

**First Nations
Drinking Water**
SETTLEMENT

**SCHEDULE N
NOTICE OF SETTLEMENT APPROVAL
(LONG AND SHORT FORMS)**

See attached.

Short Form Notice of Settlement Approval

Settlement of First Nation Drinking Water Advisory Class Actions

Did you live on First Nations Lands that were subject to a drinking water advisory between 1995 and 2021? If so, you might be eligible for compensation.

Please read this notice carefully.

Pour lire cet avis en français: www.firstnationsdrinkingwater.ca

The courts have approved a settlement between Canada and certain First Nations and their members who were subjected to long-term drinking water advisories from 1995 to 2021.

Who is included?

Individuals are included in the Class if:

1. they were alive on November 20, 2017;
2. they are members of a band, as defined in the *Indian Act*, or Aboriginal peoples of Canada, other than the Inuit or Métis Aboriginal peoples of Canada, who are parties to a modern treaty (a “**First Nation**”), the disposition of whose lands is subject to that Act, the *First Nations Land Management Act*, or a modern treaty (“**First Nations Lands**”); and
3. for at least one year between November 20, 1995, and June 20, 2021, they ordinarily resided on First Nations Lands that were subject to a drinking water advisory (whether a boil water, do not consume, or do not use advisory, or the like) that lasted at least one year between November 20, 1995, and June 20, 2021, (“**Impacted First Nations**”) while such a drinking water advisory of at least one year was in effect.

Impacted First Nations are included if they accept the settlement by December 2, 2022. Impacted First Nations who do not accept the settlement by this date will not be compensated.

Eligible individuals can receive compensation even if their First Nation, or the First Nation on whose lands they resided, does not accept the settlement.

Eligible Individuals born before November 20, 1995, will be compensated if they ordinarily resided on an Impacted First Nation for over a year during a long-term drinking water advisory that lasted for a year or longer, anytime between November 20, 2013, and June 20, 2021. There are exceptions in place for those who may have been incapable because of their physical, mental, or psychological condition.



Eligible Individuals born on or after November 20, 1995, will be compensated if they ordinarily resided on an Impacted First Nation for over a year during a long-term drinking water advisory that lasted for a year or longer, anytime between November 20, 1995, and June 20, 2021.

What does the settlement provide?

Eligible individuals will receive a payment for each year they ordinarily resided on First Nations Lands while under a drinking water advisory. The per-year amount is expected to vary for eligible years, depending on the type of advisory and the remoteness of the First Nation Lands.

These amounts are subject to limitation periods, for example if you were born before November 20, 1995. Details are available at www.firstnationsdrinkingwater.ca. Individuals with specified injuries may be eligible for additional compensation.

Impacted First Nations who accept the settlement will receive \$500,000 plus an amount equal to 50% of the amounts paid to individuals for drinking water advisories on their reserves.

Canada must take other steps to lift long-term drinking water advisories and help individuals get regular access to safe drinking water in their homes. Canada will spend at least \$6 billion on water and wastewater infrastructure on reserves. There is an alternative dispute resolution process available where Impacted First Nations are unhappy with Canada's efforts.

How do I claim money?

Individuals can submit an individual claim form, or their Band Council can submit a Band Council Confirmation List, confirming which individuals were ordinarily resident on that First Nations' Lands during a long-term drinking water advisory.

However, the Band Council Confirmation List does not include specified injuries. If you are an individual submitting a claim for specified injuries, you must submit ONE claim form.

To view and submit claim forms please visit www.firstnationsdrinkingwater.ca.

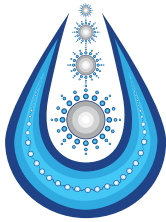
First Nations must accept the settlement by submitting a Band Council Acceptance Resolution which is available from the Administrator.

What am I giving up in the settlement?

Individual Class members are giving up their right to sue Canada for the claims resolved by the settlement. First Nations that do not accept the settlement will not be bound by it, although Individual Band members can still submit a claim.

For more information, please visit www.firstnationsdrinkingwater.ca or call 1-833-252-4220.





**First Nations
Drinking Water
SETTLEMENT**

Long Form Notice of Settlement Approval

Settlement of First Nation Drinking Water Advisory Class Actions

Did you live on First Nations Lands that were subject to a drinking water advisory between 1995 and 2021? If so, you might be eligible for compensation.

Please read this notice carefully.

Pour lire cet avis en français: www.firstnationsdrinkingwater.ca

The courts have approved a settlement between Canada and certain First Nations and their members who were subjected to long-term drinking water advisories from 1995 to 2021.

First Nations and their members affected by drinking water advisories since November 20, 1995, sued Canada for compensation in two class actions. The Court of Queen's Bench of Manitoba and the Federal Court of Canada approved a settlement in the class actions. The settlement compensates eligible First Nations and their members.

This notice explains who is eligible for compensation and how to claim it. Individuals who do not claim compensation by March 7, 2023 and First Nations who do not accept the settlement by December 2, 2022 will not be compensated.

BASIC INFORMATION

WHY DID I GET NOTICE OF THE SETTLEMENT?

