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R. v. Anthony and Trembley

2024 BCSC 1622

COURT

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2024 BCSC 1622 R. v. Anthony and Trembley IN THE SUPREME COURT OF BRITISH COLUMBIA

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Vancouver Rex v. Quintin Jerome Anthony and Jordan Gregory Trembley Before: The Honourable

Justice MacNaughton Reasons for Judgment (Voir Dire #5: Facial Challenge to Search Warrants

Issued on June 22/23, 2021, under s. 11 of the Controlled Drugs and Substances Act) Counsel for

the Crown: T. Lattimer T. Warren Counsel for Quinton Jerome Anthony: W. Jessop Counsel for

Jordan Gregory Trembley: C. Muldoon Place and Date of Trial/Hearing: Vancouver, B.C. August

19-21, 2024 Place and Date of Judgment: Vancouver, B.C. September 3, 2024 Table of Contents

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- [1] Quintin Anthony is charged with possession of cocaine, methamphetamine, and fentanyl for the purposes of trafficking under s. 5(2) of the Controlled Drugs and Substances Act, S.C. 1996, c. 19 [CDSA]. Jordan Trembley is charged with possession of cocaine and fentanyl for the purposes of trafficking under s. 5(2) of the CDSA and possession of a non-restricted firearm without a licence contrary to s. 91(1) of the Criminal Code, R.S.C. 1985, c. C-46 [Code]. In these reasons, I will refer to the charged drug offences as the "Offences".

- [2] Mr. Anthony and Mr. Trembley (the "Applicants") challenge the facial validity of two search warrants obtained pursuant to Informations to Obtain ("ITO") sworn on June 22 and 23, 2021, by Detective Constable David Leslie-Greaves of the Vancouver Police Department (the "Affiant" and the "VPD"). Both search warrants were obtained as part of a VPD investigation, known as Project Tache, into alleged drug trafficking in downtown Vancouver.
- [3] Mr. Anthony challenges the validity of the warrant to search Suite 1526-933 Hornby Street/938 Smithe Street, Vancouver, BC ("Suite 1526" and "933 Hornby"); and Mr. Trembley challenges the validity of the warrant to search Suite 3501-1283 Howe Street, Vancouver, BC ("Suite 3501" and "1283 Howe") (collectively, the "Applications").
- [4] The search warrants were first obtained based on the Affiant's June 22, 2021 ITO. The ITO contained an error with respect to the suite number to be searched at 933 Hornby, and the Affiant re-swore his ITO on June 23, 2021, correcting the error, and a new search warrant was issued for 933 Hornby on that date. Steps in the Project Tache Investigation Confidential Informant Information
- [5] Project Tache was initiated after the VPD received a confidential informant tip about a dial-a-dope drug trafficking operation involving a Vancouver taxi ("Taxi V41") being used to deliver drugs in the downtown area of Vancouver. The VPD investigation was methodical and proceeded in stages, albeit over a relatively short time frame.
- [6] In reasons cited as *R. v. Islam*, 2024 BCSC 1000 at para. 42 ("Voir Dire #2 Reasons"), I summarized the confidential informant information provided to the VPD. At para. 43, applying the factors outlined in *R. v. Debot*, [1989] 2 S.C.R. 1140 at 1168, 1989 CanLII 13, I determined that the informant information was credible and compelling, and that some of it was corroborated by subsequent surveillance. Surveillance and Records Searches
- [7] After conducting initial surveillance of Taxi V41, through record searches, the VPD determined that the co-accused, MD Rafiqul Islam, was the driver of Taxi V41. Tracking Warrant
- [8] The VPD then applied for a tracking warrant for Taxi V41, pursuant to which they sought to track Taxi V41's movements.
- [9] Mr. Islam challenged the facial validity of the tracking warrant. In *Voir Dire #2 Reasons*, I dismissed Mr. Islam's challenge: at paras. 39, 51-52. Production Orders
- [10] Based on the surveillance and the tracking warrant information, the VPD observed a pattern of trips during which Taxi V41 attended at or near to 933 Hornby and 1283 Howe. Both addresses were often visited by Taxi V41 and certain unknown males who had been associated with Taxi V41 through surveillance.
- [11] At the next stage of the investigation, the VPD sought and obtained production orders for CCTV footage, and electronic key fob and Form K tenancy records from 933 Hornby and 1283 Howe.

- [12] Mr. Trembley and Mr. Anthony challenged the facial and sub-facial validity of the production orders. During the voir dire challenging the production orders, the Crown conceded that there had been a breach of the Applicants' rights under s. 8 of the Charter with respect to electronic key fob records and Form K tenancy information obtained for both addresses. In light of the Crown's concession, the parties agreed that the key fob and Form K tenant information must be excised for the purpose of reviewing the sufficiency of the general warrants, and the parties also agreed to excision on this challenge to the search warrants.
- [13] In my reasons cited as R. v. Islam, 2024 BCSC 1090 ("Voir Dire #3 Reasons"), and in light of the Crown's concession with respect to the key fob and tenancy records (set out in para. 13), I dismissed their challenges as they related to the CCTV footage only. General Warrants
- [14] Based on the surveillance, the tracking warrant information, and the CCTV footage obtained pursuant to the production orders, the VPD applied for general warrants authorizing covert surveillance of the 35th floor of 1283 Howe and the 15th floor of 933 Hornby. The parties agreed that it was appropriate to excise references to the key fob records and Form K documents for both buildings from the Affiant's ITO in support of the general warrants.
- [15] By reviewing the CCTV footage from the buildings, at times corresponding with physical surveillance observations outside the buildings, the police were able to identify specific floors being visited by the targets of the investigation. The VPD sought judicial authorization for general warrants to conduct surveillance of the common areas of 933 Hornby and 1283 Howe and the identified floors. As explained by the Affiant, the goal of the surveillance was to afford evidence necessary for a search warrant by identifying the specific suites within the buildings that the targets were using: ITO at para. 13.
- [16] Mr. Trembley and Mr. Anthony challenged the facial validity of the general warrants. In my reasons cited as R. v. Islam, 2024 BCSC 1525 (Voir Dire #4 Reasons), I dismissed their challenges. The agreed-upon excisions were set out in Appendix A to Voir Dire #4 Reasons. Search Warrants
- [17] In the next stage of the investigation, and relying on the same information relied on in support of the general warrants, but supplemented by additional surveillance and observations obtained during the authorized covert surveillance, the VPD sought and obtained search warrants for Suite 3501 and Suite 1526. Those search warrants are the subject of this challenge. Issues on the Applications and the Parties' Positions Mr. Anthony's Position with Respect to 933 Hornby
- [18] Mr. Anthony submits that, after excision from the ITO of the key fob information, obtained pursuant to a production order that was in breach of his s. 8 Charter rights, the ITO for 933 Hornby fails to establish reasonable and probable grounds that Suite 1526 is connected to the criminal activity under investigation or a basis to conclude that evidence of an offence would be located inside the Suite 1526.

