

## APPLICATION FOR UNFORSEEN DAMAGE COMPENSATION ORDER

### Non-Designated Lands

(Lands not subject to any Land Claim/Self-Government Agreement)  
(SRBA ss. 64-77) (ROP 19.1)

Additional compensation to be paid for damage to non-designated lands unforeseen at the time Access Order made (SRBA ss. 74-77)

Applicant must attempt on a “without prejudice” basis to resolve matter in dispute by good faith negotiation (SRBA ss. 29 (1) & 64) (ROP 8.0)

### Designated Lands

(Lands subject to the Gwich'in Comprehensive Land Claim Agreement, Sahtu and Metis Comprehensive Land Claim Agreement or Inuvialuit Final Agreement)  
(SRBA ss.44-63) (ROP 19.1)

Additional compensation to be paid for damage to designated lands or Tliche Lands unforeseen at the time Access Order made (SRBA ss. 61-63)

Applicant must attempt on a “without prejudice” basis to resolve matter in dispute by good faith negotiation (SRBA ss. 29(1) &44) (ROP 8.0)

### Tliche Lands

(Lands subject to the Tliche Land Claims and Self-Government Agreement (Tliche Agreement)  
(SRBA ss. 44-63) (ROP 19.1)

Additional compensation to be paid for damage to designated lands or Tliche Lands unforeseen at the time Access Order made (SRBA ss. 61-63)

Applicant must attempt to resolve matter in dispute by good faith mediation in accordance with part 6 of Tliche agreement (SRBA S. 29 (2) & 44) (ROP 9.1)

### Negotiation/Mediation Successful

Parties wish negotiated/mediated dispute resolution/settlement to be formalized in a NWT SRB Order

Parties to obtain Initial Application Form for Application for NWT SRB Unforeseen Damage Compensation Order (ROP 1.2) and submit it to the NWT SRB (ROP 1.1) along with copy of agreement between the Parties (Designated or Tliche Lands SRBA s. 44(b)) (Non-Tliche Designated Lands SRBA s. 64(b)) for inclusion in the NWT SRB Order (SRBA s.69)

Parties do not wish negotiated/mediated dispute resolution/settlement to be formalized in a NWT SRB Order

No application is made

Negotiated/mediated resolution/settlement does not become Order of the NWT SRB

### Negotiation/Mediation Unsuccessful

Make Application for NWT SRB Unforeseen Damage Compensation Order (ROP 1.0)

Applicants to obtain, complete and submit to the NWT SRB for filing an “Initial Application Form” for NWT SRB Unforeseen Damage Compensation Order in paper or electronic format (ROP 1.1, 1.2, 3.1.1 & 3.1.2) along with copy of most recent written offer of compensation (Designated or Tliche Lands SRBA s. 44 (b)) (Non-Designated Lands SRBA s. 64 (b))

