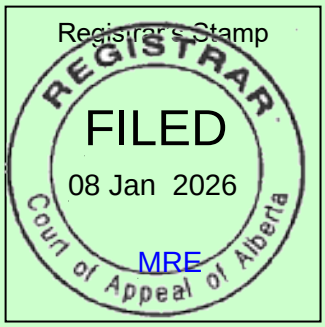

COURT OF APPEAL OF ALBERTA

COURT OF APPEAL FILE NUMBER:	2503-0193AC
TRIAL COURT FILE NUMBER:	1103-14112
REGISTRY OFFICE:	EDMONTON
	IN THE MATTER OF THE TRUSTEE ACT, R.S.A. 2000, c. T-8, AS AMENDED, and IN THE MATTER OF THE SAWRIDGE BAND INTER VIVOS SETTLEMENT CREATED BY CHIEF WALTER PATRICK TWINN, OF THE SAWRIDGE INDIAN BAND, NO. 19 now known as SAWRIDGE FIRST NATION ON APRIL 15, 1985 (the "1985 Sawridge Trust")
APPLICANTS/RESPONDENTS:	ROLAND TWINN, TRACEY SCARLETT, ROY TWINN, JONATHON POTSKIN AND BONNIE BLAKLEY, as Trustees for the 1985 Sawridge Trust
STATUS ON APPEAL:	RESPONDENTS
RESPONDENT:	CATHERINE TWINN
STATUS ON APPEAL:	APPELLANT
RESPONDENT:	OFFICE OF THE PUBLIC GUARDIAN AND TRUSTEE
STATUS ON APPEAL:	RESPONDENT
INTERVENOR/RESPONDENT:	SAWRIDGE FIRST NATION
STATUS ON APPEAL:	INTERVENOR
DOCUMENT:	**FACTUM**

Appeal from the Decision of
The Honourable Mr. Justice J. S. Little
Dated the 3rd day of September, 2025

FACTUM OF THE RESPONDENT, OFFICE OF THE PUBLIC GUARDIAN AND TRUSTEE

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Table of Contents

OVERVIEW

1. By this appeal the Appellant, supported by the Intervener SFN, seeks to avoid the consequences of carefully considered actions based on sophisticated legal advice taken 40 years ago by the Sawridge First Nation (SFN) and its leadership, and supported by the Appellant. Those actions involved the settling of, and transfer of assets to, a private trust called the 1985 Sawridge Band Inter Vivos Settlement Trust (the 1985 Trust). This was done to protect the SFN's previously acquired assets from persons who were anticipated to be added to SFN membership by Bill C-31.

2. Four decades later the Appellant seeks to rewrite long-settled trust law and effectively declare the 1985 Trust invalid and incapable of being distributed because its beneficiary definition, incorporating the pre-1985 *Indian Act* rules for band membership, is discriminatory. To do this, the Appellant asks this Court to declare the 1985 Trust to be a new variety of purpose trust in which discrimination is prohibited on public policy grounds.

3. Such a declaration would erase one of the most fundamental distinctions in trust law, that between private and purpose trusts. It asks this Court to ignore the terms of the 1985 Trust which vest beneficial interest in the trust assets in specifically defined and identifiable individuals, the hallmark of a private trust. In contrast, and by definition, both at common law and statute, a purpose trust has no beneficiaries.

4. The Respondent OPGT is a party to this appeal and the underlying litigation by virtue of its court-ordered mandate to represent the interests of minor beneficiaries and potential minor beneficiaries of the 1985 Trust. Pursuant to that mandate the OPGT submits the appeal should be dismissed because:

a. The Chambers Justice correctly found that: the 1985 Trust is a private trust; discrimination in the beneficiary definition of such a trust does not, without more, preclude distribution; and, as respecting the 1985 Trust, there is no "more".

b. Any challenge to the validity of the 1985 Trust is barred by the *Limitations Act*;

c. Further, the validity of the 1985 Trust was outside the scope of the application below and does not arise on this appeal. To the extent any issue as to its validity remains, it is to be addressed at a later stage of the proceedings.

