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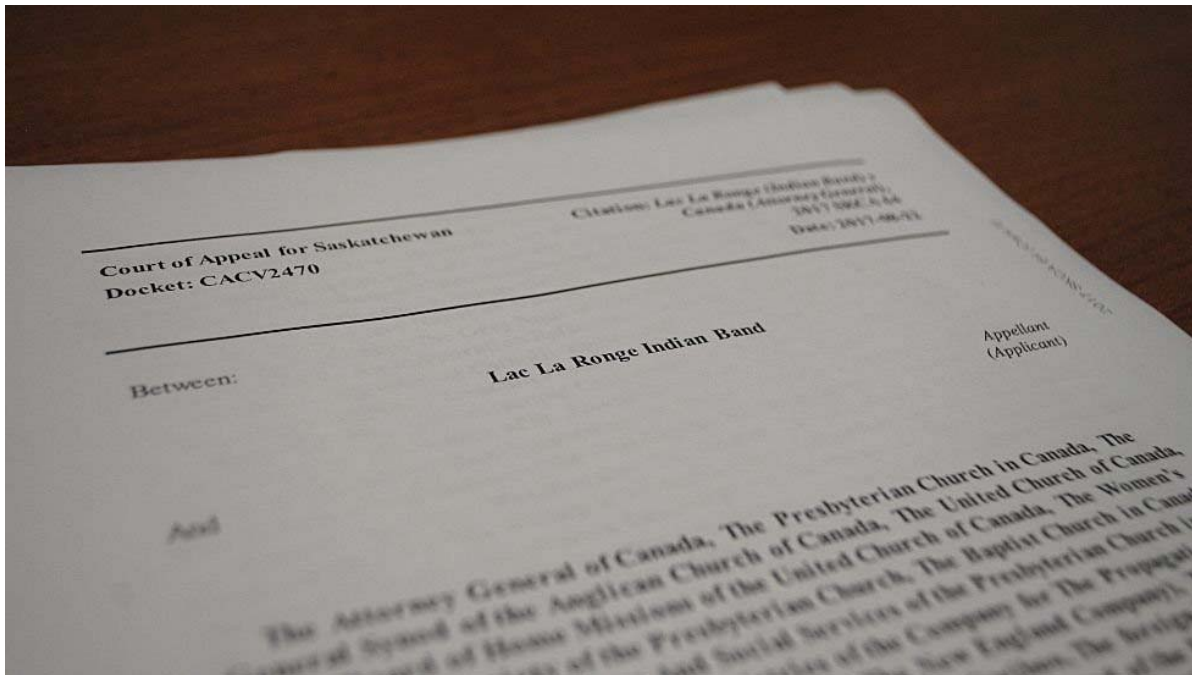


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Timber Bay Children's Home not a residential school: Appeals Court

By [Taylor MacPherson \(/author/taylor-macpherson\)](#)

September 1, 2017 - 5:00pm



Taylor MacPherson/paNOW Staff

A recent decision (<https://www.canlii.org/en/sk/skca/doc/2017/2017skca64/2017skca64.html?searchUrlHash=AAAAAQAMbGFjIGxhIHJvbmdIAAAAAE&resultIndex=1>) by the Saskatchewan Court of Appeal upheld a ruling that a children's home in Timber Bay should not be considered a residential school under

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the Indian Residential School Settlement Agreement.

The court case, between the Lac La Ronge Indian Band and the Attorney General of Canada, sought to have the Timber Bay Children's Home [recognized](http://panow.com/article/127636/lac-la-ronge-indian-band-seeks-residential-school-status-timber-bay) (<http://panow.com/article/127636/lac-la-ronge-indian-band-seeks-residential-school-status-timber-bay>) under the settlement agreement, which would have entitled those who attended the home to apply for financial compensation from the federal government. The number of children who attended varied by year, but court documents refer to the facility housing roughly 50 children annually during the school's 42-year history until its closure in 1994.

Because the children's home was a residence for young people who received their education off-site and was not operated by the Canadian government directly, a judge [denied their application](http://panow.com/article/336255/saskatoon-judge-hears-timber-bay-residential-school-claim) (<http://panow.com/article/336255/saskatoon-judge-hears-timber-bay-residential-school-claim>) to have the home recognized. The decision was upheld by the Court of Appeals late last month.

Michael Swinwood, who represented the Lac La Ronge Band during the case for the Ottawa non-profit firm Elders Without Borders, said the decision was a disappointing one.

"We're pretty disappointed," Swinwood told *paNOW*. "We believe that there definitely was enough evidence to find that Timber Bay was a residential school, but it seems that we were defeated by some pretty technical language."

Swinwood said the children who attended the Timber Bay Home, mostly from Lac La Ronge, were required to do so under the Indian Act and suffered many of the same abuses experienced at "official" residential schools. The Timber Bay Home was used to house students from the Prince Albert residential schools when they were over capacity, Swinwood said, which also suggests the facility was a residential school sanctioned by the federal government.

"There's a plethora of evidence that would point to the concept that it was a residential school," Swinwood said. "It was treated as a residential school."

A favourable decision would not have entitled everyone who attended the Timber



Bay Children's Home to automatic financial compensation, he said, but it would have allowed individual survivors to put forward their cases for consideration under the settlement agreement.

Swinwood said the only recourse left is now the Supreme Court, and he is currently in discussions with the band to determine how to proceed.

"We'll be consulting with the chief and band council, and we hope to get instructions to go forward to the Supreme Court of Canada," he said.

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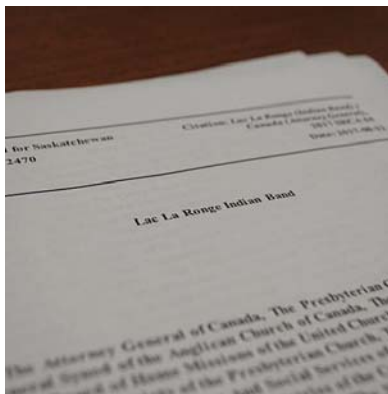
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