

**SUMMER VILLAGE OF SOUTH VIEW  
AGENDA**

Special Council Meeting held at the Municipal Office 2317 Twp Rd 545 LSA County  
Public may participate in person or via zoom  
Thursday, November 2<sup>nd</sup>, 2023 commencing at 9:30 a.m.

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1. Call to Order
  
2. Agenda: P. 1-9 a) November 2nd, 2023 Special Council Meeting Agenda  
*(approve agenda as is or with amendments)*
  
3. Minutes: a) n/a
  
4. Appointments: a) n/a
  
5. Bylaws: P. 10-11 a) **Bylaw 241-2023** – being a bylaw for the purpose of borrowing certain sums of money for the purpose of an operating line of credit for interim financing in the event of a local emergency or to cover unforeseen operating expenditures not including in the operating budget.  

ATB requires this bylaw be approved annually and as this will likely be the last Council Meeting of 2023, we are including this on today's agenda for Council/Official Administrator consideration for the 2024 year.

*(give first reading to Bylaw 241-2023 as is or as amended)*

*(give second reading to Bylaw 241-2023 as is or as amended)*

*(give unanimous consent to consider third reading of Bylaw 241-2023 as is or as amended)*

*(give third and final reading to Bylaw 241-2023 as is or as amended)*

OR

*(some other direction as given by Council/Official Administrator at meeting time)*
  
6. Business: P. 12-18 a) **Loss of Quorum and Byelection**  

On September 19, 2023, Summer Village Legal Counsel informed Administration that James Woslyng had been

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disqualified from Council by the Court of King's Bench, effective immediately. The decision also stated that Mr. Woslyng is not eligible to run in any byelection to fill a vacant Council position. The Court's decision is included in the meeting package. While it was on the Agenda, Council was not able to set a byelection date at the Regular Council Meeting on September 20, 2023 as Quorum was not present at the meeting.

On October 4, 2023, Deputy Mayor Brian Johnson passed away. This has left the Summer Village of South View without Quorum of Council and as such Municipal Affairs has appointed an Official Administrator to act as Council.

The following matters relate to setting a byelection for the 2 vacant Council Seats. These matters are independent but are impacted by one another. Council/Official Administrator is asked to consider the following matters:

- i) Establish a Byelection date and location – Saturday December 16, 2023 and Saturday January 13, 2024 have been identified as suitable dates for the Byelection to fill the 2 Council vacancies and will allow enough time to properly notify the community. Voting time is legislated to occur from 10 a.m. to 7 p.m. Both the Darwell Centennial Hall and the Darwell Seniors Hall are available on these dates.

It should be noted that, owing to the large number of byelections in the region, the Municipal Affairs Municipal Roles and Responsibilities Course is being offered in our region on January 24, 2024. For our newly elected Councillors to partake in this Course January 13, 2024 is the latest we can have the Byelection, although December 16, 2023 will allow more time for the new Councillors to fit this into their schedule.

*(That Council/Official Administrator establish Election Day for the Byelection for 2 Council positions as Saturday December 16, 2023 (or January 13, 2024, or some other date as determined by Council/Official Administrator) at the Darwell Seniors Hall (Hwy 765, Darwell AB) with the Darwell Centennial Hall (Hwy 765, Darwell AB) as a back-up location.)*



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- ii) Declare Nomination Day – As per the Local Authorities Election Act, Nomination Day is 4 weeks prior to the established Election Day and the Nomination Period is the time between the day after the resolution to establish an Election Day is passed and 12 noon on the established Nomination Day. In this case, either November 18, 2023 or December 16, 2023, or some other day based on the election day determined by Council/Official Administrator. It is recommended that nominations be received at the Wildwillow Administration Offices located at 2317 Twp Rd 545, Lac Ste Anne County.

*(That Council/Official Administrator establish Nomination Day as Saturday November 18, 2023 (or December 16, 2023, or some other date as determined by Council/Official Administrator) from 10 a.m. through 12 noon at the Wildwillow Administration Office, located at 2317 Twp Rd 545, Lac Ste Anne County (or some other location determined by Council/Official Administrator), to be preceded by the statutory Nomination Period beginning on November 3, 2023.)*

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- iii) Determine if there will be an Advance Poll and set date, time, and location, if needed – Advance polling is not a requirement, but is at the discretion of Council/Official Administrator. Typically, summer village elections are held in the summer to allow more electorates access to voting, unfortunately that is not reasonable in this situation. Advance Polling adds costs but is a good way to ensure that more residents will have access to vote in the election. These costs are detailed in the supporting documents. South View has made Advance Polls available in the past. The next item for consideration is Special Ballots; Administration recommends that Council/Official Administrator proceed with either Advance Polls or Special Ballots to ensure the electorate can effectively participate in the election.

