



M.R.P. Dispute Resolution All Forms



2019

LIST OF FORMS SUMMARY

The following is a list of Forms that are included within this Manual & Guide.

#	NAME OF FORM	FILLED OUT BY	SIGNED BY
01	Request Form for Dispute Resolution Services	Parties	Parties
02	Notice of Request for Dispute Resolution Services	Tribunal	Parties
03	Screening Form for Requests for Dispute Resolution Services	Tribunal	Tribunal
04	Acceptance Form for Dispute Resolution Services	Tribunal	Tribunal
05	Denial Form for Dispute Resolution Services	Tribunal	Tribunal
06	Tribunal Member Conflict of Interest Disclosure Form	Tribunal	Tribunal
07	Selection of Tribunal Member for Circle Process	Parties	Parties
08	Selection of Tribunal Member for Mediation Process	Parties	Parties
09	Selection of Tribunal Members for Hearing Panel Process	Parties	Parties
10	Scheduling Procedures	Tribunal	Tribunal
11	Notice of Dispute Resolution Services	Tribunal	Tribunal
12	Form to Request Support Person	Parties	Parties
13	Form to Accept/Deny Request for Support Person	Tribunal	Tribunal
14	Form to Request to Call Witnesses	Parties	Parties
15	Form to Accept/Deny Request to Call Witnesses	Tribunal	Tribunal
16	Notification to Chief & Council of Dispute Resolution Services	Tribunal	Tribunal
17	Notification to Directly Affected Person	Tribunal	Other
18	Form to Accept/Deny Directly Affected Person	Tribunal	Tribunal
19	Form to Participate as an Interested Person/Intervenor	Other	Other
20	Form to Accept/Deny Request of Interested Person/Intervenor	Tribunal	Tribunal
21	Agreement to Participate in Circle Process	Parties	Parties
22	Agreement to Participate in Mediation Process	Parties	Parties
23	Agreement to Participate in Hearing Panel Process	Parties	Parties
24	Circle Agreement Template	Tribunal	Parties
25	Mediation Agreement Template	Tribunal	Parties
26	Hearing Panel Decision Template	Tribunal	Tribunal
27	Decision to Reject a Dispute Without a Hearing	Tribunal	Tribunal
28	Application Form to be Tribunal Member	Tribunal	Tribunal
29	Screening Form of Applications to be Tribunal Member	Council	Council
30	Form Accepting/Denying Application for Tribunal Member	Council	Council
31	Code of Conduct of Tribunal Members	Tribunal	Tribunal

CHECKLIST OF ACTION ITEMS

INSTRUCTIONS FOR OFFICE USE:

To be completed by the Dispute Resolution Tribunal as an internal procedure to track the completion, status, and details of action items from start to finish for a file. A copy of this Checklist is to be kept on file.

This checklist is to be used by the Dispute Resolution Tribunal to track the completion, status, and details of all actions items from start to finish for a file.

	ACTION	FORM	DONE (YES/NO/NA)	DATE	DETAILS
1.	Receive written request from party or parties for dispute resolution services.	Form 01			
2.	Notify other party of the request for dispute resolution services that has been received.	Form 02			
3.	Receive written notification from the other party as to whether they consent or decline to participate.	Form 02			
4.	Screen the request for dispute resolution services.	Form 03			
5.	Provide written notification to the parties of the acceptance/denial of the request for dispute resolution services.	Form 04 or Form 05			
6.	Tribunal members to complete the Tribunal conflict of interest disclosure form.	Form 06			
7.	Parties to be provided the list of Tribunal members that are not in a conflict of interest to complete the Selection of Tribunal Member for Circle Process.	Form 07			
8.	Parties to be provided the list of Tribunal members that are not in a conflict of interest to complete the Selection of Tribunal Member for Mediation Process.	Form 08			
9.	Parties to be provided the list of Tribunal members that are not in a conflict of interest to complete the Selection of Tribunal Member for Hearing Panel Process.	Form 09			

	ACTION	FORM	DONE (YES/NO/NA)	DATE	DETAILS
10.	Schedule the dispute resolution services.	Form 10			
11.	Provide written notification to the parties of the dispute resolution services.	Form 11			
12.	Receive written request from a party for a support person to attend the dispute resolution services.	Form 12			
13.	Provide written notification to the party as to whether the request for a support person has been accepted or denied.	Form 13			
14.	Receive written request from a party to call witnesses at the dispute resolution services.	Form 14			
15.	Provide written notification to the party as to whether the request to call witnesses has been accepted or denied.	Form 15			
16.	Provide written notification to Chief & Council to advise of the dispute resolution services and their right to participate.	Form 16			
17.	Receive written notification from Chief & Council as to whether they will or will not participate in the dispute resolution services.	Letter from Council			
18.	Provide written notification to a person who may be directly affected due to the land being held in a customary or traditional land holding, that they may apply to participate.	Form 17			
19.	Receive written notification from a person who is applying to participate as a directly affected person due to the land being held in a customary or traditional land holding.	Letter from person			

	ACTION	FORM	DONE (Yes/No/NA)	DATE	DETAILS
20.	Provide written notification to the person who has applied to participate as a directly affected person due to the land being held in a customary of traditional land holding as to whether their application has been accepted or denied.	Form 18			
21.	Receive written request for a person requesting to participate as an interested person or intervenor.	Form 19			
22.	Provide written notification to the person who has requested to participate as an interested person or intervenor as to whether their request has been accepted or denied.	Form 20			
23.	Parties that will be using the Circle Process shall sign the Agreement to Participate in Circle Process before the commencement of the Circle Process.	Form 21			
24.	Parties that will be using the Mediation Process shall sign the Agreement to Participate in Mediation Process before the commencement of the Mediation Process.	Form 22			
25.	Parties that will be using the Hearing Panel Process shall sign the Agreement to Participate in Hearing Panel Process before the commencement of the Hearing Panel Process.	Form 23			
26.	Following the completion of the Circle Process, the Tribunal will develop and the parties will sign the Circle Agreement.	Form 24			
27.	Following the completion of the Mediation Process, the Tribunal will develop and the parties will sign the Mediation Agreement.	Form 25			
28.	Following the completion of the Hearing Panel Process, the Tribunal will develop and sign the Hearing Panel Decision.	Form 26			

	ACTION	FORM	DONE (YES/NO/NA)	DATE	DETAILS
29.	Where the Hearing Panel has rejected a dispute without conducting a hearing panel, the Tribunal will develop and sign the decision to reject a dispute without a hearing.	Form 27			

SECTION ONE:
REQUESTING SERVICES FORMS

This Section sets out the forms that are used for requesting, screening, and approving or denying requests for dispute resolution services of the Dispute Resolution Tribunal.

FORM 01 - REQUEST FORM FOR DISPUTE RESOLUTION SERVICES

INSTRUCTIONS FOR OFFICE USE:

To be completed by one or both spouses or common-law partners to request dispute resolution services of the Dispute Resolution Tribunal. The completed Form is to be kept on file.

Instructions to Users: To request services from the Dispute Resolution Tribunal to assist in resolving an on-reserve matrimonial real property dispute, you must complete and submit this Form to the Dispute Resolution Tribunal. It is important that you complete all of the information requested in this Form. The information you provide in this Form will be kept confidential and will be used to determine if the Dispute Resolution Tribunal is able to provide dispute resolution services to assist in resolving your on-reserve matrimonial real property dispute. The Dispute Resolution Tribunal will notify you in writing as to whether your request for dispute resolution services has been accepted or denied.

It is important to understand that the Dispute Resolution Tribunal only has the authority to deal with **on-reserve matrimonial real property issues on separation or survivorship**. On-reserve matrimonial real property may generally be defined as the house or land that the couple lives on or benefits from while married or living in a common law relationship.

The Dispute Resolution Tribunal **does not** have the authority to determine issues concerning the couple's personal property such as their vehicles, money in the bank, household items, or issues such as child custody, child support, and spousal support.

Services of the Dispute Resolution Tribunal may only be provided where the matrimonial real property is on-reserve and where one or both of the spouses or common law partners are a **registered Band member** of the [insert name of First Nation].

The Dispute Resolution Tribunal **does not** deal with matrimonial real property dispute matters off-reserve or where neither of the spouses or common law partners is a registered Band member of the [insert name of First Nation].

It is recommended that you read the [insert name of First Nation]'s Dispute Resolution Policy to fully understand the services and authority of the Dispute Resolution Tribunal before you complete this Form. A copy of the Dispute Resolution Policy can be obtained by contacting:

[insert contact information of the First Nation].

