

Legal Notice

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

A Lawsuit May Affect You and Your First Nation. Please Read this Carefully.

You could be affected by class action litigation regarding the lack of access to adequate housing on First Nations reserves.

The Federal Court decided that a class action 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. There is no money available now and no guarantee that the class action will succeed.

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.

What is this case 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 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 whether any of these assertions are true. If there is no settlement, the Plaintiffs will have to prove their claims in Court.

If you have questions about this class action, you can contact the Administrator via email at firsnationshousing@classaction2.com or by telephone at 1(800) 538-0009.

Who represents the class?

The Court has appointed McCarthy Tétrault LLP and Olthuis Kleer Townshend LLP to represent the Class as “Class Counsel”. You do not have to pay Class Counsel, or anyone else, to participate. The Representative Plaintiffs have entered into a retainer agreement with Class Counsel. Class Counsel may ask for lawyers’ fees and costs, which may be deducted from any money or benefits recovered for Class members. Class Counsel’s fees must be approved by the Court to ensure that they are fair and reasonable.

Individuals Class Members: Who is included and who is excluded?

Band Members Included:

- Band members (as defined by the *Indian Act*) who ordinarily resided for at least one year from June 12, 1999 to present on First Nations Lands of any First Nation 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**").
- 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. Ehattesahk / Ehattesahk 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. Xenii Gwet'in First Nations Government
58. Ahtahkakoop 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
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. Witchehan Lake / Witchehan
lake band
124. Wuskwi Sipiik First Nation
125. Yekooche First Nation
126. Yellow Quill / Yellowquill
127. Little Pine First Nation

Individuals: What are your options?

Stay in the Class: To stay in the Class, you do not have to do anything. If the Class obtains money or benefits, Class Counsel will give notice about how to ask for your share. You will be legally bound by all orders and judgments, and you will not be able to sue Canada about the legal claims in this case.

Staying in the Class will not impact the supports received from community-based agencies that are funded by any government.

Get out of the Class: If you do not want to participate in this class action litigation, you need to remove yourself by opting out. If you opt out, you cannot get money or benefits from this litigation. To opt out, please visit <https://www.classaction2.com/firstnationshousing.html> to obtain an Opt Out coupon, or write to First Nations Housing Class Action c/o CA2 Inc., 9 Prince Arthur Avenue Toronto, Ontario M5R 1B2 requesting to be removed from this class action. Please include your name, address, telephone number, and signature. **Your request to opt out must be sent by March 31, 2025.**

First Nations: What are your options?

Elect to join the Class: First Nations that wish to join the Class and assert claims on behalf of their community must take action to opt 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); Class Counsel Stephanie Willsey (toll free: 1-877-244-7711 extension 548962, swillsey@mccarthy.ca); Class Counsel Rachel Chan (toll free: 1-877-244-7711 extension 548075, rchan@mccarthy.ca); or Class Counsel Kevin Hille ((416) 598-3694, khille@oktlaw.com). **Your request to opt in must be sent no later than 90 days before Class members' claims are determined.**

How Can I Get More Information?

Name of Administrator: CA2 Inc.

Contact Information: email - firstnationshousing@classaction2.com
telephone - 1-800-538-0009

Getting Information To People Who Need It

The Representative Plaintiffs and Class Counsel ask for the help of health care workers, social workers, First Nations 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. Please show this notice to people who may be impacted by this lawsuit or their caregivers.