PART 1: FACTS

5. The proceedings out of which this appeal arises commenced in August 2011 as an application for advice and direction by the Trustees of the 1985 Trust (the Sawridge Trustees) concerning the administration of the Trust. It has involved numerous applications over more than 14 years, giving rise to at least 10 decisions in the Alberta Court of King's Bench and four decisions in this Court.

6. The main events and records underlying the proceeding are set out in the Affidavit of Paul Bujold, the Chief Executive Officer of the Sawridge Trusts, filed September 13, 2011, shortly after the commencement of the proceedings.[1] The summary of facts set out in this Court's 2022 decision, *Twinn v. Alberta (Office of the Public Guardian and Trustee),*[2] provides a useful overview of those events and records.

7. The OPGT draws the Court's attention to the following specific factual matters:

a. The settling of the 1985 Trust by then Chief Walter Twinn itself did not vest the Trust with any of the assets of the Sawridge First Nation (SFN) – the Trust was settled with the nominal sum of $100.[3] After the Trust was settled assets were then transferred into it from a prior Trust that had been established in 1982. That transfer was carried out trust to trust by agreement of the respective trustees of the 1982 and 1985 Trusts.[4] It was also approved by the membership of the Nation

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[1] Affidavit of Paul Bujold, filed September 13, 2011 ("Bujold Affidavit"), Respondent's Extracts of Key Evidence of Office of the Public Guardian and Trustee ("REKE-OPGT") [REKE-OPGT, Tab 1 at page 4]

[2] *Twinn v. Alberta (Office of the Public Guardian and Trustee)*, 2022 ABCA 368 ("*Twinn-2022"*), paras. 2-19; Authorities of the Office of the Public Guardin and Trustee [**Tab 1]**

[3] Sawridge Band Inter Vivos Settlement, Declaration of Trust (1985 Trust), Schedule; Bujold Affidavit, Exhibit G, page 11 of Exhibit, [REKE-OPGT, Tab 1 at page 80]

[4] Sawridge Band Trust Resolution of Trustees, Bujold Affidavit, Exhibit I, [REKE-OPGT, Tab 1 at page 83]

including the Appellant.[5] In its 2022 decision, this Court confirmed that this asset transfer was beyond legal challenge.[6]

b. Shortly after the settling of the 1985 Trust and the transfer of assets to it, the SFN established its own membership code establishing criteria for membership in the SFN as permitted under Bill C-31. That code contained rules for membership that were different from the rules governing beneficiary status in the 1985 Trust.[7]

c. The settling of the 1985 Trust went hand-in-hand with a constitutional challenge by the SFN and others to Bill C-31. That constitutional challenge was filed in January 1986 and ended in December 2009 when the Supreme Court of Canada denied leave to appeal from the dismissal of the claim.[8]

d. The SFN has never been a party to these proceedings concerning the 1985 Trust, having deliberately chosen to avoid such a role.[9] The SFN has been granted intervenor status from time to time with respect to specific issues, including on this appeal. As an intervenor, the SFN also seeks to impugn the validity of the 1985 Trust on grounds similar to the Appellant.

8. Initially, in these proceedings, the Sawridge Trustees sought advice and direction that would allow them to amend the beneficiary definition of the 1985 Trust to include only persons who are members of the SFN under its current membership rules.[10] This would have eliminated the beneficial interest of a large proportion of current beneficiaries, including many minors whose interests the OPGT was appointed to protect. The OPGT has consistently opposed outcomes in the litigation that would eliminate the beneficial interests of the minors it represents.[11]