*** PLEASE PRINT AND COMPLETE ALL PARTS OF THIS FORM ***
*** ATTACH ADDITIONAL SHEETS IF NECESSARY ***

Part 1: Information About You

Full Legal Name:	
Address:	
Telephone Number:	
Email Address:	
Are you a registered Band member of the [insert name of First Nation]?	
Indian Registry Number:	

Part 2: Information About Your Spouse or Common-Law Partner

Full Legal Name:	
Address:	
Telephone Number:	
Email Address:	
Are they a registered Band member of the [insert name of First Nation]?	
Indian Registry Number <i>(if known)</i> :	

Part 3: Information About Your Relationship

Please state whether you were you married or in a common law relationship?	
How long were you married or in a common law relationship?	
When did the marriage or common law relationship end?	
When did your spouse or common law partner pass away (if applicable)?	
While married or in a common law relationship, was your home located on the [insert name of First Nation]?	
Are you currently living in the same house as your spouse or common law partner?	

Part 4: Issues in Dispute

1. Please describe what the on-reserve matrimonial real property issues are that you are requesting assistance from the Dispute Resolution Tribunal for:

Part 5: Information About the Matrimonial Real Property

(Please place an X in either the Yes, No, or Not Sure box that applies for each question)

	Yes	No	Not Sure
Do you and your spouse or common law partner own the home that you lived in together on the First Nation?			
Did either you or your spouse or common law partner own the home before you were married or started your common law relationship?			
Was the home that you lived in with your spouse or common law partner given to either of you by a family member or inherited in a will?			
Do you or your spouse or common law partner have a Certificate of Possession (CP) or a Certificate of Entitlement (CE) for the home?			
Is the home that you and your spouse or common law partner live in together subject to a lease agreement?			
Do you and your spouse or common law partner rent the home that you live in together?			
Do you and your spouse or common law partner have a written agreement that states how you will divide your matrimonial real property if you were to divorce, separate, or die?			
Are there any court orders in place that state who can live in the home?			

2. Please list the names of any other individuals that live in the home with you and your spouse or common law relationship, and what their relationship to you is: _____

3. To your knowledge, are there any other individuals that might have an interest in the matrimonial real property that you have with your spouse or common law partner?

Part 6: Dispute Resolution Services

The Dispute Resolution Tribunal provides three main stages of dispute resolution:

- **Circle Process** – a voluntary informal process where the parties to the dispute come together with the assistance of one or more members of the Dispute Resolution Tribunal to work towards resolving the dispute concerning the on-reserve matrimonial real property matter on separation or survivorship. Any agreement reached through the circle process to resolve the dispute is made by the parties to the dispute.
- **Mediation Process** – a voluntary facilitated process where the parties to the dispute make their best efforts to resolve the dispute concerning the on-reserve matrimonial real property matter on separation or survivorship with the assistance of one member of the Dispute Resolution Tribunal. Any agreement reached through the mediation process to resolve the dispute is made by the parties to the dispute.
- **Hearing Process** – a mandatory formal process where the parties to the dispute present their evidence and submissions to a panel of three members of the Dispute Resolution Tribunal to resolve the dispute concerning the on-reserve matrimonial real property matter on separation or survivorship. The Dispute Resolution Tribunal will make a decision to resolve the dispute. Subject to agreement by the parties, the decision may be binding.

4. Please explain what stage of dispute resolution services from the list above that you are requesting from the Dispute Resolution Tribunal and why:

5. Do you know if your spouse or common law partner also wants to use the dispute resolution services from the Dispute Resolution Tribunal? _____

6. The Dispute Resolution Tribunal does not provide services if the issues in dispute are historic, have been settled by the courts, or are currently before the courts.
 - a. Have these issues in dispute been settled by the court? _____
 - b. Are these issues in dispute currently before the court? _____
7. The Dispute Resolution Tribunal provides services in English [and/or French].
 - a. Are you able to participate in English [and/or French]? _____
 - b. Do you require a translator to participate? _____
8. Do you require any accommodations (visual, audio, mobility, etc.) to participate in the dispute resolution services of the Dispute Resolution Tribunal? If so, please state what accommodations are required: _____

Part 7: Acknowledgements

By completing and submitting this Request Form for Dispute Resolution Services (Form), you acknowledge the following:

1. The information you have provided in this Form is accurate and complete.
2. You understand that the information provided in this Form will be used to determine if the Dispute Resolution Tribunal will provide dispute resolution services to you and your spouse or common law partner.
3. You understand that the dispute resolution services of the Dispute Resolution Tribunal are only available to spouses or common law partners on separation or survivorship where the couple resides on-reserve and one or both are registered Band members of the [insert name of First Nation].
4. You understand that the Dispute Resolution Tribunal's authority extends only to issues regarding on-reserve matrimonial real property; and does not include issues concerning personal property, custody, support, or other family law matters.
5. You acknowledge that the on-reserve matrimonial real property issues that the dispute resolution services of the Dispute Resolution Tribunal are requested for have not been resolved through court and/or are not currently before the court.
6. You understand that if this Form has not been jointly submitted by both spouses or common law partners, a copy of this Form will be provided to the other spouse or common law partner to inform them of the request and to inquire whether they consent or decline to participate in the dispute resolution services.

7. You understand that the Dispute Resolution Tribunal is under no obligation to accept your request for dispute resolution services.
8. You understand that if your request for dispute resolution services is accepted, you will be responsible for your own costs to participate in the dispute resolution services of the Dispute Resolution Tribunal.
9. You understand that if your request for dispute resolution services is accepted, you will be required to comply with the policies and procedures of the Dispute Resolution Tribunal.
10. You have read and understand this Form and you are signing this Form of your own free will.

Part 8: Signature and Date

If the Form is being submitted together by both spouses or common law partners, the signature of each spouse or common law partner is required.

Date: _____

Signature: _____

Signature: _____

FORM 02 - NOTICE OF REQUEST FOR DISPUTE RESOLUTION SERVICES

INSTRUCTIONS FOR OFFICE USE:

This Form is to be completed by the Dispute Resolution Tribunal and provided to the other spouse or common law partner where a Request Form for Dispute Resolution Services has been submitted by only one spouse or common law partner. The spouse or common law partner that receives the Form is to complete page 2 and return it to the Dispute Resolution Tribunal. A copy of the Form is to be kept on file.

[insert date]

TO: [insert name of other spouse or common law partner]

RE: Notice of Request for Dispute Resolution Services

In accordance with the Dispute Resolution Policy (Policy), the Dispute Resolution Tribunal is writing to notify that it has received a Request Form for Dispute Resolution Services for on-reserve matrimonial real property issues from your spouse or common law partner. A copy of the Request Form for Dispute Resolution Services we received is attached.

Participation in the dispute resolution services of the Dispute Resolution Tribunal is voluntary and requires the consent of both spouses or common law partners.

Please review the Request Form for Dispute Resolution Services to determine if you consent or decline to participate in the dispute resolution services that have been requested.

Once you have made your decision, please complete the second page of this notice stating whether you consent or decline to participate in the dispute resolution services and return it to the Dispute Resolution Tribunal by [insert date] _____.

If we do not receive a response from you by that date, we will interpret it to mean that you decline to participate.

Please contact our office if you have any questions.

Sincerely,

Dispute Resolution Tribunal

*** COMPLETE AND RETURN THIS PORTION ***

I, [insert your name] _____ confirm that I have received notice that my spouse or common law partner has submitted a request for dispute resolution services from the Dispute Resolution Tribunal for on-reserve matrimonial real property issues.

I have reviewed the request and:

[check the box that applies]

Consent to participate in the dispute resolution services

Decline to participate in the dispute resolution services

Date: _____

Signature: _____

Please return this completed portion to [insert contact information for First Nation].

FORM 03 - SCREENING FORM FOR REQUESTS FOR DISPUTE RESOLUTION SERVICES

INSTRUCTIONS FOR OFFICE USE:

To be completed by the Dispute Resolution Tribunal to screen all Requests for Dispute Resolution Service. The completed Form is to be kept on file.

Date request received: _____

Name of person(s) requesting services: _____

Name of other spouse or common law partner: _____

	Yes	No
1. All requested information in the Form is complete.		
2. One or both spouse or common law partner is a registered Band member of the First Nation.		
3. The spouses or common law partners live on the First Nation.		
4. The issues in dispute are within the mandate of the Dispute Resolution Tribunal.		
5. The issues in dispute are current and do not deal with historic issues (ex: a separation 10 years ago).		
6. The issues in dispute have not been settled by a court or are currently not in a court process.		
7. The spouses or common law partners have a written agreement as to how matrimonial real property will be divided on separation or survivorship.		
8. Both spouses or common law partners have requested or consented to the dispute resolution services.		

