

APPLICATION FOR TERMINATION OF NWT SRB ACCESS ORDER

By Agreement of Parties to an Existing Order

“The Board shall, on application by the parties to a hearing or their successors, terminate an access order if the parties have concluded an agreement governing the terms and conditions of access to the lands in question and waters overlying those lands, as well as the compensation to be paid in respect of that access and wish that access be governed by the agreement rather than the order.” (SRBA s. 88)

Upon Application of a Party to an Existing Order

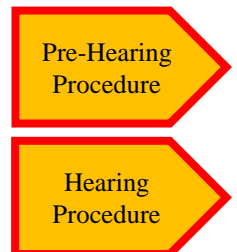
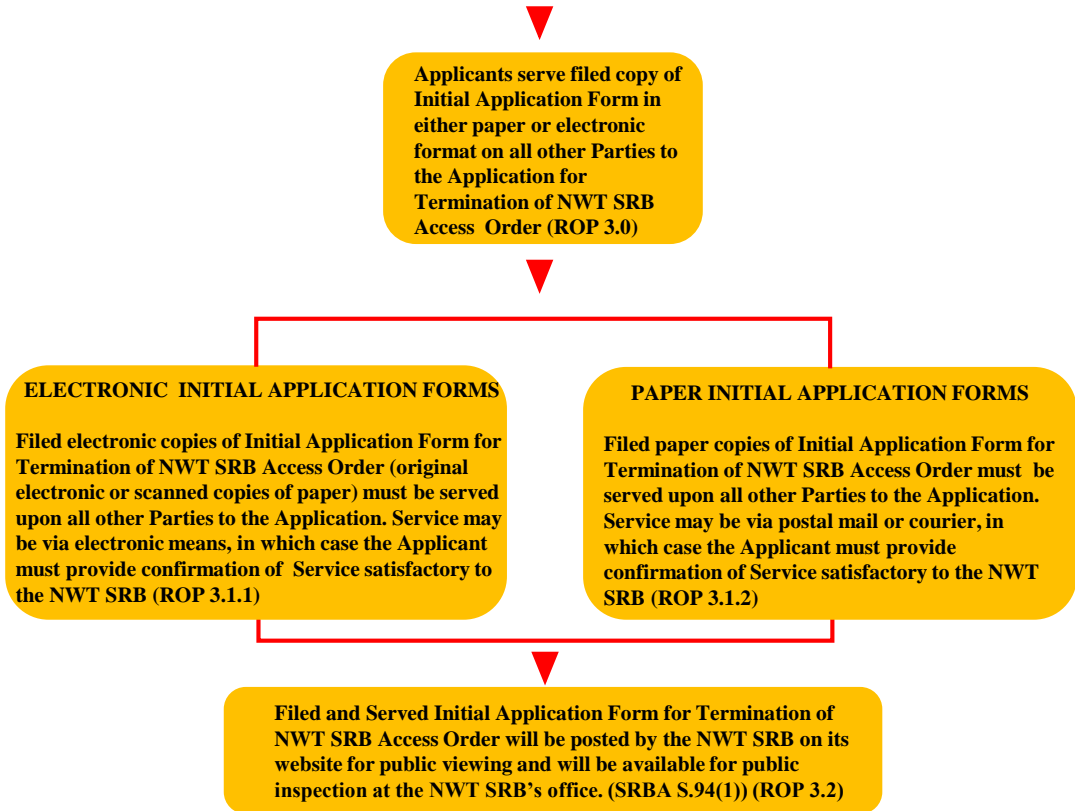
“The Board shall, on application by a party to a hearing or any of the party’s successors, terminate an access order it made in respect of that hearing if the Board determines that

- (a) The holder of the right of access is no longer exercising that right for the purpose for which the order was made; or
- (b) the conditions that would have permitted the holder of the right of access to exercise that right without consent are now met.” (SRBA s. 87(1))

“The Board may only terminate an access order after it has held a hearing during which the parties may make representations with respect of the termination.” (SRBA s. 87 (2))

Applicants to obtain, complete and submit to the NWT SRB for filing an “Initial Application Form” for Termination of existing NWT SRB Access Order in paper or electronic format (ROP 1.1, 1.2, 3.1.1 & 3.1.2).