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[5] Sawridge Band Trust Resolution of Trustees, Bujold Affidavit, Exhibit I, [REKE-OPGT, Tab 1 at page 83].
[6] *Twinn-2022*, at paras. 5, 62-64, 68-69, **[Tab 1].**
[7] Sawridge Membership Rules, Appellant's Extracts of Key Evidence ("AEKE-Appellant") [AEKE-Appellant at page 174].
[8] *Sawridge First Nation v. Canada*, 2009 FCA 123 at paras 3-5; leave to appeal to the Supreme Court of Canada denied, 2009 CanLII 69744 (SCC), **[Tab 2]**.
[9] *1985 Sawridge Trust v Alberta (Public Trustee)*, 2015 ABQB 799, at paras. 15, 27 and 28, **[Tab 3]**.
[10] Bujold Affidavit, at para. 32 and 33 [REKE-OPGT, Tab 1 at page 11].
[11] E.g., see *Twinn-2022*, at para. 61 **[Tab 1]**.

9. Approval for such an amendment proved elusive. After 14 years of litigation during which no distributions from the Trust were made, the Sawridge Trustees elected to seek the court's advice whether they might distribute the 1985 Trust to its named beneficiaries notwithstanding any discrimination in the beneficiary definition.

10. To that end the Sawridge Trustees filed a multi-part application in June 2024 seeking, *inter alia,* the Court's advice and direction on the validity of the 1985 Trust, whether its assets could be distributed to its beneficiaries as currently defined notwithstanding discrimination in that definition, and approval of a distribution proposal.[12] The Sawridge Trustees asked the Court to rule first on whether the trust assets could be distributed, which they described as the "Threshold Issue" as the balance of the application would be moot if distribution of the 1985 Trust were not permissible. This approach was approved by Order.[13]

11. The Threshold Issue was heard by the Case Management Justice (the CMJ) who concluded that the 1985 Trust was properly seen as a private trust, that discrimination in such a trust, without more, did not preclude its distribution, and that distribution was permissible. The CMJ noted that the issue of the 1985 Trust's validity was not before him and was presumed for the purposes of his decision.[14]

PART 2: GROUNDS OF APPEAL

12. The Respondent OPGT submits the CMJ did not err as alleged in the Appellant's grounds, or at all.

PART 3: STANDARD OF REVIEW

13. The Supreme Court of Canada's decision in *Housen v. Nikolaisen*[15] has long been binding authority on standard of review in appeals and the standards set out in *Housen* apply here. They are correctness for questions of law, and palpable and overriding error for questions of fact or mixed fact and law, unless the question of mixed fact and law involves an extricable question of law, for which the standard is correctness.

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[12] Application filed June 28, 2024, Appeal Record ("AR"), AR page 8.
[13] Case Management Order filed January 11, 2025, AR, page 8.
[14] *Twinn v Alberta (Public Trustee)*, 2025 ABKB 507, ("the *Decision"*), **[Tab 4]**.
[15] *Housen v. Nikolaisen*, 2002 SCC 33, **[Tab 5]**.

14. In 2014, the Supreme Court of Canada modified the standard of review that applies to contractual interpretation from correctness to the deferential standard of palpable and overriding error because such interpretation involves a question of mixed fact and law.[16]

15. While this Court has not previously been asked to determine whether this new standard applies to the interpretation of a trust deed, several appellate Courts, including this Court, have recognized the standard of review created in *Sattva* for contracts applies when interpreting the provisions of a will.[17]

16. The majority of Justice Little's findings as challenged by the Appellant's grounds of appeal, are either findings of fact or findings of mixed fact and law. The rationale in *Sattva, Ross* and *Hicklin* for a deferential standard of review to the CMJ apply equally to this case.

17. The OPGT submits the deferential standard of palpable and overriding error should apply to all grounds, save those the Appellant can establish to be extricable questions of law.