9. The type of dispute resolution service requested by the party(s) are:

- Circle Process
- Mediation Process
- Hearing Panel Process

Decision

Based on the information provided in the Form, the request for dispute resolution services from the Dispute Resolution Tribunal is:

- Approved

- Denied due to: *(check all that apply)*
 - Incomplete information in the Form
 - Both parties have not requested/consented to participate
 - Neither party is a registered Band member of the First Nation
 - The parties do not live on the First Nation
 - The issues in dispute are not current (they are historic)
 - The issues in dispute have been settled by a court or are currently before the court
 - The issues in the dispute are not within the mandate of the Dispute Resolution Tribunal
 - Other: *(please specify)* _____

FORM 04 - ACCEPTANCE FORM FOR DISPUTE RESOLUTION SERVICES

INSTRUCTIONS FOR OFFICE USE:

To be completed by the Dispute Resolution Tribunal and sent to the parties after the Requests for Dispute Resolution Services has been screened and accepted for dispute resolution services. A copy of this Form is to be kept on file.

[insert date]

TO: [insert names of all parties]

RE: Request for Dispute Resolution Services of the Dispute Resolution Tribunal

The Dispute Resolution Tribunal confirms receipt of your request for dispute resolution services in relation to your on-reserve matrimonial real property issues.

We are pleased to advise that your request has been accepted and that dispute resolution services through the [Circle Process/Mediation Process/Hearing Panel Process] will be provided.

We will be in contact with you to schedule the dispute resolution services.

We recommend that you review the Dispute Resolution Policy so that you are prepared to participate in the dispute resolution services and so that we can discuss any questions that you may have.

Thank you for your interest in the Dispute Resolution Tribunal, we look forward to working together.

Sincerely,

Dispute Resolution Tribunal

FORM 05 - DENIAL FORM FOR DISPUTE RESOLUTION SERVICES

INSTRUCTIONS FOR OFFICE USE:

To be completed by the Dispute Resolution Tribunal and sent to the parties after the Requests for Dispute Resolution Services has been screened and the request for dispute resolution services has been denied. A copy of this Form is to be kept on file.

[insert date]

TO: [insert names of all parties]

RE: Request for Dispute Resolution Services of the Dispute Resolution Tribunal

The Dispute Resolution Tribunal confirms receipt of your request for dispute resolution services in relation to your on-reserve matrimonial real property issues.

We are sorry to advise that that your request has been denied due to: [state what the reason(s) are for the denial] _____

Thank you for your interest in the Dispute Resolution Tribunal. We wish you the best in resolving your issues in dispute.

Sincerely,

Dispute Resolution Tribunal

SECTION TWO:

SCHEDULING SERVICES FORMS

This Section sets out the forms that are used for scheduling dispute resolution services of the Dispute Resolution Tribunal.

FORM 06 - TRIBUNAL MEMBER CONFLICT OF INTEREST DISCLOSURE FORM

INSTRUCTIONS FOR OFFICE USE:

To be completed by each member of the Dispute Resolution Tribunal once they have been contacted to provide dispute resolution services in any matter. The completed Form is to be kept on file.

Definition of Conflict of Interest

The Dispute Resolution Policy defines a **conflict of interest** as where in a matter, a person or their family has an actual or perceived personal or monetary interest; a family interest; a financial interest; a professional or business interest; or a prejudicial, discriminatory or biased opinion.

Prevention of Conflicts of Interest

Members of the Dispute Resolution Tribunal shall prevent and avoid situations that could give the **appearance** of a conflict of interest, result in a **potential** conflict of interest, or result in an **actual** conflict of interest. Conflict of interest does not relate exclusively to matters concerning financial transactions and the transfer of economic benefit.

It is understood that a real, apparent, or potential conflict of interest may arise or become apparent at anytime and it is the responsibility of the member to immediately report it to the Dispute Resolution Tribunal upon becoming aware of the conflict of interest.

Members' Responsibilities to Conflicts of Interest

Members of the Dispute Resolution Tribunal are responsible for demonstrating objectivity and impartiality in the exercise of their duties and in their decision-making in providing dispute resolution services. This means that members of the Dispute Resolution Tribunal are prohibited from granting preferential treatment or advantages to family, friends, or any other person or entity, and are not to disadvantage any entity or persons dealing with the Dispute Resolution Tribunal because of personal antagonism or bias.

Members' Acknowledgements

Instructions: Members are to complete and initial all sections of the Acknowledgement.

Acknowledgement	Initials
1. I have read and understand the Dispute Resolution Policy and this Tribunal Member Conflict of Interest Disclosure Form.	
2. I understand that I am required to report in writing to the Dispute Resolution Tribunal all outside activities, assets, liabilities and interests that might give rise to a real, apparent or potential conflict of interest in relation to my membership on the Dispute Resolution Tribunal and the provision of dispute resolution services.	

Acknowledgement	Initials
<p>3. I understand that I shall report to the Dispute Resolution Tribunal any activity that is incompatible with being a member of the Dispute Resolution Tribunal or cast doubt on my ability to perform my duties and responsibilities as a member of the Dispute Resolution Tribunal in a completely objective manner.</p>	
<p>4. The Dispute Resolution Tribunal has been requested to provide dispute resolution services to <i>[insert names of all parties]</i> _____ _____.</p> <p>To the best of my knowledge, I confirm: <i>[check the box which applies]</i>:</p> <p><input type="checkbox"/> I have no conflict of interest in this matter</p> <p><input type="checkbox"/> I have a conflict of interest in this matter</p>	
<p>5. I confirm that I have not provided any previous dispute resolution services (circle process, mediation process, or hearing panel process) to the parties listed in Acknowledgement #4 above.</p> <p><input type="checkbox"/> I have not provided any previous dispute resolution services</p> <p><input type="checkbox"/> I have provided previous dispute resolution services</p>	
<p>6. I understand that if I have a conflict of interest in this matter or have provided any previous dispute resolution services to these parties in relation to this dispute, I am unable to provide dispute resolution services in this matter.</p>	

I, *[print name]* _____, hereby certify that the information set forth above is true and complete to the best of my knowledge.

Signature: _____

Date: _____

FORM 07 - SELECTION OF TRIBUNAL MEMBER FOR CIRCLE PROCESS

INSTRUCTIONS FOR OFFICE USE:

To be completed by the parties in selecting the member of the Dispute Resolution Tribunal that will provide dispute resolution services to the parties through the Circle Process. The completed Form is to be kept on file.

Selection Instructions

In accordance with the Dispute Resolution Policy (Policy), the parties to the dispute will jointly agree on the selection of one member of the Dispute Resolution Tribunal to provide dispute resolution services through the Circle Process. If they cannot agree on the member, they will draw the name out of a hat.

The member of the Dispute Resolution Tribunal cannot be an immediate family member of a party and cannot have a conflict of interest. The Policy defines an **immediate family member** as the person's spouse, child, parent, sister, brother, grandchild, mother or father-in-law, sister or brother-in-law, grandparent, legal guardian, or agent. **Conflict of interest** is defined in the Policy as where in a matter, a person or their family have an actual or perceived personal or monetary interest, a family interest, a financial interest, a professional or business interest, or a prejudicial, discriminatory or biased opinion.

Where required, the parties may decide to request more than one member of the Dispute Resolution Tribunal to assist in the Circle Process.

Selection by Parties

In the matrimonial real property dispute involving: *[insert names of all parties]* _____

_____.

The names of all available members of the Dispute Resolution Tribunal that are not an immediate family member of any party in the dispute or that have a conflict of interest in the matter have been provided to the parties for the purpose of selecting the member of the Dispute Resolution Tribunal that will provide dispute resolution services in the Circle Process.

The parties confirm that they *[check the box that applies]*:

Have jointly selected *[insert name of member]* _____ of the Dispute Resolution Tribunal.

OR

Cannot agree on the selection of the member of the Dispute Resolution Tribunal and understand that the name will be drawn out of a hat.

If applicable:

As the parties are unable to jointly agree on the member of the Dispute Resolution Tribunal, the names of available members have been placed in a hat and the name of *[insert name of member]* _____ has been drawn.

Member to Provide Services to Circle Process

The member of the Dispute Resolution Tribunal that will provide dispute resolution services to the parties through the Circle Process is *[insert name of member as selected above]*
_____.

Signed by the parties: _____

Date: _____

FORM 08 - SELECTION OF TRIBUNAL MEMBER FOR MEDIATION PROCESS

INSTRUCTIONS FOR OFFICE USE:

To be completed by the parties in selecting the member of the Dispute Resolution Tribunal that will provide dispute resolution services through the Mediation Process. The completed Form is to be kept on file.

Selection Instructions

In accordance with the Dispute Resolution Policy (Policy), the parties to the dispute will jointly agree on the selection of one member of the Dispute Resolution Tribunal to provide dispute resolution services through the Mediation Process. If they cannot agree on the member, they will draw the name out of a hat.

