Draft private Information

Evidence and proposed particulars for Scott Gilbert

Unsworn working draft. The packet records five reclassifications and sets out the evidence needed before alleging a specific criminal offence. Use page 5 to prepare particulars if reasonable grounds for a count can be established.

October 7, 2026 · City review

David Cheung, a City Parking Enforcement superintendent, confirmed that the motorhome in the billing records was charged as Category 3 on July 10, July 20, July 27, September 14 and September 22, 2026. The City said it could not independently match the registration and VIN to the towed vehicle from the information available to it. The weight reported in that exchange was about 10,000 lb (4,536 kg). [E1]

October 19, 2026 · Busters adjustment

Justin Schrump wrote that an 8,900 marking had been read as kilograms instead of pounds. Busters said it revised five jobs to Category 2 after reviewing the information supplied. The total went from **$1,639.57 to $920.34**, a **$719.23** difference. Cheung acknowledged a partial refund and closed his part of the review. The original label and registration must be matched to the vehicle, and the difference between the 8,900 and 10,000 lb figures reconciled. [E1–E3]

Busters job	Busters' October 19 description
3810392	Revised to Category 2 city bylaw tow
3807932	Revised to Category 2 city bylaw tow
3792106	Revised to Category 2 city bylaw tow
3789702	Revised to Category 2 HFO (hold for owner)
3786533	Revised to Category 2 HFO (hold for owner)

Match these job IDs to the five dates using the original invoices or dispatch records. The two HFO descriptions also require the actual tow and hold orders. Obtain each revised invoice and the ledger entry confirming when and how the credit was paid. [E2–E3]

Older Grumman-Olson vehicle records

The earlier preparation packet records a 2023 registration image listing 4,950 kg GVW and separate payment screenshots. One shows $377.09 on July 20, 2023. The year of other debits and which tow each debit paid remain open. Gilbert reports earlier Category 3 billing and objections at the counter. His November 12 statement describes records for 13 tows. An earlier update reported 16. Resolve the count by matching vehicle, date, job, invoice and payer. [E4, E6]

Disputed charges and oversight

The original invoice, tow order and rate in force are needed for each job.

Billing issue	Evidence that can resolve it
Weight and units	Match VIN, dated label and registration. Identify the legal weight measure under the applicable tariff, who entered it, when, which units were used, and what verification preceded billing.
Rate display and dispute process	The agreement's Schedule A, section 4.6, requires visible posting of applicable rates at the appropriate facilities and a current schedule available from drivers on request. Gilbert recalls seeing no posted schedule and being referred from the counter to Justin. Verify the office, date, approved signage and historical dispute instructions.
Load and secure / standby	Identify the governing rule, work done, equipment used and time charged. Compare dispatch and task timestamps for any overlap, minimum increments or work already included in the base rate.
Fuel surcharge	Identify the allowable percentage and base for every entry, including whether a separate surcharge applies to a particular additional service.
Police / HFO and storage	Obtain the authorizing order and release or hold record. Match the fee schedule, arrival and release times, vehicle length, billable days and taxes to the original bill.
Refund reconciliation	Compare original invoice, corrected invoice, payment and refund ledger by job. Verify the actual payer, the amount paid, credit issued and any balance still disputed.

November 10 · Auditor's preliminary assessment

Senior Auditor Varun Banthia said Engineering Services supplied a list of recent misclassifications and explanations. The office considered errors rare, declined further whistleblower investigation, and forwarded the performance-audit issue to the Auditor General for plan consideration. The response gave no audit period, count of tows independently tested, or sampling method. A list of detected errors cannot establish the underlying error rate without a tested denominator. [E5]

Records access and independence

Gilbert reports difficulty obtaining contractor records and a VPD complaint reference. Match each records request to the exact decision, exemption or custody-and-control explanation. The towing agreement provides record inspection and audit mechanisms. Request the original records through the proper channels and ask who reviewed them. The City and Police Board's contractual roles make independent review and transparent terms of reference important. [E6–E8, A3]

Individuals and organizations

Correspondence identifies roles and record holders. A proposed count needs evidence tied to each person's acts and knowledge.