Applicants receive filed copy of Initial Application Form for Termination of NWT SRB Access Order in either paper or electronic format from the NWT SRB



APPLICATION FOR TERMINATION OF NWT SRB ACCESS ORDER

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 TERMINATION OF NWT SRB ACCESS ORDER

PRE-HEARING PROCEDURE

Pre-Hearing
Meetings

Interlocutory
Proceedings
(ROP 11.1)

Documents

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Practice
Directions

In the event that one or more Parties to any NWT SRB proceedings wish 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

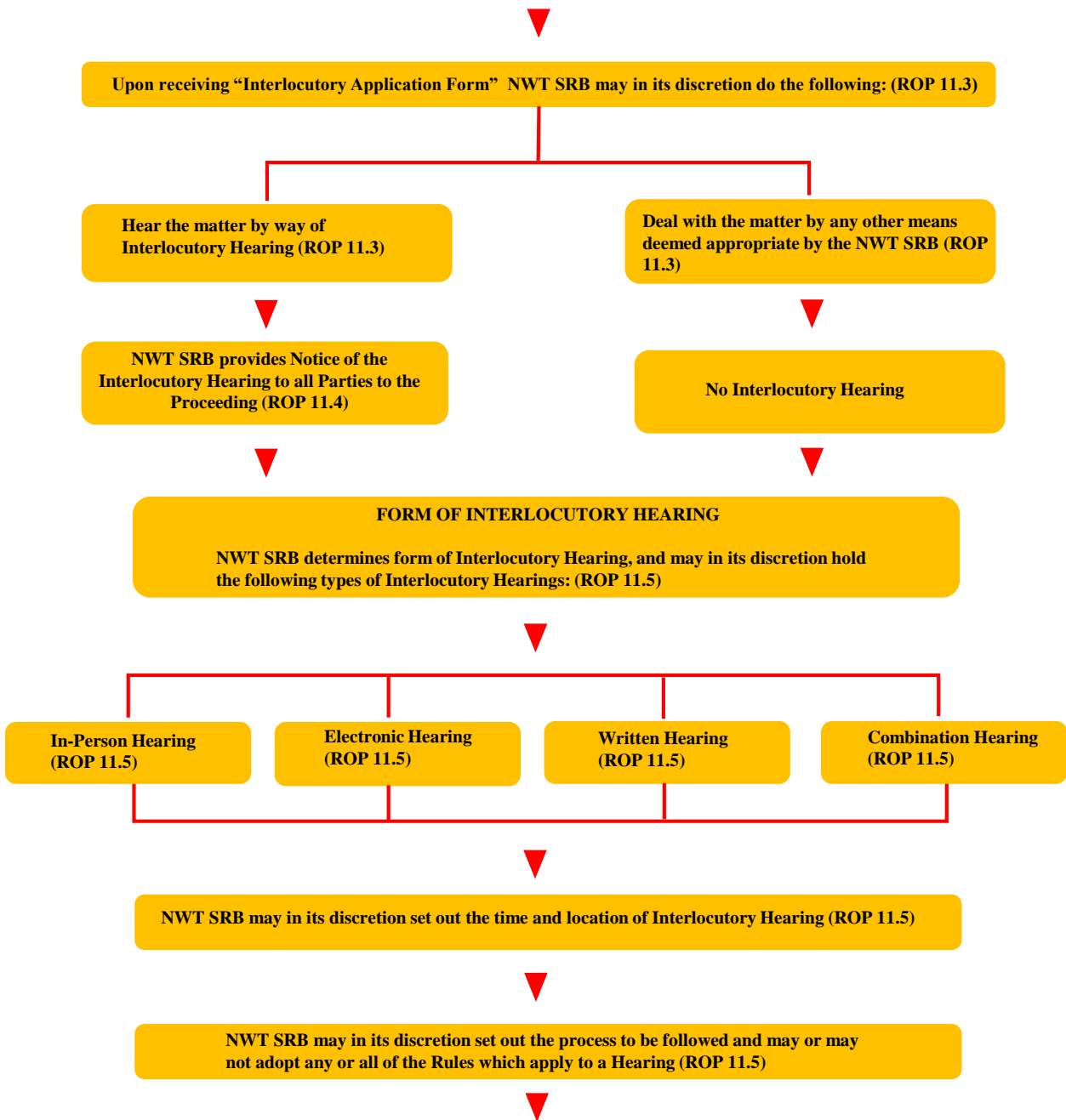
The filing Party shall serve a filed copy of "Interlocutory Application Form" in either paper or electronic format on all Parties to an NWT SRB proceeding (ROP 11.2 (b))

