, please contact **Phyllis Agyemang**, Planner I, Development Officer, via email at **Phyllis.Agyemang@rmwb.ca** or by phone at 780-743-7084. Questions regarding the appeal process must be directed to the Clerk of the Subdivision & Development Appeal Board at 780-743-7001 or email SDAB@rmwb.ca.

Sincerely,

Amanda Owens
Director, Planning & Development Services
Regional Municipality of Wood Buffalo

Page 74





August 21, 2025

Regional Municipality of Wood Buffalo

Dear Sir/Madam:

Re: Mikisew Objection to Liquor Store Permit

Notice of Development Application 2025-DP-00169 - Liquor Store

Please consider the enclosed Mikisew Cree First Nation's objection – again – to the resubmission of an application for the same revoked permit for a liquor store in the heart of our community, Fort Chipewyan.

Mikisew was successful at the Court of Appeal in challenging the municipality's first attempt to allow liquor sales in our community at this location (193 Mackenzie Avenue, Lot 3; Block The Court of Appeal, citing the Board's decision, stated:

As a result of those safety considerations [concerning alcohol use in the community] The Board concludes that the proposed development is not compatible with the adjacent uses. . . .

138. As a result of the Board's conclusion that the proposed development is incompatible with the neighbouring uses . . . The development permit is revoked.<sup>1</sup>

Having been successful all the way to the Court of Appeal, Mikisew did not receive proper notice of the re-submitted application from the Regional Municipality of Wood Buffalo (RMWB). **Tab 1** is a copy of the email from our member where our Nation became aware of this resubmissions when, on August 12, 2025.

<sup>1</sup> Roy v Wood Buffalo (Subdivision and Development Appeal Board), 2025 ABCA 69 (CanLII), at para 7.



After receiving this email and upon review of emails, it appeared that the generic email (from a previously unknown sender and not indicating RMWB in the subject line) went undetected as junk in the chief and ceo emails only. Please send all notices to our band office and also to <a href="mailto:chiefandcouncil@mikisewcree.ca">chiefandcouncil@mikisewcree.ca</a> with a read receipt to ensure this does not happen again.

It also does not appear that our legitimate expectations regarding notice, throughout the community, were met this time around. For example, some of our Council live in the immediate vicinity of 193 Mackenzie Avenue, and did not receive a notice regarding this application.

Moreover, this will be the second time the notice period is condensed in the middle of summer - a time when our members and Nation are exercising their Treaty and inherent rights, but also precisely on the day (July 16, 2025) when we were in Ottawa meeting with Prime Minster Carney at the widely advertised First Nations Summit.

Notwithstanding our objections to the adequacy, manner and timing of notice, we are providing this objection within 10 days of becoming aware of this application. Given this time submit the results of an updated member survey when they become

#### We submit as follows and enclosed:

Mikisew reiterates the safety considerations with a liquor store in community, with easy access for members with substance abuse issues but most importantly easy access for our youth. At the hearing before the SDAB Board, Mikisew advised the board of youth suicides that occurred under the influence of alcohol. Moreover, it is obvious that alcohol relates to serious safety issues in our small community. Enclosed at **Tab 2** is a copy of the incidents this year alone, until August 14, 2025, that are alcohol related. There are 241 incidents for a community of approximately 1000. This is extraordinary given the limited policing resources in our community.



Indeed, our Nation's employees and officials have noticed a decline in youth drinking in the community since the closure of the illegal liquor store (HEP). This has been a welcome improvement.

We also remind RMWB that under Treaty 8 the Crown promised us they would control the sale of liquor in our territory. Fort Chipewyan is predominantly Mikisew members. We enclose therefore at **Tab 3** the expert opinion of Dr. Darcy Lindberg in this regard. The Crown cannot evade its obligations by delegating permitting powers to the municipality.

Granting this licence has at least the *potential* to impact our Treaty relationship and Treaty rights, if not infringe them. Our claim to protection from liquor sales under Treaty 8 is credible as evidenced in Dr. Lindbergh's report. As such there is a duty to consult that arises. Since at least 2017, it is now clear that administrative bodies, such as municipalities, can and must discharge the duty to consult. Recognition of a duty to consult owing to Mikisew is evident in the consultation policy.

Indeed, the RMWB receives a windfall in resource revenue sharing from the impacts to our ause of oil sands development. By contrast, despite our constitutional nent receives <u>nothing</u> in the way of revenue sharing. In February, 2024, we also became aware of funding that was provided to RMWB by the federal public safety department for addictions and prevention measures, which our community was not made aware of. Instead, RMWB has proposed to contribute to the problem by approving a liquor permit in our community.

In addition, we know from research conducted following the Imperial Kearl spill that the land dispossession caused by industrial disturbance caused mental health harm to our members and, therefore, by extension, potential for further substance abuse issues in our community. RMWB has done nothing to assist in mitigating this real problem. By contrast, Mikisew has called a State of Emergency.



Even if RMWB maintains they are exempt from the duty to consult, please be advised that RMWB is not exempt from considering whether an application is in the public interest<sup>2</sup> and whether it is compatible with the surrounding use.<sup>3</sup> It is not in the public interest nor is it compatible with the surrounding use, as already found by the municipality's own board, to contribute to substance abuse and intergenerational trauma in a predominantly First Nation community like Fort Chipewyan through the sale of liquor at 193 Mackenzie Avenue.

In closing, given the short and dishonourable window of time to respond, again, we are enclosing and relying on our previous submissions, **Tab 4**, also submitted in haste, in response to RMWB's proposal to approve this permit again.

We trust this is sufficient to put this issue to rest and join us in protecting our community.

Hiy Hiy,

Chief Billy-Joe Tuccaro Mikisew Cree First Nation

Encl (4)

cc. <u>Chiefandcouncil@mikisewcree.ca</u> <u>ceo@mikisewcree.ca</u> RMWB via email

<sup>&</sup>lt;sup>2</sup> Municipal Government Act, RSA 2000, c M-26, <u>s 617</u>; Fort McKay First Nation v Prosper Petroleum Ltd, 2020 ABCA 163 (CanLII), at <u>para 43</u>.

<sup>&</sup>lt;sup>3</sup> Rossdale Community League (1974) v. Edmonton (Subdivision and Development Appeal Board), 2009 ABCA 261 (CanLII), at para 14.

Subject: Re: Liquor Store

Date: Thursday, August 21, 2025 at 10:15:33 AM Mountain Daylight Saving Time

From: Orlagh O'Kelly

From: Danny Mercredi <

**Sent:** Tuesday, August 12, 2025 9:42:43 PM

**To:** Chief Billy-Joe Tuccaro < <a href="mailto:chief@mikisewcree.ca">chief@mikisewcree.ca</a>>

**Cc:** Councillor Bonnie Fraser < bonnie.fraser@mikisewcree.ca >; Councillor Sherri McKenzie

<<u>sherri.mckenzie@mikisewcree.ca</u>>; Councillor Tammie Tuccaro

<tammie.tuccaro@mikisewcree.ca>; Councillor Paul Tuccaro

<paul.tuccaro@mikisewcree.ca>; Councillor Dillon Whitehead

<a href="mailto:</a><a href="mailto:color:blue-recorder-color:blue

<roxanne.marcel@mikisewcree.ca>

Subject: Fwd: Liquor Store

## Sent from my iPhone

## Begin forwarded message:

From: Danny Mercredi <d

Date: August 12, 2025 at 9:41:12 PM MDT

To: permit.inquiries@rmwb.ca

**Subject: Liquor Store** 

ALERT!!!

### Sharing;

The increasing presence and promotion of liquor stores in many First Nation communities are deeply troubling, especially given the ongoing struggles with alcohol addiction faced by many members. Alcohol is widely recognized as one of the most harmful drugs, capable of destroying families, health, and community cohesion. By allowing the proliferation of liquor stores, it feels as though opportunities to support members in overcoming addiction and promoting healthier lifestyles are being overlooked. Instead of fostering environments that empower recovery and well-being, these stores often contribute to the cycle of dependence and loss.

It is crucial for communities and leadership to prioritize initiatives that help members get off alcohol and build stronger, healthier

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Sent from my iPhone

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	Occ#	Unit	Туре
1)	2024102328	K DIV FORT	Mischief - Obstruct enjoyment of property
٠,	0	CHIPEWYAN	430(3)&(4) CC
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2)	2024103654	K DIV FORT	Mischief - Obstruct enjoyment of property
-,	3	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	100(0)(4)100
3)	2024105476	K DIV FORT	Assistance to Canadian Provincial/Territorial
-,	8	CHIPEWYAN	Dept/Agency
		DETACHMENT	2 op w. igonoy
4)	2024105900	K DIV FORT	Wellbeing Check (FIP)
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		DETACHMENT	
5)	2024106934	K DIV FORT	Uttering threats against a person 264.1(1)(a) CC
	3	CHIPEWYAN	(FIP)
		DETACHMENT	
6)	2024107551	G DIV FORT	Wellbeing Check (FIP)
	4	SMITH	
		DETACHMENT	
7)	2024109153	G DIV FORT	Mischief - Obstruct enjoyment of property
		-SMITH	-430(3)&(4)·CC
		DETACHMENT	
8)	2024109909	K DIV FORT	Mischief - Obstruct enjoyment of property
	2	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
9)	2024109970	K DIV FORT	Mischief - Obstruct enjoyment of property
	7 [Fv]	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
10)	2024110974	K DIV FORT	Breach of Peace
	[Fv]	CHIPEWYAN	
		DETACHMENT	
11)	2024111912	K DIV FORT	Breach of Peace
	5	CHIPEWYAN	
		DETACHMENT	
12)	2024113972	K DIV FORT	Mischief - Obstruct enjoyment of property
	2	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	

13)	2024114313	K DIV FORT	Breach of Peace
		CHIPEWYAN	
		DETACHMENT	
14)	2024114599	K DIV FORT	Moving Traffic - Speeding Violations -
	0	CHIPEWYAN	Provincial/Territorial
		DETACHMENT	
15)	2024115236	K DIV FORT	Mental Health Act - Other Activities (FIP)
	8	CHIPEWYAN	
		DETACHMENT	
16)	2024116787	K DIV FORT	Assist General Public
,	7	CHIPEWYAN	
		DETACHMENT	·
17)	2024117002	K DIV FORT	Uttering threats against a person 264.1(1)(a) CC
, ·	[Fv]	CHIPEWYAN	(FIP)
		DETACHMENT	
18)	2024117174	K DIV FORT	Assault 266 CC (FIP)
<b>'</b>	9	CHIPEWYAN	
		DETACHMENT	
19)	2024119280	K DIV FORT	Mental Health Act - Other Activities (FIP)
'-'	1	CHIPEWYAN	
		DETACHMENT	
20)	2024121993	K DIV FORT	Assist General Public
	2	CHIPEWYAN	
		DETACHMENT	
21)	2024122141	K DIV FORT	Assault 266 CC (FIP)
,	9 [M,Fv]	CHIPEWYAN	
	• • •	DETACHMENT	
22)	2024123322	K DIV FORT	Assist General Public
	4	CHIPEWYAN	
		DETACHMENT	
23)	2024123370	K DIV FORT	Assist General Public
,	7	CHIPEWYAN	
		DETACHMENT	
24)	2024124015	K DIV FORT	Wellbeing Check (FIP)
<del>,</del>	-021121013	CHIPEWYAN	
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25)	2024125020	K DIV FORT	Other Provincial/Territorial Statutes (not
,	5	CHIPEWYAN	otherwise specified) - Other Activities
	· ·	DETACHMENT	
26)	2024126662	K DIV FORT	Assault 266 CC (FIP)
,	5	CHIPEWYAN	
		DETACHMENT	

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27)	2024126751	K DIV FORT	Assist General Public
	2	CHIPEWYAN	
		DETACHMENT	
28)	2024128139	K DIV FORT	Other Moving Traffic Violations -
	9	CHIPEWYAN	Provincial/Territorial
	· · · · · · · · · · · · · · · · · · ·	DETACHMENT	
29)	2024128766	K DIV FORT	Assault 266 CC (FIP)
		CHIPEWYAN	
		DETACHMENT	
30)	2024131840	K DIV FORT	Other Provincial/Territorial Statutes (not
	4	CHIPEWYAN	otherwise specified) - Offences Only
		DETACHMENT	
31)	2024135376	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
	3	CHIPEWYAN	Activities
		DETACHMENT	
32)	20241367	K DIV FORT	Disturbing the peace/Causing a disturbance
		CHIPEWYAN	175(1) CC
		DETACHMENT	
33)	2024138466	K DIV FORT	Breach of Peace
′	5	CHIPEWYAN	·
		DETACHMENT	
34)	2024138606	K DIV FORT	Liquor Act (Provincial/Territorial) - Offences
	1	CHIPEWYAN	Only
		DETACHMENT	
35)	2024139775	K DIV FORT	Mischief - Obstruct enjoyment of property
′	3	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
36)	2024140251	K DIV FORT	Mischief - Obstruct enjoyment of property
′	9	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
37)	2024142406	K DIV FORT	Assault 266 CC (FIP)
′	6	CHIPEWYAN	
		DETACHMENT	
38)	2024143177	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
'	3 [Fv]	CHIPEWYAN	Activities
	- 1- 1	DETACHMENT	
39)	2024143578	K DIV FORT	Suspicious Person/ Vehicle/ Property
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		DETACHMENT	
40)	2024146241	K DIV FORT	Mischief - Obstruct enjoyment of property
',	8	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	100/0/06/1/00
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41)	2024146632	K DIV FORT	Mischief - Obstruct enjoyment of property
'''	0	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
42)	2024146763	K DIV FORT	Mental Health Act - Other Activities (FIP)
	7	CHIPEWYAN	
		DETACHMENT	
43)	2024147676	K DIV FORT	Crime Prevention
	8	CHIPEWYAN	
		DETACHMENT	
44)	2024148892	K DIV FORT	Crime Prevention
·	5	CHIPEWYAN	
		DETACHMENT	•
45)	2024154366	G DIV FORT	Mental Health Act - Other Activities (FIP)
	1	SMITH	
		DETACHMENT	·
46)	2024154930	K DIV FORT	Breach of Peace
	9 [Fv]	CHIPEWYAN	
		DETACHMENT	
47)	2024155316	K DIV FORT	Assault 266 CC (FIP)
	4 [Fv]	CHIPEWYAN	
		DETACHMENT	,
48)	2024157424	K DIV FORT	Breach of Peace
	8	CHIPEWYAN	
		DETACHMENT	
49)	2024158145	K DIV FORT	Traffic Collision(s) - Property Damage -
	3	CHIPEWYAN	Reportable
		DETACHMENT	
50)	2024158380	K DIV FORT	Breach of Peace
	7	CHIPEWYAN	
		DETACHMENT	
51)	2024158735	K DIV FORT	Breach of Peace
	0	CHIPEWYAN	
		DETACHMENT	
52)	2024158991	K DIV FORT	Wellbeing Check (FIP)
	6	CHIPEWYAN	
		DETACHMENT	
53)	2024159939	K DIV FORT	Suspicious Person/ Vehicle/ Property
	9	CHIPEWYAN	
		DETACHMENT	
54)	2024160442	K DIV FORT	Assault With Weapon or Causing Bodily Harm
	7	CHIPEWYAN	267 CC (FIP)
		DETACHMENT	

55)	2024161641	K DIV FORT	Other Moving Traffic Violations -
′	5	CHIPEWYAN	Provincial/Territorial
		DETACHMENT	
56)	2024162202	K DIV FORT	Other Moving Traffic Violations -
'	2	CHIPEWYAN	Provincial/Territorial
		DETACHMENT	
57)	2024162241	K DIV FORT	Assault 266 CC (FIP)
	9 [Fv]	CHIPEWYAN	
		DETACHMENT	
58)	2024162268	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
	5	CHIPEWYAN	Activities
		DETACHMENT	
59)	2024162292	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
	2	CHIPEWYAN	Activities
		DETACHMENT	
60)	2024162309	K DIV FORT	Assist General Public
	1	CHIPEWYAN	
		DETACHMENT	
61)	2024162309	K DIV FORT	Assault 266 CC (FIP)
	2	CHIPEWYAN	
		DETACHMENT	
62)	2024165828	K DIV FORT	Mischief - Obstruct enjoyment of property
	4	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	·
63)	2024169045	-K-DIV-FORT	Operation-while-impaired-(alcohol)/over-80mg%
	9	CHIPEWYAN	of Motor Vehicle 320.14(1)(a)/(b) CC
		DETACHMENT	· · ·
64)	2024169125	K DIV FORT	Crime Prevention
	9	CHIPEWYAN	
		DETACHMENT	-
65)	2024169140	K DIV FORT	Wellbeing Check (FIP)
		CHIPEWYAN	
		DETACHMENT	•
66)	2024170429	K DIV FORT	Wellbeing Check (FIP)
	5	CHIPEWYAN	
		DETACHMENT	
67)	2024170546	K DIV FORT	Sexual Assault 271 CC (FIP)
	7	CHIPEWYAN	
		DETACHMENT	
68)	2024171318	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
	9	CHIPEWYAN	Activities
		DETACHMENT	

69)	2024172216	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
,	2	CHIPEWYAN	Activities
		DETACHMENT	
70)	2024175155	K DIV FORT	Breach of Peace
′	1	CHIPEWYAN	
		DETACHMENT	
71)	2024178404	K DIV FORT	Other Moving Traffic Violations -
'	0	CHIPEWYAN	Provincial/Territorial
		DETACHMENT	
72)	2024179644	K DIV FORT	Discharge firearm with intent 244 CC (FIP)
	2	CHIPEWYAN	
		DETACHMENT	,
73)	2024179666	K DIV FORT	Disturbing the peace/Causing a disturbance
,	6	CHIPEWYAN	175(1) CC
		DETACHMENT	
74)	2024179884	K DIV FORT	Harassing communications 372(3) CC (FIP)
	9	CHIPEWYAN	
		DETACHMENT	
75)	2024180090	K DIV FORT	Wellbeing Check (FIP)
	6	CHIPEWYAN	
		DETACHMENT	
76)	2024183733	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
	3	CHIPEWYAN	Activities
		DETACHMENT	
77)	2024183827	K DIV FORT	Mental Health Act - Other Activities (FIP)
	2	CHIPEWYAN	
		DETACHMENT	
78)	2024184563	K DIV FORT	Traffic Collision(s) - Property Damage -
	3	CHIPEWYAN	Reportable
		DETACHMENT	
79)	2024186837	K DIV FORT	Mental Health Act - Other Activities (FIP)
	8	CHIPEWYAN	
		DETACHMENT	
80)	2024186966	K DIV FORT	Mischief - Obstruct enjoyment of property
	0	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
81)	2024188708	K DIV FORT	Breach of Peace
	9 [Fv]	CHIPEWYAN	
		DETACHMENT	
82)	2024193208	K DIV FORT	Mental Health Act - Other Activities (FIP)
		CHIPEWYAN	
		DETACHMENT	

83)	2024194219	K DIV FORT	911 Act - Offences Only
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		DETACHMENT	
84)	2024203767	K DIV FORT	Assault 266 CC (FIP)
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		DETACHMENT	
85)	2024208841	K DIV FORT	911 Act - Offences Only
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		DETACHMENT	
86)	2024211397	K DIV FORT	Wellbeing Check (FIP)
'		CHIPEWYAN	
		DETACHMENT	
87)	2024240605	K DIV FORT	Other Moving Traffic Violations -
		CHIPEWYAN	Provincial/Territorial
		DETACHMENT	
88)	2024251908	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
		CHIPEWYAN	Activities
		DETACHMENT	
89)	202425940	K DIV FORT	Mischief - Obstruct enjoyment of property
		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
90)	2024261551	K DIV FORT	Mischief - Obstruct enjoyment of property
		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
91)	2024269059	K DIV FORT	Mischief - Obstruct enjoyment of property
		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	· · · · · · · · · · · · · · · · · · ·
92)	2024300733	K DIV FORT	911 Act - Offences Only
		CHIPEWYAN	
		DETACHMENT	
93)	2024310987	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
		CHIPEWYAN	Activities
		DETACHMENT	
94)	2024321251	K DIV FORT	Mental Health Act - Other Activities (FIP)
		CHIPEWYAN	
		DETACHMENT	
95)	2024332052	K DIV FORT	Assault 266 CC (FIP)
		CHIPEWYAN	
		DETACHMENT	•
96)	2024348366	K DIV FORT	Mischief - Obstruct enjoyment of property
		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	

97)	2024353525	K DIV FORT	Other Provincial/Territorial Statutes (not
" /	[Fv]	CHIPEWYAN	otherwise specified) - Other Activities
	• •	DETACHMENT	,
98)	2024379617	K DIV FORT	Other Provincial/Territorial Statutes (not
1		CHIPEWYAN	otherwise specified) - Other Activities
		DETACHMENT	
99)	2024392612	K DIV FORT	Breach of Peace
-		CHIPEWYAN	
		DETACHMENT	
100	202444740	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
101	202445084	K DIV FORT	Other Provincial/Territorial Statutes (not
)		CHIPEWYAN	otherwise specified) - Other Activities
		DETACHMENT	
102	2024462788	K DIV FORT	Wellbeing Check (FIP)
)		CHIPEWYAN	
		DETACHMENT	
103	20244736	K DIV FORT	911 Act - Offences Only
)		CHIPEWYAN	
		DETACHMENT	
104	2024481133	K DIV FORT	Other Provincial/Territorial Statutes (not
)		CHIPEWYAN	otherwise specified) - Other Activities
		DETACHMENT	
105	2024487768	K DIV FORT	Assault 266 CC (FIP)
)		CHIPEWYAN	
		DETACHMENT	
106	2024490598	K DIV FORT	Other Provincial/Territorial Statutes (not
)		CHIPEWYAN	otherwise specified) - Other Activities
,		DETACHMENT	
107	2024502124	K DIV FORT	Other Moving Traffic Violations -
)		CHIPEWYAN	Provincial/Territorial
		DETACHMENT	
108	2024518740	K DIV FORT	Mischief - Damage to property 430(3)&(4) CC
)		CHIPEWYAN	
		DETACHMENT	
109	2024519114	K DIV FORT	Assault 266 CC (FIP)
)		CHIPEWYAN	
		DETACHMENT	
110	2024520788	K DIV FORT	Other Non-Moving Traffic - Provincial/Territorial
)		CHIPEWYAN	
		DETACHMENT	

111	2024520867	K DIV FORT	Operation while impaired (alcohol)/over 80mg%
)		CHIPEWYAN	of Motor Vehicle 320.14(1)(a)/(b) CC
′		DETACHMENT	(1)(1)(1)
112	20245327	K DIV FORT	Breach of Peace
)		CHIPEWYAN	
'		DETACHMENT	
113	2024538558	K DIV FORT	911 Act - Offences Only
)		CHIPEWYAN	
		DETACHMENT	
114	2024549440	K DIV FORT	Operation while impaired (alcohol)/over 80mg%
)		CHIPEWYAN	of Motor Vehicle 320.14(1)(a)/(b) CC
		DETACHMENT	
115	2024556047	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
116	2024562648	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
)		CHIPEWYAN	Activities
		DETACHMENT	
117	2024574278	G DIV FORT	Mischief - Obstruct enjoyment of property
)		SMITH	430(3)&(4) CC
		DETACHMENT	
118	2024574938	K DIV FORT	Mischief - Damage to property 430(3)&(4) CC
)		CHIPEWYAN	
		DETACHMENT	
_119	2024580844_	_K_DIV_FORT	911-Act - Other Activities
)		CHIPEWYAN	
		DETACHMENT	· · · · · · · · · · · · · · · · · · ·
120	2024581200	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	·
121	2024592833	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
122	2024600378	K DIV FORT	Wellbeing Check (FIP)
)		CHIPEWYAN	
		DETACHMENT	
123	2024601552	K DIV FORT	Wellbeing Check (FIP)
)		CHIPEWYAN	
		DETACHMENT	·
124	2024645716	G DIV FORT	Mental Health Act - Other Activities (FIP)
)		SMITH	
		DETACHMENT	

125	2024669230	G DIV FORT	Mischief - Obstruct enjoyment of property
)		SMITH	430(3)&(4) CC
′		DETACHMENT	
126	2024672954	K DIV FORT	Assault 266 CC (FIP)
)		CHIPEWYAN	, ,
'		DETACHMENT	
127	2024674935	K DIV FORT	Assault 266 CC (FIP)
)		CHIPEWYAN	, ,
'		DETACHMENT	
128	2024706941	K DIV FORT	Mischief - Damage to property 430(3)&(4) CC
)		CHIPEWYAN	
		DETACHMENT	
129	2024712379	K DIV FORT	Wellbeing Check (FIP)
)		CHIPEWYAN	
		DETACHMENT	
130	2024712380	K DIV FORT	Wellbeing Check (FIP)
)		CHIPEWYAN	
		DETACHMENT	
131	2024713044	K DIV FORT	Uttering threats against a person 264.1(1)(a) CC
)		CHIPEWYAN	(FIP)
		DETACHMENT	
132	2024714943	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
133	2024720054	K DIV FORT	Mischief - Damage to property 430(3)&(4) CC
)		CHIPEWYAN	
		DETACHMENT	
134	2024721174	K DIV FORT	Mischief - Damage to property 430(3)&(4) CC
)		CHIPEWYAN	
		DETACHMENT	
135	2024727281	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
136	2024727378	K DIV FORT	Other Provincial/Territorial Statutes (not
)		CHIPEWYAN	otherwise specified) - Other Activities
		DETACHMENT	
137	2024731966	K DIV FORT	Other Provincial/Territorial Statutes (not
)		CHIPEWYAN	otherwise specified) - Other Activities
		DETACHMENT	
138	2024732763	K DIV FORT	Other Provincial/Territorial Statutes (not
)		CHIPEWYAN	otherwise specified) - Other Activities
		DETACHMENT	

139	2024733800	K DIV FORT	Uttering threats against a person 264.1(1)(a) CC
)	[M]	CHIPEWYAN	(FIP)
′	",	DETACHMENT	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
140	2024733897	K DIV FORT	Liquor Act (Provincial/Territorial) - Offences
)		CHIPEWYAN	Only
′		DETACHMENT	5,
141	2024759119	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
′		DETACHMENT	
142	2024767401	K DIV FORT	Mental Health Act - Other Activities (FIP)
)		CHIPEWYAN	, , , , , , , , , , , , , , , , , , ,
,		DETACHMENT	
143	2024772115	K DIV FORT	Operation while impaired (alcohol and drug) /
)		CHIPEWYAN	over 80mg% of a Motor Vehicle 320.14(1)(a)/(d)
		DETACHMENT	CC
144	2024778655	K DIV FORT	Mischief - Damage to property 430(3)&(4) CC
)		CHIPEWYAN	, , , , , , , , , , , , , , , , , , , ,
		DETACHMENT	
145	2024817368	K DIV FORT	Breach of Peace
)		CHIPEWYAN	
		DETACHMENT	
146	2024824782	K DIV FORT	Mischief - Damage to property 430(3)&(4) CC
)		CHIPEWYAN	
		DETACHMENT	
147	2024827924	K-DIV-FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	<del>-</del>
148	202482871	K DIV FORT	Other theft under \$5000 334(b) CC
)	[Fv]	CHIPEWYAN	
		DETACHMENT	· .
149	202484914	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
)	,	CHIPEWYAN	Activities
		DETACHMENT	
150	2024851590	K DIV FORT	Breach of Peace
)		CHIPEWYAN	
		DETACHMENT	
151	2024862040	K DIV FORT	Operation While Impaired (Alcohol And Drug) /
)		CHIPEWYAN	Over 80mg% Of Vessel / Aircraft / Railway
		DETACHMENT	320.14(1)(a)/(d) CC
152	202487584	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
	ļ.	DETACHMENT	

153	202487906	K DIV FORT	Other Provincial/Territorial Statutes (not
)		CHIPEWYAN	otherwise specified) - Offences Only
		DETACHMENT	
154	2024879593	K DIV FORT	Breach of Peace
)		CHIPEWYAN	
		DETACHMENT	
155	2024897855	K DIV FORT	Breach of Peace
)		CHIPEWYAN	
		DETACHMENT	
156	2024909110	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
`		DETACHMENT	
157	202491967	K DIV FORT	Assault 266 CC (FIP)
)		CHIPEWYAN	
		DETACHMENT	
158	2024927289	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
159	2024981470	K DIV FORT	Mischief - Obstruct enjoyment of property
<b> </b> )	[Fv].	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
160	2024993773	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
)		CHIPEWYAN	Activities
		DETACHMENT	
161	2024998728	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
)		CHIPEWYAN	Activities
		DETACHMENT	
162	2024999150	K DIV FORT	Wellbeing Check (FIP)
)		CHIPEWYAN	
		DETACHMENT	
163	2025102724	K DIV FORT	Mischief - Obstruct enjoyment of property
)	6	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
164	2025103532	K DIV FORT	Mischief - Obstruct enjoyment of property
)	8	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	Au
165	2025103540	K DIV FORT	Operation while impaired (alcohol)/over 80mg%
)	3	CHIPEWYAN	of Motor Vehicle 320.14(1)(a)/(b) CC
		DETACHMENT	
166	2025103659	K DIV FORT	Wellbeing Check (FIP)
)	8	CHIPEWYAN	
		DETACHMENT	

167	2025103788	K DIV FORT	Mischief - Obstruct enjoyment of property
)	2	CHIPEWYAN	430(3)&(4) CC
'		DETACHMENT	430(3)&(4) CC
168	2025106946	K DIV FORT	Mental Health Act - Other Activities (FIP)
)	2020100540	CHIPEWYAN	Plentat reatti Act - Other Activities (FIF)
'		DETACHMENT	
169	2025110118	K DIV FORT	Mischief - Obstruct enjoyment of property
109	1	CHIPEWYAN	430(3)&(4) CC
/	1	DETACHMENT	430(3)α(4) CC
170	2025110689	K DIV FORT	Mischief - Obstruct enjoyment of property
\\\	0	CHIPEWYAN	
'	0	DETACHMENT	430(3)&(4) CC
171	2025111459	K DIV FORT	Minchief Chetrust enjoyment of property
1.	1		Mischief - Obstruct enjoyment of property
	3	CHIPEWYAN	430(3)&(4) CC
170	0005444400	DETACHMENT	Otherwise of the design of COO CO 4/L) CO
172	2025111498	K DIV FORT	Other theft under \$5000 334(b) CC
		CHIPEWYAN	
470	0005440000	DETACHMENT	1 1 000 00 (717)
173	2025112066	K DIV FORT	Assault 266 CC (FIP)
)	9	CHIPEWYAN	
		DETACHMENT	
174	2025112977	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
175	2025114679	K DIV FORT	_Operation_while_impaired_(alcohol)/over 80mg%_
)		CHIPEWYAN	of Motor Vehicle 320.14(1)(a)/(b) CC
		DETACHMENT	
176	2025114806	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
177	2025114927	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
)		CHIPEWYAN	Activities
		DETACHMENT	
178	2025115744	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
179	202511669	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
)		CHIPEWYAN	Activities
		DETACHMENT	
180	2025117208	K DIV FORT	Operation while impaired (alcohol)/over 80mg%
)	·	CHIPEWYAN	of Motor Vehicle 320.14(1)(a)/(b) CC
ļ .		DETACHMENT	(1,7,7,-,-,-
		DEINCHMENT	

181	2025118023	K DIV FORT	Mischief - Obstruct enjoyment of property
)	[Fv]	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
182	2025118515	K DIV FORT	Unwanted person
)	2	CHIPEWYAN	
		DETACHMENT	
183	2025118672	K DIV FORT	Uttering threats against a person 264.1(1)(a) CC
)		CHIPEWYAN	(FIP)
		DETACHMENT	
184	2025128736	K DIV FORT	Wellbeing Check (FIP)
)		CHIPEWYAN	
		DETACHMENT	
185	202513337	K DIV FORT	Other Provincial/Territorial Statutes (not
)		CHIPEWYAN	otherwise specified) - Other Activities
		DETACHMENT	
186	2025142963	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
187	2025145353	K DIV FORT	911 Act - Other Activities
)		CHIPEWYAN	
		DETACHMENT	
188	2025160447	K DIV FORT	Wellbeing Check (FIP)
)		CHIPEWYAN	
		DETACHMENT	
189	2025204227	K DIV FORT	Wellbeing Check (FIP)
)		CHIPEWYAN	
		DETACHMENT	
190	2025209553	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
191	2025222597	K DIV FORT	Other Non-Moving Traffic - Provincial/Territorial
)		CHIPEWYAN	
		DETACHMENT	
192	2025233500	K DIV FORT	Operation while impaired (alcohol and drug) /
)		CHIPEWYAN	over 80mg% of a Motor Vehicle 320.14(1)(a)/(d)
		DETACHMENT	CC
193	2025239986	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
194	2025240695	K DIV FORT	Other Moving Traffic Violations -
		CHIPEWYAN	Provincial/Territorial
	!	DETACHMENT	

195	2025252833	K DIV FORT	Wellbeing Check (FIP)
)		CHIPEWYAN	, , ,
′		DETACHMENT	
196	202526476	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
197	202526543	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
198	2025269588	K DIV FORT	Wellbeing Check (FIP)
)		CHIPEWYAN	
		DETACHMENT	
199	2025288103	K DIV FORT	Assault 266 CC (FIP)
)	[Fv]	CHIPEWYAN	
		DETACHMENT	
200	2025308025	K DIV FORT	Mental Health Act - Other Activities (FIP)
)		CHIPEWYAN	
		DETACHMENT	
201	2025326580	K DIV FORT	Assistance to Canadian Provincial/Territorial
)		CHIPEWYAN	Dept/Agency
		DETACHMENT	
202	2025340119	K DIV FORT	Failure to comply with order 145(5) CC (FIP)
)	·	CHIPEWYAN	
	-	DETACHMENT	
203_	_2025373011_	_K-DIV_FORT	-Operation while impaired (alcohol)/over 80mg%-
)		CHIPEWYAN	of Motor Vehicle 320.14(1)(a)/(b) CC
		DETACHMENT	
204	2025376486	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
205	2025380331	K DIV FORT	Operation while impaired (alcohol)/over 80mg%
)		CHIPEWYAN	of Motor Vehicle 320.14(1)(a)/(b) CC
		DETACHMENT	
206	2025395438	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
	-··	DETACHMENT	·
207	2025407036	K DIV FORT	Mischief to motor vehicle 430(3)&(4) CC
)		CHIPEWYAN	
		DETACHMENT	
208	2025408535	K DIV FORT	Assistance to Canadian Provincial/Territorial
)		CHIPEWYAN	Dept/Agency
		DETACHMENT	

209	2025410932	K DIV FORT	Disturbing the peace/Causing a disturbance
)	[Fv]	CHIPEWYAN	175(1) CC
′	L	DETACHMENT	
210	2025414298	K DIV FORT	Possession for the Purpose of Trafficking -
)		CHIPEWYAN	Schedule I: Cocaine 5(2) CDSA (FIP)
′		DETACHMENT	
211	2025419309	K DIV FORT	Mischief - damage to property (except motor
)		CHIPEWYAN	vehicle) 430(3)&(4) CC
		DETACHMENT	
212	2025445959	K DIV FORT	911 Act - Other Activities
)		CHIPEWYAN	
		DETACHMENT	
213	2025483085	K DIV FORT	Mischief - Obstruct enjoyment of property
)	[Fv]	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
214	202551716	K DIV FORT	Traffic Collision(s) - Property Damage -
)		CHIPEWYAN	Reportable
		DETACHMENT	
215	2025529443	K DIV FORT	Dangerous Driving - Provincial/Territorial
)		CHIPEWYAN	
		DETACHMENT	
216	202553174	K DIV FORT	Wellbeing Check (FIP)
)		CHIPEWYAN	
		DETACHMENT	
217	2025547037	K DIV FORT	Operation while impaired (alcohol)/over 80mg%
)		CHIPEWYAN	of Motor Vehicle 320.14(1)(a)/(b) CC
		DETACHMENT	
218	2025604106	K DIV FORT	Operation while impaired (alcohol)/over 80mg%
)		CHIPEWYAN	of Motor Vehicle 320.14(1)(a)/(b) CC
		DETACHMENT	
219	2025628925	K DIV FORT	Assault 266 CC (FIP)
)	-	CHIPEWYAN	
		DETACHMENT	
220	2025727571	K DIV FORT	Operation while impaired (alcohol)/over 80mg%
)		CHIPEWYAN	of Motor Vehicle 320.14(1)(a)/(b) CC
		DETACHMENT	
221	2025727828	K DIV FORT	Mischief - Obstruct enjoyment of property
)	:	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
222	202572818	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	

223	2025729647	K DIV FORT	Account 200 CC (FID)
223	2025728647	K DIV FORT	Assault 266 CC (FIP)
		CHIPEWYAN	
224	2025729034	DETACHMENT K DIV FORT	Mischief Chatrust anisyment of avenuet:
224	2025/29054	CHIPEWYAN	Mischief - Obstruct enjoyment of property
'			430(3)&(4) CC
225	2025729110	DETACHMENT	Mollhoise Ob a de /FID)
225	2025/29110	K DIV FORT	Wellbeing Check (FIP)
		CHIPEWYAN	
226	2025731578	DETACHMENT	
226	2025/315/8	K DIV FORT	Disturbing the peace/Causing a disturbance
'		CHIPEWYAN	175(1) CC
007	000570000	DETACHMENT	
227	2025732080	K DIV FORT	Disturbing the peace/Causing a disturbance
		CHIPEWYAN	175(1) CC
000	00000745444	DETACHMENT	No. 11 C. 1
228	2025745441	K DIV FORT	Mischief - damage to property (except motor
)		CHIPEWYAN	vehicle) 430(3)&(4) CC
		DETACHMENT	
229	2025748970	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
230	2025749226	K DIV FORT	Mischief - Obstruct enjoyment of property
) [	[Fv]	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
231	2025762178	K.DIV_EORT	Liquor Act (Provincial/Territorial) - Offences
)		CHIPEWYAN	Only
	·	DETACHMENT	,
232	2025765390	G DIV FORT	Mental Health Act - Other Activities (FIP)
)		SMITH	
		DETACHMENT	
233	2025771753	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
234	2025775922	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
235	2025776272	G DIV FORT	Liquor Act (Provincial/Territorial) - Offences
)		SMITH	Only
		DETACHMENT	
236	2025832834	G DIV FORT	Mischief - Obstruct enjoyment of property
)		SMITH	430(3)&(4) CC

237	2025907409	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
238	2025909649	K DIV FORT	Disturbing the peace/Causing a disturbance
)		CHIPEWYAN	175(1) CC
		DETACHMENT	
239	2025915907	G DIV FORT	Mental Health Act - Other Activities (FIP)
)		SMITH	
·		DETACHMENT	
240	2025937711	K DIV FORT	Mischief - damage to property (except motor
)		CHIPEWYAN	vehicle) 430(3)&(4) CC
		DETACHMENT	
241	2025974050	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
•		DETACHMENT	

Report of Dr. Darcy Lindberg (PhD, LLM, JD, BA)

Provided on October 21, 2024

#### 1. Introduction

This is an opinion on the Crown's oral promises to Mikisew Cree First Nation during the creation of Treaty 8 to control intoxicants from trade and sale within Mikisew Cree First Nation's (MCFN) territories. These oral promises result in an implicit Treaty right of protection from intoxicants. In my opinion, the promises of a continuation of a 'way of life' within Treaty 8, as well as the the historical inclusion of terms dealing with control of intoxicants in treaties that preceded Treaty 8 support the finding of an implicit right from protection from intoxicants in Treaty 8. The interpretation of the promises and terms of Treaty 8 are informed by Cree law. Below I have outlined my opinion that has led me to this conclusion.

## 2. "Way of Life" Promises and Treaty 8

In the lead up to and negotiations of Treaty 8, the Crown made particular assurances to both Cree and Dene signatories that the treaty would not interfere with each peoples' respective way of life. ("the way of life promise"). Mikisew Cree First Nation would have understood the way of life promise as a protection of *nêhiyaw pimâtisiwin* or Cree way of living. Or to put another way, the maintenance of nêhiyaw pimâtisiwin was an oral but express term of the treaty. Historical records of the negotiations of Treaty 8 support this, including assurances of the maintenance of the Cree "way of life" by Crown representatives in the lead up to Treaty 8. For example, A.J. McKenna describes providing the same assurances to Indigenous peoples in Fort Chipewyan in 1899. In a letter to Clifford Sifton, he states:

"The chief difficulty in dealing with the Indians in this country arose from the fact that they believed that the making of the treaty would lead to interference with their hunting upon which they must depend for a living....There should be as little interference as possible with hunting and fishing here."

The treaty commissioners confirmed this in the negotiations of Treaty 8. As reported in the treaty commissioners' report:

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<sup>&</sup>lt;sup>1</sup> LAC, MG27 IID15 (Sifton papers), reel C-490, J. A. J. McKenna to Clifford Sifton, 26 July 1899, 8 – 10

"We assured them that the treaty would not lead to any forced interference with their mode of life".<sup>2</sup>

Intoxication or the use of intoxicants was and is not considered a practice in accordance with nêhiyaw pimâtisiwin, and was and is seen as harmful towards it. This was commonly understood by both Cree peoples and Crown representatives around 1899. For example, in 1898, Inspector Snyder of the NWMP discusses the non-disruption of a way of life in a potential treaty. Significantly, Snyder ties in the maintenance of Cree and Dene ways of life with the prevention of liquor trading in the Fort Chipewyan area. Snyder states:

"I had several long talks with the natives who came to see me in bodies...they were particularly troubled about is that they should be compelled to take treaty and live on reserves. I informed these Indians that they would not be compelled to take treaty and that their freedom would in no wise be interfered with, that the police were there more for their protection than for any interference with their ways, and so long as they obeyed the laws, the police would not trouble them, but that the police would prevent the white trappers setting out poison and fires, and the traders from trading liquor."

In my opinion, MCFN would have understood that the continuation of nêhiyaw pimâtisiwin as an express term of the treaty, and that would include a right to protection from non-Indigenous ways of life that would harm MCFN living and ways of being.

## 3. Alcohol regulation and Treaty 6:

Controlling the exchange of intoxicants was long an issue in prior treaties between the Crown and Indigenous peoples. In particular, prohibiting intoxicants from being sold or traded was a common term discussed within the negotiations of previous treaties between Cree peoples and the Crown. For example, the written terms of Treaty 6 state:

"Her Majesty further agrees with Her said Indians that within the boundary of Indian reserves, until otherwise determined by Her Government of the Dominion of Canada, no intoxicating liquor shall be allowed to be introduced or sold, and all laws now in force, or

<sup>&</sup>lt;sup>2</sup> Canada Sessional Papers 1900, no. 14, Report of the Department of Indian Affairs for the year 1899, Report of Commissioners for Treaty No. 8, D. Laird, J. H. Ross, and J. A. J. McKenna, 22 September 1899, xxxv - xxxvi.

<sup>&</sup>lt;sup>3</sup> Canada *Sessional Papers* 1898, no. 15, Report of the Commissioner of the North-West Mounted Police Force 1897, Appendix M, "Patrol Report -- Inspector A. E. Snyder, Edmonton to Jasper House, Athabasca District, 1897", 28 October 1897.

hereafter to be enacted, to preserve Her Indian subjects inhabiting the reserves or living elsewhere within Her North-west Territories from the evil influence of the use of intoxicating liquors, shall be strictly enforced."<sup>4</sup>

Note this prohibition was not limited to reserves as it involved those "inhabiting reserves or living elsewhere within Her North-west Territories". <sup>5</sup>

Treaty 4, also involving Cree peoples and signed in 1874 at Fort Ellice and Fort Qu'Appelle, had a similar clause prohibiting the sale of alcohol to Cree (as well as Saulteaux and Stoney) signatories. These two treaties – two preceding agreements involving Cree peoples and the Crown - would provide an understanding of what the Crown intentions were for Treaty 8 and conditioned Cree signatories of the treaty to seek similar oral terms, including those requiring a right to control intoxicants.

Cree peoples within Treaty 8 territory had knowledge of the terms of Treaty 6 and expected similar terms. J. A. Macrae, a Department of Indian Affairs Inspector at the time leading up to Treaty 8, wrote to Treaty commissioner McKenna about this expectation:

"[T]he Wood Crees and halfbreeds around Lesser Slave Lake who are closely connected with some of the Edmonton Indians may be found imbued with an intention to demand all those things which the Crees from the South always claim they were promised, and blame the Government for not embodying in the written treaty, asserting that they were amongst the terms".

### 4. Alcohol Regulation and Treaty 7:

The control of intoxicants on Indigenous territories continued to be a significant issue during the lead up to and creation of Treaty 7. A large impetus for the Blackfoot peoples to sign Treaty 7 was protection from whiskey trading that was occurring in Blackfoot territories prior to the treaty. In 1874, Colonel James Macleod led the North West Mounted Police into the territory to

<sup>&</sup>lt;sup>4</sup> Treaty No. 6, online: Government of Canada < https://www.rcaanccirnac.gc.ca/eng/1100100028710/1581292569426>

<sup>&</sup>lt;sup>5</sup> Ibid

<sup>&</sup>lt;sup>6</sup> LAC, RG10, Vol. 3848, file 75236-1, J. A. Macrae to J. A. J. McKenna, 3 December 1898.

stop the trade of whiskey by Americans to the Blackfoot. Lieutenant Governor David Laird recalled this history to Blackfoot, Nakoda Sioux and Tsuu Tina chiefs on Oct 17<sup>th</sup>, 1877:

"The good Indian has nothing to fear from the Queen or her officers. You Indians know this to be true. When bad white men brought you whiskey, robbed you, and made you poor, and, through whiskey, quarrel amongst your selves, she sent the Police to put an end to it. You know how they stopped this and punished the offenders, and how much good this has done".

Curiously, an express alcohol prohibition clause is absent from the written terms of Treaty 7. While a written clause regarding control of intoxicants on Indigenous territories that was in the preceding treaties was absent, it is uncontroversial that a prohibition of alcohol trading was a significant and immediate issue during the negotiation of Treaty 7.8

#### 5. Cree Law Informs Treaty 8:

From the perspective of Cree signatories, Treaty 8 is rooted in and interpreted through *nêhiyaw* wiyasiwewin or Cree law. It is trite to say that nêhiyaw wiyasiwewin has been used by Cree societies since time immemorial, including by the band of families that would become Mikisew Cree First Nation after Treaty 8. Cree law informed each part of the negotiations and the ultimate formation of Treaty 8, and has been operating within the treaty relationship ever since.

There are foundational legal principles that are integral to the continuation of nêhiyaw pimâtisiwin (Cree way of life) including those that govern treaty relationships between Cree peoples and other nations. A primary principle involving Cree treaty making is wîtaskêwin. Wîtaskêwin translates generally into 'living on the land together' or 'living in peace together'. It

<sup>&</sup>lt;sup>7</sup> Alexander Morris, *The Treaties of Canada with the Indians of Manitoba and the Northwest Territories* (Toronto: Coles Publishing Company, 1971) at 267.

<sup>&</sup>lt;sup>8</sup>It is entirely possible that both the Blackfoot peoples and the treaty commissioners saw the NWMP as an answer to the question of alcohol trading, and did not find the need to put it as an explicit treaty term, as the challenge with alcohol trading was already being dealt with when Treaty 7 was completed. Another possible reason for the removal in the written terms of Treaty 7 (and thus subsequently in the written terms of Treaty 8 and beyond) was the development of the *Indian Act*. Section 79 of the *Indian Act*, enacted in 1876 included the following clause that prohibited the sale of liquor to Indigenous peoples: "79. Whoever sells, exchanges with, barters, supplies or gives to any Indian or non-treaty Indian in Canada, any kind of intoxicant or causes or procures the same to be done, or attempt the same or connives thereat, or opens or keeps, or causes to be. opened or kept, on any reserve or special reserve, a tavern, house or building in which any intoxicant is sold, bartered, exchanged or given, or is found in possession of any intoxicant in the house, tent, wigwam or place of abode of any Indian or non-treaty Indian, shall, on conviction thereof before any judge, stipendiary magistrate or two justices of the peace, upon the evidence of one credible witness other than the informer or prosecutor, be liable to imprisonment for a period not less than one month nor exceeding six months, with or without hard labour". See s. 79, The Indian Act, R.S.C. 1876, c. 14.

implies an obligation to ensure each other's good living on a territory. In a government-to-government context, it implies a respect of the autonomy of the other nation that one lives in close relations with. This includes dialogue and consultation on actions taken that would affect the health and good living of another's citizens and members. In the context of decisions on the sale of intoxicants within MCFN territories, wîtaskêwin may obligate the Crown to respect MCFN autonomy on an issue that is central to the well-being of its members.

Another significant principle regarding government-to-government relations is wâhkôtowin. The common translation for wahkôtowin is 'the law that governs relationships'. In a governance context, it ensures a metaphorical kinship between governments with material obligations that flow between these governments in a wahkôtowin relationship. One of the obligations is for governments who hold this type of government-to-government kinship is to provide good assistance towards the good living of the other government. In the context of control of intoxicants within MCFN territory, a full application of this principle would obligate the Crown to consult with MCFN when making decisions regarding the sale of intoxicants on their territory.

### 6. Conclusion:

The above supports my opinion that the Crown's oral promises to signatories on behalf of MCFN during the creation of Treaty 8, created an implied treaty right to control intoxicants from trade and sale within MCFN territories. The historical record shows that alcohol prohibition was an express concern in historic treaty negotiations between the Crown and Cree peoples, including within the lead up to Treaty 8. The way of life promises within Treaty 8 included protection from influences that would a harm the continuation and maintenance of nehiyaw pimatisiwin, or Cree way of life. Finally, the operation of Cree treaty principles through Cree law creates a duty to consider and consult with MCFN regarding the administration of intoxicants in its territories.



#### MIKISEW CREE FIRST NATION

ALLISON BAY INDIAN RESERVE #219 BOX 90, FORT CHIPEWYAN, ALBERTA TOP 1BO PHONE: (780) 697-3740 FAX: (780) 697-3826

August 17, 2023

#### VIA ELECTRONIC MAIL

Nabil Malik, Planner III Brett Williamson, Planner II Planning & Development Department Regional Municipality of Wood Buffalo 9909 Franklin Avenue Fort McMurray, AB, T9H 2K4

Dear Mssrs. Malik and Williamson:

**Re:** File Number 2023-DP-00125- Application for Development Permit

LOT 3 BLOCK 10 PLAN 5642NY

193 Mackenzie Avenue;

FORT CHIPEWYAN ALBERTA

I am a resident of Fort Chipewyan and the duly elected Chief of the Mikisew Cree First Nation ("**Mikisew**"). I write on my own behalf, and on behalf of Mikisew Cree First Nation, to strongly oppose the above noted application for a Liquor Store, Office and Warehouse in the centre of Fort Chipewyan, at 193 Mackenzie Avenue ("**Application**") - a discretionary permit application under the *Land Use Bylaw No. 99/059*.<sup>1</sup>

I also write with the support and unanimous approval of the Mikisew Chief and Council, and 84.51 per cent of the 71 Mikisew members who were able to participate in a Mikisew initiated survey, opened on August 15, 2023 and closed on August 17, 2023 ("Survey").<sup>2</sup>

#### 1. No Notice and No Consultation

The July 28, 2023, Notice to Adjacent Property Owners, invited those who "live within the hamlet boundaries of Fort Chipewyan" to provide any concerns or comments on the proposed Application. I am a resident of Fort Chipewyan.<sup>3</sup>

<sup>&</sup>lt;sup>1</sup> RMWB Bylaw No. 99/059: available at: <a href="https://www.rmwb.ca/en/mayor-council-and-administration/resources/Documents/Landusebylaw/Consolidated-Land-Use-Bylaw-99-059.pdf">https://www.rmwb.ca/en/mayor-council-and-administration/resources/Documents/Landusebylaw/Consolidated-Land-Use-Bylaw-99-059.pdf</a>.

<sup>&</sup>lt;sup>2</sup> Tab 2, Survey – Comparison of Responses by Mikisew members versus not: Q4: "Do you agree with a Liquor Store being licensed in the RMWB Hamlet of Fort Chipewyan?" and All Data from Survey.

<sup>&</sup>lt;sup>3</sup> Tab 1, Notice dated July 28, 2023, Notice to Adjacent Property Owners.

However, to my knowledge, no similar notice was provided to Mikisew members living in the neighbouring Dog Head Reserve 218 and Allison Bay Reserve 219. No consultation occurred with Mikisew's leadership. At minimum, we find this to be in breach of the spirit of "Reconciliation" and the Truth and Reconciliation Commission's Calls to Action. We also note that Mikisew has been provided no information or records relating to this Application as would normally be applicable such a decision, including the information and data on any harms/impacts assessment of another liquor store in our small community.

Similarly, the limited time and lack of notice has restricted our ability to respond. Nevertheless, given the gravity of the proposal to our community, we have marshalled the best response possible in the three (3) days since we officially took office (August 14, 2023).

#### 2. Duty Consult

By failing to even notify our Nation, Mikisew submits that the Regional Municipality of Wood Buffalo ("RMWB") has already breached the duty to consult and the honour of the Crown.

The "duty to consult" arises where there is a potential impact to aboriginal and Treaty rights, as protected under section 35 of the *Constitution Act*, 1982. Treaty 8 includes explicit written promises. It also includes oral promises, gleaned from the Crown's official records and our own oral histories. These in turn guide the duty to consult and the honour of the Crown, the latter which always applies to our relations.

#### Crown records on Treaty 8

Crown records confirm that Treaty 8 was intended to protect our health and to control the liquor trade. In the short time we had to prepare, we can offer you the following to support this assertion.

First, according to Dr. Pat McCormack's research of Crown records, a primary impetus for Treaty 8 was to control the "liquor trade".<sup>4</sup>

Second, the Crown records around Treaty 8 confirm that promises were made in relation to our health, for instance, as follows: "We assured them, however, that the Government would always be ready to avail itself of any opportunity of affording medical service just as it provided that the physician attached to the Commission should give free attendance to all Indians whom he might find in need of treatment as he passed through the country."

### Oral promises in Treaty 8

Our oral histories confirm what was promised in Treaty 6 – our people would be protected from the scourge of "fire water" and alcohol would be restricted, if not prohibited on reserves.<sup>6</sup> For example, an interpreter during those negotiations explained as followed:

<sup>&</sup>lt;sup>4</sup> Patricia A. McCormack, Fort Chipewyan and the Shaping of Canadian History, 1788-1920s, UBC press, 2010, at pp. 166-167.

<sup>&</sup>lt;sup>5</sup> Treaty No. 8 Made June 21, 1899 and Adhesions, Reports, Etc. R. Duhamel, FRSC Queen's Printer and Controller of Stationery Ottawa, 1966, 1899, Cat No.: Ci 72-0866, IAND Publication No. QS-0576-000-EE-A-16, available at: https://www.rcaanc-cirnac.gc.ca/eng/1100100028813/1581293624572.

<sup>&</sup>lt;sup>6</sup> This is the thesis in Harold Johnson, *Firewater: How Alcohol Is Killing My People (and Yours)*, University of Regina Press, 2016.

"They asked for an ox and a cow [for each family; an increase in the agricultural implements; provisions for the poor, unfortunate, blind and lame; to be provided with missionaries and school teachers; **the exclusion of fire water in the whole of Saskatchewan**; a further increase in agricultural implements as the band advanced in civilization; freedom to cut timber on Crown lands; liberty to change the site of the reserves before the survey; free passages over Government bridges or scows; other animals, a horse, harness and wagon, and cooking stove for each chief; a free supply of medicines; a hand mill to each band; and lastly, that in case of war they should not be liable to serve."

Alexander Morris explained that this was indeed part of the oral promises. According to an INAC Treaty 6 report, Alexander Morris noted that the "exclusion of intoxicating liquor and the provision of schools had already been offered in the proposed terms."

Harold Johnson, the late Woodland Cree person and lawyer, also noted that Treaty 6 included this oral promise. Although less documented by written records and although time does not permit the inclusion of the basis for this position, Mikisew submits that Treaty 8 included the same oral promise.<sup>8</sup>

#### Conclusion on Treaty, Duty to Consult and Honour of the Crown

Allowing the Application will impact not only Mikisew' Treaty rights, but the solemn Treaty relationship between Mikisew and the Crown, as represented by the municipality, a creature of provincial statute in this case, responsible with the administration of municipal affairs. This certain impact gives rise to at least a potential impact on the Mikisew's Treaty Rights, giving rise to a duty to consult which was in no way complied with. Further and/or in the alternative, the requirement to consider the "public interest" and the Honour of the Crown should have at least required notice to and consultation with Mikisew in this process. 10

#### 3. Mikisew and RMWB

We are concerned that RMWB will take an individualistic approach to this Application, failing to consider the interests of Mikisew as collective. As such, we remind RMWB that, according to our records, a majority of Fort Chipewyan residents are Mikisew members. An estimated 583 Fort Chipewyan residents of approximately 1000 are Mikisew members.

Further our reserves are neighbouring the hamlet of Fort Chipewyan, separated only by federal Crown lands. Indeed, our communities are intertwined, and our reserve residents depend on many services and businesses in Fort Chipewyan. It would be incorrect to consider this Application, given its effects on our members, as disconnected from Mikisew and our members living on reserve. Although Mikisew can pass

<sup>&</sup>lt;sup>7</sup> John Leonard Taylor, *Treaty Research Report Treaty Six (1876*), Treaties and Historical Research Centre, Indian and Northern Affairs Canada, 1985 at p.

<sup>&</sup>lt;sup>8</sup> Harold Johnson, Firewater: How Alcohol Is Killing My People (and Yours), University of Regina Press, 2016.

<sup>&</sup>lt;sup>9</sup> Felix Hoehn and Michael Stevens, Local Governments and the Crown's Duty to Consult, 2018 55-4 *Alberta Law Review* 971, 2018 CanLIIDocs 88, ; Angela D'Elia Decembrini and Shin Imai, Supreme Court of Canada Cases Strengthen Argument for Municipal Obligation to Discharge Duty to Consult: Time to Put Neskonlith to Rest, 2019 56-3 *Alberta Law Review* 935, 2019 CanLIIDocs 364.

<sup>&</sup>lt;sup>10</sup> See for example: Fort McKay First Nation v Prosper Petroleum Ltd, 2020 ABCA 163 (CanLII), at <u>para 39</u>; Three Sisters Mountain Village Properties Ltd. v Town of Canmore, 2022 ABLPRT 671 (CanLII), at <u>paras 186-192</u>; AltaLink Management Ltd. v. Alberta (Utilities Commission), 2021 ABCA 3424; Municipal Government Act, RSA 2000, c M-26, <u>s 686. (3)(c).</u>

its own intoxicant by-laws under the *Indian Act* or its inherent powers, they cannot control the flow from Fort Chipewyan onto reserve if a new liquor store is permitted by RMWB. Neither is such a unilateral approach consistent with the Calls To Action (which include local governments) and the RMWB's own Policy.<sup>11</sup>

#### 4. The effects of Alcohol on Mikisew and the community

Alcohol is a known agent of harm in our community. It perpetuates and enhances intergenerational traumas. It is a leading, if not the leading, cause of crime in Fort Chipewyan. Due to time constraints, we do not have the data from the Royal Canadian Mounted Police, but anecdotally, we know that alcohol and drugs have caused and contributed to many violent crimes in our community.

It is important that RMWB know that, historically, alcohol was used as an agent of genocide<sup>12</sup>, at worst, or as tool in bad faith dealings with First Nations. When approaching this Application, it is expected that RMWB be aware of this past.

Further, and consistent with what our Chief and Council know about alcohol's impacts on our community, our Survey's 42 comments were unanimously not in support of the Application, stating for example:

"My only comment is that people know how much alcohol and hard drugs affect our community. To want to get another liquor store is a backstab to us community members who argue against it. Instead of opening another liquor store (when we already have one), I suggest alternative options like building a library or a community space where older teens can gather and engage in positive activities. This way, we focus on creating a healthier and more supportive environment for everyone."

"We have a major drug and alcohol problem in community with the 1 liquor store. This contributes to the mental health crisis we are still currently in. The thought of putting another liquor store in town is outrageous and would cause even more damage to this community. Leadership and RCMP can barely even handle all the crime, addiction, and abuse happening now with 1 liquor store."

"RMWB should get the statistics from the RCMP on the crime rates in Fort Chip that are directly related to alcohol and base their decision on that!" <sup>14</sup>

<sup>&</sup>lt;sup>11</sup> <u>Call to Action</u> #43, 57:; RMWB, <u>Council Policy: Public Engagement, PRC-130</u>, May 10, 2022;RMWB, <u>Responding to the Truth and Reconciliation Commission's Calls to Action: Principles for a Collaborative Pathway Forward.</u>

<sup>&</sup>lt;sup>12</sup> Saggers, Sherry; Gray, Dennis (2 November 1998). <u>Dealing with Alcohol: Indigenous Use in Australia, New Zealand and Canada</u>. Cambridge University Press. <u>ISBN 9780521629775</u>; Lesley Elena (2019). <u>"Cultural Impairment and the Genocidal Potential of Intoxicants: Alcohol use in Colonial North America"</u>. <u>Genocide Studies and Prevention.</u> 13 (1): 88–97. <u>doi:10.5038/1911-9933.13.1.1622.</u>O. Laughland and T.Silverstone, "<u>Liquid genocide</u>: alcohol destroyed Pine Ridge reservation – then they fought back", *The Guardian* September 29, 2017.

<sup>&</sup>quot;Benjamin Franklin, <u>The Autobiography of Benjamin Franklin</u>, <u>Section Fourty Eight"</u> where Benjamin Franklin stated, among other thing that the Indians were promised that if "they continue sober during the Treaty" they would be given plenty rum when the Treaty concluded in 1788. See also the Toronto Purchase, <u>Treaty 13</u>, where 96 gallons of rum was included in the explicit terms of the Treaty in 1805.

<sup>&</sup>lt;sup>14</sup> Tab 3, Survey – Comments in response to Q6.

In relation to the final comment, Mikisew has requested the data from RCMP. We understand that this data, too, reflects that a high proportion of criminal/violent incidents in Fort Chipewyan and on reserve involve alcohol. We will provide this information as soon as we receive the same.

Finally, we also understand that there are several negative health effects from alcohol, either through these acute violent incidents (stabbings, beatings, shootings, drinking and driving and suicides) or through chronic health issues, known to often be caused by alcohol. For example, cancer is the leading cause of death in Canada and the use of alcohol is believed to cause nearly 7,000 of those cancer deaths each year. After looking at this data and others, Harold Johnson calculated that approximately half of his people (Woodland Cree in Saskatchewan) would die an alcohol related death. We have requested the information regarding alcohol and community health from Nunee Health and will, also, provide any response to RMWB as soon as possible.

#### 5. Conclusion: requested Decision

We ask that you consider the present and historical harm of alcohol in our community, which includes the majority of Fort Chipewyan residents, in denying the Application.

In the alternative, if you are considering approving the Application, we ask for a further opportunity to provide more fulsome submissions than those above.

We welcome, going forward, collaboration to create, as the respondents to the Survey suggest, a gathering place or a mental health centre instead of another liquor store.

If you have any questions about the above or enclosed, we would be pleased to discuss further. Your attention to this matter is appreciated.

Hiy Hiy,

Chief Billy-Joe Tuccaro, Mikisew Cree First Nation

cc. Mayor Sandy Bowman and RMWB Council (<a href="mailto:council@rmwb.ca">council@rmwb.ca</a> and <a href="mayor@rmwb.ca">mayor@rmwb.ca</a> and <a href="mayor@rmwb.ca">mayor@rmwb.ca</a> Minister of Indigenous Relations, Rick Wilson (<a href="mailto:ir.ministeroffice@gov.ab.ca">ir.ministeroffice@gov.ab.ca</a>)

Minister of Indigenous Services Canada, Patty Hajdu (<a href="patty-hajdu@parl.gc.ca">patty-hajdu@parl.gc.ca</a>)

Dennis Fraser, Indigenous Relations RMWB (<a href="mailto:dennis.fraser@rmwb.ca">dennis.fraser@rmwb.ca</a>)

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<sup>&</sup>lt;sup>15</sup> Canadian Centre on Substance Use and Addiction, *Canada's Guidance on Alcohol and Health: Final Report*, January 2023, pages 10-11.

July 28, 2023

# NOTICE TO ADJACENT PROPERTY OWNERS

File Number 2023-DP-00125 – Application for Development Permit LOT 3 BLOCK 10 PLAN 5642NY; 193 Mackenzie Avenue; FORT CHIPEWYAN ALBERTA

An application has been received by the Planning and Development department to develop a Liquor Store, Office and Warehouse at the property listed above.

You are being informed of this Development Permit before a decision is rendered because you live within the hamlet boundaries of Fort Chipewyan. A subject property Map is attached for your reference.

The subject property is zoned for HC – Hamlet Commercial where Liquor Store, Office and Warehouse sales are considered Discretionary Uses. *Discretionary Uses* are land uses which may be considered on a property AND include a twenty-one (21) day appeal period after a decision is rendered.

We ask that if you have any concerns or comments regarding this application that you forward these in writing referencing the above noted File Number, for the consideration of the Development Authority by 4:30 p.m. on August 17, 2023. All received comments will be reviewed by the Development Authority prior to a decision. If a response is not received it is assumed, you have no comments/concerns regarding this application.

Your concerns/comments may be sent in writing to the Development Officer by one (1) of the following methods:

Email: Nabil.Malik@rmwb.ca Mail: Nabil Malik, Planner III

Planning & Development Department Regional Municipality of Wood Buffalo

9909 Franklin Avenue Fort McMurray, AB; T9H 2K4 Email: Brett.Williamson@rmwb.ca Mail: Brett Williamson, Planner II

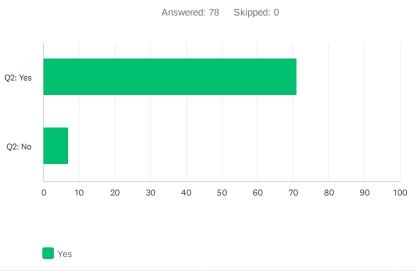
Planning & Development Department Regional Municipality of Wood Buffalo

9909 Franklin Avenue Fort McMurray, AB; T9H 2K4

Regional Municipality of Wood Buffialo

Q1 You are being asked to participate in a survey to better understand how MCFN members, living in Fort Chipewyan, Alison Bay or Dog Head, consider the application to licence a liquor store in Fort Chipewyan (the Hamlet), which is adjacent to MCFN reserve land. The data from the survey will be used to inform MCFN's position in response tot his liquor store application. The survey has only three questions. The survey is being conducted by MCFN, initiated by Chief and Council. It should take less than 3 (three) minutes to complete).PARTICIPATION: Your participation in this survey is voluntary. You may refuse to take part in the survey or exit the survey at any time without penalty. You are free to decline to answer any question you do not wish to answer for any reasons. BENEFITS: In completing this survey to the best of your ability, you will help MCFN develop a position on this application that is informed by MCFN members living in Fort Chipewyan, Dog Head or Alison Bay.RISKS: Since this survey is on the topic of alcohol on and near reserve, there is a risk that you may find this process suesntive and answering them may cause emotion discomfort/triggering. If you need additional support please call the 24-hour Hope for Wellness Help Line 1-855 242 3310.CONFIDENTIALITY:

Your name will not be attached the information you provide, and all results will be anonymous. Your survey answers will be stored in a password protected electronic format. Your name and/or status number, if provided, will only be used to confirm you are a MCFN member.CONTACT: If you have any questions about completing the survey, please contact the MCFN Health Department.ELECTRONIC CONSENT: Please select your choice below. Clicking on the "Yes" button indicates that:- You have read the survey information provided above - You voluntarily agree to participate- You are 18 years of age or older- You understand the survey will take 3 minutes to complete1. I consent to participate in the survey, as described above



	YES	TOTAL
Q2: Yes (A)	100.00% 71	91.03% 71
Q2: No (B)	100.00% 7	8.97% 7
Total Respondents	78	78

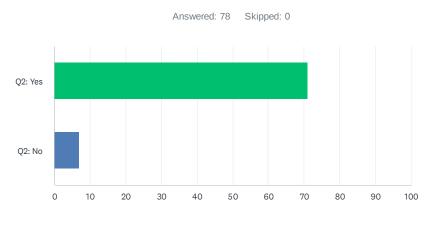
## MCFN SURVEY ON LIQUOR STORE APPLICATION

038

	IF YOU ARE WILLING, PLEASE PROVIDE YOUR NAME AND/OR STATUS NUMBER FOR THE SOLE PURPOSE OF CONFIRMING YOU ARE A MCFN MEMBER (IF YOU DO NOT WISH TO ANSWER, PLEASE ENTER N/A)		TOTAL
Q2: Yes (A)	5	57	57
Q2: No (B)		4	4

Page 113

# Q2 Are you a MCFN member?

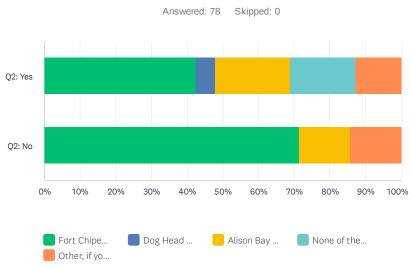




Yes

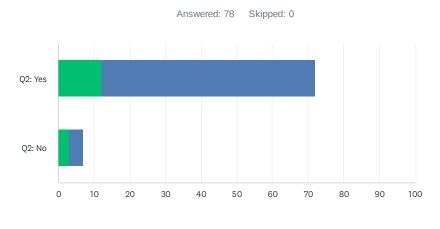
No

# Q3 Where do you live:



	FORT CHIPEWYAN	DOG HEAD RESERVE 218	ALISON BAY RESERVE 219	NONE OF THE ABOVE	OTHER, IF YOU WISH TO SPECIFY WHERE YOU LIVE:	TOTAL
Q2: Yes (A)	42.25% 30	5.63% 4	21.13% 15	18.31% 13	12.68% 9	91.03% 71
Q2: No (B)	71.43% 5	0.00%	14.29% 1	0.00%	14.29% 1	8.97% 7
Total Respondents	35	4	16	13	10	78

# Q4 Do you agree with another Liquor Store being licensed in the RMWB hamlet of Fort Chipewyan?

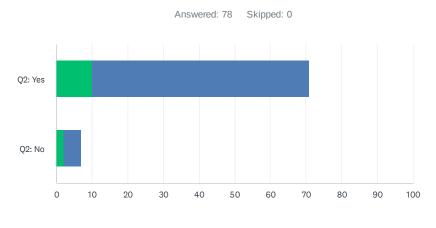


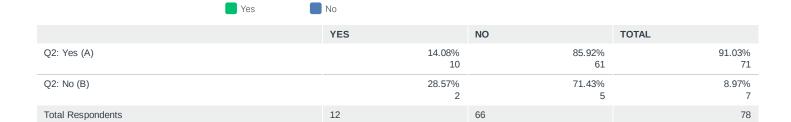
	YES	NO	то	DTAL
Q2: Yes (A)	10	5.90% 12	84.51% 60	92.31% 72
Q2: No (B)	42	2.86%	57.14% 4	8.97% 7
Total Respondents	15	64		78

Yes

No.

