

Federal Court of Appeal



Cour d'appel fédérale

Date: 20250325

Docket: A-270-24

Citation: 2025 FCA 70

**CORAM: LASKIN J.A.
ROUSSEL J.A.
PAMEL J.A.**

BETWEEN:

LAURA BIRD AND LLOYD YEW

Appellants

and

**CANADA (ATTORNEY GENERAL) AND
CANOE LAKE CREE FIRST NATION**

Respondents

Heard at Saskatoon, Saskatchewan, on March 25, 2025.
Judgment delivered from the Bench at Saskatoon, Saskatchewan, on March 25, 2025.

REASONS FOR JUDGMENT OF THE COURT BY:

ROUSSEL J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Saskatoon, Saskatchewan, on March 25, 2025).

ROUSSEL J.A.

[1] The appellants appeal a decision of the Federal Court (2024 FC 1204) dated July 29, 2024, dismissing their application for judicial review. The appellants challenge the Canoe Lake Cree First Nation Citizenship Law on the basis that it violates equality rights guaranteed by the *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act*,

1982, being Schedule B to the *Canada Act 1982* (UK), 1982, c. 11. On appeal, they argue, amongst other things, that the Federal Court erred in finding that the matter could not be brought by application for judicial review in the absence of an underlying administrative decision being challenged.

[2] Leaving aside the fact that this issue does not appear to have been properly raised with the parties, we agree with the appellants and the respondent Canoe Lake Cree First Nation that the Federal Court erred in its determination of this issue. Consequently, the appeal will be allowed, the judgment of the Federal Court will be set aside, and the matter will be returned to the Federal Court for determination on all remaining issues. In the circumstances, there will be no order for costs.

"Sylvie E. Roussel"

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET:	A-270-24
STYLE OF CAUSE:	LAURA BIRD AND LLOYD YEW v. CANADA (ATTORNEY GENERAL) AND CANOE LAKE CREE FIRST NATION
PLACE OF HEARING:	SASKATOON, SASKATCHEWAN
DATE OF HEARING:	MARCH 25, 2025
REASONS FOR JUDGMENT OF THE COURT BY:	LASKIN J.A. ROUSSEL J.A. PAMEL J.A.
DELIVERED FROM THE BENCH BY:	ROUSSEL J.A.

APPEARANCES:

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William F. Kuchapski Evan Morrow	FOR THE RESPONDENT CANADA (ATTORNEY GENERAL)
Evan Duffy	FOR THE RESPONDENT CANOE LAKE CREE FIRST NATION

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YEW

FOR THE RESPONDENT
CANADA (ATTORNEY
GENERAL)

FOR THE RESPONDENT
CANOE LAKE CREE FIRST
NATION