If Council/Official Administrator would like to establish an Advance Poll, Administration recommends it be set for the Monday before the byelection date from 4-8 p.m. at the same location as the election. This would mean either Monday December 11, 2023 or Monday January 8, 2024.

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*(That Council/Official Administrator establishes an Advance Poll on Monday December 11, 2023 (or January 8, 2024) from 4 p.m. to 8 p.m. at the Darwell Seniors Hall (Hwy 765, Darwell AB), with the Darwell Centennial Hall (Hwy 765, Darwell AB) as a back-up location,*

*Or,*

*Council/Official Administrator can choose not to make a motion regarding Advance Polls)*

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iv) Determine if Special Ballots will be authorized as a voting option for this byelection – Similar to Advance Polling, Special Ballots are up to the discretion of Council/Official Administrator and allow greater flexibility and voting access for the entire electorate, but also adds costs. These costs are detailed in the supporting documents. The Summer Village of South View has not authorized Special Ballots in the past. As noted previously, Administration is recommending Council/Official Administrator authorize either Advance Polls or a Special Ballot. If Council/Official Administrator wishes to include Special Ballots they will need to consider:

- a. The method that the Special Ballot will be received (writing, telephone, fax, in-person, email, secure website) – in writing by mail is the recommended method.
- b. A time limit for when a request for a special ballot must be received in order to be processed – a minimum of 10 business days before election day is recommended to allow time to prepare and mail the ballot packages and also to allow time for the package to be received back before the close of election day.
- c. Set a time when the “outer envelope” of the returned ballot package must be received by the Returning Officer. The standard allowance is the close of voting on Election Day, however, considering that the Election will likely be on a Saturday, the Friday preceding the Election, at 3 p.m., either by mail or in-person at the Wildwillow Enterprises Administration Office (2317 Twp Rd 545, Lac Ste Anne County) is recommended.



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*(That Council/Official Administrator establishes Special Ballots, which will be accepted via mail (or some other method) to the Summer Village of South View, Box 8, Alberta Beach, T0E 0A0 or in person at Wildwillow Administration Office, located at 2317 Twp Rd 545, Lac Ste Anne County; and FURTHER that requests for Special Ballots must be received no later than 12 noon, 10 business days prior to Election Day; and FURTHER that completed Ballots must be received via mail or in person at Wildwillow Administration Office no later than 3 p.m. on the Friday immediately preceding Election Day,*

*Or,*

*Council/Official Administrator can choose not to make a motion regarding Special Ballots.)*

- v) Establish a Returning Officer and a Substitute Returning Officer – It is recommended that Council/Official Administrator appoints Angela Duncan as the Returning Officer and Victoria (Tori) Message as Substitute Returning Officer. Angela is currently the Assistant CAO for the Summer Village and Victoria is a staff member with Wildwillow Enterprises. Both Angela and Victoria have experience as Substitute Returning Officers and will receive guidance from Dwight Moskalyk, another Wildwillow Team Member who has extensive experience as a Returning Officer. The other option would be to hire an external Returning Officer and Substitute Returning Officer.

*(that Council/Official Administrator appoint Angela Duncan as Returning Officer and Victoria Message as Substitute Returning Officer for the Byelection,*

*or,*

*some other direction as determined by Council/Official Administrator at meeting time)*

- vi) Determine the method of notification for Nomination Day, and Election Day (if required) – As per the Local Authorities Election Act, Electors must be notified by either a mail-out at least one week prior to Nomination Day or by advertising in the local paper for 2 consecutive weeks immediately preceding Nomination Day.

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Historically, South View has done a mail-out prior to Nomination Day. Considering the unusual circumstances and timing of this byelection Administration is recommending a mail-out to the electorate.

*(that Council/Official Administrator confirms that the notice for Nomination Day and Election Day (if required) be, at a minimum, sent to each property owner by mail, in a manner and timing consistent with the Local Authorities Election Act,*

Or,

*That Council/Official Administrator confirms that the notice for Nomination Day and Election Day (if required) be advertised in the local paper in a manner and timing consistent with the Local Authorities Election Act.)*

- vii) Approval of Byelection related expenses - As the Byelection is an unbudgeted expense, Administration needs a Council motion authorizing the expenditure. For reference, the Summer Village of Birch Cove recently had a byelection, by acclamation, and the cost was \$2407 and the Summer Village of Sunrise Beach recently held a byelection, with a vote and Advance Polls, and the cost was \$6021. It is recommended that any costs that cannot be absorbed in the 2023 Operating Budget be covered by using operating reserves and/or the unrestricted surplus.

*(that Council/Official Administrator authorize all election related expenses resulting from the 2023 Byelection, that cannot be absorbed through the 2023 Operating Budget, to be covered by use of unrestricted Surplus and/or operating reserves.*

Or,

*Some other direction as given by Council/Official Administrator at meeting time.)*

### b) **Signing Authority**

In order to ensure continuity of the business of the Summer Village and to ensure that budgeted invoices and agreements are executed and paid, it is prudent for the



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Summer Village to have two signing authorities. The Summer Village of South View uses both electronic payments and manual cheques, which require a physical signature.

