

## Legal Notice

### Are You a Member of a First Nation That Has Been Subject To Inadequate Housing?

If YES, A Class Action May Affect Your Rights and the Rights of First Nations

A court authorized this notice

- You could be affected by a class action involving a lack of access to adequate housing in your First Nation Communities.
- The Federal Court has decided that class actions on behalf of a “Class” of both First Nations and band members may proceed. Band members can choose whether to stay in the Class. First Nations can choose whether to join the Class. The Courts appointed St. Theresa Point First Nation, Chief Emeritus Elvin Flett, Chief Raymond Flett, Sandy Lake First Nation, and Chief Delores Kakegamic to act as Representative Plaintiffs for the Class.
- The Federal Court has not decided whether Canada did anything wrong, and there still has to be a Court case about whether Canada did anything wrong. There is no money available now and no guarantee there will ever be any money. However, your rights are affected, and you have a choice to make now. This notice is to help you and your First Nation make that choice.

INDIVIDUAL BAND MEMBERS: YOUR LEGAL RIGHTS AND OPTIONS AT THIS STAGE	
<b>DO NOTHING: REMAIN IN THIS LAWSUIT</b>	<b>Stay in this lawsuit and wait for the outcome. Share in possible benefits from the outcome but give up certain individual rights.</b> By doing nothing, you keep the possibility of receiving money or other benefits that may come from a trial or settlement. But, you give up any rights to sue Canada on your own about the same legal claims in this lawsuit.
<b>REMOVE YOURSELF (OPT OUT)</b>	<b>Get out of this lawsuit and get no benefits from it. Keep rights.</b> If you ask to opt out and money or benefits are later awarded to Class members, you won't get a share. But, you keep any rights to sue Canada on your own about the same legal claims in this lawsuit.
FIRST NATIONS: YOUR LEGAL RIGHTS AND OPTIONS AT THIS STAGE	
<b>CHOOSE TO JOIN THE CLASS (OPT IN)</b>	<b>Join the Class. If you join, your First Nations might share in money and benefits from the outcome.</b> By joining the Class (opting in), First Nations might receive money or other benefits, including housing infrastructure, that may come from a trial or settlement in the Class Action. Opting in is an easy process, and there is no cost to opt in.

**DO NOTHING:  
LOSE YOUR  
FIRST  
NATION'S  
RIGHTS  
UNDER THE  
CLASS ACTION**

**By doing nothing, your First Nation will lose the possibility of receiving money and other benefits if the Class Action succeeds.**

If First Nations do not join the Class (opt in) and money or benefits are later awarded, your First Nation won't share in those.

By not opting-in, your First Nation may keep any rights to sue Canada about the same legal claims in this lawsuit.

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## BASIC INFORMATION

### 1. Why is there a notice?

The Court has “certified” a Class Action. This means that the lawsuit meets the requirements for class actions and may proceed to trial. If you are included, you may have legal rights and options before the Court decides whether the claims being made against Canada on your behalf are correct. This notice attempts to explain all of these things.

Associate Judge Crinson and Justice Strickland of the Federal Court are currently overseeing the case known as *St. Theresa Point First Nation et al. v. Canada*. The persons who sued are called the Plaintiffs. Canada is the Defendant. A link to the latest version of the Statement of Claim (the legal document that makes the allegations against Canada) can be found [here](#).

### 2. What is this litigation about?

This Class Action asserts that Canada breached its obligations by failing to ensure that First Nations communities had access to adequate housing. The Class Action also asserts that members of these communities and the communities themselves were harmed emotionally, physically, financially, and spiritually. The Class Action asserts that Canada has breached its fiduciary duties, its duty of care, and the *Charter of Rights and Freedoms*. The Court has not decided (and Canada has not admitted) that any of these assertions are true. If there is no settlement with Canada, the Plaintiffs will have to prove their claims in Court.

