

Before:

Metis Settlements Appeal Tribunal
Land Panel

Between:

Colin Thomas Calliou

Appellant

-and-

**Fishing Lake Metis Settlement,
Canadian Natural Resources Limited,
BlackPearl Resources Inc.,
Metis Settlements General Council and
Metis Settlements Land Registry**

Respondents

Concerning:

Surface Rights Compensation

Decision Date:

June 12, 2017

DECISION

The Hearing – parties, place and date

MSAT Panel members:

Don Cunningham, Chairperson
Cody Hodgson, Panel Member
David Drummond, Panel Member

Parties Present at the hearing:

Maureen Delorme, Fishing Lake Metis Settlement Lands and Membership Clerk
Arlene Calliou, Fishing Lake Metis Settlement Council
Dwayne Laboucane, Fishing Lake Metis Settlement Council
Terry Parenteau, Fishing Lake Metis Settlement Council
Garry Parenteau, Fishing Lake Metis Settlement, Oil and Gas
Michelle Arrigoni, Fishing Lake Metis Settlement, S. C. Secretary

MSAT Staff:

Karen Mustus, Dispute Resolution Officer
Amanda Wyatt, Dispute Resolution Officer
Harold Robinson, Tribunal Secretary

Hearing:

Fishing Lake Metis Settlement Communiplex
June 7, 2017

1.0 Context

[1] This hearing was arranged to address Colin Thomas Calliou's request that the Appeal Tribunal order the Fishing Lake Metis Settlement to release compensation payments to him for surface rights activity on the following allotments:

- NE-36-056-2-W4M
- SW-12-057-02-W4M
- SW-01-057-02-W4M
- SE-12-057-2-W4M
- NW-01-057-02-W4M
- NE-01-057-02-W4M
- SE-01-057-02-W4M

1.1 Evidence before the Panel

Colin Calliou, Appellant

[2] Colin did not show up for his hearing on June 7, 2017.

[3] The Appeal Tribunal's Dispute Resolution Officer (Karen Mustus) who assisted with this matter was present at the hearing on June 7, 2017 and was asked to clarify the steps taken to notify Colin of the hearing and whether she was made aware of any extenuating circumstances to explain Colin's absence. Here are the steps that were taken to get Colin to attend the hearing:

- On May 17, 2017, all the above mentioned parties were sent a hearing package which contained the exhibits that would be discussed at the hearing. The parties also received notice of the date of the hearing and the name of the members of the Tribunal panel.
- She spoke with Colin over the phone and confirmed that the package was sent to him. She told him to pick up the hearing package at the post office and further told him that the hearing into his matter was set for June 7 in Fishing Lake Metis Settlement.
- Colin did not tell her he could not make the hearing, or that he wanted anybody else to attend on his behalf.
- A notice card was left by Canada Post with Colin on May 19, 2017, indicating where and when to pick up the hearing package. A second notice was left by Canada Post on May 24, 2017, confirming that if the item was not collected within 10 days it would be returned to the sender. On June 8, 2017, the package was returned to the Appeal Tribunal by Canada Post, as it had not been picked up by Colin.
- Appeal Tribunal staff attempted to contact Colin by phone on the morning of the hearing, at three different available numbers, three times at each number. Staff were unsuccessful in reaching him.

1.2 Decision

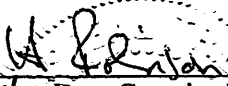
[4] As set out in section 32 of the Appeal Tribunal's Rules of Procedure, if a party fails to attend a hearing after receiving due notice the Panel assigned to the matter may proceed with the hearing and base its decision on the evidence given at the hearing.

[5] In this regard, the evidence given at the hearing suggests that Colin was given every opportunity to attend the hearing or to at least indicate that he could not attend the hearing and simply failed to show up. To this Panel, given the ease by which Colin could have notified Karen during their conversation that he could not attend the hearing, and given the fact that he made no effort to pick up his hearing package, it is reasonable to infer that Colin does not want to pursue his claim any further.

[6] In addition, given Colin's disregard for the sizeable effort and expense required to compile the materials for his hearing, to schedule the hearing, and for the other parties and this Panel and staff to attend it, we do not think it necessary or reasonable to all those involved to offer Colin another opportunity to have his matter heard. However, we will not go so far as to award costs against Colin for apparently changing his mind about pursuing his matter.

[7] Colin's appeal is dismissed.

Dated in the City of Edmonton, in the Province
of Alberta on this 12th day of June 2017.


Don Cunningham
Panel Chair

