

Bond Case Briefs

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Pot-O-Gold Rentals, L.L.C. v. City of Baton Rouge

Supreme Court of Louisiana - January 16, 2015 - So.3d - 2014-2154 (La. 1/16/15)

Taxpayer that operated waste removal business brought action against city seeking refund of sales taxes. The District Court granted taxpayer summary judgment. City appealed. The Court of Appeal reversed and remanded. Taxpayer sought review.

The Supreme Court of Louisiana held that lease of portable toilet with cleaning services included was not taxable pursuant to sales tax statute.

The “true object” of the transactions was, in the least, debatable, requiring the court to adopt the interpretation urged by the applicant as the least onerous to the taxpayer, and, to hold that providing cleaning services for portable toilets was not a taxable event if the toilet was owned by someone else, but was a taxable service if the toilet was owned by the lessor, would have created an absurd result.