**If you are having a difficult time dealing with these issues, or have questions about the Class Action, you can send an email to [firstnationshousing@classaction2.com](mailto:firstnationshousing@classaction2.com) or call 1-800-538-0009 for assistance.**

### 3. Why is this a class action?

In a class action, the “representative plaintiffs” (in this case, St. Theresa Point First Nation, Chief Emeritus Elvin Flett, Chief Raymond Flett, Sandy Lake First Nation, and Chief Delores Kakegamic) sued on behalf of individual band members and First Nations who have similar claims. All of these individual band members are part of the “Class” or “Class Members”, as are First Nations who choose to join the Class Action. The Court resolves the issues for all Class Members in one case, except (in the case of individual band members) for those who remove themselves from (opt out of) the Class and (in the case of First Nations) for those that do not join (opt into) the Class Action.

#### 4. Who is a member of the Class?

- (a) All persons who:
- (i) are members of a band, as defined in subsection 2(1) of the *Indian Act*, R.S.C. 1985, c. I-5 (“**First Nation**”), the disposition of whose lands is subject to that Act or the *First Nations Land Management Act*, S.C. 1999, c. 24 (altogether, “**First Nations Lands**”), and ordinarily resided for at least one year from June 12, 1999 to present while those First Nations Lands were subject to the following conditions:
    - I. at least 30% of the members of the First Nation ordinarily resident on reserve live in Band-Owned Housing, being housing that is owned and administered by a First Nation and funded, directly or indirectly, by Canada:
      - (A) with a shortfall of two bedrooms or more relative to the Canada Mortgage and Housing Corporation’s National Occupancy Standard; and
      - (B) that requires major repairs, including defective plumbing or electrical wiring, or structural repairs to walls, floors, or ceilings, or which requires replacement; or
    - II. at least 70% of the members of the First Nation ordinarily resident on reserve live in Band-Owned Housing with a shortfall of two bedrooms or more *or* 70% of the members of the First Nation ordinarily resident on reserve live in Band-Owned Housing that requires major repairs; and
    - III. whether (A) or (B) above, or both, is not a Zone 1 First Nation according to the Band Classification Manual, being located within 50 km of the nearest service centre with year-round road access;  
  
(First Nations with First Nations Lands that satisfy the criteria in either (A) or (B) above, or both, and satisfy the criterion in (C) above are referenced as “**Impacted First Nations**”); or
    - IV. are First Nations Lands of the First Nations set out in the Impacted First Nations List below, which may be amended by further Order of the Court;
  - (b) St. Theresa Point First Nation;
  - (c) Sandy Lake First Nation; and

Any other Impacted First Nation that opts into this action (“**Participating Nations**”).

## Impacted First Nations List

Based on currently available census data, the Plaintiffs compiled a list of Impacted First Nations (the “**Impacted First Nations List**”). This list may change as additional data become available and may not reflect all Impacted First Nations. Unless the Court amends the Class definition, band members who ordinarily resided on the reserves of First Nations on the Impacted First Nations List for at least one year from June 12, 1999 to present will be Class members, unless they opt out (as discussed below). The Impacted First Nations List is as follows:

