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INFORMATION

TUESDAY, APRIL 7, 2009

HAROLD C. GAFFNEY

Address of Delivery: #403-567 Lonsdale Avenue,
North Vancouver, B.C. V7M 2G6
Telephone and Fax number: 604.685.6518
harold_gaffney1@hotmail.com

DELIVERED TO:

LAW SOCIETY OF B.C. ("LSBC")
845 Cambie Street
Vancouver, BC V6B 4Z9
Fax: 604-669-5232

ATTENTION TO:

**Timothy McGee/ Executive Director of the LSBC;
All Benchers of the LSBC;
and to others**

**PLEASE COPY THIS INFORMATION AND FORWARD A COPY TO
ALL THE LAY BENCHERS**

**Re: On The Letter Of D. Ross McGowan dated 30Oct,08 & the
Emails From Andrea Brownstone Manager-Professional
Conduct**

I
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TUESDAY, APRIL 7, 2009

To Timothy McGee and to all Benchers of the Law Society of British Columbia ("LSBC"):

1. Regarding the letter of D. Ross McGowan dated 30 Oct. 2008 and the emails from Andrea Brownstone, Manager-Professional Conduct;
2. Please find a copy of a letter dated 25 March 09, addressed to Ms. Brownstone.
3. The Benchers have a public duty to examine the material attached hereto and my letter to Ms. Brownstone along with all the enclosures, including the aforementioned letter authored by Mr. McGowan and published by the LSBC.
4. Consider the evidence of Mr. McGowan, on in-house custodian, Mr. Graeme Keirstead wherein he claims at p.3, para. C that Mr. Keirstead is **"...permanently brain injured...about 3 years ago."** Neither Mr. Keirstead nor the LSBC dispute the evidence of Mr. McGowan, and as a result, the allegations stands that Mr. Keirstead is unable to fulfill the requirements the position of Manager of Custodianships and Special Fund entails, since such position demands full cognitive skills.
5. Consider that Mr. McGowan, in trying to discredit me, inadvertently provided information on Mr. Keirstead, who accepts what has been published about him.
6. The fact that Mr. Keirstead is not denying the fact about himself being **"...permanently brain injured...about 3 years ago."** indicates that the LSBC is complicit in the crime of real estate and mortgage fraud committed against me by industry insiders, such as and not limited to some members of the LSBC, who acted with others to commit fraud contrary to s. 380 (1) (a) of the CCC and acted on a forged document, contrary to s. 368 (1)(a) of the CCC.
7. I am attaching the document which I refer to as a forgery, as it was signed and sworn by individuals at CIBC, who were and are not authorized signatories for CIBC MORTGAGES INC. and allegedly executed after the fraudulent transfer.
8. Letters, attached hereto, were served on these individuals on 2 April 09, and neither one of them have responded, thus making them involved directly with Keith Oliver, who does business at the Coquitlam CIBC Banking Centre,

wherein the forgery occurred. Mr. McGowan admits in his letter having dealt with member R. Keith Oliver in the past, thus it is not unreasonable to claim that both members are involved in this crime.

9. It is not the first time that Borden Ladner Gervais (“BLG”) has found itself embroiled in a mortgage fraud, as apparent in the case of Mr. Wilbert Owen Kennedy, wherein his land was fraudulently converted, with the help of *Ladner Downs*, known today as BLG. As reported in the **NorthShoreNews** in Oct, 1999, attached hereto, lawyer Mark V. Lewis, worked for the imposter in the land sale.
10. Thus it is not unreasonable to say that Mr. McGowan is assisting his clients, including attorney R. Keith Oliver, by trying to turn the tables around, by publishing his letter to some members of the LSBC. Mr. McGowan's strategy may have succeeded in the past with others, who have been defrauded of their property, however given the overwhelming evidence that I have in my possession, it is apparent to any reasonable person that not only is Mr. McGowan not stating the facts but he is also knowingly assisting his clients in the fraud, which is contrary to the code of ethics for all lawyers, including himself.
11. Note that I am not making a formal complaint against Mr. McGowan since it is obvious that the LSBC hang with its members involved in mortgage fraud. However having said that, I am still compel to report his recent attempt in trying to get me to accept, as genuine, six scanned money orders, as un-negotiated, when the fact shows the six money orders have been negotiated and credited to my mortgage in 2008. Mr. McGowan cannot show proof of the authenticity of the drafted cheques other than claim the six money orders have not been negotiated.
12. You see Mr. McGowan, whose practice is in fraud law, may have some credibility with some of his colleagues, however it is not unreasonable to say that he is using his legal training to break the laws and commit crimes in the course of his practice, as apparent with the case of Wilbert Owen Kennedy and with my property.
13. My concern is the law society is in a conflict of interest. I say this because the LSBC, being the custodian of the BCLandTitleOffice, is pushing for compulsory electronic filing by 2011, which it very well knows that it will only assist some lawyers and some notaries in an already very serious problem with real estate and mortgage fraud and with illegal drugs trade. BCOnline, an operation run exclusively by *MACDONALD, DETTWILER AND ASSOCIATES*

LTD. ("MDA"), a corporation from Richmond B.C., has exported its Online E-Filing to the USA and UK, and since then problems with mortgage fraud has escalated in those countries, thanks to MDA, and to some law firms in Canada, exporting their legal training abroad, namely to New York Attorney Michael Capatides, executive vice-president and general counsel, Legal and Regulatory Compliance for CIBC, who knew at all times, when it comes to fraud, Canada is the incubator state for the lower 48. --- Mr. Capatides is boss of CIBC Attorney Stephen Alsace, who published Mr. McGowan's letter to the LSBC.

14. Finally, Mr. McGowan has made very serious allegations against Mr. Keirstead and if Mr. Keirstead wishes to stand by the allegations made against him for the purpose of giving credibility to Mr. McGowan's letter than the Benchers have a a public duty and responsibility to ask Mr. Keirstead to resign forthwith from his position.

I await for your prompt reply regarding this urgent matter.

Signed,

Harold Gaffney

25 Mar 09

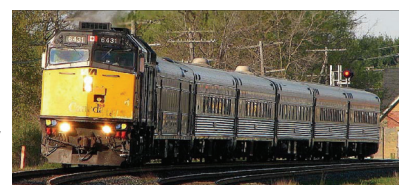
E-mail Gaffney to Ms. Andrea Brownstone Manager Professional Conduct, with copy to Mr. Ross McGowan and Mr. Graeme Keirstead.

Ms. Brownstone, I find it in the public interest to untangle the hamburger you ground from chicken, beef, and pork chops in matters of substantive lawyer misconduct. I am curious and not indifferent to what the real truth is of Mr. Keirstead's well being. I expect adversary, Mr. Keith Oliver, will one day be shuttering his practise, and Mr. Keirstead may be appointed custodian of Mr. Oliver's practice, and I would expect he would — "*...take custody of 200 boxes of practice records from the lawyer's home. There were no accounting records, many of the files were mouldy and some contained rat feces.*", as reported by Mr. Keirstead in the benchers bulletin of Oct 2007, extract attached hereto.

