

APPLICATION FOR TERMINATION OF NSRT ORDER (RPP 3.5 & 7.10.4) (NSRTA s. 168) #524

Termination of NSRT Access Order #525

Termination of NSRT Compensation Order #526

Application for Termination of NSRT Order Procedures (RPP 3.5) #527

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)) #528

Negotiation Successful #529

Negotiation Unsuccessful #536

Parties by consent wish Termination of NSRT Order via an NSRT Termination Order. (NSRTA ss. 117(2) & 168) #530

Parties do not wish negotiated Termination of Order to be formalized in an NSRT Order (NSRTA ss. 117 (2) & 118) #533

Apply for Termination of NSRT Entry Order or NSRT Compensation Order (RPP 3.5.2) (NSRTA s. 168) #537

Interlocutory Application (Optional) (RPP 5.2 & Schedule A.5) that Negotiation does not meet legislative requirements (RPP 3.4.1) (NSRTA s. 117 (1)) #540

Unsuccessful #541

Successful #542

New Negotiations Ordered #543

Applicants to obtain, complete and submit to the NSRT for filing an “Initial Application Form” for Termination of NSRT Entry Order or NSRT Compensation Order in paper or electronic format (RPP 3.5.2 & RPP Schedule A.4) (NSRTA s. 168) #538

Applicants receive filed copy of Initial Application Form for Termination of NSRT Entry Order or NSRT Compensation Order in either paper or electronic format from the NSRT #539

Parties to obtain Initial Application Form for Termination of NSRT Order (RPP 3.5.2) and submit it to the NSRT (RPP 3.5.2) along with copy of Termination Agreement between the Parties #531

No application for NSRT Termination Order is made #534

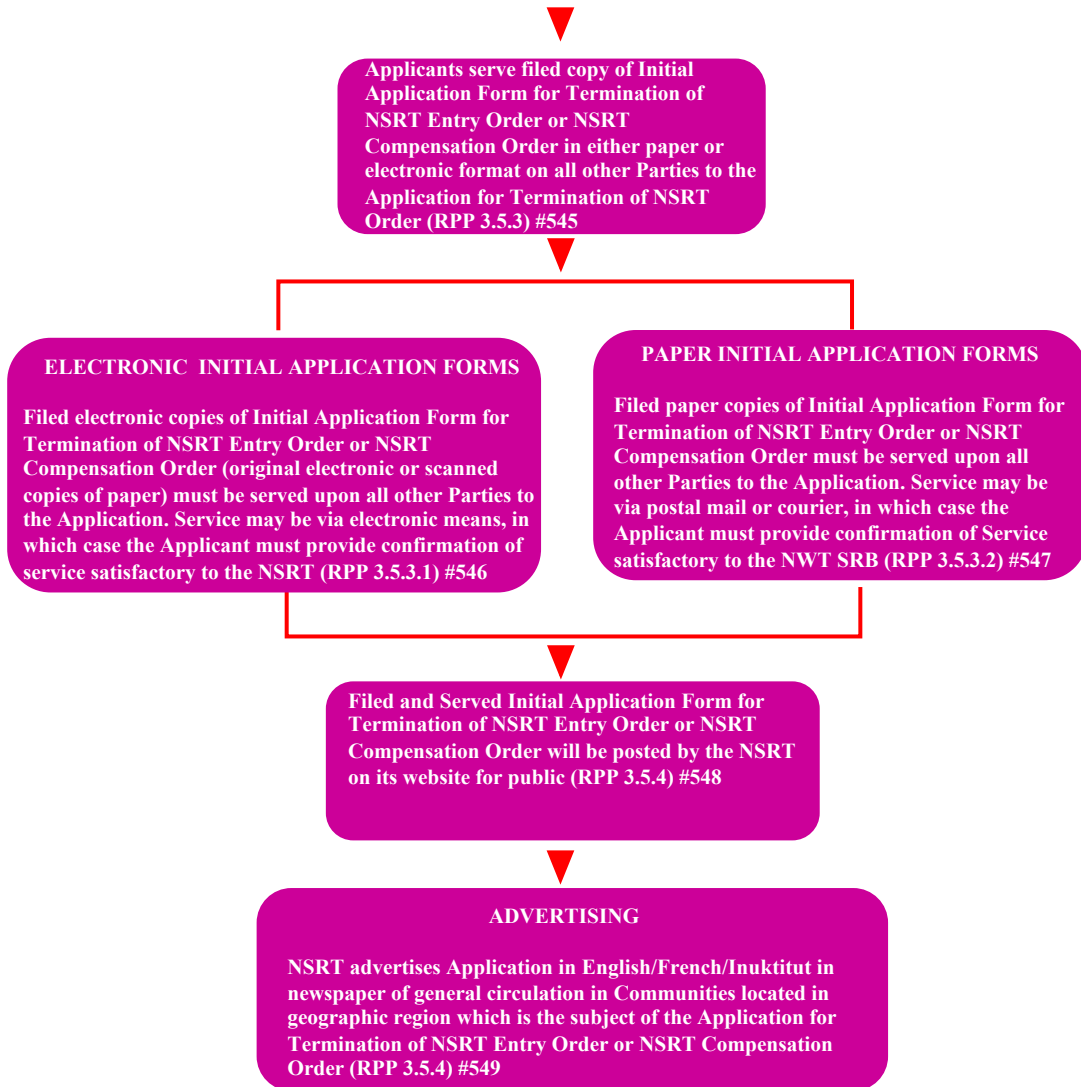
Negotiated Termination Agreement does not become Order of the NSRT #535

