

The TLWI Position on the Intended transfer of Municipal authority of Sub-divisions 13&14 of NW26-52-19w3 from the RM of Mervin to the RM of Parkdale

September 2, 2020

The August 21, 2020 public notice issued by the RM of Parkdale announced their intention to extend its municipal authority to properties **Sub-divisions 13&14 of NW26-52-19w3** located completely within the boundaries of the RM of Mervin. The Turtle Lake Watershed (TLWI) is familiar with 102028202 SK LTD. (aka "Breakwater Development") as it had made two applications to the RM of Mervin #499, in 2018 and again in 2019, to develop the lakeside property. The TLWI, after reviewing both 2018 and 2019 development proposals, made a submission to the RM, requesting denial of approval. The TLWI submission, argued that the development would put Turtle Lake at risk of irreversible ecological damage. Ecological damage that would affect the entire lake, its surrounding area, and would not be confined to lines or borders drawn on a map! The TLWI, when it has a copy 102028202 SK Ltd's "**Breakwater**", 2020 development plan, will after review will decide to publicly either support or oppose.

To View the July 31, 2019 TLWI "Breakwater" submission to the RM of Mervin-ClickHere.

The TLWI will petition the *Municipal Boundary Committee of the Sask Municipal Board* to **not allow** the transfer of municipal authority for the property(s) of one owner from one municipality to another for following reason

- 1) Allowance could and likely would render municipal government in Saskatchewan to be ineffective, inefficient, corrupt and irrelevant. It could and likely would establish a "Wild West" on the shores of Turtle Lake and surrounding area of unregulated, uncontrolled development! Consider this.....
 - a) Allowance would establish a precedent and eventually result in the establishment of a patchwork of titled properties, within the boundaries of each of Saskatchewan's 744 municipalities, each under the municipal authority of a different Saskatchewan municipality outside of the established municipal boundaries. Each titled property could or would be subject to the regulatory regime of another municipality. For example, if one were to drive down a municipal road it would be entirely possible that each property you passed would be subject to differing municipal bylaws, rules and regulations and be paying their property taxes at different mill-rates, that exist in the m of the nominal municipality you are presently in! Now consider how the road you are driving on is to be maintained. Consider how it will be paid for! Chaos! Mayhem!
 - b) Allowance would remove from all Saskatchewan municipalities the power of enforcement of established bylaws, rules and regulations. Property owners could and would threaten to move, not their properties but their municipal allegiance, to another municipality if threatened with court action or unwanted municipal bylaws, or regulatory requirements.
 - c) Allowance would provide increased opportunities for corruption. Some property owners could give "gratuities" to whole municipal councils or individual counselors in exchange for favorable bylaw or regulations. This would be relatively easy to hide as the rate payers of any municipality could live anywhere in Saskatchewan and would not likely know or even know of each other.

QUESTIONS for the RM OF PARKDALE REGARDING the Intended transfer of Municipal authority of Sub-divisions 13&14 of NW26-52-19w3 from the RM of Mervin to the RM of Parkdale

- 1) The RM of Parkdale, to meet its obligation of “due diligence” must have completed a “cost- benefit analysis” before making a public declaration of intent to request a transfer of municipal authority. What costs were identified? What benefits were identified?
- 2) What sequence of events led to the decision to request this transfer?
 - a) What was the nature of the events? Where and when did they occur? Who was present?
 - b) Was there an agreement, formal or informal, between the RM of Parkdale and 102028202 SK LTD? If so, what were the terms?
- 3) Has the RM of Parkdale ever requested from the RM of Mervin the reasons for its denial of 102028202 SK LTD permit to develop its lakeshore properties?
 - a) If so. Who made the request? How? When? Were they reviewed by RM Counsel prior to the decision to request transfer?
- 4) Has 102028202 SK LTD presented the RM of Parkdale a full and complete set of plans and associated construction costs for its proposed lakeside development of Sub-divisions 13&14 of NW26-51-19w3?
 - a) Has the RM Counsel fully reviewed the plans?
 - b) Are they the same development plans presented to the RM of Mervin in 2019?
 - c) Has the RM Counsel received an engineering review of the proposed development?
 - d) Will representatives of 102028202 SK LTD be present at your September 19, 2020 meeting to answer questions from the general public?
- 5) Did the RM of Parkdale seek legal counsel prior to the RM announcing its intent to request transfer?
 - a) Does the RM of Mervin, should this request fail or be dropped, have the right to sue for expenses incurred?
 - b) What Liability could the RM of Parkdale incur by holding a public meeting during Covid-19 pandemic should any of those attending contract the disease at the event?
 - c) Has the RM Counsel reviewed the potential multi-million-dollar legal liability that any Municipality, that grants approval for 102028202 SK LTD’s proposed lake shore development, assumes if the developer should go bankrupt before or after completion?