1. In my quest to restore balance, I have assembled all the communications that I have had on this matter of information I was given by Ms. Ruth Long of the law society, coming from Mr. McGowan, advising me that the recently appointed in-house custodian of the law society, Mr. Graeme Keirstead was "*...permanently brain injured about 3 years ago.*". Let me first say, Ms. Brownstone, Ms. Long has had 16 times as much experience at the law society in matters of lawyer misconduct — yourself with less than 12 months — and furthermore you Ms. Brownstone having suddenly appeared from out of province to take on this task.
2. You seemed to skirt around that I received a response from Mr. Keirstead on 3 Mar 09, that suggested to me that he would not take offence to what Mr. McGowan marked for publication on 30 Oct 08 and Ms. Long then further published on 26 Jan 09, which came into my possession shortly after the law society's publication of the particulars in paragraph 1, above.
3. It suggests to me, that something may have happened 3 years ago that Mr. McGowan was witness to, that resulted in the aforementioned serious brain injury and or a claim for head injuries. Otherwise how could Mr. McGowan allege some permanent brain injury 3 years ago, unless he had direct knowledge of something in that regard that had occurred 3 years ago. Also that would explain why Mr. Keirstead is not concerned about what Mr. McGowan has conveyed about him in writing, in a matter in relation to him 3 years ago.
4. I am a retired railroad man. I spent the best part of my career with two major Canadian railroads, CN and CPR, seeing how things can go wrong — always looking further down the track, watching for sharp turns and the reactions of the engineer. Here is a virtual history of trainwrecks:

<http://danger-ahead.railfan.net/gallery/hinton.htm>

Let me further remind you of the time in 1986, when an ordinary brakeman like me, was in the caboose of a CN train loaded with grain, 150 cars, each 120 tons or more, more than a mile long, left Edmonton headed west, when as the story came out in court proceeding in Edmonton after this the biggest train-wreck ever on a CN track, that crashed into a VIA passenger train parked at a siding waiting for the freight-train to shoot past. Lawyers alleged the brakeman in the caboose knew or ought to have known that the engineer and the fireman were both sleeping in the cab, the engineer with his foot tied to the throttle so it would not fall off when he nodded off, both missing red switch-lights as they rolled down the track at some 60 miles per hour or more — and the brakeman should have pulled the cord to throw on all the brakes — 500 to 600 brakes or more. Not that it would have stopped crash.



But what that said to me is that the courts have found that railroad men like me are more prescient than most about when they see a major crash coming.

As a result of that court finding, I must therefore submit my caution most firmly, ***Danger Ahead!!**, There is a load of lawyers on board, headed for the biggest railroad crash you will ever see.* I say this now because I have this vision that one day Mr. Keith Oliver will shutter his practise and Mr. Keirstead will be appointed his custodian. Like he is going to be the engineer and I am going to be the brakeman.



5. Let me suggest that brain injuries heal slowly and my tracing shows that Mr. Keirstead was appointed Custodian in Apr 07, so that permanent brain injury of about 3 years ago had occurred about one year before his appointment to this particularly challenging — *new, in-house* — position. It seems to me from the order I have seen, that Justice Lynne Smith, had she known, might have said, “*Mr. Keirstead, are you well now?*”, and specified in her order that he was not to be assigned to engineer with lawyers on steep grades, that there should always be someone in the cab with him. He might also have to explain why he was reticent to publish his custodianship of Mr. Taschuk’s practise. What is he going to say,

'Slipped my mind' — 7 months is a long time. Mr. Kushner was fireman in the cab with him at the time of his last appointment, must have seen him nod off. Justice Lynne Smith may ask, *'Why didn't you remind him about publishing the notice forthwith?'* What is he going to say, *'There was no fire, it was his turn for snoozing.'*

6. Whereas, Ms. Brownstone, you state that none of your findings of fact or documents before the law society in relation to this matter can be used in a court of law,

"Please note that this letter and other documents relating to this complaint are not admissible as evidence in any proceedings without the consent of the author of the material or the Executive Director required pursuant to section 87 of the Legal Profession Act."

it seems to me that Mr. Keirstead should in his next appearance before the court in a matter of a custodian-ship, include in his affidavit that he wishes to advise the court of the matter of his *brain injury of "...about 3 years ago.."* Published by Mr. McGowan and particularize how it affects his ability or inability to practise in accordance with the order that he or she has written on him.

7. I would suggest that before Mr. Keirstead appears again in a court proceeding in a matter of custodianship that he vet his position on the matter of his *brain injury* with the aforementioned Executive Director. Should you fail to respond as requested, please be advised that I will have to serve the Executive Director.
8. If I have misunderstood anything in relation to the particulars in this document served by e-mail on you, I would appreciate if you would advise me of the same before the end of the day – 26 Mar 09.

Sincerely,

Harold Gaffney

Att: 8 pages of marked up letter from Ms. Brownstone dated 23 Mar 09, with attachments

The Law Society of British Columbia



It was a troubling to Mr. Gaffney because about a year after the said, "permanent brain injury" Mr. Keirstead got his first custodianships in Mar 2007, and another a month later:

"THIS COURT ORDERS THAT:

1. Graeme Keirstead, barrister and solicitor, be appointed the custodian of the law practice of Kenneth N. Taschuk"

"Taschuk"

and Mr. Gaffney knowing that catching a lawyer who had run off with trust funds would be difficult for a lawyer in good mental health, if he really wanted to catch a lawyer who had shuttered his practise and run-off after seeding his files *with rat feces as Mr. Keirstead reported.*

Mr. Gaffney had already received a response from Mr. Keirstead on 3 Mar 09 see attached who had stated that he was reviewing the matter and seeming to say he would be doing nothing about it.

Reply to: Andrea Brownstone
Direct Line: 604-443-5715
Please refer to Our File No. 20090227

CONFIDENTIAL

March 23, 2009

Via Email

in reference to a a letter published by Mr. McGowaan in a letter intended for Mr. Gaffney dated 30 Oct 08, quote about Mr. Graheme Keirstead, in which the letter published: "... a local young lawyer permanently brain injured about 3 years ago." ... which was known to be Mr. Keirstead without naming him.

Mr. Harold Gaffney

Insert here: to Mr. Graeme Keirstead with copy to

Not slanderous or libelous but extremely suspicious, since Mr. Keirstead does not object to what was said about him being permanently brain injured about 3 years ago and it can be published now that the words said are not libelous or slanderous to Mr. Keirstead. .

Dear Mr. Gaffney:

Re: D. Ross McGowan; Our File No. 20090227

Your email correspondence addressed to Mr. McGee has been forwarded to me for review. It appears that you are complaining about Mr. McGowan, alleging that Mr. McGowan has made statements that you believe to be slanderous and libelous.

Please note that findings of libel and slander are determinations that must be made by a Court. It is not within the jurisdiction of the Law Society to make that assessment, and thus, we will not be investigating your complaint in that regard. I also point out that Mr. McGowan is entitled to provide his opinion to his client; that you disagree is not the basis for an allegation of professional misconduct.

