



No. Victoria Registry

In the Supreme Court of British Columbia

Civil Forfeiture Action in Rem Against

\$35,945.00 in Canadian currency seized from 1749 Blackwater Road, Quesnel, British Columbia and \$20.00 in Canadian currency seized from Leslie James Epton by the Quesnel RCMP on August 2, 2020 (collectively, the “Money”), and its proceeds

Between

Director of Civil Forfeiture

Plaintiff

and

The Owners and all Others Interested in the Money,
in Particular, Leslie James Epton

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) 387-4002

Description of property: \$35,945.00 in Canadian currency seized from 1749 Blackwater Road, Quesnel, British Columbia and \$20.00 in Canadian currency seized from Leslie James Epton by the Quesnel RCMP on August 2, 2020 (collectively, the “Money”), and its proceeds

To the defendant:

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

1. The defendant, Leslie James Epton (“L. Epton”), whose occupation is unknown to the plaintiff, has a last known address for service of 1749 Blackwater Road, Quesnel, British Columbia (the “Property”).
2. The money is comprised of:
 - a. \$35,945.00 in Canadian currency seized from the Property by the Quesnel RCMP (the “RCMP”) on August 2, 2020; and
 - b. \$20.00 in Canadian currency seized from L. Epton by the RCMP on August 2, 2020.(collectively, the “Money”)
3. At all material times, L. Epton resided at the Property.

The Investigation

4. On April 7, 2020, RCMP commenced an investigation into L. Epton’s drug trafficking activities in Quesnel, BC (the “Investigation”).
5. From May to August 2020, RCMP conducted surveillance of the Property and observed:
 - a. numerous short duration visits consistent with drug trafficking; and
 - b. attendance by vehicles and individuals associated to the drug trade.
6. On May 31, 2020, RCMP attended the Property to assist BC Ambulance Service with a call involving L. Epton and observed items consistent with drug use and drug trafficking.
7. On August 2, 2020, RCMP executed a search warrant at the Property and located:
 - a. in the Main Trailer:
 - i. a safe containing 459 grams of methamphetamine divided into 5 bags;

- ii. various firearm ammunition;
- iii. digital weigh scales; and
- iv. a cellphone bill in L. Epton's name.

b. In a 5th wheel trailer bearing BC licence plate WKD87E:

- i. a bag containing:
 - 1. \$34,605.00 in Canadian currency, a portion of the Money, comprised of a stack of bills in various denominations;
 - 2. a BCID card in L. Epton's name, found within the stack of bills;
 - 3. 29 grams of methamphetamine in a bag; and
 - 4. a counterfeit \$100.00 bill.
- ii. a tool bag containing:
 - 1. \$1,340.00 in Canadian currency, a portion of the Money, comprised of various denominations of bills, located in a wallet with "LE" written on it;
 - 2. 48.2 grams of methamphetamine in a bag;
 - 3. 19 grams of cocaine in a bag;
 - 4. 2 grams of methamphetamine divided into 3 small baggies;
 - 5. a digital weigh scale; and
 - 6. a handgun magazine loaded with one 9mm round;
- iii. 4 MDMA pills;
- iv. 0.4 grams of methamphetamine in a bag;
- v. digital weigh scales;
- vi. records of transactions, including sale, collection, and debt ("Score Sheets");
- vii. an expandable baton;

- viii. a crossbow;
 - ix. various firearm ammunition and magazines; and
 - x. insurance documents in the name of L. Epton.
8. In a Ford truck bearing BC licence plate PD8494:
- a. 0.60 grams of methamphetamine in a bag; and
 - b. insurance documents and a bill of sale in L. Epton's name.
9. In a Ford Mustang bearing BC licence plate KR574V:
- a. 725 MDMA pills; and
 - b. \$100.00 in Canadian currency, a portion of the Money.
10. RCMP located and arrested L. Epton and a female during the execution of the search warrant at the Property.
11. RCMP searched L. Epton incidental to arrest and located \$20.00 in Canadian currency, a portion of the Money.
12. The Money was bundled or packaged in a manner not consistent with standard banking practices.
13. RCMP seized the Money.
14. During the Investigation, RCMP investigated units B28 and B30 at Handi Self Storage, 1035 Cariboo Hwy 97 N, Quesnel, BC (the "Storage Units") and learned:
- a. the Storage Units were rented by L. Epton's mother;
 - b. L. Epton frequently attended the Storage Units and used them to store items;
 - c. on July 3, 2020, an individual placed a partially concealed firearm into unit B28; and
 - d. on July 13, 2020, L. Epton accessed unit B28.
15. On August 2, 2020, RCMP executed a search warrant at the Storage Units and located:
- a. In unit B28, a shotgun action and stock and various rounds of ammunition; and