- [19] After excision, the remaining information in the ITO with respect to Suite 1526 refers to observations of UM103, but the ITO does not outline how UM103 is connected to Project Tache or the Offences. Mr. Trembley's Position with Respect to 1283 Howe
- [20] Mr. Trembley submits that after excision from the ITO of the key fob information, obtained pursuant to a production order that was in breach of his s. 8 Charter rights, what remains of the ITO for 1283 Howe hinges on one surveillance observation of one entry into Suite 3501 by someone other than Mr. Trembley. Mr. Trembley is never seen entering or leaving Suite 3501.
- [21] In particular, the remaining information in the ITO, after excision, refers to an entry into Suite 3501 by a person designated as UF1. Mr. Trembley submits there is little to connect UF1 with Mr. Trembley. UF1 was observed with Mr. Trembley in Taxi V41 on one prior occasion, on June 9, 2021, in circumstances that did not involve suspected drug trafficking. Mr. Trembley also points to what he submits are frailties in the identification of UF1 observed entering Suite 3501 during the covert surveillance, as being the same woman observed with Mr. Trembley on June 9, 2021.
- [22] As a result, Mr. Trembley submits that the ITO fails to establish reasonable and probable grounds that Suite 3501 is connected to the criminal activity under investigation, or a reasonable basis on which to conclude that evidence of drug trafficking would be located inside the suite. Therefore, Mr. Trembley submits that the resulting search and seizure within Suite 3501 constitutes a breach of his s. 8 Charter rights. The Crown's Position
- [23] The Crown's position is that the ITO provides reasonable and probable grounds to support the issuance of the search warrants for both 1526-933 Hornby and 3501-1283 Howe. The Crown submits that the ITO, viewed in its totality, provides ample grounds to conclude that the Applicants were engaged in a drug trafficking operation, and that they utilized both suites as stash sites. As a result, the Crown submits that there is a credibly-based probability that evidence of the Offences would be found in the two suites.
- [24] The Crown says that the Applicants' approach to the ITO constitutes a microscopic analysis of the content that is not supported by the caselaw. It also says the ITO, in its totality, satisfies the pre-requisites for the issuance of s. 11 CDSA search warrants, particularly under the limited Garofoli standard or review, and contains ample information upon which the issuing justice could have issued the warrants.
- [25] The Crown submits that the Applications should be dismissed. Evidence on the Voir Dire
- [26] As this was a facial challenge, no evidence was called and the application proceeded on counsel's submissions. The parties filed, as Ex. A to this voir dire, copies of the search warrants issued by Judicial Justice Toy on June 22 and 23, 2021, and an unredacted version of both the original and the revised ITO. An excised copy of the ITO was filed as Ex. B, and an excised copy of the revised ITO was filed as Ex. C. Excisions and Amplifications

- [27] As set out earlier in these reasons, in light of the conceded breach of the Applicant's s. 8 Charter right with respect to the electronic key fob records and Form K tenancy information, the parties agree upon excisions that should be made to the Affiant's ITO in support of the search warrants. Those excisions are set out in Appendix A to these reasons.
- [28] In addition, the parties agree that the following amplifications should be made to correct minor errors in the ITO, made in good faith and not in a deliberate attempt to mislead: · Para. 39.15 - the time ought to read "6:37 p.m."; · Para. 40 - the date of the surveillance report ought to read "June 21, 2021"; · Para. 54.5 - in the square bracket, italics: "Paragraph 39.8" ought to read "Paragraph 38.8"; and · Para. 55 - the address ought to read "1283 Howe Street".
Summary of the ITO
- [29] In his revised June 23, 2021 ITO, the Affiant asserted he had reasonable grounds to believe, and did believe, that: · the Offences were occurring; · UM102 and UM103 were involved in the Offences; and · evidence related to the Offences would be found in Suites 1526-933 Hornby and 3501-1283 Howe.
- [30] In brief summary, the Affiant's ITO:
- (a) set out his background and experience as a drug investigator, and what he learned as a result, and his role in Project Tache (paras. 2-5);
 - (b) explained the Offences under investigation (para. 6);
 - (c) gave a brief overview and the reasons for the application for the search warrants (paras. 7-14);
 - (d) outlined the terms of authorizations sought pursuant to s. 11 of the CDSA (para. 15);
 - (e) explained his use of square brackets and italics to distinguish between opinions and investigative information, and defined the terms he used in the ITO (paras. 16-24);
 - (f) set out the previous authorizations and orders obtained by the VPD during Project Tache (para. 25)
 - (g) set out the sources of the information in his ITO (para. 26);
 - (h) explained the confidential informant information and its pedigree (at paras. 27-30);
 - (i) detailed the investigative steps taken to that point including:
 - i. confidential informant information (para. 31); ii. police database inquiries (para. 32); iii. summary of surveillance on June 1, 3, 8-10, 19, and 21, 2021 (at paras. 33-40); iv. electronic tracking of Taxi V41 on June 11-17, 2021, pursuant to the Tracking Warrant issued on June 9, 2021 (at paras. 41-52);

