



Court File No. **VLC-S-S-228350**
Vancouver Registry

In the Supreme Court of British Columbia

Civil Forfeiture Action In Rem Against

\$129,880.00 in Canadian currency seized by the Southeast District RCMP on March 28, 2022
(the "**Money**"), and its proceeds

Between

Director of Civil Forfeiture

Plaintiff

and

The Owners and all Others Interested in the Money,
in Particular, Coleten Tyler C.S. Garnier and Irfan Suri, Jr.

Defendants

NOTICE OF CIVIL CLAIM – CIVIL FORFEITURE (IN REM)

Name and address of the Plaintiff:

Director of Civil Forfeiture
c/o Ministry of Attorney General, Legal Services Branch
1001 Douglas Street
Victoria, BC V8W 9J7
Via Fax (250) 356-9154

Description of property: \$129,880.00 in Canadian currency seized by the Southeast District RCMP on March 28, 2022 (the "**Money**"), and its proceeds

To the defendants:

TAKE NOTICE that this action has been started against you by the plaintiff for the claims set out in this notice of civil claim.

IF YOU INTEND TO RESPOND TO this action, or if you have a set-off or counterclaim that you wish to have taken into account at the trial, YOU MUST FILE a response to civil claim in Form 2 in the above registry of this court within 21 days after being served with a copy of the filed notice of civil claim and SERVE a copy of the filed response to civil claim on the plaintiff's address for service.

YOU OR YOUR LAWYER may file the response to civil claim.

APPLICATION FOR JUDGMENT AGAINST THE MONEY MAY BE MADE IF YOU FAIL to file the response to civil claim within 21 days after being served with a copy of the filed notice of civil claim.

CLAIM OF THE PLAINTIFF

Part 1: STATEMENT OF FACTS

The Defendants

1. The defendant Coleten Tyler C.S. Garnier (“**C. Garnier**”), whose occupation is unknown to the Plaintiff, has a last known address of 1643 42 Street NW, Edmonton, Alberta. C. Garnier has a prior criminal conviction for possession for the purpose of trafficking.
2. The defendant Irfan Suri, Jr. (“**I. Suri**”), whose occupation is unknown to the Plaintiff, has a last known address of 1820 25 Street NW, Edmonton, Alberta.

The Money

3. On March 28, 2022, at approximately 7:03 pm, a 2020 Toyota Camry bearing British Columbia licence plate KV6 56B (the “**Vehicle**”) was observed by officers of the Southeast District RCMP (the “**RCMP**”) traveling above the posted speed limit on Highway 5 at or near Valemount, British Columbia.
4. At all material times, the Vehicle was a rental vehicle owned by Enterprise Rental Company.
5. The RCMP subsequently conducted a traffic stop of the Vehicle and found that C. Garnier was the driver and I. Suri was the sole passenger.
6. The Defendants were detained for a possession of a controlled substance for the purpose of trafficking investigation.
7. The Vehicle was subjected to a police service dog (“**PSD**”) examination. The PSD provided a positive indication for the presence of a controlled substance.

8. The Defendants were arrested for possession of a controlled substance for the purpose of trafficking.
9. The RCMP searched the Vehicle and located, among other things, a black bag containing a large amount of currency that was bundled and wrapped with elastic bands. In total, the sum of \$129,880.00 in Canadian currency was discovered as follows:
 - a. 16 bundles of currency totaling \$89,300.00;
 - b. 4 bundles of currency totaling \$17,500.00;
 - c. 3 bundles of currency totaling \$10,765.00;
 - d. 2 bundles of currency totaling \$6,765.00;
 - e. \$550.00 of loose currency; and
 - f. 1 bundle of currency totaling \$5,000.00

(collectively, the “**Money**”).
10. The Money was bundled or packaged in a manner not consistent with standard banking practices.
11. The Defendants were arrested for possession of the proceeds of crime and the RCMP seized the Money.
12. Also located in the Vehicle were 10 cellular telephones.
13. On April 7, 2022, the Money was subjected to PSD examination. The PSD provided a positive indication for the presence of a controlled substance.
14. On May 4, 2022, the Money was analyzed by the Cash Recording and Tracing System (“**CRATS**”), which is a process to record, trace, and report on banknote serial numbers that are involved in police investigations nationally. Upon analysis, five bank notes in the Money were determined to be associated to currency that had been tracked by police and utilized to commit criminal offences.

The Unlawful Activity

15. The Money is proceeds and an instrument of unlawful activity.
16. The Money has been used by the Defendants to engage in unlawful activities which variously resulted in, or were likely to result in, the acquisition of property or an interest in property, or caused, or were likely to cause serious bodily harm. To the extent that those unlawful activities are known to the Director of Civil Forfeiture (the “**Director**”), they consist of:
 - a. possession of the proceeds of crime contrary to the *Criminal Code of Canada*, RSC 1985, c. C-46 (the “*Criminal Code*”);
 - b. laundering the proceeds of crime contrary to the *Criminal Code*; and
 - c. failure to declare taxable income contrary to the *Income Tax Act*, RSC 1985, c. 1 (the “*Income Tax Act*”),

(collectively, the “**Unlawful Activity**”).
17. The Defendants obtained the Money by participating in the Unlawful Activity.
18. The Defendants intended to use the Money to engage in the Unlawful Activity.
19. If the Money is released to the Defendants, it will likely be used for the Unlawful Activity.

