

**CJC File: 22-0431**

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Thu 2022-09-22 11:57 AM

To:

- Lisa Wildman <atamewildman@hotmail.com>

Ms. Lisa Wildman,  
Mr. Norm Zigarlick,

Thank you for writing to the Canadian Judicial Council.

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Regards,

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September 18, 2022

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Request for Judicial Conduct Review initiated by:

Lisa Wildman	and	Norm Zigarlick
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RE: Honourable Justice Lyle Zuk, Court of Queen's Bench for Saskatchewan

Judicial Centre of Battleford

Q.B. No. 174 of 2021, heard October 20, 2021; decision rendered April 20, 2022

Citation 2022 SKQB 118

Suffern Lake Regional Park Authority, Plaintiff v Lisa Wildman and Norm Zigarlick, Respondents

Counsel for the Plaintiff: Travis K. Kusch of Robertson Stromberg LLP

Respondents: self representing

**Description of Complaint:**

In his decision on QB174/2020, Justice Zuk defamatorily claims that Respondents **continue to make unfounded allegations regarding the Plaintiff inappropriately manipulating property taxes.**

CJC Ethical Principles for Judges: "Impartiality is not only concerned with perception, but more fundamentally with the **actual absence of bias and prejudice**". The accepted standard in Canada is that justice should not only be done but should manifestly and undoubtedly be seen to be done.

Justice Zuk made a statement in Chambers acknowledging the validity of concerns brought forward in Canadian Judicial Council review requests of 2020 (Zuk CJC 20-0335; Goebel CJC 20-0334). It was this confirmation and his comments on bad faith as a focal point of his upcoming considerations that influenced our decision to accept him to hear QB174/2021.

The bad faith that Justice Zuk quizzed Counsel for the Plaintiff on in Chambers is evident in many of the Park Authority's actions – their misleading and perjurious materials, their choice of court to resolve a disputed invoice of less than \$2,100, their deliberately orchestrated lease expiry and denial of renewal with the misleading claim that "*due to all the trouble the cabin owners of 27, 56 and 54 have caused the Park [assume this references old grievances and exposed wrongdoing LW/NZ] and all the lawyer fees and for not paying any of the invoices for the past three to four years, the Park Authority do not renew their leases that expired on December 31, 2020*" (SLRPA minutes January 23, 2021).

Justice Zuk responded to our willingness to rely on the integrity of the court with the additional reassurance of, “*I took an oath*”.

However, regardless of expert evidence provided to him in CJC submissions (CJC 20-0335) and current Respondent affidavits, Justice Zuk has maintained his earlier determination that no manipulation of assessments impacting taxation had occurred at Suffern Lake.

Respondents to QB230/2019, Danilak and Ritchot, were not privy to any of Justice Zuk’s CJC submissions, but he had full access to their materials. Therefore, Justice Zuk was aware of Saskatchewan Assessment Management Agency (SAMA) CEO’s professional overview of the Suffern Lake assessment concerns prior to his review by B.C. Justice Christopher Hinkson and well in advance of hearing QB174/2021. His refusal to consider evidence that contradicted his earlier decision affected Justice Zuk’s impartial decision-making ability.

**Justice Zuk determined that previously filed materials were appropriately before the court. This provided an opportunity to re-evaluate his own and Justice Goebel’s wrong opinions on the validity of our tax manipulation concerns. Instead, Justice Zuk chose to dismiss evidence as allegation and in so doing protected several levels of government from exposed wrongdoing while supporting the credibility of the erroneous statements on tax manipulation (“disingenuous at best” and “now debunked”) contained in his and Justice Goebel’s earlier decisions. That choice is not impartial conduct.**

SAMA CEO Blank circulated his letter **acknowledging the failure of regional park reporting processes that impacted assessment values** to the Ministers of Government Relations, Justice, Parks Culture and Sport and Executive Council. Blank explained that Respondents had identified a weakness in the SAMA process that allowed failed and incomplete reporting by a Park Authority and resulted in SAMA-generated records that falsely reflected property values. **Property values on which taxation is subsequently calculated.**

Excerpts from SAMA CEO Blank’s letter of February 2020 (included in its entirety in CJC review request submissions and as Exhibit A Affidavit of Zigarlick QB174/2021):

*“Your correspondence included a wealth of property lease transfer information, some of which was not shared with SAMA prior to the receipt of your letter, which has **highlighted what may be a weakness in the current system when it comes to getting more accurate assessments of property in Regional Parks.**[...] In areas such as Regional Parks, where there are no fee simple titles, there is no available central registry of transfer information, meaning **the only source of information we can rely on to identify property transfers that have occurred is the local park administrator.***

*In most regional parks across the province the local park administrators do a very good job at identifying properties that have physical data changes and requesting that SAMA conduct a maintenance check to update those property assessments. Similarly, **most park administrators do a good job providing SAMA with lists of properties that have changed hands on a timely basis.** Where that does not occur or occurs well after assessments have been established for that time period, it can lead to assessments that are not as accurate as they could be if more complete and comprehensive sale information was provided. **Based on the lease transfer information you have provided in your correspondence, much of which we were not aware of, this may be the situation in this instance.**”*

CEO Blank committed to “*follow up directly with the Ministry of Government Relations to ask if legislation or regulations can be amended to ensure that property transfer information from Regional Parks will be provided for all transfers on a timely basis, using a standardized form similar to the change of ownership data provided by Information Services Corporation, with some penalties associated with non-compliance*” (Affidavit of Zigarlick, Exhibit A pg15 QB174/2021).

