

FIVE YEAR REVIEW OF NSRT COMPENSATION ORDER (RPP 6.7.1.6 & 7.10.5) (NSRTA s. 169) #695



The *Nunavut Waters and Nunavut Surface Rights Tribunal Act* requires the NSRT to review the compensation awarded by an NSRT Compensation Order in relation to Inuit-owned land every five (5) years, as per s. 169 of the Act:

“169. (1) Except where every person to whom notice is given under subsection (2)

(a) waives the requirement for a review, or

(b) is deemed, under subsection (3), to have waived that requirement,

the Tribunal shall review the amount of compensation payable under an order providing for compensation in relation to Inuit-owned lands at the expiry of each five year period after the day on which the order was made.” (RPP 7.10.5) (NSRTA 169(1)) #696



Not later than sixty (60) days prior to five (5) years after an NSRT Compensation Order in relation to Inuit-owned land the NSRT shall notify the Parties to the Order (or their successors) of the NSRT’s intention to review the Order:

“169 (2) The Tribunal shall, not later than sixty days before the expiry of each period referred to in subsection (1), notify, in writing, each person to whom a copy of the order was sent and any successor to such a person referred to in section 163 who has notified the Tribunal of the succession that

(a) the Tribunal intends to review the amount of compensation payable under the order; and

(b) the person may make written representations in respect of the amount of compensation to the Tribunal within thirty days after the day on which the person receives the notice.” (RPP 7.10.5) (NSRTA 169(2)) #697



In the event that a person notified by the NSRT in accordance with s. 169 (2) of the NSRTA does not make a written representation to the NSRT within thirty (30) days of receiving the notice is deemed to have waived the requirement for review:

“169 (3) Every person who does not make representations in the manner described in paragraph (2)(b) is deemed to have waived the requirement for a review.” (RPP 7.10.5) (NSRTA s. 169 (3)) #698



In the event that the NSRT conducts a review of the compensation awarded by an NSRT Compensation Order in relation to Inuit-owned land, the NSRT shall notify the Parties to the review of the manner in which the review will be undertaken. (RPP 7.10.5) #699