



[4] In the alternative, the HPO submits that there are no special circumstances excusing the late filing of the Appellant's Appeal with the Board.

### **Issue**

[5] Are there special circumstances that permit the late filing of the Appellant's Appeal of the Registrar's Decision of March 1, 2012?

### **Decision**

[6] What this decision boils down to is whether the Appellant's stated inability to determine how to file the Appeal amounts to "special circumstances" that would permit the late filing of the Appeal pursuant to the Board's rules of Practice and Procedure. In this regard, I note that a full three weeks prior to finally filing the Appeal, the Appellant was able to have her agent contact the HPO to discuss the Appeal. Accordingly, it is clear that the Appellant was aware of the issue by at least May 30, 2012. I also note that the evidence before the Board indicates that on May 30, 2012, the Appellant's agent was advised of the applicable appeal deadlines. Nevertheless, the Appeal was not filed until June 20, 2012.

[7] While it is unfortunate that the Appellant was unable to file her Appeal on time, an inability to file on time without further explanation is insufficient to amount to "special circumstances." Accordingly, the Appellant's Appeal of the Registrar's Decision of March 1, 2012 is dismissed.

[8] As indicated in my earlier preliminary decision, I have found that the Board has jurisdiction to hear an Appeal of the Compliance Order and I have directed that the parties attend a second Appeal Management Conference in this regard. Any matters concerning the Appeal of the Compliance Order that either party may have may be raised and addressed at this Appeal Management Conference.



Emily C. Drown, Vice-Chair