1. Athabasca Chipewyan First Nation
2. Attawapiskat First Nation / Attawapiskat Band
3. Barren Lands
4. Black Lake Denesuline First Nation / Black Lake / Black Lake Band
5. Bunibonibee Cree Nation / Bunibonibee Cree Nation
6. Cat Lake First Nation / Cat Lake
7. Dechi Laot'i First Nations
8. Deer Lake Band
9. Ehattesah / Ehattesah Band
10. Fond Du Lac Band
11. Fort Albany And Kashechewan First Nation
12. Fort Severn First Nation
13. Garden Hill First Nations
14. Hatchet Lake Denesuline Nation / Hatchet Lake / Hatchet Lake Band
15. Ka:'Yu:'K't'h'/Che:K:Tles7et'h' First Nations / Ka'yu:'K't'h'/Che:K:Tles7et'h'
16. Kee-Way-Win
17. Kitchenuhmaykoosib Inninuwug First Nation
18. Kluskus / Kluskus Band
19. Kwicksutaineuk-Ah-Kwaw-Ah-Mish First Nation
20. Little Grand Rapids First Nation / Little Grand Rapids Band
21. Little Red River Cree Nation / Little Red River Cree Nation Band
22. Lutsel K'e Dene Band
23. Lyackson First Nation / Lyackson / Lyackson Band
24. Manto Sipi Cree Nation
25. Mathias Colomb Cree Nation / Mathias Colomb
26. Mushuau Innu First Nation
27. Muskrat Dam First Nation
28. Neskantaga First Nation
29. Nibinamik First Nation
30. Northlands Denesuline First Nation / Northlands
31. Nuchatlaht First Nation
32. Pauingassi First Nation Band
33. Pikangikum First Nation
34. Poplar Hill First Nation
35. Red Sucker Lake First Nation
36. Sachigo Lake First Nation
37. Shamattawa First Nation / Shamattawa First Nation Band
38. Skatin Nations (Skookumchuck)
39. St. Theresa Point First Nation / St. Theresa Point / St. Theresa Point Band
40. Tsay Keh Dene
41. Wasagamack First Nation
42. Wawakapewin First Nation
43. Webequie First Nation
44. Wunnumin Lake First Nation
45. Poplar River First Nation
46. Sandy Lake First Nation
47. Sayisi Dene
48. Berens River First Nation (Miimiiwiziibiing) / Berens River / Berens River Band
49. Birch Narrows First Nation
50. Clearwater River Dene
51. Da'naxda'xw First Nation
52. Eastmain Band
53. First Nation Of Nacho Nyak Dun
54. Kwiakah Band
55. Ross River Band
56. Tetlit Gwich'in
57. Xenigwet'in First Nations Government
58. Ahtakakoop Cree Nation
59. Alexandria / Alexandria Band
60. Alexis Nakota Sioux Nation / Alexis Band
61. Animibiigoo Zaagi'igan Anishinaabek
62. Beardy's And Okemasis First Nation
63. Big Island Lake Cree Nation

QUESTIONS? CALL TOLL-FREE 1-800-538-0009 OR VISIT

[www.classaction2.com/firstnationshousing.html](http://www.classaction2.com/firstnationshousing.html)

64. Big River First Nation / Big River / Big River Band
65. Blood
66. Bloodvein First Nation / Bloodvein / Bloodvein Band
67. Buffalo Point First Nation / Buffalo Point First Nation Band
68. Canoe Lake Cree First Nation
69. Chemawawin Cree Nation
70. Cheslatta Carrier Nation
71. Cross Lake Band (Pimicikamak Cree Nation) / Cross Lake First Nation
72. Deh Gáh Got'ie Dene First Nation
73. Deninu K'ue First Nation
74. Frog Lake / Frog Lake Band
75. High Bar
76. Island Lake First Nation / Island Lake First Nation Band
77. Kinistin Band
78. Kitcisakik Band
79. Little Saskatchewan First Nation
80. Loon River Cree Band
81. Lubicon Lake Nation
82. Makwa Sahgaiehcan First Nation
83. Marcel Colomb First Nation
84. Ministikwan Lake Cree Nation
85. Mishkeegogamang Ojibway Nation / Mishkeegogamang / Mishkeegogamang Band
86. Mistawasis First Nation / Mistawasis
87. Mosakahiken Cree Nation
88. Nazko First Nation
89. Nicomen
90. Nisichawayasihk Cree Nation
91. O-Chi-Chak-Ko-Sipi First Nation
92. Onion Lake Cree Nation
93. O-Pipon-Na-Piwin Cree Nation
94. Oregon Jack Creek Band
95. Pacheedaht First Nation
96. Paul First Nation / Paul / Paul Band
97. Peepeekisis Cree Nation
98. Pelican Lake First Nation / Pelican Lake / Pelican Lake Band
99. Peter Ballantyne Cree Nation / Peter Ballantyne Band
100. Pinaymootang First Nation
101. Pine Creek
102. Red Earth First Nation / Red Earth Band
103. Roseau River Anishinabe First Nation Government
104. Sandy Bay Ojibway First Nation / Sandy Bay / Sandy Bay band
105. Sapotaweyak Cree Nation
106. Selkirk First Nation
107. Shoal Lake Cree Nation
108. Skin tyee
109. Skownan First Nation
110. Star Blanket First Nation
111. Sturgeon Lake First Nation
112. Sunchild First Nation / Sunchild cree first nation band
113. Swan lake band
114. Tallcree Tribal Government / Tallcree First Nation
115. Tataskweyak Cree Nation
116. Thunderchild First Nation / Thunderchild band
117. Tl'etinqox Government
118. Tootinaowaziibeeng Treaty Reserve
119. Wabaseemoong Independent Nations
120. Waterhen Lake (SK)
121. White Bear First Nation
122. Whitefish Lake (AB) / Whitefish Lake
123. Witchekan Lake / Witchekan lake band
124. Wuskwi Sipihk First Nation
125. Yekooche First Nation
126. Yellow Quill / Yellowquill
127. Little Pine First Nation