The Court of Queen's Bench of Manitoba and the Federal Court of Canada approved the settlement on December 22, 2021. They also approved this notice to let you know about the settlement and how to claim compensation.

WHO IS INCLUDED IN THE SETTLEMENT?

WHICH INDIVIDUALS ARE INCLUDED?

Individuals are included in the Class if:

1. they were alive on November 20, 2017;
2. they are members of a band, as defined in the *Indian Act*, or Aboriginal peoples of Canada, other than the Inuit or Métis Aboriginal peoples of Canada, who are parties to a modern treaty (a "**First Nation**"), the disposition of whose lands is subject to that Act, the *First Nations Land Management Act*, or a modern treaty ("**First Nations Lands**"); and
3. for at least one year between November 20, 1995, and June 20, 2021, they ordinarily resided on First Nations Lands that were subject to a drinking water advisory (whether a boil water, do not consume, or do not use advisory, or the like) that lasted at least one year between November 20, 1995, and June 20, 2021, ("**Impacted First Nations**") while such a drinking water advisory of at least one year was in effect.



Impacted First Nations are included if they accept the settlement by December 2, 2022. Impacted First Nations who do not accept the settlement by this date will not be compensated.

Eligible individuals can receive compensation even if their First Nation, or the First Nation on whose lands they resided, does not accept the settlement.

Eligible Individuals born before November 20, 1995, will be compensated if they ordinarily resided on an Impacted First Nation for over a year during a long-term drinking water advisory that lasted for a year or longer, anytime between November 20, 2013, and June 20, 2021. There are exceptions in place for those who may have been incapable because of their physical, mental, or psychological condition.

Eligible Individual born on or after November 20, 1995, will be compensated if they ordinarily resided on an Impacted First Nation for over a year during a long-term drinking water advisory that lasted for a year or longer, anytime between November 20, 1995, and June 20, 2021.

WHO SHOULD INDIVIDUALS OR FIRST NATIONS WITH QUESTIONS CONTACT?

To speak to a lawyer, contact counsel@firstnationsdrinkingwater.ca

If you have questions about the claim forms or the claim process, contact the Administrator at 1-833-252-4220.

WHICH FIRST NATIONS ARE INCLUDED?

Impacted First Nations (see list at www.firstnationsdrinkingwater.ca) must accept the Settlement to be eligible for compensation.

To accept the Settlement, Impacted First Nations must submit a Band Council Acceptance Resolution to the Administrator at firstnationswater@deloitte.ca or First Nations Drinking Water Settlement, PO Box 160 Stn Adelaide, Toronto, ON Canada M5C 2J2.

The Band Council Acceptance Resolution must be submitted in the approved format, available from the Administrator.

Impacted First Nations must accept the settlement by December 2, 2022 to participate.

HOW DO I GET COMPENSATION?

WHAT CAN CLASS MEMBERS GET?

Individuals may receive a payment for each year they ordinarily resided on First Nations Lands while under a long-term drinking water advisory.

These amounts are subject to limitation periods. For example, if you were born before November 20, 1995, you may only be eligible for compensation going back to November 20, 2013, unless you experienced certain physical, mental, or psychological conditions.

It is expected that the payment amounts will vary for each eligible year, depending on the type of advisory and the remoteness of the First Nation Lands. The eligible years are subject to age-related limitation periods:

- Individuals with a date of birth **before** November 20, 1995 can claim for all the years and portions of the 7.6-year period between **November 20, 2013, and June 20, 2021** while they were ordinarily resident on reserve during a drinking water advisory that lasted a year or more. There are exceptions in place for those who may have been incapable because of their physical, mental, or psychological condition.



- Individuals with a date of birth **on or after** November 20, 1995, can claim for all the years and portions of the 25.6-year period between **November 20, 1995, and June 20, 2021**, while they were ordinarily resident on reserve during a drinking water advisory that lasted a year or more.

Individuals with specified injuries may be eligible for additional compensation.

Impacted First Nations who accept the settlement will receive \$500,000 plus an amount equal to 50% of the amounts paid to individuals for drinking water advisories on their reserves.

WHEN WILL INDIVIDUALS AND FIRST NATIONS RECEIVE COMPENSATION?

Individuals can submit claim forms until March 7, 2023. After the claims period ends, the Administrator will pay valid claims for compensation.

First Nations will be paid the \$500,000 base payment within 90 days of their acceptance or the date the Courts' approval of the settlement agreement becomes final, whichever comes first.

Every six months, each First Nation will receive an installment in an amount equal to 50% of the amounts paid to eligible individuals who ordinarily resided on that First Nation's reserve during a long-term drinking water advisory. These payments will begin after the claims period ends.

HOW WILL INDIVIDUALS AND FIRST NATIONS RECEIVE COMPENSATION?

Individuals can submit an individual claim form, or their Band Council can submit a Band Council Confirmation List, confirming which individuals were ordinarily resident on that First Nation's Lands during a long-term drinking water advisory. But if you are an individual submitting a claim for specified injuries, you must submit your own claim form. The Band Council Confirmation List does not include specified injuries.

