

**Independent Assessment Process (IAP) Oversight Committee (OC)**  
**Meeting of October 14, 2020**  
**MINUTES OF THE OVERSIGHT COMMITTEE MEETING for approval**

Via videoconference

Members present

Mayo Moran	Chair
Juliet Donnici	Government of Canada representative
Mitch Holash	Church representative (Catholic entities)
David Iverson	Church representative (Protestant Churches)
Lucy Kuptana	Inuit representative
Julie McGregor	Assembly of First Nations (AFN) representative (joined part way through the meeting)
David Paterson	Claimant counsel representative (National Consortium)
Diane Soroka	Claimant counsel representative (Independent Counsel)
Karen Turcotte	Government of Canada representative

Also present

Brian Gover	Court Counsel (joined part way through the meeting)
Daniel Shapiro	Chief Adjudicator
Roger Tetreault	Executive Director, Indian Residential Schools Adjudication Secretariat (IRSAS)
Russell Vallee	Recorder, IRSAS

**1. Welcome**

Chair Mayo Moran welcomed members and expressed her hope that everyone and their families were doing well during these unprecedented times.

**2. Approval of Minutes**

The OC approved the minutes for May 19, 2020 with minor edits.

**3. Key Performance Indicators**

Roger Tetreault presented key statistical indicators as of October 1, 2020:

- 1 claim remains in the post-decision stage pending a legal fee ruling;
- 2 Hearings were held since April 1, 2020;
- Total awards by adjudicators (excluding NSPs, Legal Fees & Disbursements) is \$2.141B;

- Total awards by adjudicators and Negotiated Settlements (excluding Legal Fees & Disbursements) is \$2.621B; and,
- Total compensation (includes: Awards, Negotiated Settlements, Legal Fees & Disbursements) is \$3.233B

Asked what a legal fee ruling is, the Chief Adjudicator replied that it is a review of claimant counsel's legal fees by an adjudicator who assesses the work undertaken on the file by counsel. Claimant counsel on this one file is refusing to provide the fee agreement or a time docket. Normally in these circumstances, the adjudicator limits the legal fee to the 15% provided by Canada.

#### **4. Executive Director's Report**

Roger Tetreault provided his observations on the following activities:

##### Kivalliq Hall Claims

As of October 1st, 2020, 16 applications were received from the Kivalliq Hall IRS.

- 6 applications were not admitted since they did not meet IAP eligibility criteria;
- 3 applications were not accepted as received post-deadline;
- 1 claim received an award in the Negotiated Settlement Process (NSP);
- 2 claims were withdrawn post-admit;
- 4 claims had hearings (all compensated): 2 had a regular form decision and 2 – a short form decision.

The total compensation amount for the Kivalliq Hall claims was \$347K.

When asked if the two applications received after the deadline could come back down the road, the Chief Adjudicator noted that for claims deemed not accepted there is still the right to litigate the claim directly with Canada under the Settlement Agreement.

##### Blott DNQ Claims

As of September 15th, 2018 there were 56 applications out of 159 Blott DNQ files submitted to the Secretariat.

- 46 claims were admitted including 2 non-admit appeals; of which 39 had a hearing;
- 10 claims were not admitted;
- All 46 claims have been resolved as of October 1st, 2020:
  - 4 were Estate dismissals;
  - 1 was dismissed;
  - 3 were post-admit withdrawals;
  - 2 were Negotiated Settlement;
  - 27 were regular form decisions; and,
  - 9 were short form decisions.

The total compensation amount for Blott DNQ claims was \$2.4M.

The Independent Special Adviser has been provided a report on all Blott files since being appointed, including the DNQ files.

#### Estate Claims

Approximately 1520 claimants passed away before their hearing could take place or shortly after. 290 estate claims were compensated with a total awarded amount of \$21.7M. Another 382 claims received an estate dismissal decision. The rest were either not accepted, not admitted, withdrawn, resolved in the NSP, or received an IFR dismissal decisions.

#### Records Disposition

Due to Covid-19 the disposition of physical files was halted until a small group of staff re-entered the office in July 2020.

As of September 30, 2020, we have disposed of 39K physical files (90%), 4,505 of which were completed between July 20 and September 30. And, 43K electronic records (99%) have been disposed of, of which 7,594 were done between March 15 and September 30. These records are all non-retained records and include ADR records.

#### Group IAP

Groups have been given until October 30, 2020 to complete activities and until November 30, 2020 to provide final reports. Follow up with the Groups has occurred requesting updates on status of remaining activities and requesting confirmation that the groups' reporting will be completed by November 30, 2020.

#### Notice Program

As of September 30th, the Secretariat received a total of 189 requests for copies of a claimant's documents or Consent forms for sharing documents with the NCTR. Of these, 137 requests were from valid claimants and 52 were from non-claimants. All valid 26 Consent forms have been processed and the documents sent to the NCTR. Roger noted that in his May 19, 2020, report to OC he mistakenly reported 32 valid Consent forms had been received.

IRSAS is currently in Phase 3 of the Notice Program, which involves contacting community services providers over the phone and sharing information via email. This phase is to be completed by December 31, 2020.

Planning and preparation between the Secretariat and Epiq (Records Agent) for the transfer agreement of the Notice Program is progressing. The transfer is expected to occur commencing in mid-January 2021.

#### IRSAS Closure Ceremony

On September 17, 2020, the Secretariat hosted a virtual event for past and present employees and adjudicators. Speakers included Elder Gertie Pierre, a former residential school student; Chief Adjudicator, Dan Shapiro; CIRNAC Deputy Minister, Daniel Quan-Watson; with special guest speaker Chief Dr. Robert Joseph. The

ceremony also featured the unveiling of the IRSAS Challenge coin, a memento of service at the Secretariat that is being gifted to all former staff. The event wound up with an interactive IRSAS trivia quiz. A video of the event will be available to those who could not attend the ceremony.

#### Access to the workplace

All staff now have access to the Secretariat's network and systems. Currently there are 10 staff in the office working full-time on the physical files. Barring any further disruption, it is expected that this work will be completed by the end of December 2020.

Unfortunately, due to a second wave of COVID cases in the Nation Capital Region, staff there have been advised to work from home until further notice and to only go to the office if absolutely necessary.

### **6. Update on Administrative Split Claims**

Karen Turcotte reported that Canada continues to search for claimants they have been unable to locate and has been using various methods, including private investigation, in their efforts to locate claimants.

### **7. SOS Post-decision Settlement Process Administered by Canada**

Karen Turcotte reported that there are 14 outstanding files remaining in the process. Of these, 2 are estate files within Canada's jurisdiction and appointment of estate administrators are underway for both; 5 files where Canada doesn't have jurisdiction and best efforts are being made to move these forward; 1 file where claimant counsel has passed away and Canada is working with the law society to resolve the file; 2 were located with the help of private investigators; 1 is awaiting an offer; and 3 are lost claimants who private investigators are attempting to locate.