



Robinson Huron Treaty LITIGATION FUND

For immediate release:

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Robinson Huron First Nations disappointed with Ontario's appeal of Robinson Huron Treaty annuities case

Ottawa, ON— On November 7 and 8, 2023, the Supreme Court of Canada will hear the Government of Ontario's appeal to the decision made by the Ontario Court of Appeals (ONCA) on matters related to the Robinson Huron annuities case.

In 2021, the Government of Ontario appealed Justice Hennessy's Stage 1 and 2 decisions. The Stage 1 appeal focused on Justice Hennessy's interpretation of the augmentation clause which was upheld by a majority of the ONCA. The Stage 2 appeal related to Ontario's technical defenses on limitations and crown immunity. These defenses were unanimously rejected by the ONCA. Ontario then submitted an appeal to the Supreme Court of Canada seeking to overturn the trial and ONCA's decisions.

This year on June 17, the Robinson Huron Treaty Litigation Fund (RHTLF) and the Governments of Canada and Ontario announced a proposed settlement of \$10 billion for past compensation following negotiations in the Robinson Huron Treaty annuities case. Although this appeal does not change the proposed settlement for past compensation if it is executed, it may affect future litigation or negotiations.

"It is deeply unfortunate that Ontario has chosen to continue their appeal after the ONCA's decision and as we are moving forward together to finalize the historic settlement announced earlier this year," said Sagamok Anishinabek First Nation Ogimaa Angus Toulouse.

In this appeal, Ontario is claiming that the treaty should be interpreted to mean that the province — not the court — determine increases to the annuity. Ontario will argue at the Supreme Court that the ONCA was wrong in upholding Justice Hennessy's interpretation that the Crowns had a mandatory and reviewable obligation to increase annuity payments. Ontario will also argue that awarding past compensation for historical treaty breaches is inappropriate and that the RHTLF should only be entitled to receive declarations from the court at a future Stage 3 hearing.

On behalf of the Robinson Huron First Nations, RHTLF will argue that ONCA's majority were correct in upholding Justice Hennessy's interpretation of the augmentation promise and that Ontario has a legal obligation to increase the annuity payments.

"Ontario has a responsibility based on the Treaty entered into in 1850," said RHTLF spokesperson Duke Peltier. "We are confident that the Supreme Court will agree with this



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decision — and we can move forward with establishing how Ontario and the Robinson Huron First Nations can collectively share in the resource wealth of our territory as a step towards reconciliation."

To watch virtually, please [visit the Supreme Court website](#).

If you are interested in speaking to a Robinson Huron spokesperson, please contact: media@emdagency.ca.