Accordingly, we are declining to investigate your complaint pursuant to Rule 3-5(2) of the Law Society Rules, which states:

- "3-5 (2)** The Executive Director may decline to investigate a complaint or other matter, if the Executive Director is satisfied that the complaint or matter
- (a) is outside the jurisdiction of the Society,
 - (b) is frivolous, vexatious or an abuse of process, or
 - (c) does not allege facts that, if proved, would constitute a discipline violation."

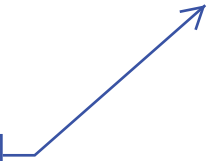
Please note that this letter and other documents relating to this complaint are not admissible as evidence in any proceedings without the consent of the author of the material or the Executive Director required pursuant to section 87 of the *Legal Profession Act*.

Clearly, Ms. Browntone states, Mr. Keirstead won't be claiming against Mr. McGowan.

The ordinary reading is that the writer, Ms. Brownstone, discussed it with Mr. Keirstead and he does not take offence to what was published about him, on 30 Oct 08; and now anyone is free to publish that, Mr. Keirstead does not take offence to himself as being classed as permanently brain injured about 3 years ago.

To assist the Law Society in ensuring that its investigation of complaints is fair and effective, I am enclosing a questionnaire I hope you will complete and return. Alternatively, you may complete the Survey online at: <http://alt.lawsociety.bc.ca/forms/pc/ccomplaint.cfm>.

In response to your request Mr. Gaffney herewith marks up your documents and e-mails them back to you for your reconsideration:



Yours truly,

Andrea Brownstone
Manager, Professional Conduct

AW/sb
20090227\1-mar1109
Encls.

c. Mr. D. Ross McGowan

All of this suggests that something may have happened 3 years ago that Mr. McGowan was witness to, that resulted in a serious brain injury and or a claim for head injuries --- which may be something like a skiing accident, like say no signs were posted, where signs should have been posted, to warn a novice skier about danger ahead and the skier would not have gone, except for ski hill negligence. Otherwise how could Mr. McGowan allege some permanent brain injury 3 years ago, unless he had direct knowledge of something in that regard that had occurred 3 years ago. Also that would explain why Mr. Keirstead was not concerned about what Mr. McGowan had said about him in a matter in relation to him 3 years ago. Ms. Brownstone herself at the time of this writing was only one year employed with the law society and already she had become Manager, Professional Conduct.

Survey

Complaint Survey (Complainant form)

The Law Society
of British Columbia



845 Cambie Street
Vancouver, BC
Canada V6B 4Z9
Telephone: 604 669-2533
Toll-free in BC: 1-800-903-5300
Fax: 604 605-5399
TTY: 604 443-5700
Email: professionalconduct@lsbc.org
Website: www.lawsociety.bc.ca

The Law Society wants to ensure that the investigation and assessment of complaints against lawyers is as fair and effective as possible. The purpose of this questionnaire is to provide you with the opportunity to comment on the handling of your complaint to the Law Society. We hope that you will take a few minutes to complete this questionnaire.

Once you have completed this questionnaire, please return it in the stamped addressed envelope provided.

Expectations

We would like to know what you expected the Law Society would do when you made your complaint. Did you expect that the Law Society would ... (please check all that apply)

- Find you a new lawyer?
- Compensate you financially?
- Reduce the lawyer's fees?
- Change a court order?
- Get involved in your court case?
- Provide you with a hearing for your complaint?
- Give you a second opinion on your case?
- Make a note of your complaint?
- Make the lawyer do something for you?
- Investigate your complaint?
- Punish the lawyer?
- Other (please specify) _____

Process

We would like to know how satisfied you were with the way in which we dealt with your complaint. Please indicate your degree of satisfaction with each of the following:

	Satisfaction		
Your complaint was dealt with fairly	<input type="checkbox"/> Not at all	<input type="checkbox"/> Somewhat	<input type="checkbox"/> Very
Your complaint was dealt with quickly	<input type="checkbox"/> Not at all	<input type="checkbox"/> Somewhat	<input type="checkbox"/> Very
Your complaint was dealt with courteously	<input type="checkbox"/> Not at all	<input type="checkbox"/> Somewhat	<input type="checkbox"/> Very
Your complaint was dealt with thoroughly	<input type="checkbox"/> Not at all	<input type="checkbox"/> Somewhat	<input type="checkbox"/> Very
You were kept informed about developments	<input type="checkbox"/> Not at all	<input type="checkbox"/> Somewhat	<input type="checkbox"/> Very

We would like to know how satisfied you were with each of the following ways of communicating with you, if that method was used. Please indicate your degree of satisfaction with each of the following:

	Satisfaction			
Personal meeting	<input type="checkbox"/> Not at all	<input type="checkbox"/> Somewhat	<input type="checkbox"/> Very	<input type="checkbox"/> Does not apply
Written communications	<input type="checkbox"/> Not at all	<input type="checkbox"/> Somewhat	<input type="checkbox"/> Very	<input type="checkbox"/> Does not apply
Telephone communications	<input type="checkbox"/> Not at all	<input type="checkbox"/> Somewhat	<input type="checkbox"/> Very	<input type="checkbox"/> Does not apply

Results

Was the result of your complaint what you expected?

Yes Somewhat No

How satisfied were you with the result?

Not at all Somewhat Very

If someone you knew had a concern about a lawyer, would you recommend that he or she make a complaint about that lawyer to the Law Society?

Yes No Not sure

Overall comments

Is there anything else you think we should know regarding our process?

Thank you for taking the time to complete this questionnaire.

For administrative purposes only: 20090227

The Law Society of British Columbia



COPY

Reply to: Andrea Brownstone
Direct Line: 604-443-5715
Please refer to our File No. 20090227

CONFIDENTIAL

March 23, 2009

Mr. D. Ross McGowan
Barrister and Solicitor
#1200 – Waterfront Centre
200 Burrard Street, P.O. Box 48600
Vancouver, BC V7X 1T2

Mr. Gaffney attaches below his INFORMATION to Mr. Keirstead --- Custodian of the Law Society of British Columbia, and Mr. Keirstead's response.

an INFORMATION

Dear Mr. McGowan:

Re: Harold Gaffney; Our File No. 20090227

I am writing to advise that we have received, and closed, ~~a complaint~~ concerning you from Mr. Harold Gaffney. In this regard, I enclose a copy of Mr. Gaffney's email dated March 3, 2009, with attachments.

Also enclosed is a copy of my letter of today's date to Mr. Gaffney indicating that the evidence does not support a finding of professional misconduct on your part. Accordingly, we now regard this matter as closed. This letter is for your information only, and no response is required.

Please note that this letter and other documents relating to this complaint are not admissible as evidence in any proceedings without the consent of the author of the material or the Executive Director required pursuant to section 87 of the *Legal Profession Act*.