- v. VPD review of fob records and CCTV after execution of the production orders issued on June 17, 2021 (at paras. 53-55, now excised in accordance with Appendix A); vi. floor plan of the 35th floor of 1283 Howe (at para. 56); vii. review of address tenant information (at paras. 57-58, now excised in accordance with Appendix A); viii. steps taken to identify Mr. Islam (at para. 59).
- [31] At paras. 60-61, the Affiant set out his justification for believing that he had reasonable grounds to believe that the Offences had been committed.
- [32] At paras. 62-64, the Affiant clarified the address at 933 Hornby and explained that all units above the 12th floor in the building have a 938 Smithe Street address, whereas all units on the 12th floor and below have a 933 Hornby Street address. For consistency with my earlier voir dire rulings, I have continued in these reasons to refer to 933 Hornby Street/938 Smithe Street as 933 Hornby.
- [33] At para. 65, the Affiant explained how he had transposed the suite number at 1283 Howe resulting in the issuance of a warrant for the wrong suite.
- [34] At para. 66, the Affiant set out his justification for the search warrant for Suite 1526-933 Hornby and the items he was seeking to find. Those items included: drugs; drug paraphernalia; personal documents identifying the persons with knowledge and control of activities at Suite 1526; and electronic devices and records.
- [35] At paras. 67-71, the Affiant set out the basis for his belief that the items he was seeking to find in the stash house would be found in Suite 1526.
- [36] At para. 71.10, the Affiant explained that he believed that the date range for the information he was seeking (June 1-24, 2021) was reasonable as June 1 correlated with the start of the investigation and June 24 was the date on which the search warrants would be executed and the relevant computer systems would be in police custody.
- [37] At para. 72, the Affiant acknowledged that data or messages could not be extracted from the computer systems without a Part VI authorization under the Code, and explained the steps investigators would take to ensure the integrity of the computer systems pending obtaining a Part VI authorization.
- [38] At para. 73, the Affiant explained he was requesting the warrants for between 9:00 a.m. and 11:59 p.m. on June 24, 2021. He explained that the delay was necessary to gather the resources and personnel to effectively and safely execute the search warrants, including the VPD Emergency Response Team for initial entry in case armed persons were present in the stash houses when the warrants were executed.
- [39] At paras. 75-77, the Affiant sought a sealing order under s. 487.3 of the Code and explained why such an order was necessary.

- [40] The warrants were issued on the basis that there were reasonable grounds to believe that the Offences had been committed by Mr. Anthony and Mr. Trembley, and that there were reasonable grounds to believe that items would be located in the suites at 933 Hornby and 1238 Howe that would afford evidence in respect of the Offences. Legal Principles Applicable Statutory Provisions
- [41] Section 11 of the CDSA authorizes the issuance of search warrants. It provides: Information for search warrant 11 (1) A justice who, on ex parte application, is satisfied by information on oath that there are reasonable grounds to believe that
- (a) a controlled substance or precursor in respect of which this Act has been contravened,
 - (b) any thing in which a controlled substance or precursor referred to in paragraph (a) is contained or concealed,
 - (c) offence-related property, or
 - (d) any thing that will afford evidence in respect of an offence under this Act or an offence, in whole or in part in relation to a contravention of this Act, under section 354 or 462.31 of the Criminal Code is in a place may, at any time, issue a warrant authorizing a peace officer, at any time, to search the place for any such controlled substance, precursor, property or thing and to seize it.
- [42] Section 11 of the CDSA closely tracks the wording of s. 487 of the Code, under which search warrants are authorized.
- [43] There is no dispute that cases decided under the Code are applicable under s. 11 of the CDSA. Both require that there are reasonable grounds to believe an offence has been committed and reasonable grounds to believe that evidence in respect of an offence will be found in the place sought to be searched. Review of Judicial Authorization of Search Warrants
- [44] The parties agree about the legal principles governing a review of the validity of a search warrant. A trial judge's role on a Charter review of the sufficiency of judicial authorizations is not to second-guess the issuer nor to substitute their view for that of the issuer. It is not a hearing de novo. Instead, the inquiry is whether, based on a review of the contents of the ITO as amplified on review, the issuing justice could, not should, have granted the warrant: *R. v. Garofoli*, [1990] 2 S.C.R. 1421 at 1452, 1990 CanLII 52 [Garofoli]; see also *R. v. Araujo*, 2000 SCC 65 [Araujo]; *R. v. Morelli*, 2010 SCC 8 at para. 40 [Morelli]; *R. v. Slemko*, 2020 BCCA 207 at para. 53 [Slemko]; and *R. v. Wilson*, 2011 BCCA 252 at para. 37 [Wilson].
- [45] The standard of review was also considered in Araujo:

- [54] An approach based on looking for sufficient reliable information in the totality of the circumstances appropriately balances the need for judicial finality and the need to protect prior authorization systems. [T]he test is whether there was reliable evidence that might reasonably be believed on the basis of which the authorization could have issued, not whether in the opinion of the reviewing judge, the application should have been granted at all by the authorizing judge. [Emphasis in original.]
- [46] In *Wilson*, the Court described the test as whether the ITO, as amplified on review, was capable of supporting the issuance of the warrant: at para. 52. Put another way, could an issuing judge or justice assessing all the facts, on a practical, non-technical, and common-sense basis, have been satisfied that reasonable grounds existed to believe that the statutory pre-requisites to the authorization were met? This was recently affirmed in *Slemko* at para. 55.
- [47] The reasonable grounds standard has frequently been described as one of "reasonable probability" or a "credibly-based probability". Put another way, the standard is less than a *prima facie* case and less than the civil standard of proof, on the balance of probabilities: *R. v. Whitaker*, 2008 BCCA 174 [Whitaker] at paras. 39-40; *R. v. Glendinning*, 2019 BCCA 365 [Glendinning] at paras. 3 & 7.
- [48] The assessment of whether the "reasonable grounds to believe" standard was met before the issuer involves considering the totality of circumstances, meaning all the information submitted in support of the authorization as a whole, not one piece of evidence at a time. It is an assessment of all the grounds taken together, not a microscopic analysis of each and every averment. This is because "each piece of evidence colours other pieces of evidence and a fuller picture emerges by considering all of the evidence together": at para. 41, citing *R. v. Lam*, 2002 BCCA 99 at para. 10.
- [49] In undertaking this review, the reviewing judge must take into account that authorizing justices are entitled to draw reasonable inferences from the information set out in the ITO. The affiant need not expressly state their belief nor underline the obvious: *R. v. Vu*, 2013 SCC 60 at paras. 16-17.
- [50] In evaluating whether reasonable grounds existed for the issuance of a warrant, the issuing justice may view the facts set out in the ITO through the lens of the affiant's experience and knowledge: *Glendinning* at para. 31. Observations that may lack significance to the untrained eye may be highly significant to trained and experienced investigators: *R. v. MacKenzie*, 2013 SCC 50 at para. 62.
- [51] *R. v. Liu*, 2014 BCCA 166 [Liu] helpfully summarizes the applicable cases in determining the facial validity of a warrant:
- [39] I would summarize the main points from this jurisprudence in the following way: *The trial judge's role in reviewing the validity of a search warrant is to consider whether the material filed in support of the warrant, as amplified on review, could support the issuance of the

warrant. *The trial judge should examine the information in its totality, not on a piece meal basis, in a "practical, non-technical, and common sense basis". *The question is not whether the reviewing judge would have granted the order, but whether there was an objective basis on which the issuing justice could have done so. *The appropriate standard is one of "reasonable probability" rather than "proof beyond a reasonable doubt" or "prima facie case". The phrase "reasonable belief" also approximates the requisite standard. *Reasonable grounds may be said to exist at "the point at which credibly-based probability replaces suspicion".