NSRT to include Termination Agreement in NSRT Termination Order (NSRTA ss. 117 (2) & 168) #532

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APPLICATION FOR TERMINATION OF NSRT ORDER (RPP 3.5 & 7.10.4) (NSRTA s. 168) #544



APPLICATION FOR TERMINATION OF NSRT ORDER (RPP 3.5 & 7.10.4)
(NSRTA s. 168) #550

PRE-HEARING PROCEDURE (RPP 5.0) #551



**Pre-Hearing
Conferences**
 (RPP 5.5) #552

**Interlocutory
Proceedings**
 #553

Documents
 #554

**NSRT Request
for Information**
 #555

Practice Directions
 #556



The NSRT may require that Parties attend one or more Pre-Hearing conferences (meetings) prior to a Hearing. Information relating to the details of a Pre-Hearing conference will be provided by the NSRT to the Parties in advance of Pre-Hearing conference(s) (RPP 5.5.1) #557

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APPLICATION FOR TERMINATION OF NSRT ORDER (RPP 3.5 & 7.10.4) (NSRTA s. 168) #558

PRE-HEARING PROCEDURE #559



In the event that one or more Parties to any NSRT proceeding wishes to raise an issue relating primarily to matters of process or procedure in resolving a dispute (not the substance of a dispute), any Party may bring an Interlocutory Application to address the issue (RPP 5.2) #565

Any Party wishing to make an Interlocutory Application should obtain, complete and submit to the NSRT for filing an “Interlocutory Application Form” (RPP Schedule A.5) in paper or electronic format (RPP 5.2.1) #566

The filing Party will receive filed copy of “Interlocutory Application Form” in either paper or electronic format from the NSRT #567

The filing Party will serve filed copy of “Interlocutory Application Form” in either paper or electronic format on all Parties to an NSRT proceeding (RPP 5.2.1) #568

ELECTRONIC “INTERLOCUTORY APPLICATION FORMS”

Filed electronic copies of “Interlocutory Application Form” (original electronic or scanned copies of paper) may be served electronically on other Parties, in which case the Applicant must provide confirmation of service satisfactory to the NSRT (RPP 5.2.1) #569

PAPER “INTERLOCUTORY APPLICATION FORMS”

Filed paper copies of “Interlocutory Application Form” may be served via postal mail or courier, in which case the Applicant must provide confirmation of service satisfactory to the NSRT (RPP 5.2.1) #570

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APPLICATION FOR TERMINATION OF NSRT ORDER (RPP 3.5 & 7.10.4)
(NSRTA s. 168) #571