Further, prior to losing Quorum of Council, Chief Administrative Officer (CAO) Wendy Wildman changed the Assistant CAO for South View from Heather Luhtala to Angela Duncan, this change of signing authority request was on the September 20, 2023 Regular Council Meeting Agenda, but could not be ratified owing to lack of Quorum. While this change can wait until there is a full Council in place, if a motion is being made regarding signing authority it makes sense to include this at this time.

*(That Council/Official Administrator confirms signing authority for the Official Administrator, Ian McCormick, and Assistant Chief Administrative Officer, Angela Duncan, and FURTHER, that Heather Luhtala's signing authority be removed.*

Or,

*Some other direction as given by Council/Official Administrator at meeting time.)*

c) **Cancel November and/or December Council Meeting**

As the Summer Village of South View is awaiting a byelection for two new Councillors and the business that must be taken care of prior to year-end is included on this agenda, Administration would like Council/Official Administrator to consider cancelling the November 15, 2023 and December 20, 2023 Council Meetings to allow Administration to focus on the byelection and preparing for 2 new Councillors.

*(That Council/Official Administrator cancels the November 15, 2023 and December 20, 2023 Regular Council Meetings,*

Or,

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*That Council/Official Administrator cancels the November 15, 2023 (or December 20, 2023) Regular Council Meeting,*

*Or,*

*That Council/Official Administrator confirms the November 15, 2023 and December 20, 2023 Regular Council Meetings will be held as scheduled,*

*Or,*

*Some other direction as given by Council/Official Administrator at meeting time.)*

d)

e)

f)

7. Financial:

a) Income and Expense Statement as of October 31, 2023.

*Under Separate  
Cover.*

b) Reserves Balance Report as of Oct 30, 2023.

c) **2024 Interim Operating Budget**

Each year Council must pass an Interim Operating Budget prior to the end of the previous year, until such time as the final operating and capital budget is passed. As this is likely the last Council meeting the Summer Village will have in 2023, it is recommended that the Interim Budget be passed at this meeting to avoid having a meeting just to approve this budget.

*(that an Interim 2024 Operating Budget be passed at ½ the 2023 Approved Operating and Capital Budget, and that this Interim 2024 Operating Budget cease to have any force and effect once the 2024 Operating and Capital Budget is approved)*

8. Council Reports: n/a



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9. Chief Administrator's Report: n/a
10. Information and Correspondence:
- P. 20-21 a) October 26, 2023 Letter to Mayor Benford from Minister Ric McIver, Municipal Affairs, regarding loss of Quorum for the Summer Village and the appointment of an Official Administrator, until quorum can be restored.
  - P. 22 b) October 26, 2023 Letter to Mr. Ian McCormack, copied to CAO Wildman, appointing Mr. McCormack as the Official Administrator for the Sumer Village of South View.
  - P. 23 c) Ministerial Order No. MSD:069/23 appointing Mr. Ian McCormack as the Official Administrator for the Summer Village of South View.
  - P. 24 d) Draft Letter to Residents from Minister McIver regarding loss of quorum and the appointment of the an Official Administrator.
11. Open Floor Discussion with Gallery: n/a
12. Closed Meeting Session: n/a
13. Next meeting: November 15<sup>th</sup>, 2023 at 9:30 a.m.
14. Adjournment

### Upcoming Meetings:

- Regular Council Meeting – November 15<sup>th</sup>, 2023
- Regular Council Meeting – December 20, 2023
- Regular Council Meeting – January 17, 2024

## Municipal Borrowing Bylaw

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**BEING A BYLAW OF THE SUMMER VILLAGE OF SOUTH VIEW, IN THE  
PROVINCE OF ALBERTA, FOR THE PURPOSE SPECIFIED IN SECTION 256 OF  
THE MUNICIPAL GOVERNMENT ACT  
BYLAW NO. 241-2023**

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WHEREAS the Council of the Summer Village of South View (hereinafter called the "Corporation") in the Province of Alberta, considers it necessary to borrow certain sums of money for the purpose of an operating Line of Credit for interim financing in the event of a local emergency or to cover unforeseen urgent operating expenditures not included in the operating budget over the period from the date of this Bylaw through to December 31, 2024.

