

Order No. 137

File No. 03-0003-02

***METIS SETTLEMENTS ACT***

**METIS SETTLEMENTS APPEAL TRIBUNAL**

Between:

**Alexander Solomon Holmes**

Applicant

-and-

**Peavine Metis Settlement**

Respondent

-and-

**Registrar of the Metis Settlements Land Registry**

Affected Party

Concerning an objection to the revision of a registration of provisional Metis title  
for SE-7-79-16-W5M.

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***INTERIM EX PARTE DECISION***

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**Case Management Panel Meeting**

**Application heard by the following members of the Metis Settlements Appeal Tribunal:**

Phyllis Collins, Panel Chair  
John Brosseau, Panel Member  
Wayne Cardinal, Panel Member

**MSAT staff:**

Terri Quintal, Research and Development Officer  
Sara Daniels, Executive Director/Tribunal Secretary

**Place and date of the meeting:**

Metis Settlements Appeal Tribunal Office  
13210-St. Albert Trail  
Edmonton, Alberta  
April 19, 2002

### **Background**

On December 3, 2001, Mr. Holmes applied for Metis title for the SE-7-79-16-W5M. On February 26, 2002, the Metis Settlements Land Registry sent Mr. Holmes a letter informing him that his provisional Metis title for SE-7-79-16-W5M expired on February 18, 2002. The letter from the Metis Settlements Land Registry further informs Mr. Holmes that he has 60 days from the date of the letter to object to the cancellation of his provisional Metis title.

On April 17, 2002, Mr. Holmes requested that the Tribunal ensure that the Metis Settlements Land Registry not cancel the registration of his interest while the Tribunal is dealing with his appeal.

### **Jurisdiction**

The Tribunal has jurisdiction to make this decision under section 190(3) of the *Metis Settlements Act*.

190(3) The Appeal Tribunal may, if special circumstances so require, make an interim ex parte decision authorizing, requiring or prohibiting anything that the Tribunal would be empowered on application, notice or hearing to authorize, require or prohibit, but the decision must not be made for any longer time than the Tribunal considers necessary to enable the matter to be heard and determined.

Further, the Tribunal has jurisdiction to make this decision under section 45(b) of the *Metis Settlements Land Registry Regulation*.

A person who objects to

...

(b) the registration of an interest or a revision of a registration...

...

may apply to the Appeal Tribunal for an order requiring the Registrar to take any action the Registrar is required or authorized to take under this Regulation, and on hearing the application the Appeal Tribunal may make such an order and any further order it thinks proper.

### **The Decision**

The Metis Settlements Land Registry not revise the registration of Mr. Holmes' interest in land legally described as SE-7-79-16-W5M.

**Reasons**

The Tribunal made this decision in order to ensure that Mr. Holmes' provisional Metis title not be cancelled before this matter is resolved.

**The Order**

The Tribunal orders the Registrar of the Metis Settlements Land Registry to not revise Alexander Holmes' registration of provisional Metis title for SE-7-79-16-W5M until this order is lifted.

Dated at the City of Edmonton this 26<sup>th</sup> day of April 2002.

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Phyllis Collins  
Panel Chair