**The Respondents’ claim of manipulation of assessments and subsequently taxation by the Plaintiff is not allegation; it is fact. Not disputed fact – public record.**

Actions undertaken by SAMA to support CEO Blank’s recommendation for legislated regional park reporting changes, included an onsite property value assessment of every dwelling in the Suffern Lake Regional Park Community to correct the inequities Respondents had exposed. SAMA’s on-the-ground action bypassed the “honour” system of reporting that had been exploited by the Park Authority.

SAMA CEO Irwin Blank confirmed his willingness to participate in the court process, “[...] *should something related to assessments proceed to a hearing, as we will keep our presentation to a description of the **facts as we found them when we did the inspection of the full community and let the judge(s) interpret those assessment changes and what those changes infer about the level of diligence to the community** [...] our observations of the facts and the resulting assessment changes*” (Affidavit Zigarlick QB174/2021 Exhibit C pg18).

**If Justice Zuk felt there were disputed facts, why did he not change the platform to one inclusive of examinations and testimony?**

### **Public Record**

**The outcome of the onsite community reassessment was stunning.** Documentation of the dramatic changes at Suffern Lake is available through SAMA View, a website constructed and maintained by SAMA, the dedicated agent of the Saskatchewan Government that oversees assessments on over \$2 billion worth of properties in the province. **The Suffern Lake community assessment rose from \$2,083,700.00 to \$4,019,000.00 and Education Property Tax due to the province doubled.**

Some properties with dwellings increased over 300% in value and an unoccupied lake front lot increased 27.7 times from \$900 to \$24,900. Public record. Fact. Not allegation.

The two increases noted above accrue to properties held by Park Secretary Kiefer, the individual who provided some 90% of the affidavit material for **all** five of the court applications initiated by Suffern Lake Regional Park Authority against the Respondents. As Secretary, Kiefer was tasked with providing details of Park cabin sales and significant improvements to SAMA or to the RM of Senlac Administrator to forward to SAMA. We know the RM was being provided with the information because tax rolls were updated for billing purposes.

In QB230/2019, presided over by Justice Zuk, (materials brought forward) Park Secretary Kiefer’s affidavit claims he “*erred on the side of caution*” not providing **any** sale values to SAMA because he didn’t have **all** the dollar values.

In QB174/2021, Counsel’s claim changes to, “*can’t report what we don’t have*”.

Respondents are certain Justice Zuk has recognized the conflict between those two statements, neither of which diminish the Plaintiff's responsibility to report what he does have.

Respondents supplied the court with a list of cabins that changed ownership as well as Ms. Wildman's copy of the Park Authority's transaction form, a requirement to having a lease granted to a new owner.

Cabin/lot transactions for which values were not reported to SAMA prior to the efforts of the Respondents, include **purchases by Park Authority representatives** (showing public record assessed value pre and post SAMA reassessment):

1. Former Vice-Chair G. Hollman (\$8,300 / \$37,000)
2. Current Vice-Chair J. Mohrbutter (\$71,600 / \$128,500) (currently listed at \$260,000)
3. Former Co-Chair B. Weber (\$40,400 - \$91,900)
4. Former Rep D. Bonnefoy (\$900 - \$24,900)
5. Current Rep H. Wright and his wife, former Rep D.L. Wright (\$72,900 - \$146,900)
6. Former Rep D. Hollman (\$38,400 - \$78,700)

And sales by:

1. Former Secretary D. Kiefer (sale of right to lease empty lot – anecdotal \$24,000)
2. Current Chair J. Rehman (sale of right to lease empty lot – anecdotal \$10,000)
  - a. Prior to Respondents working with SAMA, all lots were valued and taxed at \$900. In 2020 we appraised SAMA that the Park Authority had completed a land survey 2017; the Park had NOT informed SAMA of the survey which allowed them to apply appropriate lot values based on size and location which now range from \$8,800 to \$35,500.
3. SLRPA – the Park Authority sold the Park-owned cabin for \$38,000, Secretary Kiefer failed to report this sale (of which the entire Park Authority was aware) to SAMA and failed to revoke the Park's exemption status thereby granting the purchaser several years tax free ownership (\$12,000-\$75,900).

