
INFORMATION SHEET:

Application Form to the Kwanlin Dün Judicial Council

Before completing the Application form, read the following as a guide to what is required for the Judicial Council to review your application.

Powers and Responsibilities of the Judicial Council (from KDFN Constitution)

Section 56. (1) The Judicial Council is responsible and has authority to perform any of the following functions:

- (a) exercise any authority specifically assigned to it elsewhere in this Constitution, or in Kwanlin Dün First Nation law;
 - (b) consider and make a determination in accordance with Kwanlin Dün First Nation law on any appeal arising from:
 - (i) the administration of the Kwanlin Dün Citizenship Code; or
 - (ii) the administration of the Kwanlin Dün Election and Referendum Code.
 - (c) consider an application by a Citizen for a review of any action by the Kwanlin Dün First Nation that may result in the violation of the rights and freedoms of the Citizens of the Kwanlin Dün First Nation, and make a declaratory order either:
 - (i) affirming the action, if it does not result in the violation of the rights and freedoms of the citizens of the Kwanlin Dün First Nation; or
 - (ii) setting aside the action to the extent required to alleviate the violation of the rights and freedoms of the Citizens of the Kwanlin Dün First Nation.
 - (d) consider an application by a Citizen challenging a decision of the Council on any ground set out in section 47(1), if that decision has been upheld by the Council under section 47, and make a declaratory order either:
 - (i) affirming the decision of the Council; or
 - (ii) setting aside the decision of the Council.
 - (e) consider an application by a Citizen for a review of an administrative decision of Kwanlin Dün First Nation affecting that Citizen, and make a declaratory order either:
 - (i) affirming the administrative decision; or
 - (ii) setting aside the administrative decision.
- (2) A person may not bring an application referred to in subsection (1)(d) unless that person has first submitted a request to the Council to reconsider the matter under section 47.

Kwanlin Dün Judicial Council Rules applicable to an application to the Judicial Council:

Application

28. To start a Proceeding, an Applicant shall provide the Administrator with an application that includes:

- (a) the Applicant's name;
- (b) an address for delivery of Documents;
- (c) fax number or email address;

- (d) telephone number where the Applicant can be reached, or a message can be left for the Applicant, during business hours;
- (e) if applicable, the name, address and contact information of the person designated as the contact person or agent for the Applicant;
- (f) the name of the Respondent and their address for delivery of Documents, mailing address, telephone number, fax number and email address;
- (g) a summary of the nature of the dispute and the order the Applicant is seeking from the Judicial Council; and
- (h) any other information that may be of assistance to the Judicial Council.

Request for Additional Information

29. At any time after an application has been provided, the Judicial Council may require a party to provide additional information and supporting Documents.

Acceptance or Rejection of an Application

30. Where an application has been provided to the Administrator, the Judicial Council shall review the application to determine if the application is complete.

31. Where the Judicial Council considers an application is incomplete or lacks sufficient information, it may reject the application, explaining in writing to the Applicant the nature of the deficiencies.

32. An Applicant whose application to the Judicial Council was rejected under Rule 31 may resubmit an application after rectifying the deficiencies identified by the Judicial Council.

33. On accepting an application, the Judicial Council shall:

- (a) provide the Applicant and the Respondent with written notice that the application was accepted;
- (b) provide a copy of the application to the Respondent;
- (c) include an offer to facilitate mediation; and
- (d) set a Hearing date as soon as practicable.

Consolidation of Applications

34. Where the Judicial Council considers that two or more applications are related to each other for any reason, the Judicial Council may:

- (a) order the applications be consolidated, heard at the same time, or heard one immediately after the other; or
- (b) stay or adjourn any application until the determination of any other application.

Adding or Substituting a Party

35. At any time during a Proceeding, the Judicial Council may order that a person be added to the Proceeding, or substituted for a party in the Proceeding, on such terms that the Judicial Council considers just and convenient.

Application by Written Consent of the Parties

36. Where the Judicial Council receives an application to have a dispute dealt with under section 10(b) of the Act, the Judicial Council may give directions as to procedure.

Notice of Response

37. The Respondent shall provide the Administrator with a notice of response no later than 21 days after receiving the application from the Judicial Council unless the Judicial Council orders otherwise.