Upon receiving "Interlocutory Application Form" NSRT may in its discretion do the following: (RPP 5.2.2) #572

Hear the matter by way of Interlocutory Hearing (RPP 5.2.2) #573

Deal with the matter by any other means deemed appropriate by the NSRT (RPP 5.2.2) #575

NSRT provides Notice of the Interlocutory Hearing to all Parties to the Proceeding (RPP 5.2.3) #574

No Interlocutory Hearing #576

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) #577

In-Person Hearing
(RPP 5.2.4) #578

Electronic Hearing
(RPP 5.2.4) #579

Written Hearing
(RPP 5.2.4) #580

Combination Hearing
(RPP 5.2.4) #581

NSRT may in its discretion set out the time and location of Interlocutory Hearing (RPP 5.2.4) #582

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) #583

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APPLICATION FOR TERMINATION OF NSRT ORDER (RPP 3.5 & 7.10.4) (NSRTA s. 168) #584



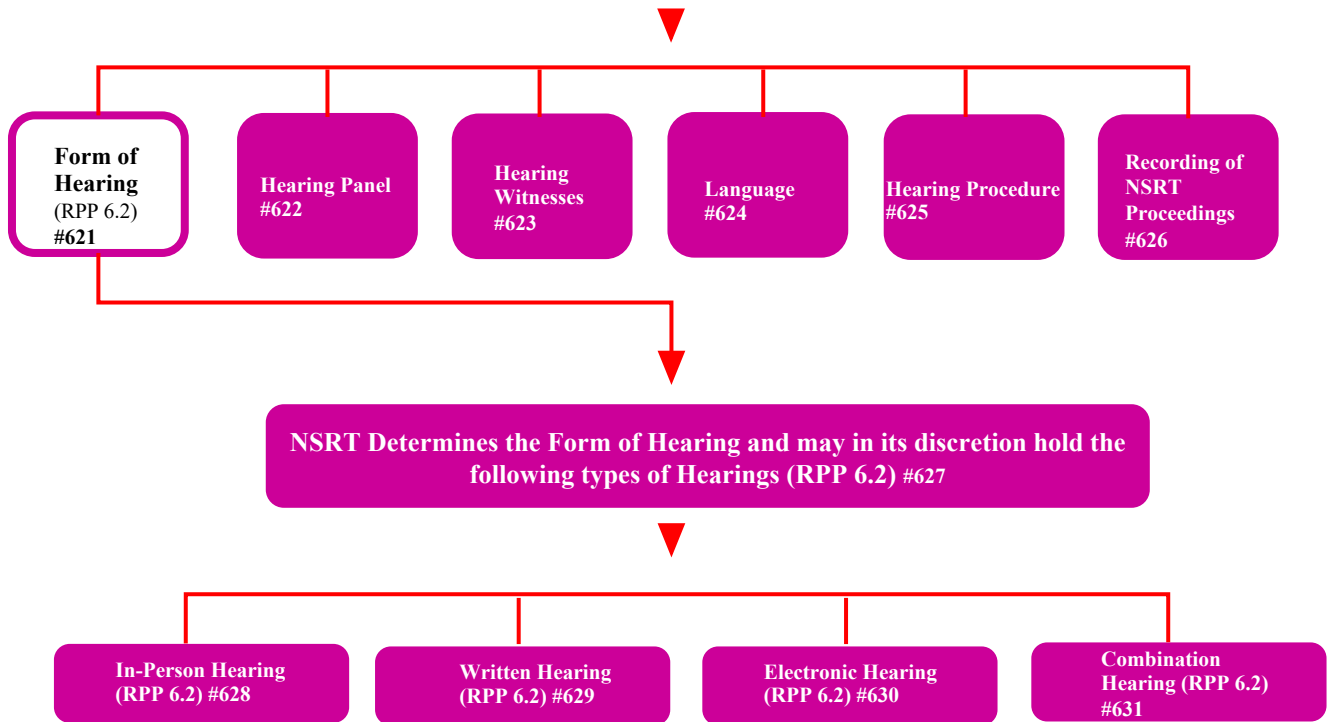
Upon considering an Interlocutory Application by way of a Hearing, the Member(s) of the NSRT hearing the Application shall render a Decision (Order with reasons) with respect to the Interlocutory Application, which Decision will be in writing and shall include reasons for the Decision (RPP 5.2.6) #585