# Q5 Do you agree with a Liquor Store being licensed on a MCFN reserve?





No

# Q6 Do you have any comments regarding this survey:

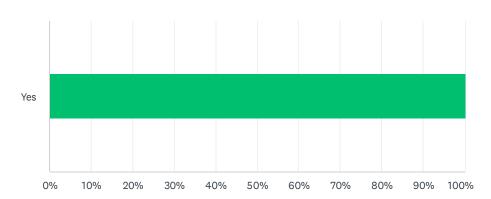
Answered: 41 Skipped: 37

	DO YOU HAVE ANY COMMENTS REGARDING THIS SURVEY:	TOTAL
Q2: Yes	100.00% 40	97.56% 40
Q2: No	100.00% 1	2.44%
Total Respondents	41	41

Q1 You are being asked to participate in a survey to better understand how MCFN members, living in Fort Chipewyan, Alison Bay or Dog Head, consider the application to licence a liquor store in Fort Chipewyan (the Hamlet), which is adjacent to MCFN reserve land. The data from the survey will be used to inform MCFN's position in response tot his liquor store application. The survey has only three questions. The survey is being conducted by MCFN, initiated by Chief and Council. It should take less than 3 (three) minutes to complete). PARTICIPATION: Your participation in this survey is voluntary. You may refuse to take part in the survey or exit the survey at any time without penalty. You are free to decline to answer any question you do not wish to answer for any reasons. BENEFITS: In completing this survey to the best of your ability, you will help MCFN develop a position on this application that is informed by MCFN members living in Fort Chipewyan, Dog Head or Alison Bay.RISKS: Since this survey is on the topic of alcohol on and near reserve, there is a risk that you may find this process suesntive and answering them may cause emotion discomfort/triggering. If you need additional support please call the 24-hour Hope for Wellness Help Line 1-855 242 3310.CONFIDENTIALITY: Your name will not be attached the information you provide, and all results will be anonymous. Your survey answers will be stored in a password protected electronic format. Your name and/or status number, if provided, will only be used to confirm you are a MCFN member.CONTACT: If you have any questions about completing the survey, please contact the MCFN Health Department.ELECTRONIC CONSENT: Please select your choice below. Clicking on the "Yes" button indicates that:- You have read the survey information provided above - You voluntarily agree to participate-You are 18 years of age or older- You understand the survey will take 3 minutes to complete1. I consent to participate in the survey, as described above

Answered: 79 Skipped: 0





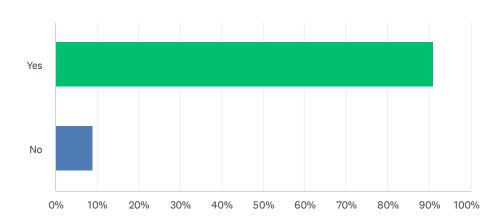
ANSWER CHOICES	RESPONSES	
Yes	100.00%	79
Total Respondents: 79		

Page 120

045

# Q2 Are you a MCFN member?

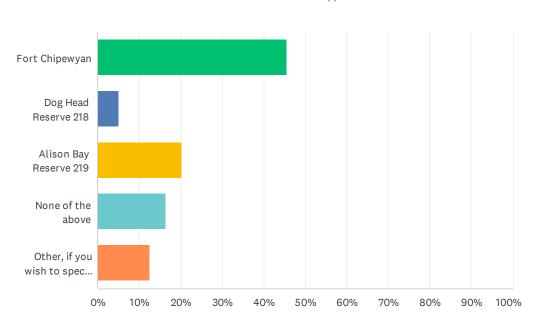




ANSWER CHOICES	RESPONSES	
Yes	91.03%	71
No	8.97%	7
Total Respondents: 78		

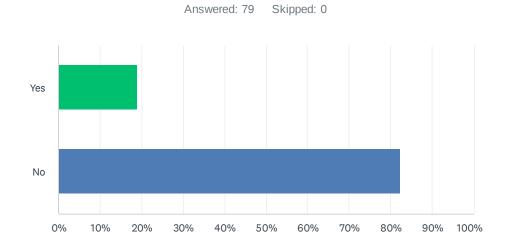
# Q3 Where do you live:





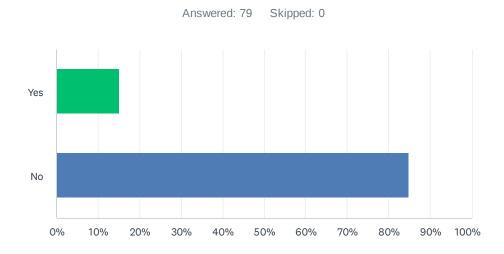
ANSWER CHOICES RESPONSES		
Fort Chipewyan	45.57%	36
Dog Head Reserve 218	5.06%	4
Alison Bay Reserve 219	20.25%	16
None of the above	16.46%	13
Other, if you wish to specify where you live:	12.66%	10
TOTAL		79

# Q4 Do you agree with another Liquor Store being licensed in the RMWB hamlet of Fort Chipewyan?



ANSWER CHOICES	RESPONSES	
Yes	18.99%	15
No	82.28%	65
Total Respondents: 79		

# Q5 Do you agree with a Liquor Store being licensed on a MCFN reserve?



ANSWER CHOICES	RESPONSES	
Yes	15.19%	12
No	84.81%	67
Total Respondents: 79		

# Q6 Do you have any comments regarding this survey:

Answered: 42 Skipped: 37

# Q6 Do you have any comments regarding this survey:

Answered: 41 Skipped: 37

	DO YOU HAVE ANY COMMENTS REGARDING THIS SURVEY:	Т	OTAL
Q2: Yes		100.00% 40	97.56% 40
Q2: No		100.00% 1	2.44% 1
Total Respor	ndents 41		41
#	Q2: YES	DATE	
1	The liquor store that's in question isn't on a reserve, not sure why this is a question.	8/16/2023 8:24 F	PM
2	We have a major drug and alcohol problem in community with the 1 liquor store. This contributes to the mental health crisis we are still currently in. The thought of putting another liquor store in town is outrageous and would cause even more damage to this community. Leaderships and RCMP can barley even handle all the crime, addiction, and abuse happening now with 1 liquor store.	8/16/2023 2:37 F	PM
3	I strongly disagree to even have a liquor store in Fort chip let alone another. Our community suffers with addiction with alcohol /drugs. You really think that brining another liquor store would do good for our community. Alcohol doesn't cure trauma/depression. Why not open a clinic that specializes in mental health and addictions. Get out people on the right track not feeding their addiction by adding another liquor store. I believe Fort Chipewyan should be a dry reserve. A community I know in MB has a dry reserve, to see the beauty in the community. The activity's for the children and more job opportunity's for the adults is amazing. I strongly disagree having another liquor store. Although I don't live in Fort chip I see from a far how liquor/drugs affects the community.	8/16/2023 2:21 F	PΜ
4	We don't need another liquor store in Fort Chipewyan.	8/16/2023 1:06 F	PM
5	A big fat No for putting up another liquor store please don't let this happen who ever is trying to do this should worry about all what's happening with drugs and alcohol so No no for putting up another problem	8/16/2023 11:53	AM
6	Liquor stores destroys families and lives. Not needed in such a tiny place lije Ft. Chipewyan.	8/16/2023 7:20 A	AM
7	Don't need better liquor store. We would do better if there was no liquor store in Fort Chipewyan	8/16/2023 6:04 A	AM
8	We do not want another liquor store. We don't want more problems with drugs and alcohol. Please and thanks	8/16/2023 5:15 A	AM
9	RMWB should get the statistics from the RCMP on the crime rates in Fort Chip that are directly related to alcohol and base their decision on that!	8/16/2023 12:43	AM
10	We don't need more liquor stores	8/16/2023 12:35	AM
11	100% not in support of having another liquor store.	8/15/2023 11:40	PM
12	Open a Tim Hortons	8/15/2023 11:33	PM
13	We have a major issue in the community with alcohol and drugs right now. Why have 2 liquor stores open when we don't even have one AA meeting place that is open 24 hrs a day people have problems all the time not just 9-5 during working hours. If ppl have some place to go in the evening and even to camp a safe place for kids to to go when they're parents are partying and on drugs so they can provided for and protected as the cops can't do anything at peoples residence. I would like to know who applied for the liquor store seems like they don't care for the ppl except just to make dollar at peoples expense and the children that have to live with it.	8/15/2023 11:31	PM
14	My only comment is that people know how alcohol and hard drugs affect our community. To want to get another liquor store is a backstab to us community members who argue against it. Instead of opening another liquor store (when we already have one), I suggest alternative options like building a library or a community space where older teens can gather and engage in positive activities. This way, we focus on creating a healthier and more supportive environment for everyone	8/15/2023 11:16	PM
15	Profiting from addictions is gross.	8/15/2023 11:09	PM
16	Unacceptable as our people are struggling enough with alcohol and drugs.	8/15/2023 7:35 F	PM
17	Why do we need another liquor store when the one we have here has already ruined young lives we need a damn treatment centre that people can actually go to, also why make another liquor store when there should be a cannabis store	8/15/2023 5:10 F	PM
18	We have enough problems with one liquor store here and with the meth and crack situation, and violence against our members like myself. I STRONGLY DISAGREE this this liquor store. We as members are already losing our young ones mind set to this problem.	8/15/2023 5:05 F	PM
19	Too much addictions within the community. It does more harm than good. Death comes from Liquor and my people are tired of seeing all the death.	8/15/2023 3:10 F	PM
20	Our community does not need another liquor store!!!!!	8/15/2023 3:06 F	PM
21	the last thing we need is another liquor store, let alone one. i don't agree with this at all.	8/15/2023 2:52 F	PM

22	We have enough problems as it is in Fort chip just because someone doesn't wanna walk up a hill doesn't mean we need another place of alcohol that is ruining our community as a nation mikisew should be against this. this liquor store should be denied. Everyone always blames liquor and the liquor store when something happens I flat out say NO thank you to this liquor store application.	8/15/2023 2:52 PM
23	Alcohol addiction is a very high in this community and we do not need another one!!!!	8/15/2023 2:32 PM
24	We don't need another liquor outlet	8/15/2023 2:23 PM
25	We have enough tragedy in Fort Chipewyan without another liquor store	8/15/2023 2:04 PM
26	N/A	8/15/2023 1:59 PM
27	Liquor ruined our culture and the way the world sees us as people, we shouldn't even have one on our land let alone two. Have more cultural healing instead of poison	8/15/2023 1:50 PM
28	Make something useful. The last thing the community needs is another liquor store. What idiot even proposed that idea.	8/15/2023 1:44 PM
29	I'm a non drinking individual, making a sober community and banning liquor will make an issue worth. People will find a way to drink one way or another, most likely in an dangerous manner. Whether there's 2 liquor stores or not, isn't the issue.	8/15/2023 1:39 PM
30	Think back on when they had the VLT's. it hurt the families. and the children mostly,,,,,there enough drugs in Ft. Chip without a liquor. Store,,,,,big mistake. Don't don't. do it plz,,,,,you will make the family pitiful. ,,,,,especially the children,,,,	8/15/2023 1:30 PM
31	It doesn't matter to me we will never stop the liquor can't even evict people from homes or stop the hard drugs what's the difference	8/15/2023 1:26 PM
32	Alcohol and drugs have a big impact on our community in regards to violence and suicides, as a member we should not condone this behaviour and should be helping our nation succeed in life and sobriety	8/15/2023 1:19 PM
33	It's time for healing not more destruction. Liquor is killing the people! Invest in a rehabilitation center please!!!	8/15/2023 1:08 PM
34	There are enough social problems in the community. There is gang violence associated with drug use, children are able to access alcohol from the established liquor store here. We do not need another liquor store. We need adequate programs for the families and children to deal with the existing problems and trauma.	8/15/2023 1:05 PM
35	alcohol is killing our people and is a breach of our treaty	8/15/2023 12:57 PM
36	It's a ridiculous idea to even think about bringing more alcohol into the community, when we all know there is already a severe crisis with our younger people! They no not need another liquor store they need a rehabilitation centre or a facility to go to get clean and get healthy, why is the chief and council not worried about the health of our people!??? they do not care about the next generation??	8/15/2023 12:44 PM
37	With all the alcohol and drug related problems in our community, I hope this doesn't get approved.	8/15/2023 12:44 PM
38	Why are you going to get another liquor store on the reserve when there is one already not to mention the issues the reserve is facing this last two years. This is absolutely reckless for chief and council to profit off of addictions that have brought so much crazy behaviours. Why don't you make effort to do better for our members!	8/15/2023 12:41 PM
39	One is good enough make a dame rehab center	8/15/2023 12:37 PM
40	Drugs and alcohol are a big problem in the community, there does not need to be another liquor store. We are trying to get our people clean and healthy, not add to the problem. Ive moved away from chip because there has been far too much violence because of drugs and alcohol in the community.	8/15/2023 12:36 PM
#	Q2: NO	DATE
1	too much problems in this community with drugs and alcohol already another liquor store is just gonna make things worst for the community	8/17/2023 11:14 AM

Good morning, Thank you for your email.

My colleague, Jesse Tjepkema, is the lead on this application and will provide you with a response upon his return to the office on Monday. In the meantime, if there is anything else I can assist you with, please do not hesitate to reach out. Cheers,

Phyllis Agyemang, BSc., MSc. Planner I |Planning and Development Services| T: 780-743-7084

How did we do? Provide anonymous feedback on your experience with RMWB Planning & Development Services to help us improve our services.

Planning & Development Services Customer Satisfaction Survey | Participate Wood Buffalo (rmwb.ca)

Please consider the environment before printing this email.

From: Danny Mercredi Sent: Tuesday, August 12, 2025 9:39 PM To: Jesse Tjepkema <Jesse.Tjepkema@rmwb.ca>
Cc: Phyllis Agyemang <Phyllis.Agyemang@rmwb.ca>

Subject: Liquor Store

External Message - Please be cautious when opening links or attachments in email

ALERT!!!

Sharing;

The increasing presence and promotion of liquor stores in many First Nation communities are deeply troubling, especially given the ongoing struggles with alcohol addiction faced by many members. Alcohol is widely recognized as one of the most harmful drugs, capable of destroying families, health, and community cohesion. By allowing the proliferation of liquor stores, it feels as though opportunities to support members in overcoming addiction and promoting healthier lifestyles are proported. Instead of fostering environments that empower recovery and well-being, these stores often contribute to the cycle of dependence and loss. It is crucial for communities and leadership to prioritize initiatives that help members get off alcohol and build stronger, healthier futures.



## File number 2025-dp-00169

From Scott Flett

Date Thu 8/7/2025 1:55 PM

To Jesse Tjepkema <Jesse.Tjepkema@rmwb.ca>

External Message - Please be cautious when opening links or attachments in email

Hello Jesse,

I have concerns about the planned location of the liquor store in Fort Chipewyan as it is in close proximity to a residential and beach area.

My present experience with residing across from the beach is the partying that takes place now which will only get worse with this proposed liquor store.

Scott Flett



July 17, 2025

# NOTICE TO ADJACENT PROPERTY OWNERS

File Number 2025-DP-00169 – Application for Development Permit LOT 3 BLOCK 10 PLAN 5642NY; 193 Mackenzie Avenue; FORT CHIPEWYAN ALBERTA

An application has been received by Planning & Development Services to develop a **Liquor Store**, **Office**, **and Warehouse development** at the property listed above.

The intent is to have a temporary Liquor Store for up to one year, to be replaced with a permanent Liquor Store, Office, and Warehouse development.

You are being informed of this Development Permit **before a decision is rendered** because you live within the hamlet boundaries of Fort Chipewyan. A subject property Map is attached for your reference.

The subject property is zoned for HC – Hamlet Commercial where Liquor Store, Office and Warehouse sales are considered Discretionary Uses. *Discretionary Uses* are land uses which may be considered on a property AND include a twenty-one (21) day appeal period after a decision is rendered.

We ask that if you have any concerns or comments regarding this application that you forward these in writing referencing the above noted File Number, for the consideration of the Development Authority by **4:30 p.m. on August 7, 2025**. All comments received will be reviewed by the Development Authority prior to a decision. If a response is not received it is assumed, you have no comments/concerns regarding this application.

Your concerns/comments may be sent **in writing** to the Development Officer by one (1) of the following methods:

Email: Jesse.Tjepkema@rmwb.ca

Mail: Jesse.Tjepkema, Planner II

Planning & Development Services
Regional Municipality of Wood Buffalo

9909 Franklin Avenue

Fort McMurray, AB; T9H 2K4

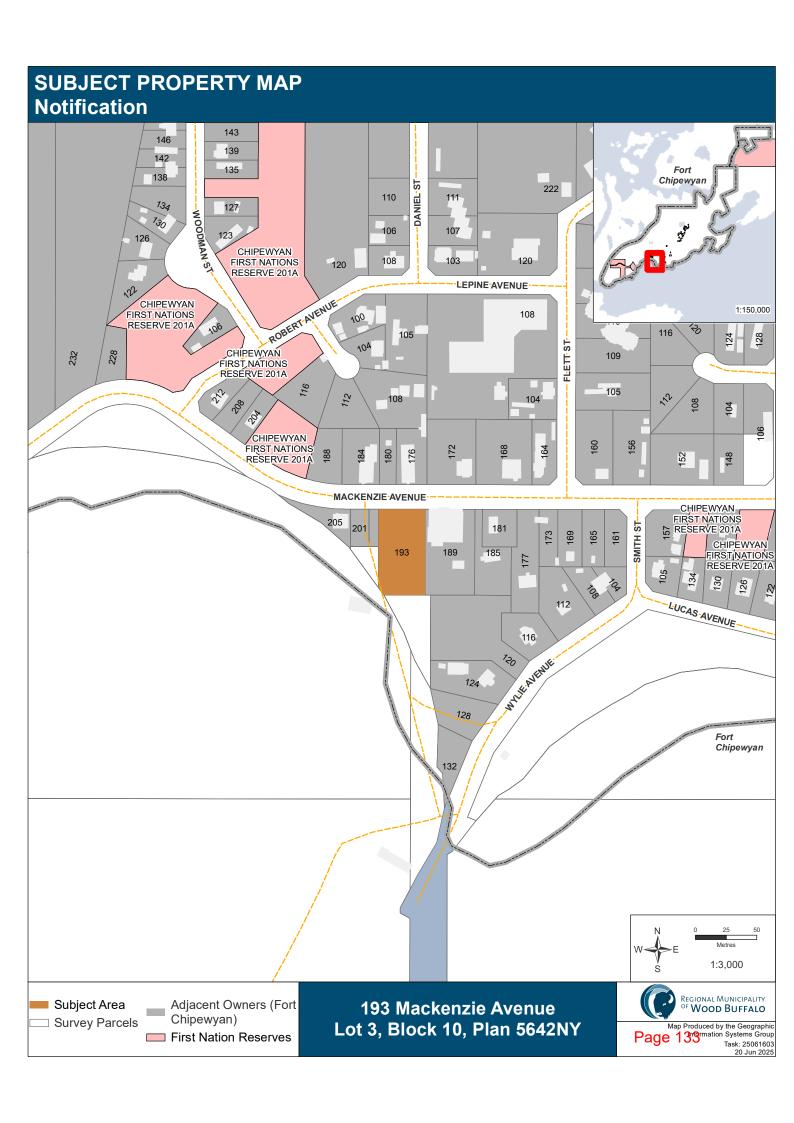
Email: <a href="mailto:Phyllis.Agyemang@rmwb.ca">Phyllis.Agyemang@rmwb.ca</a>

Mail: Phyllis Agyemang, Planner I

Planning & Development Services Regional Municipality of Wood Buffalo

9909 Franklin Avenue

Fort McMurray, AB; T9H 2K4





July 16, 2025

## Notice of Development Application 2025-DP-00169: Liquor Store, Office, and Warehouse

Dear Chief Adam,

I am writing to inform you that the Regional Municipality of Wood Buffalo has received a development application for the proposed establishment of a Liquor Store, Office, and Warehouse at **193 Mackenzie Avenue (Lot 3; Block 10; Plan 5642NY)** in **Fort Chipewyan**.

The proposal includes the establishment of a **temporary liquor store** for a period of up to one year, followed by a **permanent development** that will include a liquor store, office, and warehouse.

As part of our community engagement process, we are reaching out to all Nations and residents who may be impacted by this proposed development before a decision is made.

The subject property is zoned **HC** – **Hamlet Commercial**, where Liquor Store, Office, and Warehouse are considered **Discretionary Uses**. Discretionary Uses are those that may be approved, by the Development Authority but are subject to a **21-day appeal period** following a decision.

We understand the sensitivity of this matter and the concerns that have been raised in the past. In the spirit of transparency we want to ensure that you have the opportunity to submit any comments or concerns for consideration.

If you would like to provide feedback, please submit your comments in writing by **4:30 p.m. on August 7 2025**, so they can be reviewed by the Development Authority before a decision is made. If no response is received, it will be understood that there are no objections or concerns.

You may reach out to **Jesse Tjepkema**, Planner II, Development Officer, via email at **Jesse.Tjepkema@rmwb.ca** or by phone at 780 793 1131.

Sincerely,

Amanda Owens
Director, Planning & Development Services
Planning and Development
Regional Municipality of Wood Buffalo

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July 16, 2025

## Notice of Development Application 2025-DP-00169: Liquor Store, Office, and Warehouse

Dear President Cardinal,

I am writing to inform you that the Regional Municipality of Wood Buffalo has received a development application for the proposed establishment of a Liquor Store, Office, and Warehouse at **193 Mackenzie Avenue (Lot 3; Block 10; Plan 5642NY)** in **Fort Chipewyan**.

The proposal includes the establishment of a **temporary liquor store** for a period of up to one year, followed by a **permanent development** that will include a liquor store, office, and warehouse.

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Sincerely,



Amanda Owens
Director, Planning & Development Services
Planning and Development
Regional Municipality of Wood Buffalo

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9909 Franklin Avenue, Fort McMurray, AB, T9H 2K4



July 16, 2025

## Notice of Development Application 2025-DP-00169: Liquor Store, Office, and Warehouse

Dear Chief Tuccaro

I am writing to inform you that the Regional Municipality of Wood Buffalo has received a development application for the proposed establishment of a Liquor Store, Office, and Warehouse at 193 Mackenzie Avenue (Lot 3; Block 10; Plan 5642NY) in Fort Chipewyan.

The proposal includes the establishment of a **temporary liquor store** for a period of up to one year, followed by a **permanent development** that will include a liquor store, office, and warehouse.

As part of our community engagement process, we are reaching out to all Nations and residents who may be impacted by this proposed development before a decision is made.

The subject property is zoned **HC** – **Hamlet Commercial**, where Liquor Store, Office, and Warehouse are considered **Discretionary Uses**. Discretionary Uses are those that may be approved, by the Development Authority but are subject to a **21-day appeal period** following a decision.

We understand the sensitivity of this matter and the concerns that have been raised in the past. In the spirit of transparency we want to ensure that you have the opportunity to submit any comments or concerns for consideration.

If you would like to provide feedback, please submit your comments in writing by **4:30 p.m. on August 7 2025**, so they can be reviewed by the Development Authority before a decision is made. If no response is received, it will be understood that there are no objections or concerns.

You may reach out to **Jesse Tjepkema**, Planner II, Development Officer, via email at **Jesse.Tjepkema@rmwb.ca** or by phone at 780 793 1131.

Sincerely,



Amanda Owens
Director, Planning & Development Services
Planning and Development
Regional Municipality of Wood Buffalo

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9909 Franklin Avenue, Fort McMurray, AB, T9H 2K4

SDAB Appeal Number: 2025 – 007 Development Permit No. 2025-DP-00169 Memorandum of Argument of the Applicant Daniel Roy (as represented by Robert Homersham)

# REGIONAL MUNICIPALITY OF WOOD BUFFALO SUBDIVISION AND DEVELOPMENT APPEAL BOARD

#### IN THE MATTER OF THE APPEAL OF DEVELOPMENT PERMIT 2025-DP-00169

BETWEEN:

Mikisew Cree First Nation (Cree-ations Enterprises Limited, Mistee Seepee Development Corporation Ltd., and 1112958 Alberta Ltd.

Appellants

- AND -

Regional Municipality of Wood Buffalo

Respondent

DOCUMENT: MEMORANDUM OF ARGUMENT OF THE APPLICANT, DANIEL ROY,
REGARDING JURISIDCTIONAL MATTERS

Prepared by Terra Legal<sup>1</sup>

**Attn: Robert Homersham** 

Counsel for the Applicant, Daniel Roy

<sup>&</sup>lt;sup>1</sup> Terra Legal is a registered trade name of Robert A. Homersham Professional Corporation

#### I. Introduction:

- 1. On May 1, 2023, the Applicant, Daniel Roy, submitted a development permit application to the Regional Municipality of Wood Buffalo ("RMWB") Development Authority (the "Development Authority") for a liquor store at 193 Mackenzie Avenue, Fort Chipewyan (the "Development").
- **2.** The Applicant is the registered owner of 193 Mackenzie Avenue.
- 3. On July 19, 2023, the Development Authority informed the Applicant that it was in receipt of a complete application.<sup>2</sup>
- **4.** On July 21, 2023, the Development Authority informed the Applicant that it was extending its review of the development permit application to address alcohol-related concerns expressed by the community.<sup>3</sup>
- 5. On July 25, 2023, the Development Authority circulated notice of the development permit application to all property owners within the Fort Chipewyan hamlet boundary, as well as to the offices of Athabasca Chipewyan First Nation, Fort Chipewyan First Nation, and Mikisew Cree First Nation ("MCFN").4
- **6.** The deadline for providing comments to the Development Authority was August 25, 2023. The Development Authority received ten (10) letters from Fort Chipewyan residents and one (1) letter from MCFN opposing the Development.<sup>5</sup>
- 7. The letters from residents focused on the deleterious effects of alcohol in Fort Chipewyan and expressed concern that having a second liquor store in the hamlet would exacerbate this problem.
- 8. The letter from MCFN, with attachments including a survey of its members, totaled twenty-two (22) pages. It included comments on the deleterious effects of alcohol in its community and, additionally, alleged lack of notice and consultation with MCFN in contravention of RMWB's constitutional duty to consult.
- 9. On August 16, 2024, almost a year after it conducted its extended review, the Development Authority approved Development Permit No. 2023–DP-00125 for a liquor store at 193 Mackenzie Avenue (the "Development"), in the Hamlet of Fort Chipewyan, and issued a Notice of Decision and Conditions of Approval on August 16, 2024 (the "Approval").6

<sup>&</sup>lt;sup>2</sup> Exhibit List prepared for the Regional Municipality of Wood Buffalo Subdivision and Development Appeal Board ("2024-003 SDAB Report"), September 13, 2024, re: Appeal No. 2024-003, Ex. 5, p. 110, para. 10 (2024-003 SDAB Report)

<sup>&</sup>lt;sup>3</sup> 2024-003 SDAB Report, Ex. 5, p. 110, para. 11 (2024-003 SDAB Report)

<sup>&</sup>lt;sup>4</sup> 2024-003 SDAB Report, Ex. 5, p. 111, para. 14 (2024-003 SDAB Report)

<sup>&</sup>lt;sup>5</sup> 2024-003 SDAB Report, Ex. 5, p. 111, para. 17 (<u>2024-003 SDAB Report</u>)

<sup>6 2024-003</sup> SDAB Report, Exhibit 2, p. 5 (2024-003 SDAB Report)

**10.** The Appellants filed a Notice of Appeal (the "First Appeal"), on September 19, 2024, to the RMWB Subdivision and Development and Appeal Board (the "SDAB"), seeking to overturn the Approval.<sup>7</sup>

## II. Issues Raised on the First Appeal by MCFN

- 11. The Appellants raised, among other grounds, the following grounds of appeal:8
  - i. the Development Authority had a common law duty to consult with MCFN and failed to comply with that duty; and
  - ii. the Development Authority had a constitutional duty to consult with MCFN and failed to comply with that duty.

## III. Arguments of the Applicant and Counsel for RMWB on the First Appeal

- **12. SDAB** has no Jurisdiction on Matters of Constitutional Law. It is settled law that the SDAB does not have jurisdiction to decide questions of constitutional law. Accordingly, the issues raised by the Appellant on appeal to the SDAB described in paragraphs 11 i. and ii. above are not properly before the SDAB.
- 13. No Duty of Consultation on the Crown Regarding Private Lands. Notwithstanding that the SDAB has no jurisdiction to decide questions of constitutional law, the Alberta Court of Appeal ("ABCA") has opined that "there is no duty of consultation on the Crown or landowners on privately owned lands." 10 The ABCA distinguished the British Columbia Supreme Court decision in Hupacasath First Nation v British Columbia (Minister of Forests), which found that a duty to consult can arise in some instances involving private lands, on the basis that the facts in Hupacasath that the federal government was extensively involved in the transfer of private lands into a publicly funded government program. 11 Subsequent decisions in 2017 by the Supreme Court of Canada in Clyde River (Hamlet) v Petroleum Geo-Services Inc. 12 and Chippewas of the Thames First Nation v Enbridge Pipelines Inc. 13 may have expanded the duty to consult but, in any event, the SDAB has no jurisdiction to decide such constitutional matters. Section 636(c)(ii) of the Municipal Government Act ("MGA") does have a duty of municipalities to consult

<sup>&</sup>lt;sup>7</sup> 2024-003 SDAB Report, Ex. 6 (2024-003 SDAB Report)

<sup>8 2024-003</sup> SDAB Report, Ex. 6 (2024-003 SDAB Report)

<sup>&</sup>lt;sup>9</sup> Boll v. Woodlands County Municipal Planning Commission, 2016 ABCA 344 (CanLII), para. 8 (Boll v Woodlands County);

Paul First Nation v Parkland (County), 2006 ABCA 128 (CanLII), para. 12 (<u>Paul First Nation v Parkland County</u>); Kappo v. Subdivision and Development Appeal Board (Municipal District of Greenview No. 16), 2003 ABCA 146 (CanLII) para. 12, (<u>Kappo v MD of Greenview</u>); Designation of Constitutional Decision Makers Regulation, Alberta Regulation 69/2006 (<u>Designation of Constitutional Decision Makers Regulation</u>).

<sup>&</sup>lt;sup>10</sup> Paul First Nation v Parkland County, para. 14

<sup>&</sup>lt;sup>11</sup> Paul First Nation v Parkland County, para. 14

<sup>&</sup>lt;sup>12</sup> Clyde River (Hamlet) v Petroleum Geo-Services Inc., 2017 SCC 40 (CanLII), (Clyde River)

<sup>&</sup>lt;sup>13</sup> Chippewas of the Thames First Nation v Enbridge Pipelines Inc., 2017 SCC 41 (CanLII), (CTFN v Enbridge)

"the Indian band of any adjacent Indian reserve" with respect to preparing a municipal development plan, but this statutory duty does not extend to consultation on development permit applications. 14

## IV. Decision of the SDAB on the First Appeal

14. The SDAB accepted the arguments of the Applicant and RMWB counsel described in paragraphs 12 and 13 above but overturned the Approval on the First Appeal on the basis that an increase in liquor sales would exacerbate safety concerns in the community and, as a result, the Development "is not compatible with adjacent (or other) uses in the community.<sup>15</sup>

#### V. The Applicant's Reapplication for a Development Permit for a Liquor Store

- **15.** The Applicant reapplied for a development permit for a liquor store at 193 Mackenzie Avenue on May 20, 2025 (20205-DP-00169 or the "Second Development Permit Application").
- **16.** The Development Authority issued a Notice to Adjacent Property Owners on July 17, 2025, delivering this Notice to all addresses in the hamlet of Fort Chipewyan and to the neighboring First Nation Reserves, including MCFN. Attached as Schedule "A" to this Memorandum is the RMWB's Notice to Adjacent Property Owners of the Second Development Permit Application, which includes a letter to Chief Tuccaro of MCFN.
- **17.** and received the Approval of the Development Authority on September 26, 2025. The Notice of Approval was advertised on October 2, 2025, thereby commencing the 21-day appeal period, which expired October 23, 2025.

#### VI. Issues Raised on the Second Appeal by the Appellants

- **18.** The Appellants filed a Notice of Appeal (the "Second Appeal") on October 17, 2025, and raised the following ground of appeal:
  - i. The Development Authority did not consult with MCFN;
  - ii. Specifically, the Reasons for Appeal section of the Notice of Appeal stated as follows:

I/We hereby appeal the decision of the Approval Authority for the following reason(s) as the RMWB did not consult with MCFN and did not

SEE APPENDIX A.

<sup>&</sup>lt;sup>14</sup> Municipal Government Act, RSA 2000, c. M-26 (CanLII), (MGA)

<sup>&</sup>lt;sup>15</sup> Notice of Decision of the SDAB, dated November 19, 2024, at paras. 129 and 138 (2024-003 Notice of Decision)

**19.** The "Appendix A" referred to above, apparently containing additional reasons for appeal, was not filed with the SDAB until October 26, 2025, outside the 21-day appeal period. 16

## VII. Arguments of the Applicant Regarding Jurisdictional Issues Affecting the Second Appeal

- **20.** Section 686(1) of the MGA requires that a notice of appeal, by which an appeal of a development permit decision is commenced, must contain reasons.<sup>17</sup>
- **21.** A Subdivision and Development Appeal Board has *de novo* jurisdiction<sup>18</sup> and may consider reasons for appeal not raised in the notice of appeal.<sup>19</sup>
- **22.** However, *Landry v Rocky View County* states that this *de novo* jurisdiction is not without limits an SDAB "is not relived of ensuring procedural fairness" <sup>20</sup> and "whether there has been a prejudicial effect on a party is a key consideration in determining whether a breach of procedural fairness is established." <sup>21</sup>
- 23. If no justiciable issue is raised in the Notice of Appeal, it would have a prejudicial effect on the Applicant to allow this Appeal to continue. Sec. 686(1) of the MGA requires that a notice of appeal contain reasons. The Notice of Appeal filed with the SDAB prior to the 21-day deadline claims only that "the RMWB did not consult with MCFN." This can mean only two things either the RMWB did not give notice to the Appellants of the Second Development Permit Application or RMWB owed the Appellants a broader common law or constitutional duty to consult.
- **24.** In its November 2024 Notice of Decision regarding the First Appeal, the SDAB affirmed that "the Board does not have a duty to consult." <sup>22</sup> So if the Appellants' reason for appeal is to be interpreted as the broader duty to consult, it is *res judicata* and the Appellants are estopped from raising the issue again. <sup>23</sup> The same issue involving the same parties was already determined by the SDAB.
- **25.** Also in the November 2024 Notice of Decision regarding the First Appeal, the SDAB affirmed that:

[t]he LUB obligation is only notification, and does not require the Development Authority to do more, such as take into account any comments received. The evidence here was that the notices were sent to each address in the hamlet, which the Board interprets as well beyond the

<sup>&</sup>lt;sup>16</sup> Emails from G Stewart-Palmer, counsel for the SDAB, dated October 25 and October 29, 2025, a copy of which (with attachment) is attached as Schedule "B" to the Memorandum.

<sup>&</sup>lt;sup>17</sup> Municipal Government Act, RSA 2000, c. M-26 (CanLII), (MGA), sec. 686(1)

<sup>&</sup>lt;sup>18</sup> Municipal Government Act, RSA 2000, c. M-26 (CanLII), (MGA), sec. 687(3)(c)

<sup>&</sup>lt;sup>19</sup> Landry v Rocky View County, 2025 ABCA 34 (CanLII), (Landry v Rocky View County), paras. 31 and 36

<sup>&</sup>lt;sup>20</sup> Landry v Rocky View County, 2025 ABCA 34 (CanLII), (Landry v Rocky View County), para. 36

<sup>&</sup>lt;sup>21</sup> Landry v Rocky View County, 2025 ABCA 34 (CanLII), (Landry v Rocky View County), para. 34

<sup>&</sup>lt;sup>22</sup> Notice of Decision of the SDAB, dated November 19, 2024, at paras. 129 and 138 (2024-003 Notice of Decision), paras. 102 and 103

<sup>&</sup>lt;sup>23</sup> Sihota v Edmonton (City), 2013 ABCA 43 (CanLII), paras. 14 and 17 (Sihota v City of Edmonton)

100 m of the LUB. Since the LUB only requires notification of 100 m and the Development Authority provided notices to the whole hamlet, the Board finds that that Development Authority met its statutory obligations for notices.<sup>24</sup>

- 26. So if the Appellants' reason for appeal is to be interpreted as the narrower duty of the Development Authority to give notice to the Appellants of the Second Development Permit Application, the SDAB already decided this issue in its November 2024 Notice of Decision. The Development Authority's statutory obligation to give notice of a development permit application is to those addresses within 100 metres of the development site. Notwithstanding this limited obligation, the Development Authority did give notice to MCFN, and MCFN did respond in writing. Attached as Schedule "C" to this Memorandum is the Appellants' written objection to the Second Development Permit Application, dated August 21, 2025.
- **27.** It is "plain and obvious" <sup>25</sup> that the Appellants received notice of the Second Development Permit Application, so if its reason for appeal is that it did not receive notice, then it discloses no reasonable justiciable issue and should be struck.
- **28.** The Notice of Appeal discloses no justiciable issue so should be struck. The additional reasons for appeal in the Appendix "A", filed late, therefore have no initial reason for appeal to hang onto, to be allowed in under the SDAB's broad *de novo* jurisdiction. Therefore, these additional reasons for appeal were simply filed late. The SDAB has no jurisdiction to extend the 21-day deadline for filing a notice of appeal.<sup>26</sup>
- **29. Relief Requested.** The Applicant respectfully requests that for the foregoing reasons the SDAB dismiss this Second Appeal for want of jurisdiction.

<sup>&</sup>lt;sup>24</sup> Notice of Decision of the SDAB, dated November 19, 2024, at paras. 129 and 138 (2024-003 Notice of Decision), para. 112

<sup>&</sup>lt;sup>25</sup> Hunt v Carey Canada Inc., 1990 Can LII 90 (SCC), p. 960 (Hunt v Carey)

<sup>&</sup>lt;sup>26</sup> Coventry Homes Inc. v Beaumont (Town of) Subdivision and Development Appeal Board, 2000 ABCA 63 (CanLII), paras. 28 - 34 (Coventry Homes v Beaumont SDAB)

# Schedule "A" RMWB's Notice to Adjacent Property Owners



July 17, 2025

# NOTICE TO ADJACENT PROPERTY OWNERS

File Number 2025-DP-00169 – Application for Development Permit LOT 3 BLOCK 10 PLAN 5642NY; 193 Mackenzie Avenue; FORT CHIPEWYAN ALBERTA

An application has been received by Planning & Development Services to develop a **Liquor Store**, **Office**, **and Warehouse development** at the property listed above.

The intent is to have a temporary Liquor Store for up to one year, to be replaced with a permanent Liquor Store, Office, and Warehouse development.

You are being informed of this Development Permit **before a decision is rendered** because you live within the hamlet boundaries of Fort Chipewyan. A subject property Map is attached for your reference.

The subject property is zoned for HC – Hamlet Commercial where Liquor Store, Office and Warehouse sales are considered Discretionary Uses. *Discretionary Uses* are land uses which may be considered on a property AND include a twenty-one (21) day appeal period after a decision is rendered.

We ask that if you have any concerns or comments regarding this application that you forward these in writing referencing the above noted File Number, for the consideration of the Development Authority by **4:30 p.m. on August 7, 2025**. All comments received will be reviewed by the Development Authority prior to a decision. If a response is not received it is assumed, you have no comments/concerns regarding this application.

Your concerns/comments may be sent **in writing** to the Development Officer by one (1) of the following methods:

Email: <u>Jesse.Tjepkema@rmwb.ca</u>

Mail: Jesse.Tjepkema, Planner II

Planning & Development Services
Regional Municipality of Wood Buffalo

9909 Franklin Avenue

Fort McMurray, AB; T9H 2K4

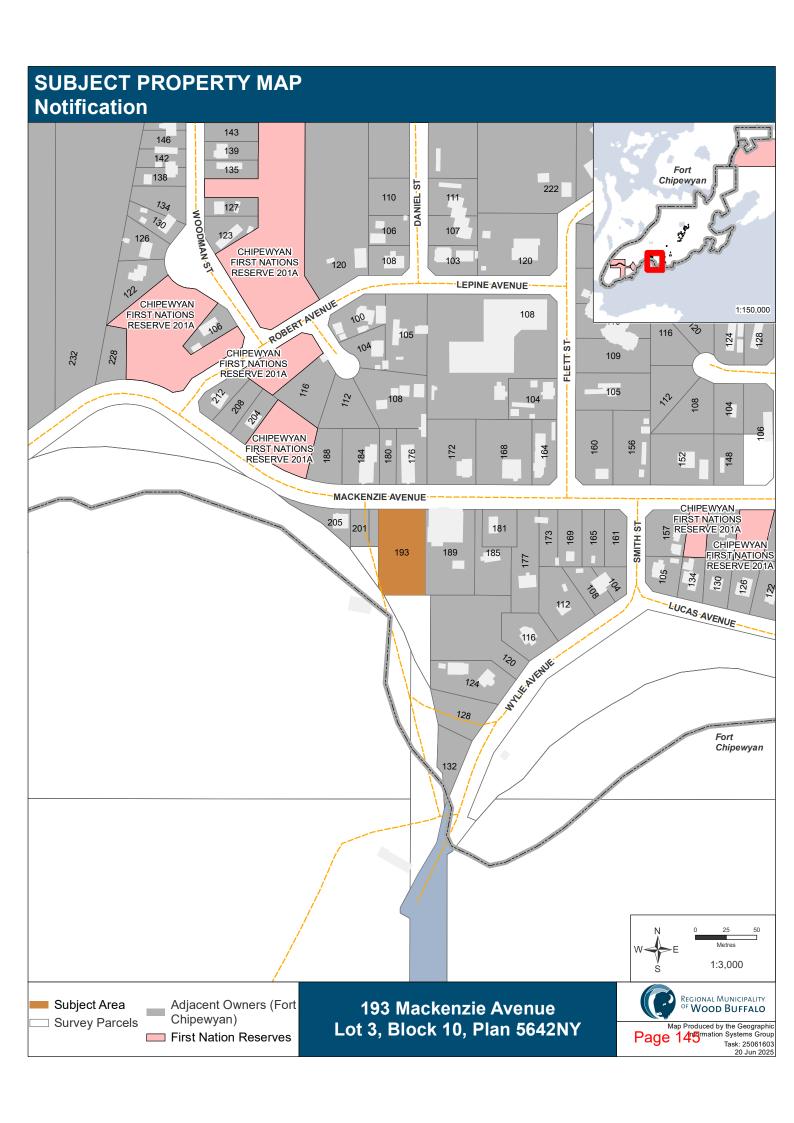
Email: <a href="mailto:Phyllis.Agyemang@rmwb.ca">Phyllis.Agyemang@rmwb.ca</a>

Mail: Phyllis Agyemang, Planner I

Planning & Development Services Regional Municipality of Wood Buffalo

9909 Franklin Avenue

Fort McMurray, AB; T9H 2K4





July 16, 2025

#### Notice of Development Application 2025-DP-00169: Liquor Store, Office, and Warehouse

Dear Chief Adam,

I am writing to inform you that the Regional Municipality of Wood Buffalo has received a development application for the proposed establishment of a Liquor Store, Office, and Warehouse at **193 Mackenzie Avenue (Lot 3; Block 10; Plan 5642NY)** in **Fort Chipewyan**.

The proposal includes the establishment of a **temporary liquor store** for a period of up to one year, followed by a **permanent development** that will include a liquor store, office, and warehouse.

As part of our community engagement process, we are reaching out to all Nations and residents who may be impacted by this proposed development before a decision is made.

The subject property is zoned **HC** – **Hamlet Commercial**, where Liquor Store, Office, and Warehouse are considered **Discretionary Uses**. Discretionary Uses are those that may be approved, by the Development Authority but are subject to a **21-day appeal period** following a decision.

We understand the sensitivity of this matter and the concerns that have been raised in the past. In the spirit of transparency we want to ensure that you have the opportunity to submit any comments or concerns for consideration.

If you would like to provide feedback, please submit your comments in writing by **4:30 p.m. on August 7 2025**, so they can be reviewed by the Development Authority before a decision is made. If no response is received, it will be understood that there are no objections or concerns.

You may reach out to **Jesse Tjepkema**, Planner II, Development Officer, via email at **Jesse.Tjepkema@rmwb.ca** or by phone at 780 793 1131.

Sincerely,

Amanda Owens
Director, Planning & Development Services
Planning and Development

Regional Municipality of Wood Buffalo

Page 146

9909 Franklin Avenue, Fort McMurray, AB, T9H 2K4



July 16, 2025

#### Notice of Development Application 2025-DP-00169: Liquor Store, Office, and Warehouse

Dear President Cardinal,

I am writing to inform you that the Regional Municipality of Wood Buffalo has received a development application for the proposed establishment of a Liquor Store, Office, and Warehouse at **193 Mackenzie Avenue (Lot 3; Block 10; Plan 5642NY)** in **Fort Chipewyan**.

The proposal includes the establishment of a **temporary liquor store** for a period of up to one year, followed by a **permanent development** that will include a liquor store, office, and warehouse.

As part of our community engagement process, we are reaching out to all Nations and residents who may be impacted by this proposed development before a decision is made.

The subject property is zoned **HC** – **Hamlet Commercial**, where Liquor Store, Office, and Warehouse are considered **Discretionary Uses**. Discretionary Uses are those that may be approved, by the Development Authority but are subject to a **21-day appeal period** following a decision.

We understand the sensitivity of this matter and the concerns that have been raised in the past. In the spirit of transparency we want to ensure that you have the opportunity to submit any comments or concerns for consideration.

If you would like to provide feedback, please submit your comments in writing by **4:30 p.m. on August 7 2025**, so they can be reviewed by the Development Authority before a decision is made. If no response is received, it will be understood that there are no objections or concerns.

You may reach out to **Jesse Tjepkema**, Planner II, Development Officer, via email at **Jesse.Tjepkema@rmwb.ca** or by phone at 780 793 1131.

Sincerely,

Amanda Owens
Director, Planning & Development Services
Planning and Development
Regional Municipality of Wood Buffalo

Page 147

9909 Franklin Avenue, Fort McMurray, AB, T9H 2K4



July 16, 2025

#### Notice of Development Application 2025-DP-00169: Liquor Store, Office, and Warehouse

Dear Chief Tuccaro

I am writing to inform you that the Regional Municipality of Wood Buffalo has received a development application for the proposed establishment of a Liquor Store, Office, and Warehouse at 193 Mackenzie Avenue (Lot 3; Block 10; Plan 5642NY) in Fort Chipewyan.

The proposal includes the establishment of a **temporary liquor store** for a period of up to one year, followed by a **permanent development** that will include a liquor store, office, and warehouse.

As part of our community engagement process, we are reaching out to all Nations and residents who may be impacted by this proposed development before a decision is made.

The subject property is zoned **HC** – **Hamlet Commercial**, where Liquor Store, Office, and Warehouse are considered **Discretionary Uses**. Discretionary Uses are those that may be approved, by the Development Authority but are subject to a **21-day appeal period** following a decision.

We understand the sensitivity of this matter and the concerns that have been raised in the past. In the spirit of transparency we want to ensure that you have the opportunity to submit any comments or concerns for consideration.

If you would like to provide feedback, please submit your comments in writing by **4:30 p.m. on August 7 2025**, so they can be reviewed by the Development Authority before a decision is made. If no response is received, it will be understood that there are no objections or concerns.

You may reach out to **Jesse Tjepkema**, Planner II, Development Officer, via email at **Jesse.Tjepkema@rmwb.ca** or by phone at 780 793 1131.

Sincerely,



Amanda Owens
Director, Planning & Development Services
Planning and Development
Regional Municipality of Wood Buffalo

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### Schedule "B" Emails from G Stewart-Palmer, Counsel for the SDAB

Subject:

RE: appeal of DP 2025-DP-00169 By Mikisew Cree First Nation et al

Date:

Wednesday, October 29, 2025 at 7:28:48 AM Mountain Daylight Time

From:

Gwendolyn J. Stewart-Palmer

To:

Robert Homersham, Orlagh O'Kelly

CC:

Shelley Metera, Heather Fredeen, Subdivision and Development Appeal Board

Attachments: image001.png, image002.jpg, 2025-10-17 SDAB Notice of Appeal with Appendix A.pdf

Hello everyone,

Bob, my apologies for the delay in responding.

I am enclosing the Notice of Appeal with Appendix A.

I am advised by the Clerk that the appeal was filed within the required deadline.

The Clerk received the form on October 17, and received the form again (with Appendix A) on October 26, 2025.

The Clerk accepted the appeal on October 17, 2025, noting the reason listed on the bottom of page 1.

Should you have any concerns about the timing of the appeal, you are able to bring this to the Board's attention as a preliminary matter.

I note also that I had written to both Bob and Orlagh regarding the dates for the hearing of the matter, and have not heard back from either of you.

The Board must open the hearing within 30 days of receipt of the appeal notice. Due to the requirements for notification, it would be helpful if the Board had a firm hearing date. It is possible for the Board to convene a preliminary hearing to set dates and address any preliminary matters.

I will be on vacation as of October 30, 2025, but you may contact Heather Fredeen, Clerk to the SDAB, who is copied on this email.

I look forward to hearing from you. Gwendolyn



Gwendolyn J. Stewart-Palmer K.C. (pronouns: she/her/hers) Partner

Suite 2250 Bell Tower | 10104-103 Avenue | Edmonton, Alberta T5J 0H8
Tel 780.448. | Direct 780-702-4275 | Fax 780.423.0163 | Cell 780 | www.shor 9275 | 914.44 | esjardine.

<u>58</u> <u>com</u>

Recipient of the 2023 CBA Municipal Law Award of Excellence

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From: Robert Homersham < robert.homersham@homersham.com>

Sent: October 25, 2025 10:19 AM

To: Gwendolyn J. Stewart-Palmer < Gwendolyn@shoresjardine.com>; Orlagh O'Kelly

<oriagh.okeily@okeilylaw.ca>

Cc: Shelley Metera <shelley.metera@okellylaw.ca>; Heather Fredeen <Heather.Fredeen@rmwb.ca>

Subject: Re: appeal of DP 2025-DP-00169 By Mikisew Cree First Nation et al

Gwendolyn,

Thanks for your email. My client and I have received an incomplete Notice of Appeal. That is, the reasons for appeal reference an Appendix with additional reasons or additional detail, which was not received. Please provide me with the complete Notice of Appeal and evidence that the complete Notice was received within the appeal period.

Regards,

Bob

Robert Homersham Barrister & Solicitor

(403) 475-0246 (d)

(403) 830-5037 (c)

rhomersham@terra-legal.com robert.homersham@homersham.com



#### terra-legal.com

Terra Legal is a trade name of Robert A. Homersham Professional Corporation

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From: Gwendolyn J. Stewart-Palmer < Gwendolyn@shoresjardine.com>

Sent: Saturday, October 25, 2025 9:24:10 AM

To: Orlagh O'Kelly <orlagh.okelly@okellylaw.ca>; Robert Homersham

<robert.homersham@homersham.com>

Cc: Shelley Metera < shelley metera@okellylaw.ca>; Heather Fredeen < Heather Fredeen@rmwb.ca> Subject: appeal of DP 2025-DP-00169 By Mikisew Cree First Nation et al

Good morning Orlagh and Bob,

I act for the RMWB SDAB.

I have been advised that MCFN et al have filed an appeal of the above noted development permit.

At this time, I am not certain if there is counsel for the Development Authority.

Heather Fredeen is the clerk. I have looped her in, because she will be liaising with the DA until we know whether the DA has counsel.

The Board needs to schedule the hearing, I thought there might be value in hearing from you about your thoughts on dates and disclosure. We will need to loop in the DA once we know about whether they are represented.

If you think a quick call would work, please send a few times for the upcoming week that might work.

Alternatively if you wanted to liaise with one another to propose a joint schedule, I believe the board would also be pleased with that, subject to their availability.

Thanks. Gwendolyn



Gwendolyn J. Stewart-Palmer K.C. (pronouns: she/her/hers) Partner

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#### Recipient of the 2023 CBA Municipal Law Award of Excellence

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#### SUBDIVISION AND DEVELOPMENT APPEAL BOARD **NOTICE OF APPEAL**

In accordance with Section 678 and 686 of the Municipal Government Act and the Regional Municipality of Wood Buffalo Land Use Bylaw 99/059, an appeal to the Subdivision and Development Appeal Board must be filed within the legislated time frame.

Section 1 – Property	Informat	ion						
Legal Land Description:(i.e. Lot, Lot 3 Block			wp-Rng-Mer an 5642N		ATS			
Civic Address		1						
193 Mackenzie Avenue, Fort	Chipewyan,	Alberta						
Development Permit Number o 2025-DP-00169	r type of Ord	ler						
Section 2 - Appellant NB: At the time of the appeal h			ting as aç	gent must p	roduce the co	mpleted	and signed Age	ent Authorization Form.
Appellant Name (If the Appellar MIKISEW CREE FIRST NATION ( and 1112958 ALBERTA LTD.)		•	•	•			NT CORPORATIO	N LTD.
Agent <sup>1</sup> Name (if applicable) Orlagh O'Kelly					Contact Nam	ne (if diff	erent) and positi	ion held
Mailing Address			(	City/Town			Province	Postal Code
403, 10113 - 104 Street NW				Edmonton			Alberta	T5J 1A1
Telephone Number (Daytime)	Alteri	nate Teleph	one Num	ber	Email Addres	ss		
587-525-8348					orlagh.okelly	@okelly	law.ca	
Section 3 – Appeal (C	heck One Bo			appeals you plication			Notice of Appea	al
<ul><li>□ Approval</li><li>□ Condition of Approval</li><li>□ Refusal</li></ul>		<ul><li>□ Appro</li><li>□ Condi</li><li>□ Refus</li></ul>	ition of Ap	proval			lotice of Order	
☐ I/We are the Applicant or L	and Owner o	f the subject	property			•		
☐ I/We are a person affected	by an order,	decision or d	developme	ent permit				
Section 4 – Reasons	for Appe	eal						
Section 678 and 686 Municipal G of your appeal, you are requested drawings or plans for clarification.	ed to provide						•	
I/We hereby appeal the decision of	of the Approv	al Authority f	or the follo	owing reaso	n(s) as the RM	WB did n	ot consult with M	CFN and did not
SEE APENDIXA								
							(Attach a s	eparate page if required)
PLEASE SEE REVERSE FOR IM  OCTOBER 17 2025	PORTANT IN	NFORMATIC	ON					
			Ciana					
Date			Signa					
If an Agent is representing th	e property	owner, a le	etter is r	equired fr	om the owne	er giving	g consent to a	property inspection.
_				•	Municipality of ourpose of this		suffalo to do a s	ite inspection and take
			Signa	ature of Regi	stered Owner			
Please return the comple	eted form	and pres	scribec	d filing fe	e to:			

Clerk of the Subdivision and Development Appeal Board, 7th Floor, Jubilee Center, 9909 Franklin Avenue, Fort McMurray AB T9H 2K4 Telephone: 780-743-7001 Email: sdab@rmwb.ca

Protection of Privacy
The personal information you provide on this form is being collected under the authority of section 33(c) of the Freedom of Information and Protection of Privacy Act. The personal information is used to process your designation of an agent for appeals with the Subdivision and Development Appeals Board. If you have any questions about the collection and use of the personal information contact the Legislative Officer –SDAB , 7th Floor 9909 Franklin Avenue, Ft. McMurray AB T9H 2K4; or call 780.788.2222

		For Office Use	Only	
Appeal #:	Fee:	Appeal Hearing Date:	Date Applicant Notified:	Date Appellant Notified:

<sup>1</sup> Agent — A person who acts for a Property Owner, Applicant, Appellant, and/or Affected/Adjacent Property Owner during the appeal hearing process or at a hearing before the Subdivision and Development Appeal Board.

#### **MATTERS FOR AN APPEAL**

- · A decision of the Subdivision Authority concerning a subdivision application;
- A decision of the Development Authority concerning a development permit application;
- · An enforcement order issued by the Development Authority.

#### SUBDIVISION AND DEVELOPMENT APPEAL BOARD

In accordance with the Municipal Government Act, once you file an appeal, it will be scheduled for a hearing. The appellant, applicant, owner of the property and anyone considered an affected person will receive written notification of the hearing date, a minimum of five days prior to the hearing. Hearing dates are advertised in the local papers and Municipal website www.rmwb.ca/sdab, the Friday prior to the hearing.

#### **IMPORTANT NOTICES**

Your completed form and any supporting attachments, the agent authorization form, and the prescribed filing fee must be submitted to the Clerk of the Subdivision and Development Appeal Board at the contact information provided below prior to the deadline indicated on the notice or decision issued:

Clerk of the Subdivision and Development Appeal Board, 7th Floor, Jubilee Center, 9909 Franklin Avenue, Fort McMurray AB T9H 2K4

Telephone: 780-743-7001 Email: <a href="mailto:sdab@rmwb.ca">sdab@rmwb.ca</a>

#### APPENDIX A

## Mikisew Cree First Nation, Cree-Ations Enterprises Ltd., Mistee Seepee Development Corporation Ltd and 1112958 Alberta Ltd.

#### APPEAL OF PERMIT NUMBER 2025-DP-00169

- 1. This is an appeal of the permit number 2025-DP-00169 granted to Daniel Roy for a liquor store located at 193 Mackenzie Avenue, Lot: 3 Block: 10 Plan 5642NY in the hamlet of Fort Chipewyan in the municipality Regional Municipality of Wood Buffalo ("RMWB"). The discretionary permit was granted pursuant to the Land Use Bylaw No. 99/059.
- 2. The proposed Liquor Store will be located at the centre of the hamlet and looking out over the lakefront. The Liquor Store is approximately 1 kilometre from MCFN's Dog Head 218 Reserve and 12km from MCFN's Alison Bay Reserve 219.

#### STATEMENT OF FACTS

- 3. The Appellants, Cree-Ations Enterprises Ltd ("Cree'Ations"), Mistee Seepee Development Corporation Ltd. ("Mistee Seepee") and 1112958 Alberta Ltd, are corporations registered under the <u>Business Corporations Act RSA 2000, c B-9</u>. (collectively referred to as the "Corporations"). The Corporations are wholly owned by Mikisew Cree First Nation and, in the case of Cree'Ations, their shares are held by Chief Billy-Joe Tuccaro in trust for Mikisew Cree First Nation ("MCFN"). MCFN cannot hold title to lands in fee simple except through such corporations.
- 4. The Appellant, Mikisew Cree First Nation, has nine (reserves) in what is now known as RWMB, including two reserves in close proximity to Fort Chipewyan (Dog Head and Allison Bay). MCFN's ancestors entered into Treaty No. 8 in 1899 at Fort Chipewyan. Treaty No. 8 was a Nation-to-Nation agreement to share the land, including all of the land that is now referred to as the Regional Municipality of Wood Buffalo. Neither RMWB nor the province of Alberta existed in 1899.
- 5. One of the Crown's primary motives for Treaty No. 8 was to impose law and order following the Klondike goldrush, and, as part of this, to control the "liquor trade" in MCFN's territory.
- 6. The Appellant submits that one of the Crown's oral promises in Treaty No. 8 was to control intoxicants in MCFN's territories ("**Promise**"). The Promise was consistent with the one provided, sometimes explicitly, in other numbered Treaties, such as <u>Treaty No. 6</u>. To break this Promises, is to breach the Treaty.
- 7. MCFN has an asserted Treaty right to protection from intoxicants, i.e. the liquor trade, and Treaty right to health ("Treaty Right").
- 8. The provincial Crown has delegated the management of municipal land use planning to municipalities under the *Municipal Government Act*, <u>RSA 2000, c M-26</u> ("**MGA**"). The land-use planning is delegated Crown conduct. To manage objections to the land-use planning within municipalities, the provincial Crown created the subdivision and development appeal board ("**SDAB**"). Together, the land use planning and the

- SDAB are delegated provincial Crown Conduct ("Crown Conduct"). In doing so, they have created a regulatory scheme that may trigger the duty to Consult.
- 9. The hamlet of Fort Chipewyan was part of a smaller northern district, Improvement District 18 ("I.D. 18"). Sometime before 1994, I.D. 18 was amalgamated into Improvement District 143 ("I.D. 143"). The Regional Municipality of Wood Bufalo was created by the Regional Municipality of Wood Buffalo Order in Council (O.C. 817.94) which amalgamated the City of Fort McMurray and Improvement District No, 143 as a specialized municipality under the MGA ("Amalgamation"). I.D. 143 was previously created to include Improvement District 18 of which was more local oversight, directly by the province of the northern and central parts of I.D. 143. This Amalgamation encompassed 63,000 square kilometres, all of which is within Treaty No. 8 territory. As a result of the Amalgamation, RWMB has received hundreds of millions of royalties and taxes from the oil sands; MCFN receives none.
- 10. This Amalgamation, through the MGA, vested jurisdiction and control over all municipal lands already administered municipally. RMWB lands can be expanded or appropriated by the provincial Crown at any time, under the MGA and the *Public Lands Act*, RSA 2000, c P-40, <u>s 9</u>.
- 11. RMWB, in engaging in land use planning in Fort Chipewyan, in particular in licensing a liquor store, engages in Crown Conduct that may adversely impact MCFN's Treaty, Treaty Rights and the Promise. As such, RMWB, acting as part of a provincial regulatory scheme, owed MCFN:
  - a. a duty to consult;
  - b. a duty to accommodate;
  - c. obligations to honour the Treaty, the Promise and the Treaty Right pursuant to the Honour of the Crown.
- 12. RMWB owes common law duties to act reasonably (including having regard to the imperative of Reconciliation) and act procedurally fairly, including the duty to consult in administrative law.
- 13. MCFN, through the Corporations, owns at least 27 residential properties in the hamlet of Fort Chipewyan, including but not limited to the **Neighbouring Properties**:
  - a. 5 units at 125 Mackenzie Avenue Plan 5642NY, Block 9, Lot 9 Registered Owner: Mistee Seepee Development Corporation Ltd.
  - b. Fourplex Units at 105 Loutit St Plan 5642NY, Block 5, Lot 12 Registered Owner: Cree-Ations Enterprises Limited
  - c. House at 103 Logan Crescent Plan 5642NY, Block 6, Lot 17 Registered Owner: Mistee Seepee Development Corporation Ltd.
  - d. House at 100 Tourangeau Ave Plan 5642NY, Block 1, Lot 7 Registered Owner: Mistee Seepee Development Corporation Ltd.
  - e. Triplex Units at 112 MacKay Crescent
  - f. House at 223 Delta Drive Plan 9122991, Block 7, Lot 20 Registered Owner: Her Majesty the Queen in Right of Canada as Represented by Department of Indian and Northern Affairs

- g. House at 109 McDonald Street Plan 8322365, Block 3, Lot 9B Registered Owner: Cree-Ations Enterprises Limited
- h. House at 105 McDonald Street Plan 8322365, Block 3, Lot 12A Registered Owner: Cree-Ations Enterprises Limited
- i. House at 112 Mercredi Street Plan 5642NY, Block 6, Lot 10 Registered Owner: 1112958 Alberta Ltd.
- j. Trailer at 109 Cardinal Avenue Plan 8321682, Block 1, Lot 21
- k. Eight plex units at 104 McDonald Steet Plan 7520202, Block 5, Lot 18A Registered Owner: Maureen Dale Hanson
- 14. The Neighbouring Properties house Mikisew Cree First Nation Members and/or staff and are in close proximity to the proposed Liquor Store.
- 15. Approximately 60 per cent of the population of Fort Chipewyan are MCFN members. The lack of housing on reserve makes it necessary for many of MCFN members to live in the nearby hamlet of Fort Chipewyan, including at the Neighbouring Properties.
- 16. MCFN members living on reserve or in Fort Chipewyan live in a remote community, accessible boat, plane and, between December and March, by winter road. MCFN has previously declared a State of Local Emergency, in April 2023, due to suicide, mental issues and addictions to intoxicants, including alcohol ("SOLE").
- 17. On July 16, 2025, RMWB sent a general "Notice to Adjacent Property Owners" to the Chief and Chief Executive Officer by email only from a previously unknown addres. As such the Notice was not found until August 20/21, 2025. At that time, MCFN made, once again, their submission, like they did on August 17, 2023 to the very same application. The MCFN Objection noted the
  - a. the results of a Survey, which were overwhelmingly opposed to the Liquor Store;
  - b. Submissions based on Treaty No. 8, the duty to consult, the Promise and Treaty Right;
  - c. The SOLE;
  - d. Incidents of crime so far in 2025, which were provided by the RCMP;
  - e. Health statistics requested but not provided by Nunee Health.
- 18. No response to the MCFN Objection was received until the Decision was posted on or about October 3, 2025.
- 19. In re-issuing the same Decision that MCFN previously successfully appealed, the RMWB approved the Liquor Store ("**Decision**"). In making the Decision, RMWB:
  - a. Did not consult MCFN;
  - b. Did not accommodate MCFN;
  - c. Did not respond to, nor consider the MCFN Objection;
- 20. The Decision did not contain reasons.

#### **GROUNDS OF APPEAL**

- 21. The Appellant appeals the Decision approving the Liquor Store on the following grounds.
  - a. The Decision is unreasonable.
  - b. The Decision-makers fettered their discretion to the by-law and failed to consider the decision of the previous SDAB revocation, including due to the unabated alcohol related crime in Fort Chipewyan.
  - c. The Decision was made without consideration for the incompatibility of a liquor store with the surrounding properties in a remote community, predominantly made up of First Nations with Treaty status and where there is a known and documented history of alcohol related crime.
  - d. The Decision is inconsistent with the public interest function of the MGA.
  - e. The Decision was procedurally unfair in that no meaningful opportunity to respond was provided to MCFN and that the RMWB failed to fulfill the common law duty to consult owed to MCFN.
  - f. The Decision-makers failed to comply with the constitutional duty to consult with MCFN based on asserted Treaty Rights and the Promise.
  - g. The Decision-makers failed to comply with the duty to accommodate MCFN.
  - h. The Decision was made in an unconscionable and dishonourable manner while RMWB provides no additional funding to the municipality for policing and has repeatedly failed to address the needs of the local predominantly First Nation population, all while receiving millions in federal/provincial funding and royalties.
  - i. Such other grounds as MCFN may submit and the SDAB may permit.
- 22. Through the SDAB or the RWMB, discharging or recognizing the duty to consult and accommodate are not a "question of constitutional law" under <u>section 10</u> of the *Administrative Procedures and Jurisdiction Act*, RSA 2000, c A-3, s 10. To hold otherwise, would be to allow the provincial Crown to evade its duties by subdelegating all regulatory processes to municipalities and immunizing any review of such processes from review.

# Schedule "C" Appellants' Response to the Notice to Adjacent Property Owners



August 21, 2025

Regional Municipality of Wood Buffalo

Dear Sir/Madam:

Re: Mikisew Objection to Liquor Store Permit

Notice of Development Application 2025-DP-00169 - Liquor Store

Please consider the enclosed Mikisew Cree First Nation's objection – again – to the resubmission of an application for the same revoked permit for a liquor store in the heart of our community, Fort Chipewyan.

Mikisew was successful at the Court of Appeal in challenging the municipality's first attempt to allow linear soles in our community at this location (193 Mackenzie Avenue, Lot 3; Block opeal, citing the Board's decision, stated:

use in the community] The Board concludes that the proposed development is not compatible with the adjacent uses....

138. As a result of the Board's conclusion that the proposed development is incompatible with the neighbouring uses . . . The development permit is revoked.<sup>1</sup>

Having been successful all the way to the Court of Appeal, Mikisew did not receive proper notice of the re-submitted application from the Regional Municipality of Wood Buffalo (RMWB). **Tab 1** is a copy of the email from our member where our Nation became aware of this resubmissions when, on August 12, 2025.

<sup>1</sup> Roy v Wood Buffalo (Subdivision and Development Appeal Board), 2025 ABCA 69 (CanLII), at para 7.



After receiving this email and upon review of emails, it appeared that the generic email (from a previously unknown sender and not indicating RMWB in the subject line) went undetected as junk in the chief and ceo emails only. Please send all notices to our band office and also to <a href="mailto:chiefandcouncil@mikisewcree.ca">chiefandcouncil@mikisewcree.ca</a> with a read receipt to ensure this does not happen again.

It also does not appear that our legitimate expectations regarding notice, throughout the community, were met this time around. For example, some of our Council live in the immediate vicinity of 193 Mackenzie Avenue, and did not receive a notice regarding this application.