- [52] The search warrants are presumed to be valid. The onus is on the Applicants to establish that the ITO is insufficient: Wilson at para. 63.
- [53] In Morelli, the Supreme Court of Canada explained the process for the review of a search warrant and the corresponding process of amplification:
- [40] In reviewing the sufficiency of a warrant application, however, "the test is whether there was reliable evidence that might reasonably be believed on the basis of which the authorization could have issued" (R. v. Araujo, 2000 SCC 65, [2000] 2 S.C.R. 992, at para. 54 (emphasis in original)). The question is not whether the reviewing court would itself have issued the warrant, but whether there was sufficient credible and reliable evidence to permit a justice of the peace to find reasonable and probable grounds to believe that an offence had been committed and that evidence of that offence would be found at the specified time and place.
- [41] The reviewing court does not undertake its review solely on the basis of the ITO as it was presented to the justice of the peace. Rather, "the reviewing court must exclude erroneous information" included in the original ITO (Araujo, at para. 58). Furthermore, the reviewing court may have reference to "amplification" evidence - that is, additional evidence presented at the voir dire to correct minor errors in the ITO - so long as this additional evidence corrects good faith errors of the police in preparing the ITO, rather than deliberate attempts to mislead the authorizing justice.
- [42] It is important to reiterate the limited scope of amplification evidence, a point well articulated by Justice LeBel in Araujo. Amplification evidence is not a means for the police to adduce additional information so as to retroactively authorize a search that was not initially supported by reasonable and probable grounds. The use of amplification evidence cannot in this way be used as "a means of circumventing a prior authorization requirement" (Araujo, at para. 59).
- [54] The reasonable grounds standard must be rooted in facts linking the items sought and the offences being investigated. A possibility or suspicion that evidence sought will be found at a location will not suffice. The ITO must present case-specific facts establishing reasonable grounds to believe that evidence of the offence(s) will be found at a given location.
- Application of the Law to the Search Warrants in this Case

- [55] With the above legal principles in mind, the issue I must decide is whether, on the ITO, as excised and amplified, the issuing justice could have granted the warrants to search Suite 1526-933 Hornby and Suite 3501-1238 Howe.
- [56] After the excisions, the ITO must contain facts that could have satisfied the issuing justice that the following statutory preconditions for granting a search warrant are met: (1) that the ITO shows reasonable grounds to believe that an offence or offences have been committed; and (2) that there are reasonable grounds to believe that evidence of those offences would be located at the places to be searched, namely Suite 1526-933 Hornby and Suite 3501-1283 Howe. The reasonable grounds standard requires a credibly-based probability or reasonable probability, described as the point at which suspicion gives way to credibly-based probability. First Requirement: Drug Related Offence Has Been Committed
- [57] I have no difficulty in concluding that the issuing justice could have been satisfied, on the totality of the information in the ITO, to the requisite standard, that the Offences had occurred or would be occurring.
- [58] As I set out in my Voir Dire #3 Reasons, considering the June 17, 2021 production orders, the VPD had reasonable grounds to believe that the Offences had been or would be committed: at para. 171.
- [59] The same requisite grounds existed on June 23, 2021 when the VPD sought the search warrant for 1526-933 Hornby. In addition to the surveillance evidence on June 1, 8, and 9, 2021 reviewed in my Voir Dire #3 Reasons, the Affiant sets out additional days of ongoing physical surveillance of Taxi V41 and various targets of the investigation and 933 Hornby, which I review below. Ongoing Surveillance
- [60] On June 10, 2021, there were two consecutive short-duration meets involving UM102, UM103, at 933 Hornby, that the Affiant described as being consistent with drug trafficking. The surveillance evidence with respect to those meets was set out in paras. 38.3-38.8 of the ITO: The First Meet
- a. At 9:37 p.m. Taxi V-41 was parked in a driveway associated with 933 Hornby. Mr. Islam got out of the driver seat and paced in the driveway.
 - b. At 9:40 p.m., UM102, carrying a beige backpack, walked south on Hornby St. toward Taxi V41 and got into the rear of the taxi. Mr. Islam walked up and got into the driver seat. The taxi drove away north on Hornby Street.
 - c. Three minutes later, at 9:43 p.m., at the corner of Robson and Granville Streets, Taxi V41 pulled over, and an unknown male entered the rear of the taxi and met with UM102 inside the vehicle. Taxi V41 drove south on Granville Street, and pulled over right away. Taxi V41 was out of view for approximately one minute, during which the Affiant sets out his belief that the unknown male left the taxi. The Second Meet