**Six purchases and three sales directly involved the Park representatives. Yet, the Plaintiff's sworn affidavits state transactions were not reported because the data was not provided.**

**The immediate perception of a reasonable, fair-minded and informed person would be that the individual representatives who comprise the Plaintiff almost certainly had questionable intent and personal malicious motive in orchestrating expiry and refusing to renew the Respondents' leases. The reassessment impacts on these individuals and their loyalty to the Park Authority create an overriding motive to delay and refuse negotiated resolution in order that the Respondents' leases would expire through the effluxion of time enabling them to enact a writ of possession application.**

In labeling EVIDENCE as allegation, Justice Zuk did not interpret the assessment changes or consider the Plaintiff's level of diligence or intentional lack of the same as referenced by SAMA CEO Blank and expected by the Respondents. **It also relieves Justice Zuk of addressing the potential criminality of the Plaintiff's long-term, intentional tax evasion.**

**Public records show the impact of the Respondents efforts to correct the Park Authority's wrongdoing.**

### **Justifying the Plaintiff's Application – Failure to Pay Lease Fees**

Justice Zuk grossly misrepresents the Respondents' lease payment obligations in his decision. Those payments were not three years of refusal to pay (2018, 2019, 2020). As Justice Zuk is aware from hearing QB230/2019, the Plaintiff **terminated** Danilak and Wildman's leases in April of 2018 for being **90 days in arrears on contested taxes**.

**Lease reinstatement was a result of court decisions rendered in May of 2020. Retroactive billing for the reinstated leases was issued to Danilak and Wildman in July of 2020. This was the first lease payment invoiced post 2017.**

**The Respondents had not been refusing to pay lease amounts for three years. The Park Authority had terminated leases and did not issue invoices.**

The July 2020 invoices included amounts for services Danilak and Wildman had no access to. **The infrastructure connecting their cabins to the community water system had, without notice and in their absence, been physically torn from the ground in early June of 2018.**

Affidavit evidence provided to Justice Zuk addresses the billing and Ms. Wildman's objection to the inappropriate charges (affidavit Wildman pg2 para6). The Plaintiff perjuriously claimed they received no response to their retroactive July lease billing (affidavit of David Kiefer July 30, 2021, pg2 para12). **Respondents provided exhibits showing they not only responded but requested the invoices be reissued to reflect legitimate charges. The Plaintiff's response affidavit claims that they forgot an entire stream of correspondence AND group discussion as recorded in meeting minutes.**

The reality is that Respondents were **justly contesting** retroactive invoices.

The reality is that the invoices were issued **for the first time** in July of 2020.

On September 17, 2020, Respondents replied to the Park Authority's Counsel that we were not willing to pay the invoices as issued, again requesting they reissue. **NOT refusing to pay as Kiefer falsely claims in his affidavit, but as evidenced in his own attached exhibit, to not pay as invoiced.**

On December 31, 2020, **five months after receiving the initial invoices**, Park Secretary Kiefer resent the unaltered invoices indicating 2% interest would be charged if the invoices were not paid. Even though months had passed without the Park Authority acting to reissue appropriate invoices or mediate a solution, the Respondents offered to pay the entire disputed amount into trust.

### **Alternate Resolution Options**

Instead of condemning the Plaintiff for refusing all options/offers of restorative justice, Justice Zuk states it is the Plaintiff's right to refuse non-litigation options, then claims that the Respondents "forced" the Park Authority to hire Counsel and to litigate.

**The Plaintiff chose litigation spending public monies to do so. Respondents self-represented out of necessity as time and time and time again the Plaintiff filed application after application looking for the pot-of-gold award of homes and recreational properties.**

Justice Zuk cannot credibly claim that the Respondents forced the use of litigation and all the costs it entails over other available forms of resolution. If this were just about a disputed invoice, mediation is the obvious vehicle for resolution but it isn't; it is about hiding wrongdoing and punishing whistleblowers.

**The Plaintiff's perjury about refusal to pay invoices was perpetuated by Counsel and became a key element of Justice Zuk's decision.**

**The contested lease payment had been outstanding for five months NOT years as Justice Zuk defamatorily represents it.**

**Five months NOT three years.**

**Rent that was not applicable UNTIL the court ordered reinstatement of the leases in May 2020 and the Plaintiff actioned the decision with invoices in July. Rent which included payment for inaccessible services.**

Justice Zuk does not address the Park Authority's inappropriate billing and ignores their related perjurious affidavit submissions.

Had Justice Zuk examined the exhibits he would have recognized that the Plaintiff's misleading/perjurious statement which gave rise to the belief that Respondents had refused to pay for years. A deliberately misleading claim often made by the Plaintiff, reiterated by Counsel and acted upon by Justice Zuk. Decisions which are now a published source propagating defamatory, disparaging and discrediting profiles of the Respondents.

**It is not believable that Justice Zuk misunderstood the nature of the invoicing and nor would he, or any other reasonable person of ordinary intelligence and prudence, be willing to pay for services made inaccessible through a physical act of malice.**

By failing to review and evaluate the Respondents' affidavit materials, Justice Zuk's decision-making stands as biased.

### **Impacts of Discrediting**

When is the Respondents' evidence sufficient to move a statement from Justice Zuk's disparaging label of allegation to accepted fact?

Justice Zuk's misrepresentation and the defamatory nature of his statements have already had a significant impact on the Respondents. A Regional online news outlet covered his decision focusing strongly on the Respondents years-long failure to pay lease fees (<https://www.sasktoday.ca/north/local-news/cabin-owners-evicted-from-suffern-lake-regional-park-5424407>). The author quotes Justice Zuk, "there was ample reason for the park to allow the leases to expire without renewal based on non-payment of rent for three years."