NWT SRB Interlocutory Decision to be provided by the NSRT to every Party participating in the Interlocutory Application and published on the NSRT website. (RPP 5.2.7) #586

APPLICATION FOR TERMINATION OF NSRT ORDER (RPP 3.5 & 7.10.4)
(NSRTA s. 168) #619

HEARING PROCEDURE #620



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APPLICATION FOR TERMINATION OF NSRT ORDER (RPP 3.5 & 7.10.4) (NSRTA s. 168) #632

HEARING PROCEDURE #633



“Members shall be assigned to panels in accordance with the bylaws of the Tribunal or, in the absence of by-laws respecting the assignment of members to panels, by the Chairperson.” (NSRTA s. 125 (1))

Members of the NSRT are appointed to a Panel of the NSRT by the Chairperson of the NSRT. (NSRT By-law 7.1.6) #640

“An application to the Tribunal shall be heard by a panel consisting of three members or, if the parties consent, by one member.” (NSRTA s. 124 (1)) (RPP 6.3.2) #641

“... if one of the members of a panel is absent, the hearing may continue with only one of the members if the parties consent, but if the parties do not consent, the application shall be reheard by another panel or member.” (NSRTA s. 124 (1)) #642

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APPLICATION FOR TERMINATION OF NSRT ORDER (RPP 3.5 & 7.10.4) (NSRTA s. 168)



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))

#659

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))

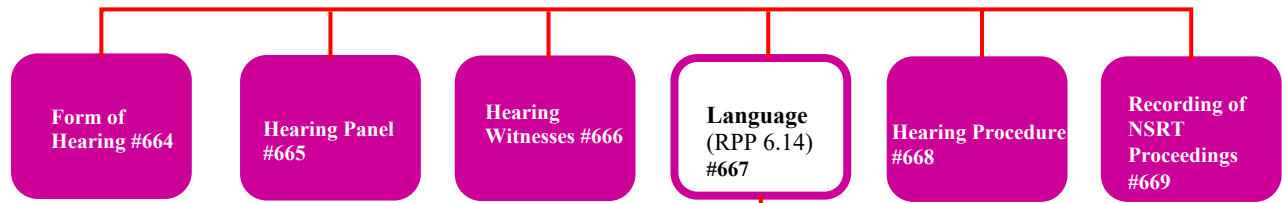
#660

QUESTIONING OF TK/IQ WITNESSES

TK IQ witnesses may only be questioned by the NSRT Panel (RPP 6.13.3.2) #661

**APPLICATION FOR TERMINATION OF NSRT ORDER (RPP 3.5 & 7.10.4)
(NSRTA s. 168) #662**

HEARING PROCEDURE #663



LANGUAGE OF NSRT BUSINESS

“The Tribunal shall conduct its business in both of the official languages of Canada in accordance with the Official Languages Act and any directives of the Minister and, on request by any designated Inuit organization, in Inuktitut” (RPP 6.14.1) (NSRTA s. 106(1)) #670

LANUGAGE IN WHICH EVIDENCE IS HEARD

“The Tribunal has, in any proceedings before it, the duty to ensure that any person giving evidence before it may be heard in Inuktitut or in either official language, and that in being so heard the person will not be placed at a disadvantage by not being heard in another of those languages” (RPP 6.14.2) (NSRTA s. 106 (3)) #671

TRANSLATION OF VERBAL EVIDENCE

“The Tribunal has, in any proceedings before it, the duty to ensure that, at the request of any party to the proceedings, facilities are made available for the simultaneous interpretation of the proceedings, including the evidence given and taken, from Inuktitut into one of the official languages, from one of the official languages into Inuktitut, from one of the official languages into the other” (RPP 6.14.3) (NSRTA s. 106(4)) #672