Moreover, this will be the second time the notice period is condensed in the middle of summer - a time when our members and Nation are exercising their Treaty and inherent rights, but also precisely on the day (July 16, 2025) when we were in Ottawa meeting with Prime Minster Carney at the widely advertised First Nations Summit.

Notwithstanding our objections to the adequacy, manner and timing of notice, we are as a superior to the adequacy, manner and timing of notice, we are as a superior to the adequacy, manner and timing of notice, we are a superior to the adequacy, manner and timing of notice, we are a superior to the adequacy, manner and timing of notice, we are a superior to the adequacy, manner and timing of notice, we are a superior to the adequacy, manner and timing of notice, we are a superior to the adequacy and the superior to the superior to the superior to the adequacy and the superior to the superior

#### We submit as follows and enclosed:

Mikisew reiterates the safety considerations with a liquor store in community, with easy access for members with substance abuse issues but most importantly easy access for our youth. At the hearing before the SDAB Board, Mikisew advised the board of youth suicides that occurred under the influence of alcohol. Moreover, it is obvious that alcohol relates to serious safety issues in our small community. Enclosed at **Tab 2** is a copy of the incidents this year alone, until August 14, 2025, that are alcohol related. There are 241 incidents for a community of approximately 1000. This is extraordinary given the limited policing resources in our community.



Indeed, our Nation's employees and officials have noticed a decline in youth drinking in the community since the closure of the illegal liquor store (HEP). This has been a welcome improvement.

We also remind RMWB that under Treaty 8 the Crown promised us they would control the sale of liquor in our territory. Fort Chipewyan is predominantly Mikisew members. We enclose therefore at **Tab 3** the expert opinion of Dr. Darcy Lindberg in this regard. The Crown cannot evade its obligations by delegating permitting powers to the municipality.

Granting this licence has at least the *potential* to impact our Treaty relationship and Treaty rights, if not infringe them. Our claim to protection from liquor sales under Treaty 8 is credible as evidenced in Dr. Lindbergh's report. As such there is a duty to consult that arises. Since at least 2017, it is now clear that administrative bodies, such as municipalities, can and must discharge the duty to consult. Recognition of a duty to consult owing to Mikisew is evident in the consultation policy.

dfall in resource revenue sharing from the impacts to our ds development. By contrast, despite our constitutional othing in the way of revenue sharing. In February, 2024, we also became aware or runding that was provided to RMWB by the federal public safety department for addictions and prevention measures, which our community was not made aware of. Instead, RMWB has proposed to contribute to the problem by approving a liquor permit in our community.

In addition, we know from research conducted following the Imperial Kearl spill that the land dispossession caused by industrial disturbance caused mental health harm to our members and, therefore, by extension, potential for further substance abuse issues in our community. RMWB has done nothing to assist in mitigating this real problem. By contrast, Mikisew has called a State of Emergency.



Even if RMWB maintains they are exempt from the duty to consult, please be advised that RMWB is not exempt from considering whether an application is in the public interest<sup>2</sup> and whether it is compatible with the surrounding use.<sup>3</sup> It is not in the public interest nor is it compatible with the surrounding use, as already found by the municipality's own board, to contribute to substance abuse and intergenerational trauma in a predominantly First Nation community like Fort Chipewyan through the sale of liquor at 193 Mackenzie Avenue.

In closing, given the short and dishonourable window of time to respond, again, we are enclosing and relying on our previous submissions, **Tab 4**, also submitted in haste, in response to RMWB's proposal to approve this permit again.

We trust this is sufficient to put this issue to rest and join us in protecting our community.

Hiy Hiy,

Chief Billy-Joe Tuccaro Mikisew Cree First Nation

Encl (4)

cc. <u>Chiefandcouncil@mikisewcree.ca</u> <u>ceo@mikisewcree.ca</u> RMWB via email

<sup>&</sup>lt;sup>2</sup> Municipal Government Act, RSA 2000, c M-26, <u>s 617</u>; Fort McKay First Nation v Prosper Petroleum Ltd, 2020 ABCA 163 (CanLII), at <u>para 43</u>.

<sup>&</sup>lt;sup>3</sup> Rossdale Community League (1974) v. Edmonton (Subdivision and Development Appeal Board), 2009 ABCA 261 (CanLII), at para 14.

Subject: Re: Liquor Store

Date: Thursday, August 21, 2025 at 10:15:33 AM Mountain Daylight Saving Time

From: Orlagh O'Kelly

From: Danny Mercredi

**Sent:** Tuesday, August 12, 2025 9:42:43 PM

**To:** Chief Billy-Joe Tuccaro < <a href="mailto:chief@mikisewcree.ca">chief@mikisewcree.ca</a>>

**Cc:** Councillor Bonnie Fraser < <a href="mailto:bonnie.fraser@mikisewcree.ca">bonnie.fraser@mikisewcree.ca</a>; Councillor Sherri McKenzie

<<u>sherri.mckenzie@mikisewcree.ca</u>>; Councillor Tammie Tuccaro

<tammie.tuccaro@mikisewcree.ca>; Councillor Paul Tuccaro

<paul.tuccaro@mikisewcree.ca>; Councillor Dillon Whitehead

<a href="mailto:</a><a href="mailto:color:blue-red-ca">cdillon.whitehead@mikisewcree.ca</a>>; Councillor Roxanne Marcel

<roxanne.marcel@mikisewcree.ca>

Subject: Fwd: Liquor Store

Sent from my iPhone

Begin forwarded message:

From: Danny Mercredi

**Date:** August 12, 2025 at 9:41:12 PM MDT

To: permit.inquiries@rmwb.ca

**Subject: Liquor Store** 

ALERT!!!

#### Sharing;

The increasing presence and promotion of liquor stores in many First Nation communities are deeply troubling, especially given the ongoing struggles with alcohol addiction faced by many members. Alcohol is widely recognized as one of the most harmful drugs, capable of destroying families, health, and community cohesion. By allowing the proliferation of liquor stores, it feels as though opportunities to support members in overcoming addiction and promoting healthier lifestyles are being overlooked. Instead of fostering environments that empower recovery and well-being, these stores often contribute to the cycle of dependence and loss.

It is crucial for communities and leadership to prioritize initiatives that help members get off alcohol and build stronger, healthier

futures. # # # # # # # #

<image0.jpeg><image1.jpeg>

Sent from my iPhone

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	Occ#	Unit	Туре
1)	2024102328	K DIV FORT	Mischief - Obstruct enjoyment of property
_	0	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
2)	2024103654	K DIV FORT	Mischief - Obstruct enjoyment of property
	3	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
3)	2024105476	K DIV FORT	Assistance to Canadian Provincial/Territorial
	8	CHIPEWYAN	Dept/Agency
		DETACHMENT	
4)	2024105900	K DIV FORT	Wellbeing Check (FIP)
	7	CHIPEWYAN	
<del>-</del>		DETACHMENT	
5)	2024106934	K DIV FORT	Uttering threats against a person 264.1(1)(a) CC
	3	CHIPEWYAN	(FIP)
	<u> </u>	DETACHMENT	
6)	2024107551	G DIV FORT	Wellbeing Check (FIP)
	4	SMITH	
	0004400450	DETACHMENT	
7)	2024109153	G DIV FORT	Mischief - Obstruct enjoyment of property
		-SMITH	-430(3)&(4)·CC
8)	2024109909	DETACHMENT	Misshirt Obstantanian at family
0)	2024109909	K DIV FORT CHIPEWYAN	Mischief - Obstruct enjoyment of property
	~	DETACHMENT	430(3)&(4) CC
9)	2024109970	K DIV FORT	Mischief - Obstruct enjoyment of property
٥,	7 [FV]	CHIPEWYAN	430(3)&(4) CC
	7 [, 4]	DETACHMENT	450(5)&(4) 00
10)	2024110974	K DIV FORT	Breach of Peace
,	[Fv]	CHIPEWYAN	5.535110110000
		DETACHMENT	
11)	2024111912	K DIV FORT	Breach of Peace
	5	CHIPEWYAN	
		DETACHMENT	
12)	2024113972	K DIV FORT	Mischief - Obstruct enjoyment of property
•	2	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	

13)	2024114313	K DIV FORT	Breach of Peace
		CHIPEWYAN	
		DETACHMENT	
14)	2024114599	K DIV FORT	Moving Traffic - Speeding Violations -
	0	CHIPEWYAN	Provincial/Territorial
		DETACHMENT	
15)	2024115236	K DIV FORT	Mental Health Act - Other Activities (FIP)
	8	CHIPEWYAN	
		DETACHMENT	
16)	2024116787	K DIV FORT	Assist General Public
,	7	CHIPEWYAN	
		DETACHMENT	·
17)	2024117002	K DIV FORT	Uttering threats against a person 264.1(1)(a) CC
, ·	[Fv]	CHIPEWYAN	(FIP)
		DETACHMENT	
18)	2024117174	K DIV FORT	Assault 266 CC (FIP)
<b>'</b>	9	CHIPEWYAN	
		DETACHMENT	
19)	2024119280	K DIV FORT	Mental Health Act - Other Activities (FIP)
'-'	1	CHIPEWYAN	
		DETACHMENT	
20)	2024121993	K DIV FORT	Assist General Public
	2	CHIPEWYAN	
		DETACHMENT	
21)	2024122141	K DIV FORT	Assault 266 CC (FIP)
,	9 [M,Fv]	CHIPEWYAN	
	• • •	DETACHMENT	
22)	2024123322	K DIV FORT	Assist General Public
	4	CHIPEWYAN	
		DETACHMENT	
23)	2024123370	K DIV FORT	Assist General Public
,	7	CHIPEWYAN	
		DETACHMENT	
24)	2024124015	K DIV FORT	Wellbeing Check (FIP)
<del>,</del>	-021121013	CHIPEWYAN	
Ì		DETACHMENT	
25)	2024125020	K DIV FORT	Other Provincial/Territorial Statutes (not
,	5	CHIPEWYAN	otherwise specified) - Other Activities
	· ·	DETACHMENT	
26)	2024126662	K DIV FORT	Assault 266 CC (FIP)
,	5	CHIPEWYAN	
		DETACHMENT	

		W 5 3 4 5 6 5 5 5	1
27)	2024126751	K DIV FORT	Assist General Public
	2	CHIPEWYAN	
		DETACHMENT	
28)	2024128139	K DIV FORT	Other Moving Traffic Violations -
	9	CHIPEWYAN	Provincial/Territorial
	· · · · · · · · · · · · · · · · · · ·	DETACHMENT	
29)	2024128766	K DIV FORT	Assault 266 CC (FIP)
		CHIPEWYAN	
		DETACHMENT	
30)	2024131840	K DIV FORT	Other Provincial/Territorial Statutes (not
	4	CHIPEWYAN	otherwise specified) - Offences Only
		DETACHMENT	
31)	2024135376	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
	3	CHIPEWYAN	Activities
		DETACHMENT	
32)	20241367	K DIV FORT	Disturbing the peace/Causing a disturbance
		CHIPEWYAN	175(1) CC
		DETACHMENT	
33)	2024138466	K DIV FORT	Breach of Peace
′	5	CHIPEWYAN	·
		DETACHMENT	
34)	2024138606	K DIV FORT	Liquor Act (Provincial/Territorial) - Offences
	1	CHIPEWYAN	Only
		DETACHMENT	
35)	2024139775	K DIV FORT	Mischief - Obstruct enjoyment of property
′	3	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
36)	2024140251	K DIV FORT	Mischief - Obstruct enjoyment of property
′	9	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
37)	2024142406	K DIV FORT	Assault 266 CC (FIP)
′	6	CHIPEWYAN	
		DETACHMENT	
38)	2024143177	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
'	3 [Fv]	CHIPEWYAN	Activities
	- 1- 1	DETACHMENT	
39)	2024143578	K DIV FORT	Suspicious Person/ Vehicle/ Property
- <del>/</del>	9	CHIPEWYAN	1
		DETACHMENT	
40)	2024146241	K DIV FORT	Mischief - Obstruct enjoyment of property
',	8	CHIPEWYAN	430(3)&(4) CC
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41)	2024146632	K DIV FORT	Mischief - Obstruct enjoyment of property
'''	0	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
42)	2024146763	K DIV FORT	Mental Health Act - Other Activities (FIP)
	7	CHIPEWYAN	
		DETACHMENT	
43)	2024147676	K DIV FORT	Crime Prevention
	8	CHIPEWYAN	
		DETACHMENT	
44)	2024148892	K DIV FORT	Crime Prevention
	5	CHIPEWYAN	
		DETACHMENT	·
45)	2024154366	G DIV FORT	Mental Health Act - Other Activities (FIP)
'	1	SMITH	
		DETACHMENT	·
46)	2024154930	K DIV FORT	Breach of Peace
,	9 [Fv]	CHIPEWYAN	
		DETACHMENT	
47)	2024155316	K DIV FORT	Assault 266 CC (FIP)
	4 [Fv]	CHIPEWYAN	
		DETACHMENT	,
48)	2024157424	K DIV FORT	Breach of Peace
	8	CHIPEWYAN	
		DETACHMENT	
49)	2024158145	K DIV FORT	Traffic Collision(s) - Property Damage -
	3	CHIPEWYAN	Reportable
		DETACHMENT	
50)	2024158380	K DIV FORT	Breach of Peace
	7	CHIPEWYAN	
		DETACHMENT	
51)	2024158735	K DIV FORT	Breach of Peace
	0	CHIPEWYAN	
		DETACHMENT	
52)	2024158991	K DIV FORT	Wellbeing Check (FIP)
	6	CHIPEWYAN	
		DETACHMENT	
53)	2024159939	K DIV FORT	Suspicious Person/ Vehicle/ Property
	9	CHIPEWYAN	
		DETACHMENT	
54)	2024160442	K DIV FORT	Assault With Weapon or Causing Bodily Harm
	7	CHIPEWYAN	267 CC (FIP)
		DETACHMENT	

55)	2024161641	K DIV FORT	Other Moving Traffic Violations -
′	5	CHIPEWYAN	Provincial/Territorial
		DETACHMENT	
56)	2024162202	K DIV FORT	Other Moving Traffic Violations -
'	2	CHIPEWYAN	Provincial/Territorial
		DETACHMENT	
57)	2024162241	K DIV FORT	Assault 266 CC (FIP)
	9 [Fv]	CHIPEWYAN	
		DETACHMENT	
58)	2024162268	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
	5	CHIPEWYAN	Activities
		DETACHMENT	
59)	2024162292	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
	2	CHIPEWYAN	Activities
		DETACHMENT	
60)	2024162309	K DIV FORT	Assist General Public
	1	CHIPEWYAN	
		DETACHMENT	
61)	2024162309	K DIV FORT	Assault 266 CC (FIP)
	2	CHIPEWYAN	
		DETACHMENT	
62)	2024165828	K DIV FORT	Mischief - Obstruct enjoyment of property
	4	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	·
63)	2024169045	-K-DIV-FORT	Operation-while-impaired-(alcohol)/over-80mg%
	9	CHIPEWYAN	of Motor Vehicle 320.14(1)(a)/(b) CC
		DETACHMENT	· ·
64)	2024169125	K DIV FORT	Crime Prevention
	9	CHIPEWYAN	
		DETACHMENT	-
65)	2024169140	K DIV FORT	Wellbeing Check (FIP)
		CHIPEWYAN	
		DETACHMENT	•
66)	2024170429	K DIV FORT	Wellbeing Check (FIP)
	5	CHIPEWYAN	
		DETACHMENT	
67)	2024170546	K DIV FORT	Sexual Assault 271 CC (FIP)
	7	CHIPEWYAN	
		DETACHMENT	
68)	2024171318	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
	9	CHIPEWYAN	Activities
		DETACHMENT	

69)	2024172216	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
_ ′	2	CHIPEWYAN	Activities
		DETACHMENT	
70)	2024175155	K DIV FORT	Breach of Peace
	1	CHIPEWYAN	
		DETACHMENT	
71)	2024178404	K DIV FORT	Other Moving Traffic Violations -
	0	CHIPEWYAN	Provincial/Territorial
		DETACHMENT	
72)	2024179644	K DIV FORT	Discharge firearm with intent 244 CC (FIP)
	2	CHIPEWYAN	
		DETACHMENT	,
73)	2024179666	K DIV FORT	Disturbing the peace/Causing a disturbance
	6	CHIPEWYAN	175(1) CC
		DETACHMENT	
74)	2024179884	K DIV FORT	Harassing communications 372(3) CC (FIP)
	9	CHIPEWYAN	
		DETACHMENT	
75)	2024180090	K DIV FORT	Wellbeing Check (FIP)
	6	CHIPEWYAN	
		DETACHMENT	
76)	2024183733	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
	3	CHIPEWYAN	Activities
		DETACHMENT	
77)	2024183827	K DIV FORT	Mental Health Act - Other Activities (FIP)
	2	CHIPEWYAN	
		DETACHMENT	
78)	2024184563	K DIV FORT	Traffic Collision(s) - Property Damage -
	3	CHIPEWYAN	Reportable
		DETACHMENT	
79)	2024186837	K DIV FORT	Mental Health Act - Other Activities (FIP)
	8	CHIPEWYAN	
		DETACHMENT	
80)	2024186966	K DIV FORT	Mischief - Obstruct enjoyment of property
	0	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
81)	2024188708	K DIV FORT	Breach of Peace
	9 [Fv]	CHIPEWYAN	
		DETACHMENT	
82)	2024193208	K DIV FORT	Mental Health Act - Other Activities (FIP)
	[	CHIPEWYAN	
		DETACHMENT	

83)	2024194219	K DIV FORT	911 Act - Offences Only
,		CHIPEWYAN	orrace onchood only
		DETACHMENT	
84)	2024203767	K DIV FORT	Assault 266 CC (FIP)
- 7		CHIPEWYAN	7.656adit 250 00 (1 ii )
		DETACHMENT	
85)	2024208841	K DIV FORT	911 Act - Offences Only
,		CHIPEWYAN	- The state of the
		DETACHMENT	
86)	2024211397	K DIV FORT	Wellbeing Check (FIP)
'		CHIPEWYAN	
		DETACHMENT	
87)	2024240605	K DIV FORT	Other Moving Traffic Violations -
		CHIPEWYAN	Provincial/Territorial
		DETACHMENT	
88)	2024251908	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
		CHIPEWYAN	Activities
		DETACHMENT	
89)	202425940	K DIV FORT	Mischief - Obstruct enjoyment of property
		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
90)	2024261551	K DIV FORT	Mischief - Obstruct enjoyment of property
		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
91)	2024269059	K DIV FORT	Mischief - Obstruct enjoyment of property
		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	· · · · · · · · · · · · · · · · · · ·
92)	2024300733	K DIV FORT	911 Act - Offences Only
		CHIPEWYAN	
		DETACHMENT	
93)	2024310987	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
		CHIPEWYAN	Activities
		DETACHMENT	
94)	2024321251	K DIV FORT	Mental Health Act - Other Activities (FIP)
		CHIPEWYAN	
		DETACHMENT	
95)	2024332052	K DIV FORT	Assault 266 CC (FIP)
		CHIPEWYAN	
		DETACHMENT	•
96)	2024348366	K DIV FORT	Mischief - Obstruct enjoyment of property
		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	

97)	2024353525	K DIV FORT	Other Provincial/Territorial Statutes (not
" /	[Fv]	CHIPEWYAN	otherwise specified) - Other Activities
	• •	DETACHMENT	,
98)	2024379617	K DIV FORT	Other Provincial/Territorial Statutes (not
1		CHIPEWYAN	otherwise specified) - Other Activities
		DETACHMENT	
99)	2024392612	K DIV FORT	Breach of Peace
		CHIPEWYAN	
		DETACHMENT	
100	202444740	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
101	202445084	K DIV FORT	Other Provincial/Territorial Statutes (not
)		CHIPEWYAN	otherwise specified) - Other Activities
		DETACHMENT	
102	2024462788	K DIV FORT	Wellbeing Check (FIP)
)		CHIPEWYAN	
		DETACHMENT	
103	20244736	K DIV FORT	911 Act - Offences Only
)		CHIPEWYAN	
		DETACHMENT	
104	2024481133	K DIV FORT	Other Provincial/Territorial Statutes (not
)		CHIPEWYAN	otherwise specified) - Other Activities
		DETACHMENT	
105	2024487768	K DIV FORT	Assault 266 CC (FIP)
)		CHIPEWYAN	
		DETACHMENT	
106	2024490598	K DIV FORT	Other Provincial/Territorial Statutes (not
)		CHIPEWYAN	otherwise specified) - Other Activities
,		DETACHMENT	
107	2024502124	K DIV FORT	Other Moving Traffic Violations -
)		CHIPEWYAN	Provincial/Territorial
		DETACHMENT	
108	2024518740	K DIV FORT	Mischief - Damage to property 430(3)&(4) CC
)		CHIPEWYAN	
		DETACHMENT	
109	2024519114	K DIV FORT	Assault 266 CC (FIP)
)		CHIPEWYAN	
		DETACHMENT	
110	2024520788	K DIV FORT	Other Non-Moving Traffic - Provincial/Territorial
)		CHIPEWYAN	
		DETACHMENT	

111	2024520867	K DIV FORT	Operation while impaired (alcohol)/over 80mg%
)		CHIPEWYAN	of Motor Vehicle 320.14(1)(a)/(b) CC
ļ ´		DETACHMENT	(1)(1)(1)
112	20245327	K DIV FORT	Breach of Peace
)		CHIPEWYAN	
		DETACHMENT	
113	2024538558	K DIV FORT	911 Act - Offences Only
)		CHIPEWYAN	,
·		DETACHMENT	
114	2024549440	K DIV FORT	Operation while impaired (alcohol)/over 80mg%
)		CHIPEWYAN	of Motor Vehicle 320.14(1)(a)/(b) CC
		DETACHMENT	
115	2024556047	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
116	2024562648	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
)		CHIPEWYAN	Activities
		DETACHMENT	
117	2024574278	G DIV FORT	Mischief - Obstruct enjoyment of property
)		SMITH	430(3)&(4) CC
		DETACHMENT	
118	2024574938	K DIV FORT	Mischief - Damage to property 430(3)&(4) CC
)		CHIPEWYAN	
		DETACHMENT	
119	2024580844	_K-DIV-FORT	911-Act - Other Activities
)		CHIPEWYAN	
		DETACHMENT	
120	2024581200	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
121	2024592833	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
122	2024600378	K DIV FORT	Wellbeing Check (FIP)
)		CHIPEWYAN	
		DETACHMENT	
123	2024601552	K DIV FORT	Wellbeing Check (FIP)
)		CHIPEWYAN	
		DETACHMENT	·
124	2024645716	G DIV FORT	Mental Health Act - Other Activities (FIP)
)		SMITH	
		DETACHMENT	

125	2024669230	G DIV FORT	Mischief - Obstruct enjoyment of property
125	2024009230	SMITH	430(3)&(4) CC
'			430(3)&(4) CC
100	0004670054	DETACHMENT	Account OCC OC (FID)
126	2024672954	K DIV FORT	Assault 266 CC (FIP)
		CHIPEWYAN	
407	202 (27 (22 5	DETACHMENT	1,000,00 (EID)
127	2024674935	K DIV FORT	Assault 266 CC (FIP)
)		CHIPEWYAN	
		DETACHMENT	
128	2024706941	K DIV FORT	Mischief - Damage to property 430(3)&(4) CC
)		CHIPEWYAN	
		DETACHMENT	
129	2024712379	K DIV FORT	Wellbeing Check (FIP)
)		CHIPEWYAN	
		DETACHMENT	
130	2024712380	K DIV FORT	Wellbeing Check (FIP)
)		CHIPEWYAN	
	:	DETACHMENT	
131	2024713044	K DIV FORT	Uttering threats against a person 264.1(1)(a) CC
)		CHIPEWYAN	(FIP)
		DETACHMENT	
132	2024714943	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
]		DETACHMENT	
133	2024720054	K DIV FORT	Mischief - Damage to property 430(3)&(4) CC
)	•	CHIPEWYAN	
'		DETACHMENT	·
134	2024721174	K DIV FORT	Mischief - Damage to property 430(3)&(4) CC
)		CHIPEWYAN	
'		DETACHMENT	
135	2024727281	K DIV FORT	Mischief - Obstruct enjoyment of property
)	_ <del></del>	CHIPEWYAN	430(3)&(4) CC
'		DETACHMENT	
136	2024727378	K DIV FORT	Other Provincial/Territorial Statutes (not
)		CHIPEWYAN	otherwise specified) - Other Activities
'		DETACHMENT	Canal trice opening, Canal tricking
137	2024731966	K DIV FORT	Other Provincial/Territorial Statutes (not
[,''']	2027/01000	CHIPEWYAN	other Provincial Territorial Statutes (115)
'		DETACHMENT	Otherwise specifical - Other Activities
138	2024732763	K DIV FORT	Other Provincial/Territorial Statutes (not
138	2024/32/03	CHIPEWYAN	otherwise specified) - Other Activities
'			Outetwise specified) - Outet Addivides
Ll		DETACHMENT	

139	2024733800	K DIV FORT	Uttering threats against a person 264.1(1)(a) CC
)	[M]	CHIPEWYAN	(FIP)
′	",	DETACHMENT	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
140	2024733897	K DIV FORT	Liquor Act (Provincial/Territorial) - Offences
)		CHIPEWYAN	Only
′		DETACHMENT	5,
141	2024759119	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
′		DETACHMENT	
142	2024767401	K DIV FORT	Mental Health Act - Other Activities (FIP)
)		CHIPEWYAN	, , , , , , , , , , , , , , , , , , ,
,		DETACHMENT	
143	2024772115	K DIV FORT	Operation while impaired (alcohol and drug) /
)		CHIPEWYAN	over 80mg% of a Motor Vehicle 320.14(1)(a)/(d)
		DETACHMENT	CC
144	2024778655	K DIV FORT	Mischief - Damage to property 430(3)&(4) CC
)		CHIPEWYAN	, , , , , , , , , , , , , , , , , , , ,
		DETACHMENT	
145	2024817368	K DIV FORT	Breach of Peace
)		CHIPEWYAN	
		DETACHMENT	
146	2024824782	K DIV FORT	Mischief - Damage to property 430(3)&(4) CC
)		CHIPEWYAN	
		DETACHMENT	
147	2024827924	K-DIV-FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	<del>-</del>
148	202482871	K DIV FORT	Other theft under \$5000 334(b) CC
)	[Fv]	CHIPEWYAN	
		DETACHMENT	· .
149	202484914	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
)	,	CHIPEWYAN	Activities
		DETACHMENT	
150	2024851590	K DIV FORT	Breach of Peace
)		CHIPEWYAN	
		DETACHMENT	
151	2024862040	K DIV FORT	Operation While Impaired (Alcohol And Drug) /
)		CHIPEWYAN	Over 80mg% Of Vessel / Aircraft / Railway
		DETACHMENT	320.14(1)(a)/(d) CC
152	202487584	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
	ļ.	DETACHMENT	

153	202487906	K DIV FORT	Other Provincial/Territorial Statutes (not
)		CHIPEWYAN	otherwise specified) - Offences Only
'		DETACHMENT	
154	2024879593	K DIV FORT	Breach of Peace
)		CHIPEWYAN	
		DETACHMENT	`
155	2024897855	K DIV FORT	Breach of Peace
)		CHIPEWYAN	
1		DETACHMENT	
156	2024909110	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
157	202491967	K DIV FORT	Assault 266 CC (FIP)
)		CHIPEWYAN	
-		DETACHMENT	
158	2024927289	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
'		DETACHMENT	
159	2024981470	K DIV FORT	Mischief - Obstruct enjoyment of property
<b> </b> )	[Fv].	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
160	2024993773	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
)		CHIPEWYAN	Activities
		DETACHMENT	
161	2024998728	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
)		CHIPEWYAN	Activities
		DETACHMENT	
162	2024999150	K DIV FORT	Wellbeing Check (FIP)
)		CHIPEWYAN	
ĺ		DETACHMENT	
163	2025102724	K DIV FORT	Mischief - Obstruct enjoyment of property
)	6	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
164	2025103532	K DIV FORT	Mischief - Obstruct enjoyment of property
)	8	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
165	2025103540	K DIV FORT	Operation while impaired (alcohol)/over 80mg%
)	3	CHIPEWYAN	of Motor Vehicle 320.14(1)(a)/(b) CC
		DETACHMENT	
166	2025103659	K DIV FORT	Wellbeing Check (FIP)
)	8	CHIPEWYAN	
,		DETACHMENT	

167	2025103788	K DIV FORT	Mischief - Obstruct enjoyment of property
)	2	CHIPEWYAN	430(3)&(4) CC
'		DETACHMENT	
168	2025106946	K DIV FORT	Mental Health Act - Other Activities (FIP)
)		CHIPEWYAN	
	-	DETACHMENT	
169	2025110118	K DIV FORT	Mischief - Obstruct enjoyment of property
)	1	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
170	2025110689	K DIV FORT	Mischief - Obstruct enjoyment of property
)	0	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
171	2025111459	K DIV FORT	Mischief - Obstruct enjoyment of property
) .	3	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
172	2025111498	K DIV FORT	Other theft under \$5000 334(b) CC
)		CHIPEWYAN	
		DETACHMENT	
173	2025112066	K DIV FORT	Assault 266 CC (FIP)
)	9	CHIPEWYAN	
		DETACHMENT	
174	2025112977	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
175	2025114679	K DIV FORT	Operation while impaired (alcohol)/over 80mg%
)		CHIPEWYAN	of Motor Vehicle 320.14(1)(a)/(b) CC
	· · · · · · · · · · · · · · · · · · ·	DETACHMENT	
176	2025114806	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	·
177	2025114927	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
)		CHIPEWYAN	Activities
		DETACHMENT	·
178	2025115744	K DIV FORT	Mischief - Obstruct enjoyment of property
}		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
179	202511669	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
)		CHIPEWYAN	Activities
		DETACHMENT	
180	2025117208	K DIV FORT	Operation while impaired (alcohol)/over 80mg%
)		CHIPEWYAN	of Motor Vehicle 320.14(1)(a)/(b) CC
		DETACHMENT	

181	2025118023	K DIV FORT	Mischief - Obstruct enjoyment of property
)	[Fv]	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
182	2025118515	K DIV FORT	Unwanted person
)	2	CHIPEWYAN	
		DETACHMENT	
183	2025118672	K DIV FORT	Uttering threats against a person 264.1(1)(a) CC
)		CHIPEWYAN	(FIP)
		DETACHMENT	
184	2025128736	K DIV FORT	Wellbeing Check (FIP)
)		CHIPEWYAN	
		DETACHMENT	
185	202513337	K DIV FORT	Other Provincial/Territorial Statutes (not
)		CHIPEWYAN	otherwise specified) - Other Activities
		DETACHMENT	
186	2025142963	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
187	2025145353	K DIV FORT	911 Act - Other Activities
)		CHIPEWYAN	
		DETACHMENT	
188	2025160447	K DIV FORT	Wellbeing Check (FIP)
)		CHIPEWYAN	
		DETACHMENT	
189	2025204227	K DIV FORT	Wellbeing Check (FIP)
)		CHIPEWYAN	
		DETACHMENT	
190	2025209553	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
191	2025222597	K DIV FORT	Other Non-Moving Traffic - Provincial/Territorial
)		CHIPEWYAN	
		DETACHMENT	
192	2025233500	K DIV FORT	Operation while impaired (alcohol and drug) /
)		CHIPEWYAN	over 80mg% of a Motor Vehicle 320.14(1)(a)/(d)
		DETACHMENT	CC
193	2025239986	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
194	2025240695	K DIV FORT	Other Moving Traffic Violations -
		CHIPEWYAN	Provincial/Territorial
	!	DETACHMENT	

195	2025252833	K DIV FORT	Wellbeing Check (FIP)
)		CHIPEWYAN	, , ,
′		DETACHMENT	
196	202526476	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
197	202526543	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
198	2025269588	K DIV FORT	Wellbeing Check (FIP)
)		CHIPEWYAN	
		DETACHMENT	
199	2025288103	K DIV FORT	Assault 266 CC (FIP)
)	[Fv]	CHIPEWYAN	
		DETACHMENT	
200	2025308025	K DIV FORT	Mental Health Act - Other Activities (FIP)
)		CHIPEWYAN	
		DETACHMENT	
201	2025326580	K DIV FORT	Assistance to Canadian Provincial/Territorial
)		CHIPEWYAN	Dept/Agency
		DETACHMENT	
202	2025340119	K DIV FORT	Failure to comply with order 145(5) CC (FIP)
)	·	CHIPEWYAN	
	-	DETACHMENT	
203_	_2025373011_	_K-DIV_FORT	-Operation while impaired (alcohol)/over 80mg%-
)		CHIPEWYAN	of Motor Vehicle 320.14(1)(a)/(b) CC
		DETACHMENT	· · · · · · · · · · · · · · · · · · ·
204	2025376486	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
205	2025380331	K DIV FORT	Operation while impaired (alcohol)/over 80mg%
)		CHIPEWYAN	of Motor Vehicle 320.14(1)(a)/(b) CC
		DETACHMENT	
206	2025395438	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
	-··	DETACHMENT	
207	2025407036	K DIV FORT	Mischief to motor vehicle 430(3)&(4) CC
)		CHIPEWYAN	
		DETACHMENT	
208	2025408535	K DIV FORT	Assistance to Canadian Provincial/Territorial
)		CHIPEWYAN	Dept/Agency
		DETACHMENT	

209	2025410932	K DIV FORT	Disturbing the peace/Causing a disturbance
1	[Fv]	CHIPEWYAN	175(1) CC
′	[, ,]	DETACHMENT	
210	2025414298	K DIV FORT	Possession for the Purpose of Trafficking -
)	2020414200	CHIPEWYAN	Schedule I: Cocaine 5(2) CDSA (FIP)
′		DETACHMENT	
211	2025419309	K DIV FORT	Mischief - damage to property (except motor
)	2020410000	CHIPEWYAN	vehicle) 430(3)&(4) CC
′		DETACHMENT	νοιποιο, 400(ο)α(4) 00
212	2025445959	K DIV FORT	911 Act - Other Activities
1	2020440000	CHIPEWYAN	
'		DETACHMENT	
213	2025483085	K DIV FORT	Mischief - Obstruct enjoyment of property
)	[Fv]	CHIPEWYAN	430(3)&(4) CC
'	[ [, 4]	DETACHMENT	+50(0)a(+) 50
214	202551716	K DIV FORT	Traffic Collision(s) - Property Damage -
1	202001710	CHIPEWYAN	Reportable
'		DETACHMENT	Toportusto
215	2025529443	K DIV FORT	Dangerous Driving - Provincial/Territorial
1	2020020440	CHIPEWYAN	Bungarous Briving Trevincias formation
<b>'</b>		DETACHMENT	
216	202553174	K DIV FORT	Wellbeing Check (FIP)
1	20200017-1	CHIPEWYAN	Workson's Grissia (i.i.)
<b>'</b>		DETACHMENT	
217	2025547037	K DIV FORT	Operation while impaired (alcohol)/over 80mg%
١ - ١ /	20200 17 007	CHIPEWYAN	of Motor Vehicle 320.14(1)(a)/(b) CC
'	·	DETACHMENT	
218	2025604106	K DIV FORT	Operation while impaired (alcohol)/over 80mg%
)		CHIPEWYAN	of Motor Vehicle 320.14(1)(a)/(b) CC
<b>'</b>		DETACHMENT	
219	2025628925	K DIV FORT	Assault 266 CC (FIP)
)		CHIPEWYAN	, , ,
<b>'</b>	•	DETACHMENT	
220	2025727571	K DIV FORT	Operation while impaired (alcohol)/over 80mg%
)		CHIPEWYAN	of Motor Vehicle 320.14(1)(a)/(b) CC
'		DETACHMENT	
221	2025727828	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
'	İ	DETACHMENT	
222	202572818	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
'		DETACHMENT	
			<u> </u>

223	2025729647	V DIV FORT	Account OCC CC (FID)
1 223	2025728647	K DIV FORT	Assault 266 CC (FIP)
		CHIPEWYAN	
224	2025729034	DETACHMENT	Misshiof Chatwork anis-
224	2023/23034	K DIV FORT	Mischief - Obstruct enjoyment of property
'		CHIPEWYAN	430(3)&(4) CC
:005	0005700440	DETACHMENT	
225	2025729110	K DIV FORT	Wellbeing Check (FIP)
)		CHIPEWYAN	
		DETACHMENT	
226	2025731578	K DIV FORT	Disturbing the peace/Causing a disturbance
)		CHIPEWYAN	175(1) CC
		DETACHMENT	
227	2025732080	K DIV FORT	Disturbing the peace/Causing a disturbance
)		CHIPEWYAN	175(1) CC
		DETACHMENT	
228	2025745441	K DIV FORT	Mischief - damage to property (except motor
])		CHIPEWYAN	vehicle) 430(3)&(4) CC
		DETACHMENT	
229	2025748970	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
230	2025749226	K DIV FORT	Mischief - Obstruct enjoyment of property
)	[Fv]	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
231	2025762178	K DIV FORT	Liquor Act (Provincial/Territorial) - Offences
)		CHIPEWYAN	Only
		DETACHMENT	·
232	2025765390	G DIV FORT	Mental Health Act - Other Activities (FIP)
)		SMITH	,,
1		DETACHMENT	
233	2025771753	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
, , , , , , , , , , , , , , , , , , ,		DETACHMENT	
234	2025775922	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
,	:	DETACHMENT	(.)(.)
235	2025776272	G DIV FORT	Liquor Act (Provincial/Territorial) - Offences
)		SMITH	Only
'		DETACHMENT	Only
236	2025832834	G DIV FORT	Mischief - Obstruct enjoyment of property
1	2020002004	SMITH	430(3)&(4) CC
,		DETACHMENT	400(0)a(4) CC
		DETACHILEM	

237	2025907409	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
238	2025909649	K DIV FORT	Disturbing the peace/Causing a disturbance
)		CHIPEWYAN	175(1) CC
		DETACHMENT	
239	2025915907	G DIV FORT	Mental Health Act - Other Activities (FIP)
)		SMITH	
·		DETACHMENT	
240	2025937711	K DIV FORT	Mischief - damage to property (except motor
)		CHIPEWYAN	vehicle) 430(3)&(4) CC
		DETACHMENT	
241	2025974050	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
•		DETACHMENT	

Report of Dr. Darcy Lindberg (PhD, LLM, JD, BA)

Provided on October 21, 2024

### 1. Introduction

This is an opinion on the Crown's oral promises to Mikisew Cree First Nation during the creation of Treaty 8 to control intoxicants from trade and sale within Mikisew Cree First Nation's (MCFN) territories. These oral promises result in an implicit Treaty right of protection from intoxicants. In my opinion, the promises of a continuation of a 'way of life' within Treaty 8, as well as the the historical inclusion of terms dealing with control of intoxicants in treaties that preceded Treaty 8 support the finding of an implicit right from protection from intoxicants in Treaty 8. The interpretation of the promises and terms of Treaty 8 are informed by Cree law. Below I have outlined my opinion that has led me to this conclusion.

### 2. "Way of Life" Promises and Treaty 8

In the lead up to and negotiations of Treaty 8, the Crown made particular assurances to both Cree and Dene signatories that the treaty would not interfere with each peoples' respective way of life. ("the way of life promise"). Mikisew Cree First Nation would have understood the way of life promise as a protection of *nêhiyaw pimâtisiwin* or Cree way of living. Or to put another way, the maintenance of nêhiyaw pimâtisiwin was an oral but express term of the treaty. Historical records of the negotiations of Treaty 8 support this, including assurances of the maintenance of the Cree "way of life" by Crown representatives in the lead up to Treaty 8. For example, A.J. McKenna describes providing the same assurances to Indigenous peoples in Fort Chipewyan in 1899. In a letter to Clifford Sifton, he states:

"The chief difficulty in dealing with the Indians in this country arose from the fact that they believed that the making of the treaty would lead to interference with their hunting upon which they must depend for a living....There should be as little interference as possible with hunting and fishing here."

The treaty commissioners confirmed this in the negotiations of Treaty 8. As reported in the treaty commissioners' report:

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<sup>&</sup>lt;sup>1</sup> LAC, MG27 IID15 (Sifton papers), reel C-490, J. A. J. McKenna to Clifford Sifton, 26 July 1899, 8 – 10

"We assured them that the treaty would not lead to any forced interference with their mode of life".<sup>2</sup>

Intoxication or the use of intoxicants was and is not considered a practice in accordance with nêhiyaw pimâtisiwin, and was and is seen as harmful towards it. This was commonly understood by both Cree peoples and Crown representatives around 1899. For example, in 1898, Inspector Snyder of the NWMP discusses the non-disruption of a way of life in a potential treaty. Significantly, Snyder ties in the maintenance of Cree and Dene ways of life with the prevention of liquor trading in the Fort Chipewyan area. Snyder states:

"I had several long talks with the natives who came to see me in bodies...they were particularly troubled about is that they should be compelled to take treaty and live on reserves. I informed these Indians that they would not be compelled to take treaty and that their freedom would in no wise be interfered with, that the police were there more for their protection than for any interference with their ways, and so long as they obeyed the laws, the police would not trouble them, but that the police would prevent the white trappers setting out poison and fires, and the traders from trading liquor."

In my opinion, MCFN would have understood that the continuation of nêhiyaw pimâtisiwin as an express term of the treaty, and that would include a right to protection from non-Indigenous ways of life that would harm MCFN living and ways of being.

### 3. Alcohol regulation and Treaty 6:

Controlling the exchange of intoxicants was long an issue in prior treaties between the Crown and Indigenous peoples. In particular, prohibiting intoxicants from being sold or traded was a common term discussed within the negotiations of previous treaties between Cree peoples and the Crown. For example, the written terms of Treaty 6 state:

"Her Majesty further agrees with Her said Indians that within the boundary of Indian reserves, until otherwise determined by Her Government of the Dominion of Canada, no intoxicating liquor shall be allowed to be introduced or sold, and all laws now in force, or

<sup>&</sup>lt;sup>2</sup> Canada Sessional Papers 1900, no. 14, Report of the Department of Indian Affairs for the year 1899, Report of Commissioners for Treaty No. 8, D. Laird, J. H. Ross, and J. A. J. McKenna, 22 September 1899, xxxv - xxxvi.

<sup>&</sup>lt;sup>3</sup> Canada Sessional Papers 1898, no. 15, Report of the Commissioner of the North-West Mounted Police Force 1897, Appendix M, "Patrol Report -- Inspector A. E. Snyder, Edmonton to Jasper House, Athabasca District, 1897", 28 October 1897.

hereafter to be enacted, to preserve Her Indian subjects inhabiting the reserves or living elsewhere within Her North-west Territories from the evil influence of the use of intoxicating liquors, shall be strictly enforced."<sup>4</sup>

Note this prohibition was not limited to reserves as it involved those "inhabiting reserves or living elsewhere within Her North-west Territories". <sup>5</sup>

Treaty 4, also involving Cree peoples and signed in 1874 at Fort Ellice and Fort Qu'Appelle, had a similar clause prohibiting the sale of alcohol to Cree (as well as Saulteaux and Stoney) signatories. These two treaties – two preceding agreements involving Cree peoples and the Crown - would provide an understanding of what the Crown intentions were for Treaty 8 and conditioned Cree signatories of the treaty to seek similar oral terms, including those requiring a right to control intoxicants.

Cree peoples within Treaty 8 territory had knowledge of the terms of Treaty 6 and expected similar terms. J. A. Macrae, a Department of Indian Affairs Inspector at the time leading up to Treaty 8, wrote to Treaty commissioner McKenna about this expectation:

"[T]he Wood Crees and halfbreeds around Lesser Slave Lake who are closely connected with some of the Edmonton Indians may be found imbued with an intention to demand all those things which the Crees from the South always claim they were promised, and blame the Government for not embodying in the written treaty, asserting that they were amongst the terms".

### 4. Alcohol Regulation and Treaty 7:

The control of intoxicants on Indigenous territories continued to be a significant issue during the lead up to and creation of Treaty 7. A large impetus for the Blackfoot peoples to sign Treaty 7 was protection from whiskey trading that was occurring in Blackfoot territories prior to the treaty. In 1874, Colonel James Macleod led the North West Mounted Police into the territory to

<sup>&</sup>lt;sup>4</sup> Treaty No. 6, online: Government of Canada < https://www.rcaanccirnac.gc.ca/eng/1100100028710/1581292569426>

<sup>&</sup>lt;sup>5</sup> Ibid

<sup>&</sup>lt;sup>6</sup> LAC, RG10, Vol. 3848, file 75236-1, J. A. Macrae to J. A. J. McKenna, 3 December 1898.

stop the trade of whiskey by Americans to the Blackfoot. Lieutenant Governor David Laird recalled this history to Blackfoot, Nakoda Sioux and Tsuu Tina chiefs on Oct 17<sup>th</sup>, 1877:

"The good Indian has nothing to fear from the Queen or her officers. You Indians know this to be true. When bad white men brought you whiskey, robbed you, and made you poor, and, through whiskey, quarrel amongst your selves, she sent the Police to put an end to it. You know how they stopped this and punished the offenders, and how much good this has done".

Curiously, an express alcohol prohibition clause is absent from the written terms of Treaty 7. While a written clause regarding control of intoxicants on Indigenous territories that was in the preceding treaties was absent, it is uncontroversial that a prohibition of alcohol trading was a significant and immediate issue during the negotiation of Treaty 7.8

### 5. Cree Law Informs Treaty 8:

From the perspective of Cree signatories, Treaty 8 is rooted in and interpreted through *nêhiyaw* wiyasiwewin or Cree law. It is trite to say that nêhiyaw wiyasiwewin has been used by Cree societies since time immemorial, including by the band of families that would become Mikisew Cree First Nation after Treaty 8. Cree law informed each part of the negotiations and the ultimate formation of Treaty 8, and has been operating within the treaty relationship ever since.

There are foundational legal principles that are integral to the continuation of nêhiyaw pimâtisiwin (Cree way of life) including those that govern treaty relationships between Cree peoples and other nations. A primary principle involving Cree treaty making is wîtaskêwin. Wîtaskêwin translates generally into 'living on the land together' or 'living in peace together'. It

<sup>&</sup>lt;sup>7</sup> Alexander Morris, *The Treaties of Canada with the Indians of Manitoba and the Northwest Territories* (Toronto: Coles Publishing Company, 1971) at 267.

<sup>&</sup>lt;sup>8</sup>It is entirely possible that both the Blackfoot peoples and the treaty commissioners saw the NWMP as an answer to the question of alcohol trading, and did not find the need to put it as an explicit treaty term, as the challenge with alcohol trading was already being dealt with when Treaty 7 was completed. Another possible reason for the removal in the written terms of Treaty 7 (and thus subsequently in the written terms of Treaty 8 and beyond) was the development of the *Indian Act*. Section 79 of the *Indian Act*, enacted in 1876 included the following clause that prohibited the sale of liquor to Indigenous peoples: "79. Whoever sells, exchanges with, barters, supplies or gives to any Indian or non-treaty Indian in Canada, any kind of intoxicant or causes or procures the same to be done, or attempt the same or connives thereat, or opens or keeps, or causes to be. opened or kept, on any reserve or special reserve, a tavern, house or building in which any intoxicant is sold, bartered, exchanged or given, or is found in possession of any intoxicant in the house, tent, wigwam or place of abode of any Indian or non-treaty Indian, shall, on conviction thereof before any judge, stipendiary magistrate or two justices of the peace, upon the evidence of one credible witness other than the informer or prosecutor, be liable to imprisonment for a period not less than one month nor exceeding six months, with or without hard labour". See s. 79, The Indian Act, R.S.C. 1876, c. 14.

implies an obligation to ensure each other's good living on a territory. In a government-to-government context, it implies a respect of the autonomy of the other nation that one lives in close relations with. This includes dialogue and consultation on actions taken that would affect the health and good living of another's citizens and members. In the context of decisions on the sale of intoxicants within MCFN territories, wîtaskêwin may obligate the Crown to respect MCFN autonomy on an issue that is central to the well-being of its members.

Another significant principle regarding government-to-government relations is wâhkôtowin. The common translation for wahkôtowin is 'the law that governs relationships'. In a governance context, it ensures a metaphorical kinship between governments with material obligations that flow between these governments in a wahkôtowin relationship. One of the obligations is for governments who hold this type of government-to-government kinship is to provide good assistance towards the good living of the other government. In the context of control of intoxicants within MCFN territory, a full application of this principle would obligate the Crown to consult with MCFN when making decisions regarding the sale of intoxicants on their territory.

### 6. Conclusion:

The above supports my opinion that the Crown's oral promises to signatories on behalf of MCFN during the creation of Treaty 8, created an implied treaty right to control intoxicants from trade and sale within MCFN territories. The historical record shows that alcohol prohibition was an express concern in historic treaty negotiations between the Crown and Cree peoples, including within the lead up to Treaty 8. The way of life promises within Treaty 8 included protection from influences that would a harm the continuation and maintenance of nehiyaw pimatisiwin, or Cree way of life. Finally, the operation of Cree treaty principles through Cree law creates a duty to consider and consult with MCFN regarding the administration of intoxicants in its territories.



### **MIKISEW CREE FIRST NATION**

ALLISON BAY INDIAN RESERVE #219 BOX 90, FORT CHIPEWYAN, ALBERTA TOP 1BO PHONE: (780) 697-3740 FAX: (780) 697-3826

August 17, 2023

#### VIA ELECTRONIC MAIL

Nabil Malik, Planner III Brett Williamson, Planner II Planning & Development Department Regional Municipality of Wood Buffalo 9909 Franklin Avenue Fort McMurray, AB, T9H 2K4

Dear Mssrs. Malik and Williamson:

Re: File Number 2023-DP-00125- Application for Development Permit

LOT 3 BLOCK 10 PLAN 5642NY

193 Mackenzie Avenue;

FORT CHIPEWYAN ALBERTA

I am a resident of Fort Chipewyan and the duly elected Chief of the Mikisew Cree First Nation ("**Mikisew**"). I write on my own behalf, and on behalf of Mikisew Cree First Nation, to strongly oppose the above noted application for a Liquor Store, Office and Warehouse in the centre of Fort Chipewyan, at 193 Mackenzie Avenue ("**Application**") - a discretionary permit application under the *Land Use Bylaw No. 99/059*.<sup>1</sup>

I also write with the support and unanimous approval of the Mikisew Chief and Council, and 84.51 per cent of the 71 Mikisew members who were able to participate in a Mikisew initiated survey, opened on August 15, 2023 and closed on August 17, 2023 ("Survey").<sup>2</sup>

#### 1. No Notice and No Consultation

The July 28, 2023, Notice to Adjacent Property Owners, invited those who "live within the hamlet boundaries of Fort Chipewyan" to provide any concerns or comments on the proposed Application. I am a resident of Fort Chipewyan.<sup>3</sup>

<sup>&</sup>lt;sup>1</sup> RMWB Bylaw No. 99/059: available at: <a href="https://www.rmwb.ca/en/mayor-council-and-administration/resources/Documents/Landusebylaw/Consolidated-Land-Use-Bylaw-99-059.pdf">https://www.rmwb.ca/en/mayor-council-and-administration/resources/Documents/Landusebylaw/Consolidated-Land-Use-Bylaw-99-059.pdf</a>.

<sup>&</sup>lt;sup>2</sup> Tab 2, Survey – Comparison of Responses by Mikisew members versus not: Q4: "Do you agree with a Liquor Store being licensed in the RMWB Hamlet of Fort Chipewyan?" and All Data from Survey.

<sup>&</sup>lt;sup>3</sup> Tab 1, Notice dated July 28, 2023, Notice to Adjacent Property Owners.

However, to my knowledge, no similar notice was provided to Mikisew members living in the neighbouring Dog Head Reserve 218 and Allison Bay Reserve 219. No consultation occurred with Mikisew's leadership. At minimum, we find this to be in breach of the spirit of "Reconciliation" and the Truth and Reconciliation Commission's Calls to Action. We also note that Mikisew has been provided no information or records relating to this Application as would normally be applicable such a decision, including the information and data on any harms/impacts assessment of another liquor store in our small community.

Similarly, the limited time and lack of notice has restricted our ability to respond. Nevertheless, given the gravity of the proposal to our community, we have marshalled the best response possible in the three (3) days since we officially took office (August 14, 2023).

### 2. Duty Consult

By failing to even notify our Nation, Mikisew submits that the Regional Municipality of Wood Buffalo ("RMWB") has already breached the duty to consult and the honour of the Crown.

The "duty to consult" arises where there is a potential impact to aboriginal and Treaty rights, as protected under section 35 of the *Constitution Act*, 1982. Treaty 8 includes explicit written promises. It also includes oral promises, gleaned from the Crown's official records and our own oral histories. These in turn guide the duty to consult and the honour of the Crown, the latter which always applies to our relations.

### Crown records on Treaty 8

Crown records confirm that Treaty 8 was intended to protect our health and to control the liquor trade. In the short time we had to prepare, we can offer you the following to support this assertion.

First, according to Dr. Pat McCormack's research of Crown records, a primary impetus for Treaty 8 was to control the "liquor trade".<sup>4</sup>

Second, the Crown records around Treaty 8 confirm that promises were made in relation to our health, for instance, as follows: "We assured them, however, that the Government would always be ready to avail itself of any opportunity of affording medical service just as it provided that the physician attached to the Commission should give free attendance to all Indians whom he might find in need of treatment as he passed through the country."

### Oral promises in Treaty 8

Our oral histories confirm what was promised in Treaty 6 – our people would be protected from the scourge of "fire water" and alcohol would be restricted, if not prohibited on reserves.<sup>6</sup> For example, an interpreter during those negotiations explained as followed:

<sup>&</sup>lt;sup>4</sup> Patricia A. McCormack, Fort Chipewyan and the Shaping of Canadian History, 1788-1920s, UBC press, 2010, at pp. 166-167.

<sup>&</sup>lt;sup>5</sup> Treaty No. 8 Made June 21, 1899 and Adhesions, Reports, Etc. R. Duhamel, FRSC Queen's Printer and Controller of Stationery Ottawa, 1966, 1899, Cat No.: Ci 72-0866, IAND Publication No. QS-0576-000-EE-A-16, available at: https://www.rcaanc-cirnac.gc.ca/eng/1100100028813/1581293624572.

<sup>&</sup>lt;sup>6</sup> This is the thesis in Harold Johnson, *Firewater: How Alcohol Is Killing My People (and Yours)*, University of Regina Press, 2016.

"They asked for an ox and a cow [for each family; an increase in the agricultural implements; provisions for the poor, unfortunate, blind and lame; to be provided with missionaries and school teachers; **the exclusion of fire water in the whole of Saskatchewan**; a further increase in agricultural implements as the band advanced in civilization; freedom to cut timber on Crown lands; liberty to change the site of the reserves before the survey; free passages over Government bridges or scows; other animals, a horse, harness and wagon, and cooking stove for each chief; a free supply of medicines; a hand mill to each band; and lastly, that in case of war they should not be liable to serve."

Alexander Morris explained that this was indeed part of the oral promises. According to an INAC Treaty 6 report, Alexander Morris noted that the "exclusion of intoxicating liquor and the provision of schools had already been offered in the proposed terms."

Harold Johnson, the late Woodland Cree person and lawyer, also noted that Treaty 6 included this oral promise. Although less documented by written records and although time does not permit the inclusion of the basis for this position, Mikisew submits that Treaty 8 included the same oral promise.<sup>8</sup>

### Conclusion on Treaty, Duty to Consult and Honour of the Crown

Allowing the Application will impact not only Mikisew' Treaty rights, but the solemn Treaty relationship between Mikisew and the Crown, as represented by the municipality, a creature of provincial statute in this case, responsible with the administration of municipal affairs. This certain impact gives rise to at least a potential impact on the Mikisew's Treaty Rights, giving rise to a duty to consult which was in no way complied with. Further and/or in the alternative, the requirement to consider the "public interest" and the Honour of the Crown should have at least required notice to and consultation with Mikisew in this process. 10

### 3. Mikisew and RMWB

We are concerned that RMWB will take an individualistic approach to this Application, failing to consider the interests of Mikisew as collective. As such, we remind RMWB that, according to our records, a majority of Fort Chipewyan residents are Mikisew members. An estimated 583 Fort Chipewyan residents of approximately 1000 are Mikisew members.

Further our reserves are neighbouring the hamlet of Fort Chipewyan, separated only by federal Crown lands. Indeed, our communities are intertwined, and our reserve residents depend on many services and businesses in Fort Chipewyan. It would be incorrect to consider this Application, given its effects on our members, as disconnected from Mikisew and our members living on reserve. Although Mikisew can pass

<sup>&</sup>lt;sup>7</sup> John Leonard Taylor, *Treaty Research Report Treaty Six (1876*), Treaties and Historical Research Centre, Indian and Northern Affairs Canada, 1985 at p.

<sup>&</sup>lt;sup>8</sup> Harold Johnson, Firewater: How Alcohol Is Killing My People (and Yours), University of Regina Press, 2016.

<sup>&</sup>lt;sup>9</sup> Felix Hoehn and Michael Stevens, Local Governments and the Crown's Duty to Consult, 2018 55-4 *Alberta Law Review* 971, 2018 CanLIIDocs 88, ; Angela D'Elia Decembrini and Shin Imai, Supreme Court of Canada Cases Strengthen Argument for Municipal Obligation to Discharge Duty to Consult: Time to Put Neskonlith to Rest, 2019 56-3 *Alberta Law Review* 935, 2019 CanLIIDocs 364.

<sup>&</sup>lt;sup>10</sup> See for example: Fort McKay First Nation v Prosper Petroleum Ltd, 2020 ABCA 163 (CanLII), at <u>para 39</u>; Three Sisters Mountain Village Properties Ltd. v Town of Canmore, 2022 ABLPRT 671 (CanLII), at <u>paras 186-192</u>; AltaLink Management Ltd. v. Alberta (Utilities Commission), 2021 ABCA 3424; Municipal Government Act, RSA 2000, c M-26, <u>s 686. (3)(c).</u>

its own intoxicant by-laws under the *Indian Act* or its inherent powers, they cannot control the flow from Fort Chipewyan onto reserve if a new liquor store is permitted by RMWB. Neither is such a unilateral approach consistent with the Calls To Action (which include local governments) and the RMWB's own Policy.<sup>11</sup>

### 4. The effects of Alcohol on Mikisew and the community

Alcohol is a known agent of harm in our community. It perpetuates and enhances intergenerational traumas. It is a leading, if not the leading, cause of crime in Fort Chipewyan. Due to time constraints, we do not have the data from the Royal Canadian Mounted Police, but anecdotally, we know that alcohol and drugs have caused and contributed to many violent crimes in our community.

It is important that RMWB know that, historically, alcohol was used as an agent of genocide<sup>12</sup>, at worst, or as tool in bad faith dealings with First Nations.<sup>13</sup> When approaching this Application, it is expected that RMWB be aware of this past.

Further, and consistent with what our Chief and Council know about alcohol's impacts on our community, our Survey's 42 comments were unanimously not in support of the Application, stating for example:

"My only comment is that people know how much alcohol and hard drugs affect our community. To want to get another liquor store is a backstab to us community members who argue against it. Instead of opening another liquor store (when we already have one), I suggest alternative options like building a library or a community space where older teens can gather and engage in positive activities. This way, we focus on creating a healthier and more supportive environment for everyone."

"We have a major drug and alcohol problem in community with the 1 liquor store. This contributes to the mental health crisis we are still currently in. The thought of putting another liquor store in town is outrageous and would cause even more damage to this community. Leadership and RCMP can barely even handle all the crime, addiction, and abuse happening now with 1 liquor store."

"RMWB should get the statistics from the RCMP on the crime rates in Fort Chip that are directly related to alcohol and base their decision on that!" <sup>14</sup>

<sup>&</sup>lt;sup>11</sup> Call to Action #43, 57:; RMWB, Council Policy: Public Engagement, PRC-130, May 10, 2022;RMWB, Responding to the Truth and Reconciliation Commission's Calls to Action: Principles for a Collaborative Pathway Forward.

<sup>&</sup>lt;sup>12</sup> Saggers, Sherry; Gray, Dennis (2 November 1998). <u>Dealing with Alcohol: Indigenous Use in Australia, New Zealand and Canada</u>. Cambridge University Press. <u>ISBN 9780521629775</u>; Lesley Elena (2019). <u>"Cultural Impairment and the Genocidal Potential of Intoxicants: Alcohol use in Colonial North America"</u>. <u>Genocide Studies and Prevention.</u> 13 (1): 88–97. <u>doi:10.5038/1911-9933.13.1.1622.</u>O. Laughland and T.Silverstone, "<u>Liquid genocide</u>: alcohol destroyed Pine Ridge reservation – then they fought back", *The Guardian* September 29, 2017.

<sup>&</sup>quot;Benjamin Franklin, <u>The Autobiography of Benjamin Franklin</u>, <u>Section Fourty Eight"</u> where Benjamin Franklin stated, among other thing that the Indians were promised that if "they continue sober during the Treaty" they would be given plenty rum when the Treaty concluded in 1788. See also the Toronto Purchase, <u>Treaty 13</u>, where 96 gallons of rum was included in the explicit terms of the Treaty in 1805.

<sup>&</sup>lt;sup>14</sup> Tab 3, Survey – Comments in response to Q6.

In relation to the final comment, Mikisew has requested the data from RCMP. We understand that this data, too, reflects that a high proportion of criminal/violent incidents in Fort Chipewyan and on reserve involve alcohol. We will provide this information as soon as we receive the same.

Finally, we also understand that there are several negative health effects from alcohol, either through these acute violent incidents (stabbings, beatings, shootings, drinking and driving and suicides) or through chronic health issues, known to often be caused by alcohol. For example, cancer is the leading cause of death in Canada and the use of alcohol is believed to cause nearly 7,000 of those cancer deaths each year. 15 After looking at this data and others, Harold Johnson calculated that approximately half of his people (Woodland Cree in Saskatchewan) would die an alcohol related death. We have requested the information regarding alcohol and community health from Nunee Health and will, also, provide any response to RMWB as soon as possible.

### 5. Conclusion: requested Decision

We ask that you consider the present and historical harm of alcohol in our community, which includes the majority of Fort Chipewyan residents, in denying the Application.

In the alternative, if you are considering approving the Application, we ask for a further opportunity to provide more fulsome submissions than those above.

We welcome, going forward, collaboration to create, as the respondents to the Survey suggest, a gathering place or a mental health centre instead of another liquor store.

If you have any questions about the above or enclosed, we would be pleased to discuss further. Your attention to this matter is appreciated.

Hiy Hiy,

Chief Billy-Joe Tuccaro, Mikisew Cree First Nation

Mayor Sandy Bowman and RMWB Council (council@rmwb.ca and mayor@rmwb.ca) cc.

Minister of Indigenous Relations, Rick Wilson (ir.ministeroffice@gov.ab.ca) Minister of Indigenous Services Canada, Patty Hajdu (patty.hajdu@parl.gc.ca)

Dennis Fraser, Indigenous Relations RMWB (dennis.fraser@rmwb.ca)

<sup>&</sup>lt;sup>15</sup> Canadian Centre on Substance Use and Addiction, Canada's Guidance on Alcohol and Health: Final Report, January 2023, pages 10-11.

July 28, 2023

# NOTICE TO ADJACENT PROPERTY OWNERS

File Number 2023-DP-00125 – Application for Development Permit LOT 3 BLOCK 10 PLAN 5642NY; 193 Mackenzie Avenue; FORT CHIPEWYAN ALBERTA

An application has been received by the Planning and Development department to develop a Liquor Store, Office and Warehouse at the property listed above.

You are being informed of this Development Permit before a decision is rendered because you live within the hamlet boundaries of Fort Chipewyan. A subject property Map is attached for your reference.

The subject property is zoned for HC – Hamlet Commercial where Liquor Store, Office and Warehouse sales are considered Discretionary Uses. *Discretionary Uses* are land uses which may be considered on a property AND include a twenty-one (21) day appeal period after a decision is rendered.

We ask that if you have any concerns or comments regarding this application that you forward these in writing referencing the above noted File Number, for the consideration of the Development Authority by 4:30 p.m. on August 17, 2023. All received comments will be reviewed by the Development Authority prior to a decision. If a response is not received it is assumed, you have no comments/concerns regarding this application.

Your concerns/comments may be sent in writing to the Development Officer by one (1) of the following methods:

Email: Nabil.Malik@rmwb.ca Mail: Nabil Malik, Planner III

Planning & Development Department Regional Municipality of Wood Buffalo

9909 Franklin Avenue Fort McMurray, AB; T9H 2K4 Email: Brett.Williamson@rmwb.ca Mail: Brett Williamson, Planner II

Planning & Development Department Regional Municipality of Wood Buffalo

9909 Franklin Avenue Fort McMurray, AB; T9H 2K4

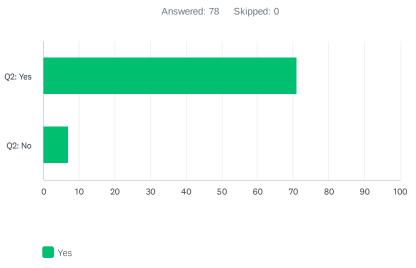
Regional Municipality of Wood Buffalo

-



Q1 You are being asked to participate in a survey to better understand how MCFN members, living in Fort Chipewyan, Alison Bay or Dog Head, consider the application to licence a liquor store in Fort Chipewyan (the Hamlet), which is adjacent to MCFN reserve land. The data from the survey will be used to inform MCFN's position in response tot his liquor store application. The survey has only three questions. The survey is being conducted by MCFN, initiated by Chief and Council. It should take less than 3 (three) minutes to complete).PARTICIPATION: Your participation in this survey is voluntary. You may refuse to take part in the survey or exit the survey at any time without penalty. You are free to decline to answer any question you do not wish to answer for any reasons. BENEFITS: In completing this survey to the best of your ability, you will help MCFN develop a position on this application that is informed by MCFN members living in Fort Chipewyan, Dog Head or Alison Bay.RISKS: Since this survey is on the topic of alcohol on and near reserve, there is a risk that you may find this process suesntive and answering them may cause emotion discomfort/triggering. If you need additional support please call the 24-hour Hope for Wellness Help Line 1-855 242 3310.CONFIDENTIALITY:

Your name will not be attached the information you provide, and all results will be anonymous. Your survey answers will be stored in a password protected electronic format. Your name and/or status number, if provided, will only be used to confirm you are a MCFN member.CONTACT: If you have any questions about completing the survey, please contact the MCFN Health Department.ELECTRONIC CONSENT: Please select your choice below. Clicking on the "Yes" button indicates that:- You have read the survey information provided above - You voluntarily agree to participate- You are 18 years of age or older- You understand the survey will take 3 minutes to complete1. I consent to participate in the survey, as described above



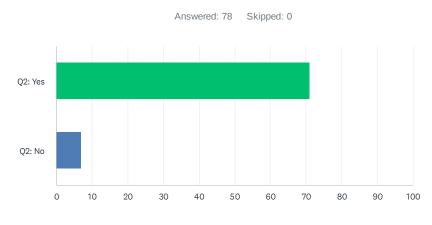
	YES	TOTAL
Q2: Yes (A)	100.00% 71	91.03% 71
Q2: No (B)	100.00% 7	8.97% 7
Total Respondents	78	78

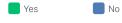
### MCFN SURVEY ON LIQUOR STORE APPLICATION

038

	IF YOU ARE WILLING, PLEASE PROVIDE YOUR NAME AND/OR STATUS NUMBER FOR THE SOLE PURPOSE OF CONFIRMING YOU ARE A MCFN MEMBER (IF YOU DO NOT WISH TO ANSWER, PLEASE ENTER N/A)		TOTAL
Q2: Yes (A)	5	57	57
Q2: No (B)		4	4

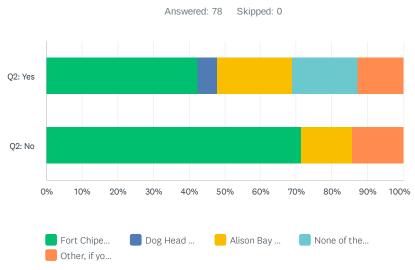
## Q2 Are you a MCFN member?





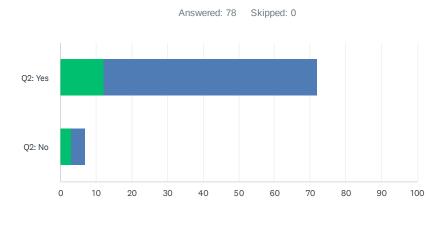
	YES	NO	TOTAL
Q2: Yes (A)	100.00% 71	0.00%	91.03% 71
Q2: No (B)	0.00%	100.00%	8.97% 7
Total Respondents	71	7	78

## Q3 Where do you live:



	FORT CHIPEWYAN	DOG HEAD RESERVE 218	ALISON BAY RESERVE 219	NONE OF THE ABOVE	OTHER, IF YOU WISH TO SPECIFY WHERE YOU LIVE:	TOTAL
Q2: Yes (A)	42.25% 30	5.63% 4	21.13% 15	18.31% 13	12.68% 9	91.03% 71
Q2: No (B)	71.43% 5	0.00%	14.29% 1	0.00%	14.29% 1	8.97% 7
Total Respondents	35	4	16	13	10	78

# Q4 Do you agree with another Liquor Store being licensed in the RMWB hamlet of Fort Chipewyan?

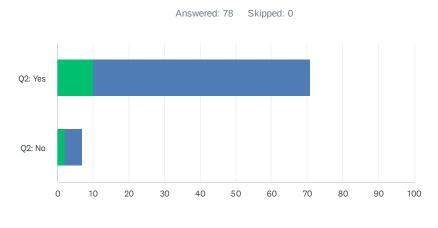


	YES	NO	тот	ΓAL
Q2: Yes (A)		16.90% 12	84.51% 60	92.31% 72
Q2: No (B)		42.86%	57.14% 4	8.97% 7
Total Respondents	15	64		78

Yes

No.