The member of the Dispute Resolution Tribunal cannot be an immediate family member of a party, cannot have a conflict of interest, and cannot have been the member of the Dispute Resolution Tribunal that conducted the Circle Process. The Policy defines an **immediate family member** as the person's spouse, child, parent, sister, brother, grandchild, mother or father-in-law, sister or brother-in-law, grandparent, legal guardian, or agent. **Conflict of interest** is defined in the Policy as where in a matter, a person or their family have an actual or perceived personal or monetary interest, a family interest, a financial interest, a professional or business interest, or a prejudicial, discriminatory or biased opinion.

Selection by Parties

In the matrimonial real property dispute involving: *[insert names of all parties]* _____

_____.

The names of all available members of the Dispute Resolution Tribunal that are not an immediate family member of any party in the dispute, that do not have a conflict of interest in the matter, and that did not conduct the Circle Process, have been provided to the parties for the purpose of selecting the member of the Dispute Resolution Tribunal that will provide dispute resolution services in the Mediation Process.

The parties confirm that they *[check the box that applies]*:

Have jointly selected *[insert name of member]* _____ of the Dispute Resolution Tribunal.

OR

Cannot agree on the selection of the member of the Dispute Resolution Tribunal and understand that the name will be drawn out of a hat.

If applicable:

As the parties are unable to jointly agree on the member of the Dispute Resolution Tribunal, the names of available members have been placed in a hat and the name of *[insert name of member]* _____ has been drawn.

Member to Provide Services to Mediation Process

The member of the Dispute Resolution Tribunal that will provide dispute resolution services to the parties through the Mediation Process is *[insert name of member as selected above]*
_____.

Signed by the parties: _____

Date: _____

FORM 09 - SELECTION OF TRIBUNAL MEMBERS FOR HEARING PANEL PROCESS

INSTRUCTIONS FOR OFFICE USE:

To be completed by the parties in selecting the members of the Dispute Resolution Tribunal that will provide dispute resolution services through the Hearing Panel Process. The completed Form is to be kept on file.

Selection Instructions

In accordance with the Dispute Resolution Policy (Policy), three members of the Dispute Resolution Tribunal will be selected to provide dispute resolution services to the parties through the Hearing Panel Process. The three members will be selected as follows:

- One party will select one member of the Dispute Resolution Tribunal.
- The other party will select one member of the Dispute Resolution Tribunal.
- The two selected members of the Dispute Resolution Tribunal will select the third member and that member will be the chairperson of the Hearing Panel.

The members of the Dispute Resolution Tribunal cannot be an immediate family member of a party, cannot have a conflict of interest, and cannot have been the member of the Dispute Resolution Tribunal that conducted the Circle Process or the Mediation Process. The Policy defines an **immediate family member** as the person's spouse, child, parent, sister, brother, grandchild, mother or father-in-law, sister or brother-in-law, grandparent, legal guardian, or agent. **Conflict of interest** is defined in the Policy as where in a matter, a person or their family have an actual or perceived personal or monetary interest, a family interest, a financial interest, a professional or business interest, or a prejudicial, discriminatory or biased opinion.

Selection by Parties

In the matrimonial real property dispute involving: *[insert names of all parties]* _____

_____.

The names of all available members of the Dispute Resolution Tribunal that are not an immediate family member of any party in the dispute, that do not have a conflict of interest in the matter, and that did not conduct the Circle Process or the Mediation Process, have been provided to the parties for the purpose of selecting the members of the Dispute Resolution Tribunal that will provide dispute resolution services in the Hearing Panel Process.

Based on the available names provided to them, the parties have each selected one member of the Dispute Resolution Tribunal to be part of the Hearing Panel. The members selected are:

- *[insert name of party]* _____ has selected *[insert name of member]* _____ of the Dispute Resolution Tribunal.

- [insert name of other party] _____ has selected [insert name of member] _____ of the Dispute Resolution Tribunal.

The two members of the Dispute Resolution Tribunal selected above have jointly agreed to select [insert name of member] _____ of the Dispute Resolution Tribunal to be the third member of the Hearing Panel Process. It is understood that this member will be the chairperson of the Hearing Panel.

Members to Provide Services to Hearing Panel Process

The three members of the Dispute Resolution Tribunal that will provide dispute resolution services to the parties through the Hearing Panel Process are: *[insert names of the three members as selected above]* _____, _____, and _____.

Signed by the parties: _____

Date: _____

FORM 10 - SCHEDULING PROCEDURES

INSTRUCTIONS FOR OFFICE USE:

To be completed by the Dispute Resolution Tribunal setting out the internal procedures to follow in scheduling dispute resolution services of the Dispute Resolution Tribunal. A copy of this Form is to be kept on file.

1. Names of parties: _____

2. Type of dispute resolution services to be provided:

Circle Process

Mediation Process

Hearing Panel Process

3. List of members of the Dispute Resolution Tribunal:

Name	Available? (Yes/No)	Any Conflict? (Yes/No)

4. From the above list of members of the Dispute Resolution Tribunal, the following members are available and are not in a conflict of interest:

- [name of member]
- [name of member]
- [name of member]
- [name of member]

5. The list of members of the Dispute Resolution Tribunal in #4 are to be provided to each of the parties for their selection using the appropriate selection of member form.

6. The member(s) of the Dispute Resolution Tribunal to provide the dispute resolution services to the parties is: _____

7. The parties are to be contacted to:
 - a. Schedule the date, time and location of the dispute resolution services.
 - b. Confirm that the parties can participate in English [and/or French] or if translation services are required.
 - c. Confirm if any accommodations are required, and if so, what.
 - d. Confirm if the parties will be self-represented or represented by counsel.
 - e. Confirm if the parties will have a support person.
 - f. Confirm if there are any other parties that have a direct interest in the issues that need to be advised about the dispute resolution process.
 - g. Confirm that the parties understand that the Chief and Council will be notified and may request to participate in the dispute resolution process.
 - h. Answer any questions about the process that the parties may have.
8. Book the facilities for the dispute resolution services.
9. Make arrangements for any resources that are required by the parties or the Dispute Resolution Tribunal (ex: translator, video equipment, etc.).
10. Send the notice of dispute resolution services to the parties confirming the date, time and location of the dispute resolution services.

FORM 11 - NOTICE OF DISPUTE RESOLUTION SERVICES

INSTRUCTIONS FOR OFFICE USE:

To be completed by the Dispute Resolution Tribunal and sent to all parties and the Chief and Council to notify them of the dispute resolution services. A copy of this Form is to be kept on file.

[insert date]

TO: [insert name of party]
[insert name of party]

AND TO: [insert name of Chief and Council of the First Nation]

AND TO: [list any additional parties/persons that have been approved to attend]

RE: Notice of Dispute Resolution Services

This is to confirm that the Dispute Resolution Tribunal will be providing dispute resolution services to [insert names of parties] _____ through a [Circle Process/Mediation Process/Hearing Panel Process].

Schedule Date

The dispute resolution services are scheduled for:

Date: _____

Time: _____

Location: _____

Please ensure that you arrive on time and are prepared to participate in the dispute resolution services.

Closed Process

Please be advised that the dispute resolution services are a closed proceeding and are not open to the public.

The individuals that have been confirmed and approved to attend the dispute resolution services are:

- [insert name(s) of member of the Dispute Resolution Tribunal]
- [insert name of party]
- [insert name of party]
- [insert name of party's counsel, if applicable]
- [insert name of party's counsel, if applicable]
- [insert name of support person, if applicable]
- [insert name of Chief or Council, if attending]
- [insert name of translator, if applicable]
- [insert name of directly affected person, if applicable]
- [insert name of interested person or intervenor, if applicable]

Not Recorded

The dispute resolution services are not recorded by video, audio, or other electronic means.

Exchange of Information and Documents

Any evidence of submissions that a party intends to use in the dispute resolution process must be provided to the Dispute Resolution Tribunal, the other party, and the Chief and Council at least **ten days** before the dispute resolution process is conducted.

Calling of Witnesses

A party may require a witness to provide direct information or evidence on an issue in the proceeding, and is responsible for their costs to do so. A party calling a witness must provide written information to the Dispute Resolution Tribunal and the other party stating the witness' name and a summary of the information that the witness will present on **fifteen days** before the proceeding.

Responsibilities for Costs

The parties are responsible for their own costs and associated expenses for participating and attending the dispute resolution services.

Questions

Any questions should be directed to the Dispute Resolution Tribunal.

FORM 12 - FORM TO REQUEST FOR SUPPORT PERSON

INSTRUCTIONS FOR OFFICE USE:

To be completed by a party requesting a support person to attend the proceedings of the Dispute Resolution Tribunal. A copy of this Form is to be kept on file.

