



**Mackenzie Valley Land and Water Board**  
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December 18, 2017

File: MV2011L4-0002

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**Carter Family v. Northwest Territories Power Corporation  
Compensation Decision of the Mackenzie Valley Land and Water Board**

Dear Ms. Olszewski and Mr. Evanchuk,

On December 10, 2017, the Board was copied on correspondence from NTPC legal counsel to Carter Family counsel regarding the payment of compensation pursuant to NTPC's Water Licence MV2011L4-0002. On December 14, 2017, the Board received a letter from Ms. Olszewski requesting "the Board's direction with respect to the amount owing to the Carter Family". The Board provides the following information.

The Reasons for Judgment of the Honourable Justice K. Shaner, dated March 7, 2014, granted four items of relief; the first and third of these are cited below:

"1. An order in the nature of *certiorari* quashing those portions of the Board's decision and the Minister's approval dealing with compensation for the Carters;

3. An order remitting the matter of compensation to the Board for consideration and a decision, including consideration of the submissions from the Carters respecting NTPC's response to the Information request;"

As a result of the reasons filed by Justice Shaner with the Supreme Court of the Northwest Territories, the Board convened a Re-Hearing on May 16 and 17, 2017, to hear the Carter Family's claim for compensation. On August 10, 2017, the Board issued its Reasons for Compensation Decision which conclude, "Appropriate compensation is determined to be \$100,000."

On November 7, 2017, the Board received approval from the Minister of Environment and Natural Resources (Government of the Northwest Territories) for the amended compensation provision in Water Licence MV2011L4-0002. Condition J.1 of that Licence states, "The Licensee shall pay compensation to the Carter Family as outlined in Schedule 3." Schedule 3 of the Licence states, "1. By December 29, 2017, the Licensee shall have paid the Carter Family \$100,000.00 pursuant to section 26(5)(b) of the *Waters Act*."

The Board notes that per section 38 of the *Waters Act*, the water licence may be suspended by the Board if a term or condition is not complied with.

If you have any questions, please contact Shelagh Montgomery, Executive Director, at (867) 766-7457 or email [smontgomery@mvlwb.com](mailto:smontgomery@mvlwb.com).

Yours sincerely,



Mavis Cli-Michaud  
MVLWB, Chair