- d. At 9:47 p.m., at the corner of Smithe and Seymour Streets, another unknown male entered the rear of Taxi V41 and met with UM102 inside the vehicle. Taxi V-41 drove away west on Smithe Street.
 - e. Two minutes later, at 9:49 p.m., Taxi V41 stopped in the east lane of Seymour Street, north of Smithe Street, and the unknown male exited the rear of the vehicle and walked away. Taxi V-41 drove away in the north lane.
 - f. At 10:22 p.m., UM102 exited the rear of Taxi V41, in front of 933 Hornby, ran toward the front doors, and entered the building.
- [61] On June 19, 2021, the following observations of Taxi V41 were made, as set out in paras. 39.2 and 39.8 of the ITO:
- a. At 3:30 p.m., Taxi V41 was parked on the west side of the 800-block of Hornby Street.
 - b. Later, at 5:38 p.m., Taxi V41 parked in the driveway at the rear of 933 Hornby Street.
- [62] Taxi V41 was observed during surveillance near 933 Hornby, waiting, as set out in paras. 39.15-39.16 and paras. 39.19--39.22 of the ITO:
- a. At 6:37 p.m., Taxi V41 was parked in the 800-block of Hornby Street. UM103 exited the rear of the taxi, carrying a brown backpack which appeared weighted, and ultimately entered 933 Hornby.
 - b. At 8:47 p.m., Taxi V41 was parked on the west side of the 800-block of Hornby Street. One minute later, UM103 walked towards Taxi V41 and got in the rear of the vehicle, carrying the backpack. Taxi V41 proceeded to drive away north on Hornby Street.
 - c. At 8:56 p.m., Taxi V41 pulled over in the 400-block of Carral Street.
 - d. At 8:57 p.m., Taxi V41 drove west on Pender Street from Carral Street, with UM103 still in the rear of the vehicle.
- [63] Taxi V41 returned to 933 Hornby as set out in paras. 39.23-39.24 of the ITO:
- a. At 9:04 p.m., Taxi V41 parked in the driveway of 933 Hornby. UM103 exited the rear of the vehicle and entered the front doors of the building.
 - b. At 9:07 p.m., UM103 used a key to unlock the door and enter suite 1526 at 933 Hornby.
- [64] As set out in paras. 39.26-39.28 of the ITO, UM103 exited 933 Hornby and met an unknown male and Mr. Islam at Taxi V41:
- a. At 10:49 p.m., an unknown vehicle parked next to Taxi V41 in the driveway of 933 Hornby. An unknown male exited the vehicle and spoke with Mr. Islam, the driver of Taxi V41.
 - b. At 10:56 p.m., UM103 exited 933 Hornby, walked over to Mr. Islam and the unknown male, and engaged in a conversation with them.

- c. Two minutes later, at 10:58 p.m., the unknown male returned to his vehicle and drove away south on Burrard Street. Mr. Islam got into the driver's seat of Taxi V41 and UM103 got into the rear of the taxi. Taxi V41 then proceeded to drive away north on Burrard Street.

[65] As set out in paras. 39.31-39.32 of the ITO, UM102 and UM103 met at Taxi V41:

- a. At 11:53 p.m., Taxi V41 parked in the 800-block of Burrard Street.
- b. At 11:56 p.m., UM102 and UM103 were seen standing next to Taxi V41, in the 800-block of Burrard Street. UM103 got into the rear passenger seat of the vehicle, and UM102 walked away eastbound. Taxi V41 then drove away north on Burrard Street.

[66] Based on surveillance on June 21, 2021, the ITO sets out the following information at paras. 40.1, 40.6, 40.9, and 40.12-40.15:

- a. At 3:08 p.m., Taxi V41 parked in the 800-block of Hornby Street.
- b. An unknown male was observed in the rear of Taxi 41. At 6:01 p.m., Taxi V41 drove west on Smithe Street through Beatty Street with an unknown male passenger in the rear middle seat. Taxi V41 returned near to 933 Hornby Street.
- c. At 6:07 p.m., Taxi V41 pulled over in the 900-block of Hornby Street.
- d. A short-duration meet is observed. At 6:43 p.m., Taxi V41 parked in the 1000-block of Melville Street, and the same unknown male (from 6:01 p.m.) exited the vehicle carrying a brown paper bag and went out of view toward the Skytrain station entrance.
- e. At 6:47 p.m., the unknown male walked back to Taxi V41. A second unknown male got into the rear passenger seat of the vehicle, while the other unknown male waited outside. Five minutes later, the second unknown male got out of Taxi V41, spoke briefly with the first unknown male, and then walked back to the Skytrain station.
- f. At 6:55 p.m., the unknown male got back into Taxi V41, which proceeded to drive away west on Melville Street.
- g. At 7:07 p.m., the electronic tracking device on Taxi V41 showed that it was parked in the south lane, at the rear of 540 East Hastings Street, for approximately one minute.

[67] Taxi V41 then returned near to 933 Hornby and, as set out in paras. 40.16-40.17 of the ITO:

- a. At 7:13 p.m., Taxi V41 was parked in the 800-block of Hornby Street, and the unknown male exited the vehicle and walked south on Hornby Street.
- b. At 7:14 p.m., the unknown male entered the front doors of 933 Hornby Street. Updated Tracking Data

- [68] Tracking data from the tracking device installed on Taxi V41 on June 10, 2021, pursuant to the Tracking Warrant, continued to gather information about the Taxi's movements up to and including June 17, 2021. In addition to the ongoing surveillance evidence, the tracking data strengthened the ongoing connection of Taxi V41, and what the Affiant believed to be drug trafficking activity, to 933 Hornby and 1283 Howe, which will be discussed later in these reasons.
- [69] As set out in paras. 48.2.1, 49.2.1-49.2.3, and 50.2.1-50.2.7, the tracking data captured the following attendances of Taxi V41 in the area of 933 Hornby: Date Time Data Summary Subsequent Movement June 15 (ITO, para. 48.2.1) 12:43 p.m. to 2:12 p.m. Stopped in the area of 933 Hornby. Proceeded to the area of 1283 Howe. June 16 (ITO, paras. 49.2.1-49.2.3.) 2:19 p.m. to 2:23 p.m. Stopped in the area of 933 Hornby. Proceeded to the area of 1283 Howe. 4:17 p.m. to 4:26 p.m. Stopped in the area of 933 Hornby. 10:36 p.m. to 10:54 p.m. Stopped in the area of 933 Hornby. June 17 (ITO, paras. 50.2.1-50.2.7) 12:13 p.m. to 12:15 p.m. Stopped in the area of 933 Hornby. 2:20 p.m. to 2:21 p.m. Stopped in the area of 933 Hornby. 4:39 p.m. to 5:44 p.m. Stopped in the area of 933 Hornby. 6:13 p.m. to 7:47 p.m. Stopped in the area of 933 Hornby. Proceeded to the area of 1540 Haro Street. 8:08 p.m. to 8:09 p.m. Stopped in the area of 933 Hornby. 9:32 p.m. to 9:40 p.m. Stopped in the area of 933 Hornby. 9:54 p.m. to 10:14 p.m. Stopped in the area of 933 Hornby.
- [70] 1540 Haro Street is an address that was frequented by Taxi V41 as observed in earlier surveillance and tracking data. The Haro address was referred to in Voir Dire Reasons #3 at paras. 79, 108-109, 126, and 130-131 thereby establishing a pattern of visits to that address consistent with drug trafficking. There were no observations of UM102 or UM103 entering that building.
- [71] The Tracking Data also captured the following Taxi V41 attendances in the area of 1283 Howe: Date Time Data Summary Subsequent Movement June 14 (ITO, paras. 47.1.1-47.1.4) 6:21 p.m. to 6:36 p.m. Stopped in the area of 1283 Howe. 7:04 p.m. to 7:56 p.m. Stopped in the area of 1283 Howe. 8:38 p.m. to 9:38 p.m. Stopped in the area of 1283 Howe. Proceeded to the area of 1540 Haro Street. 9:58 p.m. to 10:11 p.m. Stopped in the area of 1283 Howe. June 15 (ITO, paras. 48.1.1-48.1.6) 2:19 p.m. to 3:47 p.m. Stopped in the area of 1283 Howe. 4:01 p.m. to 4:55 p.m. Stopped in the area of 1283 Howe. Proceeded to drive south on Granville Street from Drake Street. 5:34 p.m. to 6:40 p.m. Stopped in the area of 1283 Howe. 7:29 p.m. to 8:53 p.m. Stopped in the area of 1283 Howe. 9:08 p.m. to 9:21 p.m. Stopped in the area of 1283 Howe. 9:53 p.m. to 9:54 p.m. Stopped in the area of 1283 Howe. June 16 (ITO, paras. 49.1.1-49.1.8) 1:48 p.m. to 1:56 p.m. Stopped in the area of 1283 Howe. Proceeded to the area of 1540 Haro Street. 2:25 p.m. to 2:27 p.m. Stopped in the area of 1283 Howe. 5:34 p.m. to 5:53 p.m. Stopped in the area of 1283 Howe. 6:16 p.m. to 6:17 p.m. Stopped in the area of 1283 Howe. 7:20 p.m. to 7:41 p.m. Stopped in the area of 1283 Howe. 7:54 p.m. to 7:59 p.m. Stopped in the area of 1283 Howe. 10:13 p.m. to 10:34 p.m. Stopped in the area of 1283 Howe. 10:56 p.m. to 10:57 p.m. Stopped in the area of 1283 Howe.