TO: Dispute Resolution Tribunal

RE: Request for a Support Person

I, [insert your name] _____ am requesting that
[insert name of person] _____ be permitted to attend
the proceedings of the Dispute Resolution Tribunal with me as a support person.

This person will be providing support to me in the following capacity and for the following reasons (*please explain, for example if you require the person to be your advocate as you have a medical circumstance that prevents you from advocating for yourself*):

I understand that this person is not my legal representative and that I am responsible for any and all costs for the support person attending the proceedings of the Dispute Resolution Tribunal.

Date: _____

Signature: _____

FORM 13 - FORM TO ACCEPT/DENY REQUEST FOR SUPPORT PERSON

INSTRUCTIONS FOR OFFICE USE:

To be completed by the Dispute Resolution Tribunal to advise the party whether their request for a support person to attend the dispute resolution services is accepted or denied. A copy of this Form is to be kept on file.

[insert date]

TO: [insert name of party] _____

RE: Request for a Support Person

The Dispute Resolution Tribunal confirms receipt of your request dated [insert date of request] _____ for [insert name of person] _____ to attend the proceedings of the Dispute Resolution Tribunal as your support person.

Your request for [insert name of person] _____ to be a support person has been [accepted/denied].

Sincerely,

Dispute Resolution Tribunal

FORM 14 - FORM TO REQUEST TO CALL WITNESSES

INSTRUCTIONS FOR OFFICE USE:

To be completed by a party requesting to call witnesses at proceedings of the Dispute Resolution Tribunal. A copy of this Form is to be kept on file.

TO: Dispute Resolution Tribunal

AND TO: [insert name of other party]

RE: Request to Call Witnesses

I, [insert your name] _____ am requesting to call a witness at the proceedings of the Dispute Resolution Tribunal.

The witness I intend to call is [insert name of witness] _____ and a summary of the evidence that they will present is [explain what evidence they will present] _____.

I understand that I am responsible for any and all costs for a witness to attend the proceedings of the Dispute Resolution Tribunal.

I confirm that this request is submitted more than **fifteen days before** the date of the proceeding of the Dispute Resolution Tribunal.

Date: _____

Signature: _____

FORM 15 - FORM TO ACCEPT/DENY REQUEST TO CALL WITNESSES

INSTRUCTIONS FOR OFFICE USE:

To be completed by the Dispute Resolution Tribunal to advise the party whether their request to call witnesses at the dispute resolution services is approved or denied. A copy of this Form is to be kept on file.

[insert date]

TO: [insert name of party]

AND TO: [insert name of other party]

RE: Request to Call Witnesses

The Dispute Resolution Tribunal confirms receipt of your request dated [insert date of request] _____ to call [insert name of witness] _____ as a witness at the proceedings of the Dispute Resolution Tribunal.

Your request to call [insert name of witness] _____ as a witness has been [accepted/denied].

Sincerely,

Dispute Resolution Tribunal

FORM 16 - NOTIFICATION TO CHIEF & COUNCIL OF DISPUTE RESOLUTION SERVICES

INSTRUCTIONS FOR OFFICE USE:

To be completed by the Dispute Resolution Tribunal and provided to Chief and Council for all applications for dispute resolution services received to inform them of their right to attend. A copy of this Form is to be kept on file.

[insert date]

TO: [Chief and Council of First Nation]

AND TO: [insert name of party]

AND TO: [insert name of other party]

RE: Notice of Dispute Resolution Services

In accordance with the Dispute Resolution Policy (Policy), the Dispute Resolution Tribunal is writing to notify the Chief and Council of [insert name of First Nation] (Council) that dispute resolution services for on-reserve matrimonial real property issues between [insert names of the parties] _____ will be provided through a [Circle Process/Mediation Process/Hearing Panel Process].

As permitted by the Policy, Council is entitled to make representations to the Dispute Resolution Tribunal on this matter, at Council's own costs. Council is further entitled to receive a copy of any order made under the matrimonial real property law and in accordance with the Policy.

Please advise the Dispute Resolution Tribunal in writing no later than [insert date] _____ as to whether or not the Council will make representations to the Dispute Resolution Tribunal.

Sincerely,

Dispute Resolution Tribunal

FORM 17 - NOTIFICATION TO DIRECTLY AFFECTED PERSON

INSTRUCTIONS FOR OFFICE USE:

To be completed by the Dispute Resolution Tribunal and provided to a person that may be directly affected by the dispute resolution services where the matrimonial real property is held by a customary or traditional land holding, to advise them that they may apply to participate. A copy of this Form is to be kept on file.

[insert date]

TO: [directly affected person]

AND TO: [insert name of party]

AND TO: [insert name of other party]

RE: Notice of Dispute Resolution Services

In accordance with the Dispute Resolution Policy (Policy), the Dispute Resolution Tribunal is writing to notify you that dispute resolution services for on-reserve matrimonial real property issues between [insert names of the parties] _____ will be provided to the parties through a [Circle Process/Mediation Process/Hearing Panel Process] by the Dispute Resolution Tribunal.

You are receiving notification of this matter as you may be directly affected by this dispute resolution service as the matrimonial real property may be held by a customary or traditional land holding. It may be determined that you are a directly affected person in this matter if:

1. You are an immediate family member of one of the parties to this dispute. An immediate family member is a spouse, child, parent, sister, brother, grandchild, mother or father-in-law, sister or brother-in-law, grandparent, legal guardian or agent; and
2. The matrimonial real property in dispute is held by one or both parties through a customary or traditional land holding. This means that interest in the land is based on traditional usage and family lineage, such as it being passed down through a family; and
3. You may be impacted by the outcome of this matter.

Please be advised that receipt of this notification does not mean that it has been decided that you are indeed a directly affected person. This notification simply informs you that you may be a directly affected person and that you have the option to apply to the Dispute Resolution Tribunal to be held to be a directly affected person and to participate in the dispute resolution services. You are under no obligation to apply.

If you would like to apply to be held to be a directly affected person and to participate in the dispute resolution services, you are required to apply in writing to the Dispute Resolution Tribunal in writing no later than [insert date] _____. Your application must include information as to how you are an immediate family member of one of the parties to this dispute, this matrimonial real property is held by one or both parties through a customary or traditional land holding; and how this matter may impact you. You will be advised in writing as to the decision of the Dispute Resolution Tribunal. Please note that if you are accepted to participate, you are responsible for your own costs to do so.

If you choose not to apply, or if your application is denied, you will not receive further information about this matter and you will not be allowed to participate in the dispute resolution services for this matter.

Sincerely,

Dispute Resolution Tribunal

FORM 18 - FORM TO ACCEPT/DENY DIRECTLY AFFECTED PERSON

INSTRUCTIONS FOR OFFICE USE:

To be completed by the Dispute Resolution Tribunal and provided to a person that has applied as a directly affected person to participate in the dispute resolution services where the matrimonial real property is held by a customary or traditional land holding to advise whether their request has been accepted or denied. A copy of this Form is to be kept on file.

[insert date]

TO: [directly affected person]

AND TO: [insert name of party]

AND TO: [insert name of other party]

RE: Application to Participate in Dispute Resolution Services

Further to our notice to you dated [insert date] _____ notifying you of the dispute resolution services for on-reserve matrimonial real property issues between [insert names of the parties] _____ that will be provided to the parties, the Dispute Resolution Tribunal confirms receipt of your written request dated [insert date] _____ to be held to be a directly affected person in this matter and to participate in this matter.

(NOTE: select the applicable paragraph and delete the other)

Your request to participate in the dispute resolution services has been accepted for the following reason(s):

[check those that apply]

- You are an immediate family member of one of the parties to this dispute.
- The matrimonial real property in dispute is held by one or both parties through a customary or traditional land holding.
- You may be impacted by the outcome of this matter.

(OR select)

Your request to participate in the dispute resolution services has been denied for the following reason(s):

[check those that apply]

- You are not an immediate family member of one of the parties to this dispute.
- The matrimonial real property in dispute is not held by one or both parties through a customary or traditional land holding.
- You may not be impacted by the outcome of this matter.

Sincerely,

Dispute Resolution Tribunal

FORM 19 - FORM TO PARTICIPATE AS AN INTERESTED PERSON/INTERVENOR

INSTRUCTIONS FOR OFFICE USE:

To be completed by an interested person or intervenor requesting to participate or intervene in a proceeding of the Dispute Resolution Tribunal. A copy of this Form is to be kept on file.

TO: Dispute Resolution Tribunal

AND TO: [insert name of party]

AND TO: [insert name of other party]

RE: Request to Participate as an Interested Person or Intervenor

I, [insert your name] _____ am requesting to participate in the proceedings of the Dispute Resolution Tribunal as an interested person or an intervenor in the on-reserve matrimonial real property dispute concerning [list names of the parties in dispute] _____.