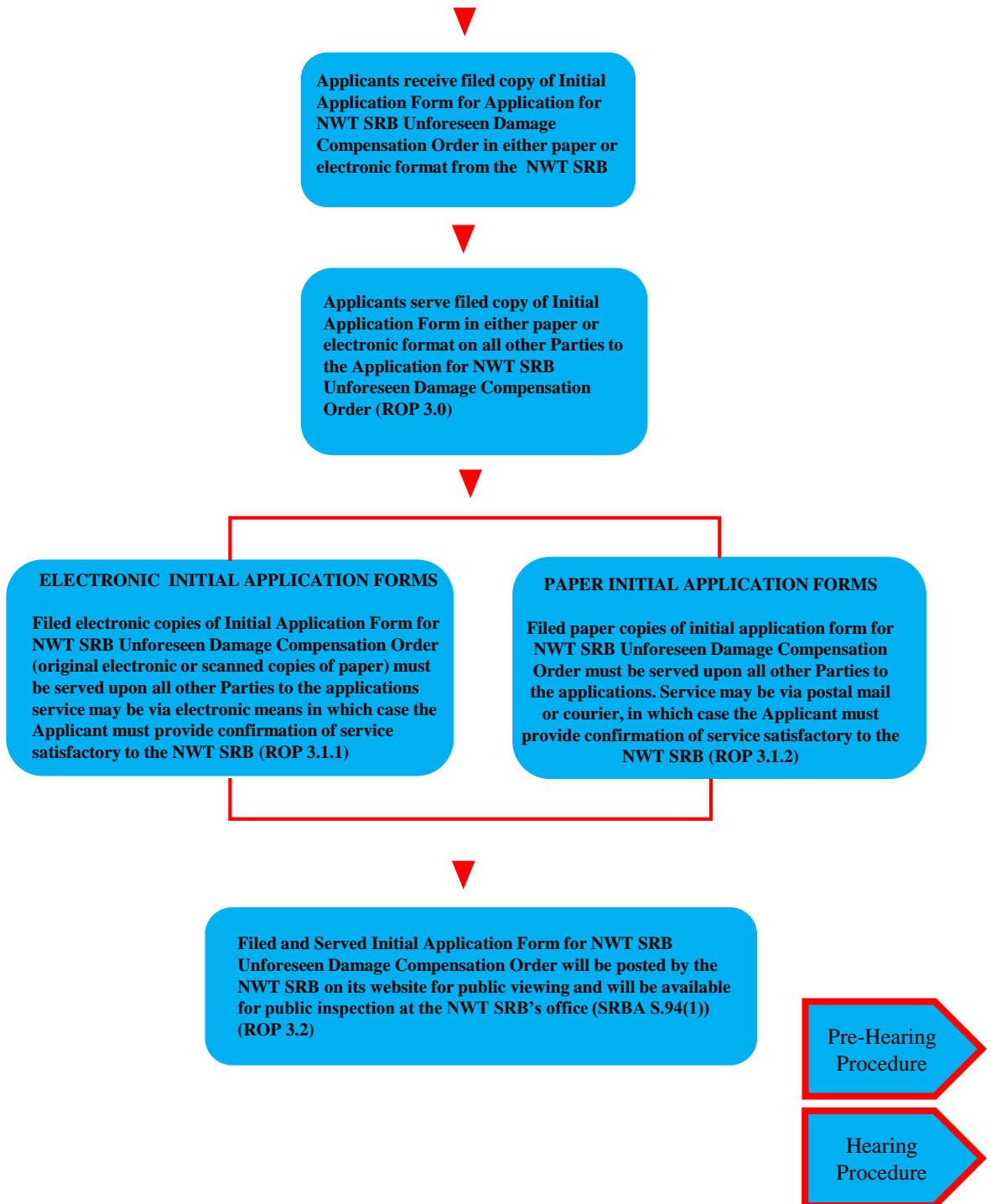
Interlocutory Application (Optional) that Negotiation/Mediation does not meet Requirements (ROP 11.0)

Unsuccessful

Successful

New Negotiations/ Mediation Ordered

## APPLICATION FOR UNFORSEEN DAMAGE COMPENSATION ORDER



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### PRE-HEARING PROCEDURE

Pre-Hearing  
Meetings  
(ROP 10.1)

Interlocutory  
Proceedings

Documents

NWT SRB  
Request  
for  
Information

Practice  
Directions

The NWT SRB may require that Parties attend one or more Pre-Hearing meetings prior to a Hearing. Information relating to the details of a Pre-Hearing meeting will be provided by the NWT SRB to the Parties in advance of Pre-Hearing meeting(s) (ROP 10.1)

## APPLICATION FOR UNFORSEEN DAMAGE COMPENSATION ORDER

### PRE-HEARING PROCEDURE

Pre-Hearing Meetings

Interlocutory Proceedings (ROP 11.1)

Documents

NWT SRB Request for Information

Practice Directions

In the event that one or more Parties to any NWT SRB proceeding wishes to raise an issue relating primarily to matters of process or procedure, any Party may bring an Interlocutory Application to address the issue (ROP 11.1)