- [72] Taken separately, the ongoing tracking of Taxi V41 and the additional information it provided to the VPD is not determinative. However, when read in conjunction with the surveillance evidence, it provides compelling evidence supporting the conclusion that Taxi V41 was continuing a pattern of travel between 933 Hornby and 1283 Howe and various other addresses in the downtown core. This includes trips to the Downtown Eastside of Vancouver, consistent with the information provided by the confidential informant. Together with the surveillance information about a number of short duration meetings and coupled with the information from the confidential informer that someone named "Sonny" was using a Vancouver Taxi V41 to distribute drugs in the Downtown Eastside was supported by surveillance of the taxi, the persons associated with it, and a number of short "meets" that the Affiant described as indicative of drug trafficking.
- [73] Although in this investigation, the VPD officers did not observe hand-to-hand transactions or use undercover officers to buy drugs, I conclude that the unusual pattern of behaviour, involving a working taxi, and, in particular, the repeated use of that taxi by two targets of the investigation, UM102 and UM103, could have satisfied the issuing justice that drug trafficking was occurring. Second Requirement: Offence-Related Property Exists at the Location for which the Search Warrants were Sought
- [74] The more challenging issue is whether the issuing justice could have been satisfied to the required standard of a credibly-based probability that evidence of drug offences would be found in Suite 3501-1283 Howe and Suite 1526-933 Hornby, addresses that the Affiant said in his ITO that he believed to be stash houses.
- [75] Paragraphs 65 and 72 of the ITO set out the items that the VPD were seeking to find pursuant to the warrants. The items included: various controlled substances, trafficking paraphernalia (equipment for measuring or packaging), documents that identify individuals with knowledge and control of activities at the individual suites, currency (cash, coins), and cellphones (the "Search Items").
- [76] The Affiant explains the basis for his belief that the Search Items would be found in the respective suites at paras. 66-70 and 73-77.
- [77] The Crown submits that there was a strong basis on which the authorizing justice could be satisfied that offence-related property existed at the respective stash sites at 1526-933 Hornby and 3501-1283 Howe, based on the totality of the: · confidential informant information about a drug trafficking operation involving Taxi V41; · surveillance and tracking data compiled by the VPD; · ongoing and consistent use of Taxi V41 by UM102 and UM103; · established pattern of driving between 933 Hornby and 1283 Howe; · short meetings consistent with drug trafficking; · CCTV footage from both buildings; and · covert surveillance conducted on June 19, 2021, with respect to 933 Hornby and on June 19 and 20, 2021, with respect to 1283 Howe;

- [78] In the paragraphs that follow, I set out the information set out by the Affiant in the ITO linking UM102 and UM103 to the suites. While UM102 and UM103 are now known to be Mr. Trembley and Mr. Anthony respectively, at this point in the investigation, UM102 and UM103 remained unidentified targets. Suite 1526-933 Hornby
- [79] In this case, Mr. Anthony's argument is that based on the ITO as excised, not as it appeared before the issuing justice, the ITO does not meet the reasonable grounds standard that a drug-related offence under the CDSA has been committed, and controlled substances, offence-related property, or other evidence exists at Suite 1526-933 Hornby.
- [80] At paras. 39.15-39.27, the ITO sets out observations from the June 19, 2021 covert surveillance of UM103 attending at 933 Hornby via Taxi V41, and first exiting, and later entering, suite 1526: · At 6:37 p.m., UM103 exited Taxi V41 in the 800-block of Hornby Street carrying a brown backpack, that appeared weighted, on his back. · At 6:40 p.m., UM103 used a fob to enter 933 Hornby and got into an elevator. · At 8:45 p.m., UM103 exited Suite 1526 and used a key to lock the door behind him as he left. As he left, he was carrying a brown backpack and a large plastic garbage bag which appeared fully and heavy. · Later, at 9:04 p.m., UM103 exited Taxi V41, which was parked in the driveway associated to 933 Hornby, and walked toward the front doors of 933 Hornby, and out of view. · At 9:07 p.m., UM103 entered Suite 1526 with the use of a key. · At 10:58 p.m., UM103 entered the rear passenger seat of Taxi V41, which proceeded to drive away north on Burrard Street.
- [81] In addition to the covert surveillance, the CCTV footage reviewed by the VPD strengthens the connection between UM102, UM103, and the 15th floor of 933 Hornby and Suite 1526.
- [82] At paras. 54.1-54.2, the ITO sets out observations made by the VPD on June 9 and 10, 2021, of UM102/UM103 using the elevator to go to the 15th floor and getting out of the elevator.
- [83] In particular on June 9, 2021, at 10:23 p.m., UM102 entered 933 Hornby carrying a beige backpack and rolling a black suitcase. At 10:25 p.m., UM102 got off the elevator on the 15th floor and turned left. At 10:35 p.m., UM102 got on to the elevator on the 15th floor, carrying the beige backpack, but without the suitcase. He then left the front door of 933 Hornby at 10:34 p.m.
- [84] On June 10, 2021, UM103 entered 933 Hornby, carrying a beige backpack. At 10:22 p.m., UM103 got off the elevator on the 15th floor and turned left.
- [85] Alone, the CCTV footage of UM102/UM103 taking the elevator to the 15th floor, getting off and turning left, or getting onto the elevator on the 15th floor is not determinative. However, read in conjunction with covert surveillance observations on Jun 19, these three separate occasions, that also correspond with other physical surveillance observation of UM102/UM103 during the course of surveillance of Taxi V41, provide a compelling connection to the 15th floor, on which suite 1526 is located.