Part 2: RELIEF SOUGHT

1. An order under s. 5(1) of the *Civil Forfeiture Act*, SBC 2005, c. 29 (the “*Act*”) that the defendants’ interest in the Money, and its proceeds, including any interest, be forfeited to His Majesty the King in right of the Province of British Columbia (the “**Government**”).
2. An order under s. 5(2) of the *Act* that the Money, and its proceeds, including any interest, be forfeited to the Government.
3. An order under s. 7(2) of the *Act* that the effective date of forfeiture of the Money to the Government is the date these proceedings are commenced.

4. An order under s. 26 of the *Act* that the Money, including any interest, be paid into the civil forfeiture account of the consolidated revenue fund.
5. Costs.

Part 3: LEGAL BASIS

1. Under s. 3(1) of the *Act*, the Director may apply to court for an order forfeiting to the Government property located in British Columbia that is proceeds of unlawful activity. Proceeds of unlawful activity include property that is acquired directly or indirectly from unlawful activity. Unlawful activity includes acts or omissions that at the time of occurrence are offences under an Act of Canada or British Columbia.
2. Under s. 3(2) of the *Act*, the Director may apply to the court for an order forfeiting to the Government property that is an instrument of unlawful activity. An instrument of unlawful activity includes property that has been used to engage in unlawful activity that, in turn, resulted in or was likely to result in the acquisition of property or caused or was likely to cause serious bodily harm to a person.
3. Under ss. 5(1) and 5(2) of the *Act*, the court must forfeit property that is proceeds or instruments of unlawful activity to the Government, subject to certain defences that must be pleaded and proved by the defendants.
4. Under s. 19 of the *Act*, proof that a person participated in an unlawful activity that resulted in or is likely to have resulted in the person receiving a financial benefit and the person subsequently acquired the whole or the portion of an interest in property or caused an increase in the value of the interest or the portion of the interest in the property or caused a decrease of a debt obligation secured against the interest or the portion of the interest in property is proof, in absence of evidence to the contrary, that the whole or the portion of the interest in property is proceeds of unlawful activity.
5. Under s. 19.03 of the *Act*, proof that cash, with a total value greater than \$10,000, was found bundled or packaged in a manner not consistent with standard banking practices is

proof, in the absence of evidence to the contrary, that the cash is proceeds of unlawful activity.

6. It is an offence under s. 354 of the *Criminal Code* to possess the proceeds of crime.
7. It is an offence under ss. 238 and s. 239 of the *Income Tax Act* to fail to declare taxable income.
8. The Money is proceeds of crime pursuant to s. 462.3 of the *Criminal Code*.
9. It is an offence under s. 462.31 of the *Criminal Code* to launder the proceeds of crime.
10. All or some portion of the Defendants' interest in the Money is proceeds of unlawful activity because it was acquired, in whole or in part, directly or indirectly, from the Unlawful Activity. Since the Money is proceeds of the Unlawful Activity, so too are any of its proceeds.
11. The Money is an instrument of unlawful activity because it was used, or is likely to be used, to engage in the Unlawful Activity.
12. Under s. 7(2) of the *Act*, the effective date of forfeiture of personal property, or an interest in personal property, that is cash or cannot be registered in the Personal Property Registry, is the date that proceedings are commenced under s. 3 of the *Act*.
13. Under s. 26 of the *Act*, the Director must pay any funds forfeited to the Government into the civil forfeiture account of the consolidated revenue fund.

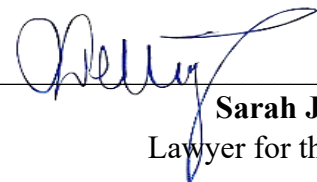
Plaintiff's address for service: 1001 Douglas Street, Victoria, BC, V8W 9J7

Fax number address for service: (250) 356-9154

Place of trial: Vancouver, BC

The address of the registry is: 800 Smithe Street, Vancouver, BC

Date: October 14, 2022



Sarah J. Nelligan
Lawyer for the Plaintiff

Rule 7-1 (1) of the Supreme Court Civil Rules states:

(1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,

(a) prepare a list of documents in Form 22 that lists

(i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and

(ii) all other documents to which the party intends to refer at trial, and

(b) serve the list on all parties of record.

**ENDORSEMENT ON ORIGINATING PLEADING OR PETITION
FOR SERVICE OUTSIDE BRITISH COLUMBIA**

The plaintiff, Director of Civil Forfeiture, claims the right to serve this pleading on the defendants outside British Columbia on the ground that this proceeding is brought by the Director of Civil Forfeiture to enforce, assert, declare or determine proprietary or possessory rights or a security interest in property in British Columbia that is immovable or movable property, pursuant to s. 10(a) of the *Court Jurisdiction and Proceedings Transfer Act*, SBC 2003, c. 28.

APPENDIX

Part 1: CONCISE SUMMARY OF NATURE OF CLAIM:

An action for forfeiture of property located in British Columbia pursuant to the *Civil Forfeiture Act*, SBC 2005, c. 29.

Part 2: THIS CLAIM ARISES FROM THE FOLLOWING:

A personal injury arising out of:

- a motor vehicle accident
- medical malpractice
- another cause

A dispute concerning:

- contaminated sites
- construction defects
- real property (real estate)
- personal property
- the provision of goods or services or other general commercial matters
- investment losses
- the lending of money
- an employment relationship
- a will or other issues concerning the probate of an estate
- a matter not listed here

Part 3: THIS CLAIM INVOLVES:

- a class action
- maritime law
- aboriginal law
- constitutional law
- conflict of laws
- none of the above
- do not know

Part 4:

Civil Forfeiture Act, SBC 2005, c. 29;
Criminal Code of Canada, RSC 1985, c. C-46;
Income Tax Act, RSC 1985, c. 1