



## 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 # **2014-002**

### RESPONSE TO GROUNDS

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

1. The options agreement at issue was approved by an *in camera* motion of Executive Council, made on August 27, 2013.
2. With respect to the potential land acquisition from Island Timberlands: the land at issue is property that the HUU-ay-aht have been interested in acquiring for some time. A potential sale was discussed a number of years ago, however the asking price at that time was considered too high. The Chief Councillor and Respondent have recently made initial inquiries to see if the owner might be interested in entering into negotiations around selling the property but matters have not advanced to a point where any Executive Council direction is required. This matter has been reported on and discussed during *in camera* portions of Executive Council meetings.
3. Executive Council has considered the matter of whether the Respondent has done anything improper in respect of the subject matter of this Application and determined that no disciplinary action is necessary or appropriate.
4. 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.

See attached Schedule "A".

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

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

**FORM B1**

**RESPONDENT**

<b>Edwards</b>	<b>James</b>	<b>Executive Director</b>
LAST NAME	GIVEN NAME(S)	POSITION
MAILING ADDRESS	CITY/TOWN	POSTAL CODE
PHONE	FAX	EMAIL ADDRESS

**RESPONDENT'S AGENT** To be completed only if an agent will be acting on behalf of the Respondent.

<b>Skeels</b>	<b>Melinda</b>	
LAST NAME	GIVEN NAME(S)	
<b>Suite 500 – 221 West Esplanade</b>	<b>North Vancouver</b>	<b>V7M 3J3</b>
MAILING ADDRESS	CITY/TOWN	POSTAL CODE
<b>(604) 988-5201</b>	<b>(604) 988-1452</b>	<a href="mailto:mskeels@ratcliff.com">mskeels@ratcliff.com</a> <a href="mailto:ccraighead@ratcliff.com">ccraighead@ratcliff.com</a>
PHONE	FAX	EMAIL ADDRESS

**ADDRESS FOR DELIVERY** This will be used to deliver any notices in relation to the Application.  
**Note: the Tribunal's preferred means of communication is through email.**

**CHECK ONE:**  Applicant's Email  Applicant's Fax  Applicant's Mailing Address  
 Agent's Email  Agent's Fax  Agent's Mailing Address  Use Email or Fax or Address **provided in space below:**

**SIGNATURE** This notice must be signed by the Respondent or Respondent's agent.

FIRST AND LAST NAMES OF PERSON SIGNING

January 22, 2014

DATE SIGNATURE

**For Office Use Only** Date Received: **January 22, 2014**



## SCHEDULE "A"

To: Form B1 – Response to Application # 2014-002

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

1. With respect to the decision to authorize the purchase of the mineral options:
  - a) the time limit has expired and the Applicant has presented no information with respect to special circumstances to justify an extension (*Tribunal Act*, s. 21);
  - b) further, the decision was a lawfully made decision of Executive Council which the Applicant has a duty to uphold (*Code of Conduct and Conflict of Interest Act*, s. 4(1)(c)), and not a decision of the Respondent.
2. With respect to the preliminary discussions that have been engaged in regarding the potential purchase of land from Island Timberlands:
  - a) no decision has been made by the Respondent that may be varied or set aside under s. 23 of the *Tribunal Act*;
  - b) in the alternative, to the extent that the Respondent may be said to have made a decision, it was properly made within the scope of his lawful authority;
  - c) in any event Executive Council – to which the Respondent is answerable in the exercise of his powers, duties and functions (*Financial Administration Act*, s. 86(2)) – has considered the matter and determined that no disciplinary action is necessary or appropriate in the circumstances.