Any Party wishing to make an Interlocutory Application shall obtain, complete and submit to the NWT SRB for filing an “Interlocutory Application Form” in paper or electronic format (ROP 11.2 (a))

The filing Party shall receive filed copy of “Interlocutory Application Form” in either paper or electronic format from the NWT SRB

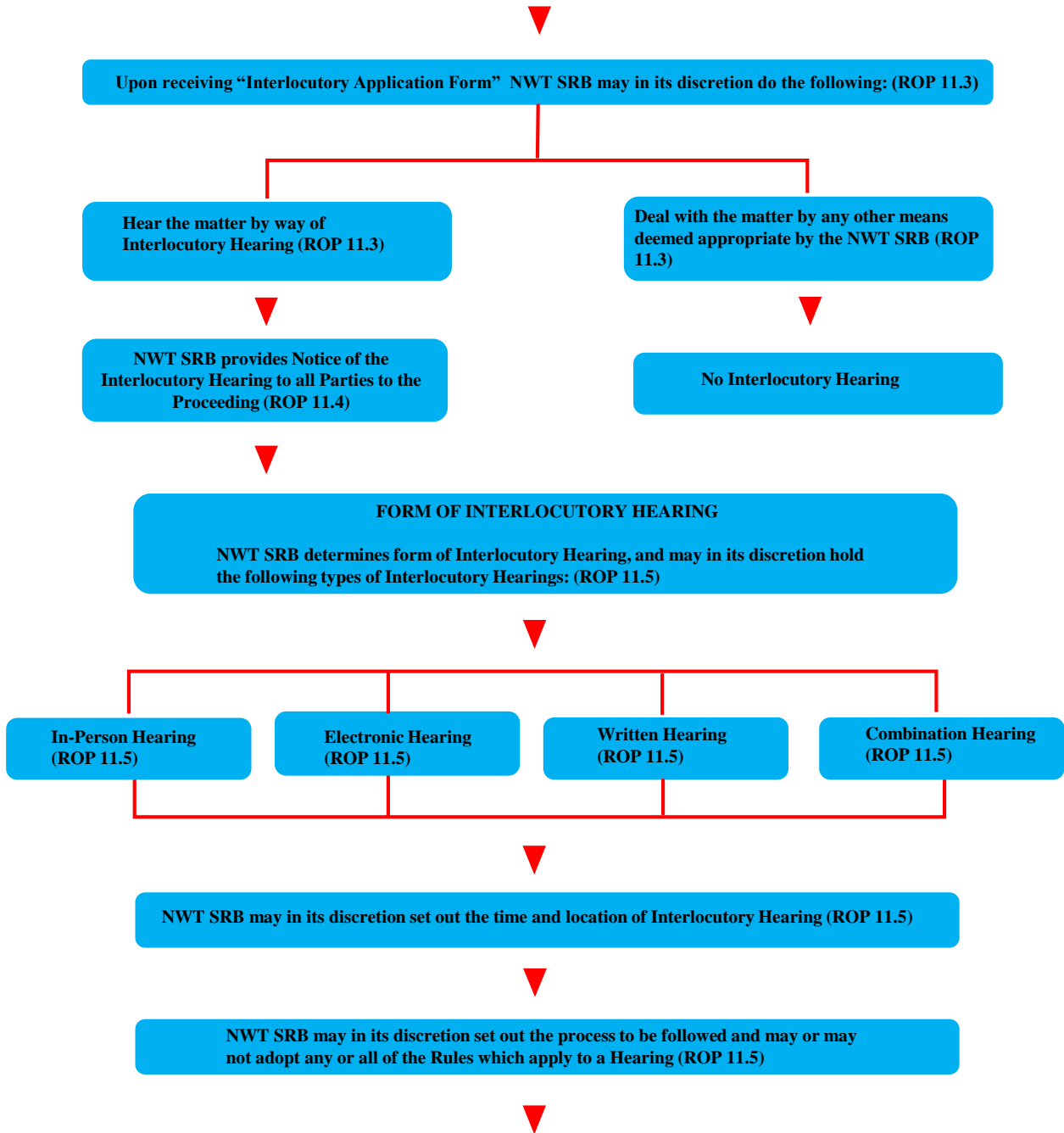
The filing Party shall serve a filed copy of “Interlocutory Application Form” in either paper or electronic format on all Parties to the NWT SRB proceeding (ROP 11.2 (b))