Saskatchewan Law Society published a summary of SK QB175 of 2021 (Vol. 24, No. 13, July 1) which perpetuates Justice Zuk's misrepresentation of the invoicing and further states, "*the tenants made these unproven allegations of wrongdoing by the Park and board members repeatedly to various levels of government, including the Premier, none of whom chose to intervene on their behalf*" – this is not true. Respondent affidavits record:

1. The intervention of former PCS Minister Cheveldayoff in forestalling the Plaintiff's eviction of James Duffee (Respondent to SK QB174 and SK QB232 of 2019);
2. The Provincial Auditor's official January 2020 recognition of Regional Park Authorities as local government.
3. Commissioner Kruzeniski's oft-required intervention to have involved Ministries provide FOIP responsive documents regardless that "*the request is for information the release of which may be uncomfortable for the government institution*".
4. Commissioner Kruzeniski's April 3, 2020, recommendation to make Regional Park Authorities subject to LA FOIP legislation (Review Report 121/2019, 122/2019); and
5. CEO Irwin Blank of Saskatchewan Asset Management Agency who, on February 21, 2020, unequivocally confirmed that failed/incomplete/untimely reporting of sales and improvements by the Plaintiff resulted in false assessment values of cabins at Suffern Lake Regional Park.

### **Spirit and Intent – the Plaintiff's Objective**

**Respondents Wildman and Zigarlick have been sued THREE times, always summary, always for writ of possession. The Plaintiff DID intentionally delay addressing invoice concerns until after ALL cabin owner leases had expired. Then in an action that epitomizes bad faith, denied renewal of the Respondents' leases with notification provided 10 weeks AFTER leases were due. The Respondents' materials provide evidence of the Plaintiff's intent and the orchestration of situation.**

Justice Zuk's bias is blatant: the Plaintiff provides perjured evidence regarding their access to sales information. Justice Zuk doesn't address the implications of eight Park representative transactions and the Park Authority's own sale being among those not reported, as required, to the provincial assessment agency. He turns a blind eye. The Respondents provide evidence of the Plaintiff's assessment/taxation manipulation and subsequent official measures taken to remedy and correct that wrongdoing. Justice Zuk disparagingly labels the information allegation.

### **Justice and the Perception of Justice:**

**When the public record of assessment fact is considered, the wrongdoing of the Plaintiff is obvious – the Plaintiff DID manipulate assessments AND thereby taxes as Respondents have consistently claimed.**

**If Justice Zuk felt there were disputed facts, why did he not change the platform to one inclusive of examinations and testimony?**

It is apparent that Justice Zuk should have recused himself as he did in RM of Shellbrook v Muller QBG153/2015 because he had already had dealings with the Respondent. His discrediting rhetoric shows prejudice against the Respondents. Justice Zuk displayed a bias to support his own earlier decision (QB230/2019) in stating that the assessment manipulation evidence was allegation.

The fact of the assessment/taxation manipulation is material to five of the seven Queen's Bench court applications filed by the Plaintiff – two against Wildman/Zigarlick only, two against Danilak/Ritchot only, one against Wildman/Zigarlick/Danilak/Ritchot and Duffee in a group filing. It speaks to motive; to the driving force behind applications made to gain possession of



hundreds of thousands of dollars worth of investment against a few thousand dollars worth of contested invoices.

The Plaintiff misleads the court with Secretary Kiefer's perjurious affidavit statement, Counsel perpetuates the lie and Justice Zuk bases his biased decision on the false claim that the Respondents refused to pay multiple years of invoices. A defamatory misrepresentation made in disregard of the exhibits.

### **Systemic Reporting Abuse in Regional Parks**

Neither does the deliberate discrediting take into consideration the motivation for silence and obstruction from "*the various levels of government, including the Premier*". Respondents identified:

1. Lemsford Ferry Regional Park completely evaded assessment and subsequent taxation by neglecting to report the existence of privately owned cabins (confirmed by SAMA CEO Blank).
2. Eston Riverside Regional Park is currently undergoing the same onsite assessment efforts as SAMA employed at Suffern Lake to correct unusually low valuations as per FOIP documents from Shaun Cooney, Chief Assessments Governance Officer at SAMA. As well as LAFOIP responses from Brian Schauf, Administrator RM of Snipe Lake, who notes that 32 of their privately-owned cabins have been stripped of their "*inappropriately granted*" tax exemptions which provided them complete freedom from taxation.

The Regional Park system is province-wide and abuse of the assessment reporting requirements appears systemic with the addition of Lemsford Ferry and Eston Riverside Regional Parks.

Publicly available reports show that, in the wake of the Respondents' exposure of assessment/taxation manipulation at Suffern Lake Regional Park in 2020, over \$35 million worth of regional park and resort village properties were added to SAMA's 2021 assessment rolls when "inappropriately applied" exemptions were disallowed.

Over \$35 million... that speaks strongly to a motivation for not intervening on behalf of a couple of old fogeys in a sandhill park. Individuals who identified local regional park wrongdoing with the expectation that government would acknowledge and correct the inequities and unfairness it generated. Gross misconduct that has only been acknowledged and addressed by SAMA, the agency responsible for the assessment process on which provincial taxation relies.