PART 4: SUBMISSIONS

18. The Appellant and the SFN recognize that private trusts are not usually susceptible to challenge on public policy grounds and that discrimination in the beneficiary definition of a private trust, without more, does not render that trust incapable of distribution. Accordingly, they challenge the CMJ's ruling on two main grounds:

- They seek to re-characterize the 1985 Trust as some form of purpose trust, which is subject to challenge on the grounds of discrimination;
- They argue the CMJ misunderstood the nature of the 1985 Trust's beneficiary definition and thus did not recognize it required the Sawridge Trustees to engage in discriminatory conduct themselves;

Neither of these grounds, which both involve questions of mixed fact and law and are subject to review on the deferential standard, holds water.

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[16] *Sattva Capital Corp. v. Creston Moly Corp.*, 2014 SCC 53, at paras. 50 to 55, **[Tab 6]**.
[17] *Ross v. Canada Trust Company*, 2021 ONCA 161 at paras 30-34, **[Tab 7]**; *Hicklin Estate v Hicklin*, 2019 ABCA 136 at para. 103, **[Tab 8]**.

The 1985 Trust is not and cannot be a purpose trust either at common law or under Alberta statute.

19. The fundamental distinction between private trusts, such as the 1985 Trust, and purpose trusts (also known as public or charitable trusts) is that private trusts are established for the benefit of a specific and identifiable individual or individuals or class of individuals by whom the trust is enforceable. Purpose trusts, on the other hand, are intended to benefit the public or a significant section of it, not any specified individuals. As such, unlike the 1985 Trust, purpose trusts do not have specified beneficiaries. Given their public character, purpose trusts are enforceable by public authorities such as the Attorney General and must generally not offend public policy.[18]

20. This distinction between private and purpose trusts has been confirmed by the Supreme Court of Canada. In *Schmidt v. Air Products*, the SCC endorsed the following definition of purpose trusts: "Purpose trusts are trusts for which there is no beneficiary; that is they are not trusts where one person has an equitable entitlement to the trust funds. Funds are deposited in trust in order to see that a particular purpose is filled; people may benefit but only indirectly."[19] This definition was cited by Thomas J in *Peace Hills Trust Company v. Canada Deposit Insurance Corporation*, on which the SFN relies.[20]

21. These defining feature characteristics of purpose trusts are now also statutorily recognized in Alberta. The new *Trustee Act* which came into force at the beginning of 2023 authorized the creation of non-charitable purpose trusts – the category of trust the Appellant and SFN ask this court to say includes the 1985 Trust. The *Trustee Act* allows the creation of a trust for a non-charitable purpose provided it satisfies specified criteria, including that it "does not create an equitable interest in any person" and that the trust "is not contrary to public policy[21]

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[18] Donovan Waters, *Waters' Law of Trusts in Canada (5th)* at pages 29-29, [attachment to the Appellant's Factum at pages 19-20].
[19] *Schmidt v. Air Products*, 1994 CanLII 104 (SCC), [1994] 2 SCR 611 at pages 640-641, **[Tab 9]**.
[20] *Peace Hills Trust Company v. Canada Deposit Insurance Corporation*, 2007 ABQB 364 ("*Peace Hills Trust")* at para. 27, **[Tab 10]**.
[21] *Trustee Act*, S.A. 2022, c. T-8.1, s. 77(1), **[Tab 11]**.

22. In his reasons, the CMJ noted that s. 77(1) of the *Trustee Act* precludes the 1985 Trust from being classified as non-charitable purpose trust as it has identified and specified beneficiaries.[22]

23. The Intervener SFN seeks to avoid this conclusion by arguing the 1985 Trust does not really have beneficiaries as follows: the Sawridge Trustees have unfettered discretion with respect to distributions; because their discretion is unfettered no distributions may ever be made; thus there are no real beneficiaries. This argument must fail for a variety of reasons including:

a) The 1985 Trust requires that the Sawridge Trustees hold the Trust assets "for the benefit of the Beneficiaries".[23]

b) The entire purpose of the current proceedings since their inception has been, and continues to be, to enable distributions from the Trust to its beneficiaries;[24]

c) Even if no discretionary distributions were ever made by the Sawridge Trustees, the 1985 Trust requires that at the end of the perpetuity period "all of the Trust Fund then remaining in the hands of the Trustees shall be divided equally among the Beneficiaries then living."