#### ELECTRONIC “INTERLOCUTORY APPLICATION FORMS”

Filed electronic copies of “Interlocutory Application Form” (original electronic or scanned copies of paper) may be served electronically on other Parties, in which case the Applicant must provide confirmation of service satisfactory to the NWT SRB (ROP 3.1.1)

#### PAPER “INTERLOCUTORY APPLICATION FORMS”

Filed paper copies of “Interlocutory Application Form” may be served via postal mail or courier, in which case the Applicant must provide confirmation of service satisfactory to the NWT SRB (ROP 3.1.2)



Continue with  
Pre-Hearing  
Procedure

Jump to  
Hearing  
Procedure

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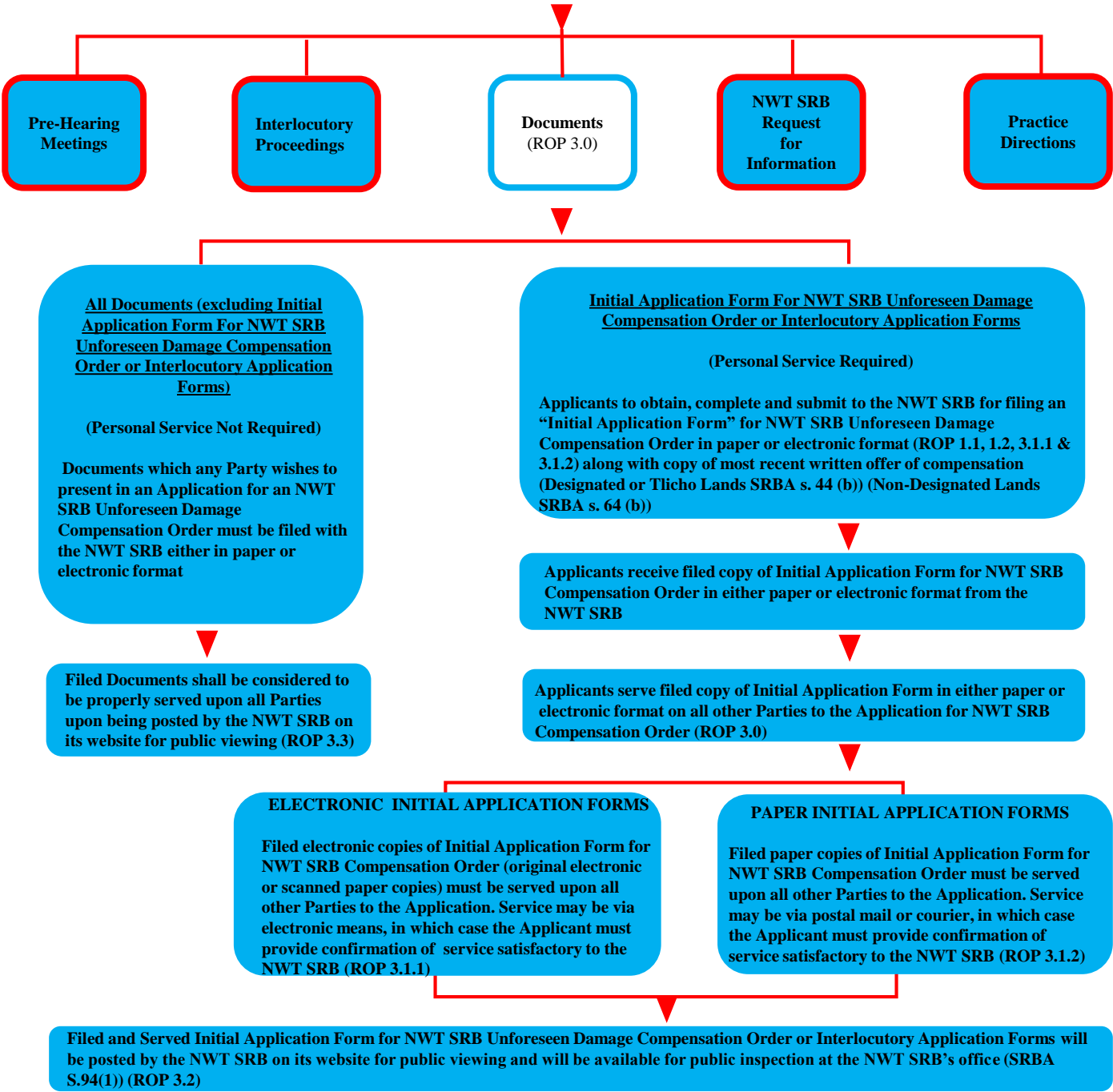
Upon considering an Interlocutory Application by way of a Hearing, the Member(s) of the NWT SRB hearing the Application shall render a Decision with respect to the Interlocutory Application, which Decision will be in writing and shall include reasons for the Decision (ROP 11.6)

