



## 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 Further Amended Response to Application # 2013-004.

### RESPONSE TO GROUNDS

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

1. It is agreed that the Law Clerk is responsible for ensuring the accurate preparation of motions, resolutions, minutes and other records of government proceedings (*Government Act, s. 104(i)*).

#### Additional Facts:

2. Only two documents with inaccuracies particularized by the Applicant were created during the time that the Respondent held the position of Law Clerk. In both instances, the errors at issue are inadvertencies that are plain and obvious on the face of the document and do not affect the substantive content of the document.
3. The HUU-ay-aht administration is in the process of hiring for a new position that would have responsibility for record-keeping.

### RESPONSE TO RELIEF SOUGHT

Set out your position on the relief sought in the Application.

The Respondents object to the granting of the relief sought on the following bases:

1. Declaratory relief is not an appropriate remedy as: there is no justiciable issue to be tried; no right or interest of the Applicant that is affected by the impugned decision is raised in the factual situation; and the declaration sought would be of no practical value. The Respondent acknowledges the legal obligation to prepare and maintain accurate records of government proceedings makes best efforts to do so and is in the process of hiring an additional staff person to help with these duties.
2. The most recent of the inaccuracies particularized by the Applicant were on a document created on June 4, 2014. The time limit for an appeal of this type is 60 days. The reasons for the late filing provided by the Applicant do not constitute special circumstances that would warrant granting an extension of time of over three months for the submission of a notice of appeal.

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



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

**FORM B1**

**RESPONDENT**

**Huu-ay-aht First Nation Executive Council; and  
Executive Director/Law Clerk, James Edwards**

_____	_____	_____
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.

**Melinda Skeels**

\_\_\_\_\_

FIRST AND LAST NAMES OF PERSON SIGNING

March 31, 2014

\_\_\_\_\_

DATE



\_\_\_\_\_

SIGNATURE

**For Office Use Only** Date Received: \_\_\_\_\_

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YOU MUST COMPLETE BOTH**