

PUBLIC HEALTH APPEAL BOARD

IN THE MATTER OF THE *PUBLIC HEALTH ACT*
CHAPTER P-37, R.S.A. 2000
AND THE REGULATIONS

AND IN THE MATTER OF THE APPEAL OF GILLES CARON
OF THE ORDER OF AN EXECUTIVE OFFICER ISSUED BY
ALBERTA HEALTH SERVICES ZONE 4
DATED DECEMBER 6, 2017

DECISION OF THE BOARD

Hearing Date

February 26, 2018

NOT PRESENT:

Gilles Caron, (the "Owner/Appellant")

PRESENT:

Wendy Lickacz, Acting Chair of the Board
Linda Klein, Board Member
David Rolfe, Board Member

Claire Laskin, (Interpreter)

Linda Svob, Legal Counsel, Alberta Health Services (the "Respondent")
Lena Parker, Environmental Health Officer
Meaghen Allen, Environmental Health Officer
Ingrid Bohac, Environmental Health Officer

Lori Fawcett, Public Health Appeal Board Secretariat

DECISION:

[1] The Board determined that it would deem this appeal as withdrawn by the Appellant, in light of the Appellant's refusal to attend the hearing directed by the Board.

BACKGROUND:

[2] On February 13, 2018, the Appellant, Respondent and the occupants of 12022-40 Street, Edmonton, AB, T5W 2L3, received written notification confirming that the Public Health Appeal Board had scheduled a public hearing respecting the Notice of Appeal filed by Gilles Caron (the "Hearing"). The Hearing was scheduled to be held on Monday, February 26, 2018, commencing at 10:00 a.m. The Hearing location was designated as the Meeting Room on the Concourse Level, ATB Place North, 10025-Jasper Avenue, Edmonton.

[3] On February 16, 2018, commencing at 2:00 p.m., the Appellant brought an application for a stay of the Order of an Executive Officer that is the subject of this appeal. That stay application was heard by the Acting Vice-Chair by way of teleconference. The Appellant made no mention of a desire to have the Hearing heard similarly by way of teleconference.

[4] The Appellant, at approximately 9:06 a.m. on February 26, 2018, sent an email to the Public Health Appeal Board (the "Board") Secretariat advising that he was unwilling to attend in person and requested the Hearing be held by teleconference.

[5] Appeal hearings before the Board are generally conducted in person by all parties. The Board may exercise its discretion and permit alternative appearances when the party requesting such provides reasonable notice and grounds for the request. The Appellant did not provide any reasonable grounds for the late request for an appearance by teleconference and the Board determined that the matters on appeal required the personal attendance of all parties to the appeal. The Board adjourned the Hearing until 11:00 a.m. on February 26, 2018, to allow the Appellant to attend in person.

[6] The Secretariat spoke to the Respondent and asked if AHS had any objections to adjourn the Hearing until 11:00 a.m. on February 26, 2018, to allow the Appellant the option to attend the hearing in person or schedule another mutually agreed upon date. AHS did not object.

[7] The Secretariat, in the presence of the contracted interpreter, contacted the Appellant by telephone and offered to adjourn the hearing until 11:00 a.m. on February 26, 2018, or to find another mutually available date to conduct the Hearing in person.

[8] The Appellant advised the Secretariat and Interpreter that he was not interested in attending either the Hearing, or any other hearing in person.

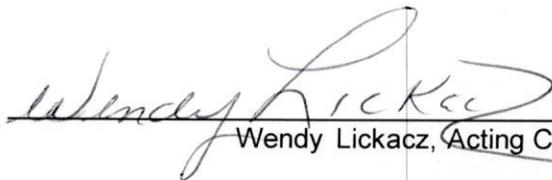
[9] Following this exchange, the Secretariat again contacted the Appellant by phone however, only received the Appellant's voice messaging. The Secretariat reiterated that the Board would adjourn the Hearing until 11:00 a.m. or the Appellant could provide an alternative date to reschedule the Hearing.

[10] The Board members and Respondent representatives were all present at 11:00 a.m.

on February 26, 2018, at the designated location for the Hearing. The Appellant did not appear.

[11] Given the Appellant's refusal to attend the Hearing, the Board concludes the Appellant has withdrawn his appeal. The Secretariat is accordingly directed to close the Board's file on this matter.

Per:


Wendy Lickacz, Acting Chair

Date: February 27, 2018