NOW THEREFORE pursuant to the provisions of the Municipal Government Act, it is hereby enacted by the Council of the Corporation as a Bylaw that:

1. The Corporation is hereby authorized to borrow from ATB Financial, ("ATB") up to the principal sum of \$150,000.00 repayable upon demand at a rate of interest per annum from time to time established by ATB, not to exceed 10%, and such interest will be calculated daily and due and payable monthly on the last day of each and every month.
2. The borrowing is a line of credit repayable on demand and the Corporation is required to pay accrued interest monthly.
3. The Chief Elected Officer and the Chief Administrative Officer are authorized for and on behalf of the Corporation:
  - (a) to apply to ATB for the aforesaid loan to the Corporation and to arrange with ATB the amount, terms and conditions of the loan and security or securities to be given to ATB;
  - (b) as security for any money borrowed from ATB
    - (i) to execute promissory notes and other negotiable instruments or evidences of debt for such loans and renewals of all such promissory notes and other negotiable instruments or evidences of debts;
    - (ii) to give or furnish to ATB all such securities and promises as ATB may require to secure repayment of such loans and interest thereon; and
    - (iii) to execute all security agreements, hypothecations, debentures, charges, pledges, conveyances, assignments and transfers to and in favour of ATB of all or any property, real or personal, moveable or immovable, now or hereafter owned by the Corporation or in which the Corporation may have any interest, and any other documents or contracts necessary to give or to furnish to ATB the security or securities required by it.



4. The source or sources of money to be used to repay the principal and interest owing under the borrowing from ATB are: Taxes, Reserves, Grants
5. The amount to be borrowed and the term of the loan will not exceed any restrictions set forth in the Municipal Government Act.
6. In the event that the Municipal Government Act permits extension of the term of the loan and in the event the Council of the Corporation decides to extend the loan and ATB is prepared to extend the loan, any renewal or extension, bill, debenture, promissory note, or other obligation executed by the officers designated in paragraph 3 hereof and delivered to ATB will be valid and conclusive proof as against the Corporation of the decision of the Council to extend the loan in accordance with the terms of such renewal or extension, bill, debenture, promissory note, or other obligation, and ATB will not be bound to inquire into the authority of such officers to execute and deliver any such renewal, extension document or security.
7. This Bylaw comes into force on the final passing thereof.

WE HEREBY CERTIFY that the foregoing Bylaw was duly passed by the Council of the Corporation therein mentioned at a duly and regularly constituted meeting thereof held on the 2<sup>nd</sup> day of November 2023 at which a quorum was present, as entered in the minutes of the said Council, and that the Bylaw has come into force and is still in full force and effect.

THIS Municipal Borrowing Bylaw, inclusive of its Certificate: (a) may be executed electronically; and (b) may be delivered by email, facsimile or other functionally-equivalent means.

**READ** a first time this 2<sup>nd</sup> day of November, 2023.

**READ** a second time this 2<sup>nd</sup> day of November, 2023.

**UNANIMOUS CONSENT** to proceed to third reading this 2<sup>nd</sup> day of November, 2023.

**READ** a third and final time this 2<sup>nd</sup> day of November, 2023.

**SIGNED** this 2<sup>nd</sup> day of November, 2023.

WITNESS our hands and the seal of the Corporation this 2<sup>nd</sup> day of November, 2023.

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Official Administrator, Ian McCormack

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Chief Administrative Officer, Wendy Wildman



**Court of King's Bench of Alberta**

**Citation: Summer Village of South View v Woslyng, 2023 ABKB**

**Date:**  
**Docket:** 2203 09079  
**Registry:** Edmonton

Between:

**Summer Village of South View**

Applicant

- and -

**James Woslyng**

Respondent

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**Endorsement  
of the  
Honourable Justice C.L. Arcand-Kootenay**

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[1] Mr. Woslyng, the Respondent, was elected to Council for the Summer Village (the "Summer Village") of South View, the Applicant, on July 10, 2021.

[2] The Chief Administrator of the Summer Village was advised in January 2022, that Mr. Woslyng had arrears of property taxes owing to the Municipality that had accrued since April 6, 2020.



[3] I am asked to decide whether Mr. Woslyng is disqualified from his seat on Council for property tax arrears pursuant to s 175 of the *Municipal Government Act* (“MGA”), RSA 2000, c M-26.

[4] I am also asked to decide the issue of collateral attacks. Specifically, whether Mr. Woslyng can collaterally attack the Order to Remedy and, the Enforcement Order, by way of a defence to this Action.

## **FACTS**

[5] Mr. Woslyng was elected as a municipal councillor for the Summer Village in the 2021 municipal election. The nomination day was June 12, 2021, and the election day was July 10, 2021.

[6] Mr. Woslyng owns a parcel of land in the Summer Village with the legal description of Plan 1720210, Block 1, Lot 12A (the “Property”).

[7] There has been a long history of development related problems with the Property since 2011.

[8] The development related matter at issue in this case is an Order to Remedy which was issued by the Summer Village’s Development Office on September 4, 2019 (the “Order to Remedy”). The Order to Remedy stated that the exterior of the building on the Property was not completed (as required by a prior development approval) and stated that the exterior of the building was to be completed by September 30, 2019. It also stated that Mr. Woslyng could seek review of the Order to Remedy by Council.