## Q5 Do you agree with a Liquor Store being licensed on a MCFN reserve?





Yes

No

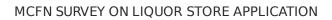
## Q6 Do you have any comments regarding this survey:

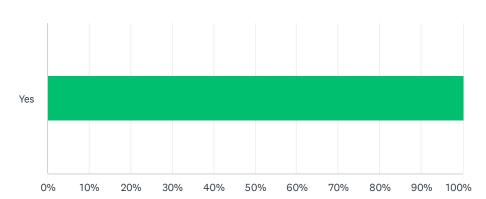
Answered: 41 Skipped: 37

	DO YOU HAVE ANY COMMENTS REGARDING THIS SURVEY:	TOTAL
Q2: Yes	100.00% 40	97.56% 40
Q2: No	100.00% 1	2.44%
Total Respondents	41	41

Q1 You are being asked to participate in a survey to better understand how MCFN members, living in Fort Chipewyan, Alison Bay or Dog Head, consider the application to licence a liquor store in Fort Chipewyan (the Hamlet), which is adjacent to MCFN reserve land. The data from the survey will be used to inform MCFN's position in response tot his liquor store application. The survey has only three questions. The survey is being conducted by MCFN, initiated by Chief and Council. It should take less than 3 (three) minutes to complete). PARTICIPATION: Your participation in this survey is voluntary. You may refuse to take part in the survey or exit the survey at any time without penalty. You are free to decline to answer any question you do not wish to answer for any reasons. BENEFITS: In completing this survey to the best of your ability, you will help MCFN develop a position on this application that is informed by MCFN members living in Fort Chipewyan, Dog Head or Alison Bay.RISKS: Since this survey is on the topic of alcohol on and near reserve, there is a risk that you may find this process suesntive and answering them may cause emotion discomfort/triggering. If you need additional support please call the 24-hour Hope for Wellness Help Line 1-855 242 3310.CONFIDENTIALITY: Your name will not be attached the information you provide, and all results will be anonymous. Your survey answers will be stored in a password protected electronic format. Your name and/or status number, if provided, will only be used to confirm you are a MCFN member.CONTACT: If you have any questions about completing the survey, please contact the MCFN Health Department.ELECTRONIC CONSENT: Please select your choice below. Clicking on the "Yes" button indicates that:- You have read the survey information provided above - You voluntarily agree to participate-You are 18 years of age or older- You understand the survey will take 3 minutes to complete1. I consent to participate in the survey, as described above

Answered: 79 Skipped: 0





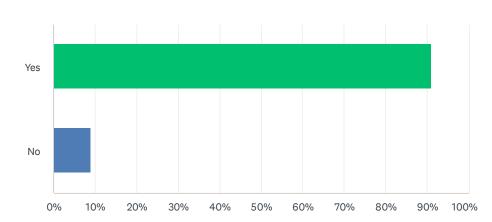
ANSWER CHOICES	RESPONSES	
Yes	100.00%	79
Total Respondents: 79		

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## Q2 Are you a MCFN member?

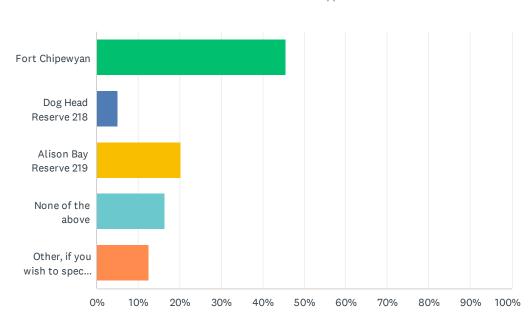




ANSWER CHOICES	RESPONSES	
Yes	91.03%	71
No	8.97%	7
Total Respondents: 78		

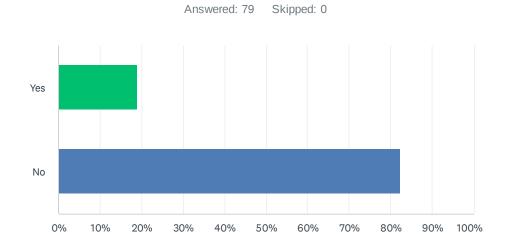
# Q3 Where do you live:





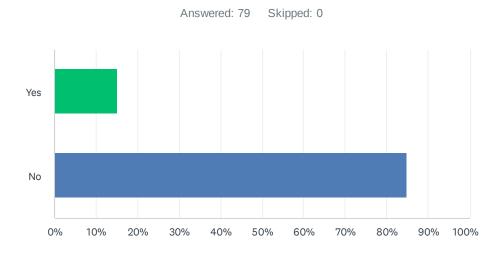
ANSWER CHOICES	RESPONSES	
Fort Chipewyan	45.57%	36
Dog Head Reserve 218	5.06%	4
Alison Bay Reserve 219	20.25%	16
None of the above	16.46%	13
Other, if you wish to specify where you live:	12.66%	10
TOTAL		79

# Q4 Do you agree with another Liquor Store being licensed in the RMWB hamlet of Fort Chipewyan?



ANSWER CHOICES	RESPONSES	
Yes	18.99%	15
No	82.28%	65
Total Respondents: 79		

# Q5 Do you agree with a Liquor Store being licensed on a MCFN reserve?



ANSWER CHOICES	RESPONSES	
Yes	15.19%	12
No	84.81%	67
Total Respondents: 79		

## Q6 Do you have any comments regarding this survey:

Answered: 42 Skipped: 37

## Q6 Do you have any comments regarding this survey:

Answered: 41 Skipped: 37

	DO YOU HAVE ANY COMMENTS REGARDING THIS SURVEY:	T	OTAL
Q2: Yes		100.00% 40	97.56% 40
Q2: No		100.00%	2.44% 1
Total Respon	ndents 41		41
#	Q2: YES	DATE	
1	The liquor store that's in question isn't on a reserve, not sure why this is a question.	8/16/2023 8:24 P	М
2	We have a major drug and alcohol problem in community with the 1 liquor store. This contributes to the mental health crisis we are still currently in. The thought of putting another liquor store in town is outrageous and would cause even more damage to this community. Leaderships and RCMP can barley even handle all the crime, addiction, and abuse happening now with 1 liquor store.	8/16/2023 2:37 P	M
3	I strongly disagree to even have a liquor store in Fort chip let alone another. Our community suffers with addiction with alcohol /drugs. You really think that brining another liquor store would do good for our community. Alcohol doesn't cure trauma/depression. Why not open a clinic that specializes in mental health and addictions. Get out people on the right track not feeding their addiction by adding another liquor store. I believe Fort Chipewyan should be a dry reserve. A community I know in MB has a dry reserve, to see the beauty in the community. The activity's for the children and more job opportunity's for the adults is amazing. I strongly disagree having another liquor store. Although I don't live in Fort chip I see from a far how liquor/drugs affects the community.	8/16/2023 2:21 P	М
4	We don't need another liquor store in Fort Chipewyan.	8/16/2023 1:06 P	М
5	A big fat No for putting up another liquor store please don't let this happen who ever is trying to do this should worry about all what's happening with drugs and alcohol so No no for putting up another problem	8/16/2023 11:53	AM
6	Liquor stores destroys families and lives. Not needed in such a tiny place lije Ft. Chipewyan.	8/16/2023 7:20 A	М
7	Don't need better liquor store. We would do better if there was no liquor store in Fort Chipewyan	8/16/2023 6:04 A	М
8	We do not want another liquor store. We don't want more problems with drugs and alcohol. Please and thanks	8/16/2023 5:15 A	М
9	RMWB should get the statistics from the RCMP on the crime rates in Fort Chip that are directly related to alcohol and base their decision on that!	8/16/2023 12:43	AM
10	We don't need more liquor stores	8/16/2023 12:35	AM
11	100% not in support of having another liquor store.	8/15/2023 11:40	PM
12	Open a Tim Hortons	8/15/2023 11:33	PM
13	We have a major issue in the community with alcohol and drugs right now. Why have 2 liquor stores open when we don't even have one AA meeting place that is open 24 hrs a day people have problems all the time not just 9-5 during working hours. If ppl have some place to go in the evening and even to camp a safe place for kids to to go when they're parents are partying and on drugs so they can provided for and protected as the cops can't do anything at peoples residence. I would like to know who applied for the liquor store seems like they don't care for the ppl except just to make dollar at peoples expense and the children that have to live with it.	8/15/2023 11:31	РМ
14	My only comment is that people know how alcohol and hard drugs affect our community. To want to get another liquor store is a backstab to us community members who argue against it. Instead of opening another liquor store (when we already have one), I suggest alternative options like building a library or a community space where older teens can gather and engage in positive activities. This way, we focus on creating a healthier and more supportive environment for everyone	8/15/2023 11:16	РМ
15	Profiting from addictions is gross.	8/15/2023 11:09	PM
16	Unacceptable as our people are struggling enough with alcohol and drugs.	8/15/2023 7:35 P	М
17	Why do we need another liquor store when the one we have here has already ruined young lives we need a damn treatment centre that people can actually go to, also why make another liquor store when there should be a cannabis store	8/15/2023 5:10 P	M
18	We have enough problems with one liquor store here and with the meth and crack situation, and violence against our members like myself. I STRONGLY DISAGREE this this liquor store. We as members are already losing our young ones mind set to this problem.	8/15/2023 5:05 P	M
19	Too much addictions within the community. It does more harm than good. Death comes from Liquor and my people are tired of seeing all the death.	8/15/2023 3:10 P	М
20	Our community does not need another liquor store!!!!!	8/15/2023 3:06 P	М
21	the last thing we need is another liquor store, let alone one. i don't agree with this at all.	8/15/2023 2:52 P	М

22	We have enough problems as it is in Fort chip just because someone doesn't wanna walk up a hill doesn't mean we need another place of alcohol that is ruining our community as a nation mikisew should be against this. this liquor store should be denied. Everyone always blames liquor and the liquor store when something happens I flat out say NO thank you to this liquor store application.	8/15/2023 2:52 PM
23	Alcohol addiction is a very high in this community and we do not need another one!!!!	8/15/2023 2:32 PM
24	We don't need another liquor outlet	8/15/2023 2:23 PM
25	We have enough tragedy in Fort Chipewyan without another liquor store	8/15/2023 2:04 PM
26	N/A	8/15/2023 1:59 PM
27	Liquor ruined our culture and the way the world sees us as people, we shouldn't even have one on our land let alone two. Have more cultural healing instead of poison	8/15/2023 1:50 PM
28	Make something useful. The last thing the community needs is another liquor store. What idiot even proposed that idea.	8/15/2023 1:44 PM
29	I'm a non drinking individual, making a sober community and banning liquor will make an issue worth. People will find a way to drink one way or another, most likely in an dangerous manner. Whether there's 2 liquor stores or not, isn't the issue.	8/15/2023 1:39 PM
30	Think back on when they had the VLT's. it hurt the families. and the children mostly,,,,,there enough drugs in Ft. Chip without a liquor. Store,,,,,big mistake. Don't don't. do it plz,,,,,you will make the family pitiful. ,,,,especially the children,,,,	8/15/2023 1:30 PM
31	It doesn't matter to me we will never stop the liquor can't even evict people from homes or stop the hard drugs what's the difference	8/15/2023 1:26 PM
32	Alcohol and drugs have a big impact on our community in regards to violence and suicides, as a member we should not condone this behaviour and should be helping our nation succeed in life and sobriety	8/15/2023 1:19 PM
33	It's time for healing not more destruction. Liquor is killing the people! Invest in a rehabilitation center please!!!	8/15/2023 1:08 PM
34	There are enough social problems in the community. There is gang violence associated with drug use, children are able to access alcohol from the established liquor store here. We do not need another liquor store. We need adequate programs for the families and children to deal with the existing problems and trauma.	8/15/2023 1:05 PM
35	alcohol is killing our people and is a breach of our treaty	8/15/2023 12:57 PM
36	It's a ridiculous idea to even think about bringing more alcohol into the community, when we all know there is already a severe crisis with our younger people! They no not need another liquor store they need a rehabilitation centre or a facility to go to get clean and get healthy, why is the chief and council not worried about the health of our people!??? they do not care about the next generation??	8/15/2023 12:44 PM
37	With all the alcohol and drug related problems in our community, I hope this doesn't get approved.	8/15/2023 12:44 PM
38	Why are you going to get another liquor store on the reserve when there is one already not to mention the issues the reserve is facing this last two years. This is absolutely reckless for chief and council to profit off of addictions that have brought so much crazy behaviours. Why don't you make effort to do better for our members!	8/15/2023 12:41 PM
39	One is good enough make a dame rehab center	8/15/2023 12:37 PM
40	Drugs and alcohol are a big problem in the community, there does not need to be another liquor store. We are trying to get our people clean and healthy, not add to the problem. Ive moved away from chip because there has been far too much violence because of drugs and alcohol in the community.	8/15/2023 12:36 PM
#	Q2: NO	DATE
1	too much problems in this community with drugs and alcohol already another liquor store is just gonna make things worst for the community	8/17/2023 11:14 AM

6 1

### MIKISEW CREE FIRST NATION, CREE-ATIONS ENTERPRISES LTD., MISTEE SEEPEE DEVELOPMENT CORPORATION LTD and 1112958 ALBERTA LTD.

(Appellants)

And

**DANIEL ROY** 

(Appellant)

And

### REGIONAL MUNICIPALITY OF WOOD BUFFALO

# MEMORANDUM OF ARGUMENT OF MIKISEW APPELLANTS SUBDIVISION AND DEVELOPMENT APPEAL BOARD

### **OVERVIEW**

- 1. The Appellants are Mikisew Cree First Nation and three Mikisew owned corporations with fee simple land in their traditional territory, which is now known as the hamlet of Fort Chipewyan in the Regional Municipality of Wood Buffalo (RMWB) (hereinafter collectively referred to as "Appellant" or "Mikisew"). Mikisew members make up the majority of Fort Chipewyan residents.
- 2. The Appellant objects to the development of a liquor store in the heart of Fort Chipewyan. Between 2023 and 2025, Mikisew has repeatedly communicated their Objections to RMWB on the existence of liquor sales in their territory, contrary to Treaty No. 8, but also contrary to the public interest, the compatibility with their neighbourhood and the addictions and crimes in Fort Chipewyan. This case is about the balancing of the largest First Nation and its members in Fort Chipewyan and one individual's request to have a business that, based on the RCMP statistics, will have harm on the community.

- 3. The RMWB Development Officer in exercising their discretion to award effectively the exact same discretionary liquor store "**Permit**" failed to discharge the duty to consult and accommodate ("**DTCA**") Mikisew, including in the officer's failing to determine why, this time, the liquor store was compatible with adjacent uses.
- 4. Further and/or in the alternative, if the Development Officer was not responsible for discharging the duty to consult and accommodate; the Subdivision and Development Appeal Board has the authority to discharge this duty to consult and accommodate through this appeal.
- 5. The "Liquor Store Developer", Daniel Roy, brings a preliminary issue, marshalling significant resources of the parties and the SDAB that will only delay a determination on the merits of this appeal. This preliminary issue is wholly without merit and the SDAB should proceed to a merit hearing.
- 6. In particular, without any authority, Mr. Roy claims that the scope of the appeal is limited to the ground on the Notice of Appeal form and that no further issues can be raised thereafter. Second, Mr. Roy claims that this is "res judicata". It is not. Indeed, if there is any such argument available it would be "issue estoppel" as against Mr. Roy and the RMWB for putting forward and approving the exact same liquor store Permit which this Board revoked and which was upheld by the Alberta Court of Appeal.

### STATEMENT OF FACTS

7. The Appellants ("Appellant"), Cree-Ations Enterprises Ltd ("Cree'Ations"), Mistee Seepee Development Corporation Ltd. ("Mistee Seepee") and 1112958 Alberta Ltd, are corporations registered under the <u>Business Corporations Act RSA 2000</u>, c B-9. (collectively referred to as the "Corporations"). The Corporations are wholly owned by Mikisew Cree First Nation and, in the case of Cree'Ations, their shares are held by Chief Billy-Joe Tuccaro in trust for Mikisew Cree First Nation ("Mikisew"). Mikisew cannot hold title to lands in fee simple except through such corporations.<sup>1</sup>

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<sup>&</sup>lt;sup>1</sup> Corporate Records of the Appellant, Evidence of Mikisew.

- 8. As promised under Treaty No. 8<sup>2</sup>, the Appellant, Mikisew, has nine (reserves) in what is now known as RWMB, including two reserves near Fort Chipewyan (Dog Head<sup>3</sup> and Allison Bay<sup>4</sup>
- 9. Mikisew's ancestors entered into Treaty No. 8 in 1899 at Fort Chipewyan. Treaty No. 8 was a Nation-to-Nation agreement to share the land, including all of the land that is now referred to as RMWB.<sup>5</sup> Neither RMWB nor the province of Alberta existed in 1899. Today, according to Canadian law, the Crown's obligations are fulfilled according to the division of powers, meaning Alberta has jurisdiction over land use planning which it has chosen to fulfil through municipalities.<sup>6</sup>

### Crown's Statutory Discretion over Land-Use Planning delegated to RMWB

- 10. RMWB is a creature of provincial statute and a local emanation of the Crown. RMWB was established as the result of an amalgamation and renaming into a "Specialized Municipality" effective August 14, 1996, by *Order in Council 354/96* (Amalgamated Improvement District No. 143 and City of Fort McMurray). Prior to that date, local First Nations, including MCFN, were in control of the ID 17 as it was then known. Should this unmitigated lack of consultation, planning and developing, while collecting millions in royalties continue, MCFN intends to seek to de-amalgamate RWMB.
- 11. Through the <u>Municipal Government Act</u> ("MGA"), RSA 2000, c. M-26, the provincial Crown has delegated control and management of land use planning over municipal lands to RMWB, including over a vast area in Northeastern Alberta, all of which is Treaty 8 territory and most of which MCFN considers to be its territory, private lands and also provincial Crown land. The land over which RMWB administers is bisected by reserve land and federal Crown land, including the Wood Buffalo National Park. Through the

<sup>&</sup>lt;sup>2</sup> Treaty No. 8 and Report of Commissioners, available: https://www.rcaanccirnac.gc.ca/eng/1100100028813/1581293624572

<sup>&</sup>lt;sup>3</sup> Reserves, Dog Head 218, available at: <a href="https://fnp-ppn.aadnc-aandc.gc.ca/fnp/Main/Search/RVDetail.aspx?RESERVE">https://fnp-ppn.aadnc-aandc.gc.ca/fnp/Main/Search/RVDetail.aspx?RESERVE</a> NUMBER=08495&lang=eng

<sup>&</sup>lt;sup>4</sup>: Reserves, Allison Bay 219, available at: <a href="https://fnp-ppn.aadnc-aandc.gc.ca/fnp/Main/Search/RVDetail.aspx?RESERVE\_NUMBER=06734&lang=eng">https://fnp-ppn.aadnc-aandc.gc.ca/fnp/Main/Search/RVDetail.aspx?RESERVE\_NUMBER=06734&lang=eng</a>; Reserves, Mikisew Cree First Nation, Number 461, available at: <a href="https://fnp-ppn.aadnc-aandc.gc.ca/fnp/Main/Search/FNReserves.aspx?BAND">https://fnp-ppn.aadnc-aandc.gc.ca/fnp/Main/Search/FNReserves.aspx?BAND</a> NUMBER=461&lang=eng.

MCFN About Us, available at: https://www.mikisewcree.ca/about-us/

<sup>&</sup>lt;sup>6</sup> See for example: Chief Electoral Officer of Alberta v Sylvestre, 2025 ABKB 712 (CanLII), at para 187.

Alberta Consultation Office, for example MCFN is consulted in much of RMWB. Mikisew also has a consultation agreement with RMWB.<sup>7</sup>

- 12. By the MGA, the provincial Crown has delegated statutory authority to RMWB over Fort Chipewyan's land use planning. The rules are outlined in a 500-page by-law developed by RMWB.<sup>8</sup> For the purposes of this appeal, the Crown's delegated statutory discretion includes the following:
  - a. By Section 640 of the MGA, the provincial Crown requires RMWB to pass a land use bylaw.<sup>9</sup>
  - b. Section 110 of RMWB's Land Use By-law No. 99/059 mandates that liquor stores are discretionary permits.
  - c. Section 642 of the MGA delegates the authority to grant discretionary permits to RMWB.<sup>10</sup>
  - d. Section s. 687(3)(c) of the MGA delegates the power to SDAB to confirm, revoke or vary discretionary permits.<sup>11</sup>
- 13. The Crown's delegated discretionary powers are "Crown Actions" regardless of whether they relate to private or public land.

### Treaty No. 8 Right

- 14. One of the Crown's primary motives for Treaty No. 8 was to impose law and order following the Klondike goldrush, and, as part of this, to control the "liquor trade" in MCFN's territory.
- 15. Dr. Darcy Lindberg, a Cree (*nêhiyaw*) professor of law at the University of Victoria, is a judicially recognized expert<sup>12</sup> in Treaty law making principles and Cree laws. He has provided opinion evidence on the Promise in Treaty No. 8, as follows:

<sup>9</sup> Municipal Government Act, RSA 2000, c M-26, s 640.

<sup>&</sup>lt;sup>7</sup> 2022 Agreement, Mikisew Evidence.

<sup>&</sup>lt;sup>8</sup> Land Use Bylaw No. 99/059.

<sup>&</sup>lt;sup>10</sup> Municipal Government Act, RSA 2000, c M-26, s 642.

<sup>&</sup>lt;sup>11</sup> Municipal Government Act, RSA 2000, c M-26, s 687.

<sup>&</sup>lt;sup>12</sup> Chief Electoral Officer of Alberta v Sylvestre, 2025 ABKB 712 (CanLII), at para 199.

.... the Crown's oral promises to Mikisew Cree First Nation during the creation of Treaty 8 to control intoxicants from trade and sale within Mikisew Cree First Nation's (MCFN) territories. These oral promises result in an implicit Treaty right of protection from intoxicants. In my opinion, the promises of a continuation of a 'way of life' within Treaty 8, as well as the historical inclusion of terms dealing with control of intoxicants in treaties that preceded Treaty 8 support the finding of an implicit right from protection from intoxicants in Treaty 8. The interpretation of the promises and terms of Treaty 8 are informed by Cree law.

16. Therefore, MCFN submits that they have a *recognized* Treaty right and nothing less than an *asserted* Treaty right to protection from intoxicants, i.e. the liquor trade ("**Treaty Right**"). 13

### Adverse Impacts to Treaty Right and/or MCFN

- 17. Granting the Discretionary Permit could and will have adverse impacts on MCFN, including on its Treaty Right.
- 18. First, MCFN, through the Corporations, owns at least 27 neighbouring residential properties in the hamlet of Fort Chipewyan, including but not limited to the **Neighbouring Properties**:
  - a. 5 units at 125 Mackenzie Avenue Plan 5642NY, Block 9, Lot 9 Registered Owner: Mistee Seepee Development Corporation Ltd.
  - b. Fourplex Units at 105 Loutit St Plan 5642NY, Block 5, Lot 12 Registered Owner: Cree-Ations Enterprises Limited
  - c. House at 103 Logan Crescent Plan 5642NY, Block 6, Lot 17 Registered Owner: Mistee Seepee Development Corporation Ltd.
  - d. House at 100 Tourangeau Ave Plan 5642NY, Block 1, Lot 7 Registered Owner: Mistee Seepee Development Corporation Ltd.
  - e. Triplex Units at 112 MacKay Crescent
  - f. House at 109 McDonald Street Plan 8322365, Block 3, Lot 9B Registered Owner: Cree-Ations Enterprises Limited

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Dr. Lindberg Report, October 21, 2024, Mikisew Evidence.

- g. House at 105 McDonald Street Plan 8322365, Block 3, Lot 12A Registered Owner: Cree-Ations Enterprises Limited
- h. House at 112 Mercredi Street Plan 5642NY, Block 6, Lot 10 Registered Owner: 1112958 Alberta Ltd.
- 19. The Neighbouring Properties house Mikisew Cree First Nation Members and/or staff and are in close proximity to the proposed Liquor Store.<sup>14</sup>
- 20. Approximately 60 per cent of the population of Fort Chipewyan are MCFN members. The lack of housing on reserve makes it necessary for many of MCFN members to live in the nearby hamlet of Fort Chipewyan, including at the Neighbouring Properties.<sup>15</sup>
- 21. MCFN members living on reserve or in Fort Chipewyan live in a remote community, accessible boat, plane and, between December and March, by winter road. MCFN has recently declared a State of Local Emergency, in April 2023, due to suicide, mental issues and addictions to intoxicants, including alcohol ("SOLE").<sup>16</sup>
- 22. MCFN members have suffered intergenerational trauma. Alcohol is the source of much violence, abuse and trauma for MCFN members. Creating another liquor store, especially as the community is searching the residential school grounds (Holy Angels), is triggering.<sup>17</sup>

### **RCMP Statistics**

23. The RCMP data for occurrences confirms the adverse and collective impacts of alcohol in MCFN's community. In 2024, as of October 21, 2024, there were 697 occurrences reported to RCMP, **328** (47%) are reported as alcohol related. In 2025, as of August 21, 2025, there already **241** incidents, in a community of approximately 1000 people. <sup>18</sup>

<sup>&</sup>lt;sup>14</sup> Testimony

<sup>&</sup>lt;sup>15</sup> Testimony

<sup>&</sup>lt;sup>16</sup> CBC News Article on Sole April 2023.

<sup>&</sup>lt;sup>17</sup> Testimony

<sup>&</sup>lt;sup>18</sup> RCMP Data as of August 21, 2025, Mikisew Evidence.

### MCFN First Objection to Liquor Store

- 24. On July 28, 2023, a general "Notice to Adjacent Property Owners" was posted ("**Notice**"). MCFN did not receive this directly, nor were members living on MCFN reserves provided this notice.
- 25. Despite having just had an election, on or about August 17, 2023, MCFN submitted an extensive and evidenced submissions pursuant to this Notice and objecting to the Liquor Store ("MCFN Objection"). The MCFN Objection included:
  - a. Including the results of a Survey, which were overwhelmingly opposed to the Liquor Store;
  - b. Submissions based on Treaty No. 8, the duty to consult, the Promise and Treaty Right;
  - c. The SOLE;
  - d. Anecdotal incidents of crime and indication that RCMP should have this data.<sup>19</sup>
- 26. RMWB consults with MCFN on other land-use planning (for example the use of the Winter Road for industrial activities, such as hauling gravel<sup>20</sup>). RMWB has a public engagement framework and a reconciliation strategy.<sup>21</sup>
- 27. The Fort Chipewyan Royal Canadian Mounted Police ("RCMP") is a contract police force through RMWB and Alberta and, as such, the RMWB ought to have known or sought these occurrence statistics before making a decision on the Liquor Store.
- 28. RWMB never responded to the MCFN Objection, despite two MCFN follow-ups on September 1 and 11, 2023.
- 29. No response was received until the Decision was posted on August 29, 2024.
- 30. So far as the Appellants know, there was no engagement nor consultation with MCFN other than the receipt of the MCFN Objection.

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<sup>&</sup>lt;sup>19</sup> **2023** MCFN Objection and enclosures, Mikisew Evidence Package.

<sup>&</sup>lt;sup>20</sup> Testimony

<sup>&</sup>lt;sup>21</sup> https://www.rmwb.ca/en/community-events-and-involvement/resources/Engagement/RMWB-Public-Engagement-Framework-2021.pdf

- 31. Almost a year later, the RMWB approved the Liquor Store ("Decision"). In making the Decision, RMWB:
  - a. Provided MCFN with no prior notice of the Decision;
  - b. Did not consult MCFN;
  - c. Did not accommodate MCFN;
  - d. Did not respond to, nor consider the MCFN Objection.
- 32. The Decision did not contain reasons. For the first time on October 20, 2024, MCFN learned that RMWB did consult and consider the MCFN Objection but only with Daniel Roy and in the context of nevertheless permitting the Liquor Store.

### **Continued Objection**

- 33. Following the first Decision, MCFN led a protest where many community members participated, on or about August 30, 2024. At that protest, a RMWB Councillor and local Métis president, Kendrick Cardinal, drove by on a quad yelling at protestors. He was subsequently charged for impaired driving for this very incident.<sup>22</sup> So far as MCFN knows. RMWB has not disciplined Mr. Cardinal.
- 34. The Athabasca Tribal Council, on September 9, 2024, wrote to the RMWB Mayor Sandy Bowman in support of this protest.<sup>23</sup>
- 35. On September 10, 2024, Mayor Bowman asserted that the municipality had conducted "community engagement"<sup>24</sup>. MCFN was not involved in any community engagement with MCFN or its representatives.

### **Second Objection**

36. The process for the second 2025 Permit under appeal was even less inclusive of MCFN.

<sup>&</sup>lt;sup>22</sup> Article re: RWMB Councillor Kendrick Cardinal, available at: https://www.fortmcmurraytoday.com/news/councillor-kendrick-cardinal-charged-with-impaired-driving-fleeingpeace-officer
<sup>23</sup> Testimony

<sup>&</sup>lt;sup>24</sup> Testimony

- 37. After the Permit was overturned by this Board<sup>25</sup> and leave to appeal denied on February 27, 2025<sup>26</sup>, the Appellant appears to have resubmitted the same application for the same liquor store permit that was revoked by the SDAB and uphold by the Court of Appeal.
- 38. The RMWB then approved the exact same application, again, without any regard to the compatibility in the community. In doing so, they did not post the notice in the community for all residents to see this time. Instead, it was sent by an unknown RMWB sender to the MCFN Chief and the CEO emails only, in the middle of the summer, and at an address that went to junk mail. Rather than be notified by RMWB, MCFN found out through a member, Danny Mercredi, that this very same process was playing out again.
- 39. Therefore, within 10 days of being notified by a member, on August 21, 2025, MCFN submitted their Second Objection.
- 40. This Objection, unlike the new Permit, considered the findings of this Board, including on the public interest and compatibility components.
- 41. Despite the SDAB decision, the Court of Appeal Decision and the Second Objection, RMWB re-issued the almost identical permit to the Liquor Store Developer.
- 42. In preparing for this appeal, Mr. Roy is soliciting comments on Facebook in exchange for liquor and prizes. By contrast, MCFN, as the lawful representation of Mikisew and its members, has consulted its members and elders who were delighted about the first SDAB decision and very troubled that the same process is going forward, again.<sup>27</sup>

### Witnesses

43. MCFN will provide 3-5 witnesses to speak about the impacts to the community, including a member of Chief and Council, an Elder/member and possibly staff.

### **ISSUE**

44. The Appellant submits that the issue is whether the SDAB should hear this appeal.

<sup>&</sup>lt;sup>25</sup> SDAB 2024-003.

<sup>&</sup>lt;sup>26</sup> Roy v Wood Buffalo (Subdivision and Development Appeal Board), 2025 ABCA 69.

<sup>&</sup>lt;sup>27</sup> Testimony.

### **LEGAL ARGUMENT**

### The Scope of Appeal

- 45. On October 21, 2025, the SDAB accepted the Notice of Appeal submitted October 19, 2024, which, inadvertently, did not attach the grounds for appeal. The Appellant was notified of this error in transmission on October 21, 2025, after the Notice of Appeal was accepted. Following the Appellant's counsel being in a hearing the week of October 21, 2025, the Appellant attended to this issue on the weekend of October 25/26, 2025 and the Appendix A was resubmitted.<sup>28</sup>
- 46. The Notice of Appeal and the Appendix A are the issues the Appellant seeks to advance. They are more than the DTCA.
- 47. The Liquor Store Developer's opposition to the Notice of Appeal, as outlined in Appendix A, which at most, was delivered a week late to the Notice of Appeal form, is without merit
- 48. First, there is no breach of procedural fairness. Having known of these issues since at least October 27, 2025, the Liquor Store Developer has had several weeks' notice and now a fair process for two hearings on these issues, all of which accommodated his and his counsel's schedule and requests.
- 49. Second, the reliance on *Rocky View* is misplaced. This case confirmed that a hearing before the SDAB is a *de novo* hearing, but that the parties much have notice of the issues raised so that they can respond.<sup>29</sup> It cannot be said that the Liquor Store Developer did not have notice of the issues raised in Appendix A, which were communicated to him on or before October 27, 2025 and well in advance of the scheduling hearing.
- 50. Third, in the prior SDAB 2024 hearing, the Board itself raised the issue of incompatibility and asked the parties to address this. The appeal having been properly filed, can address any issues, so long as there is proper notice. Indeed, the SDAB's first decision was upheld by the Court of Appeal.
- 51. Fourth, if any party is "re-litigating" the very same issues that were addressed already by the SDAB, it is the Liquor Store Developer and the municipality. They have done exactly

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<sup>&</sup>lt;sup>28</sup> Evidence Package.

<sup>&</sup>lt;sup>29</sup> Landry v Rocky View County (Subdivision and Development Appeal Board), 2025 ABCA 34 (CanLII), at para 7.

what they did last time; the same landowner has applied for the same area, adjacent to several Mikisew properties, for the same discretionary permit to operate a liquor store and the Municipality has granted the same permit, all of which was denied largely on the basis of RCMP statistics (which were *not* sought by the Municipality but instead by Mikisew, again). In doing so, Mr. Roy and RMWB have ignored the SDAB decision, for which leave to appeal was denied. If they are allowed to proceed with this re-issuance of the same permit, then Mikisew should be allowed to proceed in opposition, as it already did before, including on the ground that it could not appeal, the DTCA Finding. In this regard, the *Sihota v. Edmonton (City)*, is also of no assistance to the Liquor Store Developer. As noted, if anything, it is the landowner and the municipality who are abusing the SDAB process by simply re-issuing a permit that was revoked by this SDAB for reasons that remain today; a liquor store is still incompatible with the surrounding community.

- [14] The issue here is not whether the SDAB is bound by its previous decisions, nor whether it is bound by the decisions of the development officer. Issue estoppel does not arise because the prior decision is "binding on the tribunal", although that is the effect. Issue estoppel means the prior decision is "binding on the <u>parties</u>"; issue estoppel prevents them from relitigating what has already been decided. So the issue is whether the municipality and the developer are bound by previous decisions relating to the use of the subject land.
- [15] In planning matters, it is generally fair for the doctrine of issue estoppel to be applied against both owners and municipalities. Owners cannot simply ignore limitations on permits, or complete denials of permission to develop (subject to the ability to reapply for a refused permit after a waiting period has passed: s. 640(5)). Likewise, once a municipality has authorized a development, it cannot later revoke or ignore that permission. As noted, the planning provisions of the statute involve a balancing of the rights of the public and landowners. It would be unfair, and economically untenable, to permit significant investments in one year, and then allow the municipality to declare the intended use unlawful in a later year.<sup>30</sup>
- 52. Finally, this preliminary hearing is an unnecessary bifurcation of the hearing. If the issue was the timing of the Appendix A delivery, then the Liquor Store Developer should have raised this at the scheduling hearing, and Mr. Roy has had ample notice to respond to the

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<sup>&</sup>lt;sup>30</sup> Sihota v Edmonton (City), 2013 ABCA 43 (CanLII), at para 14.

particularized issues raised in the Appendix A. The Liquor Store Developer has pointed to no case law that would impose a pleadings standard on an appeal before this board.

### Duty to Consult and Accommodate (DTCA) is not Res Judicata

- 53. The Duty to Consult issue is not *res judicata*. If it was, then every issue in this appeal, including the incompatibility, is *res judicata* or, more aptly, subject to issue estoppel. Of course, taking this argument to its logical conclusion would mean that there could be no challenge by the issuance of the new, identical, Liquor Store Permit, because, the first appeal was successful and then ignored by the landowner and municipality.
- 54. Moreover, Mikisew urges the SDAB consider the context and the implications of these decisions. Carving out the municipality from any DTCA is absurd and since the adequate remedy is before the SDAB, Mikisew could not apply to judicially review these Permit decisions. If they did, the municipality would likely apply to strike such an application.
- 55. Just last week, the Alberta Court of King's Bench recently confirmed the status of Treaties and Cree law in Canada's jurisprudence. In *Chief Electoral Officer of Alberta v. Sylvestre*, Justice Feasby confirmed that <u>Treaty 8 was "formed prior to the existence of Alberta.</u>" The Treaties are to last in perpetuity, which includes the promises made according to Dr. Lindberg, a now judicially recognized expert in Cree law to protect the way of life of Mikisew and to control the trade of liquor. <sup>31</sup> The *Sylvestre* decision is a significant advancement in Treaty law that requires a re-evaluation of the DTCA issue in this case.
- 56. The MGA is the provincial Crown's statutory framework to set out land use in Alberta. This framework "is designed to give effect to the public interest in private land use decisions but not at the undue expense of private rights".<sup>32</sup>
- 57. It would be absurd to carve out, by delegating the implementation of MGA to municipalities, any land development within a municipality from the obligations of Treaty; the very constitutional document that gives Alberta, thus the municipalities and thus Mr. Roy to own land in Fort Chipewyan.

<sup>&</sup>lt;sup>31</sup> Chief Electoral Officer of Alberta v Sylvestre, 2025 ABKB 712 (CanLII), at para 189, see also para 213.

<sup>&</sup>lt;sup>32</sup> Landry v Rocky View County (Subdivision and Development Appeal Board), 2025 ABCA 34 (CanLII), at para 25.

- 58. At worst, Mikisew raising DTCA issue *could* be characterized as an abuse of process. This, however, would only be the case if the Appellant and sought and been denied leave to appeal.<sup>33</sup> In fact, the right to appeal did not arise until and if the Liquor Store Developer had been granted leave to appeal.<sup>34</sup> The Appellant has always maintained its intention to challenge the Duty to Consult finding, but they were successful in the first SDAB decision and could not appeal a decision based on *obiter*; this finding was not appealable in and of itself.<sup>35</sup>
- 59. Should the SDAB decide the Duty to Consult issue again Mikisew in this preliminary hearing, the Appellant respectfully asks for a finding, a decision, so that they may seek leave to appeal. To deny consideration of this issue and to dismiss the appeal, would be a great unfairness to Mikisew.
- 60. The Appellant made this intention known to cross-appeal this finding if leave was granted. In such circumstances, having not had a right of appeal, raising this argument again is not an abuse of process and is properly dealt with at the merits hearing where, if unsuccessful, the Appellant's right to seek leave of appeal will be preserved.
- 61. As noted above, however, anyone is abusing the process, it is the Liquor Store Developer and the Municipality; putting forward and approving the same Permit that was squashed by this Board for incompatibility and which decision was upheld by the Court of Appeal, only with less consultation with and notice to Mikisew Cree First Nation, as an adjacent property owner and a constitutional rights holder in favour of a private individual.

### DTCA not a constitutional question

- 62. As preliminary matter, the DTAC applies in this case, following the Supreme Court's binding decision in *Clyde River*.
- 63. The DTCA is not a constitutional question. A constitutional question is one relating to legislation, not government actions. This is why the Charter applies to tribunals through

<sup>&</sup>lt;sup>33</sup> Canada (Attorney General) v. Bri-Chem Supply Ltd., 2016 FCA 257 (CanLII), [2017] 3 FCR 123,

<sup>&</sup>lt;sup>34</sup> Memorandum (Filed) Leave to Appeal, Evidence Package.

<sup>&</sup>lt;sup>35</sup> See for example what can be appealed: R v. Spence, 2005 ABCA 363; Park Avenue Furniture v. Alberta (Workers' Compensation Board), 2016 ABCA 147; R v. R.R., 2019 ABCA 130.

Charter Values (in applying the law), but not in striking down legislation. The same is true of section 35. The SDAB is not a lacuna where section 35 does not exist as a legal framework.

64. While the Alberta government has sought, to limit the decision-makers who can consider constitutional questions<sup>36</sup>, including SDAB<sup>37</sup>, they have not done the same for the DTAC except as they have done explicitly in the *Responsible Energy Development Act* ("**REDA**").<sup>38</sup> Section 21 of the REDA makes it clear that the adequacy of consultation is distinct from a constitutional question, by specifically carving it out as follows:

### Crown consultation with aboriginal peoples

- 21 The Regulator has no jurisdiction with respect to assessing the adequacy of Crown consultation associated with the rights of aboriginal peoples as recognized and affirmed under Part II of the *Constitution Act*, 1982.<sup>39</sup>
- 65. Even in considering REDA's carve out of DTCA issues from the Alberta Energy Regulator's jurisdiction, the Alberta Court of Appeal has confirmed that the Honour of the Crown is always at stake. Mikisew is now challenging the province for creating a circular and unconstitutional Consultation Regime when it comes to resource development issues.<sup>40</sup>
- 66. The same carve out of consultation does not exist for the SDAB or under the MGA. The Honour of the Crown is always at stake where there is Crown conduct (The implementation of the MGA through municipalities, included).
- 67. Even if the SDAB is right that they have no role to play in the DTCA and the Honour of the Crown, as the chosen entity the provincial Crown has considered, there must be somewhere to raise these issues. This was confirmed by the Supreme Court of Canada in *Carrier Sekani*:

<sup>&</sup>lt;sup>36</sup> Fort McKay First Nation v Prosper Petroleum Ltd, 2020 ABCA 163 (CanLII), at para 39; Designation of Constitutional Decision Makers Regulation, Alta Reg 69/2006, <a href="https://canlii.ca/t/55mh7">https://canlii.ca/t/55mh7</a>>

<sup>&</sup>lt;sup>37</sup> Responsible Energy Development Act, SA 2012.

<sup>&</sup>lt;sup>38</sup> "Janna Promislow, "Irreconcilable? The Duty to Consult and Administrative Decision Makers", 2013 22-1 *Constitutional Forum* 63, 2013 CanLIIDocs 726, "In Alberta, the legislature has allowed for specification of tribunals that have jurisdiction to decide constitutional questions under section 16 of the *APJA*.74 But legislatures have not yet responded to the duty to consult law in the same way."

<sup>&</sup>lt;sup>39</sup> Fort McKay First Nation v Prosper Petroleum Ltd, 2020 ABCA 163 (CanLII), at para 39

<sup>&</sup>lt;sup>40</sup> Mikisew Cree First Nation v Alberta, 2024 ABKB 578 (CanLII), <a href="https://canlii.ca/t/k729g">https://canlii.ca/t/k729g</a>

[62] The fact that administrative tribunals are confined to the powers conferred on them by the legislature, and must confine their analysis and orders to the ambit of the questions before them on a particular application, admittedly raises the concern that governments may effectively avoid their duty to consult by limiting a tribunal's statutory mandate. The fear is that if a tribunal is denied the power to consider consultation issues, or if the power to rule on consultation is split between tribunals so as to prevent any one from effectively dealing with consultation arising from particular government actions, the government might effectively be able to avoid its duty to consult.

[63] As the B.C. Court of Appeal rightly found, the duty to consult with Aboriginal groups, triggered when government decisions have the potential to adversely affect Aboriginal interests, is a constitutional duty invoking the honour of the Crown. It must be met. If the tribunal structure set up by the legislature is incapable of dealing with a decision's potential adverse impacts on Aboriginal interests, then the Aboriginal peoples affected must seek appropriate remedies in the courts: *Haida Nation*, at para. 51.41

- 68. Alberta and its created municipalities, including RMWB, would have Mikisew be without any remedy to consider the DTCA where the Crown uses municipalities to fulfil its legislation, the MGA. For example, if the consideration of the DTCA is a constitutional question, then the SDAB will say and has said Mikisew have no right to raise these issues in the proper forum for challenge land use planning: the SDAB. If this is the case, they must have some remedy for enforcing the DTCA and ensuring that the Crown, including through the operation of MGA, upholds Treaty. Thus, they could seek judicial review. However, if and when they seek such remedies, it is argued by the Crown and municipalities that there is an "adequate alternative" remedy before a board.
- 69. Respectfully, this hamster wheel of access to justice, which ends nowhere, is offensive to Treaty. There must be a remedy. Mikisew submits that the remedy to challenge the permit is here: the SDAB and to consider any ancillary issues that emanate from Canada's constitutional question.

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<sup>&</sup>lt;sup>41</sup> Rio Tinto Alcan Inc. v. Carrier Sekani Tribal Council, 2010 SCC 43 (CanLII), [2010] 2 SCR 650, at para 62,.

### RMWB and/or Board must engage DTAC

70. In this proverbial game of hot potato (being the DTCA), someone eventually must hold the potato. There is Crown authorized conduct (the MGA by-law authorizing the liquor store) that may adversely affect the Treaty promise to protect Mikisew's way of life and to control the trade of liquor. In this respect, if the Board insists on considering this issue as a preliminary issue, the Appellant relies on its submissions from the previous appeal, enclosed for ease of reference and to be updated at the oral hearing.

ALL OF WHICH IS RESPECTFULLY SUBMITTED ON BEHALF OF THE MIKISEW APPELLANT, this 9<sup>th</sup> day of December, 2025,

ORLAGH J. O'KELLY

O'KELLY LAW

# MIKISEW CREE FIRST NATION OBJECTION TO LIQUOR STORE PERMIT

# Application for Development Permit 2025-DP-00169 Lot 3 Block 10 Plan 5642NY; 193 Mackenzie Avenue

Fort Chipewyan, Alberta

EVIDENCE PACKAGE

Orlagh O'Kelly O'Kelly Law 403, 10113 – 104 Street NW Edmonton, Alberta T5J 1A1 Tel: 587-525-8348

orlagh.okelly@okellylaw.ca

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### Tuesday, December 9, 2025 at 07:31:17 Mountain Standard Time

Subject: Re: Notice of Appeal - 193 MacKenzie Avenue - 2025- DP - 00169

**Date:** Sunday, October 26, 2025 at 4:29:58 PM Mountain Daylight Saving Time

From: Orlagh O'Kelly

To: Subdivision and Development Appeal Board

**CC:** Shelley Metera, chiefandcouncil@mikisewcree.ca, Subdivision and Development Appeal Board, ceo **Attachments:** image003.png, image004.jpg, image005.png, image001.jpg, SDAB Notice of Appeal with Appendix

A.pdf

Good afternoon Ms. Fredeen,

Please see attached which hopefully works with the Appendix. I am not sure what happened with the other form.

With regard to the Agent Authorization, I have asked the client to re-sign a newly dated form, same to the one that was submitted last year. I will share this with you ASAP.

Thank you,

### Orlagh O'Kelly



Lawyer

403, 10113 104 Street NW | Edmonton, Alberta | T5J 1A1

amiskwaciwâskahikan – Treaty 6 t: 587-525-8348 direct: 825-480-4542

e= orlagh.okelly@okellylaw.ca w: www.okellylaw.ca

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From: Heather Fredeen < Heather. Fredeen@rmwb.ca > on behalf of Subdivision and

Development Appeal Board <<u>SDAB@rmwb.ca</u>> **Date:** Monday, October 20, 2025 at 9:21 AM **To:** Orlagh O'Kelly <<u>orlagh.okelly@okellylaw.ca</u>>

Cc: Shelley Metera <shelley.metera@okellylaw.ca>, chiefandcouncil@mikisewcree.ca

 $<\!\!\underline{\text{chiefandcouncil@mikisewcree.ca}}\!\!>\!, Subdivision\ \text{and}\ Development\ Appeal\ Board$ 

<SDAB@rmwb.ca>

Subject: RE: Notice of Appeal - 193 MacKenzie Avenue - 2025- DP - 00169

Good morning Ms. O'Kelly,

This will confirm receipt of your Notice of Appeal filed with the Subdivision and Development Appeal Board on October 17, 2025. To complete your application, I have attached an agent authorization form that will need to be filled out. Additionally, it appears some wording in Section 4 "Reasons for Appeal", has been cut off. You also refer to an appendix in this section, which we have not received. Please provide this information at your earliest convenience so that we can begin processing your application.

Warm regards,



### **Heather Fredeen**

Tribunal Clerk

T: 780-743-7001 | rmwb.ca 9909 Franklin Avenue Fort McMurray | σ<sup>n</sup>Cd·5<sup>o</sup> | Nistawâyâw | Elídli Kuệ Alberta T9H 2K4

I humbly acknowledge that the land on which we live, learn, work and play is Treaty 8 Territory, the traditional

lands of the Cree, Dene, and the unceded territory of the Métis.

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From: Orlagh O'Kelly < orlagh.okelly@okellylaw.ca>

**Sent:** Friday, October 17, 2025 4:22 PM

**To:** Subdivision and Development Appeal Board <<u>SDAB@rmwb.ca</u>>

Cc: Shelley Metera <shelley.metera@okellylaw.ca>; Mikisew Chief and Council

<chiefandcouncil@mikisewcree.ca>

**Subject:** Notice of Appeal - 193 MacKenzie Avenue - 2025- DP - 00169

**Importance:** High

### External Message - Please be cautious when opening links or attachments in email

Good afternoon:

Please find enclosed the Appeal filed on behalf of Mikisew Cree First Nation, Mistee Seepee Development Corporation and 1112958 Alberta Ltd in relation to 2025-DP-00169.

Sincerely



Orlagh O'Kelly

Lawyer

403, 10113 104 Street NW | Edmonton, Alberta | T5J 1A1

amiskwaciwâskahikan - Treaty 6 t: 587-525-8348 direct: 825-480-4542

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**From:** Phyllis Agyemang < <a href="mailto:Phyllis.Agyemang@rmwb.ca">Phyllis.Agyemang@rmwb.ca</a>>

Sent: Friday, October 3, 2025 12:25:23 PM

**To:** Councillor Paul Tuccaro < <u>paul.tuccaro@mikisewcree.ca</u>> **Cc:** Shailesh Makwana < <u>Shailesh.Makwana@rmwb.ca</u>> **Subject:** Notice of Decision - 193 MacKenzie Avenue

Hi Paul,

It was a pleasure talking with you over the phone this afternoon. As discussed, the development permit for 193 MacKenzie Avenue was approved on September 26, 2025.

As a resident of Fort Chipewyan, you have the right to appeal this decision to the Subdivision and Development Appeal Board. If you wish to exercise your right, a written notice of appeal must be received by the Secretary of the Subdivision and Development Appeal Board within 21 days of the date of the decision. Appeal Forms are available from the Planning and Development Services Division or the Fort Chipewyan municipal contact office and must be forwarded to:

By mail: Regional Municipality of Wood Buffalo

Attention: Legislative Services 9909 Franklin Avenue – 7<sup>th</sup> Floor Fort McMurray, AB, T9H 2K4

By e-mail: <u>SDAB@rmwb.ca</u>

If a reply is not received by **October 17, 2025** it shall be assumed that you have no comments or concerns regarding this application. Any major concerns arising from this circulation will be heard by the Subdivision and Development Appeal Board.

If you have questions regarding the application, please contact the undersigned. Questions regarding the appeal process must be directed to the Clerk of the Subdivision & Development Appeal Board at 780-743-7001 or email <a href="mailto:SDAB@rmwb.ca">SDAB@rmwb.ca</a>.

Regards,



Planner I Planning and Development Services

**T:** 780-743-7084 | rmwb.ca Kué Alberta T9H 2K4

I humbly acknowledge that the land on which we live, learn, work and play is Treaty 8 Territory, the traditional lands of the Cree, Dene, and the unceded territory of the Métis.

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How did we do? Provide anonymous feedback on your experience with RMWB Planning & Development Services to help us improve our services.

Planning & Development Services Customer Satisfaction Survey | Participate Wood Buffalo (rmwb.ca)

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### SUBDIVISION AND DEVELOPMENT APPEAL BOARD **NOTICE OF APPEAL**

In accordance with Section 678 and 686 of the Municipal Government Act and the Regional Municipality of Wood Buffalo Land Use Bylaw 99/059, an appeal to the Subdivision and Development Appeal Board must be filed within the legislated time frame.

Section 1 – Pr	operty Info	rmatio	on								
Legal Land Descrip	tion:(i.e. Lot, Block,	Plan or AT	TS 1/	4 Sec-Twp-Rng-I	Mer)						
Lot 3	Block 10			Plan 5642	2NY	<i>P</i>	ATS				
Civic Address											
193 Mackenzie Av	enue, Fort Chipe	wyan, A	lber	ta							
Development Permi 2025-DP-00169	t Number or type	of Orde	er								
Section 2 - Ap					agent must p	produce	e the cor	nplete	ed and	d signed Age	ent Authorization Form.
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MIKISEW CREE FIRS and 1112958 ALBERT		ATIONS	ENT	ERPRISES LI	MITED, MISTE	E SEEPI	EE DEVE	LOPM	IENT (	CORPORATIO	N LTD.
Agent <sup>1</sup> Name (if app	licable)					Conta	act Nam	e (if d	liffere	nt) and posit	ion held
Orlagh O'Kelly											
Mailing Address					City/Town					Province	Postal Code
403, 10113 - 104 St	reet NW				Edmonton					Alberta	T5J 1A1
Telephone Number	(Daytime)	Alterna	ate 1	Telephone Nu	umber	Emai	Email Address				
587-525-8348						orlag	h.okelly	@oke	llylaw	.ca	
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Please return th	e completed	form a	anc	l prescrib	ed filing f	ee to:					

Clerk of the Subdivision and Development Appeal Board, 7th Floor, Jubilee Center, 9909 Franklin Avenue, Fort McMurray AB T9H 2K4 Telephone: 780-743-7001 Email: sdab@rmwb.ca

Protection of Privacy
The personal information you provide on this form is being collected under the authority of section 33(c) of the Freedom of Information and Protection of Privacy Act. The personal information is used to process your designation of an agent for appeals with the Subdivision and Development Appeals Board. If you have any questions about the collection and use of the personal information contact the Legislative Officer –SDAB , 7th Floor 9909 Franklin Avenue, Ft. McMurray AB T9H 2K4; or call 780.788.2222

For Office Use Only						
Appeal #:	Fee:	Appeal Hearing Date:	Date Applicant Notified:	Date Appellant Notified:		

<sup>1</sup> Agent — A person who acts for a Property Owner, Applicant, Appellant, and/or Affected/Adjacent Property Owner during the appeal hearing process or at a hearing before the Subdivision and Development Appeal Board.

### **MATTERS FOR AN APPEAL**

- A decision of the Subdivision Authority concerning a subdivision application;
- A decision of the Development Authority concerning a development permit application;
- · An enforcement order issued by the Development Authority.

### SUBDIVISION AND DEVELOPMENT APPEAL BOARD

In accordance with the Municipal Government Act, once you file an appeal, it will be scheduled for a hearing. The appellant, applicant, owner of the property and anyone considered an affected person will receive written notification of the hearing date, a minimum of five days prior to the hearing. Hearing dates are advertised in the local papers and Municipal website www.rmwb.ca/sdab, the Friday prior to the hearing.

### **IMPORTANT NOTICES**

Your completed form and any supporting attachments, the agent authorization form, and the prescribed filing fee must be submitted to the Clerk of the Subdivision and Development Appeal Board at the contact information provided below prior to the deadline indicated on the notice or decision issued:

Clerk of the Subdivision and Development Appeal Board, 7th Floor, Jubilee Center, 9909 Franklin Avenue, Fort McMurray AB T9H 2K4

Telephone: 780-743-7001 Email: sdab@rmwb.ca

### APPENDIX A

## Mikisew Cree First Nation, Cree-Ations Enterprises Ltd., Mistee Seepee Development Corporation Ltd and 1112958 Alberta Ltd.

### APPEAL OF PERMIT NUMBER 2025-DP-00169

- 1. This is an appeal of the permit number 2025-DP-00169 granted to Daniel Roy for a liquor store located at 193 Mackenzie Avenue, Lot: 3 Block: 10 Plan 5642NY in the hamlet of Fort Chipewyan in the municipality Regional Municipality of Wood Buffalo ("RMWB"). The discretionary permit was granted pursuant to the Land Use Bylaw No. 99/059.
- 2. The proposed Liquor Store will be located at the centre of the hamlet and looking out over the lakefront. The Liquor Store is approximately 1 kilometre from MCFN's Dog Head 218 Reserve and 12km from MCFN's Alison Bay Reserve 219.

### STATEMENT OF FACTS

- 3. The Appellants, Cree-Ations Enterprises Ltd ("Cree'Ations"), Mistee Seepee Development Corporation Ltd. ("Mistee Seepee") and 1112958 Alberta Ltd, are corporations registered under the <u>Business Corporations Act RSA 2000, c B-9</u>. (collectively referred to as the "Corporations"). The Corporations are wholly owned by Mikisew Cree First Nation and, in the case of Cree'Ations, their shares are held by Chief Billy-Joe Tuccaro in trust for Mikisew Cree First Nation ("MCFN"). MCFN cannot hold title to lands in fee simple except through such corporations.
- 4. The Appellant, Mikisew Cree First Nation, has nine (reserves) in what is now known as RWMB, including two reserves in close proximity to Fort Chipewyan (Dog Head and Allison Bay). MCFN's ancestors entered into Treaty No. 8 in 1899 at Fort Chipewyan. Treaty No. 8 was a Nation-to-Nation agreement to share the land, including all of the land that is now referred to as the Regional Municipality of Wood Buffalo. Neither RMWB nor the province of Alberta existed in 1899.
- 5. One of the Crown's primary motives for Treaty No. 8 was to impose law and order following the Klondike goldrush, and, as part of this, to control the "liquor trade" in MCFN's territory.
- 6. The Appellant submits that one of the Crown's oral promises in Treaty No. 8 was to control intoxicants in MCFN's territories ("**Promise**"). The Promise was consistent with the one provided, sometimes explicitly, in other numbered Treaties, such as <u>Treaty No. 6</u>. To break this Promises, is to breach the Treaty.
- 7. MCFN has an asserted Treaty right to protection from intoxicants, i.e. the liquor trade, and Treaty right to health ("**Treaty Right**").
- 8. The provincial Crown has delegated the management of municipal land use planning to municipalities under the *Municipal Government Act*, <u>RSA 2000, c M-26</u> ("**MGA**"). The land-use planning is delegated Crown conduct. To manage objections to the land-use planning within municipalities, the provincial Crown created the subdivision and development appeal board ("**SDAB**"). Together, the land use planning and the

- SDAB are delegated provincial Crown Conduct ("Crown Conduct"). In doing so, they have created a regulatory scheme that may trigger the duty to Consult.
- 9. The hamlet of Fort Chipewyan was part of a smaller northern district, Improvement District 18 ("I.D. 18"). Sometime before 1994, I.D. 18 was amalgamated into Improvement District 143 ("I.D. 143"). The Regional Municipality of Wood Bufalo was created by the Regional Municipality of Wood Buffalo Order in Council (O.C. 817.94) which amalgamated the City of Fort McMurray and Improvement District No, 143 as a specialized municipality under the MGA ("Amalgamation"). I.D. 143 was previously created to include Improvement District 18 of which was more local oversight, directly by the province of the northern and central parts of I.D. 143. This Amalgamation encompassed 63,000 square kilometres, all of which is within Treaty No. 8 territory. As a result of the Amalgamation, RWMB has received hundreds of millions of royalties and taxes from the oil sands; MCFN receives none.
- 10. This Amalgamation, through the MGA, vested jurisdiction and control over all municipal lands already administered municipally. RMWB lands can be expanded or appropriated by the provincial Crown at any time, under the MGA and the *Public Lands Act*, RSA 2000, c P-40, <u>s 9</u>.
- 11. RMWB, in engaging in land use planning in Fort Chipewyan, in particular in licensing a liquor store, engages in Crown Conduct that may adversely impact MCFN's Treaty, Treaty Rights and the Promise. As such, RMWB, acting as part of a provincial regulatory scheme, owed MCFN:
  - a. a duty to consult;
  - b. a duty to accommodate;
  - c. obligations to honour the Treaty, the Promise and the Treaty Right pursuant to the Honour of the Crown.
- 12. RMWB owes common law duties to act reasonably (including having regard to the imperative of Reconciliation) and act procedurally fairly, including the duty to consult in administrative law.
- 13. MCFN, through the Corporations, owns at least 27 residential properties in the hamlet of Fort Chipewyan, including but not limited to the **Neighbouring Properties**:
  - a. 5 units at 125 Mackenzie Avenue Plan 5642NY, Block 9, Lot 9 Registered Owner: Mistee Seepee Development Corporation Ltd.
  - b. Fourplex Units at 105 Loutit St Plan 5642NY, Block 5, Lot 12 Registered Owner: Cree-Ations Enterprises Limited
  - c. House at 103 Logan Crescent Plan 5642NY, Block 6, Lot 17 Registered Owner: Mistee Seepee Development Corporation Ltd.
  - d. House at 100 Tourangeau Ave Plan 5642NY, Block 1, Lot 7 Registered Owner: Mistee Seepee Development Corporation Ltd.
  - e. Triplex Units at 112 MacKay Crescent
  - f. House at 223 Delta Drive Plan 9122991, Block 7, Lot 20 Registered Owner: Her Majesty the Queen in Right of Canada as Represented by Department of Indian and Northern Affairs

- g. House at 109 McDonald Street Plan 8322365, Block 3, Lot 9B Registered Owner: Cree-Ations Enterprises Limited
- h. House at 105 McDonald Street Plan 8322365, Block 3, Lot 12A Registered Owner: Cree-Ations Enterprises Limited
- i. House at 112 Mercredi Street Plan 5642NY, Block 6, Lot 10 Registered Owner: 1112958 Alberta Ltd.
- j. Trailer at 109 Cardinal Avenue Plan 8321682, Block 1, Lot 21
- k. Eight plex units at 104 McDonald Steet Plan 7520202, Block 5, Lot 18A Registered Owner: Maureen Dale Hanson
- 14. The Neighbouring Properties house Mikisew Cree First Nation Members and/or staff and are in close proximity to the proposed Liquor Store.
- 15. Approximately 60 per cent of the population of Fort Chipewyan are MCFN members. The lack of housing on reserve makes it necessary for many of MCFN members to live in the nearby hamlet of Fort Chipewyan, including at the Neighbouring Properties.
- 16. MCFN members living on reserve or in Fort Chipewyan live in a remote community, accessible boat, plane and, between December and March, by winter road. MCFN has previously declared a State of Local Emergency, in April 2023, due to suicide, mental issues and addictions to intoxicants, including alcohol ("SOLE").
- 17. On July 16, 2025, RMWB sent a general "Notice to Adjacent Property Owners" to the Chief and Chief Executive Officer by email only from a previously unknown addres. As such the Notice was not found until August 20/21, 2025. At that time, MCFN made, once again, their submission, like they did on August 17, 2023 to the very same application. The MCFN Objection noted the
  - a. the results of a Survey, which were overwhelmingly opposed to the Liquor Store;
  - b. Submissions based on Treaty No. 8, the duty to consult, the Promise and Treaty Right;
  - c. The SOLE;
  - d. Incidents of crime so far in 2025, which were provided by the RCMP;
  - e. Health statistics requested but not provided by Nunee Health.
- 18. No response to the MCFN Objection was received until the Decision was posted on or about October 3, 2025.
- 19. In re-issuing the same Decision that MCFN previously successfully appealed, the RMWB approved the Liquor Store ("**Decision**"). In making the Decision, RMWB:
  - a. Did not consult MCFN;
  - b. Did not accommodate MCFN;
  - c. Did not respond to, nor consider the MCFN Objection;
- 20. The Decision did not contain reasons.

### **GROUNDS OF APPEAL**

- 21. The Appellant appeals the Decision approving the Liquor Store on the following grounds.
  - a. The Decision is unreasonable.
  - b. The Decision-makers fettered their discretion to the by-law and failed to consider the decision of the previous SDAB revocation, including due to the unabated alcohol related crime in Fort Chipewyan.
  - c. The Decision was made without consideration for the incompatibility of a liquor store with the surrounding properties in a remote community, predominantly made up of First Nations with Treaty status and where there is a known and documented history of alcohol related crime.
  - d. The Decision is inconsistent with the public interest function of the MGA.
  - e. The Decision was procedurally unfair in that no meaningful opportunity to respond was provided to MCFN and that the RMWB failed to fulfill the common law duty to consult owed to MCFN.
  - f. The Decision-makers failed to comply with the constitutional duty to consult with MCFN based on asserted Treaty Rights and the Promise.
  - g. The Decision-makers failed to comply with the duty to accommodate MCFN.
  - h. The Decision was made in an unconscionable and dishonourable manner while RMWB provides no additional funding to the municipality for policing and has repeatedly failed to address the needs of the local predominantly First Nation population, all while receiving millions in federal/provincial funding and royalties.
  - i. Such other grounds as MCFN may submit and the SDAB may permit.
- 22. Through the SDAB or the RWMB, discharging or recognizing the duty to consult and accommodate are not a "question of constitutional law" under <u>section 10</u> of the *Administrative Procedures and Jurisdiction Act*, RSA 2000, c A-3, s 10. To hold otherwise, would be to allow the provincial Crown to evade its duties by subdelegating all regulatory processes to municipalities and immunizing any review of such processes from review.



Message





### PROTOCOL AGREEMENT

An Agreement for Collaboration and a Renewed Relationship Between the Mikisew Cree First Nation and the Regional Municipality of Wood Buffalo

### BETWEEN:

Mikisew Cree First Nation (the "MCFN")

AND

# Regional Municipality of Wood Buffalo (the "Municipality")

### 1.0 PREAMBLE

- A. The history of Turtle Island, now known as Canada, Alberta, and the Regional Municipality of Wood Buffalo (RMWB) has been shaped and greatly influenced by Indigenous Peoples with their own languages, cultures, traditions, and government structures.
- B. Section 35 of the Constitution Act, 1982 explicitly recognizes and affirms the existing Aboriginal and treaty rights of the Aboriginal peoples of Canada and indicates that the term "Aboriginal peoples of Canada" includes the First Nation, Inuit and Métis people of Canada, including the Mikisew Cree First Nation (MCFN), are recognized and affirmed.
- C. The Municipality recognizes that the MCFN holds Aboriginal rights, Treaty rights and MCFN reserve land exists within or inside of the physical limits of the Municipal boundaries.
- D. It is in the mutual interests of both Parties to foster a stronger and more defined collaborative government-to-government relationship.
- E. The Municipality and the MCFN have the mutual objective of taking significant steps towards advancing truth and reconciliation through action and dialogue.
- F. The Municipality and the MCFN wish to define their mutual relationship and establish and detail how the two Parties will collaboratively work together.





- G. The Parties recognize that the commitment to discussions and processes provided for in this Agreement are steps towards truth and reconciliation and are expected to provide clarity and predictability for the MCFN, the Municipality, members of the MCFN and citizens of the Region.
- H. The Parties are committed to truth and reconciliation, as defined by the Truth and Reconciliation Commission of Canada, through establishing and maintaining a mutually respectful relationship.

**NOW THEREFORE** the Parties enter into this Agreement with the intention and desire to establish a collaborative government-to-government protocol and relationship, in the spirit of taking action to achieve truth and reconciliation, for the shared benefit of the MCFN and the Municipality. The Parties agree as follows:

### 2.0 <u>DEFINITIONS</u>

- 2.1 For the purposes of this Agreement, the following definitions apply:
  - (a) "Agreement" means this Protocol Agreement between the Regional Municipality of Wood Buffalo and the MCFN
  - (b) Capacity Support" means funding provided by the Municipality through the Indigenous Community Capacity Grant Program FIN-250 to the MCFN to assist the MCFN with implementing the commitments and responsibilities outlined in this Agreement
  - (c) "Effective Date" means the date this Agreement is fully executed by both Parties
  - (d) "Indigenous" means the original peoples of the land (First Nations (status and non-status), Métis and Inuit), distinct social and cultural groups sharing collective ancestral ties to the lands and natural resources within (and beyond) the boundaries of the Municipality
  - (e) "Joint Committee" means appointed staff or administration appointed by both Parties to fulfill the roles identified in Section 7.2
  - (f) "Municipality" or "RMWB" means the Regional Municipality of Wood Buffalo
  - (g) "Parties" collectively means the MCFN and the Municipality and individually either the MCFN or the Municipality, as the case requires





- (h) "Principles of Reconciliation" means the ten guiding principles respecting the Government of Canada's relationship with Indigenous peoples published in 2018
- (i) "UN Declaration" means the UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples: resolution adopted by the General Assembly*, 2 October 2007, A/RES/61/295
- (j) "Work Plan" means an annual aspirational exercise involving both Parties where anticipated engagement work will be reviewed, considered and structured for the following year.

### 3.0 PURPOSE

- 3.1 The purpose of this Agreement is to:
  - (a) establish agreed processes for a renewed government-to-government relationship between the Municipality and the MCFN
  - (b) agree and confirm the responsibilities, processes and actions pursuant to which the two Parties will address matters of mutual interest
  - (c) establish a "Joint Committee" through which the Municipality and the MCFN will manage and collaborate on joint priorities
  - (d) formalize an engagement process with the MCFN on municipal projects, programs, policies or decisions that are of interest to, or may have impact on the MCFN.

### 4.0 PROTOCOL PRINCIPLES

- 4.1 The Parties recognize that the successful implementation of this Agreement will require systematic, timely and disciplined efforts by both Parties. The Parties agree to the following principles:
  - (a) acting in an open, good faith and transparent manner toward one another in dealing with the matters set out in this Agreement and when implementing this Agreement
  - (b) continuous education, knowledge and understanding of the Parties' mutual interests





- (c) applying a results-driven approach to all discussions, negotiations and the implementation of this Agreement
- (d) building a relationship based on trust and collaboration between the MCFN and the Municipality, applying the Principles of Reconciliation
- (e) expanding the Municipality's knowledge of, and appreciation for, the MCFN history, culture and way of life.

### 5.0 ENGAGEMENT PROTOCOL

- 5.1 All high-level policies and initiatives undertaken by the Municipality with the MCFN will be on a government-to-government basis and not be viewed as public or stakeholder engagement.
- 5.2 Despite section 5.1, the Municipality will use its best efforts to engage with the MCFN on projects, programs, policies and decisions that may have an impact on the MCFN or its membership, in accordance with its current public engagement policies, including but not limited to:
  - (a) the Public Engagement Administrative Procedure PRC-130-P01; and
  - (b) the Public Engagement Policy PRC-130

as amended or as replaced from time to time.

