

MLT AIKINS

WESTERN CANADA'S LAW FIRM

MLT Aikins LLP
2200 - 10235 -101st Street
Edmonton, Alberta T5J 3G1
T: (780) 969-3500
F: (780) 969-3549

From: Parent, Cynthia
Direct Line: +1 (780) 9695093
Email Address: cparent@mltaikins.com
File No:
Date: 12/14/2017

Mackenzie Valley Land
& Water Board
File MV 2011/4-0002

DEC 14 2017

Application #
Copied To JH / Reg.

FAX COVER SHEET

To:
FaxNo: +1 (867) 8736610
Total Pages: 4

Message

This facsimile message is solicitor-client privileged and may contain confidential information intended only for the use of the individual or entity named. If you are not the intended recipient, the employee, or the agent responsible for delivery to the intended recipient, any dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original transmission to us by mail. Thank you.

MLT AIKINS

WESTERN CANADA'S LAW FIRM

MLT Aikins LLP
2200 - 10235 -101st Street
Edmonton, Alberta T5J 3G1
T: (780) 969-3500
F: (780) 969-3549

Eleanor A. Olszewski, Q.C.
Direct Line: (780) 969-3509
E-mail: EOlszewski@mltaikins.com

December 14, 2017

Mackenzie Valley Land and Water Board
7th Floor, 4922-48 Street
P.O. Box 2130
Yellowknife, NT X1A 2P6

Via email: rchouinard@mvlwb.com
Via fax: 867-873-6610

Attention: Board Members
Rebecca Chouinard

Dear Sirs & Madams:

Re: Carter Family v. Northwest Territories Power Corporation
MV2011L4-0002
File No.: 028268-0004

We write to request the Mackenzie Valley Land and Water Board's ("Board") direction with respect to Mr. Evanchuk's correspondence of December 10, 2017. In this correspondence, Mr. Evanchuk advised of the Northwest Territories Power Corporation's understanding that the amount of \$37,500.00 is owed to the Carter Family, pursuant to the above-noted Water Licence. We understand that a copy of this correspondence was provided to the Board; however, we enclose a copy for ease of reference.

With respect, it is unclear from the Board's Reasons for Compensation Decision whether the amount awarded was intended to be awarded in addition to or instead of the amount awarded in 2012. Given the rationale for the decision contained in the Reasons, it seems as though the award was meant to be in addition to the 2012 amount. As a result, we respectfully request the Board's direction with respect to the amount owing to the Carter Family.

We look forward to hearing from you regarding the foregoing.

Sincerely,

MLT AIKINS LLP

Per:



Eleanor A. Olszewski, Q.C.

EAO:ckp

Enclosure

cc: Doug Evanchuk & Sean Parker, Counsel for NTPC



MCLENNAN ROSS LLP
LEGAL COUNSEL

Our File Reference: 111388

Douglas I. Evanchuk
Direct Line: (780) 482-9106
e-mail: devanchuk@mross.com

Debbie Donald, Assistant
Direct Line: (780) 482-9283

Fax: (780) 482-9102

PLEASE REPLY TO EDMONTON OFFICE

December 10, 2017

SENT BY EMAIL
(EOlszewski@mltaikins.com)

MLT Aikins LLP
10235 101 St NW #2200,
Edmonton, AB T5J 3G1

Attention: Eleanor Olszewski, QC

Dear Madame:

**Re: Carter Family v Northwest Territories Power Corporation ("NTPC")
Board File No. MV 2011 L4-0002**

As you will recall, NTPC paid the Carter Family \$62,500.00 in October 2012, through NTPC Counsel. This payment was made pursuant to the Minister's July 26, 2012 decision on compensation owing by NTPC to the Carter Family. The compensation funds were provided to your office on the trust conditions set out in Mr. Rossall's letter of October 4, 2012. Although the matter of compensation proceeded to Judicial Review and the Minister's July 26, 2012 decision on compensation was ultimately quashed, the \$62,500.00 payment has been retained by the Carter Family.

On November 9, 2017, NTPC received notice that the Minister had accepted the Board's August 10, 2017 Reasons for Decision, including compensation payable to the Carter Family in the amount of \$100,000.00. Under the terms of the updated Water License, this payment is to be made to the Carter Family by no later than December 29, 2017.

Accordingly, it is NTPC's understanding that the \$62,500.00 paid to the Carter Family in 2012 ought to be deducted from the \$100,000.00 award decided in 2017, on the basis that the \$62,500.00 paid in 2012 was made pursuant to a decision that was later quashed and accordingly, no compensation was

Edmonton Office
600 McLennan Ross Building
12220 Stony Plain Road
Edmonton, AB T5N 3Y4
p. 780.482.9200
f. 780.482.9100
tf. 1.800.567.9200

Calgary Office
1000 First Canadian Centre
350 - 7th Avenue SW
Calgary, AB T2P 3N9
p. 403.543.9120
f. 403.543.9150
tf. 1.888.543.9120

Yellowknife Office
301 Nunasi Building
5109 - 48th Street
Yellowknife, NT X1A 1N5
p. 867.766.7677
f. 867.766.7678
tf. 1.888.836.6684

- 2 -

payable under the Minister's July 26, 2012 decision. As a result, a balance of \$37,500.00 is owed to the Carter Family in order to satisfy the conditions of the updated Water License.

Therefore, NTPC proposes to pay the remaining \$37,500.00 through Carter Family counsel in a similar manner as in 2012, and on similar trust conditions.

We look forward to your earliest advice and confirmation that this approach is acceptable.

Yours truly,



DOUGLAS I. EVANCHUK

DIE/dd

Cc: Rebecca Chouinard, MacKenzie Valley Land and Water Board