

To: Mayor and Members of Council

January 24, 2011

Re: Forfeiture Application: 12 Kennedy Road

### **Background**

The property as listed above was used in the production and possession of drugs. The owners of the property have been found guilty and sentenced to jail time for the unlawful production and possession of a controlled substance, cannabis marihuana.

### **Discussion**

The Town has received notification that there has been a Forfeiture Application on all of the properties involved with this case. A Forfeiture Application is an application for the confiscation of assets which were either the proceeds of crime, or items used in the crime itself.

There are substantial taxes and utility bills outstanding and the property has a tax lien on it. The total amount owing to the Town of White City on this property is \$22,412.53. If the Crown is successful in their application, the Tax Lien on the property will be impacted. I forwarded all of the information to Mark Mulatz for review and he advises that under section 20 of the Controlled Drug and Substances Act, the Town may apply to prove its interest in the property. Mark has discussed the Town's interest with the Crown Prosecutor and was advised that the Crown will consent to our application. If there is insufficient equity, the Crown will not forfeit the property.

There is a hearing on February 23, 2011 at 1:00pm at the Regina Queen's Bench Court and Mr. Mulatz is willing to prepare an application on behalf of the Town of White City.

### **Budget Implications**

There will be legal costs of approximately \$1,000 incurred by the Town. These costs cannot be added to the property taxes. Administration will include this in the 2011 budget.

### **Conclusion**

The Town has a substantial interest in 12 Kennedy Road, and by preparing an application to the Crown for payment of the amounts owing will be recovered.



**Recommendation**

Administration recommends Council pass the following motion:

"THAT Administration request Legal Counsel to prepare an application to the Crown to recover the amounts outstanding on 12 Kennedy Road."

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Shauna Bzdel".

Shauna Bzdel,  
Town Manager