- 5.3 The Parties agree to the following principles for engagement:
  - (a) sufficient prior notification and engagement by the Municipality with the MCFN where the Municipality reasonably believes that a municipal project, program, or policy may affect the interests of the MCFN
  - (b) at the request of the MCFN, further detailed information on any municipal project, program, or policy will be provided to the MCFN to allow the MCFN to assess their interest in or potential impact from such project, program, or policy and to meaningfully participate in any municipal engagement process
  - (c) reporting back to the MCFN on how the input from the MCFN has been considered and incorporated into any municipal decision.
- 5.4 The Parties agree to the following process for engagement undertaken by the Municipality:





- (a) the Municipality will annually provide to the Joint Committee a list of projects, programs, policies and decisions to the MCFN that may impact the MCFN or its members
- (b) The MCFN will advise the Municipality of the recommended level of engagement through the Joint Committee
- (c) the Municipality will use its best efforts to follow the preferred engagement process recommended by the MCFN, considering time and resource constraints.
- 5.5 If a project, program, policy or decision is contemplated or initiated by the Municipality after the provision of the annual list to the MCFN through the Joint Committee, the proposed project, program, policy or decision will be submitted to the Joint Committee as soon as possible and the process outlined in Sections 8.2 (b) and (c) of this Agreement will be followed.
- 5.6 Nothing in this Agreement diminishes any engagement or notification requirements required by the Municipality under the *Municipal Government Act* RSA 2000 c-M-26 or any other enactment.
- 5.7 Nothing in this Agreement diminishes any "duty to consult" with the MCFN required by the Municipality under the *Indian Act*, RSC 1985, c. I-5, as amended, any other enactment or at common law.

### 6.0 MUTUAL INTEREST

- 6.1 The following areas of mutual interest have been identified and agreed upon by the Parties for collaboration. Where appropriate, separate agreements may be entered into by the Parties bi-laterally or with other appropriate partners:
  - (a) intergovernmental coordination
  - (b) partnerships and to lobby provincial and federal governments on priorities of mutual interest
  - (c) cultural and tourism development
  - (d) regional economic development
  - (e) land planning, zoning, and land-use
  - (f) employment





- (g) emergency preparedness and management
- (h) infrastructure
- (i) municipal service agreements
- (j) procurement and contracts
- (k) property and other taxation issues
- (I) social services
- (m) housing initiatives
- (n) policing
- (o) transportation initiatives
- (p) additional issues of interest that the Parties may identify from time to time.

### 7.0 JOINT COMMITTEE

- 7.1 To accomplish the objectives of this Agreement, the Parties will establish a Joint Committee as soon as practicable following the Effective Date of this Agreement.
- 7.2 The Joint Committee will:
  - (a) develop and submit an annual Work Plan based on the areas of mutual interest identified in Section 6.1
  - (b) collaboratively implement the annual Work Plan
  - (c) address any urgent issues that may arise
  - (d) establish sub-committees or working groups to undertake specific projects as required
  - (e) address any other issues that may arise during the implementation and term of this Agreement
  - (f) undertake other duties as may be agreed to by the Joint Committee.
- 7.3 The Joint Committee shall meet at least twice a year to undertake collaborative discussions related to the items identified under section 6.1.





- 7.4 The Joint Committee may refer disputes to the leadership of their governments for resolution through the established communication protocol outlined in section 8.0.
- 7.5 The Joint Committee membership will:
  - (a) consist of two representatives appointed from the RMWB's Indigenous and Rural Relations Department and two representatives appointed by the MCFN
  - (b) meetings will be chaired alternatively by one representative from the Municipality and one representative from the MCFN
  - (c) operate on the basis of consensus, to the greatest extent reasonably possible.
  - (d) establish procedures including but not limited to:
    - a. meeting frequency and locations
    - b. the process for involvement of other departments and representatives
- 7.6 The Joint Committee membership is appointed for each calendar year by the Parties and the membership shall be as identified in **Schedule "A"**.

### 8.0 COLLABORATIVE LEADERSHIP COMMUNICATION PROTOCOL

- 8.1 The Parties will establish a Collaborative Leadership Communication Protocol to provide a process for elected leadership of both Parties to provide direction on the implementation of this Agreement.
- 8.2 The purpose of the Collaborative Leadership Communication Protocol is to:
  - (a) act as an avenue through which elected leadership of the MCFN and the Municipality provide input on approaches to addressing mutual areas of interest and the annual Work Plans
  - (b) review the progress of the Joint Committee and other aspects of the Agreement
  - (c) strengthen the working relationship with elected leadership, manage issues and potential areas of conflict, and increase collaboration.
- 8.3 Discussions or conversations that occur as part of this established protocol are required to be reported back to their respective Councils on any discussions and/or recommendations.





# 9.0 <u>IMPLEMENTATION OF THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES (UN Declaration)</u>

- 9.1 The MCFN agrees to participate in collaborative discussions with the Municipality on the proposed municipal implementation of the UN Declaration as a framework for advancing truth and reconciliation, including but not limited to the following:
  - (a) providing input on any municipal policies concerning the UN Declaration
  - (b) providing input on any documents, plans or strategies for implementing the UN Declaration as a framework for advancing truth and reconciliation
  - (c) providing any other input or advice on the proposed implementation of the UN Declaration as a framework for advancing truth and reconciliation in Wood Buffalo.

### 10.0 FUNDING

10.1 The Municipality will provide Capacity Support to the MCFN through the Indigenous Community Capacity Grant Program FIN-250.

### 11.0 TERM AND TERMINATION

- 11.1 The term of this Agreement will commence on the Effective Date.
- 11.2 The Agreement will be reviewed on or before the third anniversary date of the Effective Date and every three years thereafter.
- 11.3 Either Party may terminate this Agreement upon:
  - (a) 90 days written notice to the other Party with a detailed explanation of the reason for termination; or
  - (b) upon the terms of this Agreement being incorporated by the Parties into a successor agreement or modified by mutual agreement of the Parties.
- 11.4 Upon written notice of termination being given by either Party, the Parties will meet within 30 days to seek to achieve an understanding for the reason(s) for termination and to discuss potential amendments to the Agreement or other solutions to avoid termination.

### 12.0 REPRESENTATIONS

12.1 The MCFN confirms that by entering into this Agreement:

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- (a) it has the authority and capacity to enter into this Agreement on its own behalf and on behalf of its members
- (b) it has taken all necessary actions and has obtained all necessary approvals to enter into this Agreement for and on behalf of its members
- (c) this Agreement is valid and best efforts will be made to meet all obligations contained within the Agreement.
- 12.2 The Municipality confirms that by entering into this Agreement:
  - (a) it has the authority to enter into this Agreement
  - (b) this Agreement is valid and best efforts will be made to meet all obligations contained within the Agreement.

### 13.0 GENERAL TERMS

- 13.1 This Agreement is a non-binding instrument which is intended to express the will of the Parties to collaborate on a range of matters of mutual interest but is not intended to be actionable pursuant to legal proceedings.
- 13.2 This Agreement, including the Forum, does not affect the jurisdiction or discretion of any decision-making authority of the Municipality or the MCFN.
- 13.3 Any notice, document or communication required or permitted to be given shall be in writing and delivered by hand, by registered mail or by email to the Party to which it is to be given as follows:

To: Regional Municipality of Wood Buffalo Jubilee Building 6<sup>th</sup> Floor, 9909 Franklin Avenue Fort McMurray, AB T9H 2K4

Attention: Director Indigenous and Rural Relations E-mail: Director.IRR@RMWB.ca

To: Mikisew Cree First Nation P.O. Box 90 Fort Chipewyan, AB T0P 1B0

Attention: E-mail:





- 13.4 This Agreement may be amended from time to time by the Parties in writing.
- 13.5 If any part of this Agreement is deemed or found to be void or invalid:
  - (a) the invalidity of that part will not affect the validity of other parts of the Agreement; and
  - (b) the Parties will negotiate and attempt to reach agreement on a replacement for the part declared void or invalid.

IN WITNESS WHEREOF this Agreement is effective this \_\_\_\_ day of \_\_\_\_\_\_, 20\_\_\_ and in making their best efforts to adhere to the terms established in this Agreement, the Parties have signed and executed this Agreement by their authorized representatives.

# MIKISEW CREE FIRST NATION Chief Melody Lepine, Acting Chief Executive Officer REGIONAL MUNICIPALITY OF WOOD BUFFALO Sandy Bowman, Mayor Linda Ollivier, Interim Chief Administrative Officer





### SCHEDULE "A" - JOINT COMMITTEE

At the signing of this Agreement, the following representatives have been appointed to the initial Joint Committee:

Joint Committee Membership Representatives						
Mikisew Cree First Nation	Representative #1	Representative #2				
Name						
Title						
Phone						
Number						
Email Address						
Address						
Municipality	Representative #1	Representative #2				
Name						
Title						
Phone						
Number						
Email						
Address						



August 21, 2025

Regional Municipality of Wood Buffalo

Dear Sir/Madam:

Re: Mikisew Objection to Liquor Store Permit

Notice of Development Application 2025-DP-00169 – Liquor Store

Please consider the enclosed Mikisew Cree First Nation's objection – again – to the resubmission of an application for the same revoked permit for a liquor store in the heart of our community, Fort Chipewyan.

Mikisew was successful at the Court of Appeal in challenging the municipality's first attempt to allow liquor sales in our community at this location (193 Mackenzie Avenue, Lot 3; Block The Court of Appeal, citing the Board's decision, stated:

As a result of those safety considerations [concerning alcohol use in the community] The Board concludes that the proposed development is not compatible with the adjacent uses. . . .

138. As a result of the Board's conclusion that the proposed development is incompatible with the neighbouring uses . . . The development permit is revoked.<sup>1</sup>

Having been successful all the way to the Court of Appeal, Mikisew did not receive proper notice of the re-submitted application from the Regional Municipality of Wood Buffalo (RMWB). **Tab 1** is a copy of the email from our member where our Nation became aware of this resubmissions when, on August 12, 2025.

<sup>1</sup> Roy v Wood Buffalo (Subdivision and Development Appeal Board), 2025 ABCA 69 (CanLII), at para 7.



After receiving this email and upon review of emails, it appeared that the generic email (from a previously unknown sender and not indicating RMWB in the subject line) went undetected as junk in the chief and ceo emails only. Please send all notices to our band office and also to <a href="mailto:chiefandcouncil@mikisewcree.ca">chiefandcouncil@mikisewcree.ca</a> with a read receipt to ensure this does not happen again.

It also does not appear that our legitimate expectations regarding notice, throughout the community, were met this time around. For example, some of our Council live in the immediate vicinity of 193 Mackenzie Avenue, and did not receive a notice regarding this application.

Moreover, this will be the second time the notice period is condensed in the middle of summer - a time when our members and Nation are exercising their Treaty and inherent rights, but also precisely on the day (July 16, 2025) when we were in Ottawa meeting with Prime Minster Carney at the widely advertised First Nations Summit.

Notwithstanding our objections to the adequacy, manner and timing of notice, we are providing this objection within 10 days of becoming aware of this application. Given this time I submit the results of an updated member survey when they become

### We submit as follows and enclosed:

Mikisew reiterates the safety considerations with a liquor store in community, with easy access for members with substance abuse issues but most importantly easy access for our youth. At the hearing before the SDAB Board, Mikisew advised the board of youth suicides that occurred under the influence of alcohol. Moreover, it is obvious that alcohol relates to serious safety issues in our small community. Enclosed at **Tab 2** is a copy of the incidents this year alone, until August 14, 2025, that are alcohol related. There are 241 incidents for a community of approximately 1000. This is extraordinary given the limited policing resources in our community.



Indeed, our Nation's employees and officials have noticed a decline in youth drinking in the community since the closure of the illegal liquor store (HEP). This has been a welcome improvement.

We also remind RMWB that under Treaty 8 the Crown promised us they would control the sale of liquor in our territory. Fort Chipewyan is predominantly Mikisew members. We enclose therefore at **Tab 3** the expert opinion of Dr. Darcy Lindberg in this regard. The Crown cannot evade its obligations by delegating permitting powers to the municipality.

Granting this licence has at least the *potential* to impact our Treaty relationship and Treaty rights, if not infringe them. Our claim to protection from liquor sales under Treaty 8 is credible as evidenced in Dr. Lindbergh's report. As such there is a duty to consult that arises. Since at least 2017, it is now clear that administrative bodies, such as municipalities, can and must discharge the duty to consult. Recognition of a duty to consult owing to Mikisew is evident in the consultation policy.

Indeed, the RMWB receives a windfall in resource revenue sharing from the impacts to our cause of oil sands development. By contrast, despite our constitutional ment receives <u>nothing</u> in the way of revenue sharing. In February, 2024, ware of funding that was provided to RMWB by the federal public safety department for addictions and prevention measures, which our community was not made aware of. Instead, RMWB has proposed to contribute to the problem by approving a liquor permit in our community.

In addition, we know from research conducted following the Imperial Kearl spill that the land dispossession caused by industrial disturbance caused mental health harm to our members and, therefore, by extension, potential for further substance abuse issues in our community. RMWB has done nothing to assist in mitigating this real problem. By contrast, Mikisew has called a State of Emergency.



Even if RMWB maintains they are exempt from the duty to consult, please be advised that RMWB is not exempt from considering whether an application is in the public interest<sup>2</sup> and whether it is compatible with the surrounding use.<sup>3</sup> It is not in the public interest nor is it compatible with the surrounding use, as already found by the municipality's own board, to contribute to substance abuse and intergenerational trauma in a predominantly First Nation community like Fort Chipewyan through the sale of liquor at 193 Mackenzie Avenue.

In closing, given the short and dishonourable window of time to respond, again, we are enclosing and relying on our previous submissions, **Tab 4**, also submitted in haste, in response to RMWB's proposal to approve this permit again.

We trust this is sufficient to put this issue to rest and join us in protecting our community.

Hiy Hiy,

Chief Billy-Joe Tuccaro Mikisew Cree First Nation

Encl (4)

cc. <u>Chiefandcouncil@mikisewcree.ca</u> <u>ceo@mikisewcree.ca</u> RMWB via email

<sup>&</sup>lt;sup>2</sup> Municipal Government Act, RSA 2000, c M-26, <u>s 617</u>; Fort McKay First Nation v Prosper Petroleum Ltd, 2020 ABCA 163 (CanLII), at <u>para 43</u>.

<sup>&</sup>lt;sup>3</sup> Rossdale Community League (1974) v. Edmonton (Subdivision and Development Appeal Board), 2009 ABCA 261 (CanLII), at para 14.

Subject: Re: Liquor Store

Date: Thursday, August 21, 2025 at 10:15:33 AM Mountain Daylight Saving Time

From: Orlagh O'Kelly

From: Danny Mercredi

**Sent:** Tuesday, August 12, 2025 9:42:43 PM

**To:** Chief Billy-Joe Tuccaro < <a href="mailto:chief@mikisewcree.ca">chief@mikisewcree.ca</a>>

**Cc:** Councillor Bonnie Fraser < bonnie.fraser@mikisewcree.ca >; Councillor Sherri McKenzie

<<u>sherri.mckenzie@mikisewcree.ca</u>>; Councillor Tammie Tuccaro

<tammie.tuccaro@mikisewcree.ca>; Councillor Paul Tuccaro

<paul.tuccaro@mikisewcree.ca>; Councillor Dillon Whitehead

<a href="mailto:</a><a href="mailto:color:blue-red-ca">cdillon.whitehead@mikisewcree.ca</a>>; Councillor Roxanne Marcel

<roxanne.marcel@mikisewcree.ca>

**Subject:** Fwd: Liquor Store

Sent from my iPhone

Begin forwarded message:

From: Danny Mercredi <

**Date:** August 12, 2025 at 9:41:12 PM MDT

To: permit.inquiries@rmwb.ca

**Subject: Liquor Store** 

ALERT!!!

#### Sharing;

The increasing presence and promotion of liquor stores in many First Nation communities are deeply troubling, especially given the ongoing struggles with alcohol addiction faced by many members. Alcohol is widely recognized as one of the most harmful drugs, capable of destroying families, health, and community cohesion. By allowing the proliferation of liquor stores, it feels as though opportunities to support members in overcoming addiction and promoting healthier lifestyles are being overlooked. Instead of fostering environments that empower recovery and well-being, these stores often contribute to the cycle of dependence and loss.

It is crucial for communities and leadership to prioritize initiatives that help members get off alcohol and build stronger, healthier

futures. # # # # # # # #

<image0.jpeg> <image1.jpeg>

Sent from my iPhone

	Occ#	Unit	Type
1)	2024102328	K DIV FORT	Mischief - Obstruct enjoyment of property
	0	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
2)	2024103654	K DIV FORT	Mischief - Obstruct enjoyment of property
	3	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
3)	2024105476	K DIV FORT	Assistance to Canadian Provincial/Territorial
	8	CHIPEWYAN	Dept/Agency
		DETACHMENT	
4) 2024105900 K DIV FORT Wellbeing Chec 7 CHIPEWYAN	2024105900	K DIV FORT	Wellbeing Check (FIP)
		DETACHMENT	
5)	2024106934	K DIV FORT	Uttering threats against a person 264.1(1)(a) CC
	3	CHIPEWYAN	(FIP)
		DETACHMENT	
6)	2024107551	G DIV FORT	Wellbeing Check (FIP)
	4	SMITH	
		DETACHMENT	
7)	2024109153	G DIV FORT	Mischief - Obstruct enjoyment of property
		-SMITH	
		DETACHMENT	
8)	2024109909	K DIV FORT	Mischief - Obstruct enjoyment of property
	2	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
9)	2024109970	K DIV FORT	Mischief - Obstruct enjoyment of property
	7 [Fv]	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
10)	2024110974	K DIV FORT	Breach of Peace
	[Fv]	CHIPEWYAN	
		DETACHMENT	
11)	2024111912	K DIV FORT	Breach of Peace
	5	CHIPEWYAN	
		DETACHMENT	
12)	2024113972	K DIV FORT	Mischief - Obstruct enjoyment of property
	2	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	

13)	2024114313	K DIV FORT	Breach of Peace
,		CHIPEWYAN	
		DETACHMENT	
14)	2024114599	K DIV FORT	Moving Traffic - Speeding Violations -
	0	CHIPEWYAN	Provincial/Territorial
		DETACHMENT	
15)	2024115236	K DIV FORT	Mental Health Act - Other Activities (FIP)
	8	CHIPEWYAN	
		DETACHMENT	
16)	2024116787	K DIV FORT	Assist General Public
	7	CHIPEWYAN	
		DETACHMENT	·
17)	2024117002	K DIV FORT	Uttering threats against a person 264.1(1)(a) CC
	[Fv]	CHIPEWYAN	(FIP)
		DETACHMENT	
18)	2024117174	K DIV FORT	Assault 266 CC (FIP)
	9	CHIPEWYAN	
		DETACHMENT	
19)	2024119280	K DIV FORT	Mental Health Act - Other Activities (FIP)
	1	CHIPEWYAN	
		DETACHMENT	
20)	2024121993	K DIV FORT	Assist General Public
	2	CHIPEWYAN	
		DETACHMENT	
21)	2024122141	K DIV FORT	Assault 266 CC (FIP)
	9 [M,Fv]	CHIPEWYAN	
		DETACHMENT	
22)	2024123322	K DIV FORT	Assist General Public
	4	CHIPEWYAN	
		DETACHMENT	
23)	2024123370	K DIV FORT	Assist General Public
ĺ	7	CHIPEWYAN	
		DETACHMENT	
24)	2024124015	K DIV FORT	Wellbeing Check (FIP)
		CHIPEWYAN	
		DETACHMENT	
25)	2024125020	K DIV FORT	Other Provincial/Territorial Statutes (not
	5	CHIPEWYAN	otherwise specified) - Other Activities
		DETACHMENT	
26)	2024126662	K DIV FORT	Assault 266 CC (FIP)
	5	CHIPEWYAN	
		DETACHMENT	

		W 5 3 4 5 6 5 5 5	1
27)	2024126751	K DIV FORT	Assist General Public
	2	CHIPEWYAN	
		DETACHMENT	
28)	2024128139	K DIV FORT	Other Moving Traffic Violations -
	9	CHIPEWYAN	Provincial/Territorial
	· · · · · · · · · · · · · · · · · · ·	DETACHMENT	
29)	2024128766	K DIV FORT	Assault 266 CC (FIP)
		CHIPEWYAN	
		DETACHMENT	
30)	2024131840	K DIV FORT	Other Provincial/Territorial Statutes (not
	4	CHIPEWYAN	otherwise specified) - Offences Only
		DETACHMENT	
31)	2024135376	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
	3	CHIPEWYAN	Activities
		DETACHMENT	
32)	20241367	K DIV FORT	Disturbing the peace/Causing a disturbance
		CHIPEWYAN	175(1) CC
		DETACHMENT	
33)	2024138466	K DIV FORT	Breach of Peace
′	5	CHIPEWYAN	·
		DETACHMENT	
34)	2024138606	K DIV FORT	Liquor Act (Provincial/Territorial) - Offences
	1	CHIPEWYAN	Only
		DETACHMENT	
35)	2024139775	K DIV FORT	Mischief - Obstruct enjoyment of property
′	3	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
36)	2024140251	K DIV FORT	Mischief - Obstruct enjoyment of property
′	9	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
37)	2024142406	K DIV FORT	Assault 266 CC (FIP)
′	6	CHIPEWYAN	
		DETACHMENT	
38)	2024143177	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
'	3 [Fv]	CHIPEWYAN	Activities
	- 1- 1	DETACHMENT	
39)	2024143578	K DIV FORT	Suspicious Person/ Vehicle/ Property
- <del>/</del>	9	CHIPEWYAN	1
		DETACHMENT	
40)	2024146241	K DIV FORT	Mischief - Obstruct enjoyment of property
',	8	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	100/0/00/1/00
	1	DED STITLING	

41)	2024146632	K DIV FORT	Mischief - Obstruct enjoyment of property
717	0	CHIPEWYAN	430(3)&(4) CC
	"	DETACHMENT	400(0)4(4) 00
42)	2024146763	K DIV FORT	Mental Health Act - Other Activities (FIP)
72)	7	CHIPEWYAN	Trontage router route of the
	'	DETACHMENT	
43)	2024147676	K DIV FORT	Crime Prevention
10,	8	CHIPEWYAN	Chinist roveinaeri .
		DETACHMENT	
44)	2024148892	K DIV FORT	Crime Prevention
1-7,	5	CHIPEWYAN	Stand Total and
		DETACHMENT	
45)	2024154366	G DIV FORT	Mental Health Act - Other Activities (FIP)
, , ,	1	SMITH	Trontact Tourist Out of the Artist of Control of C
	-	DETACHMENT	·
46)	2024154930	K DIV FORT	Breach of Peace
	9 [Fv]	CHIPEWYAN	5,000,101,000
	(1.1)	DETACHMENT	
47)	2024155316	K DIV FORT	Assault 266 CC (FIP)
.,,	4 [Fv]	CHIPEWYAN	7.000dd 200 00 (1 11 )
		DETACHMENT	
48)	2024157424	K DIV FORT	Breach of Peace
,	8	CHIPEWYAN	
		DETACHMENT	
49)	2024158145	K DIV FORT	Traffic Collision(s) - Property Damage -
,	3	CHIPEWYAN	Reportable
		DETACHMENT	
50)	2024158380	K DIV FORT	Breach of Peace
,	7	CHIPEWYAN	
		DETACHMENT	
51)	2024158735	K DIV FORT	Breach of Peace
,	0	CHIPEWYAN	
		DETACHMENT	
52)	2024158991	K DIV FORT	Wellbeing Check (FIP)
,	6	CHIPEWYAN	
		DETACHMENT	
53)	2024159939	K DIV FORT	Suspicious Person/ Vehicle/ Property
,	9	CHIPEWYAN	
		DETACHMENT	
54)	2024160442	K DIV FORT	Assault With Weapon or Causing Bodily Harm
,	7	CHIPEWYAN	267 CC (FIP)
		DETACHMENT	

55)	2024161641	K DIV FORT	Other Moving Traffic Violations -
′	5	CHIPEWYAN	Provincial/Territorial
		DETACHMENT	
56)	2024162202	K DIV FORT	Other Moving Traffic Violations -
'	2	CHIPEWYAN	Provincial/Territorial
		DETACHMENT	
57)	2024162241	K DIV FORT	Assault 266 CC (FIP)
	9 [Fv]	CHIPEWYAN	
		DETACHMENT	
58)	2024162268	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
	5	CHIPEWYAN	Activities
		DETACHMENT	
59)	2024162292	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
	2	CHIPEWYAN	Activities
		DETACHMENT	
60)	2024162309	K DIV FORT	Assist General Public
	1	CHIPEWYAN	
		DETACHMENT	
61)	2024162309	K DIV FORT	Assault 266 CC (FIP)
	2	CHIPEWYAN	
		DETACHMENT	
62)	2024165828	K DIV FORT	Mischief - Obstruct enjoyment of property
	4	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	·
63)	2024169045	-K-DIV-FORT	Operation-while-impaired-(alcohol)/over-80mg%
	9	CHIPEWYAN	of Motor Vehicle 320.14(1)(a)/(b) CC
		DETACHMENT	· ·
64)	2024169125	K DIV FORT	Crime Prevention
	9	CHIPEWYAN	
		DETACHMENT	-
65)	2024169140	K DIV FORT	Wellbeing Check (FIP)
		CHIPEWYAN	
		DETACHMENT	•
66)	2024170429	K DIV FORT	Wellbeing Check (FIP)
	5	CHIPEWYAN	
		DETACHMENT	
67)	2024170546	K DIV FORT	Sexual Assault 271 CC (FIP)
	7	CHIPEWYAN	
		DETACHMENT	
68)	2024171318	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
	9	CHIPEWYAN	Activities
		DETACHMENT	

69)	2024172216	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
	2	CHIPEWYAN	Activities
		DETACHMENT	
70)	2024175155	K DIV FORT	Breach of Peace
	1	CHIPEWYAN	
		DETACHMENT	
71)	2024178404	K DIV FORT	Other Moving Traffic Violations -
	0	CHIPEWYAN	Provincial/Territorial
		DETACHMENT	
72)	2024179644	K DIV FORT	Discharge firearm with intent 244 CC (FIP)
	2	CHIPEWYAN	
		DETACHMENT	,
73)	2024179666	K DIV FORT	Disturbing the peace/Causing a disturbance
	6	CHIPEWYAN	175(1) CC
		DETACHMENT	
74)	2024179884	K DIV FORT	Harassing communications 372(3) CC (FIP)
	9	CHIPEWYAN	
		DETACHMENT	
75)	2024180090	K DIV FORT	Wellbeing Check (FIP)
	6	CHIPEWYAN	, , , .
		DETACHMENT	
76)	2024183733	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
	3	CHIPEWYAN	Activities
		DETACHMENT	
77)	2024183827	K DIV FORT	Mental Health Act - Other Activities (FIP)
1	2	CHIPEWYAN	
		DETACHMENT	
78)	2024184563	K DIV FORT	Traffic Collision(s) - Property Damage -
	3	CHIPEWYAN	Reportable
		DETACHMENT	
79)	2024186837	K DIV FORT	Mental Health Act - Other Activities (FIP)
′	8	CHIPEWYAN	
		DETACHMENT	
80)	2024186966	K DIV FORT	Mischief - Obstruct enjoyment of property
-,	0		
		DETACHMENT	
81)	2024188708		Breach of Peace
,			
	_ [, *J		
82)	2024193208		Mental Health Act - Other Activities (FIP)
~~,			
		DETACHMENT	
75) 76) 77) 78) 80) 81)	2024183733 3 2024183827 2 2024184563 3 2024186837 8 2024186966	DETACHMENT K DIV FORT CHIPEWYAN	Liquor Act (Provincial/Territorial) - Other Activities  Mental Health Act - Other Activities (FIP)  Traffic Collision(s) - Property Damage -

83)	2024194219	K DIV FORT	911 Act - Offences Only
,		CHIPEWYAN	orrace onchood only
		DETACHMENT	
84)	2024203767	K DIV FORT	Assault 266 CC (FIP)
- 7		CHIPEWYAN	7.656adit 250 55 (1 11 )
		DETACHMENT	
85)	2024208841	K DIV FORT	911 Act - Offences Only
,		CHIPEWYAN	- The state of the
		DETACHMENT	
86)	2024211397	K DIV FORT	Wellbeing Check (FIP)
'		CHIPEWYAN	
		DETACHMENT	
87)	2024240605	K DIV FORT	Other Moving Traffic Violations -
		CHIPEWYAN	Provincial/Territorial
		DETACHMENT	
88)	2024251908	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
		CHIPEWYAN	Activities
		DETACHMENT	
89)	202425940	K DIV FORT	Mischief - Obstruct enjoyment of property
		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
90)	2024261551	K DIV FORT	Mischief - Obstruct enjoyment of property
		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
91)	2024269059	K DIV FORT	Mischief - Obstruct enjoyment of property
		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	· · · · · · · · · · · · · · · · · · ·
92)	2024300733	K DIV FORT	911 Act - Offences Only
		CHIPEWYAN	
		DETACHMENT	
93)	2024310987	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
		CHIPEWYAN	Activities
		DETACHMENT	
94)	2024321251	K DIV FORT	Mental Health Act - Other Activities (FIP)
		CHIPEWYAN	
		DETACHMENT	
95)	2024332052	K DIV FORT	Assault 266 CC (FIP)
		CHIPEWYAN	
		DETACHMENT	•
96)	2024348366	K DIV FORT	Mischief - Obstruct enjoyment of property
		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	

97)	2024353525	K DIV FORT	Other Provincial/Territorial Statutes (not
" /	[Fv]	CHIPEWYAN	otherwise specified) - Other Activities
	• •	DETACHMENT	,
98)	2024379617	K DIV FORT	Other Provincial/Territorial Statutes (not
1		CHIPEWYAN	otherwise specified) - Other Activities
		DETACHMENT	
99)	2024392612	K DIV FORT	Breach of Peace
•		CHIPEWYAN	
		DETACHMENT	
100	202444740	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
101	202445084	K DIV FORT	Other Provincial/Territorial Statutes (not
)		CHIPEWYAN	otherwise specified) - Other Activities
		DETACHMENT	
102	2024462788	K DIV FORT	Wellbeing Check (FIP)
)		CHIPEWYAN	
		DETACHMENT	
103	20244736	K DIV FORT	911 Act - Offences Only
)		CHIPEWYAN	
		DETACHMENT	
104	2024481133	K DIV FORT	Other Provincial/Territorial Statutes (not
)		CHIPEWYAN	otherwise specified) - Other Activities
		DETACHMENT	
105	2024487768	K DIV FORT	Assault 266 CC (FIP)
)		CHIPEWYAN	
		DETACHMENT	
106	2024490598	K DIV FORT	Other Provincial/Territorial Statutes (not
)		CHIPEWYAN	otherwise specified) - Other Activities
,		DETACHMENT	
107	2024502124	K DIV FORT	Other Moving Traffic Violations -
)		CHIPEWYAN	Provincial/Territorial
		DETACHMENT	
108	2024518740	K DIV FORT	Mischief - Damage to property 430(3)&(4) CC
)		CHIPEWYAN	
		DETACHMENT	
109	2024519114	K DIV FORT	Assault 266 CC (FIP)
)		CHIPEWYAN	
		DETACHMENT	
110	2024520788	K DIV FORT	Other Non-Moving Traffic - Provincial/Territorial
)		CHIPEWYAN	
		DETACHMENT	

111	2024520867	K DIV FORT	Operation while impaired (alcohol)/over 80mg%
1,	202 1020007	CHIPEWYAN	of Motor Vehicle 320.14(1)(a)/(b) CC
′		DETACHMENT	(1)(4),(5)
112	20245327	K DIV FORT	Breach of Peace
)		CHIPEWYAN	
′		DETACHMENT	
113	2024538558	K DIV FORT	911 Act - Offences Only
)		CHIPEWYAN	- The change only
,		DETACHMENT	
114	2024549440	K DIV FORT	Operation while impaired (alcohol)/over 80mg%
1	202 10 10 110	CHIPEWYAN	of Motor Vehicle 320.14(1)(a)/(b) CC
<i>'</i>		DETACHMENT	1 1 10tol Vollisto 020: 14(1)(u)/(b) 00
115	2024556047	K DIV FORT	Mischief - Obstruct enjoyment of property
1	2024000047	CHIPEWYAN	430(3)&(4) CC
,		DETACHMENT	400(3)4(4) 00
116	2024562648	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
١١٥	2024302046	CHIPEWYAN	Activities
		DETACHMENT	Activities
117	2024574278	G DIV FORT	Misshiof Chatrust anisyment of property
117	2024374276	SMITH	Mischief - Obstruct enjoyment of property
,		DETACHMENT	430(3)&(4) CC
118	2024574938	K DIV FORT	Mischief Demograte property 420/2\8 (4) CC
110	20245/4936	1	Mischief - Damage to property 430(3)&(4) CC
)		CHIPEWYAN	
110	2004500044	DETACHMENT	Odd Ant. Other Anti-Ities
_119	2024580844_	-K-DIV-FORT	911 Act - Other Activities
)		CHIPEWYAN	
400	0004504000	DETACHMENT	
120	2024581200	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
404	000450000	DETACHMENT	
121	2024592833	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
122	2024600378	K DIV FORT	Wellbeing Check (FIP)
)		CHIPEWYAN	
		DETACHMENT	1
123	2024601552	K DIV FORT	Wellbeing Check (FIP)
)		CHIPEWYAN	
		DETACHMENT	·
124	2024645716	G DIV FORT	Mental Health Act - Other Activities (FIP)
)		SMITH	
		DETACHMENT	

125	2024669230	G DIV FORT	Mischief - Obstruct enjoyment of property
1	202 1000200	SMITH	430(3)&(4) CC
'		DETACHMENT	100(0)4(1)
126	2024672954	K DIV FORT	Assault 266 CC (FIP)
)		CHIPEWYAN	, 100000 200 00 (/ m /
'		DETACHMENT	
127	2024674935	K DIV FORT	Assault 266 CC (FIP)
1,2,	2024074000	CHIPEWYAN	7.000ddc 200 00 (1 11 )
'		DETACHMENT	
128	2024706941	K DIV FORT	Mischief - Damage to property 430(3)&(4) CC
120	2024/00041	CHIPEWYAN	Thousand Barriago to proporty 400(0/4(4) 00
'		DETACHMENT	
129	2024712379	K DIV FORT	Wellbeing Check (FIP)
123	2024/125/9	CHIPEWYAN	Wettbeing Officer (Fill )
'		DETACHMENT	
130	2024712380	K DIV FORT	Wellbeing Check (FIP)
130	2024/12360	CHIPEWYAN	Wellbeing Check (FIF)
'			
104	0004740044	DETACHMENT	Little sing threate against a parson 264 1/1/a) CC
131	2024713044	K DIV FORT	Uttering threats against a person 264.1(1)(a) CC
)		CHIPEWYAN	(FIP)
100	200454040	DETACHMENT	
132	2024714943	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
133	2024720054	K DIV FORT	Mischief - Damage to property 430(3)&(4) CC
)		CHIPEWYAN	
		DETACHMENT	
134	2024721174	K DIV FORT	Mischief - Damage to property 430(3)&(4) CC
)		CHIPEWYAN	
		DETACHMENT	
135	2024727281	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
136	2024727378	K DIV FORT	Other Provincial/Territorial Statutes (not
)		CHIPEWYAN	otherwise specified) - Other Activities
		DETACHMENT	
137	2024731966	K DIV FORT	Other Provincial/Territorial Statutes (not
)		CHIPEWYAN	otherwise specified) - Other Activities
		DETACHMENT	
138	2024732763	K DIV FORT	Other Provincial/Territorial Statutes (not
)		CHIPEWYAN	otherwise specified) - Other Activities
		DETACHMENT	

139	2024733800 [M]	K DIV FORT CHIPEWYAN	Uttering threats against a person 264.1(1)(a) CC (FIP)
'	[[,,,]	DETACHMENT	(117)
140	2024733897	K DIV FORT	Liquor Act (Provincial/Territorial) - Offences
)		CHIPEWYAN	Only
1		DETACHMENT	9
141	2024759119	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
142	2024767401	K DIV FORT	Mental Health Act - Other Activities (FIP)
)		CHIPEWYAN	*
		DETACHMENT	
143	2024772115	K DIV FORT	Operation while impaired (alcohol and drug) /
)		CHIPEWYAN	over 80mg% of a Motor Vehicle 320.14(1)(a)/(d)
		DETACHMENT	CC
144	2024778655	K DIV FORT	Mischief - Damage to property 430(3)&(4) CC
)		CHIPEWYAN	
		DETACHMENT	
145	2024817368	K DIV FORT	Breach of Peace
)		CHIPEWYAN	
		DETACHMENT	
146	2024824782	K DIV FORT	Mischief - Damage to property 430(3)&(4) CC
)		CHIPEWYAN	
		DETACHMENT	
147	2024827924	K-DIV-FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
148	202482871	K DIV FORT	Other theft under \$5000 334(b) CC
)	[Fv]	CHIPEWYAN	
		DETACHMENT	
149	202484914	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
)	,	CHIPEWYAN	Activities
		DETACHMENT	·
150	2024851590	K DIV FORT	Breach of Peace
)		CHIPEWYAN	
		DETACHMENT	
151	2024862040	K DIV FORT	Operation While Impaired (Alcohol And Drug) /
)		CHIPEWYAN	Over 80mg% Of Vessel / Aircraft / Railway
		DETACHMENT	320.14(1)(a)/(d) CC
152	202487584	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	

153	202487906	K DIV FORT	Other Provincial/Territorial Statutes (not
)		CHIPEWYAN	otherwise specified) - Offences Only
'		DETACHMENT	
154	2024879593	K DIV FORT	Breach of Peace
)		CHIPEWYAN	
		DETACHMENT	`
155	2024897855	K DIV FORT	Breach of Peace
)		CHIPEWYAN	
1		DETACHMENT	
156	2024909110	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
157	202491967	K DIV FORT	Assault 266 CC (FIP)
)		CHIPEWYAN	
'		DETACHMENT	
158	2024927289	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
'		DETACHMENT	
159	2024981470	K DIV FORT	Mischief - Obstruct enjoyment of property
<b>l</b> )	[Fv].	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
160	2024993773	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
)		CHIPEWYAN	Activities
		DETACHMENT	
161	2024998728	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
)		CHIPEWYAN	Activities
		DETACHMENT	
162	2024999150	K DIV FORT	Wellbeing Check (FIP)
)		CHIPEWYAN	
		DETACHMENT	
163	2025102724	K DIV FORT	Mischief - Obstruct enjoyment of property
)	6	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
164	2025103532	K DIV FORT	Mischief - Obstruct enjoyment of property
)	8	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
165	2025103540	K DIV FORT	Operation while impaired (alcohol)/over 80mg%
)	3	CHIPEWYAN	of Motor Vehicle 320.14(1)(a)/(b) CC
		DETACHMENT	
166	2025103659	K DIV FORT	Wellbeing Check (FIP)
)	8	CHIPEWYAN	
,		DETACHMENT	

167	2025103788	K DIV FORT	Mischief - Obstruct enjoyment of property
)	2	CHIPEWYAN	430(3)&(4) CC
'		DETACHMENT	
168	2025106946	K DIV FORT	Mental Health Act - Other Activities (FIP)
)		CHIPEWYAN	
		DETACHMENT	
169	2025110118	K DIV FORT	Mischief - Obstruct enjoyment of property
)	1	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
170	2025110689	K DIV FORT	Mischief - Obstruct enjoyment of property
)	О	CHIPEWYAN	430(3)&(4) CC
'		DETACHMENT	
171	2025111459	K DIV FORT	Mischief - Obstruct enjoyment of property
<b> </b> } .	3	CHIPEWYAN	430(3)&(4) CC
`		DETACHMENT	
172	2025111498	K DIV FORT	Other theft under \$5000 334(b) CC
)		CHIPEWYAN	, , ,
		DETACHMENT	
173	2025112066	K DIV FORT	Assault 266 CC (FIP)
)	9	CHIPEWYAN	, ,
`		DETACHMENT	
174	2025112977	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
175	2025114679	K DIV FORT	Operation while impaired (alcohol)/over 80mg%_
)		CHIPEWYAN	of Motor Vehicle 320.14(1)(a)/(b) CC
	· · ·	DETACHMENT	<u>-</u>
176	2025114806	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
177	2025114927	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
)		CHIPEWYAN	Activities
		DETACHMENT	
178	2025115744	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
179	202511669	K DIV FORT	Liquor Act (Provincial/Territorial) - Other
)		CHIPEWYAN	Activities
		DETACHMENT	
180	2025117208	K DIV FORT	Operation while impaired (alcohol)/over 80mg%
)		CHIPEWYAN	of Motor Vehicle 320.14(1)(a)/(b) CC
		DETACHMENT	

181	2025118023	K DIV FORT	Mischief - Obstruct enjoyment of property		
)	[Fv]	CHIPEWYAN	430(3)&(4) CC		
		DETACHMENT			
182	2025118515	K DIV FORT	Unwanted person		
)	2	CHIPEWYAN			
		DETACHMENT			
183	2025118672	K DIV FORT	Uttering threats against a person 264.1(1)(a) CC		
)		CHIPEWYAN	(FIP)		
		DETACHMENT			
184	2025128736	K DIV FORT	Wellbeing Check (FIP)		
)		CHIPEWYAN			
		DETACHMENT			
185	202513337	K DIV FORT	Other Provincial/Territorial Statutes (not		
)		CHIPEWYAN	otherwise specified) - Other Activities		
		DETACHMENT			
186	2025142963	K DIV FORT	Mischief - Obstruct enjoyment of property		
)		CHIPEWYAN	430(3)&(4) CC		
		DETACHMENT			
187	2025145353	K DIV FORT	911 Act - Other Activities		
)		CHIPEWYAN			
		DETACHMENT			
188	2025160447	K DIV FORT	Wellbeing Check (FIP)		
)		CHIPEWYAN			
		DETACHMENT			
189	2025204227	K DIV FORT	Wellbeing Check (FIP)		
)		CHIPEWYAN			
		DETACHMENT			
190	2025209553	K DIV FORT	Mischief - Obstruct enjoyment of property		
)		CHIPEWYAN	430(3)&(4) CC		
		DETACHMENT			
191	2025222597	K DIV FORT	Other Non-Moving Traffic - Provincial/Territorial		
)		CHIPEWYAN			
		DETACHMENT			
192	2025233500	K DIV FORT	Operation while impaired (alcohol and drug) /		
)		CHIPEWYAN	over 80mg% of a Motor Vehicle 320.14(1)(a)/(d)		
		DETACHMENT	CC		
193	2025239986	K DIV FORT	Mischief - Obstruct enjoyment of property		
)		CHIPEWYAN	430(3)&(4) CC		
		DETACHMENT			
194	2025240695	K DIV FORT	Other Moving Traffic Violations -		
		CHIPEWYAN	Provincial/Territorial		
	!	DETACHMENT			

195	2025252833	K DIV FORT	Wellbeing Check (FIP)
1		CHIPEWYAN	Trouboning ontook (Fill)
′		DETACHMENT	
196	202526476	K DIV FORT	Mischief - Obstruct enjoyment of property
<b> </b> )		CHIPEWYAN	430(3)&(4) CC
′		DETACHMENT	
197	202526543	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
'		DETACHMENT	
198	2025269588	K DIV FORT	Wellbeing Check (FIP)
)		CHIPEWYAN	
^		DETACHMENT	
199	2025288103	K DIV FORT	Assault 266 CC (FIP)
)	[Fv]	CHIPEWYAN	, ,
	,	DETACHMENT	
200	2025308025	K DIV FORT	Mental Health Act - Other Activities (FIP)
)		CHIPEWYAN	
		DETACHMENT	
201	2025326580	K DIV FORT	Assistance to Canadian Provincial/Territorial
)		CHIPEWYAN	Dept/Agency
		DETACHMENT	
202	2025340119	K DIV FORT	Failure to comply with order 145(5) CC (FIP)
)		CHIPEWYAN	
	-	DETACHMENT	
203_	_2025373011_	_K-DIV_FORT	-Operation-while impaired (alcohol)/over 80mg%-
)		CHIPEWYAN	of Motor Vehicle 320.14(1)(a)/(b) CC
<u> </u>		DETACHMENT	
204	2025376486	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
205	2025380331	K DIV FORT	Operation while impaired (alcohol)/over 80mg%
)		CHIPEWYAN	of Motor Vehicle 320.14(1)(a)/(b) CC
		DETACHMENT	
206	2025395438	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
207	2025407036	K DIV FORT	Mischief to motor vehicle 430(3)&(4) CC
)		CHIPEWYAN	
		DETACHMENT	
208	2025408535	K DIV FORT	Assistance to Canadian Provincial/Territorial
)		CHIPEWYAN	Dept/Agency
		DETACHMENT	

209	2025410932	K DIV FORT	Disturbing the peace/Causing a disturbance
)	[Fv]	CHIPEWYAN	175(1) CC
'	[, v]	DETACHMENT	170(1) 00
210	2025414298	K DIV FORT	Possession for the Purpose of Trafficking -
1		CHIPEWYAN	Schedule I: Cocaine 5(2) CDSA (FIP)
′		DETACHMENT	
211	2025419309	K DIV FORT	Mischief - damage to property (except motor
\ \ \ \ \	2020410000	CHIPEWYAN	vehicle) 430(3)&(4) CC
'		DETACHMENT	Volito(0) 400(0)Q(4) 00
212	2025445959	K DIV FORT	911 Act - Other Activities
1212	2020440909	CHIPEWYAN	911 Act - Other Activides
,		DETACHMENT	
040	0005400005		Misshiof Obstruct only mont of property
213	2025483085	K DIV FORT	Mischief - Obstruct enjoyment of property
)	[Fv]	CHIPEWYAN	430(3)&(4) CC
	000554740	DETACHMENT	T (C O III ) () Described
214	202551716	K DIV FORT	Traffic Collision(s) - Property Damage -
)		CHIPEWYAN	Reportable
		DETACHMENT	
215	2025529443	K DIV FORT	Dangerous Driving - Provincial/Territorial
)		CHIPEWYAN	
		DETACHMENT	
216	202553174	K DIV FORT	Wellbeing Check (FIP)
)		CHIPEWYAN	
		DETACHMENT	
217	2025547037	K DIV FORT	Operation while impaired (alcohol)/over 80mg%
)		CHIPEWYAN	of Motor Vehicle 320.14(1)(a)/(b) CC
		DETACHMENT	
218	2025604106	K DIV FORT	Operation while impaired (alcohol)/over 80mg%
)		CHIPEWYAN	of Motor Vehicle 320.14(1)(a)/(b) CC
		DETACHMENT	
219	2025628925	K DIV FORT	Assault 266 CC (FIP)
)	_	CHIPEWYAN	
	·	DETACHMENT	}
220	2025727571	K DIV FORT	Operation while impaired (alcohol)/over 80mg%
)		CHIPEWYAN	of Motor Vehicle 320.14(1)(a)/(b) CC
'		DETACHMENT	
221	2025727828	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
'		DETACHMENT	
222	202572818	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
'		DETACHMENT	(.) 5(.)
		DEIAGINIEN	<u></u>

223	2025728647	V DIV FORT	Account 200 CO /FID)
223	2025/2864/	K DIV FORT	Assault 266 CC (FIP)
)		CHIPEWYAN	
004	0005700004	DETACHMENT	N. I. C. O
224	2025729034	K DIV FORT	Mischief - Obstruct enjoyment of property
		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
225	2025729110	K DIV FORT	Wellbeing Check (FIP)
)		CHIPEWYAN	
		DETACHMENT	
226	2025731578	K DIV FORT	Disturbing the peace/Causing a disturbance
)		CHIPEWYAN	175(1) CC
L		DETACHMENT	
227	2025732080	K DIV FORT	Disturbing the peace/Causing a disturbance
)		CHIPEWYAN	175(1) CC
		DETACHMENT	
228	2025745441	K DIV FORT	Mischief - damage to property (except motor
)		CHIPEWYAN	vehicle) 430(3)&(4) CC
	f	DETACHMENT	
229	2025748970	K DIV FORT	Mischief - Obstruct enjoyment of property
<b> </b> )		CHIPEWYAN	430(3)&(4) CC
1		DETACHMENT	
230	2025749226	K DIV FORT	Mischief - Obstruct enjoyment of property
)	[Fv]	CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
231	2025762178	K DIV FORT	Liquor Act (Provincial/Territorial) - Offences
)		CHIPEWYAN	Only
	·	DETACHMENT	·
232	2025765390	G DIV FORT	Mental Health Act - Other Activities (FIP)
)		SMITH	, , , , , , , , , , , , , , , , , , , ,
′		DETACHMENT	
233	2025771753	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
'		DETACHMENT	
234	2025775922	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
'	:	DETACHMENT	
235	2025776272	G DIV FORT	Liquor Act (Provincial/Territorial) - Offences
1		SMITH	Only
'		DETACHMENT	Only
236	2025832834	G DIV FORT	Mischief - Obstruct enjoyment of property
1	2020002004	SMITH	430(3)&(4) CC
,		DETACHMENT	<del>1</del> 00(0)(x(4) 00
		PEIACHMENT	

237	2025907409	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
238	2025909649	K DIV FORT	Disturbing the peace/Causing a disturbance
)		CHIPEWYAN	175(1) CC
		DETACHMENT	
239	2025915907	G DIV FORT	Mental Health Act - Other Activities (FIP)
)		SMITH	
		DETACHMENT	
240	2025937711	K DIV FORT	Mischief - damage to property (except motor
)		CHIPEWYAN	vehicle) 430(3)&(4) CC
		DETACHMENT	
241	2025974050	K DIV FORT	Mischief - Obstruct enjoyment of property
)		CHIPEWYAN	430(3)&(4) CC
		DETACHMENT	
	·		

Report of Dr. Darcy Lindberg (PhD, LLM, JD, BA)

Provided on October 21, 2024

#### 1. Introduction

This is an opinion on the Crown's oral promises to Mikisew Cree First Nation during the creation of Treaty 8 to control intoxicants from trade and sale within Mikisew Cree First Nation's (MCFN) territories. These oral promises result in an implicit Treaty right of protection from intoxicants. In my opinion, the promises of a continuation of a 'way of life' within Treaty 8, as well as the the historical inclusion of terms dealing with control of intoxicants in treaties that preceded Treaty 8 support the finding of an implicit right from protection from intoxicants in Treaty 8. The interpretation of the promises and terms of Treaty 8 are informed by Cree law. Below I have outlined my opinion that has led me to this conclusion.

## 2. "Way of Life" Promises and Treaty 8

In the lead up to and negotiations of Treaty 8, the Crown made particular assurances to both Cree and Dene signatories that the treaty would not interfere with each peoples' respective way of life. ("the way of life promise"). Mikisew Cree First Nation would have understood the way of life promise as a protection of *nêhiyaw pimâtisiwin* or Cree way of living. Or to put another way, the maintenance of nêhiyaw pimâtisiwin was an oral but express term of the treaty. Historical records of the negotiations of Treaty 8 support this, including assurances of the maintenance of the Cree "way of life" by Crown representatives in the lead up to Treaty 8. For example, A.J. McKenna describes providing the same assurances to Indigenous peoples in Fort Chipewyan in 1899. In a letter to Clifford Sifton, he states:

"The chief difficulty in dealing with the Indians in this country arose from the fact that they believed that the making of the treaty would lead to interference with their hunting upon which they must depend for a living....There should be as little interference as possible with hunting and fishing here."

The treaty commissioners confirmed this in the negotiations of Treaty 8. As reported in the treaty commissioners' report:

<sup>&</sup>lt;sup>1</sup> LAC, MG27 IID15 (Sifton papers), reel C-490, J. A. J. McKenna to Clifford Sifton, 26 July 1899, 8 – 10

"We assured them that the treaty would not lead to any forced interference with their mode of life".<sup>2</sup>

Intoxication or the use of intoxicants was and is not considered a practice in accordance with nêhiyaw pimâtisiwin, and was and is seen as harmful towards it. This was commonly understood by both Cree peoples and Crown representatives around 1899. For example, in 1898, Inspector Snyder of the NWMP discusses the non-disruption of a way of life in a potential treaty. Significantly, Snyder ties in the maintenance of Cree and Dene ways of life with the prevention of liquor trading in the Fort Chipewyan area. Snyder states:

"I had several long talks with the natives who came to see me in bodies...they were particularly troubled about is that they should be compelled to take treaty and live on reserves. I informed these Indians that they would not be compelled to take treaty and that their freedom would in no wise be interfered with, that the police were there more for their protection than for any interference with their ways, and so long as they obeyed the laws, the police would not trouble them, but that the police would prevent the white trappers setting out poison and fires, and the traders from trading liquor."

In my opinion, MCFN would have understood that the continuation of nêhiyaw pimâtisiwin as an express term of the treaty, and that would include a right to protection from non-Indigenous ways of life that would harm MCFN living and ways of being.

## 3. Alcohol regulation and Treaty 6:

Controlling the exchange of intoxicants was long an issue in prior treaties between the Crown and Indigenous peoples. In particular, prohibiting intoxicants from being sold or traded was a common term discussed within the negotiations of previous treaties between Cree peoples and the Crown. For example, the written terms of Treaty 6 state:

"Her Majesty further agrees with Her said Indians that within the boundary of Indian reserves, until otherwise determined by Her Government of the Dominion of Canada, no intoxicating liquor shall be allowed to be introduced or sold, and all laws now in force, or

<sup>&</sup>lt;sup>2</sup> Canada Sessional Papers 1900, no. 14, Report of the Department of Indian Affairs for the year 1899, Report of Commissioners for Treaty No. 8, D. Laird, J. H. Ross, and J. A. J. McKenna, 22 September 1899, xxxv - xxxvi.

<sup>&</sup>lt;sup>3</sup> Canada *Sessional Papers* 1898, no. 15, Report of the Commissioner of the North-West Mounted Police Force 1897, Appendix M, "Patrol Report -- Inspector A. E. Snyder, Edmonton to Jasper House, Athabasca District, 1897", 28 October 1897.

hereafter to be enacted, to preserve Her Indian subjects inhabiting the reserves or living elsewhere within Her North-west Territories from the evil influence of the use of intoxicating liquors, shall be strictly enforced."<sup>4</sup>

Note this prohibition was not limited to reserves as it involved those "inhabiting reserves or living elsewhere within Her North-west Territories". <sup>5</sup>

Treaty 4, also involving Cree peoples and signed in 1874 at Fort Ellice and Fort Qu'Appelle, had a similar clause prohibiting the sale of alcohol to Cree (as well as Saulteaux and Stoney) signatories. These two treaties – two preceding agreements involving Cree peoples and the Crown - would provide an understanding of what the Crown intentions were for Treaty 8 and conditioned Cree signatories of the treaty to seek similar oral terms, including those requiring a right to control intoxicants.

Cree peoples within Treaty 8 territory had knowledge of the terms of Treaty 6 and expected similar terms. J. A. Macrae, a Department of Indian Affairs Inspector at the time leading up to Treaty 8, wrote to Treaty commissioner McKenna about this expectation:

"[T]he Wood Crees and halfbreeds around Lesser Slave Lake who are closely connected with some of the Edmonton Indians may be found imbued with an intention to demand all those things which the Crees from the South always claim they were promised, and blame the Government for not embodying in the written treaty, asserting that they were amongst the terms".

## 4. Alcohol Regulation and Treaty 7:

The control of intoxicants on Indigenous territories continued to be a significant issue during the lead up to and creation of Treaty 7. A large impetus for the Blackfoot peoples to sign Treaty 7 was protection from whiskey trading that was occurring in Blackfoot territories prior to the treaty. In 1874, Colonel James Macleod led the North West Mounted Police into the territory to

<sup>&</sup>lt;sup>4</sup> Treaty No. 6, online: Government of Canada < https://www.rcaanccirnac.gc.ca/eng/1100100028710/1581292569426>

<sup>&</sup>lt;sup>5</sup> Ibid

<sup>&</sup>lt;sup>6</sup> LAC, RG10, Vol. 3848, file 75236-1, J. A. Macrae to J. A. J. McKenna, 3 December 1898.

stop the trade of whiskey by Americans to the Blackfoot. Lieutenant Governor David Laird recalled this history to Blackfoot, Nakoda Sioux and Tsuu Tina chiefs on Oct 17<sup>th</sup>, 1877:

"The good Indian has nothing to fear from the Queen or her officers. You Indians know this to be true. When bad white men brought you whiskey, robbed you, and made you poor, and, through whiskey, quarrel amongst your selves, she sent the Police to put an end to it. You know how they stopped this and punished the offenders, and how much good this has done".<sup>7</sup>

Curiously, an express alcohol prohibition clause is absent from the written terms of Treaty 7. While a written clause regarding control of intoxicants on Indigenous territories that was in the preceding treaties was absent, it is uncontroversial that a prohibition of alcohol trading was a significant and immediate issue during the negotiation of Treaty 7.8

#### 5. Cree Law Informs Treaty 8:

From the perspective of Cree signatories, Treaty 8 is rooted in and interpreted through *nêhiyaw* wiyasiwewin or Cree law. It is trite to say that nêhiyaw wiyasiwewin has been used by Cree societies since time immemorial, including by the band of families that would become Mikisew Cree First Nation after Treaty 8. Cree law informed each part of the negotiations and the ultimate formation of Treaty 8, and has been operating within the treaty relationship ever since.

There are foundational legal principles that are integral to the continuation of nêhiyaw pimâtisiwin (Cree way of life) including those that govern treaty relationships between Cree peoples and other nations. A primary principle involving Cree treaty making is wîtaskêwin. Wîtaskêwin translates generally into 'living on the land together' or 'living in peace together'. It

<sup>&</sup>lt;sup>7</sup> Alexander Morris, *The Treaties of Canada with the Indians of Manitoba and the Northwest Territories* (Toronto: Coles Publishing Company, 1971) at 267.

<sup>&</sup>lt;sup>8</sup>It is entirely possible that both the Blackfoot peoples and the treaty commissioners saw the NWMP as an answer to the question of alcohol trading, and did not find the need to put it as an explicit treaty term, as the challenge with alcohol trading was already being dealt with when Treaty 7 was completed. Another possible reason for the removal in the written terms of Treaty 7 (and thus subsequently in the written terms of Treaty 8 and beyond) was the development of the *Indian Act*. Section 79 of the *Indian Act*, enacted in 1876 included the following clause that prohibited the sale of liquor to Indigenous peoples: "79. Whoever sells, exchanges with, barters, supplies or gives to any Indian or non-treaty Indian in Canada, any kind of intoxicant or causes or procures the same to be done, or attempt the same or connives thereat, or opens or keeps, or causes to be. opened or kept, on any reserve or special reserve, a tavern, house or building in which any intoxicant is sold, bartered, exchanged or given, or is found in possession of any intoxicant in the house, tent, wigwam or place of abode of any Indian or non-treaty Indian, shall, on conviction thereof before any judge, stipendiary magistrate or two justices of the peace, upon the evidence of one credible witness other than the informer or prosecutor, be liable to imprisonment for a period not less than one month nor exceeding six months, with or without hard labour". See s. 79, The Indian Act, R.S.C. 1876, c. 14.

implies an obligation to ensure each other's good living on a territory. In a government-to-government context, it implies a respect of the autonomy of the other nation that one lives in close relations with. This includes dialogue and consultation on actions taken that would affect the health and good living of another's citizens and members. In the context of decisions on the sale of intoxicants within MCFN territories, wîtaskêwin may obligate the Crown to respect MCFN autonomy on an issue that is central to the well-being of its members.

Another significant principle regarding government-to-government relations is wâhkôtowin. The common translation for wahkôtowin is 'the law that governs relationships'. In a governance context, it ensures a metaphorical kinship between governments with material obligations that flow between these governments in a wahkôtowin relationship. One of the obligations is for governments who hold this type of government-to-government kinship is to provide good assistance towards the good living of the other government. In the context of control of intoxicants within MCFN territory, a full application of this principle would obligate the Crown to consult with MCFN when making decisions regarding the sale of intoxicants on their territory.

## 6. Conclusion:

The above supports my opinion that the Crown's oral promises to signatories on behalf of MCFN during the creation of Treaty 8, created an implied treaty right to control intoxicants from trade and sale within MCFN territories. The historical record shows that alcohol prohibition was an express concern in historic treaty negotiations between the Crown and Cree peoples, including within the lead up to Treaty 8. The way of life promises within Treaty 8 included protection from influences that would a harm the continuation and maintenance of nehiyaw pimatisiwin, or Cree way of life. Finally, the operation of Cree treaty principles through Cree law creates a duty to consider and consult with MCFN regarding the administration of intoxicants in its territories.



## MIKISEW CREE FIRST NATION

ALLISON BAY INDIAN RESERVE #219 BOX 90, FORT CHIPEWYAN, ALBERTA TOP 1BO PHONE: (780) 697-3740 FAX: (780) 697-3826

August 17, 2023

#### VIA ELECTRONIC MAIL

Nabil Malik, Planner III Brett Williamson, Planner II Planning & Development Department Regional Municipality of Wood Buffalo 9909 Franklin Avenue Fort McMurray, AB, T9H 2K4

Dear Mssrs. Malik and Williamson:

Re: File Number 2023-DP-00125- Application for Development Permit

LOT 3 BLOCK 10 PLAN 5642NY

193 Mackenzie Avenue;

FORT CHIPEWYAN ALBERTA

I am a resident of Fort Chipewyan and the duly elected Chief of the Mikisew Cree First Nation ("**Mikisew**"). I write on my own behalf, and on behalf of Mikisew Cree First Nation, to strongly oppose the above noted application for a Liquor Store, Office and Warehouse in the centre of Fort Chipewyan, at 193 Mackenzie Avenue ("**Application**") - a discretionary permit application under the *Land Use Bylaw No. 99/059*.<sup>1</sup>

I also write with the support and unanimous approval of the Mikisew Chief and Council, and 84.51 per cent of the 71 Mikisew members who were able to participate in a Mikisew initiated survey, opened on August 15, 2023 and closed on August 17, 2023 ("Survey").<sup>2</sup>

#### 1. No Notice and No Consultation

The July 28, 2023, Notice to Adjacent Property Owners, invited those who "live within the hamlet boundaries of Fort Chipewyan" to provide any concerns or comments on the proposed Application. I am a resident of Fort Chipewyan.<sup>3</sup>

<sup>&</sup>lt;sup>1</sup> RMWB Bylaw No. 99/059: available at: <a href="https://www.rmwb.ca/en/mayor-council-and-administration/resources/Documents/Landusebylaw/Consolidated-Land-Use-Bylaw-99-059.pdf">https://www.rmwb.ca/en/mayor-council-and-administration/resources/Documents/Landusebylaw/Consolidated-Land-Use-Bylaw-99-059.pdf</a>.

<sup>&</sup>lt;sup>2</sup> Tab 2, Survey – Comparison of Responses by Mikisew members versus not: Q4: "Do you agree with a Liquor Store being licensed in the RMWB Hamlet of Fort Chipewyan?" and All Data from Survey.

<sup>&</sup>lt;sup>3</sup> Tab 1, Notice dated July 28, 2023, Notice to Adjacent Property Owners.

However, to my knowledge, no similar notice was provided to Mikisew members living in the neighbouring Dog Head Reserve 218 and Allison Bay Reserve 219. No consultation occurred with Mikisew's leadership. At minimum, we find this to be in breach of the spirit of "Reconciliation" and the Truth and Reconciliation Commission's Calls to Action. We also note that Mikisew has been provided no information or records relating to this Application as would normally be applicable such a decision, including the information and data on any harms/impacts assessment of another liquor store in our small community.

Similarly, the limited time and lack of notice has restricted our ability to respond. Nevertheless, given the gravity of the proposal to our community, we have marshalled the best response possible in the three (3) days since we officially took office (August 14, 2023).

#### 2. Duty Consult

By failing to even notify our Nation, Mikisew submits that the Regional Municipality of Wood Buffalo ("RMWB") has already breached the duty to consult and the honour of the Crown.

The "duty to consult" arises where there is a potential impact to aboriginal and Treaty rights, as protected under section 35 of the *Constitution Act*, 1982. Treaty 8 includes explicit written promises. It also includes oral promises, gleaned from the Crown's official records and our own oral histories. These in turn guide the duty to consult and the honour of the Crown, the latter which always applies to our relations.

#### Crown records on Treaty 8

Crown records confirm that Treaty 8 was intended to protect our health and to control the liquor trade. In the short time we had to prepare, we can offer you the following to support this assertion.

First, according to Dr. Pat McCormack's research of Crown records, a primary impetus for Treaty 8 was to control the "liquor trade".<sup>4</sup>

Second, the Crown records around Treaty 8 confirm that promises were made in relation to our health, for instance, as follows: "We assured them, however, that the Government would always be ready to avail itself of any opportunity of affording medical service just as it provided that the physician attached to the Commission should give free attendance to all Indians whom he might find in need of treatment as he passed through the country."

## Oral promises in Treaty 8

Our oral histories confirm what was promised in Treaty 6 – our people would be protected from the scourge of "fire water" and alcohol would be restricted, if not prohibited on reserves.<sup>6</sup> For example, an interpreter during those negotiations explained as followed:

<sup>&</sup>lt;sup>4</sup> Patricia A. McCormack, *Fort Chipewyan and the Shaping of Canadian History, 1788-1920s*, UBC press, 2010, at pp. 166-167.

<sup>&</sup>lt;sup>5</sup> Treaty No. 8 Made June 21, 1899 and Adhesions, Reports, Etc. R. Duhamel, FRSC Queen's Printer and Controller of Stationery Ottawa, 1966, 1899, Cat No.: Ci 72-0866, IAND Publication No. QS-0576-000-EE-A-16, available at: https://www.rcaanc-cirnac.gc.ca/eng/1100100028813/1581293624572.

<sup>&</sup>lt;sup>6</sup> This is the thesis in Harold Johnson, *Firewater: How Alcohol Is Killing My People (and Yours)*, University of Regina Press, 2016.

"They asked for an ox and a cow [for each family; an increase in the agricultural implements; provisions for the poor, unfortunate, blind and lame; to be provided with missionaries and school teachers; **the exclusion of fire water in the whole of Saskatchewan**; a further increase in agricultural implements as the band advanced in civilization; freedom to cut timber on Crown lands; liberty to change the site of the reserves before the survey; free passages over Government bridges or scows; other animals, a horse, harness and wagon, and cooking stove for each chief; a free supply of medicines; a hand mill to each band; and lastly, that in case of war they should not be liable to serve."

Alexander Morris explained that this was indeed part of the oral promises. According to an INAC Treaty 6 report, Alexander Morris noted that the "exclusion of intoxicating liquor and the provision of schools had already been offered in the proposed terms."

Harold Johnson, the late Woodland Cree person and lawyer, also noted that Treaty 6 included this oral promise. Although less documented by written records and although time does not permit the inclusion of the basis for this position, Mikisew submits that Treaty 8 included the same oral promise.<sup>8</sup>

## Conclusion on Treaty, Duty to Consult and Honour of the Crown

Allowing the Application will impact not only Mikisew' Treaty rights, but the solemn Treaty relationship between Mikisew and the Crown, as represented by the municipality, a creature of provincial statute in this case, responsible with the administration of municipal affairs. This certain impact gives rise to at least a potential impact on the Mikisew's Treaty Rights, giving rise to a duty to consult which was in no way complied with. Further and/or in the alternative, the requirement to consider the "public interest" and the Honour of the Crown should have at least required notice to and consultation with Mikisew in this process. 10

#### 3. Mikisew and RMWB

We are concerned that RMWB will take an individualistic approach to this Application, failing to consider the interests of Mikisew as collective. As such, we remind RMWB that, according to our records, a majority of Fort Chipewyan residents are Mikisew members. An estimated 583 Fort Chipewyan residents of approximately 1000 are Mikisew members.

Further our reserves are neighbouring the hamlet of Fort Chipewyan, separated only by federal Crown lands. Indeed, our communities are intertwined, and our reserve residents depend on many services and businesses in Fort Chipewyan. It would be incorrect to consider this Application, given its effects on our members, as disconnected from Mikisew and our members living on reserve. Although Mikisew can pass

<sup>&</sup>lt;sup>7</sup> John Leonard Taylor, *Treaty Research Report Treaty Six (1876*), Treaties and Historical Research Centre, Indian and Northern Affairs Canada, 1985 at p.

<sup>&</sup>lt;sup>8</sup> Harold Johnson, Firewater: How Alcohol Is Killing My People (and Yours), University of Regina Press, 2016.

<sup>&</sup>lt;sup>9</sup> Felix Hoehn and Michael Stevens, Local Governments and the Crown's Duty to Consult, 2018 55-4 *Alberta Law Review* 971, 2018 CanLIIDocs 88, ; Angela D'Elia Decembrini and Shin Imai, Supreme Court of Canada Cases Strengthen Argument for Municipal Obligation to Discharge Duty to Consult: Time to Put Neskonlith to Rest, 2019 56-3 *Alberta Law Review* 935, 2019 CanLIIDocs 364.