Challenges to the Constitution or a Kwanlin Dün Law

74. Where a party makes an application to the Judicial Council challenging the Constitution or the constitutional validity, application or operation of a Kwanlin Dün law, the Judicial Council shall provide to the Council at least 10 days before the Hearing, subject to Rule 19:

- (a) written notice that the application was accepted by the Judicial Council;
- (b) a copy of the application; and
- (c) a notice of Hearing.

Appeal of a Decision of the Kwanlin Dün First Nation

76. A party may make an application under Rule 28 for the Judicial Council to hear an appeal of a decision of the Kwanlin Dün First Nation of any matter within the Judicial Council's jurisdiction under the Constitution or under any Kwanlin Dün law.

Confidential Information

77. At any time, the Judicial Council may order that a written submission, Document or reference to oral information filed in the Registry or produced at a Hearing be treated as confidential, be sealed and not form part of the public record, subject to such conditions as the Judicial Council considers appropriate.



Kwanlin Dün First Nation Judicial Council
 Suite 1000-4230 4th Ave.
 Whitehorse, YT Y1A 1K1

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 E-mail: kdfnjudicialcouncil@gmail.com
 www.kwanlindunjudicialcouncil.ca

(Judicial Council Rules 28-37, 74, 76-77)

J.C. No. _____

FORM 1: APPLICATION

A person's eligibility to apply to the Judicial Council, including citizenship status, may be subject to the Kwanlin Dün First Nation Constitution or other Kwanlin Dün law.

Is the Applicant a Kwanlin Dün First Nation Citizen? YES / NO

Does this Application contain confidential information that the Respondent does not wish to be disclosed in the public record? YES / NO [See Rule 77.]

FROM: Applicant (Personal Information)

Name of Applicant .	
Mailing Address of Applicant	
Email Address of Applicant	Daytime Telephone No.
Address for Delivery of Documents to Applicant (if different than mailing address)	
Name for Applicant's Lawyer (if applicable) or Advocate	Daytime Telephone No.
Mailing Address for Lawyer or Advocate	
Email Address for Lawyer or Advocate	
Address for Delivery of Documents to Applicant's Lawyer or Advocate (if different than mailing address)	

TO: Respondent (Personal Information of person(s) against whom application is made).

Name of Respondent	
Mailing Address of Respondent	
Email Address of Respondent or Advocate	Daytime Telephone No.
Address for Delivery of Documents to Respondent (if different than mailing address)	
Name of Other Respondent <i>(only required if there is more than one Respondent)</i>	
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Mailing Address of Other Respondent	
Email Address of Other Respondent	
Address for Delivery of Documents to Other Respondent (if different than mailing address)	

Check List of required documents:

- 1) *Copies of all emails or documentation of previous efforts to complete internal appeal options.*
- 2) *Other relevant documentation that may be of assistance to the Kwanlin Dün First Nation Judicial Council, excluding any communications between the parties about settlement or negotiation of the matter in dispute. This information must support your application - the who, what, where, when, how, why.*

A: Section of the Constitution or Legislation you are disputing (for example: *Elections Act*, etc.)

Act, Regulation or Policy	Specific Section of Act, Regulation or Policy

B: From Section 56 of the Constitution, what **remedy or **order** you are seeking from the Kwanlin Dün First Nation Judicial Council?**

C: What internal remedies within KDFN have you attempted to resolve this dispute?:

Name of Department and/or Agency. Describe action taken (include dates). <i>(Use additional paper if necessary)</i>

Signature of Applicant

Date

FOR JUDICIAL COUNCIL USE ONLY

Date received		
Reviewed by JC		
Date approved		
Date denied		

NOTICE TO THE RESPONDENT

This **Application** was made against you to the Kwanlin Dün First Nation Judicial Council.

YOU MUST RESPOND WITHIN 21 DAYS AFTER RECEIVING THIS APPLICATION.

In order to respond to this Application, you must complete a **Notice of Response** (Form 2) and provide it to the Kwanlin Dün First Nation Judicial Council.

For more information, or if you require additional forms, you may contact the Administrator of the Kwanlin Dün First Nation Judicial Council at:

Kwanlin Dün First Nation Judicial Council
Suite 1000-4230 4th Ave.
Whitehorse, YT Y1A 1K1
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