To assist the Law Society in ensuring that its investigation of complaints is fair and effective, I am enclosing a questionnaire I hope you will complete and return in the enclosed envelope, or, alternatively, you may complete the Survey online at: <http://alt.lawsociety.bc.ca/forms/pc/lcomplaint.cfm>.

Yours truly,

Mr. Gaffney has responded to the request by marking up all relevant evidence and e-mailed it back to Mr. Brownstone.

As Mr. McGowan is aware, Mr. Keirstead is not going to file a claim against him for libel, slander and or defamation

Andrea Brownstone
Manager, Professional Conduct

AW/sb
20090227\2-mar1109
Encls.
c. Mr. Harold Gaffney

From: GKeirstead@lsbc.org
To: harold_gaffney1@hotmail.com
Date: Tue, 3 Mar 2009 17:37:33 -0800
Subject: RE: LSBC File No. 20081027 --G. Stepehn Alsace, Asst. Counsel, CIBC legal Dept.

Mr. Gaffney,

I acknowledge receipt of your e-mail; I will deal with the matters raised by you as I deem appropriate.

Regards,

Graeme Keirstead

Manager

Special Compensation Fund & Custodianships

Law Society of British Columbia

(604) 605-5330

This e-mail is privileged and confidential, and any use of it by an unintended recipient is prohibited. If you received this e-mail in error, please e-mail it back to me immediately and delete it from your system. Thank you.

From: Harold Gaffney [mailto:harold_gaffney1@hotmail.com]
Sent: Tuesday, March 03, 2009 3:04 PM
To: custodianship; Graeme Keirstead
Subject: FW: LSBC File No. 20081027 --G. Stepehn Alsace, Asst. Counsel, CIBC legal Dept.

Tuesday, March 3, 2009

Hello Mr. Keirstead,

I am forwarding you this email, since you have been named in a letter authored and published by Mr. D. Ross McGowan of Borden Ladner Gervais.

It is always a sad day when members of an organization find ways to cut one of their own brothers and make false allegations for profit that can only damage a reputation. I can only hope Mr. Keirstead that if the allegations made about you, by Mr. Ross McGowan, are false, wherein he claims that you have been permanently brain injured three years ago, that you will not allow them to stand. Otherwise the public should seriously be concerned about your responsibilities as a Manager of Custodianships and Special Fund.

Thanking you in advance for accepting receipt of this email.

Signed,
Harold Gaffney

From: harold_gaffney1@hotmail.com
To: tmcgee@lsbc.org; gturriff@stikeman.com; gridgway@ridgco.com; ghume@fasken.com; randreone@lawsonlundell.com; kberge@bhclaw.ca; blom@law.ubc.ca; rbrun@harrisbrun.com;

3/23/2009

> From: SBratina@lsbc.org
> To: harold_gaffney1@hotmail.com
> Date: Mon, 23 Mar 2009 16:23:42 -0700
> Subject: Law Society File No. 20090227

>
> Dear Mr. Gaffney,
>
> Attached please find a copy of a letter from Ms. Brownstone, with enclosures.

>
>
>
> Regards,

>
>
>
> Sylvia Bratina
> Assistant to Andrea Brownstone, Manager
> Professional Conduct
> Law Society of British Columbia
> Direct Line: 604-443-5754
> Email: sbratina@lsbc.org

>
> This e-mail is privileged and confidential, and any use of it by an unintended recipient is prohibited. If you received this e-mail in error, please e-mail it back to me immediately and delete it from your system. Thank you.

>
>

Windows Live Messenger makes it easier to stay in touch - [learn how!](#)

3/23/2009

Keirstead reported that one of the first in-house custodianships — which began March 1 of this year — is estimated to have saved \$30,000 in external fees. The case resulted from a lawyer's failure to comply with an undertaking to the Law Society to wind-up his practice following a disciplinary suspension. It required a search-and-seizure order and a sheriff's assistance to take custody of 200 boxes of practice records from the lawyer's home. There were no accounting records, many of the files were mouldy and some contained rat feces. Law Society staff are now reconstructing the financial records to determine if clients are owed money. Staff have spent more than 1,600 hours (including 700 hours of lawyer and paralegal time) on the file.

The Law Society is further reducing custodianship costs by increasing the use of locums to manage or terminate the practice of another lawyer. These are cases where the society is in a position to seek the appointment of a custodian, but the lawyer has made acceptable arrangements, such as the estate of a deceased lawyer retaining counsel to wind up the practice.

From: ABrownstone@lsbc.org
To: harold_gaffney1@hotmail.com
CC: GKeirstead@lsbc.org; rmcgowan@blgcanada.com
Date: Fri, 27 Mar 2009 10:28:17 -0700
Subject: RE: Law Society File No. 20090227

Mr. Gaffney,

I acknowledge receipt of your email, a copy of which is being placed in the closed file. I do not intend to respond further to your correspondence with respect to this matter.

Andrea Brownstone

Manager-Professional Conduct
Law Society of British Columbia
Direct Telephone No.: 604-443-5715

Note: This e-mail may contain privileged or confidential information. If you received this e-mail in error, please delete the contents from your system immediately, and contact me by telephone or email. Thank you.

From: Harold Gaffney [mailto:harold_gaffney1@hotmail.com]
Sent: Wednesday, March 25, 2009 9:15 PM
To: Andrea Brownstone
Cc: Graeme Keirstead; Ross McGowan BLG
Subject: Law Society File No. 20090227

Wednesday, March 25, 2009

Dear Ms. Brownstone,

Please find a copy of a letter from myself, with enclosures.

Signed,

Harold Gaffney

> From: SBratina@lsbc.org
> To: harold_gaffney1@hotmail.com
> Date: Mon, 23 Mar 2009 16:23:42 -0700
> Subject: Law Society File No. 20090227
>

> Dear Mr. Gaffney,

>
> Attached please find a copy of a letter from Ms. Brownstone, with enclosures.
>
> Regards,
>
> Sylvia Bratina
> Assistant to Andrea Brownstone, Manager
> Professional Conduct
> Law Society of British Columbia
> Direct Line: 604-443-5754
> Email: sbratina@lsbc.org
>
> This e-mail is privileged and confidential, and any use of it by an unintended recipient is prohibited. If you received this e-mail in error, please e-mail it back to me immediately and delete it from your system. Thank you.
>
>

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BORDEN
LADNER
GERVAIS

Borden Ladner Gervais LLP
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Vancouver, B.C., Canada V7X 1T2
tel: (604) 687-5744 fax: (604) 687-1415
www.blgcanada.com

October 31, 2008

FILE NO: 500008

D. Ross McGOWAN
direct tel: (604) 640-4173
direct fax: (604) 622-5873
email: rmcgowan@blgcanada.com

gstephen.alsace@cibc.com

Stephen Alsace
Canadian Imperial Bank of Commerce
Commerce Court West, 15th Floor
Toronto, ON M5L 1A2

Dear Sirs/Mesdames:

Re: Foisting of Funds onto CIBC by Harold Gaffney

We have conducted a background investigation of the facts and circumstances pertaining to the dealings of Harold Cecil Gaffney ("Gaffney"). We have also conducted some background investigation with respect to his "pro bono" lawyer, Anthony J. Jasich ("Jasich").

