



ORDER OF THE EXECUTIVE

Re: Trespass on Toquaht Nation treaty lands

Enacted under the Land Act section 10.1 and the Enforcement Act section 2.4

TNO 2/2019

BACKGROUND:

- A. In 2015, 0985767 B.C. Ltd., doing business as Two Rivers Hill Service (“Two Rivers”) held two Forest Licenses to Cut that were issued by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development and permitted harvesting within the Cataract Lake area adjacent to Toquaht treaty lands;
- B. On or around May 5, 2017, Toquaht learned that Two Rivers had entered onto Toquaht treaty lands and harvested valuable Western Red Cedar without authorization, contrary to section 10.2 of the Land Act (the “Trespass”);
- C. As a result of the Trespass, Toquaht suffered significant financial, cultural, historical and other losses (the “Damages”);
- D. Pursuant to section 10.1(ii) of the Land Act, the Executive may provide notice to a person that has committed an offence under section 10.2 requiring that person to pay to Toquaht Nation a sum of money considered by the Executive to be reasonable for the unauthorized use of the Toquaht lands;
- E. Pursuant to section 2.3 of the Enforcement Act, the Toquaht prosecutor may, after consulting with the Director of Operations and on reasonable and probable grounds, lay an information on behalf of the Toquaht Nation that the person has committed or is suspected of having committed an offence; and
- F. Pursuant to section 2.4(a) of the Enforcement Act, the Executive must appoint a Toquaht prosecutor to conduct prosecutions of offences and any appeals arising from prosecutions of offences.


NOW THEREFORE THE EXECUTIVE ORDERS AS FOLLOWS:

- 1) In this Order,
 - a) Sending a notice (the “Notice”) to Two Rivers demanding payment of the Damages in accordance with section 10.1(ii) of the Land Act is approved;
 - b) Chief Anne Mack, tyee ḥaʔwił, is authorized to execute, on behalf of the Executive, the Notice in the form attached hereto as Schedule A with such changes, if any, as may be

approved by Chief Mack signing the same (and such approval shall be conclusively proved by the signature of Chief Mack to the Notice);

- c) Effective as of the date of this Order, Natalia Sudeyko of Ratcliff & Company LLP is appointed as the Toquaht prosecutor in accordance with section 2.4(a) of the Enforcement Act to conduct prosecutions of offences including, if necessary, the Trespass; and
- d) The Director of Operations is authorized to do all such other acts, deeds and things that may be necessary to send the Notice, carry out and negotiate the Damages and, if she considers it necessary, to initiate prosecution of Two Rivers for the Trespass.

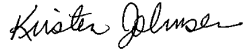
This Order enacted on March 23, 2019

Signed 

Anne Mack, ḥaʔwił of the Toquaht Nation

DEPOSITED IN THE
REGISTRY OF LAWS AND
OFFICIAL RECORDS

ON 2019/03/24



Signature of Law Clerk

SCHEDULE A

Notice