

September 21, 2015

The Honorable Kerry-Lynne Findlay, Minister of National Revenue
House of Commons

Dear Minister Findlay,

We have an urgent time-sensitive request regarding our litigation in which you are a defendant, which we believe will be helpful to both plaintiffs and Government defendants, but which needs to be acted on no later than by end of business day September 22, 2015.

We are the chair and co-chair (and legal counsel) of the *Alliance for the Defence of Canadian Sovereignty*. We are the non-profit organization which is prosecuting the FATCA lawsuit against the Government of Canada. The lawsuit is “live”, “well” and expected to move to full trial in 2016. We are at: <http://www.adcs.adsc.ca>.

By way of background:

1. On February 5, 2014 the Government of Canada entered into a “Model 1” IGA agreement concerning the imposition of the U.S. FATCA (“Foreign Account Tax Compliance Act”) law in Canada.
2. On June 19, 2014 the Government of Canada enacted the FATCA enabling legislation through Bill C-31.
3. On July 1, 2014 FATCA became the law of Canada. The IGA required that Canada (via the CRA) report the banking information of those defined by the U.S. to be U.S. Persons to the IRS
4. The FATCA IGA required that the information be reported no later than September 30, 2015.
5. The Government of Canada has indicated to our legal counsel that it intends to report the banking information of those identified as “U.S. persons” to the IRS on September 23, 2015.

On the afternoon of Friday, September 18, the U.S. Internal Revenue Service issued Notice 2015-66, pursuant to which the deadline for the turnover of FATCA data (for countries with a Model 1 IGA agreement) **has been extended for one year**. Countries with a Model 1 IGA (including Canada) are no longer required to report to the IRS by September 30, 2015. **It is required that Model 1 countries request this extension from the IRS.** See:

<https://adcsoverignty.wordpress.com/2015/09/18/irs-extends-fatca-compliance-date-for-one-year-to-september-30-2016/>

<http://www.irs.gov/pub/irs-drop/n-15-66.pdf>

REQUEST:

In light of the large number of Canadian citizens potentially affected AND in view of the fact that the Government of Canada and the Minister of National Revenue are defendants in the Deegan and Hillis lawsuit AND in view of the fact that the Government is NO longer required to transfer the FATCA data to the IRS we request:

That the Government of Canada apply for the extension, no later than by end of business day September 22, to NOT transfer the data with a view to meeting a September 30, 2015 deadline that is NO longer required.

Clearly, the Government of Canada, irrespective of its FATCA obligations to the United States, has the opportunity to not transfer the private banking information of innocent Canadian citizens to the United States Internal Revenue Service.

Your action in requesting the permitted delay in the transfer would be significant for both plaintiffs and defendants as we move down the litigation road.

Should you need more information I ask that you speak directly to Mr. John Richardson our legal counsel and co-chair.

Sincerely,

Dr. Stephen Kish, Chair, Alliance for the Defence of Canadian Sovereignty

John Richardson, Co-Chair and Legal Counsel

cc:

Andrew Treusch, CRA John Ossowski, CRA

Kevin Shoom The Honourable Joseph Oliver