



## HUU-AY-AHT TRIBUNAL NOTICE OF RESPONSE RESPONSE OF ADMINISTRATIVE DECISION MAKER

# FORM B1

NOTES: This form is to be used for a Response by or on behalf of an administrative decision maker responding to an Application.

If there is not sufficient space on this form for any of the information required, you may attach a schedule and reference it in the space provided. You may also attach documents if necessary.

Responses must be filed with the Tribunal within 14 days of service of the Notice of Application.

### APPLICATION RESPONDED TO

This is a Response to Application # **2014-001**

**RESPONSE TO GROUNDS** Briefly set out your position on the Grounds for Appeal advanced in the application, including any relevant additional facts.

1. The expenditure at issue was in the amount of \$18,052.50 and was authorized by resolution of Executive Council on June 28, 2013 in accordance with the requirements of the *Financial Administration Act*.
2. The relevance of *Government Act*, s. 56 to the Application is unclear.

**RESPONSE TO RELIEF SOUGHT** Set out your position on the relief sought in the Application.

The Respondent objects to all relief sought on the following bases:

1. The time limit to appeal the decision to authorize entering into a contract with Anita Wolfe has expired and the Applicant has presented no information with respect to special circumstances to justify an extension (*Tribunal Act*, s.21).
2. To the extent that the appeal is in respect of the Respondent's alleged failure to adhere to the requirements of the *Purchasing Policy Regulation*, it is Executive Council, as the Respondent's employer, and not the tribunal who is responsible for investigating and considering what, if any, disciplinary action should be taken in relation to any alleged contravention (*Financial Administration Act*, s. 86(2); *Code of Conduct and Conflict of Interest Act*, s. 14, 23, 30).
3. To the extent that the appeal is in respect of the decision to expend funds and enter into a contract with Anita Wolfe, this was not a decision of the Respondent, but a lawfully made decision of Executive Council, which as a public officer, the Applicant has an obligation to uphold (*Code of Conduct and Conflict of Interest Act*, s. 4(1)(c)).


Executive Council's decision not to extend the Respondent's probationary period is not relevant to the relief sought.

**THIS FORM HAS TWO SIDES  
YOU MUST COMPLETE BOTH**



HUU-AY-AHT TRIBUNAL NOTICE OF RESPONSE  
RESPONSE OF ADMINISTRATIVE DECISION MAKER

**FORM B1**

RESPONDENT		
<u>Edwards</u>	<u>James</u>	<u>Executive Director</u>
LAST NAME	GIVEN NAME(S)	POSITION
_____	_____	_____
<u>MAILING ADDRESS</u>	<u>CITY/TOWN</u>	<u>POSTAL CODE</u>
_____	_____	_____
<u>PHONE</u>	<u>FAX</u>	<u>EMAIL ADDRESS</u>
_____	_____	_____
RESPONDENT'S AGENT <small>To be completed only if an agent will be acting on behalf of the Respondent.</small>		
<u>Skeels</u>	<u>Melinda</u>	
LAST NAME	GIVEN NAME(S)	
_____	_____	
<u>Suite 500 – 221 West Esplanade</u>	<u>North Vancouver</u>	<u>V7M 3J3</u>
MAILING ADDRESS	CITY/TOWN	POSTAL CODE
_____	_____	_____
<u>(604) 988-5201</u>	<u>(604) 988-1452</u>	<u><a href="mailto:mskeels@ratcliff.com">mskeels@ratcliff.com</a></u> <u><a href="mailto:ccraighead@ratcliff.com">ccraighead@ratcliff.com</a></u>
PHONE	FAX	EMAIL ADDRESS
_____	_____	_____
ADDRESS FOR DELIVERY <small>This will be used to deliver any notices in relation to the Application. Note: the Tribunal's preferred means of communication is through email.</small>		
<b>CHECK ONE:</b> <input type="checkbox"/> Applicant's Email <input type="checkbox"/> Applicant's Fax <input type="checkbox"/> Applicant's Mailing Address <input checked="" type="checkbox"/> Agent's Email <input type="checkbox"/> Agent's Fax <input type="checkbox"/> Agent's Mailing Address <input type="checkbox"/> Use Email or Fax or Address <b>provided in space below:</b>		
SIGNATURE <small>This notice must be signed by the Respondent or Respondent's agent.</small>		
_____		
FIRST AND LAST NAMES OF PERSON SIGNING		
_____		
<u>January 22, 2014</u>		
DATE	SIGNATURE	
_____	_____	
<b>For Office Use Only</b>	Date Received:	<u>January 22, 2014</u>

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