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

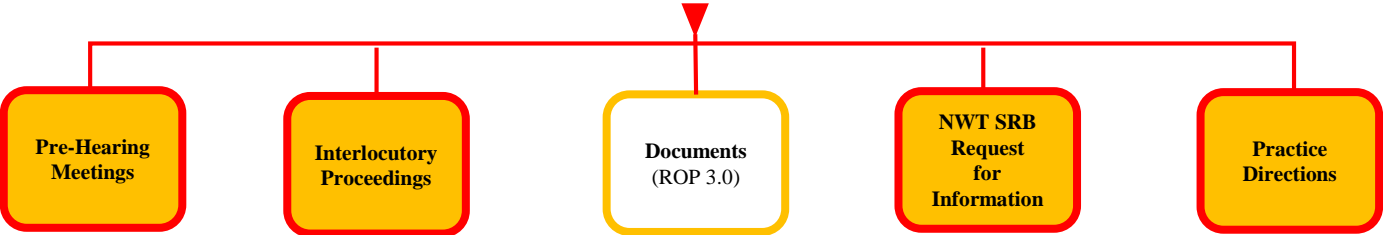
Jump to
Hearing
Procedure

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)

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

APPLICATION FOR TERMINATION OF NWT SRB ACCESS ORDER

PRE-HEARING PROCEDURE



All Documents (excluding Initial Application Form For NWT SRB Termination Order or Interlocutory Application Forms)
(Personal Service Not Required)
Documents which any Party wishes to present in an Application for an NWT SRB Termination Order must be filed with the NWT SRB either in paper or electronic format

Documents shall be considered to be properly served upon all Parties upon being posted by the NWT SRB on its website for public viewing (ROP 3.3)

Initial Application Form For NWT SRB Termination Order or Interlocutory Application Forms
(Personal Service Required)
Applicants to obtain, complete and submit to the NWT SRB for filing an “Initial Application Form” for NWT SRB Termination 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 Tlicho Lands SRBA s. 44 (b)) (Non-Designated Lands SRBA s. 64 (b))

Applicants receive filed copy of Initial Application Form for NWT SRB Termination Order in either paper or electronic format from the NWT SRB

Applicants serve filed copy of Initial Application Form in either paper or electronic format on all other Parties to the Application for NWT SRB Termination Order (ROP 3.0)

ELECTRONIC INITIAL APPLICATION FORMS
Filed electronic copies of Initial Application Form for NWT SRB Termination Order (original electronic or scanned paper copies) must be served upon all other Parties to the Application. Service may be via electronic means, in which case the Applicant must provide confirmation of service satisfactory to the NWT SRB (ROP 3.1.1)

PAPER INITIAL APPLICATION FORMS
Filed paper copies of Initial Application Form for NWT SRB Termination Order must be served upon all other Parties to the Application. Service may be via postal mail or courier, in which case the Applicant must provide confirmation of service satisfactory to the NWT SRB (ROP 3.1.2)

Filed and Served Initial Application Form for NWT SRB Termination Order or Interlocutory Application Form will be posted by the NWT SRB on its website for public viewing and will be available for public inspection at the NWT SRB’s office (SRBA S.94(1)) (ROP 3.2)

