

APPLICATION FOR REVIEW OF NSRT ORDER (RPP 3.4) (NSRTA s. 167)

#355

Review of NSRT Access Order #356

Review of NSRT Compensation Order #357

Application for Review of NSRT Order Procedures (RPP 3.4) #358

Applicant(s) must attempt on a “without prejudice” basis to resolve matter in dispute by good faith negotiation (RPP 3.3.1) (NSRTA s. 117(1)) #359

Negotiation Successful #360

Negotiation Unsuccessful #366

Parties by consent wish negotiated dispute resolution/settlement to be formalized in a NSRT Order or NSRT finds material change in facts or circumstances upon which resolution/settlement is based (NSRTA ss. 117(2) & 167) #361

Parties do not wish negotiated dispute resolution/settlement to be formalized in a NSRT Order and the NSRT finds no material change in facts or circumstances that form the basis of the negotiated resolution/settlement (NSRTA ss. 117 (2) & 118) #364

Apply for Review of NSRT Entry Order or NSRT Compensation Order (RPP 3.4) (NSRTA s. 167) #367

Interlocutory Application (Optional) (RPP 5.2 & Schedule A.5) that Negotiation does not meet legislative requirements (RPP 3.4.1) (NSRTA s. 117)

Unsuccessful #371

Successful #372

New Negotiations Ordered #373

Parties to obtain Initial Application Form for Application for Review of NSRT Order (RPP) and submit it to the NSRT (RPP) along with copy of Amended Entry and/or Compensation Agreement between the Parties #362

No application for NSRT Order is made #365

Applicants to obtain, complete and submit to the NSRT for filing an “Initial Application Form” for Review of NSRT Entry Order or NSRT Compensation Order in paper or electronic format (RPP 3.4.2 & RPP Schedule A.3) #368

Applicants receive filed copy of Initial Application Form for Review of NSRT Entry Order or NSRT Compensation Order in either paper or electronic format from the NSRT #369

NSRT to include Amended Entry/Compensation Agreement in NSRT Review Order (NSRTA ss. 117 (2) & 167)) #363

Negotiated resolution/settlement does not become Order of the NSRT #365

*RPP = Rules of Process and Procedure
 **NSRTA = Nunavut Waters and Nunavut Surface Rights Tribunal Act

APPLICATION FOR REVIEW OF NSRT ORDER (RPP 3.4) (NSRTA s. 167)

#374

Applicants serve filed copy of Initial Application Form for Review of NSRT Entry Order or NSRT Compensation Order in either paper or electronic format on all other Parties to the Application for Review of NSRT Order (RPP 3.4.3) #375

ELECTRONIC INITIAL APPLICATION FORMS

Filed electronic copies of Initial Application Form for Review of NSRT Entry Order or NSRT Compensation Order (original electronic or scanned copies of paper) must be served upon all other Parties to the Application. Service may be via electronic means, in which case the Applicant must provide confirmation of service satisfactory to the NSRT (RPP 3.4.3.1) #376

PAPER INITIAL APPLICATION FORMS

Filed paper copies of Initial Application Form for Review of NSRT Entry Order or NSRT Compensation Order must be served upon all other Parties to the Application. Service may be via postal mail or courier, in which case the Applicant must provide confirmation of Service satisfactory to the NWT SRB (RPP 3.4.3.2) #377

Filed and Served Initial Application Form for Review of NSRT Entry Order or NSRT Compensation Order will be posted by the NSRT on its website for public viewing (RPP 3.4.4) #378

ADVERTISING

NSRT advertises Application in English/French/Inuktitut in newspaper of general circulation in Communities located in geographic region which is the subject of the Application for Review of NSRT Entry Order or NSRT Compensation Order (RPP 3.4.4) #379

APPLICATION FOR REVIEW OF NSRT ORDER (RPP 3.4) (NSRTA s. 167)

#401

Upon receiving “Interlocutory Application Form” NSRT may in its discretion do the following: (RPP 5.2.2) #402

Hear the matter by way of Interlocutory Hearing (RPP 5.2.2) #403

Deal with the matter by any other means deemed appropriate by the NSRT (RPP 5.2.2) #405

NSRT provides Notice of the Interlocutory Hearing to all Parties to the Proceeding (RPP 5.2.3) #404