I am submitting this request for the following reasons: [explain your reasons] _____ . The issue that I want to address and the information that I will present is: [explain the issues to present on and information to be relied on] _____ .

I understand that:

- The Dispute Resolution Tribunal is under no obligation to accept this request.
- The parties to the dispute may object to this request by submitting a written objection to the Dispute Resolution Tribunal.
- If my request is accepted, I am responsible for any and all costs to participate in the proceedings of the Dispute Resolution Tribunal.
- If my request is accepted, my participation may be restricted to only attending a certain part of the dispute resolution process and/or my participation may be restricted to providing written submissions.

Date: _____

Signature: _____

FORM 20 - FORM TO ACCEPT/DENY REQUEST OF INTERESTED PERSON/INTERVENOR

INSTRUCTIONS FOR OFFICE USE:

To be completed by the Dispute Resolution Tribunal and provided to an interested person or intervenor that has requested to participate or intervene in a proceeding of the Dispute Resolution Tribunal to advise whether their request has been accepted or denied. A copy of this Form is to be kept on file.

[insert date]

TO: [name of interested person or intervenor]

AND TO: [insert name of party]

AND TO: [insert name of other party]

RE: Request to Participate as an Interested Person or Intervenor

The Dispute Resolution Tribunal confirms receipt of your request dated [insert date] _____ to participate in the dispute resolution services of the Dispute Resolution Tribunal between [insert names of parties] _____ as an interested person or intervenor.

Your request to participate as an interested person or intervenor has been [accepted/denied].

Sincerely,

Dispute Resolution Tribunal

SECTION THREE:

AGREEMENTS TO PARTICIPATE IN SERVICES FORMS

This Section sets out the forms that the parties must sign to agree to participate in the dispute resolution services of the Dispute Resolution Tribunal.

FORM 21 - AGREEMENT TO PARTICIPATE IN THE CIRCLE PROCESS

INSTRUCTIONS FOR OFFICE USE:

To be completed by the Dispute Resolution Tribunal and signed by all parties agreeing to participate in the Circle Process. A copy of this Form is to be kept on file.

BETWEEN:

(name of party in dispute)

AND:

(name of party in dispute)

AND:

(member of the Dispute Resolution Tribunal)

The parties wish to resolve on-reserve matrimonial real property issues in dispute between them through a Circle Process with the assistance of the member of the Dispute Resolution Tribunal (the 'Member').

In pursuing the Circle Process, the parties agree:

Good Faith, Courtesy and Respect

1. The parties will make a sincere attempt to discuss all issues fairly and in good faith.
2. The parties will treat each other and the Member and all other parties with courtesy and respect.

Role and Responsibilities of the Member

3. The Member is an impartial third party who does not represent either of the parties. The Member's role is to help the parties negotiate a voluntary settlement of the on-reserve matrimonial real property issues in dispute between them.
4. The Member may meet separately with the parties during the Circle Process.
5. The Member does not offer legal advice and has no duty to assert or protect the legal rights of any party, to raise any issue not raised by the parties themselves, or to determine who should participate in the Circle Process. The Member has no duty to

ensure that enforceability or validity of any settlement through a Circle Agreement reached.

6. Should the parties not reach a settlement and the dispute proceed to a Mediation Process or Hearing Panel Process, the Member will not be assigned to provide dispute resolution services through either process.

Roles and Responsibilities of the Parties

7. The parties voluntarily enter into the Circle Process in an attempt to resolve the on-reserve matrimonial real property issues in dispute between them. The signing of this Agreement is evidence that the parties intend to conduct this Circle Process in an honest and forthright manner and to make a serious attempt to resolve the dispute.
8. The parties acknowledge that the primary responsibility for resolving the issues in dispute rests with the parties and not with the Member.
9. The parties agree to disclose all information pertinent to the issues in dispute, including any necessary financial information.

Confidentiality

10. If the Member believes information disclosed in a private discussion with one party is significant to the Circle Process, the Member may disclose the information to the other party unless the party making the disclosure clearly and specifically states that the disclosure is confidential.
11. Other than to the parties, the Member will not voluntarily disclose anything that is said or takes place in the Circle Process, unless the disclosure is required by law or is authorized by the person to whom the confidential information related.
12. Written or verbal communications made in the course of the Circle Process will not be used as evidence in any Dispute Resolution Tribunal process or other legal proceedings.
13. The parties may not compel the disclosure in any Dispute Resolution Tribunal process or other legal proceedings, of any documents received or prepared by the Member for settlement purposes.
14. The parties may not compel the Member to testify in any Dispute Resolution Tribunal process or other legal proceeding.

Ending the Circle Process

15. The parties or the Member may end the Circle Process at any time for any reason.

No Liability

16. The parties will not bring any claim against the Dispute Resolution Tribunal, its members, including the Member, for any act or omission in connection with the Circle Process.

Acknowledgement

17. The parties acknowledge that they have read and understand the terms contained in this Agreement.

Signature

18. By signing this Agreement, the parties acknowledge that they have read this Agreement and agree to proceed with the Circle Process based on the terms contained in this Agreement.

Signature of Party

Signature of Party

Witness

Witness

Date

Date

FORM 22 - AGREEMENT TO PARTICIPATE IN THE MEDIATION PROCESS

INSTRUCTIONS FOR OFFICE USE:

To be completed by the Dispute Resolution Tribunal and signed by all parties agreeing to participate in the Mediation Process. A copy of this Form is to be kept on file.

BETWEEN:

(name of party in dispute)

AND:

(name of party in dispute)

AND:

(member of the Dispute Resolution Tribunal)

The parties wish to resolve on-reserve matrimonial real property issues in dispute between them through a Mediation Process with the assistance of the member of the Dispute Resolution Tribunal (the 'Member').

In pursuing the Mediation Process, the parties agree:

Good Faith, Courtesy and Respect

1. The parties will make a sincere attempt to discuss all issues fairly and in good faith.
2. The parties will treat each other and the Member and all other parties with courtesy and respect.

Role and Responsibilities of the Member

3. The Member is an impartial third party who does not represent either of the parties. The Member's role is to help the parties negotiate a voluntary settlement of the on-reserve matrimonial real property issues in dispute between them.
4. The Member may meet separately with the parties during the Mediation Process.
5. The Member does not offer legal advice and has no duty to assert or protect the legal rights of any party, to raise any issue not raised by the parties themselves, or to determine who should participate in the Mediation Process. The Member has no duty

to ensure that enforceability or validity of any settlement through a Mediation Agreement reached.

6. Should the parties not reach a settlement and the dispute proceed to a Hearing Panel Process, the Member will not be assigned to provide dispute resolution services through that process.

Roles and Responsibilities of the Parties

7. The parties voluntarily enter into the Mediation Process in an attempt to resolve the on-reserve matrimonial real property issues in dispute between them. The signing of this Agreement is evidence that the parties intend to conduct this Mediation Process in an honest and forthright manner and to make a serious attempt to resolve the dispute.
8. The parties acknowledge that the primary responsibility for resolving the issues in dispute rests with the parties and not with the Member.
9. The parties agree to disclose all information pertinent to the issues in dispute, including any necessary financial information.

Confidentiality

10. If the Member believes information disclosed in a private discussion with one party is significant to the Mediation Process, the Member may disclose the information to the other party unless the party making the disclosure clearly and specifically states that the disclosure is confidential.
11. Other than to the parties, the Member will not voluntarily disclose anything that is said or takes place in the Mediation Process, unless the disclosure is required by law or is authorized by the person to whom the confidential information related.
12. Written or verbal communications made in the course of the Mediation Process will not be used as evidence in any Dispute Resolution Tribunal process or other legal proceedings.
13. The parties may not compel the disclosure in any Dispute Resolution Tribunal process or other legal proceedings, of any documents received or prepared by the Member for settlement purposes.
14. The parties may not compel the Member to testify in any Dispute Resolution Tribunal process or other legal proceeding.

Ending the Mediation Process

15. The parties or the Member may end the Mediation Process at any time for any reason.

No Liability

16. The parties will not bring any claim against the Dispute Resolution Tribunal, its members, including the Member, for any act or omission in connection with the Mediation Process.

Acknowledgement

17. The parties acknowledge that they have read and understand the terms contained in this Agreement.

Signature

18. By signing this Agreement, the parties acknowledge that they have read this Agreement and agree to proceed with the Mediation Process based on the terms contained in this Agreement.

Signature of Party

Signature of Party

Witness

Witness

Date

Date

FORM 23 - AGREEMENT TO PARTICIPATE IN THE HEARING PANEL PROCESS

INSTRUCTIONS FOR OFFICE USE:

To be completed by the Dispute Resolution Tribunal and signed by all parties agreeing to participate in the Hearing Panel Process. A copy of this Form is to be kept on file.