### **5. What are the Plaintiffs asking for?**

The Plaintiffs are asking for money and other benefits for the Class, including adequate housing infrastructure. The Plaintiffs are also asking for legal fees and disbursements, plus interest.

### **6. Is there any money available to Class Members now?**

No money or benefits are available now because the Court has not yet decided whether Canada did anything wrong, and the two sides have not settled the case. There is no

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[www.classaction2.com/firstnationshousing.html](http://www.classaction2.com/firstnationshousing.html)

guarantee that money or benefits will ever be obtained. If money or other benefits become available, notice will be provided about how to ask for your share.

## YOUR RIGHTS AND OPTIONS

Individual band members must decide whether to stay in the Class, and you have to decide this by **March 31, 2025**. First Nations must decide whether they want to join the class by **no later than 90 days before the Class members' claims are determined**.

### 7. What happens if I do nothing at all? What happens if the First Nation does nothing at all?

**Individuals Band Members:** if you do nothing, you will automatically remain in the Class Action. You will be bound by all Court orders, good or bad. If any money or other benefits are awarded, you may need to take action after notice to you to receive any benefits.

**First Nations:** First Nations must choose to join the Class Action to receive the potential benefits and to be bound by all Court orders, good or bad.

### 8. What if I don't want to be in the Lawsuit? What if a First Nation wants to join the Lawsuit?

**Individual Band Members:** If you do not want to be in the lawsuit, you must remove yourself – this is referred to as “opting out.” If you remove yourself, you will not receive any benefit that may be obtained from the Class Action. You will not be bound by any Court orders and you keep your right to sue Canada as an individual regarding the issues in this case.

To remove yourself, send a communication that says you want to be removed from the Class in *St. Theresa Point First Nation et al. v. Canada* Court File No. T-1207-23. Include your name, address, telephone number, and signature. You can also get an Opt Out coupon at [www.classaction2.com/firstnationshousing.html](http://www.classaction2.com/firstnationshousing.html). You must deliver your removal request by **March 31, 2025**, to: First Nations Housing Class Action c/o CA2 Inc., 9 Prince Arthur Avenue, Toronto, Ontario M5R 1B2.

Email [firstnationshousing@classaction2.com](mailto:firstnationshousing@classaction2.com) or call 1-800-538-0009 if you have any questions about how to get out of the Class Action.

