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November 15, 2016

Mr. Andrew Nakashuk, Chairperson
Nunavut Planning Commission
P.O. Box 1797
Iqaluit, Nunavut
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By email c/o sehaloak@nunavut.ca
Original to follow

Dear Chairperson Nakashuk:

Re: Filing and Service of an Expert Report on the terms “Project” and “Project Proposal”

The purpose of this letter is to: (i) file the attached expert report, (ii) request an extension for filing the Inuinnaqtun translation of the report; and (iii) seek the Commission’s direction on how to serve both this specific expert report, as well as other expert reports that are being filed by other departments of the Government of Canada.

The Commission has *Rules of Procedure for Public Hearings and Public Reviews* (Commission Rules) that cover filing and service of documents. On October 7, the Commission published a Direction on Procedure. The Direction on Procedure covers a variety of things, but it has a focus on filing and serving of documents. We understand that the Commission intended the Direction on Procedure to supersede the existing rules of procedure.

Translations and Filing – Inuinnaqtun

The Direction on Procedure requires that expert reports be accompanied by a set of translations of (at least) an executive summary of the report (paragraph 10(a)). Because of the nature and format of this report, we have elected to translate this report in its entirety.

However, despite our efforts, we have been unable to secure an Inuinnaqtun translation in time for today’s submission. As of today, the Public Services and Procurement Canada Translation Bureau tells us that “Resources are extremely limited for this language and they are all currently working on large projects.”

Unfortunately, we have no projected date for when an Inuinnaqtun translator might be found. Further, we anticipate that this will continue to be an issue for all our filings throughout the land use planning process.

Service

The Direction on Procedure states that expert reports are to be served on other participants in accordance with the Commission’s Rules (paragraph 1(a)), which we interpret to be a reference to Section 14 of the Commission’s Rules. However the Direction on Procedure also covers, and may expand or contract, the requirements of section 14 of the Commission’s Rules (Direction on Procedure, paragraphs 11-12).

On the basis of these rules and directions, and despite reviewing the Commission’s website and registry for guidance, we are unsure of:

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- i. which categories of persons we must serve, which is unclear to us because of distinctions between "parties", "participants" and "interested persons granted standing";
- ii. how we are to determine who all the potential recipients are, and who falls into which category, in order to determine who specifically must be served;
- iii. which recipients have "appointed representatives" for the purposes of service; and
- iv. whether the Commission has an accessible list of those entitled to service, specifying available methods of service (preferably with an emphasis on facilitating electronic service).

We therefore ask for the Commission's clarification or direction on who must receive service of the enclosed report and other documents. We also would like to know whether the Commission has a mechanism by which we can determine the e-mail or fax coordinates, or failing that physical location, at which each person can be served either directly or through a representative. We respectfully suggest that the Commission could facilitate this with a Commission-maintained service list or by greater reliance on the Commission's registry.

Yours truly,



Kenneth David Landa
Legal Counsel

Copies (without attachment):

Alan Blair, counsel to the Commission

Marie Belleau, counsel, Nunavut Tunngavik Inc.

Adrienne Silk, counsel, Government of Nunavut