In the case of multiple submissions, an individual claim form will take precedence over Band Council Confirmation Lists. If you have experienced injury or are unsure if you have been included in a Band Council Confirmation List, please complete an Individual Claim Form or contact the Administrator.

To view and submit claims forms please visit **www.firstnationsdrinkingwater.ca**.

First Nations must accept the settlement by submitting a Band Council Acceptance Resolution which is available from the Administrator.

Eligible individuals can receive compensation even if their First Nation, or the First Nation on whose First Nation Lands they resided, does not accept the settlement agreement.

Claim Forms may be submitted to the Administrator by completing the online Claim Form electronically at **www.firstnationsdrinkingwater.ca**, or by emailing a Claim Form to **firstnationswater@deloitte.ca** or by faxing to 647-738-5206, or by mailing to First Nations Drinking Water Settlement, PO Box 160 Stn Adelaide, Toronto, ON Canada M5C 2J2.

It is very important that a Claimant submits only one Claim Form to the Administrator, using one of the above methods.

DO I NEED MY OWN LAWYER TO MAKE A CLAIM?

No. Class Counsel represents you. You may contact class counsel at **counsel@firstnationsdrinkingwater.ca**.



HOW WILL THE LAWYERS BE PAID?

Canada, (not class members), will pay the Class Counsel's fees for prosecuting the class actions and continuing to assist individuals and First Nations. The courts have approved the lawyers' fees and you do not have to pay any money to make a claim.

WHAT AM I GIVING UP IN THE SETTLEMENT?

Class members are giving up their right to sue Canada for the claims resolved by the settlement. That means you will not be able to sue Canada for damages incurred before June 20, 2021, that were caused by Canada's failure to provide safe drinking water on your reserve.

First Nations that do not accept the settlement will not be bound by it, although Individual Band members can still submit a claim.

CAN I REMOVE MYSELF FROM THE SETTLEMENT?

Individuals cannot remove themselves from the settlement without court approval. Class Counsel are not able to help individuals remove themselves from the settlement. Individuals who want to seek leave of the Courts to remove themselves from the settlement should consult a different lawyer.

First Nations do not need to agree to the settlement. If a First Nation does not accept the settlement, the settlement will not resolve the collective or communal claims of that First Nation.

You are not required to submit a claim, but if you do not remove yourself from the settlement and do not submit a claim, and a band does not provide the Administrator with confirmation of your residence, you will not receive compensation and you will still give up your right to sue Canada.

WHAT ARE THE OTHER BENEFITS FOR FIRST NATIONS AND THEIR MEMBERS IN THE SETTLEMENT?

1. Canada has agreed to make all reasonable efforts to support the removal of long-term drinking water advisories that affect the Class.
2. Canada has agreed to make all reasonable efforts to ensure that class members living on reserves have regular access to drinking water in their homes. Canada will spend at least \$6 billion by March 31, 2030, to implement that commitment by funding the actual cost of construction, upgrading, operation, and maintenance of water infrastructure on reserves.
3. Canada has agreed to an alternative dispute resolution framework to decide what additional measures are reasonably required to help individuals get regular access to safe drinking water in their homes.
4. Canada has agreed to make all reasonable efforts to repeal the *Safe Drinking Water for First Nations Act*, S.C. 2013, c. 21 by March 31, 2022, and replace it with legislation that improves drinking water on First Nations reserves.
5. Canada has agreed to provide \$20 million to create the First Nations Advisory Committee on Safe Drinking Water.
6. Canada has agreed to make available \$9 million to fund First Nations governance initiatives and by-law developments.



WHO REPRESENTS ME?

WHO ARE THE LAWYERS REPRESENTING ME?

The Representative Plaintiffs and the Class are represented by McCarthy Tétrault LLP and Olthuis Kleeer Townshend LLP (“**Class Counsel**”). You may contact Class Counsel at counsel@firstnationsdrinkingwater.ca.

DO I HAVE TO PAY CLASS COUNSEL?

No. The courts approved Class Counsel’s fees.

WHAT IF I WANT MY OWN LAWYER?

If you want to hire your own lawyer, you may do so at your own expense.

HOW DO FIRST NATIONS ACCEPT THE SETTLEMENT?

First Nations who are eligible for the settlement must accept it in a Band Council Acceptance Resolution and provide a copy to the Administrator by December 2, 2022.

For more information, visit www.firstnationsdrinkingwater.ca or contact the Administrator at 1-833-252-4220.

You may also direct questions to Class Counsel at counsel@firstnationsdrinkingwater.ca.

WHO DO FIRST NATIONS CONTACT TO ACCEPT THE SETTLEMENT?

First Nations with questions should contact Class Counsel at counsel@firstnationsdrinkingwater.ca.

First Nations who have a Band Council Acceptance Resolution accepting the settlement agreement should provide a copy to the Administrator by December 2, 2022 by emailing to firstnationswater@deloitte.ca or mailing to First Nations Drinking Water Settlement, PO Box 160 Stn Adelaide, Toronto, ON Canada M5C 2J2.

WHO DO I CONTACT FOR MORE INFORMATION?

You may contact the Administrator at 1-833-252-4220.

You may also contact Class Counsel at counsel@firstnationsdrinkingwater.ca.