It seems the Saskatchewan Government has no love of whistleblowers. Our discoveries increased provincial tax revenues but highlighted badly failed oversight. Ministries holding legislated oversight for regional parks include Government Relations, Parks Culture and Sport, Environment and, with the abuse of the taxation process, we must now add Justice, Education, Finance and, yes, the Premier.

It is our deepest hope that, prior to writing his decision for QB174/2021, Justice Zuk was unaware of the \$35,000,000(+) worth of recreational and resort properties that had been receiving long-term, inappropriate tax exemptions across Saskatchewan.

Our ongoing research reveals that the Saskatchewan Association of Rural Municipalities (SARM) has published three resolutions in 2022 (#7-8-9 22A) outlining their efforts to lobby the provincial government requesting amendment of section 293 of *The Municipalities Act* which outlines provisions for exemptions from taxation.

**SARM acknowledges the opportunity for fraudulent claims, inappropriately granted exemptions and the creation of a free rider scenario in which some residents fail to pay their fair share.**

This information is pertinent to the systemic Regional Park abuses of the taxation process we experienced and exposed at Suffern Lake under the management of our local Park Authority and the failed oversight of government. SARM's actions validate Respondents' claims of tax manipulation. Instead of acknowledging our findings, Government assisted the Suffern Lake Regional Park Authority in abusing the judicial system with serial court actions calculated to hide their own wrongdoing, discredit us and relocate us by taking possession of our properties.

**It raises the question: who might have been among those privileged individuals enjoying the \$35 million of inappropriate tax exemptions?** Recent changes (September 2, 2022) to the *Members Conflict of Interest Act*, eliminate the public disclosure requirement for MLAs to report ownership of recreational property.

A reasonable person, with knowledge of all these relevant circumstances, would believe a strong political bias existed against the Respondents.

### **The Ties That Bind**

One must be completely politically naïve not to recognize the importance of rural voter support in Saskatchewan. Justice Zuk is not politically naïve. Prior to his judgeship, public records note his financial support of conservative-leaning parties and his role as business manager in a provincial election campaign.

A reasonable person might perceive that Justice Zuk's political loyalties create the appearance of a lack of separation between politics and judiciary. Despite the traditions of integrity and impartiality judges swear to uphold; the above qualifies as a fact-specific perception of bias.

**The principle of separation of powers purports to protect the judiciary from political influence but who protects citizenry from a judicial official who chooses to render a decision favouring a personal political bias?**

What would the result have been if Justice Zuk had ruled in favour of the Respondents? What would the impact have been on the province, the government of Saskatchewan?

Justice Zuk's decision with its misrepresentation of facts and disparaging commentary, has created circumstances in which the Respondents now face an expanding and intentionally discrediting public relations battle.

### **Sworn Statements**

There is supposed to be a legal and moral significance to sworn affidavits. In labelling perjury disputed fact, Justice Zuk effectively camouflaged the wrongdoing of the Plaintiff and discredited

the Respondents. Further, he evades any determination of perjury which is measured by the following:

1. The Plaintiff declared their submissions to be true
2. The Plaintiff willfully made false statements
3. The Plaintiff knew the statements to be untrue
4. The Plaintiff's false statements were pertinent to material fact

Justice Zuk chose to rely on the Plaintiff submissions rife with perjury, misleading and false statements; he chose to disregard the Respondents proofs – those found in FOIP responsive documents, correspondence from experts and public and private record sources.

The Administrator for the RM of Senlac provided LA FOIP documents in time for submission in QB230/2019 which proved Secretary Kiefer's statements in affidavit materials (used in QB174-230-231/2019) regarding the tax arrears of cabin owner Halls to be false. The RM, an oversight body and taxation authority for the regional park, and senior members of the Park Authority had knowledge of Secretary Kiefer's false narrative.

Given Justice Zuk presided in QB230/2019 and accepted the materials from the previous applications for use in QB174/2021, he was also aware of this incident of perjury. Justice Zuk ignoring perjury on the part of the Park Authority costs those individuals nothing but his reliance on their perjured statements is to cost Ms. Wildman her home.

Justice Zuk could have mediated resolution of the overdue invoice instead of directing Ms. Wildman to sell her retirement home justifying it with the misleading claim that, for years, she had refused to pay her lease.

### **Wildman Residency**

How much volume of proof is required from the Respondents to overcome the Plaintiff's perjury and the prejudice it engenders?

Pg 50-51, para 159 [...] "*the Tenants having to vacate their long held recreational properties.*"

Ms. Wildman's cabin is her prime, full-time and only residence and has been since 2018.

Affidavit proofs include the court's prior acceptance of this fact as stated in paragraph 61 of Madam Justice Goebel's decision in SK QB 231 of 2019, "[...] *her primary residence was being put at risk*". Justice Zuk's decision relies in several instances on Goebel's decision and qualifies doing so, (pg 45 para 142) "the previously filed material [...] is appropriately before the court".

Additional proofs provided include CRA filings, assessment and tax notices that designate the property residential NOT recreational as well as photographic submissions showing annual preparation of Ms. Wildman's required six cords of winter firewood. It is not a contention as Justice Zuk names it (pg 13 para 49). It is a fact. A fact already accepted by the court.

