# First Nation May Not Ignore Court Order: “The rule of law applies to all Canadians”

In a brief, unanimous decision released April 9, 2009, the Alberta Court of Appeal has upheld an order of contempt of court against the Tsuu T’ina First Nation.[1] The contempt order was issued by the Alberta Court of Queen’s Bench on November 7, 2008. The First Nation had breached court orders to continue providing water service and utilities to several occupied buildings on its reserve near Calgary, until their dispute was resolved.[2]

Tsuu T’ina argued that “its status as an Aboriginal First Nation entitles it to deference in its decisions, or provides some latitude with respect to its obligation to respect court orders.” The Court of Appeal disagreed that a judge should defer to either side in cases like this. It affirmed that “the rule of law applies to all Canadians, and the obligation to respect court orders is universal.”[3]

The decision arose from a continuing dispute over buildings the First Nation wants to demolish. The buildings were occupied by elders whose residency on the reserve is not recognized by the Tsuu T’ina Nation, so they were not offered alternate housing when the buildings were slated for demolition.[4]

**Further Reading**

Terry Romaniuk, “Update: Aboriginal Water Rights – Clarified or Muddied” Centre for Constitutional Studies (19 October 2008).

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[1] “Tsuu T’ina not above law: court” *Calgary Herald* (10 April 2009).
[2] CTV News, “Tsuu T’ina nation in contempt of court” (7 November 2008).
[3] *Tsuu T’ina Nation v. Frasier*, 2009 ABCA 140 at para. 7.
[4] *Supra* note 2.