Private prosecution in BC

Procedure and status of the Vancouver towing billing concerns

Starting in Provincial Court

A person who reasonably believes a specific offence occurred can approach the Provincial Court criminal registry about laying a written Information under oath before a justice. Section 504 of the *Criminal Code* sets out the ordinary route for an indictable offence. Section 506 permits Form 2. The Information identifies the proposed accused, the offence, and enough detail about the date, place and alleged conduct to identify the event.

The process hearing and Crown review

Under section 507.1, a Provincial Court judge or designated justice considers in a private hearing whether the evidence warrants requiring the proposed accused to appear. The Attorney General receives the Information and notice. Crown counsel can attend, examine witnesses and present relevant evidence. Crown counsel can take over or stay the proceeding, including before the process hearing, and applies the BC charge assessment standard and conflict-screening policy.

An indictment belongs to a later or exceptional procedure. Under section 574(3), a private prosecutor acting without Crown intervention needs a judge's written order to prefer an indictment under the ordinary indictment provisions. A direct indictment in a private case requires a judicial order under section 577(b).

How this applies to the towing records

Five October 2026 billing corrections and the $719.23 adjustment give the City a concrete starting point for an independent audit. A fraud allegation would also require evidence of a dishonest billing act, economic loss or risk, and the accused's knowledge. The available correspondence leaves those issues open. A public audit, a refund process and the court's decision on a particular allegation each have different purposes.

> **Vancouver Provincial Court criminal registry**
> 222 Main Street, Vancouver | 604-660-4200
> Counter hours are 9 a.m. to 4 p.m., weekdays except statutory holidays. Scott Gilbert intends to seek procedural directions when the registry opens.

Criminal Code s. 504 · s. 507.1 · s. 574 · s. 577 · Form 2 · BC Prosecution Service PRI 1 · Court registry