APPLICATION FOR TERMINATION OF NWT SRB ACCESS ORDER

PRE-HEARING PROCEDURE

Pre-Hearing
Meetings

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Proceedings

Documents

NWT SRB
Request for
Information
(SRBA s. 33)
(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 matter 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)

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PRE-HEARING PROCEDURE

Pre-Hearing Meetings

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NWT SRB Request for Information

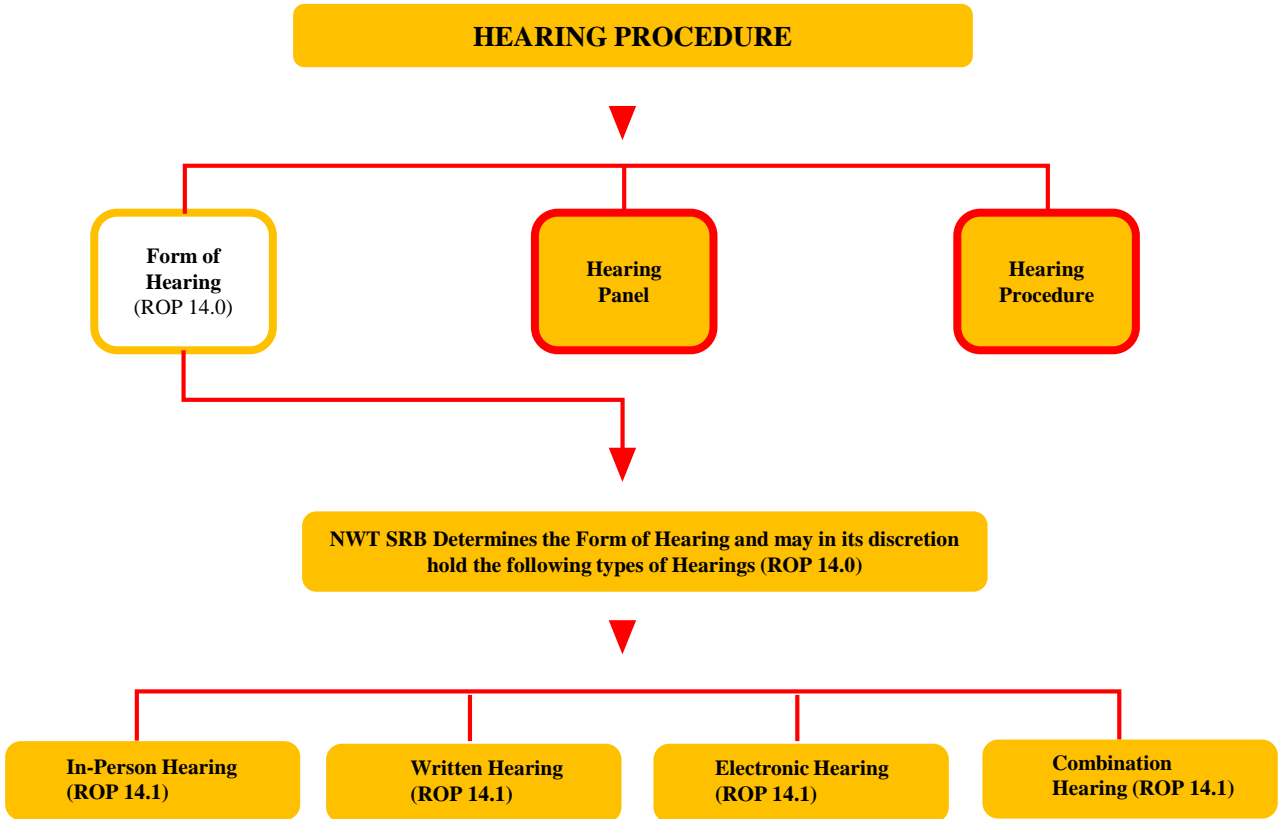
Practice Directions (ROP 5.0)

“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)

