



Court File No. **VIC-S-S-232233**

No.  
Victoria Registry

*In the Supreme Court of British Columbia*

Civil Forfeiture Action in Rem Against

\$14,176.01 in Canadian currency realized by the Royal Bank of Canada following the repossession and sale of a 2017 Chevrolet Silverado with Vehicle Identification Number 1GCVKREC6HZ302715 and any accumulated interest held by the Royal Bank of Canada (the “Money”), and its proceeds

Between

Director of Civil Forfeiture

Plaintiff

and

The Owners and all Others Interested in the Money,  
in Particular, Kyle Darrin Rene Campbell

Defendant

**NOTICE OF CIVIL CLAIM – CIVIL FORFEITURE (IN REM)**

Name and address of each 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:** \$14,176.01 in Canadian currency realized by the Royal Bank of Canada following the repossession and sale of a 2017 Chevrolet Silverado with Vehicle Identification Number 1GCVKREC6HZ302715 and any accumulated interest held by the Royal Bank of Canada (the “Money”), and its proceeds

*To the defendant:*

**This action has been started by the plaintiff for the relief set out in Part 2 below.**

If you intend to respond to this action, you or your lawyer must

- (a) file a response to civil claim in Form 2 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim on the plaintiff.

If you intend to make a counterclaim, you or your lawyer must

- (a) file a response to civil claim in Form 2 and a counterclaim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim and counterclaim on the plaintiff and on any new parties named in the counterclaim.

JUDGMENT AGAINST THE MONEY MAY BE MADE IF YOU FAIL to file the response to civil claim within the time for response to civil claim described below.

### **Time for response to civil claim**

A response to civil claim must be filed and served on the plaintiff,

- (a) if you were served with the notice of civil claim anywhere in Canada, within 21 days after that service,
- (b) if you were served with the notice of civil claim anywhere in the United States of America, within 35 days after that service,
- (c) if you were served with the notice of civil claim anywhere else, within 49 days after that service, or
- (d) if the time for response to civil claim has been set by order of the court, within that time.

## **CLAIM OF THE PLAINTIFF**

### **Part 1: STATEMENT OF FACTS**

1. The defendant, Kyle Darrin Rene Campbell (“**K. Campbell**”), whose occupation is unknown to the plaintiff, has a last known address of 2290 Ash Avenue, Quesnel, British Columbia (“**K. Campbell’s Residence**”).
2. The money is \$14,176.01 in Canadian currency realized by the Royal Bank of Canada following the repossession and sale of a 2017 Chevrolet Silverado with Vehicle Identification Number 1GCVKREC6HZ302715 (the “**Vehicle**”), and any accumulated interest held by the Royal Bank of Canada (the “**Money**”), and its proceeds.
3. At all material times, K. Campbell was the registered owner of the Vehicle. The Vehicle was subject to a registered security interest in favour of Royal Bank of Canada (“**RBC**”).

### **The Investigation**

4. By and before August 2022, K. Campbell was trafficking controlled substances in Quesnel, British Columbia.

5. On August 27, 2022, K. Campbell drove the Vehicle to a pre-arranged location and sold 15 ounces of cocaine to an undercover RCMP officer (“UCO”).
6. The RCMP seized the Vehicle.
7. On August 28, 2022, the RCMP executed a search warrant of K. Campbell’s Residence and located:
  - a. 174 grams of cocaine;
  - b. drug packaging material;
  - c. \$4,020.00 in Canadian currency, \$1,360 of which was paid to K. Campbell by the UCO on August 27, 2022;
  - d. eight rifles, two of which did not have serial numbers;
  - e. three shotguns;
  - f. two rifle magazines;
  - g. a prohibited knife; and
  - h. drug paraphernalia.
8. Subsequent to the Vehicle seizure, RBC took possession of and sold the Vehicle. From that sale, RBC paid all expenses owed to it in relation to RBC’s security interest registered against the Vehicle. After the payment of those amounts as well as any sale-related expenses, the sale generated surplus net proceeds of \$14,176.01, being the Money.

**The Unlawful Activity**

9. The Vehicle was proceeds and an instrument of unlawful activity.
10. The Vehicle was used by K. Campbell 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 for the purpose of trafficking and trafficking controlled substances, contrary to the *Controlled Drugs and Substances Act*, SC 1996, c. 19 (the “*CDSA*”);
- b. possession of the proceeds of crime, contrary to the *Criminal Code*, RSC 1985, c. C-46 (the “*Criminal Code*”);
- c. laundering the proceeds of crime, contrary to the *Criminal Code*; and
- d. failure to declare taxable income, contrary to the *Income Tax Act*, RSC 1985, c. 1 (the “*Income Tax Act*”).

(the “**Unlawful Activity**”)

11. K. Campbell obtained the Vehicle by participating in the Unlawful Activity.
12. K. Campbell intended to use the Vehicle to engage in the Unlawful Activity.
13. As the Money was generated by the sale of the Vehicle, the Money is also proceeds of unlawful activity.
14. If the Money is released to K. Campbell, 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 defendant’s 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 payable to the Director.

### 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 s. 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 defendant.
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. It is an offence under ss. 4 and 5 of the *CDSA* to traffic or possess for the purpose of trafficking a substance included in Schedules I-IV of the *CDSA*.
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 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*. Further, it is an offence under s. 462.31 of the *Criminal Code* to launder the proceeds of crime.

9. All or some portion of the defendant's 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.
10. 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: Quesnel, BC

The address of the registry is: 850 Burdett Avenue, Victoria, BC

Date: 15/JUN/2023



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**Eliza Wray**  
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.

## APPENDIX

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### **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:**

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