No Interlocutory Hearing #406

FORM OF INTERLOCUTORY HEARING

NSRT determines the form of Interlocutory Hearing, and may in its discretion hold the following types of Interlocutory Hearings: (RPP 5.2.4) #407

In-Person Hearing (RPP 5.2.4) #408

Electronic Hearing (RPP 5.2.4) #409

Written Hearing (RPP 5.2.4) #410

Combination Hearing (RPP 5.2.4) #411

NSRT may in its discretion set out the time and location of Interlocutory Hearing (RPP 5.2.4) #412

NSRT may in its discretion set out the process to be followed in the Interlocutory Hearing, and may or may not adopt any or all of the NSRT *Rules of Process and Procedure* which apply to a Hearing (RPP 5.2.4) #413

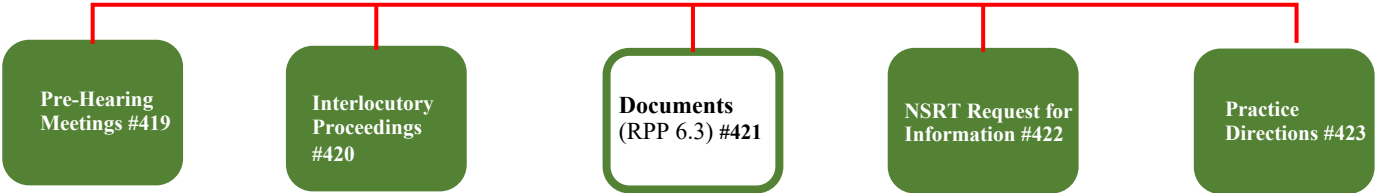
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APPLICATION FOR REVIEW OF NSRT ORDER (RPP 3.4) (NSRTA s. 167)

#417

PRE-HEARING PROCEDURE #418



All Documents (excluding Initial Application Form For NSRT Compensation Order or Interlocutory Application Forms)

All documents which any Party wishes to present in an Application for Review of an NSRT Entry Order or NSRT Compensation Order must be filed with the NWT SRB either in paper or electronic format (personal service not required) #424

Filed documents shall be considered to be properly filed and served upon all Parties upon being filed and posted by the NSRT on its website for public viewing (RPP 6.15.3) (NSRTA s. 127) #425

Initial Application Form For NSRT Compensation Order or Interlocutory Application Forms

Applicants to obtain, complete and submit to the NSRT (personal service required) for filing an “Initial Application Form” for Review of an NSRT Entry Order or an NSRT Compensation Order in paper or electronic format (RPP) along with a copy of the most recent written offer of compensation made to the designated Inuit organization or to the occupant of the land that would be subject to the Order (NSRTA s. 138) #426

Applicants receive filed copy of Initial Application Form for Review of NSRT Entry Order or NSRT Compensation Order in either paper or electronic format from the NSRT #427

Applicants serve filed copy of Initial Application Form for Review of NSRT Entry Order or NSRT Compensation Order in either paper or electronic format on all other Parties to the Application for NSRT Access Order (RPP 3.4.3) #428

ELECTRONIC INITIAL APPLICATION FORMS

Filed electronic copies of Initial Application Form for Review of an NSRT Entry Order or NSRT Compensation Order (original electronic or scanned paper copies) must be served upon all other Parties to the Application. Service may be via electronic means, in which case the Applicant must provide confirmation of service satisfactory to the NSRT (RPP 3.4.3) #429

PAPER INITIAL APPLICATION FORMS

Filed paper copies of Initial Application Form for Review of an NSRT Entry Order or NSRT Compensation Order must be served upon all other Parties to the Application. Service may be via postal mail or courier, in which case the Applicant must provide confirmation of service satisfactory to the NSRT (RPP 3.4.3) #430

Filed and Served Initial Application Form for Review of NSRT Entry Order or NSRT Compensation Order or Interlocutory Application Forms will be posted by the NSRT on its website for public viewing and will be available for public inspection at the NSRT’s office. (RPP 3.4.4 & 6.15.3) (NSRTA s. 127) #431