24. The SFN cites (at footnote 55 of its factum) Ontario and Alberta authority which it asserts supports their proposition that the 1985 Trust has no true beneficiaries. These cases do no more than establish that the valuation of a beneficial interest in a private discretionary trust is difficult given the uncertainty in when and in what amount distributions may be made, and that the beneficiaries do not have a vested interest in any particular part of the trust property until the Trustees exercise their discretion to distribute it to them. The cases in no way suggest that such trusts are purpose trusts because the Trustees have discretion regarding distributions to the beneficiaries.

25. In further support of their effort to recharacterize the 1985 Trust as a purpose trust, the Appellant and SFN cite an extract from *Waters on Trusts* to the effect that some First

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[22] The *Decision,* paras 24-25, **[Tab 4]**.
[23] 1985 Trust, Bujold Affidavit, Exhibit G, at para. 6, [REKE-OPGT, Tab 1 at page 75].
[24] Bujold Affidavit, paras. 4, 34 and 35, [REKE OPGT at pages 5, 11 and 12].

Nation trusts have been described by Canadian courts as "non-charitable purpose trusts". This OPGT is only aware of two such cases: the 1989 *Keewatin* decision of the Manitoba Court of Queen's Bench[25] and the 2007 ABKB decision in *Peace Hills Trust Company v. Canada Deposit Insurance Corporation*.[26]

26. Two cases do not support the existence of any broad principle that trusts in a First Nation context are presumptively purpose trusts. Moreover, the trusts in those cases bore no resemblance to the 1985 Trust. In both cases the court found that, unlike the 1985 Trust, the trusts in question had no beneficiaries:

a) In *Keewatin*, a tribal council held title to houses in trust for a number of First Nations to house students from the Nations. The Manitoba Court of Queen's Bench noted the members of the Nations were **not** beneficiaries of the trust and did not think the Nations themselves could be considered beneficiaries.[27] However the Court went to find notwithstanding the absence of beneficiaries; such a trust could be upheld as a variety of non-charitable purpose trust.[28]

b) In *Peace Hills Trust*, proceeds of a settlement arising from a breach of treaty claim were held in trust by the First Nation for the specified purpose of the purchase of additional reserve lands. The Alberta Court of Queen's Bench held that the trust contained nothing to suggest the individual members of the Nation were beneficiaries of the trust, and therefore the trust was a kind of non-charitable purpose trust.[29]

27. The existence of First Nations private trusts with specified and identifiable beneficiaries is well-known to this Court: see for example the trust at issue in *Tallcree First Nation v Rath & Company*.[30] The 1985 Trust is plainly such a trust.

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[25] *Keewatin Tribal Council Inc. v. Thompson (City)*, 1989, **[Tab 12]**.
[26] *Peace Hills Trust,* **[Tab 10]**.
[27] In the *Decision,* the CMJ noted this case appears to have been wrongly decided because the Nations were identified as beneficiaries. If decided today, the *Keewatin* trust would doubtless be seen as a private trust.
[28] *Keewatin, supra*, at pages 216-217, **[Tab 12]**.
[29] *Peace Hills Trust, supra*, at paras. 37 to 44, **[Tab 10]**.
[30] *Tallcree First Nation v Rath & Company*, 2025 ABCA 360, at paras. 5 and 6, **[Tab 13]**.

28. Finally, as the CMJ noted, the trust assets here do not involve public or taxpayer's money which might give a public aspect to the trust. The assets in the 1985 Trust are private revenues of the SFN derived from oil resources.[31]

The CMJ did not misapprehend the role of the Sawridge Trustees. He correctly found their administration of the trust did not involve discrimination by them.