- b. In unit B30, a .22 bolt action rifle.
- 16. The firearms located in the Storage Units (the “Firearms”) were stored in a careless manner and contrary to storage regulations.
- 17. The Firearms belonged to L. Epton.
- 18. L. Epton did not have valid authorizations for the possession of firearms or ammunition.
- 19. L. Epton has a criminal record including a previous conviction for possession of a controlled substance.

The Unlawful Activity

- 20. The Director of Civil Forfeiture (the “Director”) initiated Administrative Forfeiture proceedings against the Money. On July 22, 2021, the Director received a Notice of Dispute to Administrative Forfeiture Proceedings pursuant to s. 14.07 of the *Civil Forfeiture Act*, SBC 2005, c. 29 (the “*Act*”) from L. Epton claiming an interest in the Money.
- 21. The Money is proceeds and an instrument of unlawful activity.
- 22. The Money has been used by L. Epton 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, they consist of:
 - a. possession, 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. unauthorized possession of a firearm, contrary to the *Criminal Code of Canada*, RSC 1985, c. C-46 (the “*Criminal Code*”);
 - c. careless storage of a firearm and contravention of storage regulations, contrary to the *Criminal Code*;
 - d. possession of a weapon or ammunition for a dangerous purpose, contrary to the *Criminal Code*;

- e. possession of the proceeds of crime contrary to the *Criminal Code*; and
 - f. failure to declare taxable income contrary to the *Income Tax Act*, RSC 1985, c. 1 (the “*Income Tax Act*”).
- (the “Unlawful Activity”)

- 23. L. Epton obtained the Money by participating in the Unlawful Activity.
- 24. L. Epton intended to use the Money to engage in the Unlawful Activity.
- 25. If the Money is released to L. Epton, it will likely be used for the Unlawful Activity.

Part 2: RELIEF SOUGHT

- 1. An order under s. 5(1) of the *Act* that the defendant’s interest in the Money, and its proceeds, including any interest, be forfeited to Her Majesty the Queen 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.
- 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. Under s. 19.03 of the *Act*, proof that cash, with a total value greater than \$10,000, was found in proximity to a controlled substance or 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 ss. 4 and 5 of the *CDSA* to possess, traffic, or possess for the purpose of trafficking a substance included in Schedules I-IV of the *CDSA*.
7. It is an offence under s. 86 of the *Criminal Code* to store a firearm in a careless manner or contrary to storage regulations.
8. It is an offence under s. 88 of the *Criminal Code* to possess a weapon or ammunition for a dangerous purpose.
9. It is an offence under s. 92(1) of the *Criminal Code* to possess a firearm knowing its possession is unauthorized.
10. It is an offence under s. 354 of the *Criminal Code* to possess the proceeds of crime.
11. It is an offence under s. 238 and s. 239 of the *Income Tax Act* to fail to declare taxable income.
12. The Money is proceeds of crime pursuant to s. 462.3 of the *Criminal Code*.

13. All or some portion of the defendant's interest in the Money is proceeds of unlawful activity because they were acquired, in whole or in part, directly or indirectly, from the Unlawful Activity.
14. Since the Money is proceeds of the Unlawful Activity, so too are any of its proceeds.
15. The Money is an instrument of unlawful activity because it was used, or is likely to be used, to engage in the Unlawful Activity.
16. 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*.
17. 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) 387-4002

Place of trial: Quesnel, BC

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

Date: 20/AUG/2021



Liam M. Hayes
Lawyer for plaintiff

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