I. Recommendations

It is our view that this situation arises from two independent sources: Mr. Gaffney and Mr. Jasich. It will be necessary to address both of these individuals to mitigate against further abuse. We also caution you that we have reason to believe that both of these individuals are psychologically unstable. With respect to Mr. Gaffney, we raise caution that his status could escalate to violent behaviour and encourage you to avoid identifying any local point of contact for him.

The goal for CIBC should be to avoid any substantive direct engagement with either individual and respond only to the extent expressly required. We further recommend that a formal complaint be filed with the Law Society of British Columbia in relation to Mr. Jasich to initiate a conduct review of his practice. Based on our private informal discussions, we understand that this move would be welcomed by the LSBC.

With respect to the money orders as are being foisted on CIBC, we suggest that the lowest cost and most practical approach for dealing with those would be to issue a final letter to him substantially in the form attached informing him that all money orders delivered to date have been refused and shall in due course be marked by CIBC "Acceptance Refused". To the extent that future money orders are received, they should also be marked on their face as "Acceptance Refused". Copies of such can be forwarded to our offices to be placed on our file to preserve evidence in response to potential proceedings. We recommend against any further communication or response to Mr. Gaffney as such will simply create the platform for further pursuit by Mr. Gaffney. If he initiates any proceedings against CIBC, we recommend that we

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be instructed from the outset of those proceedings to have the proceedings struck and that we then (and only then) take proceedings to have him declared a vexatious litigant.

A. Status of Mr. Jasich

Mr. Jasich is a retired member of the Law Society of British Columbia, having been called in 1957. He is allowed to continue to practice as a retired member provided that he does not accept fees for his services.

We have been in contact with the Law Society of British Columbia to discuss his situation and are informed that they are aware of concerns being raised with respect to him and that they would be prepared to conduct a practice review of him if CIBC files a formal complaint about his outrageous comments as contained in the letter dated September 29, 2008. A practice review can lead to a suspension of his right to practice law, even on the 'pro bono' basis alleged by Mr. Gaffney.

As part of the longer term strategy for dealing with Mr. Gaffney we suggest that we elicit the cooperation of the Law Society of British Columbia for the purposes of a practice review of Mr. Jasich. In that regard we require your instructions to provide a copy of Mr. Jasich's letter of September 29, 2008 to the Law Society of British Columbia. We further propose that a copy of Mr. Gaffney's letter of September 29, 2008 likewise be delivered to the Law Society. The letter from Mr. Gaffney has apparently been copied to multiple third parties and as such does not qualify as protected under PIPEDA. Further, as it alleges criminality and conspiracy as between Mr. Oliver and CIBC, it places CIBC in the position where it is entitled to defend itself from these allegations through third party disclosure and an appropriate investigation.

The effect of the foregoing should be to disconnect Mr. Gaffney from one of the people as is likely fanning the flame of his conspiracy theories.

We recommend that a formal complaint be lodged with the Law Society Conduct Review Panel so as to initiate that process. I attach a copy of a draft letter for your review.

B. Dealings with Keith Oliver

Independently, we have contacted Keith Oliver, the lawyer defamed in Mr. Jasich's letter as well as defamed by Mr. Gaffney. We have had previous dealings with Mr. Oliver and have always found him to be reasonable, thoughtful and of good integrity. We have no reason to believe any of the allegations of fraud, theft or conspiracy as are directed at Mr. Oliver. In our conversation with Mr. Oliver he informed us that he obtained an Order at the Court of Appeal declaring Mr. Gaffney a vexatious litigant. He is thus precluded from initiating any appeal without leave of the court. The order does not preclude initiation of proceedings at Supreme Court of B.C., but a similar order could well be obtained at that level if Mr. Gaffney persists in advancing proceedings. (We are not recommending that CIBC pursue such at this stage). We have also conducted a review of the numerous decisions wherein Mr.

Gaffney has brought vexatious claims pertaining to the circumstances of the divorce, the bankruptcy of his wife, and the ultimate sale of the property, that has led to the mortgage being discharged. We are informed that Mr. Oliver has several boxes of litigation materials amassed from his dealings with Mr. Gaffney.

With respect to the funds referred to in Mr. Jasich's letter we are aware that Mr. Oliver has an outstanding Bill of Costs in his favour that has not been paid. Without disclosing any possibly confidential information to Mr. Oliver we made enquiry as to whether he would be interested in making recovery on the costs as have been awarded in his favour. He informs us that based upon the long and difficult dealings with Mr. Gaffney that he has no appetite for any continued pursuit of the issue. In the absence of Mr. Oliver pursuing the issue, we see no benefit to CIBC in pursuit of this aspect of the issue further. If however, funds are ever paid into court, we recommend that notice of such be given to Mr. Oliver.

C. Dealings with Mr. Gaffney

We have been further informed by Mr. Oliver that Mr. Gaffney has intimated subtle threats to him during the course of these proceedings. For instance, Mr. Gaffney made Mr. Oliver aware that Mr. Gaffney was at one time living with a person who had physically attacked and threatened to decapitate a lawyer. (The person referred to is believed to be an elderly man that attacked and left a local young lawyer permanently brain injured during a bizarre incident at New Westminster Court Registry about 3 years ago. The lawyer was attacked by with a scythe by the elderly man, upset about a divorce proceeding.) Thus, Mr. Gaffney should be considered unstable and potentially dangerous and we encourage you to minimize any local branch contact as between your branch personnel and Mr. Gaffney.

While we note that the vast majority of 'vexatious litigants' pose little threat of physical harm, each person must be viewed in the context of the proceedings and the stage of their mental instability. We have studied and dealt with countless vexatious litigants over the years and there are recognized patterns in their delusional logic. Here Mr. Gaffney is embroiled in what he sees as a divorce, the bankruptcy of his wife and a world-wide conspiracy both aimed at him personally and within the context of some intentional global economic meltdown. He cannot be reasoned with only any level other than through his delusions and as such no effort should be made to do so. (I attach a short paper on vexatious litigants that I prepared several years ago as part of an internal law firm training program to assist younger lawyers in dealing with these very troubling sorts.)

We strongly recommend against any significant reply to Mr. Gaffney as this will more likely than not further redirect his conspiracy theories upon CIBC. While there is no guarantee that the strategy of minimal engagement will avoid his psychotic delusions from escalating, we can assure you that any significant response will certainly give rise to a multiplicity of claims being advanced against CIBC.