Name and role	Available link to the matter	Evidence needed for any allegation
David Cheung City Parking Enforcement superintendent	Confirmed the five Category 3 billing dates on October 7. On October 19 acknowledged the adjustment and ended his part of the review. [E1, E3]	Identify whether he took part in an original charge or directed it, what he knew at the relevant time, and any exercise of a specific public duty for an improper purpose.
Jim Dent Busters claims contact	Corresponded about claims and the September tow. On October 16 relayed that Justin was out of the office and forwarded Justin's earlier email. [E3]	Obtain records linking him to an identified disputed entry, instruction or deliberate assistance, plus evidence of contemporaneous knowledge.
Justin Schrump Busters billing correspondent	Explained the weight-unit issue, communicated the five corrections and handled refund arrangements. He later said a further review would be provided. [E2–E3]	Verify his authority, access and involvement before or during any impugned billing. Check the original entries and any conduct after confirmed notice.
Mike Macdonell Vancouver Auditor General	Holds the Auditor General office. The November 10 letter says the performance-audit issue was forwarded to him for audit-plan consideration. [E5, A4]	Establish any personal decision, the particular duty involved, and evidence of intent to use the office for an improper purpose. Obtain the actual decision record.
Varun Banthia OAG senior auditor	Signed the November 10 response following the whistleblower team's preliminary assessment. [E5]	Preserve the underlying review and correspondence. The preliminary decision and its stated basis are the presently identified acts.
All Tech. Transport Ltd. Doing business as Busters Towing	The February 2020 towing agreement identifies it as the supplier. Busters issued the October correction. [E2, A3]	Verify current registered name, invoice issuer, payment recipient and the senior-officer link required by section 22.2.
City of Vancouver Municipal corporation	Contracting party and municipal oversight body. The Vancouver Charter continues it as a corporation. [E1, E5, A3–A4]	Identify a City act in a particular transaction and independent grounds for attribution to a City senior officer. Trace City fees separately from supplier charges.

The Police Board's participation in the agreement and VPD's protest correspondence do not identify a police officer who set any disputed bill. Seek the actual order, the fee decision and the decision-maker for any police-related job. [E7–E8]

Potential offences

Assessment of the elements against the presently identified records

Fraud involving $5,000 or less · Criminal Code s. 380(1)(b)

A viable count requires a particular deceit, falsehood or other dishonest act, resulting economic loss or risk, and subjective knowledge of the act and the possibility of deprivation. A later correction can establish a billing discrepancy while leaving what was known at the time unresolved. Busters' pounds/kilograms explanation is a material alternative to test against the source label, audit trail, earlier notice, and any charges entered after a verified correction. [A1–A2]

Element	What would support a particular count
Dishonest billing act	An original invoice or billing log, operative tariff, verified vehicle and tow facts, and evidence that the specific representation or practice was objectively dishonest.
Loss or risk	Identified payer, verified payment or economic risk caused by the entry, and a job-level comparison of the actual and lawful charge. Account for any later repayment.
Knowledge	Contemporaneous notices, acknowledgments, instructions, overrides, or repeat billing after verified notice. Match timestamps and the actor to the specific charge.

Individuals and corporate attribution · ss. 21 and 22.2

For any individual, identify their own dishonest conduct or intentional participation in a specified offence. For each organization, identify a senior officer who intended at least partly to benefit that organization and who committed the offence within their authority, knowingly directed the relevant conduct with the required mental state, or knew a representative was or was about to be a party and failed to take all reasonable measures to stop it. Management titles, contract oversight, and ordinary fee flows leave these links unproven. [A1]

Breach of trust by a public officer · s. 122

R. v. Boulanger requires an officer acting in connection with official duties, a breach of the standard of that office, a serious and marked departure, and intent to use public office for a purpose other than the public good. Cheung's referral and the OAG's review decision call for examination of their basis. The record does not identify a corrupt purpose or the necessary personal conduct by the Auditor General. [A1–A2]

Present assessment

The five corrections warrant an invoice and controls audit. A fraud count or public-office count would need a specific evidentiary basis for each proposed accused. The historic debit totals and hypothetical citywide loss figures should play no part in valuing any proposed count until transactions and loss are supported.

