



Ontario Sailing Appeal # OS2010-01

T-Bone vs Between The Sheets

A protest and a request for redress and for a reopening were delivered to the national authority (CYA) by the protest committee coordinator at Bronte Harbour Yacht Club (BHYC). The CYA received these documents and delegated the matter to the provincial association appeals committee for a decision.

Rule 70, Appeals and Requests to a National Authority

Only a party to a hearing may appeal a protest committee's decision. Only a protest committee may request confirmation or correction of its decision.

Summary

1. There was a hearing on 20 May 2010 as a result of an incident at BHYC between T-Bone and Between The Sheets on 18 May 2010.
2. The protest committee found the protest by T-Bone to be invalid.
3. On 30 May 2010, T-Bone prepared a request for redress and a request to reopen the hearing of 20 May 2010. These requests were received by the RC Sail on 31 May 2010.
4. The requests were received by the protest committee coordinator on 1 June 2010 and then delivered to the CYA on 3 June 2010
5. The protest committee is not requesting a confirmation or correction of its decision.

Decision of the appeals committee

The request for redress and for a reopening received by BHYC is not an appeal. In addition, the CYA is the only authority in Canada that can receive an appeal from a party. CYA member clubs may not receive and deliver appeals on behalf of a party.

The protest committee coordinator is not a party to the protest and may not appeal the protest committee's decision. He is not a member of the protest committee that found the protest invalid and may not request confirmation or correction of that decision.

There is neither an appeal nor a request for confirmation or correction to be decided.

28 June 2010

OS Appeals Committee:

Ms. Kathy Dyer, IJ, Chairman
Ms. Wendy Loat, RJ
Mr. Alex McAuley, IJ
Ms. Janet McDougall, NJ
Mr. Robert Stewart, NJ
Mr. Peter Wood, NJ