[9] Mr. Woslyng requested a review of the Order to Remedy by Council on September 17, 2019, by letter. Mr. Woslyng attended a Council meeting on October 23, 2019, for this review, and the matter was deferred to a later meeting. Mr. Woslyng attended the subsequent Council meeting on November 20, 2019, at which time Council gave him a time extension for complying with the Order to Remedy until March 1, 2020, to finish the exterior of his building.

[10] No application for appeal or judicial review of Council’s decision of November 20, 2019, was served on the Summer Village.

[11] In March of 2020, the Summer Village’s Development Officer advised the CAO that the Property remained non-compliant in that the exterior was still not completed. The Summer Village CAO then instructed legal counsel to commence enforcement proceedings.

[12] A demand letter was sent to Mr. Woslyng by legal counsel on March 20, 2020, demanding compliance. Within this letter, it stated as follows:

The expenses and costs of action taken by the Summer Village to enforce this Enforcement Order will be amounts owing to the municipality and may be added to the tax roll. The costs could be significant.

[13] The Enforcement Order mentioned in the Demand Letter was regarding the Order to Remedy Enforcement activities taken by the Summer Village’s legal counsel included the demand letter and registration of a caveat against title to the Property.

[14] Legal enforcement costs of \$610.00 were added to Mr. Woslyng's property tax roll on April 6, 2020. Legal costs of \$484.58 were added to the tax roll on June 16, 2020. Penalties with respect to unpaid taxes thereafter totalling \$703.84, were added to the tax roll between January 5, 2021, and January 1, 2022.

[15] At the time of his election to Council, Mr. Woslyng was in arrears of the legal enforcement costs that were added to his Property tax roll on April 6, 2020.

[16] On June 23, 2020, Mr. Woslyng was advised by Summer Village staff, in writing, that the legal enforcement costs were added to his tax roll. A statement of his current tax account was also provided at that time. This statement of account included the legal costs.

[17] The addition of enforcement costs for an Order to Remedy is expressly authorized by s 553(1)(c) of the *MGA*.

[18] Mr. Woslyng attended a Council meeting on March 17, 2021, and asked that the caveat be removed from his title and that the costs of enforcement be removed from his tax roll. Council deferred their decision on this to a subsequent meeting.

[19] At the July 21, 2021, Council meeting, by which time Mr. Woslyng was an elected Councillor, Council denied Mr. Woslyng's request to discharge the caveat or reverse the enforcement costs. The Summer Village was not served with any notice of application for judicial review of that decision.

[20] It was identified by the Summer Village in January of 2022 that Mr. Woslyng had an outstanding property tax balance of \$1,798.41.

[21] On March 4, 2022, the Summer Village CAO wrote to Mr. Woslyng to advise him that his property taxes were in arrears and to confirm that his eligibility as a councillor would be on the March 16, 2022 Meeting Agenda.

[22] At the March 16, 2022, Meeting, the issue was discussed. Mr. Woslyng asked for copies of legal counsel invoices for the enforcement issues. He also asked that the issue be deferred to the April 20, 2022 Meeting. The deferral was granted, and instructions were given to provide copies of the invoices. The (redacted) invoices were provided.

[23] The issue was on the Agenda for the April 20, 2022 Council Meeting. A motion was passed by (the remainder of) Council that Mr. Woslyng was disqualified from Council and directing the CAO to instruct legal counsel to apply to the Court for an Order declaring Mr. Woslyng as disqualified.

#### **ANALYSIS OF FACTS AND LAW**

[24] Mr. Woslyng paid his property taxes from May 2003 to January 2022 in total, apart from two charges on his tax statement of account, respectively \$610.00 and \$484.58, for legal costs.

[25] Ms. Wendy Wildman stated in her Affidavit sworn on May 18, 2022, that Mr. Woslyng has repeatedly disputed the validity of these charges on his tax roll and stated that he has not paid them because he believes them to be invalid



[26] Section 545 of the *MGA* provides as follows:

545(1) If a designated officer finds that a person is contravening this or any other enactment that the municipality is authorized to enforce or a bylaw, the designated officer may, by written order, require the person responsible for the contravention to remedy it if the circumstances require.

(2) The order may

(a) Direct the person to stop doing something, or to change the way in which the person is doing it;

(b) Direct a person to take any action or measure necessary to remedy the contravention of the enactment or bylaw, including the removal or demolition of a structure that has been erected or placed in contravention of a bylaw, and, if necessary, to prevent a re-occurrence of the contravention;

(c) State a time within which the person must comply with the directions;

(d) State that if the person does not comply with the directions within a specified time, the municipality will take the action or measure at the expense of the person.

[27] Section 546.1(1) of the *MGA* provides that a municipality may register a caveat against title in respect of an order issued under s 545.

s 546.1(1) A municipality may register a caveat under the *Land Titles Act* in respect of an order made under section 545 or 546 dealing with a dangerous structure, excavation or hole or unsightly property against the certificate of title for the land that is the subject of the order.

