



## 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 # **2014-001**

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

1. The Executive Director did not sign the contract at issue until after receiving Executive Council approval at the June 28, 2013 Executive Council meeting. However, when he did sign it was a backdated contract, because it was a term of the contract that the consultant would not be able to bill for services rendered prior to entering into the contract and she started work on June 25, 2013, the date on which she signed the contract.

**Additional Facts:**

2. Anita Wolfe had been selected to perform the services that are the subject of this Application prior to when the Respondent took on the role of Executive Director. The Respondent did not look behind the selection process when he took on the role of Executive Director and did not confirm whether the *Purchasing Policy Regulation* had been followed in selecting Ms. Wolfe to conduct the training.

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

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

1. Declaratory relief is not appropriate in the circumstances as the Applicant has other statutory means at her disposal to address the issues raised in this Application. 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 the alleged contraventions (*Financial Administration Act*, s. 86(2); *Code of Conduct and Conflict of Interest Act*, s. 14, 23, 30). As a member of Executive Council, the Applicant could and should have raised the subject matter of this Application with Executive Council, not before the tribunal.
2. Further, declaratory relief is not appropriate as no right of the Applicant is put at issue in the Application.
3. The Application was filed over five months after the decision at issue was made. 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**

<b>RESPONDENT</b>		
<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
<b>RESPONDENT'S AGENT</b> 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
<b>ADDRESS FOR DELIVERY</b> This will be used to deliver any notices in relation to the Application. <b>Note: the Tribunal's preferred means of communication is through email.</b>		
<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>		
<b>SIGNATURE</b> This notice must be signed by the Respondent or Respondent's agent.		
Melinda Skeels		
_____ FIRST AND LAST NAMES OF PERSON SIGNING		
January 22, 2014 Amended April 2, 2014		
_____ DATE	_____ SIGNATURE	
<b>For Office Use Only</b> Date Received: _____		

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