<sup>&</sup>lt;sup>10</sup> See for example: Fort McKay First Nation v Prosper Petroleum Ltd, 2020 ABCA 163 (CanLII), at <u>para 39</u>; Three Sisters Mountain Village Properties Ltd. v Town of Canmore, 2022 ABLPRT 671 (CanLII), at <u>paras 186-192</u>; AltaLink Management Ltd. v. Alberta (Utilities Commission), 2021 ABCA 3424; Municipal Government Act, RSA 2000, c M-26, <u>s 686. (3)(c).</u>

its own intoxicant by-laws under the *Indian Act* or its inherent powers, they cannot control the flow from Fort Chipewyan onto reserve if a new liquor store is permitted by RMWB. Neither is such a unilateral approach consistent with the Calls To Action (which include local governments) and the RMWB's own Policy.<sup>11</sup>

#### 4. The effects of Alcohol on Mikisew and the community

Alcohol is a known agent of harm in our community. It perpetuates and enhances intergenerational traumas. It is a leading, if not the leading, cause of crime in Fort Chipewyan. Due to time constraints, we do not have the data from the Royal Canadian Mounted Police, but anecdotally, we know that alcohol and drugs have caused and contributed to many violent crimes in our community.

It is important that RMWB know that, historically, alcohol was used as an agent of genocide<sup>12</sup>, at worst, or as tool in bad faith dealings with First Nations.<sup>13</sup> When approaching this Application, it is expected that RMWB be aware of this past.

Further, and consistent with what our Chief and Council know about alcohol's impacts on our community, our Survey's 42 comments were unanimously not in support of the Application, stating for example:

"My only comment is that people know how much alcohol and hard drugs affect our community. To want to get another liquor store is a backstab to us community members who argue against it. Instead of opening another liquor store (when we already have one), I suggest alternative options like building a library or a community space where older teens can gather and engage in positive activities. This way, we focus on creating a healthier and more supportive environment for everyone."

"We have a major drug and alcohol problem in community with the 1 liquor store. This contributes to the mental health crisis we are still currently in. The thought of putting another liquor store in town is outrageous and would cause even more damage to this community. Leadership and RCMP can barely even handle all the crime, addiction, and abuse happening now with 1 liquor store."

"RMWB should get the statistics from the RCMP on the crime rates in Fort Chip that are directly related to alcohol and base their decision on that!" <sup>14</sup>

<sup>&</sup>lt;sup>11</sup> <u>Call to Action</u> #43, 57:; RMWB, <u>Council Policy: Public Engagement, PRC-130</u>, May 10, 2022;RMWB, <u>Responding to the Truth and Reconciliation Commission's Calls to Action: Principles for a Collaborative Pathway Forward.</u>

<sup>&</sup>lt;sup>12</sup> Saggers, Sherry; Gray, Dennis (2 November 1998). <u>Dealing with Alcohol: Indigenous Use in Australia, New Zealand and Canada</u>. Cambridge University Press. <u>ISBN 9780521629775</u>; Lesley Elena (2019). <u>"Cultural Impairment and the Genocidal Potential of Intoxicants: Alcohol use in Colonial North America"</u>. <u>Genocide Studies and Prevention.</u> 13 (1): 88–97. <u>doi:10.5038/1911-9933.13.1.1622</u>.O. Laughland and T.Silverstone, "<u>Liquid genocide</u>: alcohol destroyed Pine Ridge reservation – then they fought back", *The Guardian* September 29, 2017.

<sup>&</sup>quot;Benjamin Franklin, <u>The Autobiography of Benjamin Franklin</u>, <u>Section Fourty Eight"</u> where Benjamin Franklin stated, among other thing that the Indians were promised that if "they continue sober during the Treaty" they would be given plenty rum when the Treaty concluded in 1788. See also the Toronto Purchase, <u>Treaty 13</u>, where 96 gallons of rum was included in the explicit terms of the Treaty in 1805.

<sup>&</sup>lt;sup>14</sup> Tab 3, Survey – Comments in response to Q6.

In relation to the final comment, Mikisew has requested the data from RCMP. We understand that this data, too, reflects that a high proportion of criminal/violent incidents in Fort Chipewyan and on reserve involve alcohol. We will provide this information as soon as we receive the same.

Finally, we also understand that there are several negative health effects from alcohol, either through these acute violent incidents (stabbings, beatings, shootings, drinking and driving and suicides) or through chronic health issues, known to often be caused by alcohol. For example, cancer is the leading cause of death in Canada and the use of alcohol is believed to cause nearly 7,000 of those cancer deaths each year. After looking at this data and others, Harold Johnson calculated that approximately half of his people (Woodland Cree in Saskatchewan) would die an alcohol related death. We have requested the information regarding alcohol and community health from Nunee Health and will, also, provide any response to RMWB as soon as possible.

#### 5. Conclusion: requested Decision

We ask that you consider the present and historical harm of alcohol in our community, which includes the majority of Fort Chipewyan residents, in denying the Application.

In the alternative, if you are considering approving the Application, we ask for a further opportunity to provide more fulsome submissions than those above.

We welcome, going forward, collaboration to create, as the respondents to the Survey suggest, a gathering place or a mental health centre instead of another liquor store.

If you have any questions about the above or enclosed, we would be pleased to discuss further. Your attention to this matter is appreciated.

Hiy Hiy,

Chief Billy-Joe Tuccaro, Mikisew Cree First Nation

cc. Mayor Sandy Bowman and RMWB Council (<a href="mailto:council@rmwb.ca">council@rmwb.ca</a> and <a href="mayor@rmwb.ca">mayor@rmwb.ca</a> and <a href="mayor@rmwb.ca">mayor@rmwb.ca</a> Minister of Indigenous Relations, Rick Wilson (<a href="mailto:ir.ministeroffice@gov.ab.ca">ir.ministeroffice@gov.ab.ca</a>)

Minister of Indigenous Services Canada, Patty Hajdu (<a href="mailto:patty.hajdu@parl.gc.ca">patty.hajdu@parl.gc.ca</a>)

Dennis Fraser, Indigenous Relations RMWB (<a href="mailto:dennis.fraser@rmwb.ca">dennis.fraser@rmwb.ca</a>)

<sup>&</sup>lt;sup>15</sup> Canadian Centre on Substance Use and Addiction, *Canada's Guidance on Alcohol and Health: Final Report*, January 2023, pages 10-11.

July 28, 2023

# NOTICE TO ADJACENT PROPERTY OWNERS

File Number 2023-DP-00125 – Application for Development Permit LOT 3 BLOCK 10 PLAN 5642NY; 193 Mackenzie Avenue; FORT CHIPEWYAN ALBERTA

An application has been received by the Planning and Development department to develop a Liquor Store, Office and Warehouse at the property listed above.

You are being informed of this Development Permit before a decision is rendered because you live within the hamlet boundaries of Fort Chipewyan. A subject property Map is attached for your reference.

The subject property is zoned for HC – Hamlet Commercial where Liquor Store, Office and Warehouse sales are considered Discretionary Uses. *Discretionary Uses* are land uses which may be considered on a property AND include a twenty-one (21) day appeal period after a decision is rendered.

We ask that if you have any concerns or comments regarding this application that you forward these in writing referencing the above noted File Number, for the consideration of the Development Authority by 4:30 p.m. on August 17, 2023. All received comments will be reviewed by the Development Authority prior to a decision. If a response is not received it is assumed, you have no comments/concerns regarding this application.

Your concerns/comments may be sent in writing to the Development Officer by one (1) of the following methods:

Email: Nabil.Malik@rmwb.ca Mail: Nabil Malik, Planner III

Planning & Development Department Regional Municipality of Wood Buffalo

9909 Franklin Avenue Fort McMurray, AB; T9H 2K4 Email: Brett.Williamson@rmwb.ca Mail: Brett Williamson, Planner II

Planning & Development Department Regional Municipality of Wood Buffalo

9909 Franklin Avenue Fort McMurray, AB: T9H 2K4

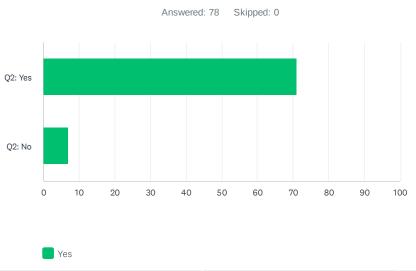
Regional Municipality of Wood Buffalo

1



Q1 You are being asked to participate in a survey to better understand how MCFN members, living in Fort Chipewyan, Alison Bay or Dog Head, consider the application to licence a liquor store in Fort Chipewyan (the Hamlet), which is adjacent to MCFN reserve land. The data from the survey will be used to inform MCFN's position in response tot his liquor store application. The survey has only three questions. The survey is being conducted by MCFN, initiated by Chief and Council. It should take less than 3 (three) minutes to complete).PARTICIPATION: Your participation in this survey is voluntary. You may refuse to take part in the survey or exit the survey at any time without penalty. You are free to decline to answer any question you do not wish to answer for any reasons. BENEFITS: In completing this survey to the best of your ability, you will help MCFN develop a position on this application that is informed by MCFN members living in Fort Chipewyan, Dog Head or Alison Bay.RISKS: Since this survey is on the topic of alcohol on and near reserve, there is a risk that you may find this process suesntive and answering them may cause emotion discomfort/triggering. If you need additional support please call the 24-hour Hope for Wellness Help Line 1-855 242 3310.CONFIDENTIALITY:

Your name will not be attached the information you provide, and all results will be anonymous. Your survey answers will be stored in a password protected electronic format. Your name and/or status number, if provided, will only be used to confirm you are a MCFN member.CONTACT: If you have any questions about completing the survey, please contact the MCFN Health Department.ELECTRONIC CONSENT: Please select your choice below. Clicking on the "Yes" button indicates that:- You have read the survey information provided above - You voluntarily agree to participate- You are 18 years of age or older- You understand the survey will take 3 minutes to complete1. I consent to participate in the survey, as described above



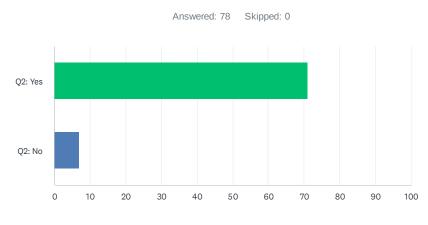
	YES	TOTAL
Q2: Yes (A)	100.00% 71	91.03% 71
Q2: No (B)	100.00% 7	8.97% 7
Total Respondents	78	78

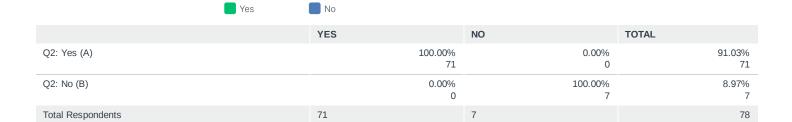
## MCFN SURVEY ON LIQUOR STORE APPLICATION

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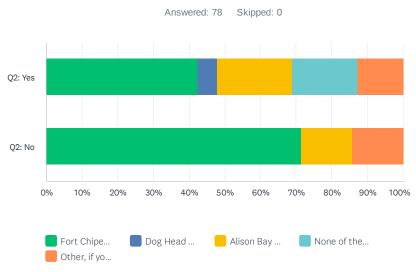
	IF YOU ARE WILLING, PLEASE PROVIDE YOUR NAME AND/OR STATUS NUMBER FOR THE SOLE PURPOSE OF CONFIRMING YOU ARE A MCFN MEMBER (IF YOU DO NOT WISH TO ANSWER, PLEASE ENTER N/A)		TOTAL
Q2: Yes (A)		57	57
Q2: No (B)		4	4

## Q2 Are you a MCFN member?



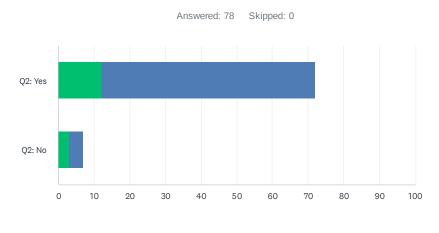


## Q3 Where do you live:



	FORT CHIPEWYAN	DOG HEAD RESERVE 218	ALISON BAY RESERVE 219	NONE OF THE ABOVE	OTHER, IF YOU WISH TO SPECIFY WHERE YOU LIVE:	TOTAL
Q2: Yes (A)	42.25% 30	5.63% 4	21.13% 15	18.31% 13	12.68% 9	91.03% 71
Q2: No (B)	71.43% 5	0.00%	14.29% 1	0.00%	14.29% 1	8.97% 7
Total Respondents	35	4	16	13	10	78

## Q4 Do you agree with another Liquor Store being licensed in the RMWB hamlet of Fort Chipewyan?

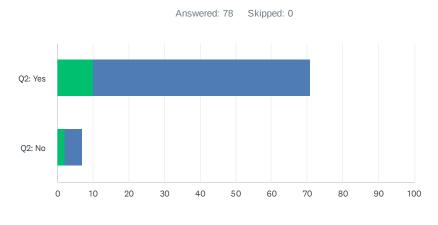


	YES	NO		TOTAL
Q2: Yes (A)		16.90% 12	84.51% 60	92.31% 72
Q2: No (B)		42.86%	57.14% 4	8.97% 7
Total Respondents	15	64		78

Yes

No.

## Q5 Do you agree with a Liquor Store being licensed on a MCFN reserve?



	YES	NO	TOTAL
Q2: Yes (A)	14.08	% 8! 10	5.92% 91.03% 61 71
Q2: No (B)	28.57	% 7. 2	1.43% 8.97% 5 7
Total Respondents	12	66	78

Yes

No

## Q6 Do you have any comments regarding this survey:

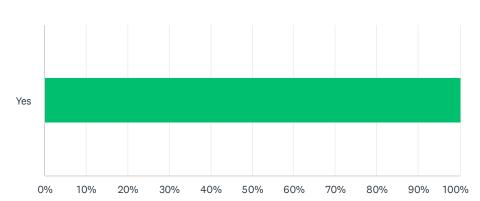
Answered: 41 Skipped: 37

	DO YOU HAVE ANY COMMENTS REGARDING THIS SURVEY:	TOTAL
Q2: Yes	100.00% 40	97.56% 40
Q2: No	100.00% 1	2.44%
Total Respondents	41	41

Q1 You are being asked to participate in a survey to better understand how MCFN members, living in Fort Chipewyan, Alison Bay or Dog Head, consider the application to licence a liquor store in Fort Chipewyan (the Hamlet), which is adjacent to MCFN reserve land. The data from the survey will be used to inform MCFN's position in response tot his liquor store application. The survey has only three questions. The survey is being conducted by MCFN, initiated by Chief and Council. It should take less than 3 (three) minutes to complete). PARTICIPATION: Your participation in this survey is voluntary. You may refuse to take part in the survey or exit the survey at any time without penalty. You are free to decline to answer any question you do not wish to answer for any reasons. BENEFITS: In completing this survey to the best of your ability, you will help MCFN develop a position on this application that is informed by MCFN members living in Fort Chipewyan, Dog Head or Alison Bay.RISKS: Since this survey is on the topic of alcohol on and near reserve, there is a risk that you may find this process suesntive and answering them may cause emotion discomfort/triggering. If you need additional support please call the 24-hour Hope for Wellness Help Line 1-855 242 3310.CONFIDENTIALITY: Your name will not be attached the information you provide, and all results will be anonymous. Your survey answers will be stored in a password protected electronic format. Your name and/or status number, if provided, will only be used to confirm you are a MCFN member.CONTACT: If you have any questions about completing the survey, please contact the MCFN Health Department.ELECTRONIC CONSENT: Please select your choice below. Clicking on the "Yes" button indicates that:- You have read the survey information provided above - You voluntarily agree to participate-You are 18 years of age or older- You understand the survey will take 3 minutes to complete1. I consent to participate in the survey, as described above

Answered: 79 Skipped: 0





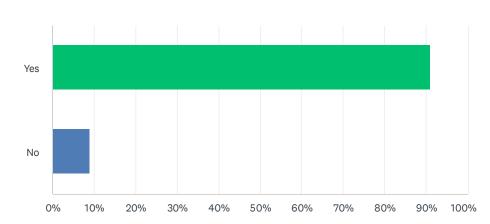
ANSWER CHOICES	RESPONSES	
Yes	100.00%	79
Total Respondents: 79		

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## Q2 Are you a MCFN member?

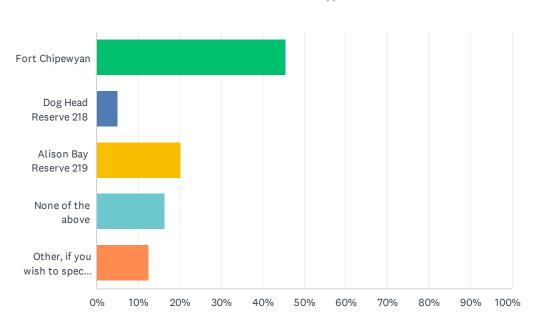




ANSWER CHOICES	RESPONSES	
Yes	91.03%	71
No	8.97%	7
Total Respondents: 78		

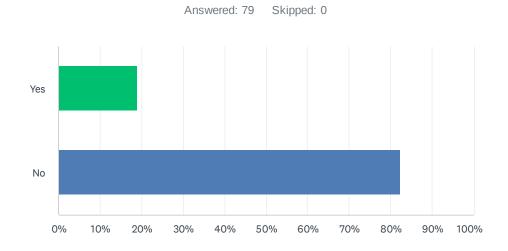
## Q3 Where do you live:





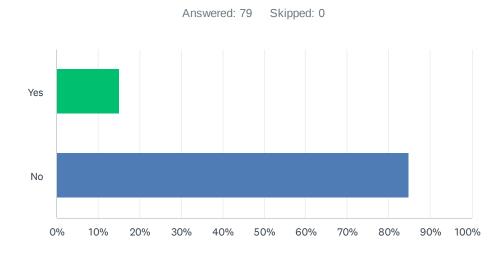
ANSWER CHOICES	RESPONSES	
Fort Chipewyan	45.57%	36
Dog Head Reserve 218	5.06%	4
Alison Bay Reserve 219	20.25%	16
None of the above	16.46%	13
Other, if you wish to specify where you live:	12.66%	10
TOTAL		79

## Q4 Do you agree with another Liquor Store being licensed in the RMWB hamlet of Fort Chipewyan?



ANSWER CHOICES	RESPONSES	
Yes	18.99%	15
No	82.28%	65
Total Respondents: 79		

## Q5 Do you agree with a Liquor Store being licensed on a MCFN reserve?



ANSWER CHOICES	RESPONSES	
Yes	15.19%	12
No	84.81%	67
Total Respondents: 79		

## Q6 Do you have any comments regarding this survey:

Answered: 42 Skipped: 37

## Q6 Do you have any comments regarding this survey:

Answered: 41 Skipped: 37

	DO YOU HAVE ANY COMMENTS REGARDING THIS SURVEY:	7	TOTAL
Q2: Yes		100.00% 40	97.56% 40
Q2: No		100.00%	2.44% 1
Total Respon	ndents 41		41
#	Q2: YES	DATE	
1	The liquor store that's in question isn't on a reserve, not sure why this is a question.	8/16/2023 8:24	PM
2	We have a major drug and alcohol problem in community with the 1 liquor store. This contributes to the mental health crisis we are still currently in. The thought of putting another liquor store in town is outrageous and would cause even more damage to this community. Leaderships and RCMP can barley even handle all the crime, addiction, and abuse happening now with 1 liquor store.	8/16/2023 2:37 [	РМ
3	I strongly disagree to even have a liquor store in Fort chip let alone another. Our community suffers with addiction with alcohol /drugs. You really think that brining another liquor store would do good for our community. Alcohol doesn't cure trauma/depression. Why not open a clinic that specializes in mental health and addictions. Get out people on the right track not feeding their addiction by adding another liquor store. I believe Fort Chipewyan should be a dry reserve. A community I know in MB has a dry reserve, to see the beauty in the community. The activity's for the children and more job opportunity's for the adults is amazing. I strongly disagree having another liquor store. Although I don't live in Fort chip I see from a far how liquor/drugs affects the community.	8/16/2023 2:21 (	PM
4	We don't need another liquor store in Fort Chipewyan.	8/16/2023 1:06	PM
5	A big fat No for putting up another liquor store please don't let this happen who ever is trying to do this should worry about all what's happening with drugs and alcohol so No no for putting up another problem	8/16/2023 11:53	AM
6	Liquor stores destroys families and lives. Not needed in such a tiny place lije Ft. Chipewyan.	8/16/2023 7:20 /	AM
7	Don't need better liquor store. We would do better if there was no liquor store in Fort Chipewyan	8/16/2023 6:04 /	ΑM
8	We do not want another liquor store. We don't want more problems with drugs and alcohol. Please and thanks	8/16/2023 5:15 /	ΑM
9	RMWB should get the statistics from the RCMP on the crime rates in Fort Chip that are directly related to alcohol and base their decision on that!	8/16/2023 12:43	AM
10	We don't need more liquor stores	8/16/2023 12:35	AM
11	100% not in support of having another liquor store.		PM
12	Open a Tim Hortons	8/15/2023 11:33	PM
13	We have a major issue in the community with alcohol and drugs right now. Why have 2 liquor stores open when we don't even have one AA meeting place that is open 24 hrs a day people have problems all the time not just 9-5 during working hours. If ppl have some place to go in the evening and even to camp a safe place for kids to to go when they're parents are partying and on drugs so they can provided for and protected as the cops can't do anything at peoples residence. I would like to know who applied for the liquor store seems like they don't care for the ppl except just to make dollar at peoples expense and the children that have to live with it.	8/15/2023 11:31	PM
14	My only comment is that people know how alcohol and hard drugs affect our community. To want to get another liquor store is a backstab to us community members who argue against it. Instead of opening another liquor store (when we already have one), I suggest alternative options like building a library or a community space where older teens can gather and engage in positive activities. This way, we focus on creating a healthier and more supportive environment for everyone	8/15/2023 11:16	PM
15	Profiting from addictions is gross.	8/15/2023 11:09	PM
16	Unacceptable as our people are struggling enough with alcohol and drugs.	8/15/2023 7:35	PM
17	Why do we need another liquor store when the one we have here has already ruined young lives we need a damn treatment centre that people can actually go to, also why make another liquor store when there should be a cannabis store	8/15/2023 5:10 I	PM
18	We have enough problems with one liquor store here and with the meth and crack situation, and violence against our members like myself. I STRONGLY DISAGREE this this liquor store. We as members are already losing our young ones mind set to this problem.	8/15/2023 5:05 I	PM
19	Too much addictions within the community. It does more harm than good. Death comes from Liquor and my people are tired of seeing all the death.	8/15/2023 3:10 I	РМ
20	Our community does not need another liquor store!!!!!	8/15/2023 3:06	PM
21	the last thing we need is another liquor store, let alone one. i don't agree with this at all.	8/15/2023 2:52	PM

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		0.0
22	We have enough problems as it is in Fort chip just because someone doesn't wanna walk up a hill doesn't mean we need another place of alcohol that is ruining our community as a nation mikisew should be against this. this liquor store should be denied. Everyone always blames liquor and the liquor store when something happens I flat out say NO thank you to this liquor store application.	8/15/2023 2:52 PM
23	Alcohol addiction is a very high in this community and we do not need another one!!!!	8/15/2023 2:32 PM
24	We don't need another liquor outlet	8/15/2023 2:23 PM
25	We have enough tragedy in Fort Chipewyan without another liquor store	8/15/2023 2:04 PM
26	N/A	8/15/2023 1:59 PM
27	Liquor ruined our culture and the way the world sees us as people, we shouldn't even have one on our land let alone two. Have more cultural healing instead of poison	8/15/2023 1:50 PM
28	Make something useful. The last thing the community needs is another liquor store. What idiot even proposed that idea.	8/15/2023 1:44 PM
29	I'm a non drinking individual, making a sober community and banning liquor will make an issue worth. People will find a way to drink one way or another, most likely in an dangerous manner. Whether there's 2 liquor stores or not, isn't the issue.	8/15/2023 1:39 PM
30	Think back on when they had the VLT's. it hurt the families. and the children mostly,,,,,there enough drugs in Ft. Chip without a liquor. Store,,,,,big mistake. Don't don't. do it plz,,,,,you will make the family pitiful. ,,,,especially the children,,,,	8/15/2023 1:30 PM
31	It doesn't matter to me we will never stop the liquor can't even evict people from homes or stop the hard drugs what's the difference	8/15/2023 1:26 PM
32	Alcohol and drugs have a big impact on our community in regards to violence and suicides, as a member we should not condone this behaviour and should be helping our nation succeed in life and sobriety	8/15/2023 1:19 PM
33	It's time for healing not more destruction. Liquor is killing the people! Invest in a rehabilitation center please!!!	8/15/2023 1:08 PM
34	There are enough social problems in the community. There is gang violence associated with drug use, children are able to access alcohol from the established liquor store here. We do not need another liquor store. We need adequate programs for the families and children to deal with the existing problems and trauma.	8/15/2023 1:05 PM
35	alcohol is killing our people and is a breach of our treaty	8/15/2023 12:57 PM
36	It's a ridiculous idea to even think about bringing more alcohol into the community, when we all know there is already a severe crisis with our younger people! They no not need another liquor store they need a rehabilitation centre or a facility to go to get clean and get healthy, why is the chief and council not worried about the health of our people!??? they do not care about the next generation??	8/15/2023 12:44 PM
37	With all the alcohol and drug related problems in our community, I hope this doesn't get approved.	8/15/2023 12:44 PM
38	Why are you going to get another liquor store on the reserve when there is one already not to mention the issues the reserve is facing this last two years. This is absolutely reckless for chief and council to profit off of addictions that have brought so much crazy behaviours. Why don't you make effort to do better for our members!	8/15/2023 12:41 PM
39	One is good enough make a dame rehab center	8/15/2023 12:37 PM
40	Drugs and alcohol are a big problem in the community, there does not need to be another liquor store. We are trying to get our people clean and healthy, not add to the problem. Ive moved away from chip because there has been far too much violence because of drugs and alcohol in the community.	8/15/2023 12:36 PM
#	Q2: NO	DATE
1	too much problems in this community with drugs and alcohol already another liquor store is just gonna make things worst for the community	8/17/2023 11:14 AM

File: 2024-003

Appeal re: Development Permit 2023-DP-00125 Legal Description: Lot 3, Block 10, Plan 5624 NY

#### MIKISEW CREE FIRST NATION, CREE-ATIONS ENTERPRISES LTD., MISTEE SEEPEE DEVELOPMENT CORPORATION LTD and 1112958 ALBERTA LTD.

(Appellants)

And

#### **DANIEL ROY**

(Appellant)

And

#### REGIONAL MUNICIPALITY OF WOOD BUFFALO

#### **MIKISEW APPELLANTS**

#### LEGAL ARGUMENT TO SUBDIVISION AND DEVELOPMENT APPEAL BOARD

#### **OVERVIEW**

- 1. The Appellants are Mikisew Cree First Nation and three Mikisew owned corporations with fee simple land in their traditional territory, which is now known as the hamlet of Fort Chipewyan in the Regional Municipality of Wood Buffalo. Mikisew members make up the majority of Fort Chipewyan residents.
- 2. The Appellants object to the development of a liquor store in the heart of Fort Chipewyan. They communicated their Objection to RMWB on August 17, 2023, and received no response nor engagement until the notification of the Discretionary Permit ("Permit" or "Discretionary Permit") on August 29, 2024.
- 3. The Development Officer in exercising its discretion to award this Permit failed to discharge the duty to consult and accommodate MCFN, failed in the duty of fairness owed to MCFN and failed to reasonably explain why the Development Officer rejected MCFN's Objection, notwithstanding almost unanimous community opposition to the Permit. In fact,

the Mayor of RMWB stated, in error, that the municipality had in engaged in extensive community engagement. They did not. In fact, the record before the SDAB indicates that RMWB engaged with the Appellant Daniel Roy on how to grant the Discretionary Permit notwithstanding the Objection.

- 4. Further and/or in the alternative, if the Development Officer was not responsible for discharging the duty to consult and accommodate; the Subdivision and Development Appeal Board has the authority to discharge this duty to consult and accommodate through this appeal.
- 5. If the duty to consult and accommodate has not been satisfied, the grant of the Permit must be set aside.

#### STATEMENT OF FACTS

- 6. The Appellants, Cree-Ations Enterprises Ltd ("Cree'Ations"), Mistee Seepee Development Corporation Ltd. ("Mistee Seepee") and 1112958 Alberta Ltd, are corporations registered under the <u>Business Corporations Act RSA 2000</u>, c B-9. (collectively referred to as the "Corporations"). The Corporations are wholly owned by Mikisew Cree First Nation and, in the case of Cree'Ations, their shares are held by Chief Billy-Joe Tuccaro in trust for Mikisew Cree First Nation ("MCFN"). MCFN cannot hold title to lands in fee simple except through such corporations.<sup>1</sup>
- 7. As promised under Treaty No. 8<sup>2</sup>, the Appellant, MCFN, has nine (reserves) in what is now known as RWMB, including two reserves near Fort Chipewyan (Dog Head<sup>3</sup> and Allison Bay<sup>4</sup>).<sup>5</sup>
- 8. MCFN's ancestors entered into Treaty No. 8 in 1899 at Fort Chipewyan. Treaty No. 8 was a Nation-to-Nation agreement to share the land, including all of the land that is now referred

<sup>&</sup>lt;sup>1</sup> **TAB 1:** Corporate Records of the Appellants.

<sup>&</sup>lt;sup>2</sup> Treaty No. 8, available at: https://www.rcaanc-cirnac.gc.ca/eng/1100100028813/1581293624572.

<sup>&</sup>lt;sup>3</sup> **TAB 2:** Reserves, Dog Head 218, available at: <a href="https://fnp-ppn.aadnc-aandc.gc.ca/fnp/Main/Search/RVDetail.aspx?RESERVE">https://fnp-ppn.aadnc-aandc.gc.ca/fnp/Main/Search/RVDetail.aspx?RESERVE</a> NUMBER=08495&lang=eng

<sup>&</sup>lt;sup>4</sup> **TAB 3**: Reserves, Allison Bay 219, available at: <a href="https://fnp-ppn.aadnc-aandc.gc.ca/fnp/Main/Search/RVDetail.aspx?RESERVE">https://fnp-ppn.aadnc-aandc.gc.ca/fnp/Main/Search/RVDetail.aspx?RESERVE</a> NUMBER=06734&lang=eng

<sup>&</sup>lt;sup>5</sup> **TAB 4**: Reserves, Mikisew Cree First Nation, Number 461, available at: <a href="https://fnp-ppn.aadnc-aandc.gc.ca/fnp/Main/Search/FNReserves.aspx?BAND">https://fnp-ppn.aadnc-aandc.gc.ca/fnp/Main/Search/FNReserves.aspx?BAND</a> NUMBER=461&lang=eng.

to as RMWB.<sup>6</sup> Neither RMWB nor the province of Alberta existed in 1899. Over time, the Crown in right of Canada devolved, unilaterally, many of the Crown obligations to the province of Alberta. MCFN has objected to this devolution.<sup>7</sup>

#### A. Crown's Statutory Discretion over Land-Use Planning delegated to RMWB

- 9. RMWB is a creature of provincial statute and a local emanation of the Crown. RMWB is a creature of provincial statute. RMWB was established as the result of an amalgamation and renaming into a "Specialized Municipality" effective August 14, 1996, by *Order in Council* 354/96 (Amalgamated Improvement District No. 143 and City of Fort McMurray).
- 10. Through the *Municipal Governments Act* ("MGA"), the provincial Crown has delegated control and management of land use planning over municipal lands to RMWB, including over a vast area in Northeastern Alberta, all of which is Treaty 8 territory and most of which MCFN considers to be its traditional territory. Through the Aboriginal Consultation Office, for example MCFN is consulted in much of RMWB.<sup>8</sup>
- 11. By the MGA, the provincial Crown has delegated statutory authority to RMWB over Fort Chipewyan's land use planning. The rules are outlined in a 500-page by-law developed by RMWB.<sup>9</sup> For the purposes of this appeal, the Crown's delegated statutory discretion includes the following:
  - a. By Section 640 of the MGA, the provincial Crown requires RMWB to pass a land use bylaw.<sup>10</sup>
  - b. Section 110 of RMWB's Land Use By-law No. 99/059 mandates that liquor stores are discretionary permits.
  - c. Section 642 of the MGA delegates the authority to grant discretionary permits to RMWB.<sup>11</sup>

<sup>8</sup> Statement on October 28, 2024.

administration/resources/Documents/Area Structure Plans/Fort-Chipewyan-Area-Structure-Plan.pdf

<sup>&</sup>lt;sup>6</sup> TAB 5: MCFN About Us, available at: https://www.mikisewcree.ca/about-us/

<sup>&</sup>lt;sup>7</sup> NRTA 1930.

<sup>&</sup>lt;sup>9</sup> <u>Land Use Bylaw No. 99/059</u>, section 110, see also: Generalized Land Use Concept from the Fort Chipewyan Area Structure Plan (ASP), https://www.rmwb.ca/en/mayor-council-and-

<sup>&</sup>lt;sup>10</sup> Municipal Government Act, RSA 2000, c M-26, s 640.

<sup>&</sup>lt;sup>11</sup> Municipal Government Act, RSA 2000, c M-26, s 642.

- d. Section s. 687(3)(c) of the MGA delegates the power to SDAB to confirm, revoke or vary discretionary permits. 12\
- e. Section 617 provides that purpose of Part 17 of the MGA Planning and Development is to provide for land use planning "without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest."<sup>13</sup>

#### B. Treaty No. 8 Right

- 12. Treaty No. 8 is the foundation of Canada.
- 13. One of the Crown's primary motives for Treaty No. 8 was to impose law and order following the Klondike goldrush, and, as part of this, to control the "liquor trade" in MCFN's territory.<sup>14</sup>
- 14. Dr. Darcy Lindberg, a Cree (*nêhiyaw*) professor of law at the University of Victoria, is an expert in Treaty law making principles and Cree laws. He has provided opinion evidence on the Promise in Treaty No. 8, as follows:

.... the Crown's oral promises to Mikisew Cree First Nation during the creation of Treaty 8 to control intoxicants from trade and sale within Mikisew Cree First Nation's (MCFN) territories. These oral promises result in an implicit Treaty right of protection from intoxicants. In my opinion, the promises of a continuation of a 'way of life' within Treaty 8, as well as the historical inclusion of terms dealing with control of intoxicants in treaties that preceded Treaty 8 support the finding of an implicit right from protection from intoxicants in Treaty 8. The interpretation of the promises and terms of Treaty 8 are informed by Cree law.

<sup>&</sup>lt;sup>12</sup> Municipal Government Act, RSA 2000, c M-26, <u>s 687</u>.

<sup>&</sup>lt;sup>13</sup> Municipal Government Act, RSA 2000, c M-26, s 617.

<sup>&</sup>lt;sup>14</sup> **TAB 6:** Dr. Lindberg Report, October 21, 2024.

15. Therefore, MCFN submits that they have a *recognized* Treaty right and nothing less than an *asserted* Treaty right to protection from intoxicants, i.e. the liquor trade ("**Treaty Right**"). 15

#### C. Adverse Impacts to Treaty Right and/or MCFN

- 16. Granting the Discretionary Permit could and will have adverse impacts on MCFN, including on its Treaty Right.
- 17. First, MCFN, through the Corporations, owns at least 27 neighbouring residential properties in the hamlet of Fort Chipewyan, including but not limited to the **Neighbouring Properties**:
  - a. 5 units at 125 Mackenzie Avenue Plan 5642NY, Block 9, Lot 9 Registered Owner: Mistee Seepee Development Corporation Ltd.
  - b. Fourplex Units at 105 Loutit St Plan 5642NY, Block 5, Lot 12 Registered Owner: Cree-Ations Enterprises Limited
  - c. House at 103 Logan Crescent Plan 5642NY, Block 6, Lot 17 Registered Owner: Mistee Seepee Development Corporation Ltd.
  - d. House at 100 Tourangeau Ave Plan 5642NY, Block 1, Lot 7 Registered Owner: Mistee Seepee Development Corporation Ltd.
  - e. Triplex Units at 112 MacKay Crescent
  - f. House at 109 McDonald Street Plan 8322365, Block 3, Lot 9B Registered Owner: Cree-Ations Enterprises Limited
  - g. House at 105 McDonald Street Plan 8322365, Block 3, Lot 12A Registered Owner: Cree-Ations Enterprises Limited
  - h. House at 112 Mercredi Street Plan 5642NY, Block 6, Lot 10 Registered Owner: 1112958 Alberta Ltd. 16
- 18. The Neighbouring Properties house Mikisew Cree First Nation Members and/or staff and are in close proximity to the proposed Liquor Store. <sup>17</sup>

<sup>&</sup>lt;sup>15</sup> **TAB 6:** Dr. Lindberg Report, October 21, 2024.

<sup>&</sup>lt;sup>16</sup> **TAB 7**: Land Title Documents.

<sup>&</sup>lt;sup>17</sup> Statement to be provided on October 28, 2024.

- 19. Approximately 60 per cent of the population of Fort Chipewyan are MCFN members. The lack of housing on reserve makes it necessary for many of MCFN members to live in the nearby hamlet of Fort Chipewyan, including at the Neighbouring Properties.<sup>18</sup>
- 20. MCFN members living on reserve or in Fort Chipewyan live in a remote community, accessible boat, plane and, between December and March, by winter road. MCFN has recently declared a State of Local Emergency, in April 2023, due to suicide, mental issues and addictions to intoxicants, including alcohol ("SOLE").<sup>19</sup>
- 21. MCFN members have suffered intergenerational trauma. Alcohol is the source of much violence, abuse and trauma for MCFN members. Creating another liquor store, especially as the community is searching the residential school grounds (Holy Angels), is triggering.<sup>20</sup>
- 22. The RCMP data for occurrences confirms the adverse and collective impacts of alcohol in MCFN's community. For example, of the 697 occurrences reported to RCMP so far in 2024, as of October 21, 328 (47%) are reported as alcohol related. Of the 89 Prisoners at the detachment, detained in cells in 2024, 69 (79%) were intoxicated by alcohol. <sup>21</sup>

#### D. MCFN Objection to Liquor Store

- 23. On July 28, 2023, a general "Notice to Adjacent Property Owners" was posted ("Notice"). MCFN did not receive this directly, nor were members living on MCFN reserves provided this notice.
- 24. Despite having just had an election, on or about August 17, 2023, MCFN submitted an extensive and evidenced submissions pursuant to this Notice and objecting to the Liquor Store ("MCFN Objection"). The MCFN Objection included:
  - a. Including the results of a Survey, which were overwhelmingly opposed to the Liquor Store;

<sup>&</sup>lt;sup>18</sup> Statement to be provided on October 28, 2024.

<sup>&</sup>lt;sup>19</sup> **TAB 8:** W. Snowdon, CBC News, *Mikisew Cree First Nation declares state of local emergency following multiple suicides*, April 25, 2023, available at: <a href="https://www.cbc.ca/news/canada/edmonton/mikisew-cree-first-nation-suicide-mental-health-emergency-1.6821877">https://www.cbc.ca/news/canada/edmonton/mikisew-cree-first-nation-suicide-mental-health-emergency-1.6821877</a>.

<sup>&</sup>lt;sup>20</sup> Statement to be provided on October 28, 2024.

<sup>&</sup>lt;sup>21</sup> **TAB 9:** RCMP Data Summary, October 21, 2024.

- b. Submissions based on Treaty No. 8, the duty to consult, the Promise and Treaty Right;
- c. The MCFN State of Local Emergency relating to suicide and addictions;
- d. Anecdotal incidents of crime and indication that RCMP should have this data.<sup>22</sup>
- 25. RMWB consults with MCFN on other land-use planning (for example the use of the Winter Road for industrial activities, such as hauling gravel.<sup>23</sup> RMWB has a public engagement framework and a reconciliation strategy.<sup>24</sup> Moreover, RMWB and MCFN have a Consultation protocol, which created legitimate expectations. The Consultation protocol and past practice, which will be addressed before the SDAB by Mitchel Bowers of the Government Industry Relations department, contained a clear, unambiguous and unqualified guarantee of "collaboration" about land-use issues.<sup>25</sup>
- 26. The Fort Chipewyan Royal Canadian Mounted Police ("RCMP") is a contract police force through RMWB and Alberta and, as such, the RMWB ought to have known or sought these occurrence statistics before issuing the Permit, in light of the concerns raised by MCFN.
- 27. RWMB never responded to the MCFN Objection, despite two MCFN follow-ups on September 1 and 11, 2023.<sup>26</sup>
- 28. No response was received until the Decision was posted on August 29, 2024.
- 29. So far as the Appellants know, there was no engagement nor consultation with MCFN other than the receipt of the MCFN Objection.
- 30. Almost a year later, the RMWB approved the Liquor Store ("**Decision**"). In making the Decision, RMWB:
  - a. Provided MCFN with no prior notice of the Decision;
  - b. Did not consult MCFN;
  - c. Did not accommodate MCFN;

<sup>&</sup>lt;sup>22</sup> **TAB 10:** MCFN Objection and enclosures.

<sup>&</sup>lt;sup>23</sup> Statement to be provided on October 28, 2024.

<sup>&</sup>lt;sup>24</sup> https://www.rmwb.ca/en/community-events-and-involvement/resources/Engagement/RMWB-Public-Engagement-Framework-2021.pdf

<sup>&</sup>lt;sup>25</sup> **TAB 11** Consultation Protocol.

<sup>&</sup>lt;sup>26</sup> **TAB 12**: MCFN Follow-up (September 1 and 11, 2023).

- d. Did not respond to, nor consider the MCFN Objection.
- 31. The Decision did not contain reasons. For the first time on October 20, 2024, MCFN learned that RMWB did consult and consider the MCFN Objection but only with Daniel Roy and in the context of nevertheless permitting the Liquor Store.<sup>27</sup>

#### E. Continued Objection

- 32. Following the Decision, MCFN led a protest where many community members participated, on or about August 30, 2024. At that protest, a RMWB Councillor and local Métis president, Kendrick Cardinal, drove by on a quad yelling at protestors. He was subsequently charged for impaired driving for this very incident.<sup>28</sup> So far as MCFN knows, RMWB has not disciplined Mr. Cardinal.
- 33. The Athabasca Tribal Council, on September 9, 2024, wrote to the RMWB Mayor Sandy Bowman in support of this protest.<sup>29</sup>
- 34. On September 10, 2024, Mayor Bowman asserted that the municipality had conducted "community engagement"<sup>30</sup>. MCFN was not involved in any community engagement with MCFN or its representatives.

#### F. Witnesses

35. MCFN will provide 3-5 witnesses to speak about the impacts to the community, including a member of Chief and Council, an Elder and possibly staff, including at the Government Industry Relationship department.

#### **ISSUES**

- 36. The Appellants submit that the issue is whether the SDAB should revoke the Discretionary Permit, on any of the following grounds:
  - a. The Decision to grant the Discretionary Permit was unreasonable.

<sup>28</sup> **TAB 13:** Article re: RWMB Councillor Kendrick Cardinal, available at: https://www.fortmcmurraytoday.com/news/councillor-kendrick-cardinal-charged-with-impaired-driving-fleeing-peace\_officer

<sup>&</sup>lt;sup>27</sup>RMWB Submissions.

<sup>&</sup>lt;sup>29</sup> RMWB Submissions: Letter to Mayor Bowman (Athabasca Tribal Council).

<sup>&</sup>lt;sup>30</sup> **TAB 14:** Response from Mayor Bowman.

- b. The Decision to grant the Discretionary Permit was unfair and/or in violation of the common law duty to consult.
- c. The Decision did not discharge the duty to consult and accommodate ("DTCA") and/or the SDAB has the obligation to discharge the DTCA.

#### **LEGAL ARGUMENT**

37. RMWB owes common law duties to act reasonably (including having regard to reconciliation) and act procedurally fairly, including the duty to consult in administrative law. These duties are squarely before this Board and must be considered. The Appellants also submit that the

#### A. Reasonableness

- 38. Granting of the liquor store Permit was not a mandatory decision, it was a discretionary one.<sup>31</sup> The Development Officer, in this case, had a broad discretion to approve or deny discretionary uses.<sup>32</sup>
- 39. The Development Officer unreasonably exercised his discretion under the MGA (s. 642) and the Land-Use Bylaw (s. 110) to grant the permit. In doing so, the Decision does not reveal why the MCFN Objection was almost entirely ignored and only considered in the opening hours. (not consider RCMP or request RCMP; not explain etc).

#### B. Common Law Duty to consult/Procedural fairness

- 40. RMWB owed a duty of procedural fairness to members of the community affected by the discretionary decision to grant the Permit. This requirement and legitimate expectation of consultation exist independent of any constitutional law question. They are basic and foundational tenets of administration of law which this Board has unequivocal jurisdiction to determine.
- 41. The extent of the duty of procedural fairness owed to MCFN in this case is determined by reference to five factors:<sup>33</sup>

<sup>33</sup> Baker v. Canada (Minister of Citizenship and Immigration), 1999 CanLII 699 (SCC), [1999] 2 SCR 817.

<sup>&</sup>lt;sup>31</sup> Land-use By-law, section 110.

<sup>&</sup>lt;sup>32</sup> Baron Real Estate Investments Ltd. v. Edmonton (Subdivision and Development Appeal Board), 2018 ABCA 67 at para 16; contrast with: Liquor Stores Limited Partnership v. Edmonton (City), 2017 ABCA 435 at para 5.

- a. The nature of the decision: the discretionary decision to grant the Permit was an individualized decision taken after a formal notice-and-comment period. It was not a "legislative" decision and is therefore subject to a high degree of fairness.
- b. The nature of the statutory scheme: the grant of the Permit is a final decision, which triggers a higher degree of fairness.
- c. The impact on affected individuals: as set out in the RCMP data, in Professor Lindberg's expert opinion and as will be set out by witnesses at the hearing, the impact on the MCFN is highly significant, which means more procedural fairness is required.
- d. The existence of legitimate expectations given that RMWB engaged in a consultation process, MCFN had a legitimate expectation that it would be entitled to more procedural fairness, including the opportunity to engage meaningfully with RMWB. Moreover, the Consultation Protocol and past practice created legitimate expectations that RMWB would engage in collaboration and consultation on landuse issues.<sup>34</sup>
- e. The discretion of the decision-maker: RMWB had discretion to structure its consultation process and had ample scope to include meaningful engagement with MCFN.<sup>35</sup>

#### C. Duty to Consult and Accommodate

42. Here, on the record before the Board, the consultation was inadequate, which means the Board has to remedy it, or invalidate the municipality's decision. The adequacy of consultation is not a question of constitutional law and, therefore, the Board has jurisdiction.

#### i. Jurisdiction: DTAC is not a constitutional question

- 43. As preliminary matter, the duty to consult and accommodate ("DTCA") applies in this case, following the Supreme Court's binding decision in *Clyde River*.<sup>36</sup>
- 44. Consideration of the DTCA is not consideration of a constitutional question. While the Alberta government has sought, to limit the decision-makers who can consider

<sup>&</sup>lt;sup>34</sup> Canada (Attorney General) v. Mavi, 2011 SCC 30 (CanLII), [2011] 2 SCR 504, at para 68.

<sup>&</sup>lt;sup>35</sup> See also <u>R. (Moseley) v. London Borough of Haringey</u>, [2014] UKSC 56, at paras. 23-28.

<sup>&</sup>lt;sup>36</sup> Clyde River (Hamlet) v. Petroleum Geo-Services Inc., 2017 SCC 40 (CanLII), [2017] 1 SCR 1069.

constitutional questions<sup>37</sup>, including the SDAB<sup>,</sup> they have not done the same for the DTCA.<sup>38</sup> And where the provincial Crown has sought to limit consideration of section 35 constitutional issues, the Alberta Court of Appeal has confirmed that the Honour of the Crown is always at stake<sup>39</sup> and/or the province is being challenged for creating a circular and unconstitutional Consultation Regime.<sup>40</sup>

45. The Supreme Court has warned that tribunals should not take a narrow approach to respecting the Honour of the Crown: "if a tribunal is denied the power to consider consultation issues, or if the power to rule on consultation is split between tribunals so as to prevent anyone from effectively dealing with consultation arising from particular government actions, the government might effectively be able to avoid its duty to consult." That warning is particularly apt here, where there is a serious risk that the duty to consult and accommodate will be unfulfilled, and the Honour of the Crown badly damaged.

#### ii. DTCA triggered

- 46. The Supreme Court has explained that the duty to consult and accommodate arises "when the Crown has knowledge, real or constructive, of the *potential* existence of the Aboriginal right or title and contemplates conduct that might adversely affect it". <sup>42</sup>
- 47. As Professor Lindberg explains in his expert opinion, Treaty 8 contains a clear Crown commitment to limiting trade in intoxicating liquors in order to safeguard the interests of First Nations. It is clear that granting the Permit, in the circumstances of this case, would adversely affect the rights and interests guaranteed by Treaty 8.
- 48. Here, RMWB had knowledge of the rights and interests in limiting the sale of intoxicating liquors well before it exercised its discretion to grant the Permit through the MCFN Objection on August 17, 2023.

<sup>&</sup>lt;sup>37</sup> Fort McKay First Nation v Prosper Petroleum Ltd, 2020 ABCA 163, at <u>para 39</u>; Designation of Constitutional Decision Makers Regulation, <u>Alta Reg 69/2006</u>.

<sup>&</sup>lt;sup>38</sup> "Janna Promislow, "Irreconcilable? The Duty to Consult and Administrative Decision Makers", 2013 22-

<sup>1</sup> Constitutional Forum 63, 2013 CanLIIDocs 726, "In Alberta, the legislature has allowed for specification of tribunals that have jurisdiction to decide constitutional questions under section 16 of the APJA.74 But legislatures have not yet responded to the duty to consult law in the same way."

<sup>&</sup>lt;sup>39</sup> Fort McKay First Nation v Prosper Petroleum Ltd, 2020 ABCA 163, at para 47.

<sup>&</sup>lt;sup>40</sup> Mikisew Cree First Nation v Alberta, 2024 ABKB 578.

<sup>&</sup>lt;sup>41</sup> Rio Tinto Alcan Inc. v. Carrier Sekani Tribal Council, 2010 SCC 43, at para. 62.

<sup>&</sup>lt;sup>42</sup> Haida Nation v. British Columbia (Minister of Forests), 2004 SCC 73, at para. 35.

49. Moreover, the Board also has knowledge, from the Disclosure and Professor Lindberg's expert opinion (to be further supported by witnesses), of the Indigenous rights and interests at issue and that they would be adversely affected by the grant of the Permit.

#### iii. RMWB and Board must engage DTAC

- 50. The RMWB Development Officer's decision to grant the liquor Permit is a final decision. As such, it is Crown action as both the Board and the municipality are statutory bodies holding responsibility delegated by the Crown in right of Alberta. They are acting on behalf of the Crown in determining who can hold a liquor licence and on what terms.
- 51. The Board falls within the scope of the principles set out by the Supreme Court in *Clyde River*:

By this understanding, the NEB is not, strictly speaking, "the Crown". Nor is it, strictly speaking, an agent of the Crown, since — as the NEB operates independently of the Crown's ministers — no relationship of control exists between them (Hogg, Monahan and Wright, at p. 465). As a responsibility under s. 5(1)(b)body holding of *COGOA*, however, the NEB acts on behalf of the Crown when making a final decision on a project application. Put plainly, once it is accepted that a regulatory agency exists to exercise executive power as authorized by legislatures, any distinction between its actions and Crown action quickly falls away. In this context, the NEB is the vehicle through which the Crown acts. Hence this Court's interchangeable references in Carrier Sekani to "government action" and "Crown conduct" (paras. 42-44). It therefore does not matter whether the final decision maker on a resource project is Cabinet or the NEB. In either case, the decision constitutes Crown action that may trigger the duty to consult. As Rennie J.A. said in dissent at the Federal Court of Appeal in *Chippewas of the Thames*, "[t]he duty, like the honour of the Crown, does not evaporate simply because a final decision has been made by a tribunal established by Parliament, as opposed to Cabinet" (para. 105). The action of the NEB, taken in furtherance of its statutory powers under s. 5(1)(b) of COGOA to make final decisions respecting such testing as was proposed here, clearly constitutes Crown action.43

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<sup>&</sup>lt;sup>43</sup> Clyde River (Hamlet) v. Petroleum Geo-Services Inc., 2017 SCC 40, at para. 29.

- 52. Given they are both engaging in Crown action, the next question is whether the municipality or the Board is able to provide "an appropriate level of consultation". .<sup>44</sup>
- 53. There is little doubt that a municipality *can* provide an appropriate level of consultation. In fact, the Consultation Protocol and past practice shows there are many instances of this. Indeed, municipalities, are governments in miniature, democratically elected with law-making and tax-raising capacity<sup>45</sup> to give voice to the interests of the community.<sup>46</sup> Just as the Crown cannot avoid *Charter* compliance by delegating powers to municipalities, it cannot avoid compliance with the duty to consult either .<sup>47</sup>.
  - a. Here, the municipality had notice of a strong claim of interference with s. 35 and Treaty rights and was thus required to engage in meaningful consultation and accommodation.
  - b. The municipality also has a "a significant array of powers that permit extensive consultation".<sup>48</sup>
  - c. Here, the municipality did not discharge the DTCA.
- 54. After that, the next question is the role of the Board in this consultation process: Can the Board itself discharge the DTCA? The Board has the procedural and remedial powers necessary to discharge the DTCA and the former jurisprudence is no longer good law given recent developments in the Supreme Court:
  - a. In remedial terms, under s. 687(3)(c) of the MGA, the Board may "confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own", which clearly gives it the authority to set aside the municipality's decision and to impose any conditions it deems appropriate. It therefore has the power to ensure compliance with the DTCA.
  - b. In procedural terms, under s. 687(1)(d), the Board "must hear... any other person who claims to be affected by the order, decision or permit and that the subdivision

<sup>45</sup> Godbout v. Longueuil (City), [1997] 3 SCR 844, at para. 51.

<sup>&</sup>lt;sup>44</sup> Clyde River, at para. 30.

<sup>&</sup>lt;sup>46</sup> 114957 Canada Ltée (Spraytech, Société d'arrosage) v. Hudson (Town), 2001 SCC 40 (CanLII), [2001] 2 SCR 241, at para. 23.

<sup>&</sup>lt;sup>47</sup> Dickson v. Vuntut Gwitchin First Nation, 2024 SCC 10, at para. 63; Hoehn and Stevens, "Local Governments and the Crown's Duty to Consult" (2018) 55 Alta LR 971, at p. 975; see also. P. Daly, Doré Duty, <a href="https://cbr.cba.org/index.php/cbr/article/view/4854/4548">https://cbr.cba.org/index.php/cbr/article/view/4854/4548</a>.

<sup>&</sup>lt;sup>48</sup> Clyde River, at para. 31; Hoehn and Stevens, p. 985-986.

and development appeal board agrees to hear, or a person acting on behalf of that person", which clearly gives it the authority to hear from an "affected" Indigenous community. Beyond that, and subject to the requirement of producing written reasons in 15 days after the end of a hearing, the Board is "master in its own house".

.49 It can have as many hearing days as a matter requires, subject only to the requirement of producing reasons 15 days after the hearings end.

- 55. The Appellants note that the decision in *Paul First Nation v. Parkland (County)*, <sup>50</sup> has clearly been overtaken by subsequent jurisprudence, such as *Clyde River*, as outlined above.
- 56. The decision in Kappo v. Subdivision and Development Appeal Board (Municipal District of Greenview No. 16),<sup>51</sup> has also clearly been overtaken by subsequent jurisprudence, namely the Supreme Court decisions in Nova Scotia (Workers' Compensation Board) v. Martin; Nova Scotia (Workers' Compensation Board) v. Laseur,<sup>52</sup> and Paul v. British Columbia (Forest Appeals Commission).<sup>53</sup> Together, these decisions establish broad jurisdiction in administrative tribunals to consider questions of Charter compliance (Martin) and constitutional compliance (Paul) and to grant constitutional remedies (Conway):
  - a. In *Martin*, at para. 36 the Supreme Court restated the test: "one must ask whether the empowering legislation implicitly or explicitly grants to the tribunal the jurisdiction to interpret or decide *any* question of law" (emphasis added; *Paul*, at para. 8 adopts the same test). That is clearly the case here, as the Board must consider various legal instruments and interpret their scope to determine whether it should exercise its extensive remedial powers.
  - b. In *Alberta Environment and Parks v Summer Village of South View (Subdivision Authority)*, <sup>54</sup>, the Municipal Government Board noted "A further consideration is that although the MGB has no power to declare bylaws invalid, it is well established that courts and tribunals with the power to decide questions of law should not give effect to legislation created that is ultra vires or otherwise unconstitutional".

<sup>52</sup> 2003 SCC 54, [2003] 2 SCR 504.

<sup>&</sup>lt;sup>49</sup> Prassad v. Canada (Minister of Employment and Immigration), [1989] 1 SCR 560.

<sup>&</sup>lt;sup>50</sup> 2006 ABCA 128, at para. 11.

<sup>&</sup>lt;sup>51</sup> 2003 ABCA 146.

<sup>&</sup>lt;sup>53</sup> 2003 SCC 55, [2003] 2 SCR 585. See also R. v. Conway, 2010 SCC 22, [2010] 1 SCR 765

<sup>&</sup>lt;sup>54</sup> 2021 ABMGB 15, at para. 58.

#### iv. The Board must discharge the DTCA

- 57. If the Board itself cannot discharge the DTCA, then the Board is nonetheless competent to determine if there was adequate consultation by the RMWB. The Honour of the Crown is fundamental, especially in a field where the very purpose of Part 17 of the MGA involves upholding the "public interest". So As the Board can decide questions of law, it "must determine whether such consultation was constitutionally sufficient if the issue is properly raised". Again, it has the procedural and remedial powers required: it can hear relevant evidence and legal submissions and make appropriate modifications to the municipality's decision in view of what is raised at the hearing. Indeed, the requirement to give written reasons allows the Board to "foster reconciliation by showing affected Indigenous peoples that their rights were considered and addressed" (Clyde River, at para. 41). This jurisdiction has not been clearly excluded by statute. Indeed, because Part 17 of the MGA involves consideration of the public interest, respecting the Honour of the Crown is part and parcel of the Board's role.
- 58. Determining whether there was adequate consultation to ensure that the Honour of the Crown has been fulfilled is not a "constitutional question" within the meaning of s. 10(d) of the *Administrative Procedures and Jurisdiction Act.*<sup>58</sup> There is no challenge to any legislation (s. 10(d)(i)) and MCFN is not seeking to assert a "right" under the Constitution of Canada (s. 10(d)(ii)). MCFN is simply seeking to ensure respect for the *duty* to consult, fulfilling the Honour of the Crown.<sup>59</sup>
- 59. The Supreme Court explained in *Rio Tinto Alcan Inc v Carrier Sekani Tribal Council* that it is important to take a narrow view of statutes that may be interpreted to exclude consideration of the duty to consult and accommodate required to fulfill the Honour of the Crown:

The application to the Commission by the CSTC for a rescoping order to address consultation issues does not fall within this definition. It is not a challenge to the constitutional validity or applicability of a law, nor a claim for a constitutional remedy under s. 24 of the Charter or s. 52 of the Constitution Act, 1982. In broad terms, consultation under s. 35 of the

<sup>&</sup>lt;sup>55</sup> Fort McKay First Nation v Prosper Petroleum Ltd, 2020 ABCA 163 (CanLII), at para 41.

<sup>&</sup>lt;sup>56</sup> Clyde River, at para. 36.

<sup>&</sup>lt;sup>57</sup> Clyde River at para 41-44.

<sup>&</sup>lt;sup>58</sup> Administrative Procedures and Jurisdiction Act, RSA 2000, c A-3.

<sup>&</sup>lt;sup>59</sup> Rio Tinto Alcan Inc. v. Carrier Sekani Tribal Council, <u>2010 SCC 43</u>, at para. 32.

Constitution Act, 1982 is a constitutional question: Paul, para. 38. However, the provisions of the Administrative Tribunals Act and the Constitutional Question Act do not indicate a clear intention on the part of the legislature to exclude from the Commission's jurisdiction the duty to consider whether the Crown has discharged its duty to consult with holders of relevant Aboriginal interests.<sup>60</sup>

- 60. In all events, it is necessary to avoid a situation where there is "a gap in the regulatory scheme" 61. It would plainly be nonsensical and entirely undermining the autonomy of municipalities and the Board if an Indigenous group had to go directly to cabinet to ensure that the DTCA could be discharged. Indeed, in view of the autonomy of municipalities, it is not even clear what the province could otherwise do to remedy a breach of the DTCA.
- 61. Similarly, it would be absurd, in an age of so-called "Reconciliation", to disallow MCFN any power to be consulted on and accommodated on a discretionary use of its traditional territory to allow for the sale of liquor contrary to Treaty No. 8 and in manner that has created harm in the community, as evidenced by the RCMP data alone.

#### **CONCLUSION**

62. For the any or all of the reasons outlined above, the Appellants respectfully request that the SDAB respect MCFN and revoke the Permit.

#### ALL OF WHICH IS RESPECTFULLY SUBMITTED ON OCTOBER 22, 2024



Orlagh O'Kelly

O'KELLY LAW on behalf of the MCFN Appellants

<sup>&</sup>lt;sup>60</sup> 2010 SCC 43, at para. 72. See also Fort McKay First Nation v Prosper Petroleum Ltd, 2020 ABCA 163, at para.

<sup>&</sup>lt;sup>61</sup> McCauley Community League v Edmonton (City), 2012 ABCA 86, at para. 23.

# Government Corporation/Non-Profit Search of Alberta ■ Corporate Registration System

Date of Search: 2024/09/06 Time of Search: 11:30 AM

Search provided by: ELDOR-WAL REGISTRATIONS (1987) LTD

Service Request Number: 42885570

Customer Reference Number:

Corporate Access Number: 205120660

**Business Number:** 

Legal Entity Name: CREE-ATIONS ENTERPRISES LIMITED

Name History:

<b>Previous Legal Entity Name</b>	Date of Name Change (YYYY/MM/DD)
512066 ALBERTA LTD.	1992/01/27

Legal Entity Status: Active

Alberta Corporation Type: Named Alberta Corporation Registration Date: 1991/11/29 YYYY/MM/DD Date of Last Status Change: 2013/04/30 YYYY/MM/DD

Revival/Restoration Date: 2008/10/06 YYYY/MM/DD

**Registered Office:** 

**Street:** 2500-10220 103 AVE NW

City: EDMONTON
Province: ALBERTA
Postal Code: T5J0K4

**Records Address:** 

**Street:** 2500-10220 103 AVE NW

City: EDMONTON
Province: ALBERTA
Postal Code: T5J0K4

Email Address: CORPORATE.EDMONTON@DENTONS.COM

#### **Primary Agent for Service:**

Last Name		Middle Name	1	Street	City	Province	Postal Code	Email
KRAWCHUK	LEANNE	C.		2500- 10220 103 AVE NW		ALBERTA	T5J0K4	LEANNE.KRAWCHUK@DENTONS.COM

**Directors:** 

Last Name: MARCEL Page 320

First Name: ROXANNE Street/Box Number: PO BOX 90

City: FORT CHIPEWYAN

**Province:** ALBERTA **Postal Code:** T0P1B0

Last Name:MCKENZIEFirst Name:SHERRIStreet/Box Number:PO BOX 90

City: FORT CHIPEWYAN

**Province:** ALBERTA **Postal Code:** T0P1B0

Last Name: TUCCARO
First Name: PAUL
Street/Box Number: P.O. BOX 90

City: FORT CHIPEWYAN

**Province:** ALBERTA **Postal Code:** T0P1B0

#### **Voting Shareholders:**

Last Name: CHIEF BILLY-JOE TUCCARO, IN TRUST FOR MIKISEW CREE FIRST NATION

Street: PO BOX 90

City: FORT CHIPEWYAN

Province: ALBERTA
Postal Code: T0P1B0
Percent Of Voting Shares: 100

#### **Details From Current Articles:**

The information in this legal entity table supersedes equivalent electronic attachments

**Share Structure:** AS PER SCHEDULE ATTACHED HERETO **Share Transfers Restrictions:** AS PER SCHEDULE ATTACHED HERETO

Min Number Of Directors:1Max Number Of Directors:11Business Restricted To:NONEBusiness Restricted From:NONE

Other Provisions: AS PER SCHEDULE "A" ATTACHED HERETO

#### **Other Information:**

#### **Last Annual Return Filed:**

File Year	Date Filed (YYYY/MM/DD)
2023	2024/05/29

#### Filing History:

List Date (YYYY/MM/DD)	Type of Filing
2004/05/02	Status Changed to Struck for Failure to File Annual Returns
2008/10/06	Initiate Revival of Alberta Corporation
2008/10/06	Complete Revival of Alberta Corporation
2013/01/02	Status Changed to Start for Failure to File Annual Returns
2017/08/31	Service Provider Correct Legal Entity
2019/06/22	Change Address
2024/04/11	Change Director / Shareholder
2024/05/29	Enter Annual Returns for Alberta and Extra-Provincial Corp.

#### **Attachments:**

Attachment Type	Microfilm Bar Code	Date Recorded (YYYY/MM/DD)
Share Structure	ELECTRONIC	2008/10/06
Restrictions on Share Transfers	ELECTRONIC	2008/10/06
Other Rules or Provisions	ELECTRONIC	2008/10/06
Letter - Spelling Error	10000807119434914	2014/10/16

The Registrar of Corporations certifies that, as of the date of this search, the above information is an accurate reproduction of data contained in the official public records of Corporate Registry.



## Government Corporation/Non-Profit Search of Alberta ■ Corporate Registration System

Date of Search: 2024/09/06 Time of Search: 11:29 AM

Search provided by: ELDOR-WAL REGISTRATIONS (1987) LTD

Service Request Number: 42885534

Customer Reference Number:

Corporate Access Number: 203178280

**Business Number:** 

**Legal Entity Name:** MISTEE SEEPEE DEVELOPMENT CORPORATION LTD.

Legal Entity Status: Active

Alberta Corporation Type: Named Alberta Corporation Registration Date: 1984/09/06 YYYY/MM/DD Date of Last Status Change: 2015/01/22 YYYY/MM/DD

**Registered Office:** 

**Street:** 2500-10220 103 AVE NW

City: EDMONTON
Province: ALBERTA
Postal Code: T5J0K4

**Records Address:** 

**Street:** 2500-10220 103 AVE NW

City: EDMONTON
Province: ALBERTA
Postal Code: T5J0K4

Email Address: CORPORATE.EDMONTON@DENTONS.COM

#### **Primary Agent for Service:**

Last Name		Middle Name	1	Street	City	Province	Postal Code	Email
KRAWCHUK	LEANNE	C.		2500- 10220 103 AVE NW		ALBERTA	T5J0K4	LEANNE.KRAWCHUK@DENTONS.COM

#### **Directors:**

Last Name:MARCELFirst Name:ROXANNEStreet/Box Number:PO BOX 90

City: FORT CHIPEWYAN

**Province:** ALBERTA **Postal Code:** T0P1B0

Last Name:MCKENZIEFirst Name:SHERRIStreet/Box Number:PO BOX 90

City: FORT CHIPEWYAN

**Province:** ALBERTA **Postal Code:** T0P1B0

Last Name: TUCCARO First Name: PAUL

Street/Box Number: P.O. BOX 90

City: FORT CHIPEWYAN

**Province:** ALBERTA **Postal Code:** T0P1B0

#### **Voting Shareholders:**

Legal Entity Name: MIKISEW CAPITAL CORPORATION

**Corporate Access Number:** 206304669 **Street:** PO BOX 90

City: FORT CHIPEWYAN

Province: ALBERTA
Postal Code: T0P1B0
Percent Of Voting Shares: 100

#### **Other Information:**

#### **Last Annual Return Filed:**

File Year	Date Filed (YYYY/MM/DD)
2023	2024/02/16

#### **Filing History:**

List Date (YYYY/MM/DD)	Type of Filing
2014/11/02	Status Changed to Start for Failure to File Annual Returns
2019/06/22	Change Address
2024/02/16	Enter Annual Returns for Alberta and Extra-Provincial Corp.
2024/05/28	Change Director / Shareholder

The Registrar of Corporations certifies that, as of the date of this search, the above information is an accurate reproduction of data contained in the official public records of Corporate Registry.



# Government Corporation/Non-Profit Search of Alberta ■ Corporate Registration System

Date of Search: 2024/09/11 Time of Search: 11:12 AM

Search provided by: ELDOR-WAL REGISTRATIONS (1987) LTD

Service Request Number: 42912847

Customer Reference Number:

**Corporate Access Number:** 2011129588 **Business Number:** 855566873

Legal Entity Name: 1112958 ALBERTA LTD.

Legal Entity Status: Active

**Alberta Corporation Type:** Numbered Alberta Corporation **Registration Date:** 2004/06/11 YYYY/MM/DD

**Registered Office:** 

**Street:** 2500-10220 103 AVE NW

City: EDMONTON
Province: ALBERTA
Postal Code: T5J0K4

**Records Address:** 

**Street:** 2500-10220 103 AVE NW

City: EDMONTON
Province: ALBERTA
Postal Code: T5J0K4

Email Address: CORPORATE.EDMONTON@DENTONS.COM

#### **Primary Agent for Service:**

Last Name		Middle Name	Firm Name	Traat	City	Province	Postal Code	Email
KRAWCHUK	LEANNE	C.		2500- 10220 103 AVE NW		ALBERTA	T5J0K4	LEANNE.KRAWCHUK@DENTONS.COM

#### **Directors:**

Last Name:MARCELFirst Name:ROXANNEStreet/Box Number:PO BOX 90

City: FORT CHIPEWYAN

**Province:** ALBERTA **Postal Code:** T0P1B0

Last Name: MCKENZIE

First Name: SHERRI Street/Box Number: PO BOX 90

City: FORT CHIPEWYAN

**Province:** ALBERTA **Postal Code:** T0P1B0

Last Name: TUCCARO
First Name: PAUL
Street/Box Number: P.O. BOX 90

City: FORT CHIPEWYAN

**Province:** ALBERTA **Postal Code:** T0P1B0

#### **Voting Shareholders:**

Last Name: CHIEF BILLY-JOE TUCCARO, IN TRUST FOR MIKISEW CREE FIRST NATION

Street: PO BOX 90

City: FORT CHIPEWYAN

Province: ALBERTA
Postal Code: T0P1B0
Percent Of Voting Shares: 100

#### **Details From Current Articles:**

#### The information in this legal entity table supersedes equivalent electronic attachments

**Share Structure:** SEE ATTACHED SCHEDULE A **Share Transfers Restrictions:** SEE ATTACHED SCHEDULE B

Min Number Of Directors:1Max Number Of Directors:7Business Restricted To:NONEBusiness Restricted From:NONE

**Other Provisions:** SEE ATTACHED SCHEDULE C

#### **Other Information:**

#### **Last Annual Return Filed:**

I	File Year	Date Filed (YYYY/MM/DD)
	2024	2024/08/21

#### **Filing History:**

List Date (YYYY/MM/DD)	Type of Filing
2004/06/11	Incorporate Alberta Corporation
2019/06/22	Change Address
2020/02/18	Update BN

2024/05/28	Change Director / Shareholder
2024/08/21	Enter Annual Returns for Alberta and Extra-Provincial Corp.

