

Order No. 141

File No. 03-0006-02

METIS SETTLEMENTS ACT

METIS SETTLEMENTS APPEAL TRIBUNAL

Between:

Rene Albert Cunningham Jr.

Applicant

-and-

Peavine Metis Settlement

Respondent

-and-

Registrar of the Metis Settlements Land Registry

Affected Party

Concerning an objection to the lack of decision concerning an application for
Metis title on NE-28-79-16-W5M.

INTERIM EX PARTE DECISION

Preliminary Panel Meeting

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

Stan Delorme, Panel Chair
Don Fleming, 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:

Conference Call
July 11, 2002

Background

Rene Cunningham Jr., a member of the Peavine Metis Settlement, applied to upgrade his provisional Metis Title to Metis title approximately 2 years ago. Mr. Cunningham said that the Settlement has not made a decision on his application.

Mr. Cunningham recently heard by word of mouth that his land has been posted as available land. Mr. Cunningham said that he did not receive any formal notice that his land was going to be posted.

Mr. Cunningham has asked that the Tribunal “freeze” activity on the land until the matter regarding his application for Metis title is resolved.

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.

The Decision

The Metis Settlements Land Registry not conduct any revisions to land legally described as the NE-28-079-W4M until the matter of Rene Cunningham Jr.’s appeal has been resolved.

Reasons

The Tribunal made this decision in order to ensure that no transactions regarding the NE-28-079-16-W5M take place while this matter is being resolved.

The Order

The Tribunal orders the Registrar of the Metis Settlements Land Registry to not make any amendments to the registry where the NE-28-079-16-W5M is concerned until this order is lifted.

Dated at the City of Edmonton this 11th day of July 2002.

Sara Daniels, Tribunal Secretary
at the direction of Stan Delorme, Panel Chair