



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 Amended Response to Application # 2014-005	
RESPONSE TO GROUNDS	Briefly set out your position on the Grounds for Appeal advanced in the application, including any relevant additional facts.
<ol style="list-style-type: none">1. In the fall of 2012, MNP conducted a budget and accounts review of HDC and the Respondent understood HDC had received good value in the project.2. Executive Council considered the matter of whether the Respondent had failed to comply with the requirements of the <i>Financial Administration Act</i> or the <i>Purchasing Policy Regulation</i> by authorizing the expenditure at issue and determined that no disciplinary action against the Respondent was necessary or appropriate.	
RESPONSE TO RELIEF SOUGHT	Set out your position on the relief sought in the Application.
<p>The Respondent objects to the granting of the relief sought on the following bases:</p> <ol style="list-style-type: none">1. The expenditure at issue was lawful as the requirements of s. 4(1)(b) of the <i>Purchasing Policy Regulation</i> did not apply (<i>Purchasing Policy Regulation</i>, s. 5(b)).2. Further and in the alternative, 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 (<i>Financial Administration Act</i>, s. 86(2)). Executive Council's decision that no disciplinary action is necessary or warranted is a lawful decision of Executive Council, which the Applicant, as a member of Government, has a duty to uphold (<i>Code of Conduct and Conflict of Interest Act</i>, s. 4(1)(c)). This Application is an impermissible collateral attack on that lawful decision.	

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



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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
_____ PHONE	_____ FAX	ccraighead@ratcliff.com _____ 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: <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 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 Amended April 2, 2014		
_____ DATE	_____ SIGNATURE	
For Office Use Only	Date Received: _____	

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