#### **Attachments:**

Attachment Type	Microfilm Bar Code	Date Recorded (YYYY/MM/DD)
Share Structure	ELECTRONIC	2004/06/11
Restrictions on Share Transfers	ELECTRONIC	2004/06/11
Other Rules or Provisions	ELECTRONIC	2004/06/11
Letter - Spelling Error	10000407119434911	2014/10/15

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# Government Corporation/Non-Profit Search of Alberta ■ Corporate Registration System

Date of Search: 2024/09/19 Time of Search: 02:01 PM

Search provided by: ELDOR-WAL REGISTRATIONS (1987) LTD

42970321 Service Request Number:

Customer Reference Number:

Corporate Access Number: 2011129588 **Business Number:** 855566873

**Legal Entity Name:** 1112958 ALBERTA LTD.

**Legal Entity Status:** Active

Alberta Corporation Type: Numbered Alberta Corporation 2004/06/11 YYYY/MM/DD **Registration Date:** 

**Registered Office:** 

**Street:** 2500-10220 103 AVE NW

City: **EDMONTON Province: ALBERTA Postal Code:** T5J0K4

**Records Address:** 

2500-10220 103 AVE NW **Street:** 

**EDMONTON** City: **Province: ALBERTA Postal Code:** T5J0K4

Email Address: CORPORATE.EDMONTON@DENTONS.COM

#### **Primary Agent for Service:**

Last Name		Middle Name	1	Street	City	Province	Postal Code	Email
KRAWCHUK	LEANNE	C.		2500- 10220 103 AVE NW		ALBERTA	T5J0K4	LEANNE.KRAWCHUK@DENTONS.COM

#### **Directors:**

**Last Name: MARCEL First Name: ROXANNE** Street/Box Number: PO BOX 90

City: FORT CHIPEWYAN

**Province: ALBERTA Postal Code:** T0P1B0

**Last Name: MCKENZIE** 

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First Name: SHERRI 103

Street/Box Number: PO BOX 90

City: FORT CHIPEWYAN

**Province:** ALBERTA **Postal Code:** T0P1B0

Last Name:TUCCAROFirst Name:PAUL

Street/Box Number: P.O. BOX 90

City: FORT CHIPEWYAN

**Province:** ALBERTA **Postal Code:** T0P1B0

#### **Voting Shareholders:**

Last Name: CHIEF BILLY-JOE TUCCARO, IN TRUST FOR MIKISEW CREE FIRST NATION

Street: PO BOX 90

City: FORT CHIPEWYAN

Province: ALBERTA
Postal Code: T0P1B0
Percent Of Voting Shares: 100

#### **Details From Current Articles:**

#### The information in this legal entity table supersedes equivalent electronic attachments

**Share Structure:** SEE ATTACHED SCHEDULE A **Share Transfers Restrictions:** SEE ATTACHED SCHEDULE B

Min Number Of Directors:1Max Number Of Directors:7Business Restricted To:NONEBusiness Restricted From:NONE

**Other Provisions:** SEE ATTACHED SCHEDULE C

#### **Other Information:**

#### **Last Annual Return Filed:**

File Year	Date Filed (YYYY/MM/DD)
2024	2024/08/21

#### **Filing History:**

List Date (YYYY/MM/DD)	Type of Filing
2004/06/11	Incorporate Alberta Corporation
2019/06/22	Change Address
2020/02/18	Update BN

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9/19/24, 2:01 PM about:blank

2024/05/28	Change Director / Shareholder
2024/08/21	Enter Annual Returns for Alberta and Extra-Provincial Corp.

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#### **Attachments:**

Attachment Type	Microfilm Bar Code	Date Recorded (YYYY/MM/DD)
Share Structure	ELECTRONIC	2004/06/11
Restrictions on Share Transfers	ELECTRONIC	2004/06/11
Other Rules or Provisions	ELECTRONIC	2004/06/11
Letter - Spelling Error	10000407119434911	2014/10/15

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# Government Corporation/Non-Profit Search of Alberta ■ Corporate Registration System

Date of Search: 2024/09/19 Time of Search: 02:01 PM

Search provided by: ELDOR-WAL REGISTRATIONS (1987) LTD

42970338 Service Request Number:

Customer Reference Number:

Corporate Access Number: 206304669 **Business Number:** 896057296

**Legal Entity Name:** MIKISEW CAPITAL CORPORATION

Name History:

<b>Previous Legal Entity Name</b>	Date of Name Change (YYYY/MM/DD)
630466 ALBERTA LTD.	1995/01/10

Active **Legal Entity Status:** 

Alberta Corporation Type: Named Alberta Corporation 1994/11/01 YYYY/MM/DD **Registration Date:** Date of Last Status Change: 2014/04/03 YYYY/MM/DD

Revival/Restoration Date: 2014/04/03 YYYY/MM/DD

**Registered Office:** 

**Street:** 2500-10220 103 AVE NW

City: **EDMONTON Province: ALBERTA Postal Code:** T5J0K4

**Records Address:** 

2500-10220 103 AVE NW **Street:** 

City: **EDMONTON** ALBERTA **Province: Postal Code:** T5J0K4

Email Address: CORPORATE.EDMONTON@DENTONS.COM

#### **Primary Agent for Service:**

Last Name	First Name	Middle Name	Firm Name	Street	City	Province	Postal Code	Email
KRAWCHUK	LEANNE	C.		2500-	EDMONTON	ALBERTA	T5J0K4	LEANNE.KRAWCHUK@DENTONS.COM
				10220				
				103				
				AVE				
				NW				

**Directors:** 

**Last Name:** MARCEL

about:blank

1/3

9/19/24, 2:01 PM about:blank

First Name: ROXANNE Street/Box Number: PO BOX 90

City: FORT CHIPEWYAN

**Province:** ALBERTA **Postal Code:** T0P1B0

Last Name:MCKENZIEFirst Name:SHERRIStreet/Box Number:PO BOX 90

City: FORT CHIPEWYAN

**Province:** ALBERTA **Postal Code:** T0P1B0

Last Name: TUCCARO
First Name: PAUL
Street/Box Number: P.O. BOX 90

City: FORT CHIPEWYAN

**Province:** ALBERTA **Postal Code:** T0P1B0

#### **Voting Shareholders:**

Last Name: CHIEF BILLY-JOE TUCCARO, IN TRUST FOR MIKISEW CREE FIRST NATION

Street: PO BOX 90

City: FORT CHIPEWYAN

Province: ALBERTA
Postal Code: T0P1B0
Percent Of Voting Shares: 100

#### **Details From Current Articles:**

#### The information in this legal entity table supersedes equivalent electronic attachments

**Share Structure:** SEE SCHEDULE ATTACHED.

Share Transfers NO SHARES IN THE CAPITAL OF THE CORPORATION SHALL BE TRANSFERRED WITHOUT

**Restrictions:** THE SANCTION OF A MAJORITY OF THE DIRECTORS OF THE CORPORATION.

Min Number Of

Directors:

1

Max Number Of

Directors: 15

**Business Restricted** 

i NONE.

To: Business Restricted

From:

NONE.

**Other Provisions:** SEE SCHEDULE ATTACHED.

#### **Holding Shares In:**

Legal Entity Name
MIKISEW MANUFACTURING LIMITED
MIKISEW MAINTENANCE LTD.

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. 5,2 .,	
MIKISEW TOURISM CORP.	
FORT PETROLEUM CORPORATION	
BOREALIS AIR SERVICES LTD.	

### Other Information:

2000 PLUS LTD.

#### **Last Annual Return Filed:**

File Year	Date Filed (YYYY/MM/DD)
2023	2024/05/29

MIKISEW COMMERCIAL PROPERTIES LTD.

MISTEE SEEPEE DEVELOPMENT CORPORATION LTD.

#### **Filing History:**

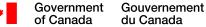
List Date (YYYY/MM/DD)	Type of Filing
2013/01/02	Status Changed to Start for Failure to File Annual Returns
2013/05/02	Status Changed to Struck for Failure to File Annual Returns
2014/04/03	Initiate Revival of Alberta Corporation
2014/04/03	Complete Revival of Alberta Corporation
2019/06/22	Change Address
2020/02/17	Update BN
2024/05/28	Change Director / Shareholder
2024/05/29	Enter Annual Returns for Alberta and Extra-Provincial Corp.

#### **Attachments:**

Attachment Type	Microfilm Bar Code	Date Recorded (YYYY/MM/DD)
Share Structure	ELECTRONIC	2014/04/03
Other Rules or Provisions	ELECTRONIC	2014/04/03
Letter - Spelling Error	10000907119434923	2015/01/21

The Registrar of Corporations certifies that, as of the date of this search, the above information is an accurate reproduction of data contained in the official public records of Corporate Registry.





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<u>Canada.ca</u> (Canada.ca) > <u>Crown-Indigenous Relations and Northern Affairs Canada</u> > <u>Indigenous peoples and communities</u> > <u>First Nations</u>

## Reserve/Settlement/Village Detail

**Official Name** DOG HEAD 218

Number 08495

Location LOCATED WITHIN THE FORT CHIPEWYAN SETTLEMENT

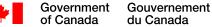
**Hectares** 34.8

### List of First Nations on this Reserve

461 Mikisew Cree First Nation PO BOX 90, FORT CHIPEWYAN, AB, T	OP 1B0
--	--------

Date modified:

2024-05-03



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<u>Canada.ca</u> (Canada.ca) > <u>Crown-Indigenous Relations and Northern Affairs Canada</u> > <u>Indigenous peoples and communities</u> > <u>First Nations</u>

Reserve/Settlement/Village Detail

**Official Name ALLISON BAY 219** 

Number 06734

Location 3 MILES NORTHEAST OF FORT CHIPEWYAN, ALBERTA, ON THE SHORES OF LAKE ATHABASCA

**Hectares** 1861.0

### List of First Nations on this Reserve

Date modified:

2024-05-03

<u>Canada.ca</u> (Canada.ca) > <u>Crown-Indigenous Relations and Northern Affairs Canada</u> > <u>Indigenous peoples and communities</u> > <u>First Nations</u>

Reserves/Settlements/Villages

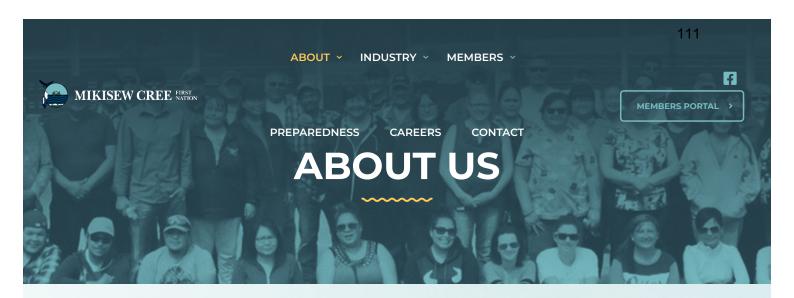
**Official Name** Mikisew Cree First Nation

Number 461

No.	Name	Location	Hectares
06734	ALLISON BAY 219	3 MILES NORTHEAST OF FORT CHIPEWYAN, ALBERTA, ON THE SHORES OF LAKE ATHABASCA	1861
06747	CHARLES LAKE 225	ISLAND ON CHARLES LAKE, IN NE CORNER OF ALBERTA, INCLUDES PARTS OF SEC 26, 27, 34 & 35 TWP 125 RGE 4 W4M	64.50
06745	COLLIN LAKE 223	ON NORTH SHORE OF COLIN LAKE IN NE CORNER OF ALBERTA, IN PART OF SEC 7 TWP 122 RGE 1 & PART OF SEC 12 TWP 122 RGE 2	36.40
06746	CORNWALL LAKE 224	PART OF UNNAMED ISLAND IN CORNWALL LAKE, IN NE CORNER OF ALBERTA, IN PARTS OF SEC 15 & 22 TWP 122 RGE 4 W4M	69.30
06729	DEVIL'S GATE 220	10 KM NORTH OF FORT CHIPEWYAN	819.10
08495	DOG HEAD 218	LOCATED WITHIN THE FORT CHIPEWYAN SETTLEMENT	34.80
06733	OLD FORT 217	NEAR THE SE CORNER OF WOOD BUFFALO NATIONAL PARK ON E BANK OF ATHABASCA RIVER IN TWP 108 RGE 9 & 10 & TWP 109 RGE 9 W4M	1509
09136	PEACE POINT 222	WITHIN WOOD BUFFALO NATIONAL PARK AT PEACE POINT, ALBERTA	518
06735	SANDY POINT 221	ON NORTH SHORE OF LAKE ATHABASCA IN PART OF TWP 114 RGE 5 W4M 17 MILES EAST OF WOOD BUFFALO NATIONAL PARK	204

#### Date modified:

2024-05-03



The Mikisew Cree First Nation (Mikisew) has lived on the ancestral lands of the Athabasca Delta and Wood Buffalo National Park in northeastern Alberta since time immemorial. The lives of our members are linked to the land and to a close understanding of traditions, history and a natural way of life. Many of our members live in the hamlet of Fort Chipewyan, and our traditional lands range over a large portion of Athabasca oil sands deposits.

For nearly 30 years, <u>Mikisew Group</u>, our wholly owned business arm, has worked toward the long-term, sustainable economic progress of our Nation and its members through employment and significant investments in education, training, social programs and infrastructure.

Our second major entity, the <u>Mikisew Cree First Nation Government Industry Relations (GIR)</u>, was formed in 2001 to act as a liaison between resource developers, operators, government agencies and the community.

# **Highlights of our Nation**



About 2,800 members



Most live in Fort McMurray, Edmonton, Fort Smith, the Northwest Territories and Fort Chipewyan



Language: Woodlands Cree



### **Mikisew Entities**



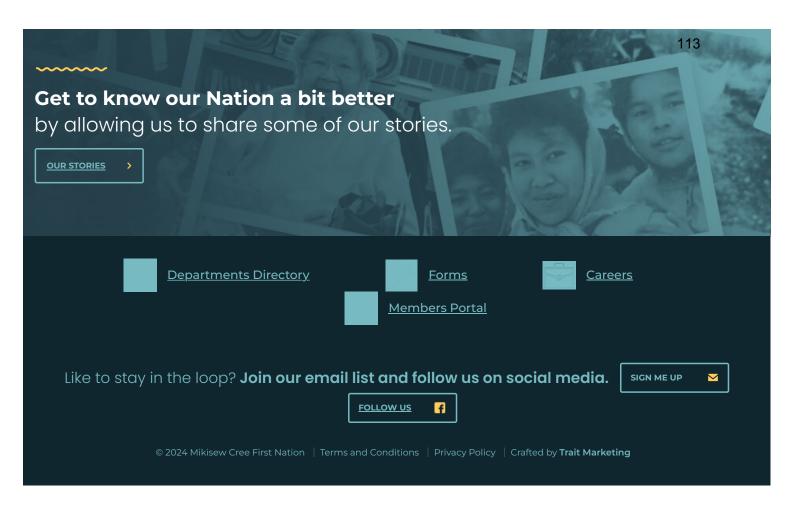
# Government and Industry Relations (GIR)

As a department of the Mikisew Cree First Nation,
GIR was established in January 2001. It is directed by
Chief and Council, and is a liaison between
resource developers, operators, governments and
the community. GIR is the primary vehicle to bring
the Mikisew Nation to the table as an equal
participant in resource development, and ensures
the Nation is meaningfully consulted. Learn more at
mikisewgir.com.



#### **Mikisew Group**

Mikisew Group is the distinct business entity of the Mikisew Cree First Nation. It was created in 1991 to separate our business and political branches, and has become a leading oil sands partner specializing in site services, maintenance, logistics and construction. Learn more at mikisewgroup.com.



Report of Dr. Darcy Lindberg (PhD, LLM, JD, BA)

Provided on October 22, 2024

#### 1. Introduction

This is an opinion on the Crown's oral promises to Mikisew Cree First Nation during the creation of Treaty 8 to control intoxicants from trade and sale within Mikisew Cree First Nation's (MCFN) territories. These oral promises result in an implicit Treaty right of protection from intoxicants. In my opinion, the promises of a continuation of a 'way of life' within Treaty 8, as well as the the historical inclusion of terms dealing with control of intoxicants in treaties that preceded Treaty 8 support the finding of an implicit right from protection from intoxicants in Treaty 8. The interpretation of the promises and terms of Treaty 8 are informed by Cree law. Below I have outlined my opinion that has led me to this conclusion.

#### 2. "Way of Life" Promises and Treaty 8

In the lead up to and negotiations of Treaty 8, the Crown made particular assurances to both Cree and Dene signatories that the treaty would not interfere with each peoples' respective way of life. ("the way of life promise"). Mikisew Cree First Nation would have understood the way of life promise as a protection of *nêhiyaw pimâtisiwin* or Cree way of living. Or to put another way, the maintenance of nêhiyaw pimâtisiwin was an oral but express term of the treaty. Historical records of the negotiations of Treaty 8 support this, including assurances of the maintenance of the Cree "way of life" by Crown representatives in the lead up to Treaty 8. For example, A.J. McKenna describes providing the same assurances to Indigenous peoples in Fort Chipewyan in 1899. In a letter to Clifford Sifton, he states:

"The chief difficulty in dealing with the Indians in this country arose from the fact that they believed that the making of the treaty would lead to interference with their hunting upon which they must depend for a living....There should be as little interference as possible with hunting and fishing here."

The treaty commissioners confirmed this in the negotiations of Treaty 8. As reported in the treaty commissioners' report:

<sup>&</sup>lt;sup>1</sup> LAC, MG27 IID15 (Sifton papers), reel C-490, J. A. J. McKenna to Clifford Sifton, 26 July 1899, 8 – 10

"We assured them that the treaty would not lead to any forced interference with their mode of life".2

Intoxication or the use of intoxicants was and is not considered a practice in accordance with nêhiyaw pimâtisiwin, and was and is seen as harmful towards it. This was commonly understood by both Cree peoples and Crown representatives around 1899. For example, in 1898, Inspector Snyder of the NWMP discusses the non-disruption of a way of life in a potential treaty. Significantly, Snyder ties in the maintenance of Cree and Dene ways of life with the prevention of liquor trading in the Fort Chipewyan area. Snyder states:

"I had several long talks with the natives who came to see me in bodies...they were particularly troubled about is that they should be compelled to take treaty and live on reserves. I informed these Indians that they would not be compelled to take treaty and that their freedom would in no wise be interfered with, that the police were there more for their protection than for any interference with their ways, and so long as they obeyed the laws, the police would not trouble them, but that the police would prevent the white trappers setting out poison and fires, and the traders from trading liquor."

In my opinion, MCFN would have understood that the continuation of nêhiyaw pimâtisiwin as an express term of the treaty, and that would include a right to protection from non-Indigenous ways of life that would harm MCFN living and ways of being.

#### 3. Alcohol regulation and Treaty 6:

Controlling the exchange of intoxicants was long an issue in prior treaties between the Crown and Indigenous peoples. In particular, prohibiting intoxicants from being sold or traded was a common term discussed within the negotiations of previous treaties between Cree peoples and the Crown. For example, the written terms of Treaty 6 state:

"Her Majesty further agrees with Her said Indians that within the boundary of Indian reserves, until otherwise determined by Her Government of the Dominion of Canada, no intoxicating liquor shall be allowed to be introduced or sold, and all laws now in force, or

<sup>&</sup>lt;sup>2</sup> Canada *Sessional Papers* 1900, no. 14, Report of the Department of Indian Affairs for the year 1899, Report of Commissioners for Treaty No. 8, D. Laird, J. H. Ross, and J. A. J. McKenna, 22 September 1899, xxxv - xxxvi.

<sup>&</sup>lt;sup>3</sup> Canada *Sessional Papers* 1898, no. 15, Report of the Commissioner of the North-West Mounted Police Force 1897, Appendix M, "Patrol Report -- Inspector A. E. Snyder, Edmonton to Jasper House, Athabasca District, 1897", 28 October 1897.

hereafter to be enacted, to preserve Her Indian subjects inhabiting the reserves or living elsewhere within Her North-west Territories from the evil influence of the use of intoxicating liquors, shall be strictly enforced."4

Note this prohibition was not limited to reserves as it involved those "inhabiting reserves or living elsewhere within Her North-west Territories". <sup>5</sup>

Treaty 4, also involving Cree peoples and signed in 1874 at Fort Ellice and Fort Qu'Appelle, had a similar clause prohibiting the sale of alcohol to Cree (as well as Saulteaux and Stoney) signatories. These two treaties – two preceding agreements involving Cree peoples and the Crown - would provide an understanding of what the Crown intentions were for Treaty 8 and conditioned Cree signatories of the treaty to seek similar oral terms, including those requiring a right to control intoxicants.

Cree peoples within Treaty 8 territory had knowledge of the terms of Treaty 6 and expected similar terms. J. A. Macrae, a Department of Indian Affairs Inspector at the time leading up to Treaty 8, wrote to Treaty commissioner McKenna about this expectation:

"[T]he Wood Crees and halfbreeds around Lesser Slave Lake who are closely connected with some of the Edmonton Indians may be found imbued with an intention to demand all those things which the Crees from the South always claim they were promised, and blame the Government for not embodying in the written treaty, asserting that they were amongst the terms".6

#### 4. Alcohol Regulation and Treaty 7:

The control of intoxicants on Indigenous territories continued to be a significant issue during the lead up to and creation of Treaty 7. A large impetus for the Blackfoot peoples to sign Treaty 7 was protection from whiskey trading that was occurring in Blackfoot territories prior to the treaty. In 1874, Colonel James Macleod led the North West Mounted Police into the territory to

<sup>&</sup>lt;sup>4</sup> Treaty No. 6, online: Government of Canada < https://www.rcaanccirnac.gc.ca/eng/1100100028710/1581292569426>

<sup>&</sup>lt;sup>6</sup> LAC, RG10, Vol. 3848, file 75236-1, J. A. Macrae to J. A. J. McKenna, 3 December 1898.

stop the trade of whiskey by Americans to the Blackfoot. Lieutenant Governor David Laird recalled this history to Blackfoot, Nakoda Sioux and Tsuu Tina chiefs on Oct 17<sup>th</sup>, 1877:

"The good Indian has nothing to fear from the Queen or her officers. You Indians know this to be true. When bad white men brought you whiskey, robbed you, and made you poor, and, through whiskey, quarrel amongst your selves, she sent the Police to put an end to it. You know how they stopped this and punished the offenders, and how much good this has done".<sup>7</sup>

Curiously, an express alcohol prohibition clause is absent from the written terms of Treaty 7. While a written clause regarding control of intoxicants on Indigenous territories that was in the preceding treaties was absent, it is uncontroversial that a prohibition of alcohol trading was a significant and immediate issue during the negotiation of Treaty 7.8

#### 5. Alcohol Regulation in Treaty 8 Territory:

Although not as well-known as the campaign to end the whiskey trade in Treaty 7 territory, the Northwest Mounted Police had a similar and perhaps even longer engagement in Treaty 8 territory to address problems in liquor trading. As Richard Price notes:

"In order to enforce the prohibition of poison traps as well as to look into the problems of destructive forest fires and the liquor trade, the Mounted Police, beginning in January 1897, made annual winter patrols to Lake Athabasca, Great Slave Lake, and parts of the Peace River region. Most of this law enforcement (under the Northwest Territories Act) was

<sup>&</sup>lt;sup>7</sup> Alexander Morris, *The Treaties of Canada with the Indians of Manitoba and the Northwest Territories* (Toronto: Coles Publishing Company, 1971) at 267.

<sup>&</sup>lt;sup>8</sup>It is entirely possible that both the Blackfoot peoples and the treaty commissioners saw the NWMP as an answer to the question of alcohol trading, and did not find the need to put it as an explicit treaty term, as the challenge with alcohol trading was already being dealt with when Treaty 7 was completed. Another possible reason for the removal in the written terms of Treaty 7 (and thus subsequently in the written terms of Treaty 8 and beyond) was the development of the *Indian Act*. Section 79 of the *Indian Act*, enacted in 1876 included the following clause that prohibited the sale of liquor to Indigenous peoples: "79. Whoever sells, exchanges with, barters, supplies or gives to any Indian or non-treaty Indian in Canada, any kind of intoxicant or causes or procures the same to be done, or attempt the same or connives thereat, or opens or keeps, or causes to be. opened or kept, on any reserve or special reserve, a tavern, house or building in which any intoxicant is sold, bartered, exchanged or given, or is found in possession of any intoxicant in the house, tent, wigwam or place of abode of any Indian or non-treaty Indian, shall, on conviction thereof before any judge, stipendiary magistrate or two justices of the peace, upon the evidence of one credible witness other than the informer or prosecutor, be liable to imprisonment for a period not less than one month nor exceeding six months, with or without hard labour". See s. 79, The Indian Act, R.S.C. 1876, c. 14.

directed against whites and half-breeds rather than Indians, and in fact the Indians were apparently pleased with the action taken to reduce the use of poison."<sup>9</sup>

Price notes that this was a primary reason for NWMP presence in Treaty 8 territory for a period prior to the treaty. Price states:

"Until 1897, the Mounted Police had restricted their role in the District of Athabasca to maintaining outposts at three locations on the Athabasca River for the purpose of controlling trade (particularly the liquor trade) into the region." <sup>10</sup>

In the years preceding Treaty 8, the Crown began to increase NWMP presence in the territory in order to, in part, address increased liquor trading. As Pat McCormack notes:

"In 1892 or 1893, the federal government removed the prohibition on liquor from southern districts but maintained it in the district of Athabasca. It established a seasonal NWMP detachment at Athabasca Landing to intercept liquor headed for northern posts." <sup>11</sup>

As more non-Indigenous people travelled through or attempted to habituate on the territory prior to Treaty 8, the NWMP role in control of intoxicants only increased. As McCormack notes:

In the fall of 1896, the NWMP made plans to send an officer on a winter trip from Edmonton to Lake Athabasca "to prepare the way for the extension northward of general Police supervision" (Comptroller to the Commissioner, NWMP, 18 Dec. 1896, LAC, RG 18, v. 128). In addition to enforcing the law, the goal of this survey was "to collect information likely to be useful to the Government in their future dealings with that Territory," paying particular attention to the liquor trade and abuses of alcohol, the use of poison, fires, fisheries, fur, game (especially bison), lumber, hay supplies, and possibilities for settlement (LAC, RG 18, v. 128, L.W. Herchmer, Commissioner, to Inspector Routledge, 21 Dec. 1896.)" <sup>12</sup>

It is clear that the control of intoxicants was an issue between the Cree peoples and the Crown in Treaty 8 territory. Although it does not result in a written clause in the treaty, it is a clear term in the relations between the Crown and Cree signatories and can be implied as an oral term.

#### 6. Cree Law Informs Treaty 8:

<sup>12</sup> Ibid at 94.

<sup>&</sup>lt;sup>9</sup> Richard Price, The Spirit of the Alberta Indian Treaties (3<sup>rd</sup> Ed) (University of Alberta Press: Edmonton, 1999) at 63.

<sup>&</sup>lt;sup>10</sup> Ibid at 62.

<sup>&</sup>lt;sup>11</sup> Patricia McCormack, Fort Chipewyan and the Shaping of Canadian History, 1788-1920s, "We like to be free in this country" (UBC Press: Vancouver, 2011) at 92.

From the perspective of Cree signatories, Treaty 8 is rooted in and interpreted through *nêhiyaw wiyasiwewin* or Cree law. It is trite to say that nêhiyaw wiyasiwewin has been used by Cree societies since time immemorial, including by the band of families that would become Mikisew Cree First Nation after Treaty 8. Cree law informed each part of the negotiations and the ultimate formation of Treaty 8, and has been operating within the treaty relationship ever since.

There are foundational legal principles that are integral to the continuation of nêhiyaw pimâtisiwin (Cree way of life) including those that govern treaty relationships between Cree peoples and other nations. A primary principle involving Cree treaty making is wîtaskêwin. Wîtaskêwin translates generally into 'living on the land together' or 'living in peace together'. It implies an obligation to ensure each other's good living on a territory. In a government-togovernment context, it implies a respect of the autonomy of the other nation that one lives in close relations with. This includes dialogue and consultation on actions taken that would affect the health and good living of another's citizens and members. In the context of decisions on the sale of intoxicants within MCFN territories, wîtaskêwin may obligate the Crown to respect MCFN autonomy on an issue that is central to the well-being of its members.

Another significant principle regarding government-to-government relations is wâhkôtowin. The common translation for wahkôtowin is 'the law that governs relationships'. In a governance context, it ensures a metaphorical kinship between governments with material obligations that flow between these governments in a wahkôtowin relationship. One of the obligations is for governments who hold this type of government-to-government kinship is to provide good assistance towards the good living of the other government. In the context of control of intoxicants within MCFN territory, a full application of this principle would obligate the Crown to consult with MCFN when making decisions regarding the sale of intoxicants on their territory.

#### 7. Conclusion:

The above supports my opinion that the Crown's oral promises to signatories on behalf of MCFN during the creation of Treaty 8, created an implied treaty right to control intoxicants from trade and sale within MCFN territories. The historical record shows that alcohol prohibition was an express concern in historic treaty negotiations between the Crown and Cree peoples, including within the lead up to Treaty 8. The way of life promises within Treaty 8 included protection from

influences that would a harm the continuation and maintenance of nehiyaw pimatisiwin, or Cree way of life. Finally, the operation of Cree treaty principles through Cree law creates a duty to consider and consult with MCFN regarding the administration of intoxicants in its territories.



#### LAND TITLE CERTIFICATE

S

LINC SHORT LEGAL TITLE NUMBER 0016 678 443 5642NY;9;9 852 259 582 Q

LEGAL DESCRIPTION PLAN 5642NY BLOCK 9

LOT 9

EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE ATS REFERENCE: 4;7;112

MUNICIPALITY: REGIONAL MUNICIPALITY OF WOOD BUFFALO

\_\_\_\_\_\_

REGISTERED OWNER(S)

REGISTRATION DATE (DMY) DOCUMENT TYPE VALUE CONSIDERATION

\_\_\_\_\_

852 259 582 26/11/1985 NIL

**OWNERS** 

MISTEE SEEPEE DEVELOPMENT CORPORATION LTD. OF C/O 2800, 801 - 6 AVENUE S.W., CALGARY ALBERTA T2P 4A3

\_\_\_\_\_\_

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

NO REGISTRATIONS

TOTAL INSTRUMENTS: 000

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 17 DAY OF SEPTEMBER, 2024 AT 11:51 A.M.

ORDER NUMBER: 51638415

CUSTOMER FILE NUMBER:



#### \*END OF CERTIFICATE\*

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER, SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

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#### Tax Search Tuesday, September 17, 2024

Lawyer's Client File Number: 756719 Roll Number: 8260001550 Account Number: 10518259

Legal Description (P/B/L): Plan: 5642NY Block: 9 Lot: 9

Civic Address: CANADA 125 MACKENZIE AVENUE FORT CHIPEWYAN AB T0P1B0

Payment by Mortgage Company: No Payment by TIPP: No

Tax Year	Tax Levy
2024	\$1,199.68
2023	\$1,368.29
2022	\$1,221.01
2021	\$907.81
2020	\$850.97

#### Tax Balance:

Current Taxes Outstanding: \$35.99 Arrears Taxes Outstanding: \$0.00 Other Charges/Utility Transfers Outstanding: \$0.00 Total Taxes Outstanding: \$35.99

#### Additional unpaid accounts that may be added to taxes include:

Water/Sewer Charges (These amounts do not include final billing):

Current Utilities Outstanding: Not available-Contact Utility Billing Current Outstanding Due Date:

Arrears Utilities Outstanding: Not available-Contact Utility Billing

Total Utilities Outstanding: Not available-Contact Utility Billing

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Assessment Report for this Property (No Charge)

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#### \*NOTICE:

Water and wastewater service connections to residential properties in Anzac, Conklin, Draper, Gregoire Lake Estates, Janvier and Saprae Creek Estates may have been installed pursuant to the Rural Area Water and Wastewater Service Connection Bylaw 20/009. If applicable, any remaining payment for the service connections will be in accordance with the Instalment Payment Option for the Service Connection Fee as set out in Schedule "B" to the Bylaw. Instalments are included in Municipal Utility Invoices. Any arrears of instalments will be added to the subject property tax roll. For further information, please contact the Regional Municipality of Wood Buffalo's Pulse Line at 780-743-7000 or 1-800-973-9663.



#### LAND TITLE CERTIFICATE

S

LINC SHORT LEGAL TITLE NUMBER 0014 050 330 5642NY;5;12 922 207 954

LEGAL DESCRIPTION

PLAN 5642NY

BLOCK 5

LOT 12

EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

ATS REFERENCE: 4;7;112;12;RL
ATS REFERENCE: 4;7;112;13;RL
ATS REFERENCE: 4;7;112;14;RL
ATS REFERENCE: 4;7;112;15;RL

MUNICIPALITY: REGIONAL MUNICIPALITY OF WOOD BUFFALO

REFERENCE NUMBER: 882 209 239

\_\_\_\_\_\_

REGISTERED OWNER(S)

REGISTRATION DATE (DMY) DOCUMENT TYPE VALUE CONSIDERATION

922 207 954 17/07/1992 TRANSFER OF LAND \$34,000 \$34,000

OWNERS

CREE-ATIONS ENTERPRISES LIMITED.

OF P.O. BOX 90 FORT CHIPEWYAN ALBERTA TOP 1B0

\_\_\_\_\_\_

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

4731PU 18/09/1968 UTILITY RIGHT OF WAY

GRANTEE - MUNICIPALITY OF WOOD BUFFALO.

AS TO PORTION OR PLAN: 6100NY

(DATA UPDATED BY: TRANSFER OF UTILITY RIGHT

OF WAY 952088020)

TOTAL INSTRUMENTS: 001

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 17 DAY OF SEPTEMBER, 2024 AT 11:51 A.M.

ORDER NUMBER: 51638395

CUSTOMER FILE NUMBER:



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#### Tax Search Tuesday, September 17, 2024

Lawyer's Client File Number: 756719 Roll Number: 8260000800 Account Number: 10518190

Legal Description (P/B/L): Plan: 5642NY Block: 5 Lot: 12

Civic Address: 105 LOUTIT STREET FORT CHIPEWYAN AB T0P1B0 CANADA

Payment by Mortgage Company: No Payment by TIPP: No

Tax Year	Tax Levy
2024	\$1,068.63
2023	\$992.92
2022	\$860.16
2021	\$868.66
2020	\$764.60

#### Tax Balance:

Current Taxes Outstanding: \$0.00 Arrears Taxes Outstanding: \$0.00 Other Charges/Utility Transfers Outstanding: \$0.00 Total Taxes Outstanding: \$0.00

#### Additional unpaid accounts that may be added to taxes include:

Water/Sewer Charges (These amounts do not include final billing):

Current Utilities Outstanding: Not available-Contact Utility Billing
Current Outstanding Due Date:

Arrears Utilities Outstanding: Not available-Contact Utility Billing
Total Utilities Outstanding: Not available-Contact Utility Billing

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#### LAND TITLE CERTIFICATE

S

LINC SHORT LEGAL TITLE NUMBER 0016 679 045 5642NY;6;17 852 259 582 N

LEGAL DESCRIPTION PLAN 5642NY

BLOCK 6

LOT 17

EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE ATS REFERENCE: 4;7;112

MUNICIPALITY: REGIONAL MUNICIPALITY OF WOOD BUFFALO

\_\_\_\_\_

REGISTERED OWNER(S)

REGISTRATION DATE (DMY) DOCUMENT TYPE VALUE CONSIDERATION

\_\_\_\_\_

852 259 582 26/11/1985

NIL

OWNERS

MISTEE SEEPEE DEVELOPMENT CORPORATION LTD. OF C/O 2800, 801 - 6 AVENUE S.W., CALGARY ALBERTA T2P 4A3

\_\_\_\_\_\_

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

4083PW 29/08/1968 UTILITY RIGHT OF WAY

GRANTEE - MUNICIPALITY OF WOOD BUFFALO.

"PART"

(DATA UPDATED BY: TRANSFER OF UTILITY RIGHT

OF WAY 952088257)

TOTAL INSTRUMENTS: 001

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 17 DAY OF SEPTEMBER, 2024 AT 11:49 A.M.

ORDER NUMBER: 51638363

CUSTOMER FILE NUMBER:



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#### Tax Search Tuesday, September 17, 2024

Lawyer's Client File Number: 756719 Roll Number: 8260001010 Account Number: 10518210

Legal Description (P/B/L): Plan: 5642NY Block: 6 Lot: 17

Civic Address: CANADA

Payment by Mortgage Company: No Payment by TIPP: No

Tax Year	Tax Levy
2024	\$718.46
2023	\$669.09
2022	\$587.24
2021	\$593.56
2020	\$522.51

#### Tax Balance:

Current Taxes Outstanding: \$21.55 Arrears Taxes Outstanding: \$0.00 Other Charges/Utility Transfers Outstanding: \$0.00 Total Taxes Outstanding: \$21.55

#### Additional unpaid accounts that may be added to taxes include:

Water/Sewer Charges (These amounts do not include final billing):

Current Utilities Outstanding: Not available-Contact Utility Billing Current Outstanding Due Date:

Arrears Utilities Outstanding: Not available-Contact Utility Billing Total Utilities Outstanding: Not available-Contact Utility Billing

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Return to Account Search

#### \*NOTICE:

Water and wastewater service connections to residential properties in Anzac, Conklin, Draper, Gregoire Lake Estates, Janvier and Saprae Creek Estates may have been installed pursuant to the Rural Area Water and Wastewater Service Connection Bylaw 20/009. If applicable, any remaining payment for the service connections will be in accordance with the Instalment Payment Option for the Service Connection Fee as set out in Schedule "B" to the Bylaw. Instalments are included in Municipal Utility Invoices. Any arrears of instalments will be added to the subject property tax roll. For further information, please contact the Regional Municipality of Wood Buffalo's Pulse Line at 780-743-7000 or 1-800-973-9663.



#### LAND TITLE CERTIFICATE

S

LINC SHORT LEGAL TITLE NUMBER 0016 682 080 5642NY;1;7 852 259 582 A

LEGAL DESCRIPTION

PLAN 5642NY

BLOCK 1

LOT 7

EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE ATS REFERENCE: 4;7;112

MUNICIPALITY: REGIONAL MUNICIPALITY OF WOOD BUFFALO

\_\_\_\_\_

REGISTERED OWNER(S)

REGISTRATION DATE (DMY) DOCUMENT TYPE VALUE CONSIDERATION

-----

852 259 582 26/11/1985

OWNERS

MISTEE SEEPEE DEVELOPMENT CORPORATION LTD. OF C/O 2800, 801 - 6 AVENUE S.W., CALGARY ALBERTA T2P 4A3

\_\_\_\_\_\_

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

4083PW 29/08/1968 UTILITY RIGHT OF WAY

GRANTEE - MUNICIPALITY OF WOOD BUFFALO.

AS TO PORTION OR PLAN: 6100NY

(DATA UPDATED BY: TRANSFER OF UTILITY RIGHT

NIL

OF WAY 952088257)

TOTAL INSTRUMENTS: 001

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 17 DAY OF SEPTEMBER, 2024 AT 11:50 A.M.

ORDER NUMBER: 51638389

CUSTOMER FILE NUMBER:



#### \*END OF CERTIFICATE\*

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER, SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION, APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



#### Tax Search Tuesday, September 17, 2024

Lawyer's Client File Number: 756719 Roll Number: 8260000370 Account Number: 10518148

Legal Description (P/B/L): Plan: 5642NY Block: 1 Lot: 7

Civic Address: CANADA

Payment by Mortgage Company: No Payment by TIPP: No

Tax Year	Tax Levy
2024	\$392.76
2023	\$352.99
2022	\$319.82
2021	\$302.00
2020	\$263.60

#### Tax Balance:

Current Taxes Outstanding: \$11.78 Arrears Taxes Outstanding: \$0.00 Other Charges/Utility Transfers Outstanding: \$0.00 Total Taxes Outstanding: \$11.78

#### Additional unpaid accounts that may be added to taxes include:

Water/Sewer Charges (These amounts do not include final billing):

Current Utilities Outstanding: Not available-Contact Utility Billing Current Outstanding Due Date:

Arrears Utilities Outstanding: Not available-Contact Utility Billing Total Utilities Outstanding: Not available-Contact Utility Billing

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Assessment Report for this Property (No Charge)

Return to Account Search

#### \*NOTICE:

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#### LAND TITLE CERTIFICATE

S

LINC SHORT LEGAL TITLE NUMBER 0025 886 558 8322365;3;9B 942 019 491 +1

LEGAL DESCRIPTION

PLAN 8322365

BLOCK 3

LOT 9B

EXCEPTING THEREOUT:

A) THE NORTHERLY 4.96 METRES IN PERPENDICULAR WIDTH THROUGHOUT

EXCEPTING THEREOUT ALL MINES AND MINERALS

ATS REFERENCE: 4;7;112;8;NW

ESTATE: FEE SIMPLE

MUNICIPALITY: REGIONAL MUNICIPALITY OF WOOD BUFFALO

REFERENCE NUMBER: 932 048 992

\_\_\_\_\_\_

REGISTERED OWNER(S)

REGISTRATION DATE (DMY) DOCUMENT TYPE VALUE CONSIDERATION

\_\_\_\_\_\_

942 019 491 21/01/1994 TRANSFER OF PART

OF LAND

OWNERS

CREE-ATIONS ENTERPRISES LIMITED.

OF P. O. BOX 180 FORT CHIPEWYAN

ALBERTA TOP 1B0

-----

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

NO REGISTRATIONS

TOTAL INSTRUMENTS: 000

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 17 DAY OF SEPTEMBER, 2024 AT 11:51 A.M.

ORDER NUMBER: 51638405

CUSTOMER FILE NUMBER:



#### \*END OF CERTIFICATE\*

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER, SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

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#### LAND TITLE CERTIFICATE

S

LINC SHORT LEGAL TITLE NUMBER 0011 259 819 8321682;1;21 992 079 615

LEGAL DESCRIPTION

PLAN 8321682

BLOCK 1

LOT 21

EXCEPTING THEREOUT ALL MINES AND MINERALS

AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE

ATS REFERENCE: 4;7;112;8;N ATS REFERENCE: 4;7;112;17;S

MUNICIPALITY: REGIONAL MUNICIPALITY OF WOOD BUFFALO

REFERENCE NUMBER: 972 315 180

\_\_\_\_\_

REGISTERED OWNER(S)

REGISTRATION DATE (DMY) DOCUMENT TYPE VALUE CONSIDERATION

992 079 615 31/03/1999 TRANSFER OF LAND \$20,000 \$20,000

OWNERS

GUTHRIE MECHANICAL SERVICES LTD.

OF P.O. BOX 5175

FORT MCMURRAY

ALBERTA T9H 3G3

(DATA UPDATED BY: CHANGE OF NAME 192310666)

\_\_\_\_\_\_

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

852 046 445 08/03/1985 UTILITY RIGHT OF WAY

GRANTEE - ALBERTA POWER LIMITED.

"PART"

202 168 885 14/08/2020 MORTGAGE

MORTGAGEE - BANK OF MONTREAL.

350-7 AVENUE SW, 9 FLOOR

( CONTINUED )

Page 363

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

REGISTRATION

NUMBER DATE (D/M/Y)

PARTICULARS

# 992 079 615

CALGARY

ALBERTA T2P3N9

ORIGINAL PRINCIPAL AMOUNT: \$60,000,000

TOTAL INSTRUMENTS: 002

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 17 DAY OF SEPTEMBER, 2024 AT 11:53 A.M.

ORDER NUMBER: 51638512

CUSTOMER FILE NUMBER:



#### \*END OF CERTIFICATE\*

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#### Tax Search Tuesday, September 17, 2024

Lawyer's Client File Number: 756719 Roll Number: 8260003720 Account Number: 10518456

Legal Description (P/B/L): Plan: 8322365 Block: 3 Lot: 9B

Civic Address: 109 MCDONALD STREET FORT CHIPEWYAN AB T0P1B0 CANADA

Payment by Mortgage Company: No Payment by TIPP: No

Tax Year	Tax Levy
2024	\$400.47
2023	\$357.86
2022	\$322.52
2021	\$327.63
2020	\$288.85

#### Tax Balance:

Current Taxes Outstanding: \$0.00 Arrears Taxes Outstanding: \$0.00 Other Charges/Utility Transfers Outstanding: \$0.00 Total Taxes Outstanding: \$0.00

#### Additional unpaid accounts that may be added to taxes include:

Water/Sewer Charges (These amounts do not include final billing):

Current Utilities Outstanding: Not available-Contact Utility Billing Current Outstanding Due Date:

Arrears Utilities Outstanding: Not available-Contact Utility Billing Total Utilities Outstanding: Not available-Contact Utility Billing

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Assessment Report for this Property (No Charge)

Return to Account Search

#### \*NOTICE:

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#### LAND TITLE CERTIFICATE

S

LINC SHORT LEGAL TITLE NUMBER 0012 418 357 8322365;3;12A 932 048 993

LEGAL DESCRIPTION PLAN 8322365

BLOCK 3

LOT 12A

EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

ATS REFERENCE: 4;7;112;8;NW

MUNICIPALITY: REGIONAL MUNICIPALITY OF WOOD BUFFALO

REFERENCE NUMBER: 932 023 595

\_\_\_\_\_\_

REGISTERED OWNER(S)

REGISTRATION DATE (DMY) DOCUMENT TYPE VALUE CONSIDERATION

-----

932 048 993 24/02/1993 TRANSFER OF LAND \$15,000 \$15,000

**OWNERS** 

CREE-ATIONS ENTERPRISES LIMITED.

OF P. O. BOX 180 FORT CHIPEWYAN

ALBERTA TOP 1B0

\_\_\_\_\_\_

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

NO REGISTRATIONS

TOTAL INSTRUMENTS: 000

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 17 DAY OF SEPTEMBER, 2024 AT 11:53 A.M.

ORDER NUMBER: 51638497

CUSTOMER FILE NUMBER:



#### \*END OF CERTIFICATE\*

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#### Tax Search Tuesday, September 17, 2024

Lawyer's Client File Number: 756719 Roll Number: 8260003730 Account Number: 10518457

Legal Description (P/B/L): Plan: 8322365 Block: 3 Lot: 12A

Civic Address: 105 MCDONALD STREET FORT CHIPEWYAN AB T0P1B0 CANADA

Payment by Mortgage Company: No Payment by TIPP: No

Tax Year	Tax Levy
2024	\$363.32
2023	\$320.59
2022	\$289.91
2021	\$294.95
2020	\$260.41

#### Tax Balance:

Current Taxes Outstanding: \$0.00 Arrears Taxes Outstanding: \$0.00 Other Charges/Utility Transfers Outstanding: \$0.00 Total Taxes Outstanding: \$0.00

#### Additional unpaid accounts that may be added to taxes include:

Water/Sewer Charges (These amounts do not include final billing):

Current Utilities Outstanding: Not available-Contact Utility Billing Current Outstanding Due Date:

Arrears Utilities Outstanding: Not available-Contact Utility Billing Total Utilities Outstanding: Not available-Contact Utility Billing

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Assessment Report for this Property (No Charge)

Return to Account Search

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#### LAND TITLE CERTIFICATE

S

LINC SHORT LEGAL TITLE NUMBER 0010 154 433 5642NY;6;10 132 315 333

LEGAL DESCRIPTION PLAN 5642NY BLOCK 6 LOT 10

EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

MUNICIPALITY: REGIONAL MUNICIPALITY OF WOOD BUFFALO

REFERENCE NUMBER: 012 300 397

\_\_\_\_\_\_

REGISTERED OWNER(S)

REGISTRATION DATE (DMY) DOCUMENT TYPE VALUE CONSIDERATION

132 315 333 02/10/2013 TRANSFER OF LAND \$100,000 \$100,000

OWNERS

1112958 ALBERTA LTD. OF PO BOX 90 FORT CHIPEWYAN ALBERTA TOP 1B0

\_\_\_\_\_\_

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

4705PS 25/06/1968 UTILITY RIGHT OF WAY

GRANTEE - MUNICIPALITY OF WOOD BUFFALO.

AS TO PORTION OR PLAN: 6100NY

(DATA UPDATED BY: TRANSFER OF UTILITY RIGHT

OF WAY 952087974)

TOTAL INSTRUMENTS: 001

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 17 DAY OF SEPTEMBER, 2024 AT 11:49 A.M.

ORDER NUMBER: 51638356

CUSTOMER FILE NUMBER:



#### \*END OF CERTIFICATE\*

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#### Tax Search Tuesday, September 17, 2024

Lawyer's Client File Number: 756719 Roll Number: 8260000960 Account Number: 10518205

Legal Description (P/B/L): Plan: 5642NY Block: 6 Lot: 10

Civic Address: 112 MERCREDI STREET FORT CHIPEWYAN AB T0P1B0 CANADA

Payment by Mortgage Company: No Payment by TIPP: No

Tax Year	Tax Levy
2024	\$489.56
2023	\$459.10
2022	\$414.66
2021	\$420.79
2020	\$370.49

#### Tax Balance:

Current Taxes Outstanding: \$14.69 Arrears Taxes Outstanding: \$0.00 Other Charges/Utility Transfers Outstanding: \$0.00 Total Taxes Outstanding: \$14.69

#### Additional unpaid accounts that may be added to taxes include:

Water/Sewer Charges (These amounts do not include final billing):

Current Utilities Outstanding: Not available-Contact Utility Billing Current Outstanding Due Date:

Arrears Utilities Outstanding: Not available-Contact Utility Billing

Total Utilities Outstanding: Not available-Contact Utility Billing

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Assessment Report for this Property (No Charge)

Return to Account Search

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ADVERTISEMENT

Edmonton

# Mikisew Cree First Nation declares state of local emergency following multiple suicides

'We can feel the grief amongst the people, the hurt,' says Chief Billy-Joe Tuccaro

Wallis Snowdon · CBC News · Posted: Apr 25, 2023 12:07 PM MDT | Last Updated: April 25, 2023



The Mikisew Cree First Nation says suicides and suicide attempts have been increasing in the remote community of Fort Chipewyan, Alta. (Jeff McIntosh/The Canadian Pres)

A First Nation in northern Alberta has declared a state of local emergency following a string of suicide and suicide attempts among community members.

The Mikisew Cree First Nation says immediate medical intervention is needed in Fort Chipewyan, Alta., to address a mounting mental health crisis among members.

Suicides and suicide attempts have been increasing in the remote community accessible only by plane, boat or ice road, about 280 kilometres north of Fort McMurray, the MCFN said in a statement Tuesday.

Community leaders fear that if additional mental health resources don't arrive soon, the trend will have a tragic ripple effect among members.

"Leadership is also gravely concerned about the imminent potential of suicidal clusters, suicidal ideations, and suicidal planning among our youth," the statement reads.

"Our nation urgently needs mental health support in our community to address the immediate and short-term crisis and sustained funding for mental health and addictions in the long term, focusing on health promotion, prevention and reclaiming cultural identity."

The state of local emergency was declared Monday following a vote by the chief and council.

#### WATCH | Chief Billy-Joe Tuccaro discusses the situation in Fort Chipewyan, Alta.



In a video posted to social media, Mikisew Cree First Nation Chief Billy-Joe Tuccaro said the community has called on the federal and provincial governments to provide immediate support and long-term, sustainable funding for community mental health supports.

In a video posted to social media, Chief Billy-Joe Tuccaro said the community has called on the federal and provincial governments, including Alberta Health Services and Indigenous Services Canada, to provide immediate support and long-term, sustainable funding for community mental health supports.

Rick Wilson, Alberta's minister of Indigenous relations, said he is "deeply concerned" by the

"One death to suicide is too many," Wilson said in a statement. "I am committed to working with my government colleagues, including at the federal level, to understand what we can do to support Mikisew Cree First Nation and all Indigenous communities impacted by the loss of life due to suicide."

CBC News has requested comment from the federal government. Alberta Health Services declined to comment.

The community is also calling for a mental health crisis response team to be immediately dispatched to the community, Tuccaro said.

He did not provide an exact number but said multiple suicides have been reported.

He said outside support is needed to end a pattern of self-destructive behaviour in the community.

"We can feel the grief amongst the people, the hurt," he said.

"As the chief of the Mikisew Cree First Nation, I too get these calls about our membership wanting to hurt themselves. It's something that I take near and dear to my heart."

Tuccaro said the band and council can no longer turn a blind eye to the crisis unfolding in the community.

"Today, there is no more words," he said. "Today is a day of action. We can not stand by anymore and pretend that this is not a real issue."

In the video, Tuccaro urged anyone who is struggling to get help. He also shared a warning, urging parents to monitor their children's social media activity. Some sites are promoting risky behaviour among teenagers in the community, he said.

"Please, speak to your children," he said.

#### **Co-ordinating response**

Allan Adam, chief of the Athabasca Chipewyan First Nation, said ACFN plans to issue its own declaration and support a coordinated response to the suicide crisis in a community that also home for many ACFN members.

He said the two bands should work together to help "get a grip" on the crisis.

"It's affecting our young people our most," Adam said in an interview from Fort Chipewyan Tuesday. "That's a big problem here in the community.

"But they're not the only ones. It's people in general that are having all these issues."

Adam said the community is in the throes of a mental health crisis, exasperated by addiction to opioids and other drugs. People in the community who are suffering from depression often turn to drugs, leading to social disorder within the remote hamlet.

Mental health supports are important but the community must also focus on eliminating the drug trade, Adam said.

"These drug dealers need to be dealt with," Adam said. "Some of them are not from the community and they're plaguing our community, disrupting everything."

The Mikisew Cree First Nation takes a zero-tolerance approach to manufacturing, selling or possessing illegal drugs on the First Nation.

Not in Chip: Northern Alberta hamlet campaigning against drugs

In February, the band issued a bylaw authorizing Wood Buffalo RCMP to search homes on reserve lands or buildings owned by the First Nation in an attempt to eliminate the drug trade.

The band warned that offenders could be banned from the reserve or properties owned by the nation

"It's time we banded together and deal with the issue," Adam said. "If not, this crisis is going to keep on going."

Suicide rates have consistently been shown to be higher among First Nations people, Métis and Inuit in Canada than the rate among non-Indigenous people.

#### If you or someone you know is struggling, here's where to get help:

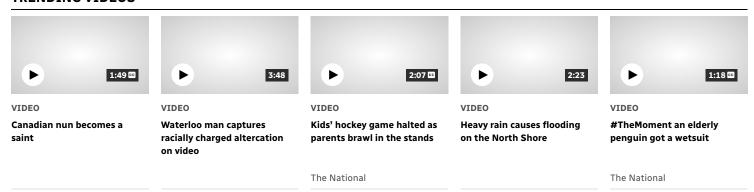
- Talk Suicide Canada: 1-833-456-4566 (phone) | 45645 (text between 4 p.m. and midnight ET).
- Kids Help Phone: 1-800-668-6868 (phone), live chat counselling on the website.
- Canadian Association for Suicide Prevention: Find a 24-hour crisis centre.
- This guide from the Centre for Addiction and Mental Health outlines how to talk about suicide with someone you're worried about.

CBC's Journalistic Standards and Practices | About CBC News

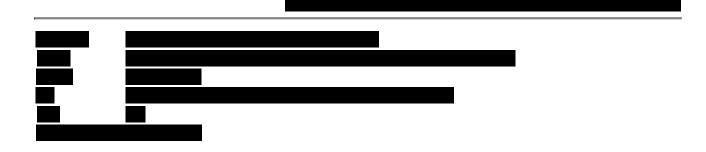
Corrections and clarifications | Submit a news tip | Report error ➤

#### TRENDING VIDEOS

Notice.



#### **RECOMMENDED FOR YOU** 4:36 UPDATED IN DEPTH 117 homebuvers out B.C. Greens mull role of Blade Runner 2049 Police release new details on 'It's like a cage': Foreign millions, as Ontario builder potential kingmaker after producers sue Elon Musk, workplace death of 19-yearworkers who quit Canadian admits to selling homes tight election Tesla, Warner Bros. Discovery old at Halifax Walmart Tire speak out about feeling without legal approvals over robotaxi images trapped by work permits Akshay Kulkarni Saloni Bhugra Shaina Luck **Brock Wilson** Canada - British Columbia Your privacy options We and select advertising partners collect some of your data in order to give you a better **Privacy Preferences** I Accept experience through personalized content and advertising. You can learn more in our Privacy



**From:** Colford, Brandon (RCMP/GRC) < <u>brandon.colford@rcmp-grc.gc.ca</u>>

Date: Monday, October 21, 2024 at 3:17 PM

**To:** Orlagh O'Kelly < <a href="mailto:orlagh.okelly@okellylaw.ca">orlagh.okelly@okellylaw.ca</a>>, Davison, Warren (RCMP/GRC)

<<u>warren.davison@rcmp-grc.gc.ca</u>>
Cc: ceo <<u>ceo@mikisewcree.ca</u>>

Subject: RE: RCMP Data re: Alcohol Related Occurances

Hey Orlagh, sorry for the delay.

I called the Fort McMurray Detachment to run the statistics, but due to the linking process on PROS, all alcohol involved occurrences were not populated in the reports, so it was very inaccurate. I had to individually check every PROS file for the year so it took a few hours. I only looked up the occurrences from 2024/01/01 to today. If you need a wider range of dates, please let me know.

Out of the detachments 697 occurrences in 2024, 328 were alcohol related. A breakdown is as follows:

- 91 Mischief
- 55 Assault
- 34 Breach of peace
- 32 Provincial/municipal/liquor act
- 28 Traffic related
- 22 Wellbeing check
- 19 Mental Health Act
- 10 911 hang ups
- 7 Assist General Public
- 6 Uttering Threats
- 6 Assistance to provincial agency
- 5 Theft
- 4 Fail to comply with conditions
- 2 Crime prevention
- 2 break and Enter
- 1 Sexual Assault
- 1 Items lost
- 1 trespass at night
- 1 Trespass

#### • 1 – Public Mischief

Additionally, our detachment has lodged 87 Prisoners in cells in 2024. Out of the 87, 69 were intoxicated by alcohol. If you need anything further or have any questions, please let me know!



**Cst. Brandon COLFORD** Fort Chipewyan Detachment

P.O. Box 328 Fort Chipewyan, AB TOP 1B0

Tel: 780-697-3931 Fax: 780-697-3624

#### Tuesday, October 22, 2024 at 12:09:39 Mountain Daylight Time

Subject: Re: Chief Tuccaro & Mikisew Response- RMWB Application for Liquor Store 2023-DP-00125

Date: Tuesday, October 22, 2024 at 12:09:39 PM Mountain Daylight Saving Time

From: Orlagh O'Kelly

To: nabil.malik@rmwb.ca, brett.williamson@rmwb.ca

CC: Shelley Metera

Attachments: image001.png, image002.png

From: Orlagh O'Kelly <<u>orlagh@robertsokelly.com</u>>
Sent: Thursday, August 17, 2023 3:36:49 PM

**To:** <u>nabil.malik@rmwb.ca</u> < <u>nabil.malik@rmwb.ca</u>>; <u>brett.williamson@rmwb.ca</u>

<brett.williamson@rmwb.ca>

Cc: patty.hajdu@parl.gc.ca <patty.hajdu@parl.gc.ca>; council@rmwb.ca <council@rmwb.ca>; mayor@rmwb.ca <mayor@rmwb.ca>; ir.ministeroffice@gov.ab.ca <ir.ministeroffice@gov.ab.ca>; dennis.fraser@rmwb.ca <dennis.fraser@rmwb.ca>; Mikisew Chief and Council <chiefandcouncil@mikisewcree.ca>; Dr. Rohan Ghatak <ceo@mikisewcree.ca>

Subject: Chief Tuccaro & Mikisew Response-RMWB Application for Liquor Store 2023-DP-00125

#### Good afternoon:

On behalf of Chief Billy-Joe Tuccaro and Mikisew Cree First Nation, please find enclosed in opposition to the above-noted application for a liquor store in Fort Chipewyan.

Sincerely,



#### Orlagh O'Kelly LLB

403, 10113 104 Street NW | Edmonton, Alberta | T5J 1A1

Amiskwaciwâskahikan - Treaty 6

T: 780 760 6752 E: orlagh@robertsokelly.com W: www.robertsokelly.com

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#### MIKISEW CREE FIRST NATION

ALLISON BAY INDIAN RESERVE #219 BOX 90, FORT CHIPEWYAN, ALBERTA TOP 1BO PHONE: (780) 697-3740 FAX: (780) 697-3826

August 17, 2023

#### VIA ELECTRONIC MAIL

Nabil Malik, Planner III Brett Williamson, Planner II Planning & Development Department Regional Municipality of Wood Buffalo 9909 Franklin Avenue Fort McMurray, AB, T9H 2K4

Dear Mssrs. Malik and Williamson:

**Re:** File Number 2023-DP-00125- Application for Development Permit

LOT 3 BLOCK 10 PLAN 5642NY

193 Mackenzie Avenue;

FORT CHIPEWYAN ALBERTA

I am a resident of Fort Chipewyan and the duly elected Chief of the Mikisew Cree First Nation ("Mikisew"). I write on my own behalf, and on behalf of Mikisew Cree First Nation, to strongly oppose the above noted application for a Liquor Store, Office and Warehouse in the centre of Fort Chipewyan, at 193 Mackenzie Avenue ("Application") - a discretionary permit application under the *Land Use Bylaw No. 99/059.*<sup>1</sup>

I also write with the support and unanimous approval of the Mikisew Chief and Council, and 84.51 per cent of the 71 Mikisew members who were able to participate in a Mikisew initiated survey, opened on August 15, 2023 and closed on August 17, 2023 ("Survey").<sup>2</sup>

#### 1. No Notice and No Consultation

The July 28, 2023, Notice to Adjacent Property Owners, invited those who "live within the hamlet boundaries of Fort Chipewyan" to provide any concerns or comments on the proposed Application. I am a resident of Fort Chipewyan.<sup>3</sup>

<sup>&</sup>lt;sup>1</sup> RMWB Bylaw No. 99/059: available at: <a href="https://www.rmwb.ca/en/mayor-council-and-administration/resources/Documents/Landusebylaw/Consolidated-Land-Use-Bylaw-99-059.pdf">https://www.rmwb.ca/en/mayor-council-and-administration/resources/Documents/Landusebylaw/Consolidated-Land-Use-Bylaw-99-059.pdf</a>.

<sup>&</sup>lt;sup>2</sup> Tab 2, Survey – Comparison of Responses by Mikisew members versus not: Q4: "Do you agree with a Liquor Store being licensed in the RMWB Hamlet of Fort Chipewyan?" and All Data from Survey.

<sup>&</sup>lt;sup>3</sup> Tab 1, Notice dated July 28, 2023, Notice to Adjacent Property Owners.

However, to my knowledge, no similar notice was provided to Mikisew members living in the neighbouring Dog Head Reserve 218 and Allison Bay Reserve 219. No consultation occurred with Mikisew's leadership. At minimum, we find this to be in breach of the spirit of "Reconciliation" and the Truth and Reconciliation Commission's Calls to Action. We also note that Mikisew has been provided no information or records relating to this Application as would normally be applicable such a decision, including the information and data on any harms/impacts assessment of another liquor store in our small community.

Similarly, the limited time and lack of notice has restricted our ability to respond. Nevertheless, given the gravity of the proposal to our community, we have marshalled the best response possible in the three (3) days since we officially took office (August 14, 2023).

#### 2. Duty Consult

By failing to even notify our Nation, Mikisew submits that the Regional Municipality of Wood Buffalo ("RMWB") has already breached the duty to consult and the honour of the Crown.

The "duty to consult" arises where there is a potential impact to aboriginal and Treaty rights, as protected under section 35 of the *Constitution Act*, 1982. Treaty 8 includes explicit written promises. It also includes oral promises, gleaned from the Crown's official records and our own oral histories. These in turn guide the duty to consult and the honour of the Crown, the latter which always applies to our relations.

#### Crown records on Treaty 8

Crown records confirm that Treaty 8 was intended to protect our health and to control the liquor trade. In the short time we had to prepare, we can offer you the following to support this assertion.

First, according to Dr. Pat McCormack's research of Crown records, a primary impetus for Treaty 8 was to control the "liquor trade".<sup>4</sup>

Second, the Crown records around Treaty 8 confirm that promises were made in relation to our health, for instance, as follows: "We assured them, however, that the Government would always be ready to avail itself of any opportunity of affording medical service just as it provided that the physician attached to the Commission should give free attendance to all Indians whom he might find in need of treatment as he passed through the country."

#### Oral promises in Treaty 8

Our oral histories confirm what was promised in Treaty 6 – our people would be protected from the scourge of "fire water" and alcohol would be restricted, if not prohibited on reserves.<sup>6</sup> For example, an interpreter during those negotiations explained as followed:

<sup>&</sup>lt;sup>4</sup> Patricia A. McCormack, *Fort Chipewyan and the Shaping of Canadian History, 1788-1920s*, UBC press, 2010, at pp. 166-167.

<sup>&</sup>lt;sup>5</sup> Treaty No. 8 Made June 21, 1899 and Adhesions, Reports, Etc. R. Duhamel, FRSC Queen's Printer and Controller of Stationery Ottawa, 1966, 1899, Cat No.: Ci 72-0866, IAND Publication No. QS-0576-000-EE-A-16, available at: https://www.rcaanc-cirnac.gc.ca/eng/1100100028813/1581293624572.

<sup>&</sup>lt;sup>6</sup> This is the thesis in Harold Johnson, *Firewater: How Alcohol Is Killing My People (and Yours)*, University of Regina Press, 2016.

"They asked for an ox and a cow [for each family; an increase in the agricultural implements; provisions for the poor, unfortunate, blind and lame; to be provided with missionaries and school teachers; **the exclusion of fire water in the whole of Saskatchewan**; a further increase in agricultural implements as the band advanced in civilization; freedom to cut timber on Crown lands; liberty to change the site of the reserves before the survey; free passages over Government bridges or scows; other animals, a horse, harness and wagon, and cooking stove for each chief; a free supply of medicines; a hand mill to each band; and lastly, that in case of war they should not be liable to serve."

Alexander Morris explained that this was indeed part of the oral promises. According to an INAC Treaty 6 report, Alexander Morris noted that the "exclusion of intoxicating liquor and the provision of schools had already been offered in the proposed terms."

Harold Johnson, the late Woodland Cree person and lawyer, also noted that Treaty 6 included this oral promise. Although less documented by written records and although time does not permit the inclusion of the basis for this position, Mikisew submits that Treaty 8 included the same oral promise.<sup>8</sup>

#### Conclusion on Treaty, Duty to Consult and Honour of the Crown

Allowing the Application will impact not only Mikisew' Treaty rights, but the solemn Treaty relationship between Mikisew and the Crown, as represented by the municipality, a creature of provincial statute in this case, responsible with the administration of municipal affairs. This certain impact gives rise to at least a potential impact on the Mikisew's Treaty Rights, giving rise to a duty to consult which was in no way complied with. Further and/or in the alternative, the requirement to consider the "public interest" and the Honour of the Crown should have at least required notice to and consultation with Mikisew in this process. 10

#### 3. Mikisew and RMWB

We are concerned that RMWB will take an individualistic approach to this Application, failing to consider the interests of Mikisew as collective. As such, we remind RMWB that, according to our records, a majority of Fort Chipewyan residents are Mikisew members. An estimated 583 Fort Chipewyan residents of approximately 1000 are Mikisew members.

Further our reserves are neighbouring the hamlet of Fort Chipewyan, separated only by federal Crown lands. Indeed, our communities are intertwined, and our reserve residents depend on many services and businesses in Fort Chipewyan. It would be incorrect to consider this Application, given its effects on our members, as disconnected from Mikisew and our members living on reserve. Although Mikisew can pass

<sup>&</sup>lt;sup>7</sup> John Leonard Taylor, *Treaty Research Report Treaty Six (1876*), Treaties and Historical Research Centre, Indian and Northern Affairs Canada, 1985 at p.

<sup>&</sup>lt;sup>8</sup> Harold Johnson, Firewater: How Alcohol Is Killing My People (and Yours), University of Regina Press, 2016.

<sup>&</sup>lt;sup>9</sup> Felix Hoehn and Michael Stevens, Local Governments and the Crown's Duty to Consult, 2018 55-4 *Alberta Law Review* 971, 2018 CanLIIDocs 88, ; Angela D'Elia Decembrini and Shin Imai, Supreme Court of Canada Cases Strengthen Argument for Municipal Obligation to Discharge Duty to Consult: Time to Put Neskonlith to Rest, 2019 56-3 *Alberta Law Review* 935, 2019 CanLIIDocs 364.