D. Litigation Options



We have considered the option of delivery of the proceeds of the money orders to court. CIBC could bring application in the proceedings as remain outstanding in the Supreme Court of British Columbia involving Mr. Gaffney and stipulate in the application to the court that CIBC requests that the funds represented by the money orders be remitted to the credit of the Supreme Court action as security for any cost awards made or outstanding, subject to deduction in favour of CIBC of the costs of the application into court. If you decide to pursue this option, we would at the time of the application request a further declaratory order at the time of the application that any future funds delivered by Mr. Gaffney that are not on account of a current or outstanding indebtedness owing by Mr. Gaffney to CIBC be likewise remitted into court without further order. The effect of this will be to obtain an order that allows CIBC to deduct its fees for the application, deliver over the net proceeds represented by the money orders minimizing the risk of claim, and develop a longer term solution for any future money orders that may yet be delivered by Mr. Gaffney to CIBC. It may be possible to seek as a term of such application a limited order declaring Mr. Gaffney to be a vexatious litigant to the extent necessary to restrict any claim he might want to bring against CIBC, its subsidiaries, and its employees or solicitors, (including me and my firm). We have obtained such orders on behalf of CIBC in the past.

However, as set forth above, while this is a valid option for pursuit, it clearly engages CIBC in direct confrontation with Gaffney and if the court is not prepared to grant the order for 'vexatious litigant' status, we will be placed on a long and costly path of twisted applications.

We look forward to receiving your instructions with respect to the proposed strategy. If you want to review any of the multiplicity of cases and decisions involving Mr. Gaffney we have those in our possession and we would be pleased to forward them to you.

Yours truly,

Borden Ladner Gervais LLP

By:

D. Ross McGowan

DRM/mp
Enclosure

FORM C (Rev 2004)

LAND TITLE ACT
FORM C (Section 233) RELEASE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

PAGE 1 OF 1 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, R.S.B.C. 1996 c.230, and that you have applied your electronic signature in accordance with Section 163.3, and a true copy, or a copy of that true copy, is in your possession.



1. APPLICATION: (Name, address, phone number of solicitor, appraiser, notary or agent)

Oliver & Co., Barristers & Solicitors,
#202 - 2563 Glen Drive

(604) 464-5585

Coquitlam

BC V3B 2P7

Deed LTO Fees? YES

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
(PID) (LEGAL DESCRIPTION)

016-726-339 STRATA LOT 38-DISTRICT LOT 119 GROUP 1 NEW WESTMINSTER
DISTRICT STRATA PLAN NW3181

STC? YES

3. NATURE OF INTEREST BEING RELEASED

Mortgage

CHARGE NO.

BW366048

ADDITIONAL INFORMATION

4. TERMS

(1) RELEASE

The charge described in item 3 is released or discharged as a charge on the land described in item 2.

5. TRANSFEROR(S):

CIBC MORTGAGES INC. (REG. NO. A33457)

6. TRANSFEREE(S): (Including legal address(es) and postal code(s))

Registered owner

7. ADDITIONAL OR MODIFIED TERMS:

N/A

8. EXECUTION: (8a) This instrument creates, assigns, modifies, amends, discharges or governs the priority of the interest(s) described in item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge form, if any.

Officer Signature(s)

A Commissioner for taking Affidavits
for the Province of British Columbia.
Virginia Cardoso Stapleton
3000 Lincoln Avenue
Coquitlam, BC V3B 7L9

(as to both signatory)

Expiry Date		
Y	M	D
08	01	02

Transferor(s) Signature(s)

CIBC MORTGAGES INC.
by its authorized signatory(ies)

P. BRAZINKA
JACK GLAZIER
General Manager

B4683
AVP

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certify the matters set out in Part 8 of the Land Title Act as they pertain to the execution of this instrument.

HAROLD C. GAFFNEY

Thursday, April 2, 2009

Address of Delivery: #403-567 Lonsdale Avenue,
North Vancouver, B.C. V7M 2G6
Telephone and Fax number: 604.685.6518
harold_gaffney1@hotmail.com

HAND DELIVERED

Canadian Imperial Bank of Commerce (“CIBC”)

Coquitlam Town Centre
3000 Lincoln Avenue,
Coquitlam, B.C. V3B 7L9

Attention to: Paolo Brazinha

Copy to: **Mr. Michael Capatides** executive vice-president and general counsel,
Legal and Regulatory Compliance for CIBC; and to others

Re: Alleged Signatory for CIBC MORTGAGES INC.

Hello Mr. Paolo Brazinha,

I was at the Coquitlam Banking Centre on Thursday, March 12, 2009, at about 2:45 and the person who assisted us, Kathie Berkenpas, advised us that you were very hard to reach because you have “14 CIBC branches under you”, therefore she claimed it was not possible to meet with you. Further Ms. Berkenpas also spoke with a male in one of the offices at the Coquitlam Town Centre and she returned to say that since we were too vague in our wanting to see you that you could not be reached at any time. Since it does not appear as though you will make yourself available to see me at any time, I am compelled to write you this letter.

1. I want you, Mr. Brazinha, to please confirm as to whether the signature on the document enclosed herewith, showing at item 8, the name of P. Brazinha under **CIBC MORTGAGES INC.** is your signature.
2. If the signature is yours, please confirm as to whether you are the authorized signatory for **CIBC MORTGAGES INC.**, as designated in the document attached herein.
3. Further if you say that you are the authorized signatory for **CIBC MORTGAGES INC.** please advise as to whether you are **at all times** the authorized signatory for **CIBC MORTGAGES INC.**?

Failure to respond by **Monday, April 6, 2009**, at the close of business day, means that you have acted with others to commit fraud contrary to s. 380 (1) (a) of the *Criminal Code of Canada* (CCC) and you have knowingly used and acted on a forged document, contrary to s. 368 (1)(a) of the CCC, and with being in possession of a Commissioner for Oaths stamp in the name of Virginia Cardoro Stapleton, also known as Gina Stapleton, contrary to s. 354. (1) of the CCC.

I would reasonably ask that you respond to this communication no later than **Monday, April 6, 2009**, at the close of business day, at the fax number noted above, or by email at harold_gaffney1@hotmail.com and by subsequent delivery at the address of delivery noted above.

I await for your cooperation on this urgent matter. In the meantime,

Please do Govern Yourself Accordingly,

Yours truly,

Harold Gaffney

Encls.

HAROLD C. GAFFNEY

Thursday, April 2, 2009

Address of Delivery: #403-567 Lonsdale Avenue,
North Vancouver, B.C. V7M 2G6
Telephone and Fax number: 604.685.6518
harold_gaffney1@hotmail.com

HAND DELIVERED

Canadian Imperial Bank of Commerce ("CIBC")

Langley Banking Centre
20069-64th Avenue, Langley, BC V2Y 1M9

Attention to: Jack Glazier ext: 452

Copy to: Mr. Michael Capatides executive vice-president and general counsel,
Legal and Regulatory Compliance for CIBC; and to others

Re: Alleged Signatory for CIBC MORTGAGES INC.

Hello Mr. Jack Glazier,

I was at the Langley Banking Centre on Thursday, March 12, 2009, at about 12:45 and the person who assisted us, after having contacted you by phone, informed us that you were starting your vacation at the time we wanted to see you and she advised us that you would be in your office after March 24, 2009. Thus I doubt that you will be available to see me at any time therefore I am compelled to write you this letter.