- [86] However, in my view, while a connection to 933 Hornby and the 15th floor is established on the information in the ITO, there is a gap in the evidence in the ITO with respect to a connection to the specific suite, Suite 1526, and the Offences for which evidence was sought. Put another way, the ITO as excised does not set out a credibly-based probability that evidence of the offence of trafficking in a controlled substance or possession of a controlled substance will be found in Suite 1526.
- [87] There was only one covert observation of UM103 exiting and entering the suite. While I accept that if he was seen exiting the suite on June 9, it is reasonable to infer that he must have, at some point, entered it. I also accept that it is reasonable to infer that when he was seen entering the suite on June 10, he must have exited at a later time. But, the inferences that could have been drawn by the authorizing justice do not amount to credibly-based evidence to establish that Suite 1526 was being used as a stash house.
- [88] In addition, there was no covert surveillance of UM102, or any other individual, approaching Suite 1526 and entering or exiting. UM103 was not observed with any suspicious-looking packages when he exited or entered Suite 1526. A backpack, carried and described once, and a green garbage bag, are not suspicious in a residential building.
- [89] There was also no evidence of drug trafficking exchanges occurring within the common areas of 933 Hornby or near to Suite 1526.
- [90] I conclude that, having accepted that the Affiant's information and opinions connected UM102 and UM103, now known to be Mr. Trembley and Mr. Anthony, to drug trafficking, there was insufficient credibly-based evidence on which the issuing justice could have concluded that suite 1526 was being used as a stash house for drugs, or that other evidence of the offences would be found at the suite. I accept that the VPD had reason to be suspicious of the activities within suite 1526, but suspicion does not satisfy the minimum requirement for the issuance of a search warrant.
- [91] In this case, the VPD speculated or proceeded on an assumption that since UM102 and UM103 were seen going into and coming out of 933 Hornby, and were seen on the 15th floor, Suite 1526 was therefore being used as a stash house. Surveillance of UM103 on one occasion exiting from and entering Suite 1526 does not amount to the credibly-based evidence necessary to support the search warrant.
- [92] I conclude that, applying the Garofoli standard of review, the ITO as excised, does not disclose a sufficient record upon which the issuing justice could have concluded that there was a credibly-based probability that evidence proving the commission of the alleged Offences would be found in Suite 1526. As a result, I find that Mr. Anthony's rights under s. 8 of the Charter were breached. Suite 3501-1283 Howe

- [93] Suite 3501-1283 Howe was identified by the Affiant in his ITO as a suspected stash house through a combination of review of building CCTV footage, corresponding to other physical surveillance of Taxi V41 and targets of the investigation, and covert surveillance conducted on June 19 and 21, 2021. June 19 and 21 Covert Surveillance
- [94] On June 19, 2021, the VPD conducted covert surveillance on the 35th floor of 1283 Howe and made the following observations of the floor's layout (as set out at para. 56.2 of the ITO): · After exiting the elevator on the 35th floor, there was a sign on the wall that indicated suites 3501-3504 were to the left of the elevator, and suites 3505-3508 were to the right. · The elevators did not stop at any other locations on the floor.
- [95] On June 21, 2021, as set out at para. 40.2 of the ITO, the VPD again conducted covert surveillance on the 35th floor. They observed UF1 attending at suite 3501-1283 Howe: · At 5:35 p.m., UF1 got off the elevator on the 35th floor of 1283 Howe, used a key to unlock the door to Suite 3501, and went inside.
- [96] At para. 40.2.1, relying on the identification of another VPD officer, the Affiant identified UF1 as the same person seen with UM102 during surveillance on June 9, 2021. On June 9, as set out in the ITO at paras. 37.14 and 37.15, UM102 and UF1 were observed as follows: · At 8:32 p.m., UM 102 was accompanied by UF1. Both entered the rear passenger seat of Taxi V41, that was parked out front of 1283 Howe and proceeded to drive away east on Drake Street. · Between 8:32 p.m. and 9:07 p.m., Taxi V41 took UM102 and UF1 to various businesses in Vancouver. · Later, at 9:07 p.m., UM102 and UF1 exited Taxi V41 in the 800 block of Drake Street and both UM102 and UF1 went inside 1283 Howe. Review of CCTV Footage (June 1, 8, and 9)
- [97] In addition to the covert surveillance evidence, the CCTV footage reviewed by the VPD strengthens the connection between UM102 and the 35th floor. Starting at para. 55.3, the ITO sets out observations of UM102 using the elevator to attend on the 35th floor on each of June 1, 8, and 9. Each time UM102 is observed exiting the elevator on the floor, he turned left, in the direction of Suite 3501. This occurred on eight occasions: Date Time CCTV Observation ITO Para. Reference June 1 3:49 p.m. UM102 entered the elevator, carrying a beige backpack, used a key fob, pushed the button for floor 35. He then exited on the 35th floor and turned left. 55.3 4:39 p.m. UM102 entered the elevator, used a key fob, pushed the button for floor 35. He then exited on the 35th floor and turned left. 55.6 6:08 p.m. UM102 entered the elevator, used a key fob, pushed the button for floor 35. He then exited on the 35th floor and turned left. 55.9 7:22 p.m. UM102 entered the elevator, used a key fob, pushed the button for floor 35. He then exited on the 35th floor and turned left. 55.12 June 8 6:23 p.m. UM102 entered the elevator, used a key fob, pushed the button for floor 35. He then exited on the 35th floor and turned left. 55.16 8:04 p.m. UM102 entered the elevator, used a key fob, pushed the button for floor 35. He then exited on the 35th floor and turned left. 55.19 10:57 p.m. UM102 entered the elevator, used a key fob, pushed the button for floor 35. He then exited on the 35th floor and turned left. 55.21 June 9 7:08 p.m. UM102 entered the elevator, used a key fob, pushed the button for floor 35. He then exited on the 35th floor and