29. The Appellant and SFN argue that the CMJ misapprehended how the beneficiary definition in the 1985 Trust operated, leading him to err in his assessment of the role of the Sawridge Trustees in administering the Trust. They submit this misapprehension is evident from his description of the beneficiaries as "those people who qualified as members of the Sawridge Band under the *Indian Act* before the 1985 amendments". This description, they say, fails to recognize the beneficiary class is constantly evolving.

30. Notably, the CMJ's description of the beneficiary definition is almost identical to, and clearly based on, this Court's description of the beneficiary definition in its summary of the facts for its 2022 decision. Both the Appellant and the SFN rely on that summary in this appeal. There is nothing in either the CMJ's or this Court's description to suggest that either court misapprehended that membership in the beneficiary class would change over time.

31. In fact, the CMJ's reasons clearly show he recognized the beneficiary class evolved over time. This is evident from his reference to the minor children, represented by the OPGT, who are beneficiaries of the 1985 Trust. Beneficiaries who are minors today were not even born when the 1985 Trust was settled.

32. In finding the Sawridge Trustees might distribute the1985 Trust in accordance with its terms, the CMJ rejected the submissions of the Appellant and the SFN that doing so required the Trustees to engage in discrimination themselves. As the CMJ correctly noted with respect to the role of the Sawridge Trustees: "They are bound by the definition of beneficiaries in the 1985 Sawridge Trust and have no discretion to vary that definition to prejudice or favour anyone not included in it."[32]

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[31] The *Decision*, at para. 22, **[Tab 4]**.
[32] The *Decision*, at para. 35, **[Tab 4]**.

33. In this appeal, the Appellant and the SFN double down on their unsuccessful argument, with the SFN going so far as to say the Trustees "**are legally obligated to constantly monitor the racial background and sex of the SFN descendants and their husbands and wives and to deny benefits if descendants have violated the dictates set down in 1951**" (emphasis in the original) and that in doing so they "will be forced to act as present-day Indian agents…implementing what is now known to be discriminatory Crown policy" (paragraph 22 of the SFN factum).

34. These submissions in no way reflect the true nature of the Sawridge Trustees' role under the Trust. That role has nothing to do with enforcing rules about First Nation membership, discriminatory or otherwise, or controlling aspects of the lives of status "Indians" by implementing federal legislation or Crown policy. It is simply to apply the beneficiary definition in the 1985 Trust with respect to any distributions to ensure that any recipients are in fact beneficiaries pursuant to the Trust's definition.

35. The distinction between discrimination in a private trust (which will not preclude distribution) and discriminatory acts on the part of a trustee (which may) was explained in the decision of the Ontario Court of Appeal in *Spence* v. *BMO Trust Co*. That case concerned a challenge to a testamentary trust alleging, based on evidence external to the will, that the testator had disowned his daughter for racist reasons.

36. The Court held that even if the will had displayed such a discriminatory intent on its face the Court would not intervene with the testator's intentional and private disposition of property. The Court noted that unlike cases in which the courts had intervened, administering this Trust did not require the executor of the will to engage in discriminatory conduct themselves, nor did it involve benefitting an unworthy heir.[33] The same reasoning applies here and was invoked by the CMJ.

37. In reaching his conclusion, the CMJ also relied on the Ontario decision in *Taylor* v. *Ginoogaming*, in which discrimination in the list of beneficiaries in a First Nation Trust did not preclude its distribution. The trust in question held assets from a treaty breach

[33] *Spence v. BMO Trust Company*, 2016 ONCA 196 at paras. 67-68 and 71-75, **[Tab 14]**.

settlement in 2002, some of which were to be distributed on a *per capita* basis among the members of the Nation, determined in accordance with the membership rules in the *Indian Act* as of the settlement date. Subsequently those membership rules were found to be discriminatory in a way that had survived Bill C-31. This discrimination had resulted in the exclusion from band membership and beneficiary status of certain individuals. They later became members when the discriminatory provisions of the *Indian Act* were removed.[34]

38. The Trustees sought advice and direction on whether they should extend beneficiary status to those new members. The Court said no, effectively finding the trust could distribute based on the original beneficiary list notwithstanding it was the product of the discriminatory provisions of the *Indian Act*.[35] The static nature of the beneficiary list in *Taylor*, to which the Appellant and the SFN refer, does not alter this fundamental fact.