<sup>&</sup>lt;sup>10</sup> See for example: Fort McKay First Nation v Prosper Petroleum Ltd, 2020 ABCA 163 (CanLII), at <u>para 39</u>; Three Sisters Mountain Village Properties Ltd. v Town of Canmore, 2022 ABLPRT 671 (CanLII), at <u>paras 186-192</u>; AltaLink Management Ltd. v. Alberta (Utilities Commission), 2021 ABCA 3424; Municipal Government Act, RSA 2000, c M-26, <u>s 686. (3)(c).</u>

its own intoxicant by-laws under the *Indian Act* or its inherent powers, they cannot control the flow from Fort Chipewyan onto reserve if a new liquor store is permitted by RMWB. Neither is such a unilateral approach consistent with the Calls To Action (which include local governments) and the RMWB's own Policy.<sup>11</sup>

#### 4. The effects of Alcohol on Mikisew and the community

Alcohol is a known agent of harm in our community. It perpetuates and enhances intergenerational traumas. It is a leading, if not the leading, cause of crime in Fort Chipewyan. Due to time constraints, we do not have the data from the Royal Canadian Mounted Police, but anecdotally, we know that alcohol and drugs have caused and contributed to many violent crimes in our community.

It is important that RMWB know that, historically, alcohol was used as an agent of genocide<sup>12</sup>, at worst, or as tool in bad faith dealings with First Nations. When approaching this Application, it is expected that RMWB be aware of this past.

Further, and consistent with what our Chief and Council know about alcohol's impacts on our community, our Survey's 42 comments were unanimously not in support of the Application, stating for example:

"My only comment is that people know how much alcohol and hard drugs affect our community. To want to get another liquor store is a backstab to us community members who argue against it. Instead of opening another liquor store (when we already have one), I suggest alternative options like building a library or a community space where older teens can gather and engage in positive activities. This way, we focus on creating a healthier and more supportive environment for everyone."

"We have a major drug and alcohol problem in community with the 1 liquor store. This contributes to the mental health crisis we are still currently in. The thought of putting another liquor store in town is outrageous and would cause even more damage to this community. Leadership and RCMP can barely even handle all the crime, addiction, and abuse happening now with 1 liquor store."

"RMWB should get the statistics from the RCMP on the crime rates in Fort Chip that are directly related to alcohol and base their decision on that!" <sup>14</sup>

<sup>&</sup>lt;sup>11</sup> <u>Call to Action</u> #43, 57:; RMWB, <u>Council Policy: Public Engagement, PRC-130</u>, May 10, 2022;RMWB, <u>Responding to the Truth and Reconciliation Commission's Calls to Action: Principles for a Collaborative Pathway Forward.</u>

<sup>&</sup>lt;sup>12</sup> Saggers, Sherry; Gray, Dennis (2 November 1998). <u>Dealing with Alcohol: Indigenous Use in Australia, New Zealand and Canada</u>. Cambridge University Press. <u>ISBN 9780521629775</u>; Lesley Elena (2019). <u>"Cultural Impairment and the Genocidal Potential of Intoxicants: Alcohol use in Colonial North America"</u>. <u>Genocide Studies and Prevention.</u> 13 (1): 88–97. <u>doi:10.5038/1911-9933.13.1.1622</u>.O. Laughland and T.Silverstone, "<u>Liquid genocide</u>: alcohol destroyed Pine Ridge reservation – then they fought back", *The Guardian* September 29, 2017.

<sup>&</sup>lt;sup>13</sup> <u>"Benjamin Franklin, The Autobiography of Benjamin Franklin, Section Fourty Eight"</u> where Benjamin Franklin stated, among other thing that the Indians were promised that if "they continue sober during the Treaty" they would be given plenty rum when the Treaty concluded in 1788. See also the Toronto Purchase, <u>Treaty 13</u>, where 96 gallons of rum was included in the explicit terms of the Treaty in 1805.

<sup>&</sup>lt;sup>14</sup> Tab 3, Survey – Comments in response to Q6.

In relation to the final comment, Mikisew has requested the data from RCMP. We understand that this data, too, reflects that a high proportion of criminal/violent incidents in Fort Chipewyan and on reserve involve alcohol. We will provide this information as soon as we receive the same.

Finally, we also understand that there are several negative health effects from alcohol, either through these acute violent incidents (stabbings, beatings, shootings, drinking and driving and suicides) or through chronic health issues, known to often be caused by alcohol. For example, cancer is the leading cause of death in Canada and the use of alcohol is believed to cause nearly 7,000 of those cancer deaths each year. After looking at this data and others, Harold Johnson calculated that approximately half of his people (Woodland Cree in Saskatchewan) would die an alcohol related death. We have requested the information regarding alcohol and community health from Nunee Health and will, also, provide any response to RMWB as soon as possible.

#### 5. Conclusion: requested Decision

We ask that you consider the present and historical harm of alcohol in our community, which includes the majority of Fort Chipewyan residents, in denying the Application.

In the alternative, if you are considering approving the Application, we ask for a further opportunity to provide more fulsome submissions than those above.

We welcome, going forward, collaboration to create, as the respondents to the Survey suggest, a gathering place or a mental health centre instead of another liquor store.

If you have any questions about the above or enclosed, we would be pleased to discuss further. Your attention to this matter is appreciated.

Hiy Hiy,

Chief Billy-Joe Tuccaro, Mikisew Cree First Nation

cc. Mayor Sandy Bowman and RMWB Council (<a href="mailto:council@rmwb.ca">council@rmwb.ca</a> and <a href="mayor@rmwb.ca">mayor@rmwb.ca</a> and <a href="mayor@r

<sup>&</sup>lt;sup>15</sup> Canadian Centre on Substance Use and Addiction, *Canada's Guidance on Alcohol and Health: Final Report*, January 2023, pages 10-11.

July 28, 2023

## NOTICE TO ADJACENT PROPERTY OWNERS

File Number 2023-DP-00125 – Application for Development Permit LOT 3 BLOCK 10 PLAN 5642NY; 193 Mackenzie Avenue; FORT CHIPEWYAN ALBERTA

An application has been received by the Planning and Development department to develop a Liquor Store, Office and Warehouse at the property listed above.

You are being informed of this Development Permit before a decision is rendered because you live within the hamlet boundaries of Fort Chipewyan. A subject property Map is attached for your reference.

The subject property is zoned for HC – Hamlet Commercial where Liquor Store, Office and Warehouse sales are considered Discretionary Uses. *Discretionary Uses* are land uses which may be considered on a property AND include a twenty-one (21) day appeal period after a decision is rendered.

We ask that if you have any concerns or comments regarding this application that you forward these in writing referencing the above noted File Number, for the consideration of the Development Authority by 4:30 p.m. on August 17, 2023. All received comments will be reviewed by the Development Authority prior to a decision. If a response is not received it is assumed, you have no comments/concerns regarding this application.

Your concerns/comments may be sent in writing to the Development Officer by one (1) of the following methods:

Email: Nabil.Malik@rmwb.ca Mail: Nabil Malik, Planner III

Planning & Development Department Regional Municipality of Wood Buffalo

9909 Franklin Avenue Fort McMurray, AB; T9H 2K4 Email: Brett.Williamson@rmwb.ca Mail: Brett Williamson, Planner II

Planning & Development Department Regional Municipality of Wood Buffalo

9909 Franklin Avenue Fort McMurray, AB: T9H 2K4

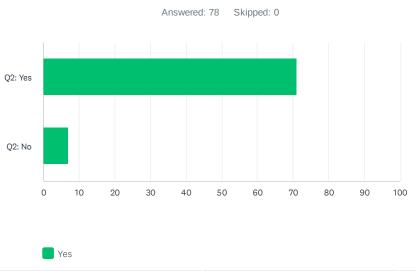
Regional Municipality of Wood Buffalo

1



Q1 You are being asked to participate in a survey to better understand how MCFN members, living in Fort Chipewyan, Alison Bay or Dog Head, consider the application to licence a liquor store in Fort Chipewyan (the Hamlet), which is adjacent to MCFN reserve land. The data from the survey will be used to inform MCFN's position in response tot his liquor store application. The survey has only three questions. The survey is being conducted by MCFN, initiated by Chief and Council. It should take less than 3 (three) minutes to complete).PARTICIPATION: Your participation in this survey is voluntary. You may refuse to take part in the survey or exit the survey at any time without penalty. You are free to decline to answer any question you do not wish to answer for any reasons. BENEFITS: In completing this survey to the best of your ability, you will help MCFN develop a position on this application that is informed by MCFN members living in Fort Chipewyan, Dog Head or Alison Bay.RISKS: Since this survey is on the topic of alcohol on and near reserve, there is a risk that you may find this process suesntive and answering them may cause emotion discomfort/triggering. If you need additional support please call the 24-hour Hope for Wellness Help Line 1-855 242 3310.CONFIDENTIALITY:

Your name will not be attached the information you provide, and all results will be anonymous. Your survey answers will be stored in a password protected electronic format. Your name and/or status number, if provided, will only be used to confirm you are a MCFN member.CONTACT: If you have any questions about completing the survey, please contact the MCFN Health Department.ELECTRONIC CONSENT: Please select your choice below. Clicking on the "Yes" button indicates that:- You have read the survey information provided above - You voluntarily agree to participate- You are 18 years of age or older- You understand the survey will take 3 minutes to complete1. I consent to participate in the survey, as described above



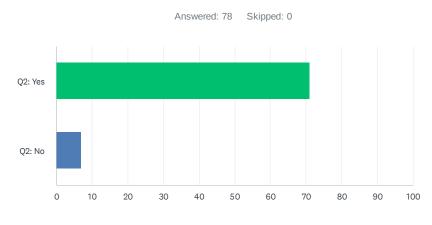
	YES	TOTAL
Q2: Yes (A)	100.00% 71	91.03% 71
Q2: No (B)	100.00% 7	8.97% 7
Total Respondents	78	78

### MCFN SURVEY ON LIQUOR STORE APPLICATION

159

	IF YOU ARE WILLING, PLEASE PROVIDE YOUR NAME AND/OR STATUS NUMBER FOR THE SOLE PURPOSE OF CONFIRMING YOU ARE A MCFN MEMBER (IF YOU DO NOT WISH TO ANSWER, PLEASE ENTER N/A)		TOTAL
Q2: Yes (A)		57	57
Q2: No (B)		4	4

## Q2 Are you a MCFN member?

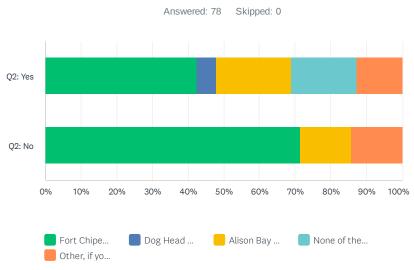




Yes

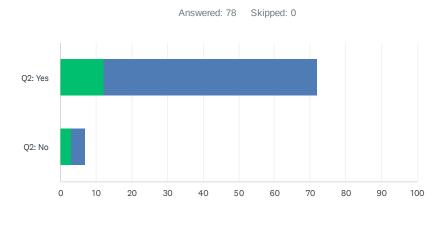
No

## Q3 Where do you live:



	FORT CHIPEWYAN	DOG HEAD RESERVE 218	ALISON BAY RESERVE 219	NONE OF THE ABOVE	OTHER, IF YOU WISH TO SPECIFY WHERE YOU LIVE:	TOTAL
Q2: Yes (A)	42.25% 30	5.63% 4	21.13% 15	18.31% 13	12.68% 9	91.03% 71
Q2: No (B)	71.43% 5	0.00%	14.29% 1	0.00%	14.29% 1	8.97% 7
Total Respondents	35	4	16	13	10	78

## Q4 Do you agree with another Liquor Store being licensed in the RMWB hamlet of Fort Chipewyan?

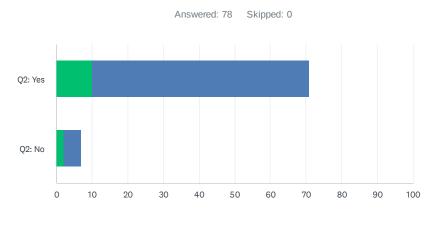


	YES	NO		TOTAL
Q2: Yes (A)		16.90% 12	84.51% 60	92.31% 72
Q2: No (B)		42.86%	57.14% 4	8.97% 7
Total Respondents	15	64		78

Yes

No.

## Q5 Do you agree with a Liquor Store being licensed on a MCFN reserve?





No

Yes

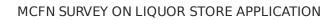
## Q6 Do you have any comments regarding this survey:

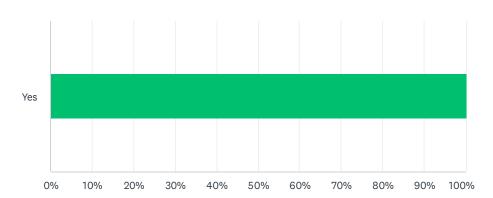
Answered: 41 Skipped: 37

	DO YOU HAVE ANY COMMENTS REGARDING THIS SURVEY:	TOTAL
Q2: Yes	100.00% 40	97.56% 40
Q2: No	100.00% 1	2.44%
Total Respondents	41	41

Q1 You are being asked to participate in a survey to better understand how MCFN members, living in Fort Chipewyan, Alison Bay or Dog Head, consider the application to licence a liquor store in Fort Chipewyan (the Hamlet), which is adjacent to MCFN reserve land. The data from the survey will be used to inform MCFN's position in response tot his liquor store application. The survey has only three questions. The survey is being conducted by MCFN, initiated by Chief and Council. It should take less than 3 (three) minutes to complete). PARTICIPATION: Your participation in this survey is voluntary. You may refuse to take part in the survey or exit the survey at any time without penalty. You are free to decline to answer any question you do not wish to answer for any reasons. BENEFITS: In completing this survey to the best of your ability, you will help MCFN develop a position on this application that is informed by MCFN members living in Fort Chipewyan, Dog Head or Alison Bay.RISKS: Since this survey is on the topic of alcohol on and near reserve, there is a risk that you may find this process suesntive and answering them may cause emotion discomfort/triggering. If you need additional support please call the 24-hour Hope for Wellness Help Line 1-855 242 3310.CONFIDENTIALITY: Your name will not be attached the information you provide, and all results will be anonymous. Your survey answers will be stored in a password protected electronic format. Your name and/or status number, if provided, will only be used to confirm you are a MCFN member.CONTACT: If you have any questions about completing the survey, please contact the MCFN Health Department.ELECTRONIC CONSENT: Please select your choice below. Clicking on the "Yes" button indicates that:- You have read the survey information provided above - You voluntarily agree to participate-You are 18 years of age or older- You understand the survey will take 3 minutes to complete1. I consent to participate in the survey, as described above

Answered: 79 Skipped: 0





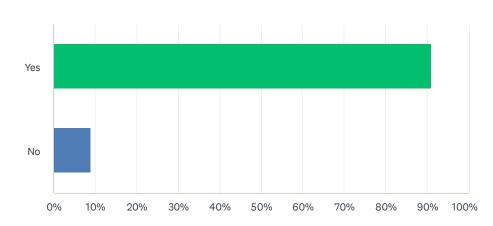
ANSWER CHOICES	RESPONSES	
Yes	100.00%	79
Total Respondents: 79		

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## Q2 Are you a MCFN member?

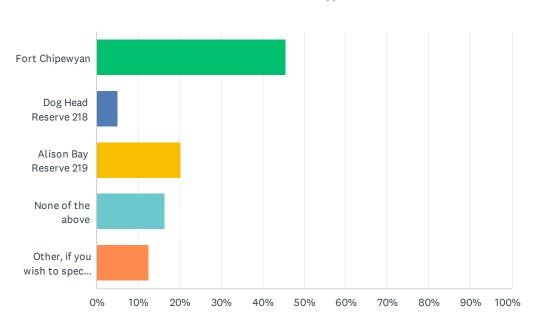




ANSWER CHOICES	RESPONSES	
Yes	91.03%	71
No	8.97%	7
Total Respondents: 78		

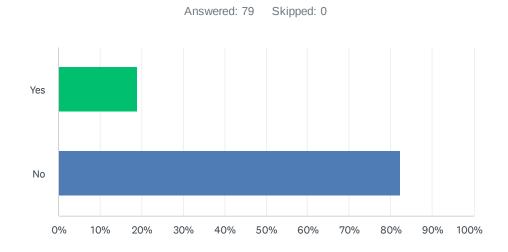
## Q3 Where do you live:





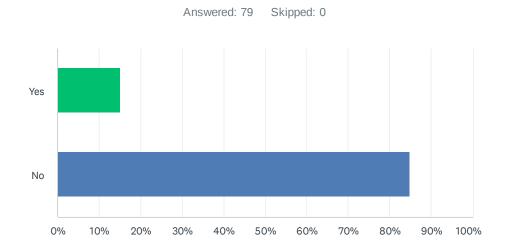
ANSWER CHOICES	RESPONSES	
Fort Chipewyan	45.57%	36
Dog Head Reserve 218	5.06%	4
Alison Bay Reserve 219	20.25%	16
None of the above	16.46%	13
Other, if you wish to specify where you live:	12.66%	10
TOTAL		79

# Q4 Do you agree with another Liquor Store being licensed in the RMWB hamlet of Fort Chipewyan?



ANSWER CHOICES	RESPONSES	
Yes	18.99%	15
No	82.28%	65
Total Respondents: 79		

## Q5 Do you agree with a Liquor Store being licensed on a MCFN reserve?



ANSWER CHOICES	RESPONSES	
Yes	15.19%	12
No	84.81%	67
Total Respondents: 79		

# Q6 Do you have any comments regarding this survey:

Answered: 42 Skipped: 37

# Q6 Do you have any comments regarding this survey:

Answered: 41 Skipped: 37

	DO YOU HAVE ANY COMMENTS REGARDING THIS SURVEY:	T	OTAL
Q2: Yes		100.00% 40	97.56% 40
Q2: No		100.00%	2.44% 1
Total Respon	ndents 41		41
#	Q2: YES	DATE	
1	The liquor store that's in question isn't on a reserve, not sure why this is a question.	8/16/2023 8:24 P	М
2	We have a major drug and alcohol problem in community with the 1 liquor store. This contributes to the mental health crisis we are still currently in. The thought of putting another liquor store in town is outrageous and would cause even more damage to this community. Leaderships and RCMP can barley even handle all the crime, addiction, and abuse happening now with 1 liquor store.	8/16/2023 2:37 P	M
3	I strongly disagree to even have a liquor store in Fort chip let alone another. Our community suffers with addiction with alcohol /drugs. You really think that brining another liquor store would do good for our community. Alcohol doesn't cure trauma/depression. Why not open a clinic that specializes in mental health and addictions. Get out people on the right track not feeding their addiction by adding another liquor store. I believe Fort Chipewyan should be a dry reserve. A community I know in MB has a dry reserve, to see the beauty in the community. The activity's for the children and more job opportunity's for the adults is amazing. I strongly disagree having another liquor store. Although I don't live in Fort chip I see from a far how liquor/drugs affects the community.	8/16/2023 2:21 P	M
4	We don't need another liquor store in Fort Chipewyan.	8/16/2023 1:06 P	М
5	A big fat No for putting up another liquor store please don't let this happen who ever is trying to do this should worry about all what's happening with drugs and alcohol so No no for putting up another problem	8/16/2023 11:53	AM
6	Liquor stores destroys families and lives. Not needed in such a tiny place lije Ft. Chipewyan.	8/16/2023 7:20 A	М
7	Don't need better liquor store. We would do better if there was no liquor store in Fort Chipewyan	8/16/2023 6:04 A	М
8	We do not want another liquor store. We don't want more problems with drugs and alcohol. Please and thanks	8/16/2023 5:15 A	М
9	RMWB should get the statistics from the RCMP on the crime rates in Fort Chip that are directly related to alcohol and base their decision on that!	8/16/2023 12:43	AM
10	We don't need more liquor stores	8/16/2023 12:35	AM
11	100% not in support of having another liquor store.	8/15/2023 11:40	PM
12	Open a Tim Hortons	8/15/2023 11:33	PM
13	We have a major issue in the community with alcohol and drugs right now. Why have 2 liquor stores open when we don't even have one AA meeting place that is open 24 hrs a day people have problems all the time not just 9-5 during working hours. If ppl have some place to go in the evening and even to camp a safe place for kids to to go when they're parents are partying and on drugs so they can provided for and protected as the cops can't do anything at peoples residence. I would like to know who applied for the liquor store seems like they don't care for the ppl except just to make dollar at peoples expense and the children that have to live with it.	8/15/2023 11:31	РМ
14	My only comment is that people know how alcohol and hard drugs affect our community. To want to get another liquor store is a backstab to us community members who argue against it. Instead of opening another liquor store (when we already have one), I suggest alternative options like building a library or a community space where older teens can gather and engage in positive activities. This way, we focus on creating a healthier and more supportive environment for everyone	8/15/2023 11:16	РМ
15	Profiting from addictions is gross.	8/15/2023 11:09	PM
16	Unacceptable as our people are struggling enough with alcohol and drugs.	8/15/2023 7:35 P	М
17	Why do we need another liquor store when the one we have here has already ruined young lives we need a damn treatment centre that people can actually go to, also why make another liquor store when there should be a cannabis store	8/15/2023 5:10 P	M
18	We have enough problems with one liquor store here and with the meth and crack situation, and violence against our members like myself. I STRONGLY DISAGREE this this liquor store. We as members are already losing our young ones mind set to this problem.	8/15/2023 5:05 P	M
19	Too much addictions within the community. It does more harm than good. Death comes from Liquor and my people are tired of seeing all the death.	8/15/2023 3:10 P	М
20	Our community does not need another liquor store!!!!!	8/15/2023 3:06 PM	
21	the last thing we need is another liquor store, let alone one. i don't agree with this at all.	8/15/2023 2:52 P	М

22	We have enough problems as it is in Fort chip just because someone doesn't wanna walk up a hill doesn't mean we need another place of alcohol that is ruining our community as a nation mikisew should be against this. this liquor store should be denied. Everyone always blames liquor and the liquor store when something happens I flat out say NO thank you to this liquor store application.	8/15/2023 2:52 PM
23	Alcohol addiction is a very high in this community and we do not need another one!!!!	8/15/2023 2:32 PM
24	We don't need another liquor outlet	8/15/2023 2:23 PM
25	We have enough tragedy in Fort Chipewyan without another liquor store	8/15/2023 2:04 PM
26	N/A	8/15/2023 1:59 PM
27	Liquor ruined our culture and the way the world sees us as people, we shouldn't even have one on our land let alone two. Have more cultural healing instead of poison	8/15/2023 1:50 PM
28	Make something useful. The last thing the community needs is another liquor store. What idiot even proposed that idea.	8/15/2023 1:44 PM
29	I'm a non drinking individual, making a sober community and banning liquor will make an issue worth. People will find a way to drink one way or another, most likely in an dangerous manner. Whether there's 2 liquor stores or not, isn't the issue.	8/15/2023 1:39 PM
30	Think back on when they had the VLT's. it hurt the families. and the children mostly,,,,,there enough drugs in Ft. Chip without a liquor. Store,,,,,big mistake. Don't don't. do it plz,,,,,you will make the family pitiful. ,,,,especially the children,,,,	8/15/2023 1:30 PM
31	It doesn't matter to me we will never stop the liquor can't even evict people from homes or stop the hard drugs what's the difference	8/15/2023 1:26 PM
32	Alcohol and drugs have a big impact on our community in regards to violence and suicides, as a member we should not condone this behaviour and should be helping our nation succeed in life and sobriety	8/15/2023 1:19 PM
33	It's time for healing not more destruction. Liquor is killing the people! Invest in a rehabilitation center please!!!	8/15/2023 1:08 PM
34	There are enough social problems in the community. There is gang violence associated with drug use, children are able to access alcohol from the established liquor store here. We do not need another liquor store. We need adequate programs for the families and children to deal with the existing problems and trauma.	8/15/2023 1:05 PM
35	alcohol is killing our people and is a breach of our treaty	8/15/2023 12:57 PM
36	It's a ridiculous idea to even think about bringing more alcohol into the community, when we all know there is already a severe crisis with our younger people! They no not need another liquor store they need a rehabilitation centre or a facility to go to get clean and get healthy, why is the chief and council not worried about the health of our people!??? they do not care about the next generation??	8/15/2023 12:44 PM
37	With all the alcohol and drug related problems in our community, I hope this doesn't get approved.	8/15/2023 12:44 PM
38	Why are you going to get another liquor store on the reserve when there is one already not to mention the issues the reserve is facing this last two years. This is absolutely reckless for chief and council to profit off of addictions that have brought so much crazy behaviours. Why don't you make effort to do better for our members!	8/15/2023 12:41 PM
39	One is good enough make a dame rehab center	8/15/2023 12:37 PM
40	Drugs and alcohol are a big problem in the community, there does not need to be another liquor store. We are trying to get our people clean and healthy, not add to the problem. Ive moved away from chip because there has been far too much violence because of drugs and alcohol in the community.	8/15/2023 12:36 PM
#	Q2: NO	DATE
1	too much problems in this community with drugs and alcohol already another liquor store is just gonna make things worst for the community	8/17/2023 11:14 AM





# PROTOCOL AGREEMENT

An Agreement for Collaboration and a Renewed Relationship Between the Mikisew Cree First Nation and the Regional Municipality of Wood Buffalo

#### BETWEEN:

Mikisew Cree First Nation (the "MCFN")

AND

Regional Municipality of Wood Buffalo (the "Municipality")

# 1.0 PREAMBLE

- A. The history of Turtle Island, now known as Canada, Alberta, and the Regional Municipality of Wood Buffalo (RMWB) has been shaped and greatly influenced by Indigenous Peoples with their own languages, cultures, traditions, and government structures.
- B. Section 35 of the Constitution Act, 1982 explicitly recognizes and affirms the existing Aboriginal and treaty rights of the Aboriginal peoples of Canada and indicates that the term "Aboriginal peoples of Canada" includes the First Nation, Inuit and Métis people of Canada, including the Mikisew Cree First Nation (MCFN), are recognized and affirmed.
- C. The Municipality recognizes that the MCFN holds Aboriginal rights, Treaty rights and MCFN reserve land exists within or inside of the physical limits of the Municipal boundaries.
- D. It is in the mutual interests of both Parties to foster a stronger and more defined collaborative government-to-government relationship.
- E. The Municipality and the MCFN have the mutual objective of taking significant steps towards advancing truth and reconciliation through action and dialogue.
- F. The Municipality and the MCFN wish to define their mutual relationship and establish and detail how the two Parties will collaboratively work together.





- G. The Parties recognize that the commitment to discussions and processes provided for in this Agreement are steps towards truth and reconciliation and are expected to provide clarity and predictability for the MCFN, the Municipality, members of the MCFN and citizens of the Region.
- H. The Parties are committed to truth and reconciliation, as defined by the Truth and Reconciliation Commission of Canada, through establishing and maintaining a mutually respectful relationship.

**NOW THEREFORE** the Parties enter into this Agreement with the intention and desire to establish a collaborative government-to-government protocol and relationship, in the spirit of taking action to achieve truth and reconciliation, for the shared benefit of the MCFN and the Municipality. The Parties agree as follows:

# 2.0 <u>DEFINITIONS</u>

- 2.1 For the purposes of this Agreement, the following definitions apply:
  - (a) "Agreement" means this Protocol Agreement between the Regional Municipality of Wood Buffalo and the MCFN
  - (b) Capacity Support" means funding provided by the Municipality through the Indigenous Community Capacity Grant Program FIN-250 to the MCFN to assist the MCFN with implementing the commitments and responsibilities outlined in this Agreement
  - (c) "Effective Date" means the date this Agreement is fully executed by both Parties
  - (d) "Indigenous" means the original peoples of the land (First Nations (status and non-status), Métis and Inuit), distinct social and cultural groups sharing collective ancestral ties to the lands and natural resources within (and beyond) the boundaries of the Municipality
  - (e) "Joint Committee" means appointed staff or administration appointed by both Parties to fulfill the roles identified in Section 7.2
  - (f) "Municipality" or "RMWB" means the Regional Municipality of Wood Buffalo
  - (g) "Parties" collectively means the MCFN and the Municipality and individually either the MCFN or the Municipality, as the case requires





- (h) "Principles of Reconciliation" means the ten guiding principles respecting the Government of Canada's relationship with Indigenous peoples published in 2018
- (i) "UN Declaration" means the UN General Assembly, United Nations Declaration on the Rights of Indigenous Peoples: resolution adopted by the General Assembly, 2 October 2007, A/RES/61/295
- (j) "Work Plan" means an annual aspirational exercise involving both Parties where anticipated engagement work will be reviewed, considered and structured for the following year.

# 3.0 PURPOSE

- 3.1 The purpose of this Agreement is to:
  - (a) establish agreed processes for a renewed government-to-government relationship between the Municipality and the MCFN
  - (b) agree and confirm the responsibilities, processes and actions pursuant to which the two Parties will address matters of mutual interest
  - (c) establish a "Joint Committee" through which the Municipality and the MCFN will manage and collaborate on joint priorities
  - (d) formalize an engagement process with the MCFN on municipal projects, programs, policies or decisions that are of interest to, or may have impact on the MCFN.

# 4.0 PROTOCOL PRINCIPLES

- 4.1 The Parties recognize that the successful implementation of this Agreement will require systematic, timely and disciplined efforts by both Parties. The Parties agree to the following principles:
  - (a) acting in an open, good faith and transparent manner toward one another in dealing with the matters set out in this Agreement and when implementing this Agreement
  - (b) continuous education, knowledge and understanding of the Parties' mutual interests





- (c) applying a results-driven approach to all discussions, negotiations and the implementation of this Agreement
- (d) building a relationship based on trust and collaboration between the MCFN and the Municipality, applying the Principles of Reconciliation
- (e) expanding the Municipality's knowledge of, and appreciation for, the MCFN history, culture and way of life.

# 5.0 ENGAGEMENT PROTOCOL

- 5.1 All high-level policies and initiatives undertaken by the Municipality with the MCFN will be on a government-to-government basis and not be viewed as public or stakeholder engagement.
- 5.2 Despite section 5.1, the Municipality will use its best efforts to engage with the MCFN on projects, programs, policies and decisions that may have an impact on the MCFN or its membership, in accordance with its current public engagement policies, including but not limited to:
  - (a) the Public Engagement Administrative Procedure PRC-130-P01; and
  - (b) the Public Engagement Policy PRC-130

as amended or as replaced from time to time.

- 5.3 The Parties agree to the following principles for engagement:
  - (a) sufficient prior notification and engagement by the Municipality with the MCFN where the Municipality reasonably believes that a municipal project, program, or policy may affect the interests of the MCFN
  - (b) at the request of the MCFN, further detailed information on any municipal project, program, or policy will be provided to the MCFN to allow the MCFN to assess their interest in or potential impact from such project, program, or policy and to meaningfully participate in any municipal engagement process
  - (c) reporting back to the MCFN on how the input from the MCFN has been considered and incorporated into any municipal decision.
- 5.4 The Parties agree to the following process for engagement undertaken by the Municipality:





- (a) the Municipality will annually provide to the Joint Committee a list of projects, programs, policies and decisions to the MCFN that may impact the MCFN or its members
- (b) The MCFN will advise the Municipality of the recommended level of engagement through the Joint Committee
- (c) the Municipality will use its best efforts to follow the preferred engagement process recommended by the MCFN, considering time and resource constraints.
- 5.5 If a project, program, policy or decision is contemplated or initiated by the Municipality after the provision of the annual list to the MCFN through the Joint Committee, the proposed project, program, policy or decision will be submitted to the Joint Committee as soon as possible and the process outlined in Sections 8.2 (b) and (c) of this Agreement will be followed.
- 5.6 Nothing in this Agreement diminishes any engagement or notification requirements required by the Municipality under the *Municipal Government Act* RSA 2000 c-M-26 or any other enactment.
- 5.7 Nothing in this Agreement diminishes any "duty to consult" with the MCFN required by the Municipality under the *Indian Act*, RSC 1985, c. I-5, as amended, any other enactment or at common law.

# 6.0 MUTUAL INTEREST

- 6.1 The following areas of mutual interest have been identified and agreed upon by the Parties for collaboration. Where appropriate, separate agreements may be entered into by the Parties bi-laterally or with other appropriate partners:
  - (a) intergovernmental coordination
  - (b) partnerships and to lobby provincial and federal governments on priorities of mutual interest
  - (c) cultural and tourism development
  - (d) regional economic development
  - (e) land planning, zoning, and land-use
  - (f) employment





- (g) emergency preparedness and management
- (h) infrastructure
- (i) municipal service agreements
- (j) procurement and contracts
- (k) property and other taxation issues
- (I) social services
- (m) housing initiatives
- (n) policing
- (o) transportation initiatives
- (p) additional issues of interest that the Parties may identify from time to time.

# 7.0 JOINT COMMITTEE

- 7.1 To accomplish the objectives of this Agreement, the Parties will establish a Joint Committee as soon as practicable following the Effective Date of this Agreement.
- 7.2 The Joint Committee will:
  - (a) develop and submit an annual Work Plan based on the areas of mutual interest identified in Section 6.1
  - (b) collaboratively implement the annual Work Plan
  - (c) address any urgent issues that may arise
  - (d) establish sub-committees or working groups to undertake specific projects as required
  - (e) address any other issues that may arise during the implementation and term of this Agreement
  - (f) undertake other duties as may be agreed to by the Joint Committee.
- 7.3 The Joint Committee shall meet at least twice a year to undertake collaborative discussions related to the items identified under section 6.1.





- 7.4 The Joint Committee may refer disputes to the leadership of their governments for resolution through the established communication protocol outlined in section 8.0.
- 7.5 The Joint Committee membership will:
  - (a) consist of two representatives appointed from the RMWB's Indigenous and Rural Relations Department and two representatives appointed by the MCFN
  - (b) meetings will be chaired alternatively by one representative from the Municipality and one representative from the MCFN
  - (c) operate on the basis of consensus, to the greatest extent reasonably possible.
  - (d) establish procedures including but not limited to:
    - a. meeting frequency and locations
    - b. the process for involvement of other departments and representatives
- 7.6 The Joint Committee membership is appointed for each calendar year by the Parties and the membership shall be as identified in **Schedule "A"**.

# 8.0 COLLABORATIVE LEADERSHIP COMMUNICATION PROTOCOL

- 8.1 The Parties will establish a Collaborative Leadership Communication Protocol to provide a process for elected leadership of both Parties to provide direction on the implementation of this Agreement.
- 8.2 The purpose of the Collaborative Leadership Communication Protocol is to:
  - (a) act as an avenue through which elected leadership of the MCFN and the Municipality provide input on approaches to addressing mutual areas of interest and the annual Work Plans
  - (b) review the progress of the Joint Committee and other aspects of the Agreement
  - (c) strengthen the working relationship with elected leadership, manage issues and potential areas of conflict, and increase collaboration.
- 8.3 Discussions or conversations that occur as part of this established protocol are required to be reported back to their respective Councils on any discussions and/or recommendations.





# 9.0 <u>IMPLEMENTATION OF THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES (UN Declaration)</u>

- 9.1 The MCFN agrees to participate in collaborative discussions with the Municipality on the proposed municipal implementation of the UN Declaration as a framework for advancing truth and reconciliation, including but not limited to the following:
  - (a) providing input on any municipal policies concerning the UN Declaration
  - (b) providing input on any documents, plans or strategies for implementing the UN Declaration as a framework for advancing truth and reconciliation
  - (c) providing any other input or advice on the proposed implementation of the UN Declaration as a framework for advancing truth and reconciliation in Wood Buffalo.

# 10.0 FUNDING

10.1 The Municipality will provide Capacity Support to the MCFN through the Indigenous Community Capacity Grant Program FIN-250.

# 11.0 TERM AND TERMINATION

- 11.1 The term of this Agreement will commence on the Effective Date.
- 11.2 The Agreement will be reviewed on or before the third anniversary date of the Effective Date and every three years thereafter.
- 11.3 Either Party may terminate this Agreement upon:
  - (a) 90 days written notice to the other Party with a detailed explanation of the reason for termination; or
  - (b) upon the terms of this Agreement being incorporated by the Parties into a successor agreement or modified by mutual agreement of the Parties.
- 11.4 Upon written notice of termination being given by either Party, the Parties will meet within 30 days to seek to achieve an understanding for the reason(s) for termination and to discuss potential amendments to the Agreement or other solutions to avoid termination.

# 12.0 REPRESENTATIONS

12.1 The MCFN confirms that by entering into this Agreement:





- (a) it has the authority and capacity to enter into this Agreement on its own behalf and on behalf of its members
- (b) it has taken all necessary actions and has obtained all necessary approvals to enter into this Agreement for and on behalf of its members
- (c) this Agreement is valid and best efforts will be made to meet all obligations contained within the Agreement.
- 12.2 The Municipality confirms that by entering into this Agreement:
  - (a) it has the authority to enter into this Agreement
  - (b) this Agreement is valid and best efforts will be made to meet all obligations contained within the Agreement.

# 13.0 GENERAL TERMS

- 13.1 This Agreement is a non-binding instrument which is intended to express the will of the Parties to collaborate on a range of matters of mutual interest but is not intended to be actionable pursuant to legal proceedings.
- 13.2 This Agreement, including the Forum, does not affect the jurisdiction or discretion of any decision-making authority of the Municipality or the MCFN.
- 13.3 Any notice, document or communication required or permitted to be given shall be in writing and delivered by hand, by registered mail or by email to the Party to which it is to be given as follows:

To: Regional Municipality of Wood Buffalo Jubilee Building 6<sup>th</sup> Floor, 9909 Franklin Avenue Fort McMurray, AB T9H 2K4

Attention: Director Indigenous and Rural Relations E-mail: Director.IRR@RMWB.ca

To: Mikisew Cree First Nation P.O. Box 90 Fort Chipewyan, AB T0P 1B0

Attention: E-mail:





- 13.4 This Agreement may be amended from time to time by the Parties in writing.
- 13.5 If any part of this Agreement is deemed or found to be void or invalid:
  - (a) the invalidity of that part will not affect the validity of other parts of the Agreement; and
  - (b) the Parties will negotiate and attempt to reach agreement on a replacement for the part declared void or invalid.

IN WITNESS WHEREOF this Agreement is effective this \_\_\_\_ day of \_\_\_\_\_\_, 20\_\_\_ and in making their best efforts to adhere to the terms established in this Agreement, the Parties have signed and executed this Agreement by their authorized representatives.

# MIKISEW CREE FIRST NATION Chief Melody Lepine, Acting Chief Executive Officer REGIONAL MUNICIPALITY OF WOOD BUFFALO Sandy Bowman, Mayor Linda Ollivier, Interim Chief Administrative Officer





# SCHEDULE "A" - JOINT COMMITTEE

At the signing of this Agreement, the following representatives have been appointed to the initial Joint Committee:

Joint Committee Membership Representatives						
Mikisew Cree First Nation	Representative #1	Representative #2				
Name						
Title						
Phone Number						
Email Address						
Municipality	Representative #1	Representative #2				
Name						
Title						
Phone						
Number						
Email Address						

# Tuesday, October 22, 2024 at 12:10:33 Mountain Daylight Time

Subject: Re: Chief Tuccaro & Mikisew Response-RMWB Application for Liquor Store 2023-DP-00125

Date: Monday, September 11, 2023 at 1:22:11 PM Mountain Daylight Saving Time

From: Orlagh O'Kelly

To: nabil.malik@rmwb.ca, brett.williamson@rmwb.ca

CC: patty.hajdu@parl.gc.ca, council@rmwb.ca, mayor@rmwb.ca, ir.ministeroffice@gov.ab.ca,

dennis.fraser@rmwb.ca, Mikisew Chief and Council, Doreen Cardinal-Somers

Category: Filed to Clio

Attachments: image001.png, image002.png, image003.png, image004.png

#### Good afternoon Sirs:

Could we please have confirmation that Mikisew will be notified when a decision is made on this application? If not, kindly advise where we can inquire about the status of this application.

# Sincerley,



#### Orlagh O'Kelly LLB

403, 10113 104 Street NW | Edmonton, Alberta | T5J 1A1

Amiskwaciwâskahikan - Treaty 6

T: 780 760 6752 E: orlagh@robertsokelly.com W: www.robertsokelly.com

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From: Orlagh O'Kelly < orlagh@robertsokelly.com>

Date: Friday, September 1, 2023 at 6:20 PM

To: nabil.malik@rmwb.ca <nabil.malik@rmwb.ca>, brett.williamson@rmwb.ca

<brett.williamson@rmwb.ca>

Cc: patty.hajdu@parl.gc.ca <patty.hajdu@parl.gc.ca>, council@rmwb.ca <council@rmwb.ca>, mayor@rmwb.ca <mayor@rmwb.ca>, ir.ministeroffice@gov.ab.ca

<ir.ministeroffice@gov.ab.ca>, dennis.fraser@rmwb.ca <dennis.fraser@rmwb.ca>, Mikisew

Chief and Council < chiefandcouncil@mikisewcree.ca >, Doreen Cardinal-Somers

<ceo@mikisewcree.ca>

Subject: Re: Chief Tuccaro & Mikisew Response-RMWB Application for Liquor Store 2023-DP-00125

## Good evening:

May we please have an update on the application? Mikisew expects to receive immediate notification on this matter, especially if no consultation is undertaken.

Sincerely,

Orlagh O'Kelly **Roberts O'Kelly LLP** 403, 10113 104 street NW **Edmonton AB** T: 7807606752

From: Orlagh O'Kelly < orlagh@robertsokelly.com > Sent: Thursday, August 17, 2023 3:36:49 PM

To: nabil.malik@rmwb.ca <nabil.malik@rmwb.ca>; brett.williamson@rmwb.ca

<brett.williamson@rmwb.ca>

Cc: patty.hajdu@parl.gc.ca <patty.hajdu@parl.gc.ca>; council@rmwb.ca <council@rmwb.ca>; mayor@rmwb.ca <mayor@rmwb.ca>; ir.ministeroffice@gov.ab.ca <ir.ministeroffice@gov.ab.ca>; <u>dennis.fraser@rmwb.ca</u> <<u>dennis.fraser@rmwb.ca</u>>; Mikisew Chief and Council <chiefandcouncil@mikisewcree.ca>; Doreen Cardinal-Somers <ceo@mikisewcree.ca>

Subject: Chief Tuccaro & Mikisew Response- RMWB Application for Liquor Store 2023-DP-00125

#### Good afternoon:

On behalf of Chief Billy-Joe Tuccaro and Mikisew Cree First Nation, please find enclosed in opposition to the above-noted application for a liquor store in Fort Chipewyan.

Sincerely,



# Orlagh O'Kelly LLB

403, 10113 104 Street NW | Edmonton, Alberta | T5J 1A1 Amiskwaciwâskahikan - Treaty 6

T: 780 760 6752 E: orlagh@robertsokelly.com W: www.robertsokelly.com

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**News / Local News** 

# Councillor Kendrick Cardinal charged with impaired driving, fleeing peace officer

Cardinal was arrested after he was seen yelling at a protest against the construction of a liquor store in Fort Chipewyan.

# **Vincent McDermott**

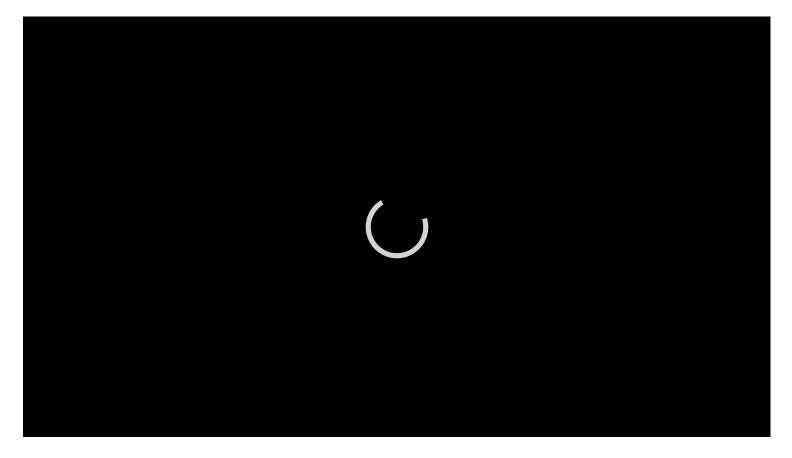
Published Sep 05, 2024 · Last updated Sep 05, 2024 · 3 minute read

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Councillor Kendrick Cardinal during a July 3, 2024 meeting in Fort McMurray. Screenshot/Regional Municipality of Wood Buffalo

Councillor Kendrick Cardinal has been charged with impaired driving, exceeding the legal alcohol limit while operating a vehicle and fleeing from a peace officer.



Wood Buffalo RCMP and a court check confirm Cardinal was arrested on Aug. 30. Police would not comment on the details of Cardinal's arrest because RCMP. Cardinal did not answer requests for comment.

However, Fort Chipewyan residents say Cardinal was arrested shortly after he appeared at a local protest against the opening of a liquor store.

A video posted by Chief Billy-Joe Tuccaro of the Mikisew Cree First Nation to his Facebook page shows

him outside the Fort Chipewyan office of the Regional Municipality of Wood Buffalo (RMWB). He is joined by elders and community members from the Fort Chipewyan Metis Nation, of which Cardinal is also president, and Athabasca Chipewyan First Nation.

Shortly after Tuccaro begins speaking, Cardinal arrives driving a quad with an unidentified person on the back.



Much of what Cardinal yells at the crowd is not clear in the video, but he can be heard yelling "what about freedom of choice?" and "look at you, can't even fucking... freedom of choice!" He drives away as one person yells back "go home!"

This is not Cardinal's first legal issue since he was elected to RMWB council in October 2021. Cardinal was charged with assault on May 14, 2021 after an assault was reported to police seven days earlier. On April 3, 2022, Cardinal was charged with driving a vehicle while unauthorized.

The assault charge was dropped in October 2022 after Cardinal completed therapy every two weeks for a year in Fort McMurray. Cardinal also said he and the complainant had resolved the issue. The driving charge was also dropped after Cardinal completed a driving course.



A video of Cardinal taking a swing at someone was widely shared on Facebook and Instagram last May, although no charges were filed after the incident. Cardinal is seen yelling "bring it on or fuck off!" while a man and woman are heard telling Cardinal to leave their property. The video ends when Cardinal lunges at someone.

An RMWB spokesperson said the organization cannot comment on Cardinal's recent charges because the matter is now before the courts.

# MCFN protests liquor store approval

Tuccaro argues it is irresponsible for the RMWB to approve a permit for the liquor store in Fort Chipewyan. Other elders and community members join him and share similar concerns. For years, community leaders have argued Fort Chipewyan faces a serious crisis of addictions, suicides and mental health issues.

STORY CONTINUES BELOW	
	192

A March 2023 inquiry into a 2015 suicide of a teenage girl agreed with local leaders that <u>Fort</u> <u>Chipewyan has "tragically understaffed" health, policing and educational systems</u>, while existing social programs are making few impacts in the community.

MCFN partnered with Wood Buffalo RCMP and passed <u>a banishment law against people found to be selling drugs</u> one month before the inquiry.

A municipal spokesperson confirmed a permit for a liquor store has been approved, but also acknowledged the concerns made by MCFN and some Fort Chipewyan residents.

All residents of the Fort Chipewyan area were told of the application, going beyond the standard practice of contacting addresses within 100 metres of a proposed development. Engagement and feedback periods were also broadened and extended.

STORY CONTINUES BELOW	
	193
The proposal was not popular with everyone, but the permit was approved when it was go against any regulations or policies. The business, however, will be restricted to 9 a.	
A municipal spokesperson said the development officer is must follow the regulations policies of the Municipal Governance Act and the Land-Use Bylaw. Residents were tol RMWB's appeal process.	_
"We acknowledge and respect the community's right to peacefully assemble and expression which was a statement from the RMWB.	
Get the news and events of Fort McMurray Wood Buffalo in your inbox e morning <u>by signing up for our newsletter</u> .	very Friday
vmcdermott@postmedia.com	
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## Tuesday, October 22, 2024 at 12:20:35 Mountain Daylight Time

Subject: Re: Support for MCFN Protest

Date: Tuesday, October 22, 2024 at 12:20:35 PM Mountain Daylight Saving Time

From:

To: chief, Mikisew Chief and Council, ceo

From: Mayor < Mayor@rmwb.ca>

Date: September 10, 2024 at 9:01:51 AM MDT

To: Karla.buffalo@atcfn.ca, Sherry Mercredi <sherry.mercredi@atcfn.ca> Cc: Chief Billy-Joe Tuccaro <chief@mikisewcree.ca>, Chief Allan Adam

<aadam@acfn.com>, chief@fmfn468.com, Chief Vern Janvier

<chairman@cpventures.ca>, chiefpowder@fortmckay.com, Fred Russell

<fred.russell@atcfn.ca>, CAO <CAO@rmwb.ca>

Subject: RE: Support for MCFN Protest

Good morning,

On behalf of Mayor Bowman, kindly find attached correspondence in response to your letter of August 30, 2024.

Kind regards,

#### **Elyse Franks**

Senior Executive Liaison Office of the Mayor

T: 780-743-7009 | rmwb.ca 9909 Franklin Avenue Fort McMurray | σ<sup>n</sup>Cd·bo | Nistawâyâw | Elídlj Kué Alberta T9H 2K4

I humbly acknowledge that the land on which we live, learn, work and play is Treaty 8 Territory, the traditional lands of the Cree, Dene, and the unceded territory of the Métis.

STATEMENT OF CONFIDENTIALITY: The information contained in this email message and any attachments may be confidential and legally privileged and is for the use of the intended recipient(s) only. If you are not an intended recipient, please: (1) notify me immediately by replying to this message; (2) do not use, disseminate, distribute or reproduce any part of the message or any attachment; and (3) destroy all copies of this message and any attachments. Thank you.

From: Sherry Mercredi <sherry.mercredi@atcfn.ca>

**Sent:** Friday, August 30, 2024 11:33 AM

To: Mayor < Mayor@rmwb.ca>

Cc: Chief Billy-Joe Tuccaro <chief@mikisewcree.ca>; Chief Allan Adam <aadam@acfn.com>; chief@fmfn468.com; Chief Vern Janvier <chairman@cpventures.ca>; chiefpowder@fortmckay.com;

Karla Buffalo < karla.buffalo@atcfn.ca >; Fred Russell < fred.russell@atcfn.ca >

**Subject:** Support for MCFN Protest

Importance: High

# External Message - Please be cautious when opening links or attachments in email

Good Morning,

Please see attached letter of support for MCFN Protest sent on behalf of Karla Buffalo.

Hiy hiy, Marsi cho – Thank you

Sherry Mercredi (She/Her)

Executive Assistant – Karla Buffalo, CEO

Athabasca Tribal Council 9206 McCormick Drive, Fort McMurray, AB *T9H 1C7* 

Office: 780-791-6538 ext \*244

Cell: 780-215-3975

Email: <u>sherry.mercredi@atcfn.ca</u>

Web: www.atcfn.ca



# OFFICE OF THE MAYOR

September 10, 2024

Delivered via email karla.buffalo@atcfn.ca

Karla Buffalo, CEO Athabasca Tribal Council 9206 McCormick Drive Fort McMurray, AB T9H 1C7

Re: Development Approval for Liquor Store in Fort Chipewyan

Dear Ms. Buffalo,

I am writing in response to your August 30, 2024, letter regarding the development permit application for a Liquor Store, Office and Warehouse (2023-DP-00125) on Mackenzie Avenue in Fort Chipewyan.

Thank you for sharing your concerns, particularly as it relates to addictions and mental health and the ongoing State of Local Emergency in Fort Chipewyan. I recognize and acknowledge these concerns and the perspective you've shared should very much help inform any next steps. In any process such as this one, we need to be sensitive to the current realities faced in Fort Chipewyan and be guided by it in our collective decision making.

In speaking with members of Administration, it is my understanding that due to the community's concerns regarding alcohol-related issues, and as noted in your correspondence, this application was assessed under a higher-level of scrutiny and a more comprehensive, lengthy review process was undertaken, which included opportunities for community engagement. I have been told that after a thorough review of the application, including community feedback, the development permit was approved as it complied with the regulations set out in the Government of Alberta's *Municipal Government Act* and the Municipality's *Land Use Bylaw*, which is what guides development decisions by the Regional Municipality of Wood Buffalo. In response to the feedback received, the permit includes a condition that restricts the business operating hours from 9 a.m. to 6 p.m.

Nonetheless, I understand your concerns and acknowledge them, and the concerns raised by community members since the approval of the development permit. As well, I completely and will always respect the community's right to peacefully assemble and express their views.

As has been shared as part of recent notifications to the community, there is a formal appeal process, overseen by the Subdivision and Development Appeal Board, an independent tribunal established by municipal Council. As an arms-length entity, the Subdivision and Development Appeal Board can take the concerns you've shared into account as part of this appeal process, and I would strongly encourage it to do so.



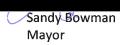


# OFFICE OF THE MAYOR

Anyone wishing to file an appeal or participate in an appeal hearing, can learn more about the process here: https://www.rmwb.ca/en/mayor-council-and-administration/subdivision-and-development-appeal-board.aspx. Appeals are due by September 19, 2024.

Once again, thank you for writing to express these very valid and understandable concerns on this important matter. Please contact me at any time should you have any additional thoughts or questions.

Sincerely,



Cc: Chief Billy-Joe Tuccaro, Mikisew Cree First Nation
Chief Allan Adam, Athabasca Chipewyan First Nation
Chief Raymond Powder, Fort McKay First Nation
Chief Vern Janvier, Chipewyan Prairie Dene First Nation
Chief Neil Cheecham, Fort McMurray First Nation 468
Fred Russell, Chief Operating Officer, Athabasca Tribal Council
Councillors of the Regional Municipality of Wood Buffalo
Henry Hunter, Chief Administrative Officer, RMWB

# Distributed to Duty Judge

# **COURT OF APPEAL OF ALBERTA**

COURT OF APPEAL FILE NUMBER: 2403 0284AC

TRIBUNAL: REGIONAL MUNCIPALITY OF WOOD

BUFFALO SUBDIVISION AND DEVELOPMENT APPEAL BOARD

TRIBUNAL FILE NUMBER: SDAB 2024-003

APPLICANT: DANIEL ROY

STATUS ON APPEAL: RESPONDENT

STATUS ON APPLICATION: APPLICANT

RESPONDENTS: REGIONAL MUNICIPALITY OF WOOD

**BUFFALO SUBDIVISION AND** 

DEVELOPMENT APPEAL BOARD AND THE

REGIONAL MUNCIPALITY OF WOOD

**BUFFALO** 

STATUS ON APPEAL: RESPONDENTS

STATUS ON APPLICATION: RESPONDENTS

MIKISEW CREE FIRST NATION, 1112958

ALBERTA LTD., CREE-ATIONS ENTERPRISES, MISTEE SEEPEE DEVELOPMENT CORPORATION

STATUS ON APPEAL: APPELLANTS

STATUS ON APPLICATION: RESPONDENTS

DOCUMENT: MEMORANDUM OF ARGUMENT OF THE

RESPONDENTS, MIKISEW CREE FIRST NATION, 1112958 ALBERTA LTD., CREE-ATIONS ENTERPRISES, MISTEE SEEPEE

DEVELOPMENT CORPORATION

ADDRESS FOR SERVICE AND O'Kelly Law

CONTACT INFORMATION OF Attention: Orlagh O'Kelly PARTY FILING THIS DOCUMENT: 403 Birks Building

403 Birks Building 10113 – 104 Street

Edmonton, Alberta T5J 1A1 Telephone: 587-525-8348

Registrar's Stamp

21 Feb 2025

Facsimile: 780 669 7672

Email: orlagh.okelly@okellylaw.ca

File Number: 90-00127

Counsel for Mikisew Cree First Nation, 1112958 Alberta Ltd., Cree-Ations Enterprises, Mistee Seepee

**Development Corporation** 

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Fax: 780-423-0163

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Counsel for the Respondent, Regional Municipality of Wood Buffalo Subdivision and Development

Appeal Board

Kennedy Oshry Agrios LLP Attention: Janice Agrios, KC 10180 – 101 Street NW Suite 1325 Edmonton, Alberta T5J 3S4

Ph. 780-969-6900

Email: JAgrios@kaolawyers.com

Counsel for Regional Municipality of Wood Buffalo

#### **OVERVIEW**

1. The Respondents, Mikisew Cree First Nation, owning Fort Chipewyan land in fee simple through Cree-Ations Enterprises Ltd ("Cree'Ations"), Mistee Seepee Development Corporation Ltd. ("Mistee Seepee") and 1112958 Alberta Ltd, (collectively referred to as the "MCFN") oppose the Applicant, Daniel Roy's, application for permission to appeal the decision of the Subdivision and Appeal Board ("SDAB"). In the alternative, if permission is granted, the Respondents intend to seek leave to cross appeal within ten days after service of the Notice of Appeal. <sup>1</sup>

# STATEMENT OF FACTS

- 2. MCFN has nine (reserves) in what is now known as RWMB, including two reserves in close proximity to Fort Chipewyan (Dog Head and Allison Bay). MCFN's ancestors entered into Treaty No. 8 in 1899 at Fort Chipewyan. Treaty No. 8 was a Nation-to-Nation agreement to share the land, including all of the land that is now referred to as the Regional Municipality of Wood Buffalo ("RMWB"). MCFN also owns land in fee simple for residential and commercial purposes through Fort Chipewyan and through Cree' Ations, Mistee Seepee and 1112958 Alberta Ltd. <sup>2</sup>
- 3. Before the SDAB, MCFN appealed the RMWB's granting of the discretionary development permit for a liquor store before including on the following grounds:
  - a. the liquor store and thus the discretionary permit was incompatible with the surrounding neighbour ("Incompatibility Grounds");<sup>3</sup>
  - b. the issuance of the permit could have impacts on Treaty 8's promise to control intoxicants. MCFN therefore alleged that, following the Supreme Court's decision in *Clyde River*<sup>4</sup>, RMWB itself or through the SDAB, had a duty to consult, and that the question of whether there is a duty is not one that is constitutional question. The

<sup>&</sup>lt;sup>1</sup> Alberta Rules of Court, Alta Reg 124/2010, <u>s 14.6</u>, <u>s 14.11</u>.

<sup>&</sup>lt;sup>2</sup> Notice of Appeal, Appendix A, CAR, p. 160.

<sup>&</sup>lt;sup>3</sup> Notice of Decision, Certified Appeal Record ("CAR"), para 66, p. 20.

<sup>&</sup>lt;sup>4</sup> Clyde River (Hamlet) v. Petroleum Geo-Services Inc., <u>2017 SCC 40</u> (CanLII); MCFN Submissions, CAR, pp. 1021-1027.

provincial Crown could not escape these obligations by assigning these powers to a municipality ("**Duty to Consult grounds**").<sup>5</sup>

- 4. In support of their appeal, MCFN submitted evidence including:
  - a. Crime statistics for alcohol related occurrences or detentions from the Royal Canadian Mounted Police ("RCMP").6
  - b. A survey of MCFN members overwhelmingly opposed to the liquor store.<sup>7</sup>
  - c. The expert report of Dr. Darcy Lindberg regarding Treaty No. 8's promise and right to control intoxicants.
  - d. The testimony of Chief Billy-Joe Tuccaro, Councillor Paul Tuccaro, Education Director Kerri Ceretzke and MCFN consultation staff member Mitchel Bowers.<sup>8</sup>
- 5. At the hearing, RMWB confirmed that they too had sought information on crime in Fort Chipewyan but had not included it in their appeal materials. RMWB had reached out to the "RCMP of Fort Chipewyan which provided basic statistics about potential crime attributed to alcohol;" and it was noted at the hearing that the "crime statistics for 2023" were taken into consideration by RMWB.<sup>9</sup>
- 6. By decision and reasons dated November 19, 2024, the SDAB allowed MCFN's appeal on the Incompatibility Grounds, and dismissed its appeal on the grounds of the Duty to Consult Grounds. The Applicant's appeal on the hours of operation was dismissed (collectively referred to as "Decision"). The development permit was accordingly revoked. This Decision is the subject matter of this application for permission to appeal.
- 7. On the Incompatibility Grounds, the SDAB reasoned among other things:

<sup>7</sup> Notice of Decision, paras 63-66, p. 20.

<sup>&</sup>lt;sup>5</sup> Notice of Decision, paras 67-72, pp. 20-22.

<sup>&</sup>lt;sup>6</sup> Notice of Decision, para 124, p. 33.

<sup>&</sup>lt;sup>8</sup> Notice of Decision, paras 75-79, pp.22-23.

<sup>&</sup>lt;sup>9</sup> Notice of Decision, para 42 (c), CTA, p.13, para 43 (c), p. 14.

- a. "The Board considers safety considerations to be a valid planning consideration for the Board to consider when making a determination." <sup>10</sup>
- b. "The Board does not consider [MCFN's] argument to be an argument based on the proliferation and the Board does not consider the potential of a second liquor store to be one where there is a "proliferation" of liquor stores. Rather the Board notes the evidence provided by [MCFN] of the impact of alcohol sales and is of the view that he proposed development would have a similar impact on the community, causing safety concerns. As a result of those safety considerations, the Board concludes the proposed development is not compatible with the adjacent uses."<sup>11</sup>

# **ISSUE**

8. The only issue is whether permission to appeal should be granted.

#### LAW & ARGUMENT

# **Test for Permission to Appeal**

9. MCFN adopts the submission of the SDAB on the test for permission to appeal at paragraphs 23 to 28 of the SDAB's Memorandum of Argument in this application filed on February 20, 2025. <sup>12</sup> In applying this test, MCFN submits that neither proposed ground of appeal meets the test to grant permission to appeal.

# No Permission Should be Granted

- 10. Neither ground of appeal meets the high threshold for granting permission to appeal the Decision: the grounds present neither a question of law or jurisdiction; they are not of sufficient importance and have limited change of success on appeal. The SDAB had broad discretion to consider the issues before it.<sup>13</sup>
- 11. The Applicant's first ground of appeal is that the SDAB was limited to directly "adjacent" property when considering the Incompatibility Grounds by relying on the statutory

<sup>&</sup>lt;sup>10</sup> Notice of Decision, para 125, p. 33.

<sup>&</sup>lt;sup>11</sup> Notice of Decision, para 129, p. 34.

<sup>&</sup>lt;sup>12</sup> See also: Bertram Family Trust v Felesky Flynn LLP, 2025 ABCA 54, at para 62; McCargar v Metis Settlements General Council, 2025 ABCA 33 (CanLII), at para 48.

<sup>&</sup>lt;sup>13</sup> Landry v Rocky View County (Subdivision and Development Appeal Board), 2025 ABCA 34 (CanLII), at para 43,.

definition of adjacent. However, the legal basis for the Incompatibility Decision comes from jurisprudence, not the statute. While the Alberta Court of Appeal refers to the word "adjacent" in the decision outlining this test, it is not clear that land being "adjacent" is a requirement for applying this test. In fact, the language of "including" suggests adjacent uses is one consideration when determining incompatibility, as noted by the Court of Appeal:

- [14] The object and purpose of a discretionary use is to allow the development authority to assess the particular type and character of the use involved, **including** its intensity and its compatibility with adjacent uses. The SDAB failed to consider such factors.<sup>14</sup>
- 12. Furthermore, contrary to the Applicant's submissions, determining the Incompatibility Grounds is not a question of statutory interpretation but rather one of applying a jurisprudential standard to the evidence before the SDAB.<sup>15</sup> This means it is a question of mixed fact and law.
- 13. Indeed, if there is any statutory basis for the SDAB's finding, it is not limited to "adjacent" incompatibility as alleged by the Applicant for the first time on this application. Section 640(2) of the *Municipal Government Act* in fact allows the consideration of whether the development "unduly interfere(s) with the amenities of the neighbourhood", or "materially interfere(s) with or affect(s) the use, enjoyment or value of neighbouring parcels of land." This provision is not restricted to consideration of the adjacent land or use, but instead expands it to the "neighborhood". The RMWB's *Land-Use Bylaw*, too, refers to the "adjacent residential neighbourhood" although does not make any such limitation in the applicable provision for the discretionary permit at issue, section 110.3 (dd) "Liquor Store" 18.

<sup>&</sup>lt;sup>14</sup> Rossdale Community League (1974) v. Edmonton (Subdivision and Development Appeal Board), 2009 ABCA 261 (CanLII), at para 14.

<sup>&</sup>lt;sup>15</sup> Rossdale Community League (1974) v. Edmonton (Subdivision and Development Appeal Board), 2009 ABCA 261 (CanLII), at para 10.

<sup>&</sup>lt;sup>16</sup> Municipal Government Act, RSA 2000, c M-26, s 640(6).

<sup>&</sup>lt;sup>17</sup> Regional Municipality of Wood Buffalo, Land Use Bylaw 99-059, section 105.

<sup>&</sup>lt;sup>18</sup> Regional Municipality of Wood Buffalo, Land Use Bylaw 99-059, section 105, p. 127, and section 110.3, p. 151

- 14. Similarly, as argued by MCFN at the hearing, section 617 of the *Municipal Government*Act grants the ability to consider the "public interest" which was in fact argued by MCFN.<sup>19</sup>
- 15. MCFN agrees with the SDAB that the argument on adjacent was not argued at the hearing. The Applicant has not demonstrated how this ground will be addressed as a new issue on appeal, without evidence and argument on the issue of "adjacent" in the record.<sup>20</sup> To the contrary, the Applicant also put evidence forward from the wider community without any evidence that they were adjacent landowners/land users, according to the strict definition proposed by the Applicant here.
- 16. The SDAB's interpretation of the Incompatibility Grounds to include incompatibility of the liquor store with the community, including MCFN properties in very close proximity<sup>21</sup>, was a reasonable one. In fact, the Applicant himself relied on evidence from community members in support of his appeal, thereby condoning this approach to the question of Incompatibility. The SDAB accordingly found the Applicant's witnesses as well as MCFN's to all be affected persons.<sup>22</sup> It is not open to the Applicant to recharacterizes this as a legal question because the SDAB preferred to MCFN's community evidence over that of the Applicant.<sup>23</sup>
- 17. The second ground of appeal is that the SDAB made improper inferences from the evidence regarding RCMP crime statistics.<sup>24</sup> This question is quintessentially one of fact. It was open to the SDAB to infer from the statistics on crime also purportedly relied on by RMWB that safety issues would occur and that this was relevant to the Decision.

<sup>&</sup>lt;sup>19</sup> See for example, Notice of Decision, para 118, p. 32; Municipal Government Act, RSA 2000, c M-26, s 617.

<sup>&</sup>lt;sup>20</sup> Dow Chemical Canada ULC v NOVA Chemicals Corporation, 2020 ABCA 320 (CanLII), at <u>para 64</u>; Council of the Wasauksing First Nation v. Wasausink Lands Inc., 2004 CanLII 15484 (ON CA), at <u>para 102</u>; Performance Industries Ltd. v. Sylvan Lake Golf & Tennis Club Ltd., 2002 SCC 19, at <u>para 33</u>.

<sup>&</sup>lt;sup>21</sup> Notice of Decision, CAR, p. 1016, para. 17.

<sup>&</sup>lt;sup>22</sup> Notice of Decision, CAR, at paras. 85-88, p. 25.

<sup>&</sup>lt;sup>23</sup> Notice of Decision, CAR, at para 126, p. 33.

<sup>&</sup>lt;sup>24</sup> Yee v Leduc (County), 2016 ABCA 40 (CanLII), at para 19.

# Alternatively, the Respondents will seek Permission

18. In the alternative, if permission is granted, the Respondents intend to file an application for permission to cross-appeal on the Duty to Consult Grounds in accordance with Rules 14.6 and 14.11 of the *Alberta Rules of Court*,<sup>25</sup> which together require MCFN to file such an application within ten (10) days of the Applicant's notice of appeal.

# ESTIMATE OF TIME FOR ORALARGUMENT: MIKISEW CREE FIRST NATION MAY REQUIRE 10 MINUTES FOR ORALARGUMENT.

Respectfully submitted:

O'KELLY LAW



Orlagh O'Kelly

Counsel for the Respondents, Mikisew Cree First Nation, 1112958 Alberta Ltd., Cree-Ations Enterprises, Mistee Seepee Development Corporation

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<sup>&</sup>lt;sup>25</sup> Alberta Rules of Court, Alta Reg 124/2010, <u>s 14.6</u>, <u>s 14.11</u>.

# LIST OF AUTHORITIES

# Legislation

- 1. Alberta Rules of Court, Alta Reg 124/2010, s 14.6, s 14.11
- 2. Municipal Government Act, RSA 2000, c M-26, <u>s 617</u> and <u>s 640(6)</u>.
- 3. Regional Municipality of Wood Buffalo, <u>Land Use Bylaw 99-059</u>, section 105, p. 127, and section 110.3, p. 151

# Jurisprudence

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- 4. Bertram Family Trust v Felesky Flynn LLP, 2025 ABCA 54, at para 62;
- 5. Clyde River (Hamlet) v. Petroleum Geo-Services Inc., 2017 SCC 40
- 6. Council of the Wasauksing First Nation v. Wasausink Lands Inc., 2004 CanLII 15484 (ON CA), at para 102
- 7. Dow Chemical Canada ULC v NOVA Chemicals Corporation, 2020 ABCA 320 (CanLII), at para 64
- 8. Landry v Rocky View County (Subdivision and Development Appeal Board), 2025 ABCA 34 (CanLII), at para 43,
- 9. McCargar v Metis Settlements General Council, 2025 ABCA 33 (CanLII), at para 48.
- 10. Performance Industries Ltd. v. Sylvan Lake Golf & Tennis Club Ltd., 2002 SCC 19, at para 33
- 11. Rossdale Community League (1974) v. Edmonton (Subdivision and Development Appeal Board), 2009 ABCA 261 (CanLII), at para 14, at para 10
- 12. Yee v Leduc (County), 2016 ABCA 40 (CanLII), at para 19.