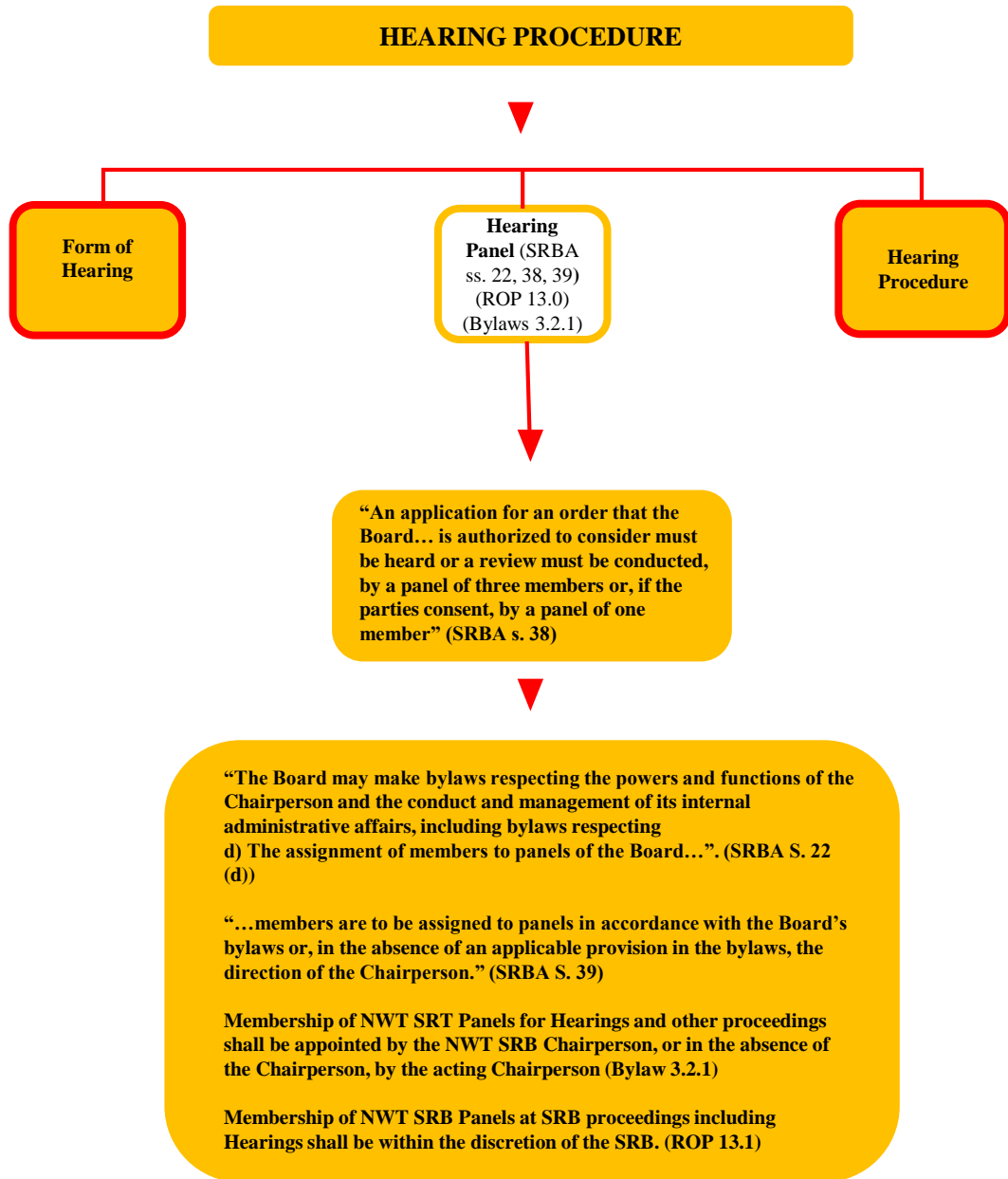
“In the event of a conflict or inconsistency between Practice Directions and the NWT SRB ROP, Practice Directions shall prevail to the extent of the conflict or inconsistency as an exception to the ROP” (ROP 5.2)

Hearing Procedure

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