[28] There is an appeal process included in the *MGA* for orders issued under s 545. Firstly, a review by the Municipal Council may be requested under s 547(1). On a review, the council may confirm, vary, substitute, or cancel the order. Secondly, an appeal to the court may be lodged under s 548(1) of the *MGA* where the procedures required by the *MGA* are not followed or the decision is patently unreasonable.

[29] The *MGA* contains provisions confirming municipalities may take actions to remedy contraventions. The former s 549(1) of the *MGA* in force at the relevant time provides as follows

Municipality remedying contraventions

s 549(3) The expenses and costs of an action or measure taken by a municipality under this section are an amount owing to the municipality by the person who contravened the enactment or bylaw.

[30] The former s 553(1) of the *MGA* in force at the relevant time expressly authorizes that a council may add expenses and costs of enforcement of Orders to Remedy to a property tax roll as follows:

Adding amounts to a tax roll:

s 553(1) A Council may add the following amounts to the tax roll of a parcel of land:

...

(c) unpaid expenses and costs referred to in s 549(3), if the parcel's owner contravened the enactment or bylaw and the contravention occurred on all or part of the parcel;

...

(2) Subject to s 659, when an amount is added to the tax roll of a parcel of land under subsection (1), the amount

(a) is deemed for all purposes to be a tax imposed under Division 2 of Part 10 from the date it was added to the tax roll, and

(b) forms a special lien against the parcel of land in favor of the municipality from the date it was added to the tax roll.

[31] The Summer Village's expenses and costs take to remedy a contravention of the *MGA* and/or a bylaw are an amount owing to the municipality in accordance with s 549 of the *MGA*. The Summer Village's legal expenses are part of such "expenses and costs." All such amounts owing are specifically authorized to be added to the tax roll by s 553(1)(c) if the parcel's owner contravened the enactment or bylaw and the contravention occurred on all or part of the parcel. This is what occurred in the matter before me.

The tax roll printout from the Municipality's records dated January 5, 2022, confirmed that Mr. Woslyng had arrears of property taxes in the amount of \$1,798.41. Mr. Woslyng did not pay the following amounts on his tax roll:

- a) Legal enforcement costs in the amount of \$610.00 from April 6, 2020;
- b) Legal enforcement costs in the amount \$484.58 from June 16, 2020;
- c) Penalty of \$197.02 applied on January 5, 2021 (arising from non-payment of the above amounts);
- d) Penalty of \$25.83 applied July 1, 2021;
- e) Penalty of \$51.66 applied August 3, 2021;
- f) Penalty of \$77.50 applied September 1, 2021;
- g) Penalty of \$77.50 applied October 1, 2021; and
- h) Penalty of \$274.33 applied January 1, 2022.

[32] The Summer Village has the authority to apply penalties to unpaid taxes pursuant to its Bylaw 226-2021, as follows:

...

1. Where any taxes levied for the current year remain unpaid after June 30th, these outstanding taxes are subject to a penalty thereon in the amount of



2% on the first day of July, 4% on the first day of August, 6% on the first day of September, and 6% on the first day of October.

2. Any taxes which are not paid on or before the 31st day of December of the current year, shall be deemed to be in arrears and shall be in each subsequent calendar year, subject to a penalty of 18% on the first day of January with respect to the amount of taxes so in arrears...

[33] The legal enforcement costs were added to Mr. Woslyng's tax roll on April 6, 2020, and June 16, 2020. He was notified in writing of the addition to his tax roll on June 23, 2020.

[34] I find the legal enforcement costs that were added to Mr. Woslyng's tax roll were properly added pursuant to the provisions of the *MGA* and the Summer Village's Bylaws.

[35] Section 174(1)(b) of the *MGA* provides that a municipal councillor is disqualified from council if such councillor ceases to be eligible as a candidate under the Local Authorities Election Act, RSA 2000, CL-21 (the "*LAEA*").

[36] Pursuant to s 22(1)(c) and 22(1)(d) of the *LAEA*, a person is not eligible to be nominated as a candidate in any election under the *LAEA*, if on nomination day, the person is indebted to the municipality of which the person is an elector for taxes in default exceeding \$50, excluding from the amount any indebtedness for current taxes, and any indebtedness for arrears of taxes for which the person has entered into a consolidation agreement with the municipality, unless the person is in default in the payment of money due under the agreement, or the person is indebted to the local jurisdiction for which the election is to be held for any debt exceeding \$500 and in default for more than 90 days.

[37] As Mr. Woslyng was in arrears of property taxes owing to the Municipality, the Summer Village, in the amount of \$1,798.41 on both nomination day, June 12, 2021, and indeed on election day, July 10, 2021, Mr. Woslyng is disqualified from Council pursuant to the *LAEA*.