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NWT SRB Interlocutory Decision/Order to be provided by the NWT SRB to every Party participating in the Interlocutory Application and published on the NWT SRB website (ROP 11.7)

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## PRE-HEARING PROCEDURE



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### PRE-HEARING PROCEDURE

Pre-Hearing  
Meetings

Interlocutory  
Proceedings

Documents

NWT SRB  
Request for  
Information  
(ROP 12.0)

Practice  
Directions

“At any time in its proceedings, the NWT SRB may request additional information from any Party to those proceedings.” (ROP 12.1)

“The NWT SRB has, with respect to the attendance and examination of witnesses, the production and inspection of documents and all other matters necessary or proper in respect to applications for, or reviews of, orders, all the powers, rights, and privileges of a Superior Court.” (SRBA s. 33)



## APPLICATION FOR UNFORSEEN DAMAGE COMPENSATION ORDER

### PRE-HEARING PROCEDURE

Pre-Hearing Meetings

Interlocutory Proceedings

Documents

NWT SRB Request for Information

Practice Directions (ROP 5.0)

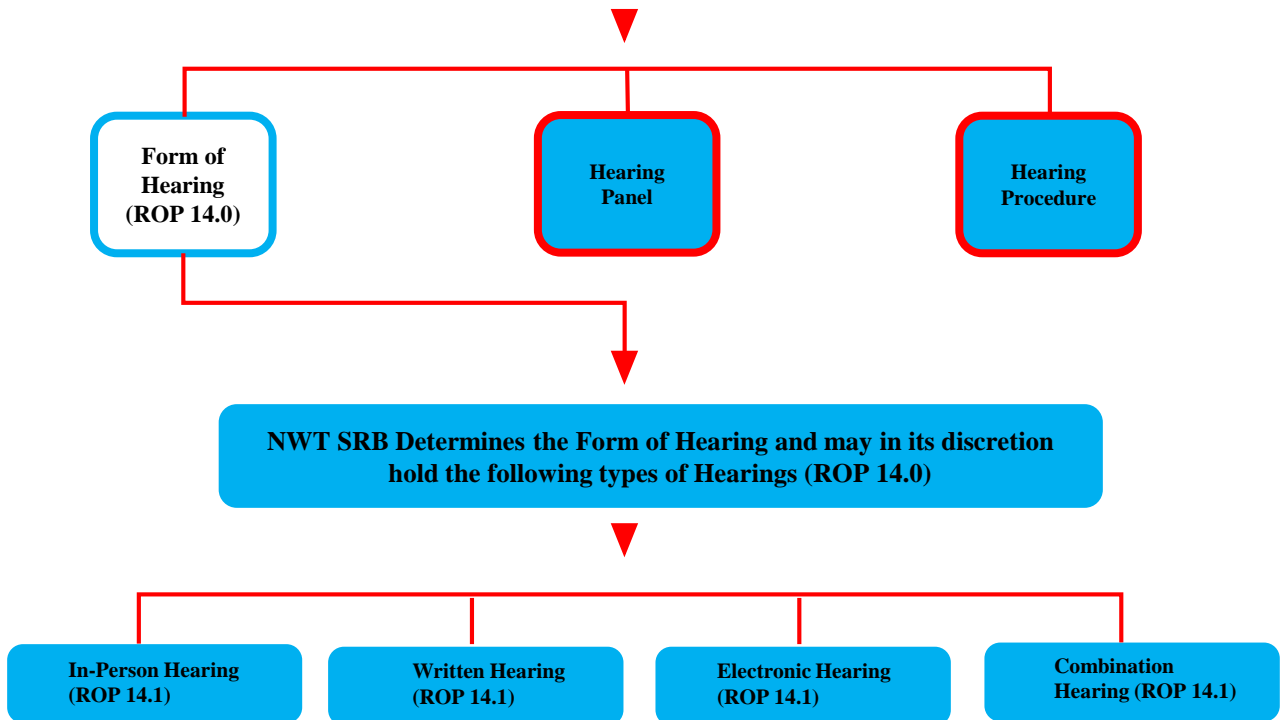
The NWT SRB may issue “Practice Directions” for the purpose of addressing procedural issues either with respect to NWT SRB proceedings generally, or pertaining to individual proceedings which occur within a case specific context. Practice Directions are to be read in conjunction with the NWT SRB ROP (ROP 5.1)