1. I want you Mr. Glazier, to please confirm as to whether the signature on the document enclosed herewith, showing at item 8, the name of **Jack Glazier (General Manager)** under **CIBC MORTGAGES INC.** is your signature.
2. If the signature is yours, please confirm as to whether you are the authorized signatory for **CIBC MORTGAGES INC.**, as designated in the document attached herein.
3. Further if you say that you are the authorized signatory for **CIBC MORTGAGES INC.** please advise as to whether you are **at all times** the authorized signatory for **CIBC MORTGAGES INC.**?

Failure to respond by **Monday, April 6, 2009**, at the close of business day, means that you have acted with others to commit fraud contrary to s. 380 (1) (a) of the *Criminal Code of Canada* (CCC) and you have knowingly used and acted on a forged document, contrary to s. 368 (1)(a) of the CCC, and with being in possession of a Commissioner for Oaths stamp in the name of **Virginia Cardoro Stapleton**, also known as Gina Stapleton, contrary to s. 354. (1) of the CCC.

I would reasonably ask that you respond to this communication no later than **Monday, April 6, 2009**, at the close of business day, at the fax number noted above, or by email at

harold_gaffney1@hotmail.com and by subsequent delivery at the address of delivery noted above.

Re: Alleged Signatory for CIBC MORTGAGES INC.

Page 2 of 2

I await for your cooperation on this urgent matter. In the meantime,

Please do Govern Yourself Accordingly,

Yours truly,

Harold Gaffney

Encls.

HAROLD C. GAFFNEY

Thursday, April 2, 2009

Address of Delivery: #403-567 Lonsdale Avenue,
North Vancouver, B.C. V7M 2G6
Telephone and Fax number: 604.685.6518
harold_gaffney1@hotmail.com

HAND DELIVERED

Canadian Imperial Bank of Commerce ("CIBC")
Coquitlam Town Centre
3000 Lincoln Avenue,
Coquitlam, B.C. V3B 7L9

Attention to: Virginia (Gina) Stapleton
Mutual Fund Representative for CIBC

Copy to: Mr. Michael Capatides executive vice-president and general counsel,
Legal and Regulatory Compliance for CIBC; and to others

Re: Alleged Signatory for CIBC MORTGAGES INC.

Hello Ms. Virginia (Gina) Stapleton,

I was at the Coquitlam Banking Centre on Thursday, March 12, 2009, at about 2:45 and the person who assisted us, Kathie Berkenpas, advised us that you were in a meeting and that you would be in on the Friday and than Ms. Berkenpas corrected herself and said, "*I'm lying, she'll be in her office maybe on Monday*". Since it does not appear as though you would be available to see me at any time, I am compel to write you this letter.

1. I want you, Ms. Virginia Stapleton, to please confirm as to whether you have witnessed the signatures on the document enclosed herewith, showing at item 8, the name of **P. Brazinha** and **Jack Glazier**, under **CIBC MORTGAGES INC.**
2. If you have witnessed the signatures of **P. Brazinha** and **Jack Glazier**, please confirm as to who advised you that **P. Brazinha** and **Jack Glazier**, are at all times the authorized signatory for **CIBC MORTGAGES INC**, as designated in the document attached herein.
3. Further please advise as to whether you Ms. Stapleton have the authority to swear in **P. Brazinha** and **Jack Glazier** under **CIBC MORTGAGES INC.**?

Failure to respond by **Monday, April 6, 2009**, at the close of business day, means that you have acted with others to commit fraud contrary to s. 380 (1) (a) of the *Criminal Code of Canada* (CCC) and you have knowingly used and acted on a forged document, contrary to s. 368 (1)(a) of the CCC, and with being in possession of a Commissioner for Oaths stamp in the name of Virginia Cardoro Stapleton, also known as Gina Stapleton, contrary to s. 354. (1) of the CCC.

I would reasonably ask that you respond to this communication no later than **Monday, April 6, 2009**, at the close of business day, at the fax number noted above, or by email at harold_gaffney1@hotmail.com and by subsequent delivery at the address of delivery noted above.

I await for your cooperation on this urgent matter. In the meantime,

Please do Govern Yourself Accordingly,

Yours truly,

Harold Gaffney

Encls.



**north shore
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House sale fraud investigated

- Police collect documents with ruling

By [Anna Marie D'Angelo](#)

News Reporter

dangelo@nsnews.com

LAWYERS from Ladner Downs law firm had to turn over sealed documents to the police after a B.C. Supreme Court ruling in August concerning the fraudulent sale of a North Vancouver lot.

Lawyers for Ladner Downs claimed the documents were privileged client lawyer information, according to search warrant information.

But B.C. Supreme Court Judge Mr. Justice Patrick Dohm declared the documents were not privileged information and could be released to the North Vancouver RCMP for their criminal investigation.

The court ruling related to the fraudulent sale of a lot on Dec. 29, 1998 on Lockhaven Place in Deep Cove.

The real owner of the lot, Wilbert Owen Kennedy, lives in Bellingham, Wash.

He found out he no longer was the registered owner of the property when his property tax notice did not arrive this past spring.

Mark and Marzanna Biskupski bought the lot for \$220,000. The Biskupskis were three weeks away from moving into their newly built 2,600-square-foot home on the lot when they found out their money had gone to an imposter and not the real property owner.

The **News** contacted Mark Biskupski at his new home. Biskupski did not know the imposter's true identity. Biskupski said "everything went the legal way" as far as the lot's sale.

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"Everything is up in the air. It depends what the courts decide and what Mr. Kennedy wants to do," said Biskupski.

According to search warrant information, Barry Allan Buydens, 36, of North Vancouver, is suspected of impersonating Wilbert Kennedy with intent to convert the proceeds of a fraudulent sale of real property.

Buydens is not charged with a crime.

According to search warrant information, an imposter was able to list for sale Kennedy's property through Sutton West Coast Realty. The transfer of land title was conducted by Lander Downs law firm.

The real estate agent who listed the property for sale was Robin Cameron.

Cameron told police that she never met the imposter so she couldn't describe him. She said she listed the property and conducted sale negotiations by phone or fax, according to the search warrant.

Lawyer Mark Lewis, of Ladner Downs, worked for the imposter in the land sale.

Lewis told police that he worked on the real estate transaction, but "never actually met" the client. Other people at the law firm met the client, but Lewis said "he would not release that information nor would his firm provide a description of the person in question," according to the search warrant.

The property was bought from the imposter by Noort Developments. The property was conveyed to the Biskupskis from Noort. The Biskupskis contracted Noort Developments to build their house. Real estate agent, Richard Staszko, of Homelife Bay City, represented Noort.

Staszko told police that he had not met the imposter either and that the entire transaction, or almost the entire transaction, was done by fax, according to the search warrant.

Police executed a search warrant on Staszko's residence to obtain the original copy of the contract for purchase and sale of the lot that contained Kennedy's fraudulent signature.

According to the search warrant, after North Vancouver RCMP economic crime unit officers started their investigation, the imposter contacted

Homelife Bay City Realty on June 10 requesting a that cheque be re-issued relating to the lot's sale.

