



**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 an Amended Response to Application # **2014-006**

**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 chose Ms. Stern on the basis that she was the only supplier in a position to provide the particular services that were the subject of the written agreement at issue.
2. Executive Council considered the matter of whether the Respondent had failed to comply with the requirements of the *Financial Administration Act* or the *Purchasing Policy Regulation* by authorizing the expenditure 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.

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

1. The expenditure at issue was lawful as the requirements of s. 4(1)(b) of the *Purchasing Policy Regulation* did not apply (*Purchasing Policy Regulation*, s. 5(c)).
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 (*Financial Administration Act*, 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 (*Code of Conduct and Conflict of Interest Act*, 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**

<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  
Amended April 2, 2014

\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
SIGNATURE

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

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