

Lee's Variety still can't accept gas cards

By Jayson Koblun

OHSWEKEN — Almost one year later, Bryan Farmer, is still unable to let his customers use their valid gas cards at his business and is not sure when that might change.

Farmer, owner of Lee's Variety and Shell Gas in Ohsweken, was surprised when he received a government letter in April last year saying he was being audited. He was asked to provide receipts for the last four years regarding the taxes and methods of how the use of gas cards was being conducted at his business.

"After the audit, I was told that the government would not be letting me keep the money I was owed from gas card taxes and that I owed the government all of the gas card taxes from the last four years," said Farmer. "They told me that if I keep accepting gas cards that they will take that money from me before I even see it."

Farmer said that the amount he apparently owes is well above a reasonable amount expected to pay back. "They denied me my money and now they want it back," he said. "It's like I am owing them double."

To make sure he doesn't find himself in an even worse situation, he decided to stop accepting gas cards altogether back in July of 2015. But what he doesn't understand is why he owes taxes on valid gas card transactions to begin with.

"As far as I know I have done nothing wrong when it comes to accepting gas cards here on the reserve," said Farmer. "If someone shows me what looks like a valid, unexpired gas card, I give them the native price — it's as simple as that."

Section 87 of Canada's Indian Act makes it very clear that on-reserve income is non-taxable, but the Ministry of Finance's approach to gas tax exemption is less obvious.

Farmer said that in



Indigenous peoples are exempt from Canadian taxes because their nations predate the State which some believe to be 149 years old.

his few dealings with the government since the audit it has been very difficult to get information out of them and the information he does get is contradicting at times.

"First they looked at my receipts and noticed that not all of them have the customers' license

numbers recorded and said that that was a big problem," he said. "Then they came back and told me that the license plates were never an issue — so I'm left with a lot of back-and-forth information that just doesn't make sense. I don't really know what to say."

Another thing that Farmer is left shaking his head about is the fact that the government has already decided to withhold the tax money from him before anything has been presented in court. There is no court date set up as far as he knows and he doesn't understand why the government can act before anything is decided.

"I know I'm going to have to fight for my business in court, I just don't know when that will be because since the audit there hasn't been any court date or further meetings scheduled," he said.

"This, and other recent stuff in the news about native taxes makes me think that the previous Prime Minister Stephen Harper put in a motion to go after the Indians in any way they can," he said. "All of this is the fallout of those years with him in command."

Farmer said that he was recently made aware of a government document

that states that there are stipulations on how much tax an indigenous person can save when buying gas from a retailer, which affects him as the business owner and he said he didn't know about that until it was too late.

"There's a lot of information that I guess I didn't know. But even what I do know now I think is still faulty," he said. "My guess is that most business owners here don't know everything that is going on within the government."

Farmer told us that Six Nations Elected Council is going to meet with the Ontario Ministry this week to discuss issues similar to this. Farmer will be there to find out more about his current situation.

"I want to say sorry to my customers that hold valid gas cards," he said. "I want to accept them but until things are worked out here I just can't."

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