

TAX BYLAW LEGAL CHALLENGE COSTS

BULYEA, SK.—After 4 months, termination of the administrator, a government inspection, ignoring a legal challenge from a large group of ratepayers on 2018 tax notices, installation of a government appointed Supervisor to oversee Council activities, five, day-long, secret meetings on the budget and the Minister’s approval of new division boundaries, RM of McKillop Council FINALLY mailed 2018 tax notices. Most ratepayers began receiving the notices the week of December 17th. Due date for payment of 2018 RM taxes was December 31st.

On December 20th Deron Kuski, MLT Aikins, represented over 400 ratepayers in Court arguing for an award of costs from the RM Council. We requested the Court to order the RM to pay costs as the legal challenge brought was for the benefit of all ratepayers in the RM, even though only 400 of them participated and paid for the legal action to secure the lower and more fairly distributed taxes. After ignoring our Court application, requesting 2 adjournments and refusing to accept any of our offers to settle (while not providing any counter-proposals), RM Council on December 10th voted in a public meeting to defend the position of the RM in Court and request the RM be awarded costs from the ratepayers who mounted the legal challenge. On December 28th Judge Keene’s decision awarded the RPA & Devon Hack \$1,500 in tariff costs.

The awarding of tariff costs is a moral victory for the legal challenge participants, and is recognition that Council was in the wrong. Evidence shows that RM Council ignored ratepayers concerns about the illegal and outrageous August 2018 tax hikes. If ratepayers hadn’t legally challenged the RM Council nothing would have changed and residential property owners would have remained the primary target of the tax hikes.

The Court of Queen’s Bench Judge affirmed ratepayers efforts with an award of tariff costs. The RM Council received nothing.

46 Sleeps to a New Council!

Now that the legal challenge of the 2018 tax mess is behind us let’s not forget that GOOD GOVERNANCE by our publicly elected Council would never have created this tax nightmare in the first place. **VOTE for a NEW, IMPROVED RM Council in the NEW, IMPROVED electoral boundary divisions in February 2019.**

RPA would like to take this opportunity to thank all the ratepayers who contributed to the legal challenge because the litigation was for the greater good of ALL ratepayers.

RPA & Devon Hack RM 220 Tax Bylaw Legal Challenge COSTS

MLT Aikins Invoices¹

October 15 th , 2018	\$19,715.38
December 16 th , 2018	+ \$41,070.00
	\$60,785.38

Sources of Payment to MLT Aikins

Money Collected from Ratepayers ²	- \$48,600.00
Court Award of Tariff Costs	- \$1,500.00
MLT Aikins Pro Bono Legal Services ³	- \$10,685.38
	\$00.00

Did Legal Challenge Make A Difference?

RM Council Tax Revenue Budget Before Legal Challenge August 13 th , 2018	\$3,458,974
RM Council Tax Revenue Budget After Council Requests 2 nd Adjournment of Legal Challenge in Court November 23 rd , 2018	\$2,123,705
Reduction in RM Tax Revenue	\$1,335,269

Was it worth ~\$61,000 to save over \$1.3 Million in Tax Revenue for ALL RM 220 Ratepayers?

1. Devon Hack contacts MLT Aikins on August 10th regarding tax bylaws. August 22nd RPA is asked to join the legal challenge to quash the tax bylaws. All legal briefs and MLT Aikins invoices are posted on the RPA website (Link provided below). Three MLT lawyers (Kuski, Alishahi & Pushor) attended Court on November 13th and December 20th representing ratepayers involved in the case. MLT Aikins’ invoices cover costs August 10th - November 30th, 2018.
2. Monies were collected from September 21st to November 15th via cheque, e-transfer and the RPA Go Fund Me page. The majority of ratepayers contributed \$250 but several ratepayers declared financial hardship and contributed less. Over 200 households participated in the legal challenge (assuming 2 people per household) therefore ~400 ratepayers were involved. Specific demographic data on participants was not obtained if an e-transfer was made or participants did not submit their August 2018 tax notice or personal data with their cheques.
3. With the RM Council stalling on Court attendance by requesting adjournments for November 1st and 13th (without Council resolution) costs for the legal challenge rose above the monies collected. MLT Aikins did not want to abandon the case and offered to contribute pro bono legal services (professional work donated for the public good) on behalf of the ratepayers involved.

January 13, 2018

The Rural Municipality of McKillop No. 220 lies along the east shore of Last Mountain Lake, north of Lumsden. There are 732 permanent residents and approximately 2,000 ratepayers in the RM. The RM 220 RPA is a citizen’s group dedicated to ensuring fair taxes, minimizing waste, reducing spending, and holding RM Council accountable.

If you have any questions or can help please contact us at rm220rpa@gmail.com, www.rpa220.ca or visit us on Facebook