Form 2 working particulars

Provincial Court of British Columbia · Vancouver territorial division · Draft for review

Informant Scott Gilbert, Vancouver, British Columbia
Occupation [enter current occupation]
Proposed accused [verified legal name tied to the acts and evidence]

Possible count wording, subject to verification

The informant states that he believes on reasonable grounds that [verified accused], on or about [verified date or supported date range], at Vancouver, British Columbia, defrauded [identified payer] of [verified value, $5,000 or less] by [identify the specific false or dishonest billing act] on tow job [job and invoice number], contrary to section 380(1)(b) of the *Criminal Code*.

Particulars to establish for the selected transaction

Field	Particulars / source
Tow authority and date	[Tow order, invoice date, service location, HFO/police/bylaw authority]
Vehicle and lawful classification	[Vehicle identifier, weight evidence and units, applicable tariff and effective date]
Representation and actor	[Invoice line, exact representation, how it was false or dishonest, who made or directed it]
Payer and deprivation	[Payer, amount and payment or risk record, lawful total, adjustment and remaining difference]
Knowledge or participation	[Original records and witness evidence showing knowledge and the actor's role at the relevant time]
Corporate link, if applicable	[Senior officer, authority, intended organizational benefit and particular s. 22.2 pathway]

Verification before swearing or affirming

Bring the statutory Form 2, originals, and this worksheet to the criminal registry for procedural directions. Present firsthand observations and identify the source and basis of beliefs. Include the contractor's explanation and later corrections. Use an independently supported set of particulars for each alleged offence.

Sworn or affirmed at _____, British Columbia, on _____.

Informant _____ Justice _____

Leave the signature lines blank for the justice. Statutory Form 2 · Vancouver criminal registry

Records and authorities

Use full messages, original files and transaction records when preparing exhibits.

Ref.	Source and item to preserve
E1	David Cheung, October 7, 2026. Confirmation of five Category 3 billing dates and unresolved VIN/weight match.
E2	Justin Schrump, October 19, 2026. Job list, explanation, totals and referenced insurance and manufacturer-label attachments. Obtain original and corrected invoices, and payment/refund history.
E3	Cheung, October 19. Jim Dent, September 22 and October 16. Schrump, October 19–27 and November 5. Preserve full chains, billing records and refund disbursement confirmation.
E4	November 5 preparation packet, exhibits E01–E06. Grumman-Olson registration and debit images. Obtain original owner-authorized registration and bank statement, and match the entries to job invoices.
E5	Varun Banthia, November 10. Preserve Engineering's list, date range, work papers, source records, sampling method, referral and decision notes.
E6	November 5 audit update and November 12 personal statement. Supplied screenshots summarize outstanding questions. Preserve first-person notes, images of rate postings, and the underlying communications and records decisions.
E7	VPD protest thread, November 5 and 10. The earlier plan drew no anticipated concern if access remained clear. Retain any separate tow orders, occurrence records and firsthand notes of safety incidents.
E8	Dispatch and GPS, tow orders, time and storage records, vehicle verification, rate tables and approved procedures, original and amended invoices, entry/override histories, credits and payment ledgers.

Primary authorities

A1 Criminal Code ss. 504–506 · s. 507.1 · s. 380 · s. 21 · s. 22.2 · s. 122 · BCPS policy PRI 1

A2 R. v. Théroux, [1993] 2 S.C.R. 5 · R. v. Boulanger, 2006 SCC 32, para. 58

A3 City towing agreement, Feb. 1, 2020 · Impounding By-law 13709 · May 2026 rates report · City fee summary

A4 Auditor General By-law 12816, ss. 3.1, 3.9–3.10 · Vancouver Charter, s. 6 · Courthouse Libraries BC procedure