SUPREME COURT OF CANADA

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Case in Brief: *Saskatchewan (Environment) v. Métis Nation – Saskatchewan*

Judgment of February 28, 2025 | On appeal from the Court of Appeal for Saskatchewan

Neutral citation: 2025 SCC 4

The Supreme Court confirms that a challenge to uranium exploration permits based on Saskatchewan's alleged failure to consult may proceed.

This is a case about whether a court application brought by the Métis Nation – Saskatchewan ("MNS") against the province of Saskatchewan was an abuse of process. An abuse of process is a misuse of court proceedings in a way that is unfair to the parties or would undermine the administration of justice. Starting multiple court proceedings that concern the same issue can amount to an abuse of process.

MNS represents the Métis in Saskatchewan. For over 20 years, MNS has been engaged in a series of legal proceedings with the government of Saskatchewan.

In 1994, MNS sued Saskatchewan, asking the court to declare that it had Aboriginal title and commercial harvesting rights over certain land in the northwestern part of the province ("1994 Action"). Aboriginal title would give the holder the right to use and control the land, as well as to reap the benefits flowing from it. The action was put on hold, or "stayed", in 2005 because MNS had failed to comply with a court order requiring it to disclose certain documents.

In 2020, MNS started a different lawsuit against Saskatchewan about a policy it had adopted on Indigenous consultation. MNS asked the court to declare that Saskatchewan must consult with it when contemplating conduct that could adversely affect asserted Aboriginal title and commercial harvesting rights ("2020 Action"). This second lawsuit is ongoing.

In 2021, Saskatchewan issued three uranium exploration permits to a company. The permits applied to land in which MNS asserts Aboriginal title and rights. MNS challenged the decision to issue the permits in court because Saskatchewan refused to consult ("2021 Application"). In response, Saskatchewan asked the court to strike paragraphs in the 2021 Application that refer to the claimed Aboriginal title and commercial harvesting rights. It said that these paragraphs were an abuse of process given the 1994 Action and the 2020 Action.

The Court of King's Bench held that, because the 2021 Application raises the same issues as in the 1994 Action and the 2020 Action, it would be an abuse of process to allow the application to proceed unchanged. The court struck the relevant paragraphs. The Court of Appeal reinstated these paragraphs, concluding that the three legal proceedings did not involve the same issue. It said that allowing the 2021 Application to proceed, without striking out these paragraphs, did not give rise to an abuse of process.

Saskatchewan appealed to the Supreme Court. The Supreme Court has dismissed the appeal.

There was no abuse of process, despite the existence of other related lawsuits.

Writing for a unanimous Court, Justice Rowe said that in the circumstances of this case, there is no abuse of process relating to the 2021 Application, whether with regard to the 1994 Action or the 2020 Action. He added that abuse of process is possible in proceedings involving Indigenous litigants, as it is for others. However, the unique context of litigation to vindicate Aboriginal rights must always be borne in mind, both as to whether an abuse of process exists and, if so, what order would be appropriate. Court procedures should facilitate, not impede, the just resolution of Aboriginal claims.

Breakdown of the decision: ***Unanimous***: Justice Rowe dismissed the appeal (Chief Justice Wagner and Justices Karakatsanis, Côté, Martin, Kasirer, Jamal, O'Bonsawin and Moreau agreed)

More information: Decision | Case information

Lower court rulings: Application (Saskatchewan Court of King's Bench) | Appeal (Court of Appeal for Saskatchewan)

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