turned left. 55.26

- [98] On its own, the CCTV footage of UM102 taking the elevator to the 35th floor of 1283 Howe, and exiting to the left, is not determinative. However, read in conjunction with the covert surveillance observations on June 21, these eight separate occasions, that correspond to other physical surveillance observations of UM5/UM102 during the course of surveillance of Taxi V41, provide a compelling connection to a particular part of the 35th floor, to the left of the elevator, where suite 3501 is located.
- [99] However, when considering the ITO as a whole and as excised, the only link between UM102 and Suite 3501 is the fact that he was seen in the company of UF1 on June 9, 2021, and on that occasion, she was also connected to 1283 Howe. As counsel for Mr. Trembley put it, it consists of one surveillance observation, of one entry to Suite 3501, by someone other than UM102.
- [100] All that can be discerned from the CCTV footage is that UM102 turned left on eight occasions when he exited the elevator on the 35th floor. As the signage indicates, there are four suites to the left of the elevator. During covert surveillance, UM102 is never observed entering Suite 3501, approaching that suite, or knocking on its door, and, apart from the June 9 observations of UM102 and UF1 together, there is no other covert surveillance connecting them to each other or to 1283 Howe.
- [101] Although counsel for Mr. Trembley argues, and I agree, that there are differences in the description given of UF1 by the officer who observed her on June 9 and the officer who next observed her on June 21, 2021, I do not give this the importance argued by counsel. There is a three-inch height difference in the two descriptions. One officer describes UF1 as five feet six inches; the other as five feet three inches. The other differences (hair style, hair colour and dark roots) in the description are things that are variable and, as a result, not significant differences.
- [102] Counsel for Mr. Trembley submits that the Affiant should have noticed the differences in the two descriptions of UF1 and provided information from the identifying officers to confirm how they made their identification.
- [103] I do not agree. In Voir Dire #4 Reasons, I did not permit Mr. Anthony to cross-examine on tracking data that the affiant had not reviewed in preparation of his ITO. Instead, the affiant relied on summaries of the tracking data prepared by other VPD officers tasked with the responsibility of summarizing the tracking data.
- [104] At para. 16 of my reasons, I set out principles explained in *World Bank Group v. Wallace*, 2016 SCC 15 at paras. 120-124 [World Bank] and concluded that:

- [18] Affiants are entitled to rely on hearsay in the ITO, as long as the source of the evidence is adequately identified along with information bearing on the credibility or reliability of the source. Although an affiant cannot ignore signs that another officer may be misleading them or omitting material information, absent some indication that something is amiss, affiants "do not need to conduct their own investigation": World Bank at para. 123.
- [19] Here, there is no basis on which I could find that the Affiant knew or ought to have known about possible errors in the reports prepared by other VPD officers tasked with summarizing the tracking data. There is nothing to suggest that it was unreasonable for the Affiant to rely on those summaries in preparing his ITO or that he knew or ought to have known of any such errors. There was no evidence that the Affiant proceeded in bad faith.
- [105] As those principles apply here, the Affiant was entitled to rely on the covert surveillance officer's identification of UF1 on June 21 as being the same UF1 observed during surveillance on June 9. Mr. Trembley elected not to seek to cross-examine the Affiant, and the challenge to the search warrants was facial only. The ITO accurately reflected what the Affiant was told, and, absent any reason for the Affiant to question the veracity of his fellow officers, he was not required to go behind the identification.
- [106] Nevertheless, while I accept that the affidavit establishes a reasonable basis to believe that a suite on the 35th floor was being used as a stash house, I do not agree that the ITO, as excised, establishes a credibly-based connection to Suite 3501 as the stash house. UM102 could have been going to any one of four suites on the 35th floor.
- [107] In reaching that conclusion, I rely on the fact that when UM102 was seen with UF1 on June 9, 2021, at para. 37.15 of the ITO, the Affiant said that he did not believe the observed activity to be related to the Offences. As described, it was a shopping trip. At para. 37.16, UM102 and UF1 are described exiting Taxi V41 and walking up to the front doors of 1283 Howe. UM102 used a key fob to unlock the front doors, and they both walked inside. On that date, which is prior to the production orders and the covert surveillance, there is no observation of UM102 and UF1 going to the 35th floor. UF1 is not mentioned again until the observation of her on June 21, 2021, going into Unit 3501.
- [108] I conclude that, applying the Garofoli standard of review, the ITO, as excised, does not disclose a sufficient record upon which the issuing justice could have concluded that there was a credibly-based probability that evidence proving the commission of the alleged Offences would be found in Suite 3501-1283 Howe. As a result, I find that Mr. Trembley's rights under s. 8 of the Charter were also breached. "MacNaughton J." APPENDIX "A" Excisions by Agreement 933 Hornby Street (938 Smithe Street) June 23rd ITO 1283 Howe Street June 22nd ITO Mr. ANTHONY Mr. TREMBLEY 54.2 Reference to key fob at 10:23 p.m.; suite number (1526) 55.2 Reference to key fob at 3:49 p.m.; suite number (3501) 54.6 Reference to key fob at 10:21 p.m.; suite number (1526) 55.5 Reference to key fob at 4:39 p.m.; suite number (3501) 54.8 Reference to key fob at 10:23 p.m.; suite number (1526) 55.8 Reference to key fob at 6:07 p.m.; suite number (3501) 57 Reference to Form K Suite

number (1526) Name (Quintin ANTHONY) & other Form K details 55.11 Reference to key fob at 7:18 p.m.; suite number (3501) 67.4 Reference to "key fob records"; suite number (3501) 55.15 Reference to key fob at 6:22 p.m.; suite number (3501) 55.18 Reference to key fob at 8:03 p.m.; suite number (3501) 55.22 Reference to key fob at 5:32 p.m.; related information to elevator access; suite number (3501) 55.25 Reference to key fob at 7:04 p.m.; suite number (3501) 58 Reference to Form K Suite number (3501) & other Form K details 66.4 Reference to "key fob records"; suite number (3501)

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