[38] Pursuant to s 175(1) of the *MGA*, a councillor that is disqualified must resign immediately. However, Mr. Woslyng has not resigned and has refused to resign from Council.

[39] Pursuant to s 175(2) of the *MGA*, if the councillor who is disqualified from council does not resign immediately, the council may apply to a Judge of the Court of King's Bench for an order declaring the person to be disqualified from council.

[40] Section 174(4) of the *MGA* confirms that a councillor who is disqualified under that section is eligible to be elected in the next general election in the municipality if the person is eligible for nomination under *LAEA*. As such, Mr. Woslyng is ineligible to run in any by-election to fill a vacant position created by his disqualification because such by-election is not a "general election."

#### **DECISION:**

[41] I declare that Mr. Woslyng is disqualified from Council. I also find that Mr. Woslyng is not eligible to run as a candidate in any by-election to fill any vacant council position that would be created by granting such an order.


[42] I also find that as Mr. Woslyng did not avail himself to further appeal or application for judicial review of the decision of the Summer Village of November 20, 2019, he is not permitted to collaterally attack the Order to Remedy by way of defence to his application.

**COSTS:**

[43] The parties may appear before me to speak to the matter of costs.

Heard on the 11<sup>th</sup> day of May, 2023.

**Dated** at the City of Edmonton, Alberta this 19<sup>th</sup> day of September, 2023.

  
\_\_\_\_\_  
**C.L. Arcand-Kootenay**  
**J.C.K.B.A.**

**Appearances:**

Michelle Gallagher  
for the Applicant

Aizlynn Regan  
for the Respondent



**Advance Poll Costs**

Preparation for Advance Polls (2 hours)	\$ 170.00
Hall rental (Could be \$275, depending on hall availability)	\$ 175.00
Returning Officer - 5 hours @ \$85/hour	\$ 425.00
Substitute Returning Officer - 5 hours @ \$85/hr	\$ 425.00
Poll Worker - 5 hours @ \$45/hr	\$ 225.00
Ballot Box	\$ 12.00
Mileage for 3 workers	\$ 122.40
Stationary, printing, copies, miscellaneous	\$ 120.00
<b>Total:</b>	<b>\$ 1,384.40</b>

**Special Ballot Costs\***

Preparation of Special Ballot process - 4 hours	\$ 340.00	\$ 340.00
Preparation of Special Ballots*	\$ 531.25	\$ 1,062.50
Postage (incl. return postage)	\$ 159.50	\$ 319.00
Paper & printing (5 pages per ballot)	\$ 75.00	\$ 150.00
Envelopes, address labels, printing	\$ 70.38	\$ 85.38
Review of Special Ballots*	\$ 531.25	\$ 1,062.50
Miscellaneous	\$ 120.00	\$ 120.00
<b>Total:</b>	<b>\$ 1,707.38</b>	<b>\$ 3,019.38</b>
* Assume 15 minutes to prepare each ballot and 15 minutes to review each ballot	25 Special Ballots	50 Special Ballots



ALBERTA  
MUNICIPAL AFFAIRS

*Office of the Minister  
MLA, Calgary-Hays*

AR112652

October 26, 2023

Her Worship Sandra Benford  
Mayor  
Summer Village of South View  
PO Box 8  
Alberta Beach AB T0E 0A0

Dear Mayor Benford:

I am writing to provide you with an update on the actions I have taken to address the challenges facing the Summer Village of South View, and to clarify your status as the remaining member of council.

Due to the disqualification of Councillor Woslyng, and the unfortunate passing of Councillor Johnson, the summer village council is no longer able to form a quorum pursuant to Section 167 of the *Municipal Government Act (MGA)*. Section 181 of the *MGA* further prescribes that council, or a committee of council, may not pass a valid bylaw or valid resolution if a quorum of council or council committee is not present.

As a result, the summer village council in its present form has no ability to pass a valid resolution or bylaw. This also means that as the remaining member of council, you temporarily have no authority. Until quorum is restored, you may not exercise any powers or duties of council or a council committee, attend any meetings on behalf of council, speak on behalf of the summer village, or direct any summer village staff.

To ensure continued summer village operations until such time as a functioning council can be restored, I have exercised my authority under Section 168(2)(c) of the *MGA* to appoint Mr. Ian McCormack of Strategic Steps Inc. as Official Administrator for the Summer Village of South View. Mr. McCormack, in his role as Official Administrator, will exercise all the powers and duties of the summer village council during his appointment, and will focus on maintaining normal summer village operations and preparing for the by-election. Attached is Ministerial Order No. MSD:069/23 implementing this direction.

I have also attached a copy of an open letter to the residents and electors of the Summer Village of South View for your reference. In this letter, I advise summer village residents that the Official Administrator will schedule a date for a by-election to fill the council vacancies. Until quorum is restored, the Official Administrator will continue to serve as council.