In the event of a conflict or inconsistency between Practice Directions and the NWT SRB ROP, Practice Directions shall prevail to the extent of the conflict or inconsistency as an exception to the ROP (ROP 5.2)

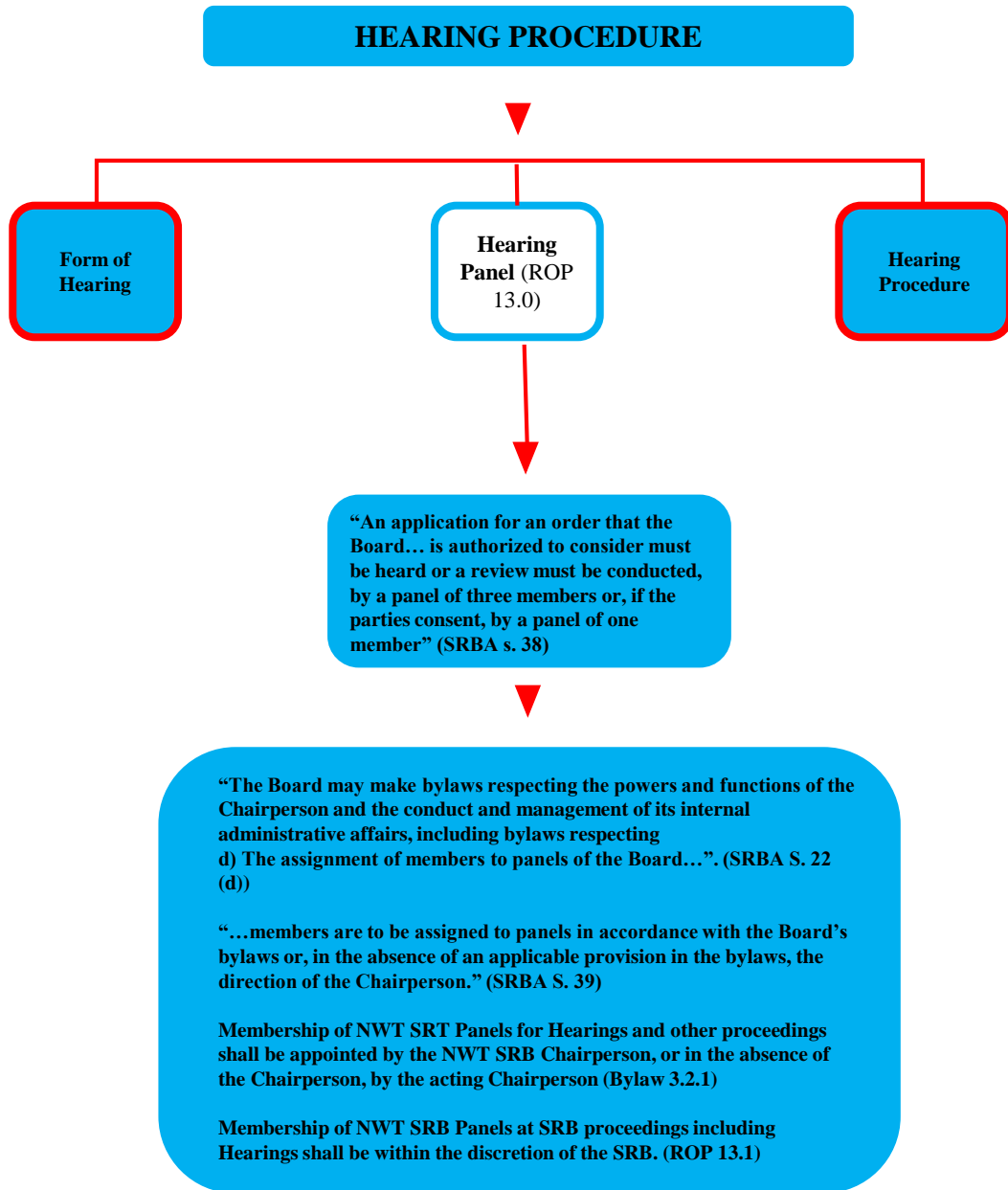
Hearing Procedure

## APPLICATION FOR UNFORSEEN DAMAGE COMPENSATION ORDER

### HEARING PROCEDURE

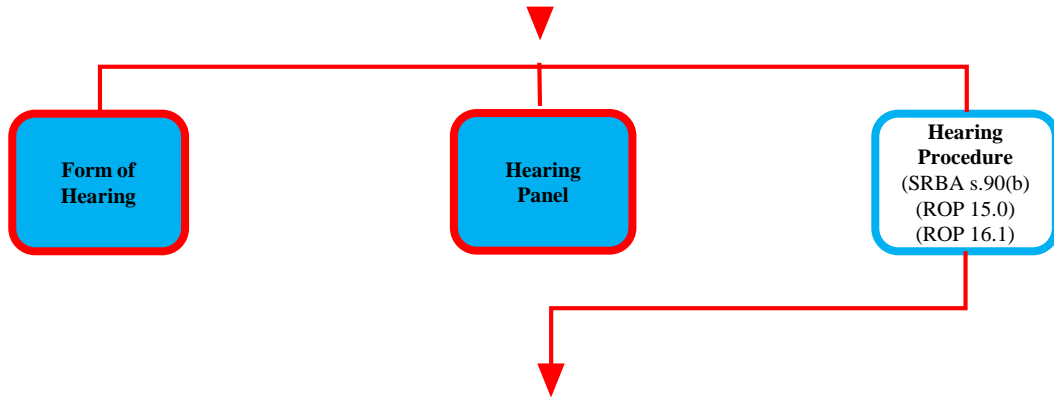


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### HEARING PROCEDURE



**"The Board shall make rules consistent with the Agreements, respecting**

**(b) practice and procedure in relation to applications for orders and reviews and to hearings in respect of applications and reviews, including the service of documents and the imposition of reasonable time limits;" (SRBA S. 90. (b))**

**"The NWT SRB will provide to all Parties in advance of its processes, including Hearings, guidance on the application of its Rules (including procedures) which the SRB wishes to employ in those processes." (ROP 15.1)**

**The NWT SRB may, in its discretion, determine that it will "take a view" by way of a site visit of the geographic area which is the subject of a SRB process. (ROP 16.1)**