North Vancouver Mounties were called to the Homelife office. There was a cab driver waiting to take the cheque. The cab driver said a man in an "expensive-looking sports utility or 4x4 type truck" told him to pick up the cheque and bring it to Jack Lonsdale's Pub.

The cab driver was followed to the pub by two Mounties. RCMP plainclothes officers were also present near the pub.

The cab driver recognized a man in a silver Toyota truck. The truck drove around the area a couple of times and, after 15 minutes, drove off without picking up the cheque.

A Mountie noticed that the driver was the same man with reddish blonde hair seen loitering around the front of the pub a short time before.

Police traced the licence plate and found out the truck was registered to Tourocan Development Ltd., doing business as Lo-Cost Rent-A Car Ltd., on Marine Drive. The truck was rented by Buydens, according to the search warrant.

In addition to Kennedy's forged signature, notary public Virginia Lange had her name forged on a transfer of land registration that was found at the New Westminster Land Titles Office, according to the search warrant. Lange has an office on Mount Seymour Parkway.

Meanwhile Kennedy informed police he never employed any lawyer named Mark Lewis or a law firm of Ladner Downs at any time.

North Vancouver provincial court information indicates that Buydens is currently charged with:

- stealing a vehicle belonging to Lo-Cost Rent-A-Car in North Vancouver City.
- possessing stolen property consisting of a vehicle belonging to Lo-Cost Rent-A-Car.

He is slated for a trial on March 15, 2000 in North Vancouver provincial court.

Buydens was charged regarding the vehicle two days before a search

warrant was issued to enter the home of Buydens' estranged wife home on Berkley Road in the Seymour area. Police were searching for examples of Buydens' handwriting. Buydens continues to live in the Seymour area.

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Contact: editor@nsnews.com Online at [Internet Direct](#).

From heaven to hell: 18 die as drugs war rages on streets of Vancouver

The Canadian city has been named the best place in the world to live. But those halcyon days are over

By Paul Rodgers

Sunday, 5 April 2009

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Once upon a very recent time, Vancouver had a clean, safe image. Nestled between a spectacular bay and snow-capped mountains, this Canadian city, which is twice the size of Birmingham, was described by The Economist as the most liveable in the world. Not any more. As it prepares to host the 2010 Winter Olympics, what it's got now is not cuddly, eco-friendly publicity, but blood-spattered streets littered with shell casings and corpses.

Vancouver is the battlefield in a war between myriad drug gangs, which include Hell's Angels, Big Circle Boys, United Nations, Red Scorpions, Independent Soldiers and the 14K Triad. Guns – often machineguns – are fired almost daily. "We've always been told by media experts to never admit that there is a gang war," the chief of police, Jim Chu, said last month. "Let's get serious. There is a gang war and it's brutal." Vancouver's Mayor, Gregor Robertson, confessed that the police are fighting a losing battle. Since mid-January, the city has recorded 50 gang-related shootings, 18 of them fatal. And the violence is not confined to seedy neighbourhoods. The cross-fire is happening in quiet, residential cul-de-sacs and the car parks of up-scale shopping centres. It's a suburban civil war.

Nor are hardened criminals the only victims. An attack on one gangster's car killed a 24-year-old man hired to fit it with a new stereo. In February, Nicole Alemy, 23, the wife of another gangster, was gunned down in her white Cadillac – with her four-year-old son in the back seat. On Friday, police arrested James Bacon – one of three brothers who left the United Nations gang to join the Red Scorpions, intensifying the rivalry between the two – for conspiring in the deaths of four gangsters in their flat in Surrey, south-east of Vancouver. Two innocent men were forced from the hallway into the flat and also killed. Police said they intend to make more arrests over the weekend.

As Vancouver has boomed over the past two decades, attracting wealthy immigrants from across Canada and the Pacific, so too has the illegal drugs trade. It is now the third largest industry in the province, generating between C\$7bn (£3.8bn) and C\$8bn a year. A young, party-loving population with liberal attitudes to drugs has created strong domestic demand, while the province's mild climate and a ready supply of well-educated horticulturalists has led to supply of a premium brand of cannabis called "BC bud", produced mostly in hydroponic "grow-ops".

The drug's superior quality – "one puff and you're anaesthetised," reported one academic – also found favour with customers in the US, encouraging an imaginative corps of smugglers. Customs agents have found shipments in church vans, hollow logs and even kayaks. One enterprising crew emulated the prisoners of Stalag Luft III, digging a 110m tunnel "under the wire". The bigger problem for Canada, though, was the return trade. The US drug distributors preferred to pay in kind, with cocaine and guns.

Many commentators think Vancouver's violence is just a skirmish on the fringe of the much larger war in Mexico, where 6,000 were murdered last year as the state tried to reassert control over territories seized by drug lords. The result has been a 50 per cent rise in the price of cocaine in Canada, and correspondingly higher profits to fight over. But not everyone is convinced. Experts at Simon Fraser University argue that the problem is home-grown, and that it's exacerbated by police efforts to bang up mob leaders. "All you do is create vacancies as you put people in jail," said Ehor Boyanowsky, an associate professor of criminology. "Suddenly there's an opportunity."

In the short term, say the academics, Vancouver's problem is one of unco-ordinated enforcement. By one count, as many as 11 different agencies, including the Royal Canadian Mounted Police and local police forces, were responsible for suppressing the drugs trade. The courts are almost as confused. Canadian justice is more tolerant than America's. No one has been successfully prosecuted for simple possession of marijuana in years, and Amsterdam-style hash cafés operate in a grey zone, only occasionally being shut down. Because of judicial leniency, officers prefer to see their targets collared in the US. The "Great Escape" gang were under surveillance on both sides of the border, but were arrested in Washington.

In the long run, many British Columbians, on both left and right, accept that legalisation and regulation are the answer. Just the sales tax on C\$7bn of drugs would pay for several hospitals and schools, policing costs could be reduced, property crime by addicts to pay for their drug habits would be slashed, and the gang wars could be quickly reined in. "But the international politics are unbelievable," said Dr Rob Gordon, director of Simon Fraser's school of criminology. "The DEA [US Drug Enforcement Administration] starts to foam at the mouth at the idea of there being a huge, legal marijuana farm just north of the border. Under George Bush, the consensus was that if Canada ever moved to exercise its economic sovereignty, they would shut the border down by searching every vehicle."

Until then, the best hope may be that one gang or another comes out on top, allowing it to impose



AFP / GETTY IMAGES

Vancouver's streets are now a battlefield for rival gangs, armed with automatic weapons, seeking dominance in the city's booming illegal drugs trade. There have been 50 shootings there in the past three months

ENLARGE

EDITOR'S CHOICE



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stability, much as the Hell's Angel's bike gang used to do up to 15 or 20 years ago. Professor Boyanowsky said: "Those were the good old days."

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From heaven to hell: 18 die as drugs war rages on streets of Vancouver

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Vancouver's streets are now a battlefield for rival gangs, armed with automatic weapons, seeking dominance in the city's booming illegal drugs trade. There have been 50 shootings there in the past three months