39. The SFN criticizes the late Chief Twinn for settling the 1985 Trust because its beneficiary definition gave rise to the possibility that beneficiaries who were then band members would lose their beneficiary status, e.g. by marrying a non-Indian or member of another Nation. They go so far as to suggest that he had used "private law tools to disenfranchise the people who elected [him] from their communal wealth."[36]

40. The SFN's repudiation of their former chief's actions is a recent development. Earlier in this litigation the SFN expressed its full support for the actions taken in 1985, stating that their purpose:" was to avoid any claim that others might make in relation to these assets after the enactment of Bill C-31" and that "it was in everyone's best interest to make sure the transfer [of assets to the 1985 Trust} took place."[37] As the CMJ noted, arguably Chief Twinn had an obligation to take steps to address this risk.

41. As for the fact that not all members of the SFN are beneficiaries of the 1985 Trust, and not all beneficiaries are members of the SFN, this is a result of the deliberate choices made in 1985. Chief Twinn settled the 1985 Trust in April 1985 for persons who would qualify as SFN members under the pre-Bill-C-31 terms of the *Indian Act* and participated in the transfer

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[34] *Taylor et al*. v. *Ginoogaming First Nation*, 2019 ONSC 0328 at para. 17-29 and 35 ("*Taylor et al.")*, **[Tab 15]**.
[35] *Taylor et al.* at para. 39, **[Tab 15]**.
[36] SFN factum at paragraph 28.
[37] Transcript of Proceedings dated August 24, 2016, page 39, lines 1-7, [REKE-OPGT Tab 2, at page 115].

of assets to it, which the SFN membership, including the Appellant, approved. Three months later, in July 1985, the SFN adopted a code for membership which was quite different from the 1985 Trust definition. Those choices made the divergence between those who are beneficiaries of the 1985 Trust and those who are members of the SFN inevitable. The OPGT submits it is unreasonable, and too late, for the Appellant and the SFN to try and reverse the effects of those decisions in these proceedings.

PART 5: RELIEF SOUGHT

42. The Respondent OPGT respectfully submits that the CMJ made no error as alleged or at all asks that the appeal herein be dismissed.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 8th day of January, 2026

Estimated time for oral submissions: 45 minutes.

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16

Authorities

1. Twinn v. Alberta (Office of the Public Guardian and Trustee), 2022 ABCA 368
2. Sawridge First Nation v. Canada, 2009 FCA 123 leave to appeal to the Supreme Court of Canada denied, 2009 CanLII 69744 (SCC)
3. 1985 Sawridge Trust v Alberta (Public Trustee), 2015 ABQB 799
4. Twinn v Alberta (Public Trustee), 2025 ABKB 507
5. *Housen v. Nikolaisen*, 2002 SCC 33
6. *Sattva Capital Corp. v. Creston Moly Corp.*, 2014 SCC 53
7. *Ross v. Canada Trust Company*, 2021 ONCA 161
8. *Hicklin Estate v Hicklin*, 2019 ABCA 136
9. Schmidt v. Air Products,1994 CanLII 104 (SCC) [1994] 2 SCR 611
10. Peace Hills Trust Company v. Canada Deposit Insurance Corporation, 2007 ABQB 364
11. Trustee Act, S.A. 2022, c. T-8.1, s. 77(1)
12. Keewatin Tribal Council Inc. v. Thompson (City), 1989 CanLII 7267 (MB KB)
13. Tallcree First Nation v Rath & Company, 2025 ABCA 360
14. Spence v. BMO Trust Company, 2016 ONCA 196
15. Taylor et al. v. Ginoogaming First Nation, 2019 ONSC 0328