BETWEEN:

(name of party in dispute)

AND:

(name of party in dispute)

AND:

(Hearing Panel of the Dispute Resolution Tribunal)

The parties wish to resolve on-reserve matrimonial real property issues in dispute between them through a Hearing Panel Process with the assistance of three members of the Dispute Resolution Tribunal (the Hearing Panel’).

In pursuing the Hearing Panel Process, the parties agree:

Good Faith, Courtesy and Respect

1. The parties will make a sincere attempt to discuss all issues fairly and in good faith.
2. The parties will treat each other and the Hearing Panel and all other parties with courtesy and respect.

Role and Responsibilities of the Hearing Panel

3. The Hearing Panel is impartial and do not represent either of the parties. The Hearing Panel’s role is to hear the on-reserve matrimonial real property issues in dispute between the parties and render a written decision on the issues.

4. The Hearing Panel does not offer legal advice and has no duty to assert or protect the legal rights of any party, to raise any issue not raised by the parties themselves, or to determine who should participate in the Hearing Panel Process.

Roles and Responsibilities of the Parties

5. The parties will participate in the Hearing Panel Process to resolve the on-reserve matrimonial real property issues in dispute between them. The signing of this Agreement is evidence that the parties intend to conduct this Hearing Panel Process in an honest and forthright manner to resolve the dispute.
6. The parties agree to disclose all information pertinent to the issues in dispute, including any necessary financial information.

Failure to Participate

7. The parties understand that should they fail or refuse to participate in the Hearing Panel Process, the Hearing Panel may conduct the Hearing Panel Process in the absence of that party, determine that the party is not entitled to further notice of the Hearing Panel Process, determine that the party is not entitled to present evidence or make submissions to the Hearing Panel, decide the dispute solely on the materials before it, and take any other action it considers appropriate.

Confidentiality

8. Other than to the parties, the Hearing Panel will not voluntarily disclose anything that is said or takes place in the Hearing Panel Process, unless the disclosure is required by law or is authorized by the person to whom the confidential information related.
9. Written or verbal communications made in the course of the Hearing Panel Process will not be used as evidence in any legal proceeding.
10. The parties may not compel the disclosure in any legal proceeding of any documents received or prepared by the Hearing Panel for settlement purposes.
11. The parties may not compel the Hearing Panel to testify in any legal proceeding.

Completion of the Hearing Panel Process

12. The Hearing Panel Process will be completed when the Hearing Panel adjourns the Hearing Panel Process.

No Liability

13. The parties will not bring any claim against the Dispute Resolution Tribunal, its members, including the Hearing Panel, for any act or omission in connection with the Hearing Panel Process.

Acknowledgement

14. The parties acknowledge that they have read and understand the terms contained in this Agreement.

Signature

15. By signing this Agreement, the parties acknowledge that they have read this Agreement and agree to proceed with the Hearing Panel Process based on the terms contained in this Agreement.

Signature of Party

Signature of Party

Witness

Witness

Date

Date

SECTION FOUR:

DECISION TEMPLATE FORMS

This Section sets out forms that the Dispute Resolution Tribunal can use at the end of the dispute resolution services to create final agreements or issue decisions.

FORM 24 - CIRCLE AGREEMENT TEMPLATE

INSTRUCTIONS FOR OFFICE USE:

To be completed by the Dispute Resolution Tribunal and signed by the parties following the completion or termination of a Circle Process. The completed Form is to be kept on file.

In the matrimonial real property dispute involving: *[insert name of parties]* _____

_____,
(collectively referred to as 'the parties') acknowledge that they voluntarily participated in a Circle Process conducted on *[insert date]* _____ with the assistance of *[insert name of member]* _____ who is a member of the Dispute Resolution Tribunal.

The parties confirm that the results of the Circle Process are: *[set out what the parties have agreed to **OR** if the parties were unable to reach an agreement]*. _____

Acknowledgements:

1. The parties accept that the member of the Dispute Resolution Tribunal who provided assistance in the Circle Process cannot be asked by any of the parties to testify in any proceedings before a court of law.
2. The parties accept that all statements or documents obtained during the course of the Circle Process, which would not have been obtained otherwise, will not be used when discussing the matter before the court or during any other proceeding. The parties agree that all information obtained during the course of the Circle Process will not be admissible as evidence or to impeach the credibility of a party.
3. The parties understand that the member of the Dispute Resolution Tribunal or any party to the Circle Process shall not disclose to the public any confidential information concerning an issue submitted to the Circle Process unless the disclosure is required by law or is authorized by the person to whom the confidential information relates.

4. The parties understand that each party to the dispute and the Council are entitled to receive a copy of this Circle Agreement.
5. The parties may sign this Circle Agreement in counterparts.

Date at [insert location] _____ on [insert date] _____.

Signature of party: _____

Signature of party: _____

FORM 25 - MEDIATION AGREEMENT TEMPLATE

INSTRUCTIONS FOR OFFICE USE:

To be completed by the Dispute Resolution Tribunal and signed by the parties following the completion or termination of a Mediation Process. The completed Form is to be kept on file.

In the matrimonial real property dispute involving: *[insert name of parties]* _____

_____,
(collectively referred to as 'the parties') acknowledge that they voluntarily participated in a Mediation Process conducted on [insert date] _____ with the assistance of [insert name of member] _____ who is a member of the Dispute Resolution Tribunal.

The parties confirm that the results of the Mediation Process are: [set out what the parties have agreed to **OR** if the parties were unable to reach an agreement]. _____

Acknowledgements:

1. The parties accept that the member of the Dispute Resolution Tribunal who provided assistance in the Mediation Process cannot be asked by any of the parties to testify in any proceedings before a court of law.
2. The parties accept that all statements or documents obtained during the course of the Mediation Process, which would not have been obtained otherwise, will not be used when discussing the matter before the court or during any other proceeding. The parties agree that all information obtained during the course of the Mediation Process will not be admissible as evidence or to impeach the credibility of a party.
3. The parties understand that the member of the Dispute Resolution Tribunal or any party to the Mediation Process shall not disclose to the public any confidential information concerning an issue submitted to the Mediation Process unless the disclosure is required by law or is authorized by the person to whom the confidential information relates.

4. The parties understand that each party to the dispute and the Council are entitled to receive a copy of this Mediation Agreement.
5. The parties may sign this Mediation Agreement in counterparts.

Date at [insert location] _____ on [insert date] _____.

Signature of party: _____

Signature of party: _____

FORM 26 - HEARING PANEL DECISION TEMPLATE

INSTRUCTIONS FOR OFFICE USE:

To be completed by the Dispute Resolution Tribunal following the completion of the Dispute Resolution Tribunal Hearing Panel. The completed Form is to be kept on file.

MATRIMONIAL REAL PROPERTY DISPUTE HEARING PANEL DECISION

In the matrimonial real property dispute involving: [insert name of the parties] _____

_____ (collectively referred to as 'the parties').

Hearing Panel: [list names of Hearing Panel members]

Introduction

1. A Hearing Panel was conducted by the Dispute Resolution Tribunal to assist the parties in resolving their matrimonial real property dispute.
2. The Hearing Panel heard from the parties on [set out date of when the Hearing Panel was conducted] _____. The parties were self-represented [or represented by legal counsel].
3. The parties presented their information and documents to the Hearing Panel through [set out how it was presented such as in person, through written submissions, or other ways] _____.
4. The parties called the following witnesses: [list any witnesses that were called and by which party] _____.
5. The Hearing Panel heard from [did not hear from] the Chief and Council of the [insert name of the First Nation] _____.
6. The Hearing Panel heard from [insert names of any directly affected persons, interested person or intervenors] _____.

Issues in Dispute

7. The issues in dispute between the parties are:
 - a. [list what the dispute issues were]
 - b. [list what the dispute issues were]
 - c. [list what the dispute issues were]
 - d. [list what the dispute issues were]
8. The Hearing Panel determined that these issues were within the authority of the Dispute Resolution Tribunal's authority to decide.

Information Presented

9. The position of party [insert name of first party] _____ was [set out what his/her position was] _____. The party presented the following information to support his/her position: [summarize the information presented by the party] _____.
10. The position of party [insert name of second party] _____ was [set out what his/her position was] _____. The party presented the following information to support his/her position: [summarize the information presented by the party] _____.
11. The position of Chief and Council was [set out their position, if applicable] _____.
12. The position of [any directly affected persons, interested person or intervenors, if applicable] was _____.

