



Chief and Council  
Wabauskang First Nation  
131 Main Street  
Wabauskang 21, ON P0V 2K0

Via email: [reception@wabauskangfirstnation.ca](mailto:reception@wabauskangfirstnation.ca)

13 February 2026

Dear Chief and Council:

**RE: Banishment of Douglas Riffel**

We have been retained by Douglas Riffel in the matter of his banishment by Band Council Resolution (“BCR”) from Wabauskang First Nation (“WFN”) territory. We write to inform you that this banishment order is unlawful and unconstitutional, and request that you rescind it immediately.

**BACKGROUND**

Mr. Riffel is a multiple-term former chief and council member of WFN. He owns and operates a successful manufacturing business located just outside of WFN territory. He is a community leader and family man, with six devoted children.

Mr. Riffel’s marriage tragically broke down in 2023, and allegations made by his ex-wife after their separation form the basis of criminal charges against him, trial for which remains pending. As Chief and Council (C&C) are undoubtedly aware, Mr. Riffel is constitutionally entitled to be presumed innocent of these charges unless proven otherwise in a court of law. As government, C&C are obligated by section 11(d) of the *Canadian Charter of Rights and Freedoms* to respect the presumption that Mr. Riffel is innocent.

On 24 June 2025, ten months after Mr. Riffel was charged, WFN C&C passed a BCR prohibiting Mr. Riffel from entering WFN territory indefinitely. This was framed as a public safety measure in light of the charges against Mr. Riffel, despite Mr. Riffel’s right to be presumed innocent. Furthermore, Mr. Riffel has been free on recognizance without incident for the ten months since the charges had been laid, and his ex-wife was living 90 km away from WFN at the time the BCR was passed.

The BCR does not rely on any duly enacted bylaw. WFN has enacted no bylaw for which banishment is provided as a punishment for contravention.

**A BCR WITHOUT A BYLAW IS UNENFORCEABLE**

Like any state-imposed punishment, banishment from a First Nation must be grounded in statutory authority. Mr. Riffel’s banishment was not imposed pursuant to conviction of an

offence under any bylaw passed by WFN under section 81 of the *Indian Act*. Rather, C&C appear to have taken the decision on their own initiative to banish Mr. Riffel in the name of the “safety, well-being and harmony of its community members”.

A First Nation band council cannot simply banish band members at will. The law is clear that a BCR is not the same as a bylaw, and they do not wield the same authority. A BCR in the absence of a supporting, duly-enacted bylaw does not carry the authority of the *Indian Act*, and is unenforceable.<sup>1</sup>

## **THE BANISHMENT WAS PROCEDURALLY UNFAIR**

When a person’s rights are affected by the decision of a public body, that person is entitled, at a minimum, to be given prior notice and a chance to be heard before the decision is finalized. Given the serious nature of the particular decision at issue, and its importance and detriment to Mr. Riffel, C&C owed him a high degree of procedural fairness before making the decision to banish him.<sup>2</sup>

We understand that Mr. Riffel did not receive any prior notice or hearing whatsoever before C&C made the decision to banish him. The failure to give prior notice and a hearing is fatal to the validity of a decision.<sup>3</sup> This also a violation of the principles of fundamental justice, as discussed further below.

## **THE BANISHMENT IS UNCONSTITUTIONAL**

All government actors, including First Nation band councils are bound by the *Canadian Charter of Rights and Freedoms*. Section 7 of the *Charter* provides that everyone has the right to life, liberty and security of the person, and not to be deprived thereof except in accordance with the principles of fundamental justice.

Mr. Riffel has been barred from entering WFN territory since June 2025, including all administrative and cultural sites. He has been cut off from the life of his community, and prevented from exercising the treaty and other Aboriginal rights that are his birthright and his heritage. This has caused extraordinary psychological harm to Mr. Riffel, and impaired his security of the person. The deprivation of his liberty is obvious. C&C’s actions against Mr. Riffel are arbitrary, grossly disproportionate, and procedurally unfair, all of which is to say that the deprivation of Mr. Riffel’s section 7 rights are fundamentally unjust.

As such, the banishment order is a violation of section 7 of the *Charter*, and is unconstitutional.

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<sup>1</sup> *Gamblin v Norway House Cree Nation Band*, [2001] 2 CNLR 57 at paras 53, 58.

<sup>2</sup> *Baker v Canada (Minister of Citizenship and Immigration)*, [1999] 2 SCR 817 at paras 21-28.

<sup>3</sup> *Cardinal v Director of Kent Institution*, [1985] 2 SCR 643 at 661.

## CONCLUSION

Like any other level of government in Canada, First Nation band councils are constrained by the rule of law and the constitution. WFN's banishment of Mr. Riffel is illegal, unenforceable, procedurally unfair, and unconstitutional.

We therefore request that you rescind the banishment order against Mr. Riffel immediately. Please provide confirmation that Mr. Riffel's banishment is rescinded no later than February 20, 2026.

Failure to do so may result in legal action against you without further notice.

Sincerely,



Marty Moore, J.D.



Philip Dunlop, B.A., M.A., J.D. (Student-at-Law)

cc: Douglas Riffel