TRANSLATION OF DOCUMENTS

“The Tribunal has, in any proceedings before it, the duty to provide a translation of any document prepared in Inuktitut or in one of the official languages for the purpose of the proceedings by a party to the proceedings into one or both of the official languages or into Inuktitut or the other official language where necessary to enable another party to the proceedings to understand and deal with the document” (RPP 6.14.4) (NSRTA s. 106(5)) #673

TRANSLATION OF ORDERS

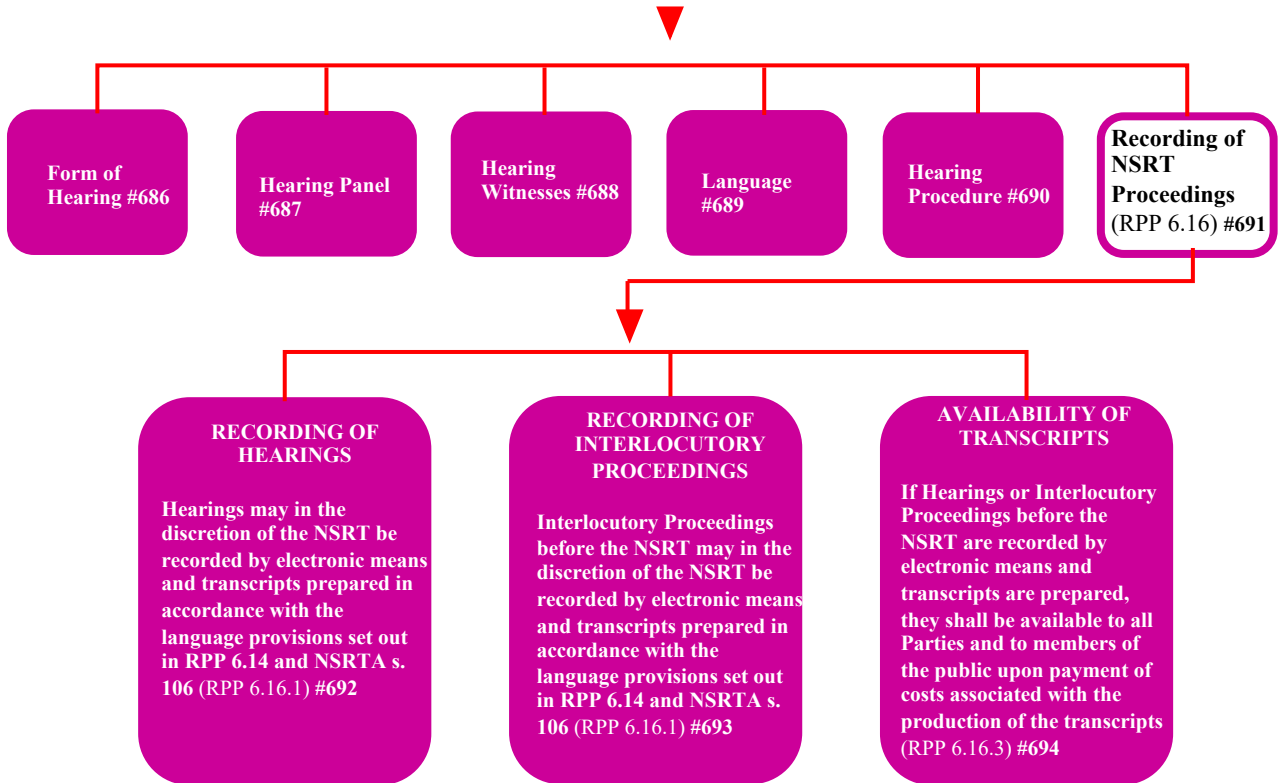
“The Tribunal shall, on the request of a party to any proceedings before it, provide a translation into Inuktitut of any order made in the proceedings, including any reasons given for the order.” (RPP 6.14.5) (NSRTA s. 106(6)) #674

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APPLICATION FOR TERMINATION OF NSRT ORDER (RPP 3.5 & 7.10.4) (NSRTA s. 168) #684

HEARING PROCEDURE #685



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