Analysis and Findings

13. The Hearing Panel's analysis of the issues in dispute is as follows: [set out what the analysis of each issue is based on the information presented by the parties] _____.
14. Based on the above analysis, the Hearing Panel's findings are as follows: [set out what the Hearing Panel's findings are, such as how the matrimonial real property will be divided, etc. Note: the findings need to be directly linked to the issues in dispute, the information presented by the parties, the matrimonial real property law, and the Dispute Resolution Policy] _____.

Order

15. The Hearing Panel orders as follows: [set out any orders that it makes. Note: the orders need to be directly linked to the issues in dispute, the information presented by the parties, the matrimonial real property law, and the Dispute Resolution Policy] _____.

Date of Decision: _____

Signatures of the Hearing Panel: _____

FORM 27 - DECISION TO REJECT A DISPUTE WITHOUT A HEARING

INSTRUCTIONS FOR OFFICE USE:

To be completed by the Dispute Resolution Tribunal where it rejects a dispute without a hearing. The completed Form is to be kept on file.

In the matrimonial real property dispute involving: *[insert names of all parties]* _____

_____.

In accordance with the Dispute Resolution Policy, the Dispute Resolution Tribunal has determined that the dispute will be rejected without a hearing on its merits due to:

[check the box that applies]

- The dispute is not within the mandate of the matrimonial real property law or the Dispute Resolution Policy.
- The dispute is frivolous, vexatious or an abuse of process.
- A party to the dispute acted or attempted to act in a way to improperly influence the decision of the members of the Dispute Resolution Tribunal.

Date of decision: _____

Signature of Dispute Resolution Tribunal: _____

SECTION FIVE:

TRIBUNAL MEMBERSHIP FORMS

This Section sets out the forms that are used to apply to be a member of the Dispute Resolution Tribunal.

FORM 28 - APPLICATION FORM TO BE TRIBUNAL MEMBER

INSTRUCTIONS FOR OFFICE USE:

To be completed by all persons applying to be a member of the Dispute Resolution Tribunal. A copy of this Form is to be kept on file.

Please Read Carefully Before Completing

The Council of the [insert name of First Nation] welcomes the interest of qualified persons wishing to be considered to be selected as a member of the Dispute Resolution Tribunal.

A person wishing to be considered must complete this application form and submit it to the Council at [insert address].

The Council will keep all information collected in confidence.

All information in this application form must be completed. Please print or type. Attach additional sheets if necessary.

Part 1: Personal Information

Full Legal Name:	
Address:	
Telephone Number:	
Email:	
Occupation:	
Band Registry Number (if applicable):	

Part 2: Your Interest

Please explain why you are interested in serving as a member of the Dispute Resolution Tribunal: _____

Part 3: Personal and Professional Experience

Please describe your personal and professional experience and how it will assist you as a member of the Dispute Resolution Tribunal: _____

Part 4: Understanding of the First Nation

Please describe your understanding about the First Nation and its customs, traditions and practices: _____

Part 5: Knowledge of Matrimonial Real Property

Please describe your knowledge of matrimonial real property: _____

Part 6: Knowledge of Dispute Resolution

Please describe your knowledge of dispute resolution: _____

Part 7: References

Please provide the name and contact information of three references. In providing these references, you confirm that these individuals have consented to act as your reference for this application.

Reference #1:

Name: _____

Contact Information: _____

Relationship to you: _____

Reference #2:

Name: _____

Contact Information: _____

Relationship to you: _____

Reference #3:

Name: _____

Contact Information: _____

Relationship to you: _____

Part 8: Signature and Date

Please sign and date this Application Form to be a Member of the Dispute Resolution Tribunal:

I, _____ confirm that the information provided in this Application Form to be a Member of the Dispute Resolution Tribunal is accurate and correct.

I understand that this information will be used by Council to determine if I am selected as a Member of the Dispute Resolution Tribunal.

Signature

Date

FORM 29 - SCREENING FORM OF APPLICATIONS TO BE TRIBUNAL MEMBER

INSTRUCTIONS FOR OFFICE USE:

To be completed by the Council and used to screen Applications to be a Member of the Dispute Resolution Tribunal. A copy of this Form is to be kept on file.

Date application received: _____

Name of person applying: _____

	Yes	No
1. All requested information in the Application Form is complete.		
2. The person demonstrates a valid interest in serving as a member of the Dispute Resolution Tribunal.		
3. The person has personal and professional experience that will assist them in being a member of the Dispute Resolution Tribunal.		
4. The person has an understanding of the First Nation and its customs, traditions and practices.		
5. The person has knowledge about matrimonial real property.		
6. The person has knowledge about dispute resolution.		
7. The person's references supported their application.		

Decision

Based on the information provided in the Application Form, Council has determined that the person's request to be a member of the Dispute Resolution Tribunal is:

Approved

Denied

Reason: *(please specify)* _____

FORM 30 - FORM ACCEPTING/DENYING APPLICATION FOR TRIBUNAL MEMBER

INSTRUCTIONS FOR OFFICE USE:

To be completed by the Council and provided to a person that has applied to be a Member of the Dispute Resolution Tribunal to advise whether the application has been accepted or denied. A copy of this Form is to be kept on file.

[insert date]

TO: [name of person applying to be a member]

RE: Application to be a Member of the Dispute Resolution Tribunal

The Council confirms receipt of your application dated [insert date] _____ to be a member of the Dispute Resolution Tribunal.

(NOTE: select the applicable paragraph and delete the other)

After careful consideration, we regret to inform you that your application has been denied for the following reasons: [explain reasons for denial] _____

We thank you for your interest in the Dispute Resolution Tribunal.

(OR select)

We are pleased to advise that you have been selected to be a member of the Dispute Resolution Tribunal. We are certain that you will fulfill your responsibilities to providing on-reserve matrimonial real property dispute resolution services to our community with the utmost respect, integrity, and fairness.

We are attaching the following documents that further explain the responsibilities of the Dispute Resolution Tribunal: Dispute Resolution Policy, Code of Conduct of Tribunal Members, and [insert title of any other documents provided] _____.

We will be in further contact with you to complete the necessary paperwork and to schedule an orientation session. Welcome to the Dispute Resolution Tribunal.

Sincerely,

Chief & Council

[insert name of First Nation]

FORM 31 - CODE OF CONDUCT OF TRIBUNAL MEMBERS

INSTRUCTIONS FOR OFFICE USE:

To be completed by all members of the Dispute Resolution Tribunal to agree to follow the Code of Conduct. A copy of this Code of Conduct is to be kept on file.

As a member of the Dispute Resolution Tribunal, I agree to the following Code of Conduct:

Integrity

- a. Making a positive difference in the lives of our people.
- b. Striving to generate sustainable benefits with long-lasting impact for our people.
- c. Being truthful and ethical.
- d. Respecting confidentiality in dealings with clients and the Dispute Resolution Tribunal.
- e. Declaring and managing conflicts between my private interests and duties to the Dispute Resolution Tribunal.
- f. Being consistent and fair in dealing with others.
- g. Upholding the highest ethical standards to enhance confidence in the honesty, fairness and impartiality of the Dispute Resolution Tribunal.
- h. Acting at all times with integrity.
- i. Being proud of the work of the Dispute Resolution Tribunal and celebrating our successes.

Accountability:

- a. Taking responsibility for my work.
- b. Accepting responsibility for my decisions and actions.
- c. Honouring and meeting my commitments.

Leadership:

- a. Valuing leadership, initiative and the application of best practices in my work.
- b. Seeking out and responding to the needs of clients and the Dispute Resolution Tribunal.
- c. Pursuing excellence.
- d. Seeking growth and development opportunities.

Collaboration:

- a. Actively collaborating to acquire the knowledge and expertise needed to generate the best dispute resolution services possible.
- b. Promoting teamwork and information sharing to leverage our strengths.

Accountability:

- a. Being accountable to the Dispute Resolution Tribunal and the clients we serve.
- b. Respecting and carrying out my duties in accordance with the policies, procedures and practices of the Dispute Resolution Tribunal in an impartial manner.

Respect for People:

- a. Treating all people with respect, dignity and fairness.
- b. Helping to create and maintain a safe and healthy place that is free from discrimination and harassment.
- c. Valuing diversity and the benefit of combining the unique qualities and strengths of others.
- d. Working together in a spirit of openness, honesty and transparency that promotes engagement, collaboration and respectful communication.

Excellence:

- a. Designing and delivering services that are beneficial to our people.
- b. Striving for high-performance through engagement, collaboration, effective teamwork and professional development.
- c. Providing fair, timely, efficient and effective services that respect the diverse cultures and traditions of our people.
- d. Continually improving the quality of services that I provide.

Acknowledgement:

I understand that as a member of the Dispute Resolution Tribunal, I am required to comply with the Code of Conduct and failure to do so may lead to my removal from the Dispute Resolution Tribunal.

Signature of Member

Date