

No. 37037

October 27, 2016

Le 27 octobre 2016

Coram: McLachlin C.J. and Wagner and Gascon JJ.

Coram : La juge en chef McLachlin et les juges Wagner et Gascon

BETWEEN:

ENTRE :

Attorney General of Canada

Procureur général du Canada

Applicant

Demandeur

- and -

- et -

Larry Philip Fontaine in his personal capacity and in his capacity as the executor of the estate of Agnes Mary Fontaine, deceased, Michelline Ammaq, Percy Archie, Charles Baxter Sr., Elijah Baxter, Evelyn Baxter, Donald Belcourt, Nora Bernard, John Bosum, Janet Brewster, Rhonda Buffalo, Ernestine Caibaiosai-Gidmark, Michael Carpan, Brenda Cyr, Deanna Cyr, Malcolm Dawson, Ann Dene, Benny Doctor, Lucy Doctor, James Fontaine in his personal capacity and in his capacity as the executor of the estate of Agnes Mary Fontaine, deceased, Vincent Bradley Fontaine, Dana Eva Marie Francey, Peggy Good, Fred Kelly, Rosemarie Kuptana,

Larry Philip Fontaine personnellement et en sa qualité d'exécuteur de la succession d'Agnes Mary Fontaine, décédée, Michelline Ammaq, Percy Archie, Charles Baxter Sr., Elijah Baxter, Evelyn Baxter, Donald Belcourt, Nora Bernard, John Bosum, Janet Brewster, Rhonda Buffalo, Ernestine Caibaiosai-Gidmark, Michael Carpan, Brenda Cyr, Deanna Cyr, Malcolm Dawson, Ann Dene, Benny Doctor, Lucy Doctor, James Fontaine personnellement et en sa qualité d'exécuteur de la succession d'Agnes Mary Fontaine, décédée, Vincent Bradley Fontaine, Dana Eva Marie Francey, Peggy Good, Fred Kelly, Rosemarie Kuptana, Elizabeth Kusiak, Theresa

Elizabeth Kusiak, Theresa Larocque, Jane McCullum, Cornelius McComber, Veronica Marten, Stanley Thomas Nepetaypo, Flora Northwest, Norman Pauchey, Camble Quatell, Alvin Barney Saulteaux, Christine Semple, Dennis Smokeyday, Kenneth Sparvier, Edward Tapiatic, Helen Winderman, Adrian Yellowknee, Presbyterian Church in Canada, General Synod of the Anglican Church of Canada, United Church of Canada, Board of Home Missions of the United Church of Canada, Women's Missionary Society of the Presbyterian Church, Baptist Church in Canada, Board of Home Missions and Social Services of the Presbyterian Church in Bay, Canada Impact North Ministries of the Company for the Propagation of the Gospel in New England (also known as the New England Company), Diocese of Saskatchewan, Diocese of the Synod of Cariboo, Foreign Mission of the Presbyterian Church in Canada, Incorporated Synod of Diocese of Huron, Methodist Church of Canada, Missionary Society of the Anglican Church of Canada, Missionary Society of the Methodist Church of Canada (also known as the Methodist Missionary Society of Canada), Incorporated Synod of the Diocese of Algoma, Synod of the Anglican Church of the Diocese of Quebec, Synod of the Diocese of Athabasca, Synod of the Diocese of Brandon, Anglican Synod of the Diocese of British Columbia, Synod of the Diocese of Calgary, Synod of the Diocese of Keewatin, Synod of the Diocese of Qu'Appelle, Synod of the Diocese of New Westminster, Synod of the Diocese of Yukon, Trustee Board of the Presbyterian Church in Canada, Board of Home Missions