**First Nations:** First Nations that wish to join the Class Action and assert claims on behalf of their band or community must take action to join – this is referred to as “opting in.” To opt in, or to seek more information, please contact Class Counsel Alana Robert (toll free: 1-877-244-7711 extension 548022, [alrobert@mccarthy.ca](mailto:alrobert@mccarthy.ca)); Class Counsel Stephanie Willsey (toll free: 1-877-244-7711 extension 548962, [swillsey@mccarthy.ca](mailto:swillsey@mccarthy.ca)); Class Counsel Rachel Chan (toll free: 1-877-244-7711 extension 548075, [rchan@mccarthy.ca](mailto:rchan@mccarthy.ca)); or Class Counsel Kevin Hille ((416) 598-3694, [khille@oktlaw.com](mailto:khille@oktlaw.com)). **Requests by First Nations to opt in must be sent no later than 90 days before Class members' claims are determined.**



## THE LAWYERS REPRESENTING YOU

### 9. Do Individual Band Members have a lawyer in the case?

Yes. The Court has appointed McCarthy Tétrault LLP and Olthuis Kleer Townshend LLP to represent you and other Class Members as “Class Counsel.” You will not be charged legal or other fees or expenses for these lawyers. If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense.

### 10. How will the lawyers be paid?

The Representative Plaintiffs have entered into a retainer agreement with Class Counsel. Class Counsel will only be paid if they win judgement or if there is a settlement. The Court has to also approve their request to be paid to ensure that it is fair and reasonable. The fees and expenses could be deducted from any money obtained for the Class, or paid separately by the Defendant.

## A TRIAL

### 11. How and when will the Court decide who is right?

If the Class Action is not dismissed or settled, the Plaintiffs must prove their claims at a motion for summary judgement or a trial. During the motion or trial, the Court will hear all of the evidence, so that a decision can be reached about whether the Plaintiffs or Canada is right about the claims in the Class Action. There is no guarantee that the Plaintiffs will win any money or benefits for the Class.

### 12. Will I get money after the trial?

If the Plaintiffs obtain money or benefits as a result of a trial or settlement, you will be notified about how to ask for a share or what your other options are at that time. These things are not known right now. Important information about the case will be posted on the website [www.classaction2.com/firstnationshousing.html](http://www.classaction2.com/firstnationshousing.html) as it becomes available.

## GETTING MORE INFORMATION

### 13. How do I get more information and get information to people who need it?

You can get more information at [www.classaction2.com.firstnationshousing.html](http://www.classaction2.com.firstnationshousing.html), by calling toll free at 1-800-538-0009, by writing to: First Nations Housing Class Action c/o CA2 Inc., 9 Prince Arthur Avenue, Toronto, Ontario M5R 1B2, or by emailing: [firstnationshousing@classaction2.com](mailto:firstnationshousing@classaction2.com).

First Nations and Individual Band Members may also contact Class Counsel Alana Robert (toll free: 1-877-244-7711 extension 548022, [alrobert@mccarthy.ca](mailto:alrobert@mccarthy.ca)); Class Counsel Stephanie Willsey (toll free: 1-877-244-7711 extension 548962, [swillsey@mccarthy.ca](mailto:swillsey@mccarthy.ca)); Class Counsel Rachel Chan (toll free: 1-877-244-7711 extension 548075, [rchan@mccarthy.ca](mailto:rchan@mccarthy.ca)); or Class Counsel Kevin Hille ((416) 598-3694, [khille@oktlaw.com](mailto:khille@oktlaw.com)).

**St. Theresa Point First Nation, Chief Emeritus Elvin Flett, Chief Raymond Flett, Sandy Lake First Nation, and Chief Delores Kakegamic, and Class Counsel kindly ask for the help of health care workers, social workers, First Nation community leaders, family members, caregivers and friends of Class members in getting information to Class Members who would have trouble reading or understanding this notice. More information about this lawsuit is available at the website or by contacting the Administrator or Class Counsel. Please show this notice to people who may be impacted by this lawsuit or their caregivers.**