

Order No. 164

File No. 05-0003-05

METIS SETTLEMENTS ACT

METIS SETTLEMENTS APPEAL TRIBUNAL

BETWEEN:

Tom Parenteau

APPELLANT

-and-

Paddle Prairie Metis Settlement

RESPONDENT(S)

-and-

Edward Parenteau

AFFECTED PARTY(S)

Concerning Land Dispute Affecting SW-29-103-21-5 and SE-29-103-21-5

INTERIM EX PARTE DECISION

BACKGROUND

Robert Parenteau, a member of the Paddle Prairie Metis Settlement, passed away on December 19, 2004. Mr Parenteau held Metis titles to lands legally described as SW-29-103-21-5 and SE-29-103-21-5. Mr Parenteau did not leave a will or estate instructions.

On February 07, 2005 Tom Parenteau, brother to the late Robert Preenteau, sent a letter to the Paddle Prairie Metis Settlement Council Attn: Bob Ghostkeeper, requesting that he be named as trustee for the estate of the Late Robert Parenteau.

On February 08, 2005 Darla Wanuch, Settlement Administrator, sent a letter to family members, Tom Parenteau, Octave Parenteau, Ambrose Parenteau, Susie Fisher-Parenteau, Leo Parenteau and Ernestine Ridsdale requesting that they go to the Settlement Administration Office to sign forms naming Tom Parenteau as executor for Robert Parenteau's estate.

On February 14, 2005 Tom Parenteau, Susie Fisher, Ernestine Ridsdale, Ambrose Parenteau, and Leo Parenteau went to the Paddle Prairie Metis Settlement Office and signed a form titled, Paddle Prairie Meis Settlement Release of Rights as one of the Heirs of a deceased member agreeing Tom Parenteau to be Land Trustee.

On February 22, 2005 at a Regular Council Meeting, Council for Paddle Prairie Metis Settlement enacted resolution # 502/05 in which they accepted trusteeship of the Late Robert Parenteau's house and lands. On the same day Council enacted resolution # 503/05 granting the land and house to Edward Parenteau.

MSLR17 form was not submitted to Land Registry as a result the Settlement Council was not registered as the land trustee.

On March 07, 2005 Tom Parenteau appealed Council's decision to MSAT.

On April 4, 2005, Chris Calliou, Land and Membership Clerk for the Paddle Prairie Metis Settlement sent a letter to Edward Parenteau, advising him of the limits of land a member of a settlement can hold as per Metis Settlements General Council Land Policy.

Edward Parenteau is the holder of two quarter sections of land legally described as NE-12-103-22-5 and NW-12-103-22-5.

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 lands legally described as the SW-29-103-21-5 and SE-29-103-21-5 until the matter of Tom Parenteau's appeal has been resolved.

REASONS

The Tribunal made this decision in order to ensure that no transactions regarding the SW-29-103-21-5 and SE-29-103-21-5 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 SW-29-103-21-5 and SE-29-103-21-5 are concerned until this order is lifted.

Dated at the City of Edmonton this 25th day of August 2005.

Lorne Dustow, Panel Chair