Larocque, Jane McCullum, Cornelius McComber, Veronica Marten, Stanley Thomas Nepetaypo, Flora Northwest, Norman Pauchey, Camble Quatell, Alvin Barney Saulteaux, Christine Semple, Dennis Smokeyday, Kenneth Sparvier, Edward Tapiatic, Helen Winderman, Adrian Yellowknee, Presbyterian Church in Canada, General Synod of the Anglican Church of Canada, United Church of Canada, Board of Home Missions of the United Church of Canada, Women's Missionary Society of the Presbyterian Church, Baptist Church in Canada, Board of Home Missions and Social Services of the Presbyterian Church in Bay, Canada Impact North Ministries of the Company for the Propagation of the Gospel in New England (également connue sous le nom de New England Company), Diocese of Saskatchewan, Diocese of the Synod of Cariboo, Foreign Mission of the Presbyterian Church in Canada, Incorporated Synod of Diocese of Huron, Methodist Church of Canada, Missionary Society of the Anglican Church of Canada, Missionary Society of the Methodist Church of Canada (également connue sous le nom de Methodist Missionary Society of Canada), Incorporated Synod of the Diocese of Algoma, Synod of the Anglican Church of the Diocese of Quebec, Synod of the Diocese of Athabasca, Synod of the Diocese of Brandon, Anglican Synod of the Diocese of British Columbia, Synod of the Diocese of Calgary, Synod of the Diocese of Keewatin, Synod of the Diocese of Qu'Appelle, Synod of the Diocese of New Westminster, Synod of the Diocese of Yukon, Trustee Board of the Presbyterian Church in Canada, Board of Home Missions

and Social Service of the Presbyterian Church of Canada, Women's Missionary Society of the United Church of Canada, Sisters of Charity, a Body Corporate also known as Sisters of Charity of St. Vincent de Paul, Halifax, also known as Sisters of Charity Halifax, Roman Catholic Episcopal Corporation of Halifax, Soeurs de Notre Dame-Auxiliatrice, Soeurs de St. François D'Assise, Institut des Soeurs du Bon Conseil, Soeurs de Saint-Joseph de Saint-Hyacinthe, Soeurs de Jésus-Marie, Soeurs de l'Assomption de la Sainte Vierge, Soeurs de l'Assomption de la Sainte Vierge de l'Alberta, Soeurs de la Charité de St.-Hyacinthe, Oeuvres Oblates de l'Ontario, Résidences Oblates du Québec, Corporation Episcopale Catholique Romaine de la Baie James (the Roman Catholic Episcopal Corporation of James Bay), Catholic Diocese of Moosonee, Soeurs Grises de Montréal/Grey Nuns of Montréal, Sisters of Charity (Grey Nuns) of Alberta, Soeurs de la Charité des T.N.O., Hotel-Dieu de Nicolet, Grey Nuns of Manitoba Inc. — Soeurs Grises du Manitoba Inc., Corporation Episcopale Catholique Romaine de la Baie d'Hudson — Roman Catholic Episcopal Corporation of Hudson's Bay, Missionary Oblates — Grandin Province, Oblats de Marie Immaculée du Manitoba, Archiepiscopal Corporation of Regina, Sisters of the Presentation, Sisters of St. Joseph of Sault St. Marie, Sisters of Charity of Ottawa, Oblates of Mary Immaculate — St. Peter's Province, Sisters of Saint Ann, Sisters of Instruction of the Child Jesus, Benedictine Sisters of Mt. Angel Oregon, Pères Montfortains, Roman Catholic Bishop of Kamloops Corporation Sole, Bishop of Victoria, Corporation Sole,

and Social Service of the Presbyterian Church of Canada, Women's Missionary Society of the United Church of Canada, Sisters of Charity, personne morale également connue sous le nom de Sisters of Charity of St. Vincent de Paul, Halifax, également connue sous le nom de Sisters of Charity Halifax, Roman Catholic Episcopal Corporation of Halifax, Soeurs de Notre Dame-Auxiliatrice, Soeurs de St. François D'Assise, Institut des Soeurs du Bon Conseil, Soeurs de Saint-Joseph de Saint-Hyacinthe, Soeurs de Jésus-Marie, Soeurs de l'Assomption de la Sainte Vierge, Soeurs de l'Assomption de la Sainte Vierge de l'Alberta, Soeurs de la Charité de St.-Hyacinthe, Oeuvres Oblates de l'Ontario, Résidences Oblates du Québec, Corporation Épiscopale Catholique Romaine de la Baie James (the Roman Catholic Episcopal Corporation of James Bay), Catholic Diocese of Moosonee, Soeurs Grises de Montréal/Grey Nuns of Montréal, Sisters of Charity (Grey Nuns) of Alberta, Soeurs de la Charité des T.N.O., Hôtel-Dieu de Nicolet, Grey Nuns of Manitoba Inc. — Soeurs Grises du Manitoba Inc., Corporation Épiscopale Catholique Romaine de la Baie d'Hudson — Roman Catholic Episcopal Corporation of Hudson's Bay, Missionary Oblates Grandin Province, Oblats de Marie Immaculée du Manitoba, Archiepiscopal Corporation of Regina, Sisters of the Presentation, Sisters of St. Joseph of Sault St. Marie, Sisters of Charity of Ottawa, Oblates of Mary Immaculate — St. Peter's Province, Sisters of Saint Ann, Sisters of Instruction of the Child Jesus, Benedictine Sisters of Mt. Angel Oregon, Pères Montfortains, Roman Catholic Bishop of Kamloops Corporation Sole, Bishop of