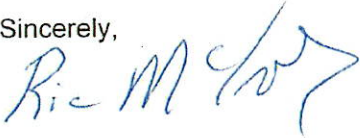
.../2



The Official Administrator will be in contact with you. The current situation, unfortunately, means your services as councillor for the Summer Village of South View will not be required until such time as quorum is restored on council. Thank you for your cooperation during this challenging time.

If you have any questions or concerns, please contact the Municipal Capacity and Sustainability Branch of Municipal Affairs, toll-free by first dialing 310-0000, then 780-427-2225, to speak with a Municipal Advisor.

Sincerely,

A handwritten signature in blue ink that reads "Ric McIver". The signature is stylized and includes a large, sweeping flourish at the end.

Ric McIver  
Minister

Attachments:

1. Ministerial Order No. MSD:069/23
2. Letter to Residents of the Summer Village of South View

cc: Wendy Wildman, Chief Administrative Officer, Summer Village of South View



ALBERTA  
MUNICIPAL AFFAIRS

*Office of the Minister  
MLA, Calgary-Hays*

AR112652

October 26, 2023

Mr. Ian McCormack  
Strategic Steps Inc.  
235, 450 Ordze Road  
Sherwood Park AB T8B 0C5

Dear Mr. McCormack:

As you are aware, the Summer Village of South View lost quorum following the court-ordered disqualification of a councillor on September 19, 2023, and the passing of another councillor on October 4, 2023.

As a result, I have signed Ministerial Order No. MSD:069/23 appointing you as the Official Administrator for the Summer Village of South View until January 25, 2024, or until council quorum is restored (if that occurs prior to January 25, 2024). A copy of the Ministerial Order is attached for your information.

Thank you for your assistance in ensuring continued effective governance for the residents of the Summer Village of South View. Ministry staff remain available to assist you if questions or concerns arise over the coming months.

Sincerely,

  
Ric McIver  
Minister

Attachment: Ministerial Order No. MSD:069/23

cc: Wendy Wildman, Chief Administrative Officer, Summer Village of South View



ALBERTA  
MUNICIPAL AFFAIRS

*Office of the Minister  
MLA, Calgary-Hays*

MINISTERIAL ORDER NO. MSD:069/23

I, Ric McIver, Minister of Municipal Affairs, pursuant to Section 168 of the *Municipal Government Act*, make the following order:

1. That Ian McCormack of Strategic Steps Inc. is appointed as Official Administrator for the Summer Village of South View with all the powers and duties of council.
2. That this appointment shall remain in effect until January 25, 2024, or until council quorum is restored if that occurs prior to January 25, 2024.
3. That this Order shall take effect upon date of signing or upon the effective date of the contract with Strategic Steps Inc., whichever is the latest.

Dated at Edmonton, Alberta, this 25 day of October, 2023.




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Ric McIver  
Minister of Municipal Affairs



DRAFT LETTER TO RESIDENTS

AR112652

[DATE – ECU to populate]

Dear Residents and Property Owners of the Summer Village of South View:

I am writing to provide you with an update on the status of the municipal government in the Summer Village of South View.

As you are likely aware, the summer village council is composed of three elected councillors. On September 19, 2023, a councillor was disqualified by court order, and on October 4, 2023, Councillor Brian Johnson sadly passed away. Under the *Municipal Government Act*, this has resulted in a loss of quorum. As a result, the remaining member of council does not have the legislative authority to make decisions or take any action; this means that council cannot fulfil its responsibility to provide direction and consider the welfare and interests of your municipality.

To ensure the function and services of the municipality are maintained, I have appointed Mr. Ian McCormack of Strategic Steps Inc. as the contracted Official Administrator to assume the powers and duties of council. Mr. McCormack has extensive knowledge and experience in local government, and he will be working closely with the summer village's Chief Administrative Officer to ensure critical village operations continue.

The Official Administrator has been appointed until January 25, 2024, or until council quorum has been restored (if that occurs before January 25, 2024). Until quorum is restored, the remaining council member has no authority to exercise any powers or duties of council or a council committee, to attend any meetings on behalf of council, to speak on behalf of the summer village, or to direct any summer village staff.

In the meantime, the Official Administrator will be working with the Chief Administrative Officer to serve the best interests of your community, and I request you support them in this important work. Mr. McCormack will ensure critical decisions are made, such as scheduling the date of the by-election for council vacancies. If you wish to contact Mr. McCormack, please leave a message at the summer village office.

I encourage eligible electors to consider running as candidates for the summer village council positions. Municipal councils are critical to the viability of municipalities and provide essential leadership for local decision-making. For more information, please visit [www.alberta.ca/municipal-elections-overview.aspx](http://www.alberta.ca/municipal-elections-overview.aspx).

Sincerely,



Ric McIver  
Minister