Justice Zuk's error in labeling Ms. Wildman's property as recreational has significant impact. His wrong statement effectively creates a bias against Ms. Wildman by implying she is a multi-property owner; a false narrative which will be perpetuated every time his decision is cited. It is prejudicial to her reputation and affects public opinion by minimizing the impact on her individual circumstances.

The plaintiff's statement that Ms. Wildman holds an address elsewhere is based on pre-2018 realities and their attempt to deny her fulltime residency is not a mis-informed, harmless error; it intentionally misleads the court and is perjurious.

Justice Zuk's exculpatory statement labels our honest evidence as disputed facts and effectively absolves the plaintiff of their blatant perjury. This conduct stands in support of our contention of judicial bias.

### **Plaintiff – Failure to Follow Court Directive**

Respondents' support materials included a submission from James L. Duffee, their co-respondent in QB174/2019 and sole respondent to QB232/2019. Justice Zuk heard QB232 on October 26 and eight months later on May 26, 2020, provided his decision denying the Plaintiff, Suffern Lake Regional Park Authority, a writ of possession.

Justice Zuk wrote (QB232 pg26 p72) that "**Mr. Duffee was entitled to a new lease in August 2017**" and (pg26 p73), "**the Park is not entitled to rely on its own wrongful actions in denying Mr. Duffee a renewed lease as a basis upon which to found an application for a writ of possession.**"

Justice Zuk in addressing Mr. Duffee's submission merely notes that the Plaintiff denies using legal actions and counsel to harass and intimidate. **What Justice Zuk does not acknowledge is that the Park Authority has NOT followed his directive of QB232. Justice Zuk decided Mr. Duffee was entitled to a new lease FIVE YEARS AGO. Mr. Duffee remains without a lease and the Park Authority continues to refuse ALL efforts to negotiate, arbitrate or mediate a resolution** (Duffee affidavit pg1p6).

If Justice Zuk or any reasonable, informed person still thinks that the bad faith of the Park Authority is without impact, below are photos of Mr. Duffee's Suffern Lake property. In the absence of a lease to provide some security for his investment, Mr. Duffee ceased construction on his retirement home which was complete to lockup and left in 2017. Due to meeting minutes that record the Park Authority's intention to continue legal actions against her, Ms. Wildman has not undertaken additional renovations including landscaping since her lease was initially terminated in 2018 and her water line infrastructure torn out.





### Bad Faith

The legal dictionary defines bad faith as an “*intentional dishonest act by not fulfilling legal or contractual obligations*”. Displaying inappropriate bias, Justice Zuk has chosen not to address the Plaintiff’s bad faith failure to undertake his directive and renew Mr. Duffee’s lease.

Suffern Lake Regional Park Authority has a long history of bad faith – ignoring rules, regulations and now court directives. Justice Zuk recognized the Plaintiff’s “wrongdoing” in their application against Mr. Duffee, however, in QB174/2021 Justice Zuk accuses Respondents of doubling down in their efforts to prove the wrongdoing of the Plaintiff. **The Plaintiff’s wrongdoing is obvious to any reasonable, fair-minded and informed person.**

### More Misleading Material

Former SLRPA Board Member and Vice Chairman Gordon Hollman provided affidavit materials for QB174/2019, materials accepted by Justice Zuk in QB174/2021. Mr. Hollman presented a petition he claims he had conceived of and authored. One of two text box headers urged the Court to have Respondents evicted from the cottage community and their properties awarded to the Park through a writ of possession court action. About 64% of cottage owners signed the circulated petition.

Long time cottage owner and current Mayor of Provost, Alberta, Peggy McFadyen, provided a sworn statement addressing concerns with Mr. Hollman’s submitted petition. Mayor McFadyen stated the petition she had signed had been altered between the time she had signed it and when it was accepted as an exhibit for QB174/2019. She states she was not made aware the goal of the court actions was to take homes away from seniors. All the comments provided by signators support her claim that they were in favour of an effort to have three cabin owners (Danilak, Duffee, Wildman) **pay their tax arrears not to evict them or take their homes.**

Mayor McFadyen also expressed strong concerns about the draconian conditions in the lease agreement she and her family were subjected to. Justice Zuk gave no weight to Mayor McFadyen’s petition concerns and indicated the lease matter was a private contract in which the Plaintiff had no duty to bargain in good faith.

Justice Zuk did not acknowledge evidence proving the “contract” was imposed not negotiated; that the “contract” was due to cabin owners on January 1 but only circulated for signature in May leaving cabin owners in distress over renewals and insurance issues for five months; that the “contract” raises concern about conflicts with the Charter and Bill of Rights; and that the “contract” does not contain a renewal clause protecting cabin owner investments. This is more evidence of the Plaintiff orchestrating situations in bad faith.

### Private Law Matter

Regional Park Authorities are a creation of the Province; wholly subordinate to the legislation and regulations of the Province; and subject, at all times, to both oversight and intrusion by the Province and mandated agencies including Saskatchewan Regional Parks Association and affiliated rural municipalities, villages and towns.