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#440

HEARING PROCEDURE #441



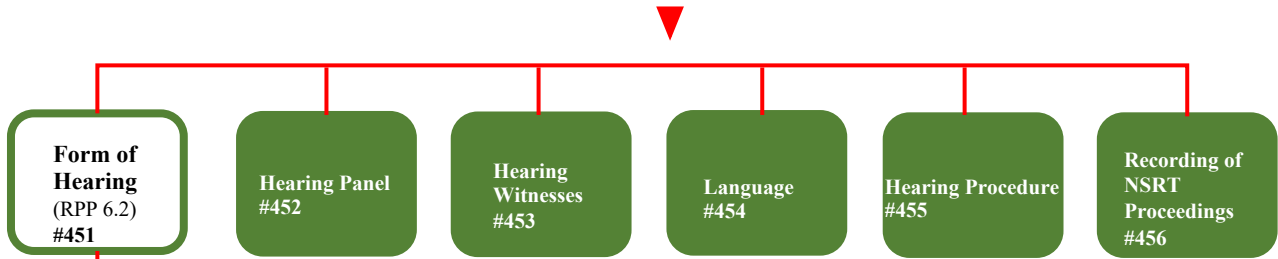
The NSRT may issue “*Practice Directions*” for the purpose of addressing procedural issues either with respect to NSRT proceedings generally, or pertaining to individual proceedings which occur within a case specific context. *Practice Directions* are to be read in conjunction with the NSRT *Rules of Process and Procedure* (RPP 1.13) #447

In the event of a conflict or inconsistency between *Practice Directions* and the NSRT RPP, *Practice Directions* shall prevail to the extent of the conflict or inconsistency as an exception to the *Rules of Process and Procedure* (RPP 1.13.2) #448

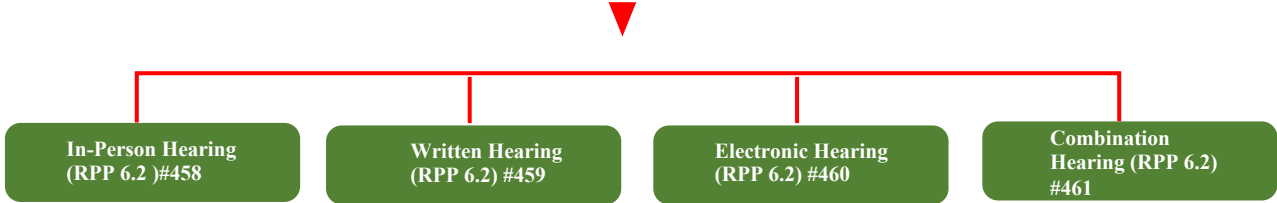
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#449

HEARING PROCEDURE #450



NSRT Determines the Form of Hearing and may in its discretion hold the following types of Hearings (RPP 6.2) #457



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QUESTIONING OF CONVENTIONAL WITNESSES

- Conventional Witnesses may be questioned by the NSRT and the other Parties (RPP 6.13.3.2)
- Questioning of Conventional Witnesses should be conducted for the purpose of clarifying and testing the evidence provided by Conventional Witnesses, and for eliciting relevant material and information not brought out during the initial giving of evidence (RPP 6.13.3.1)
- Questioning of Conventional Witnesses must be with respect to matters which are relevant to the matter before the NSRT (RPP 6.13.3.3(a))
- Questioning of Conventional Witnesses shall not be conducted in a manner which is abusive, offensive or discourteous (RPP 6.13.3.3(b))

#489



QUESTIONING OF EXPERT WITNESSES

- Expert Witnesses may be questioned by the NSRT and the other Parties (RPP 6.13.3.2)
- Questioning of Expert Witnesses should be conducted for the purpose of clarifying and testing the evidence provided by Expert Witnesses, and for eliciting relevant material and information not brought out during the initial giving of evidence (RPP 6.13.3.1)
- Questioning of Expert Witnesses must be with respect to matters which are relevant to the matter before the NSRT (RPP 6.13.3.3(a))
- Questioning of Expert Witnesses shall not be conducted in a manner which is abusive, offensive or discourteous (RPP 6.13.3.3(b))

#490



QUESTIONING OF TK/IQ WITNESSES

TK IQ witnesses may only be questioned by the NSRT Panel (RPP 6.13.3.2) #491

