



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 the Amended Response to Application # **2014-007**

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

1. The Respondent has complied with the requirements of the *Government Act*, s. 55(2) by reporting on the matter to Executive Council. Executive Council then passed a resolution extending the deadline to February 28, 2014.
2. Executive Council has considered the matter and determined that no disciplinary action against the Respondent is necessary or appropriate.
3. The Executive Director is in the process of implementing the directions of Executive Council given in the resolution at issue.

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 at issue has expired and the Applicant has presented no information with respect to special circumstances to justify an extension.
2. Further, to the extent that the decision appealed from was the decision in September 2013 to amend the resolution, it was not a decision of the Respondent, but of Executive Council. The Applicant, as a public officer, has an obligation to uphold this lawful decision of Executive Council (*Code of Conduct and Conflict of Interest Act*, s. 4(1)(c)).
3. Further, to the extent it is alleged the Respondent failed to comply with the requirements of *Government Act*, s. 55(2), it is Executive Council, as the Respondent's employer and not the tribunal to which the Respondent is answerable (*Financial Administration Act*, s. 86(2)). Executive Council has determined no disciplinary action is necessary or appropriate.
4. To the extent that the Applicant is seeking relief based on the progress on implementing the directions of Executive Council as of February 6, 2104, that aspect of the Application and any relief flowing therefrom is premature.

**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

Edwards	James	Executive Director
_____	_____	_____
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.

Skeels	Melinda	
_____	_____	
LAST NAME	GIVEN NAME(S)	
Suite 500 – 221 West Esplanade	North Vancouver	V7M 3J3
_____	_____	_____
MAILING ADDRESS	CITY/TOWN	POSTAL CODE
(604) 988-5201	(604) 988-1452	mskeels@ratcliff.com
_____	_____	ccraighead@ratcliff.com
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: _____