Justice Zuk acknowledges that the Plaintiff is a government agency. Then states that in all the Park Authority’s actions surrounding the cabin owner sub-leases, it was acting in a private law matter. However, this private law matter still requires the cabin owner sub-lease to comply with the Plaintiff’s own superior Crown lease #350340. A Crown lease which states that the Plaintiff’s sub-lease must “*comply with all provisions of law, including federal*”.

Determining lease activities to be a private law matter enabled Justice Zuk to:

1. Exonerate the Plaintiff of bad faith conduct in negotiating a contract when in fact there was no opportunity to negotiate. In order to maintain their significant property investments, owners had a take-it-or-leave-it choice imposed over five months past due when the Park Authority had known for 10 years leases would expire January 1, 2021.
2. Avoid addressing the possibly criminal actions of the Plaintiff in coercing signatures to the contested lease through forged/modified use of confidential cabin owner/provincial government correspondence in a newsletter circulated to the cabin community.
3. Avoid any decision-making regarding the additional materials, provided while Justice Zuk’s decisions were held in reserve, that reveal the Plaintiff was interfering with a process before the courts by issuing letters which threatened cabin owners who had signed the lease with an “under duress” notation with invalidation of their leases.  
**Justice Zuk does not address the Plaintiff’s blatant attempt at coercion; he does not even seek clarification.**
4. Label concerned cabin owners as complaining signatories to a private contract. However, let us be clear: our landlord, the Plaintiff, is an agent of government; and the Crown, their landlord.
5. Avoid addressing the numerous contentious lease clauses that reflect substantive unfairness and include a *Bill of Rights* compliance concern where **untrained, unelected, and unqualified Park Authority representatives grant themselves right of entry into privately-owned residences**. Other concerns include:
  - The lack of a renewal clause.
  - Properties now designated Recreational use not Residential (impact on resale opportunities and market value). **This also reflects on Justice Zuk’s biased decision-making where he wrongly describes Ms. Wildman’s cabin as recreational when it is her prime and only residence.**
  - Cabin use restricted to six months a year (impact on personal use, resale opportunities and market value).

- Tenants to be held responsible for own legal costs and the Park Authority's on a full indemnity solicitor-client basis (e.g., if a cabin owner wants to contest a clause in the lease they will be paying ALL legal costs – usually a determination of the court).

**Neither Justice Zuk nor any other reasonable, informed person would negotiate this contract nor, given a choice, would they accept it. Yet Justice Zuk orders Ms. Wildman to sell her home into lease conditions that, in a best case scenario, halve the value of her property. The Suffern Lake Regional Park Authority is a government agency, created by provincial legislation and subject, at all times, to government oversight. In failing to acknowledge and address lease concerns, the provincial government and the judicial system are now participants in an overwhelming abuse of the imbalance of power.**

Our comments regarding the lease's impact on the salability of Suffern Lake properties are borne out by Ms. Wildman's attempt to list her property – the realtor declined to attempt to sell into the onerous conditions of the lease but provided feedback on problematic clauses which was shared with Park oversight bodies; an interested private party read the lease he would be buying into and left saying, "are you f\*cking kidding me". Anecdotal information of mid-September indicates a former Park Chairman had lined up a buyer for his property only to have the sale fall through at the financing stage when the bank refused to loan against a Suffern Lake property. Following this occurrence, a current member of the Park Authority is reported to have indicated concern about selling his property, which is listed for \$260,000, into the conditions of the existing lease.

Justice Zuk is familiar with the regional park system and operations – he presided over QB230 and 232 of 2019 and, as a lawyer, represented Wakaw Lake Regional Park Authority 1999 CanLII 12447 (SK QB).

Justice Zuk indicates the Plaintiff can work in a "private" capacity when developing contracts or in employment matters. In 1999 Mr. Zuk represented the Wakaw Lake Regional Park Authority in a case which dealt with an employment issue in a charge of wrongful dismissal. Presiding Justice J. Wilkinson identifies the Wakaw Lake Regional Park Authority as a **corporate defendant** with the directors of the corporation (Park Authority representatives) as individual defendants (pg1para1 1999canlii12447).

### **Forgery**

The Plaintiff, according to Justice Zuk, is operating in a "private" capacity in the development of the lease as a contract. Respondents' materials include an exchange between cabin owner Ryan Maxwell and Dominique Clincke at the Ministry of Parks, Culture and Sport. Mr. Maxwell expresses concerns with lease clauses and the development process that did not include cabin owner input.

A reasonable, fair-minded and informed person would be sceptical of the private nature of the Plaintiff's cabin owner lease development when correspondence shows they had the input and direction of higher levels of government on their private law matter. Other entities creating "private law matter" contracts do not have the advantage of ministerial consultation or ministerial largesse: legislation allows the Minister to provide any amount under \$50,000 in any fiscal year for any purpose related to facilities/operation/maintenance of a regional park without the approval of the Lieutenant Governor in Council (*The Regional Parks Act, 2013, S.18(1-2)*). Any

purpose. A reasonable person might construe that to include legal fees that enabled court applications intent on hiding long-term wrongdoing.

Respondents do not have access to Park financial records showing exact amounts the Park Authority has spent on legal fees, travel and manpower in bringing all their applications forward. It appears to be in the order of \$100,000; this is a large amount of money for an organization whose annual incomes range from \$105,000 to \$150,000.