Contact Information

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QUESTIONS for 102028202 SK LTD the Intended transfer of Municipal authority of Sub-divisions 13&14 of NW26-51-19w3 from the RM of Mervin to the RM of Parkdale

- 1) A search of the Saskatchewan Corporate Registry produces no information on either 102028202 SK LTD. or Breakwater. What is the legal name of the owners of Sub-divisions 13&14 of NW26-52-19w3? Who is the CEO? Will you make public your complete and fully detailed plans and estimated development costs for the lakeside development of Sub-divisions 13&14 of NW26-52-19w3 prior to the September 19, 2020 RM of Parkdale Public Meeting so that the public might be informed as to the nature and extent of your plans for development?
- 2) Will you have representation available to answer questions at the September 19, 2020 RM of Parkdale Public Meeting?
- 3) After the RM of Mervin denied approval for your proposed lake shore development you still had a number of options available to you to attempt to secure permission to develop from the RM of Mervin. For example
 - a) You could have modified your planned development to address the RM of Mervin's expressed concerns and resubmitted the plans for approval in 2020? Why did you choose not to?
 - b) You could have appealed to the courts to have RM of Mervin decision to deny overturned claiming the RM of Mervin exceeded its authority by denial or made procedural errors in arriving at its decision to deny. Why didn't you?
 - c) You could have mobilized public support for your proposed development in hopes of forcing the RM of Mervin to reconsider your proposed development and reverse its decision. Why didn't you?
 - d) You could have decided not to develop your property(s) in the RM of Mervin and purchase properties for development within any of the other three municipalities on Turtle Lake. Why didn't you?
 - e) You decided to Partner with the RM of Parkdale and request a transfer of Municipal Authority for your RM of Mervin Properties to the RM of Parkdale. Why was this decision made?

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QUESTIONS FOR THE MUNICIPAL BOUNDARY COMMITTEE regarding the transfer of Municipal Authority for Sub-divisions 13 &14 NW26-51-19w3 owned by 102028202 SK LTD from RM of Mervin #499 to RM of Parkdale #498

- 1) Assuming the Municipal Boundary Committee have and use a Policy Manual when arriving a decision regarding requests for changes in Municipal Boundaries?
 - a) Is this Policy Manual available to the General Public?
 - b) What is the policy followed by the Municipal Boundary Committee when authorizing the transfer of the **property(s) of a single owner** from one Saskatchewan Municipality to another?
- 2) What is the procedure for the public to make submissions to the Municipal Boundary Committee?
- 3) Has a decision taken by the Municipal Boundary Committee ever been Appealed to the Courts?
- 4) Has a decision taken by the Municipal Boundary Committee ever been Appealed to the Supreme Court of Canada?

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Questions for the RM of Mervin

When you deny approval for development are you legally obligated to provide the applicant with “just cause”, an explanation detailing the reasons for denial?

In light of the controversy surrounding the request by the RM of Parkland to have municipal authority of Legal sub-section 13 &14 of NW26-51-19w3 transferred from the RM of Mervin

Would the RM of Mervin make public its reasons for denying permission for its owner 102028202 SK LTD to develop this property?

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