Roman Catholic Bishop of Nelson, Corporation Sole, Order of the Oblates of Mary Immaculate in the Province of British Columbia, Sisters of Charity of Providence of Western Canada, Corporation Episcopale Catholique Romaine de Grouard, Roman Catholic Episcopal Corporation of Keewatin, Corporation Archiépiscope Catholique Romaine de St. Boniface, Missionnaires Oblates Soeurs de St. Boniface — Missionary Oblates Sisters of St. Boniface, Roman Catholic Archiepiscopal Corporation of Winnipeg, Corporation Episcopale Catholique Romaine de Prince Albert, Roman Catholic Bishop of Thunder Bay, Immaculate Heart Community of Los Angeles, CA, Archdiocese of Vancouver — Roman Catholic Archbishop of Vancouver, Roman Catholic Diocese of Whitehorse, Catholic Episcopale Corporation of Mackenzie-Fort Smith, Roman Catholic Episcopal Corporation of Prince Rupert, Episcopal Corporation of Saskatoon, OMI Lacombe Canada Inc., Mt. Angel Abbey Inc., National Centre for Truth and Reconciliation, Assembly of First Nations, Independent Counsel and Inuit Representatives

Respondents

JUDGMENT

The motion to add the Inuit Representatives as a party is granted with costs. The conditional application for leave to

Victoria, Corporation Sole, Roman Catholic Bishop of Nelson, Corporation Sole, Order of the Oblates of Mary Immaculate in the Province of British Columbia, Sisters of Charity of Providence of Western Canada, Corporation Épiscopale Catholique Romaine de Grouard, Roman Catholic Episcopal Corporation of Keewatin, Corporation Archiépiscope Catholique Romaine de St. Boniface, Missionnaires Oblates Soeurs de St. Boniface — Missionary Oblates Sisters of St. Boniface, Roman Catholic Archiepiscopal Corporation of Winnipeg, Corporation Épiscopale Catholique Romaine de Prince Albert, Roman Catholic Bishop of Thunder Bay, Immaculate Heart Community of Los Angeles, CA, Archdiocese of Vancouver — Roman Catholic Archbishop of Vancouver, Roman Catholic Diocese of Whitehorse, Catholic Episcopale Corporation of Mackenzie-Fort Smith, Roman Catholic Episcopal Corporation of Prince Rupert, Episcopal Corporation of Saskatoon, OMI Lacombe Canada Inc., Mt. Angel Abbey Inc., Centre national pour la vérité et réconciliation, Assemblée des Premières Nations, Avocats indépendants et Représentants des Inuits

Intimés

JUGEMENT

La requête en vue d'ajouter les Représentants des Inuits comme partie est accueillie avec dépens. La demande

cross-appeal is dismissed without costs. The application for leave to appeal from the judgment of the Court of Appeal for Ontario, Numbers C59310, C59311 and C59320, 2016 ONCA 241, dated April 4, 2016, is granted without costs.

conditionnelle d'autorisation d'appel incident est rejetée sans dépens. La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéros C59310, C59311 et C59320, 2016 ONCA 241, daté du 4 avril 2016, est accueillie sans dépens.

C.J.C.
J.C.C.