A reasonable person would question the Plaintiff's private capacity when court documents show that the Park modified a piece of confidential government correspondence (FOIP PCS 04/21-G 2021/08/18) to coerce cabin owners to sign the contested lease. The FOIP response states, "*The letter you have requested from Mr. Clincke to the Suffern Lake Regional Park Authority that was included in the Spring Suffern Lake Newsletter does not exist.*" Government correspondence was modified, published and circulated for their own purposes. This appears to meet the criteria of forgery (Criminal Code R.S.C., 1985, c. C-46 368(1)). Justice Zuk does not address the Plaintiff's behaviour in this matter. Another incident of bad faith conduct ignored. Another indication of bias.

### Decision-making

A google search of Justice Zuk reveals that in family and criminal court cases, he takes a restorative view of justice and fully considers mitigating factors. With that information, it is even more confusing that Justice Zuk did not promote mediation or arbitration to resolve the summary application. He repeatedly dismissed the Respondents' materials and harshly discredited the people who had revealed long-term government wrongdoing.

A reasonable person might perceive politics hiding under Justice Zuk's judicial robes.

Justice Zuk's decisions did not award cabins to the Plaintiff; he directed, without consideration that Wildman's property is her home, that Respondents sell their properties within 180 days or writs of possession may be issued. He ordered that \$1500 per action be paid as costs. The only benefit to the Plaintiff is \$3,000 in costs and that the decisions require the Respondents to relocate. The Plaintiff faces significant financial shortfalls. It is puzzling that members of the Park Authority have not spoken against the decision but perhaps the Plaintiff is confident Ms. Wildman will not be able to find a buyer willing to buy into their current cabin owner lease and thus the writs will issue and the Park gain possession of the properties, after which they modify the lease to encourage purchasers, place the properties on the market and realize a prize financial windfall.

Justice Zuk gave equal weight to proven lies (Plaintiff) and supported truths (Respondents) and delivered decisions in which the only clearly identifiable beneficiary is the Government of Saskatchewan who was not visibly involved in the applications. **Government benefits greatly when the court does not expose systemic Regional Park administration issues including tax evasion by its own agencies and its own involvement in using the judicial system to hide wide-spread, long-term wrongdoing.**

Justice Zuk's decision demonstrates quite clearly that there is very little distance between politics and the judiciary.

### Grazing Your Cow



Respondents did not appeal because we recognized it as a time wasting, expensive, no-win undertaking. Unless bad faith, spirit and intent were factored in, the legal position would inevitably be that there was no renewal clause in the lease.

In Chambers, Justice Zuk spoke extensively to Counsel regarding bad faith of his client, noting that the Suffern Lake Regional Park's bare-land lease was much different than leasing 40 acres to graze your cow with the owned improvements representing significant investment on the part of cabin owners – yet his decision fails to address the motivations of the Plaintiff, their lack of truthfulness or the effect of their orchestrated expiry of the lease before filing these applications. He could have made the “no renewal clause” decision and left it at that. Instead, Justice Zuk goes on at great length discrediting the Respondents.

### **Childhood Teachings**

**Justice Zuk failed to take issue with the Plaintiff for providing false and misleading information to the court nor did he acknowledge that the Park Authority failed to follow through on his court directives of QB232/2019 or address concerns of forgery.**

From the time we are children we are taught perjury is a serious and criminal matter. We are taught judges are fair. We are taught that not only should the courts see that Justice is done, it must also be perceived that Justice be done.

Where is the court as the credible guardian of public interest?

If rationale for a judicial decision can be based on misleading, false and perjured statements there is something drastically wrong with the Canadian judicial system. Justice Zuk's decision, if a writ is actioned, decrees Ms. Wildman will lose her home and that exposed wrongdoing will go unaddressed. The Respondents are a couple of seniors, obviously their lives are acceptable collateral damage when the scales of justice do not impartially weigh the evidence presented.

### **Supporting documents attached:**

1. QB174 of 2021 heard October 21, 2021:
  - Respondents' documents (Wildman/Zigarlick)
  - Plaintiff's documents
  - Justice Lyle Zuk's rendered his decision April 20, 2022
2. Copy of the Suffern Lake Regional Park cabin owner lease
  - Comments from discussion with realtor included in red

### **Supporting documents to follow:**

1. QB174 of 2019 heard August 15, 2019:
  - Respondents' documents (Duffee, Danilak, Ritchot, Wildman/Zigarlick)
  - Plaintiff's documents
  - Madam Justice Krista Zerr discontinued the action August 15, 2019
2. QB231 of 2019 heard September 19, 2019:
  - Respondents' documents (Wildman/Zigarlick)
  - Plaintiff's documents

- Madam Justice Gwendolyn Goebel's decision rendered May 19, 2020
3. QB230 of 2019 heard September 26, 2019:
    - Respondents' documents (Danilak/Ritchot)
    - Plaintiff's documents
    - Justice Lyle Zuk's decision rendered May 19, 2020
  4. QB232 of 2019 heard September 26, 2019:
    - Respondent documents (Duffee)
    - Plaintiff's documents
    - Justice Lyle Zuk's decision rendered May 26, 2020