

CANADA / JUDGMENT

R. v. Majcher

2025 BCSC 2576

COURT

Supreme Court of British Columbia

DECIDED

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2025 BCSC 2576 R. v. Majcher

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. Majcher,

2025 BCSC 2576

Date: 20251231

Docket: 37428

Registry: Vancouver

Rex

v.

William Robert Majcher

Before: The Honourable Justice Devlin

Reasons for Judgment re: Facial Challenge to the Search Warrant for Marsh Residence/Devices

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Place and Dates of Hearing:

Vancouver, B.C.

December 17-19, 2025

Ruling given to Parties with Reasons to Follow:

Vancouver, B.C.

December 30, 2025

Place and Date of Judgment:

Vancouver, B.C.

December 31, 2025

Introduction

- [1] William Robert Majcher is charged on a single-count indictment with engaging in preparatory acts to commit an offence under s. 20(1) of the Security of Information Act, R.S.C. 1985, c. O-5 [SOIA], contrary to s. 22(1) of SOIA.[1] Section 20(1) of SOIA makes it an offence to coercively induce or attempt to induce a person "at the direction of, for the benefit of or in association with, a foreign entity".
- [2] The foreign entity at issue in these proceedings is the People's Republic of China (the "PRC") and, specifically, two Chinese law enforcement agencies: the Public Security Bureau (the "PSB") and the Ministry of Public Safety (the "MPS").[2] The Crown alleges that between May 1 and June 15, 2017, Mr. Majcher--at the direction of, for the benefit of, or in association with Chinese police--prepared to commit an offence under s. 20(1) of SOIA in relation to an individual named Hongwei "Kevin" Sun. Mr. Sun is a Chinese national and permanent resident of Canada based in British Columbia. It appears Mr. Sun was wanted by the PRC for allegedly fleeing China with the proceeds of a major financial fraud committed against the Industrial and Commercial Bank of China ("ICBC").
- [3] On this application, Mr. Majcher alleges a breach of his right to be secure against unreasonable search and seizure, as protected by s. 8 of the Canadian Charter of Rights and Freedoms [Charter], arising from searches conducted pursuant to what he says is an invalid search warrant. In particular, Mr. Majcher challenges the facial validity of an information to obtain ("ITO") affirmed by Corporal Gabriel Lemaire (the "Affiant") on June 1, 2023, filed in support of a search warrant issued pursuant to s. 487 of the Criminal Code, R.S.C. 1985, c. C-46 [Code]. The warrant sought by the Affiant was issued on June 8, 2023. The search warrant authorized the search of the residence of Kenneth "Kim" Marsh, located on Ontario Street in Vancouver, BC (the "Marsh residence"), and the search of various electronic devices located therein. The warrant was executed at the Marsh residence by members of the "C" Division of the Royal Canadian Mounted Police ("RCMP") on June 14, 2023.

- [4] The parties agree that pursuant to *R. v. Marakah*, 2017 SCC 59 (at paras. 17-19), Mr. Majcher has standing to challenge the validity of the search because the subject of the search in this case was the electronic conversations between Mr. Majcher and Mr. Marsh located on Mr. Marsh's electronic devices (specifically, Mr. Marsh's Dell and MacBook computers).
- [5] Mr. Majcher submits that the ITO does not satisfy the statutory requirement of reasonable grounds to believe that an offence had been committed by either Mr. Majcher or Mr. Marsh. Consequently, he submits that the ITO did not provide the issuing justice a basis to believe that the search of the Marsh residence or the electronic devices contained in the residence would afford evidence with respect to the commission of an offence. Instead, he submits that the ITO discloses nothing more than mere speculation, suspicion and guesswork in relation to an offence. Accordingly, Mr. Majcher says that the contents of the ITO were incapable of providing the necessary evidentiary foundation to support the issuance of the warrant.
- [6] The Crown submits that the ITO provided the issuing justice reasonable and probable grounds to support the issuance of the search warrant. They submit that the issuing justice was entitled to draw reasonable inferences from the totality of the circumstances. They submit that there is ample information in the ITO from which the authorizing justice could have been satisfied that the search of the electronic devices located in the Marsh residence would afford evidence respecting the commission of an offence by Mr. Marsh, Mr. Majcher, or both of them. Specifically, the Crown submits that the issuing justice could have been satisfied that Mr. Marsh or Mr. Majcher or both of them had engaged or prepared to engage in coercive tactics on behalf of the PRC, including in relation to two Canadian residents, Mr. Sun and Shibiao Yan, and that a search of the Marsh residence would afford evidence of those offences.
- [7] I heard the parties' submissions on December 17 to 19, 2025. On December 30, 2025 by way of a memorandum to counsel I informed the parties that Mr. Majcher's application is granted, with Reasons to follow. These are those Reasons.

Governing Legal Principles

Relevant Legislative Provisions

- [8] The preconditions for the issuance of a search warrant are set out in s. 487(1)(b) of the Code. The section permits a justice to issue a warrant authorizing a peace officer to search a place for any thing, and to seize it, where the justice is satisfied that: there are reasonable grounds to believe the thing is in that place; and there are reasonable grounds to believe the thing will afford evidence with respect to the commission of an offence.
- [9] Although Mr. Majcher is presently charged with violating s. 22(1) of SOIA, the offence under investigation identified by the Affiant in the ITO is the offence set out in s. 20 of SOIA, which at the relevant time stated:[3]

Threats or violence

20 (1) Every person commits an offence who, at the direction of, for the benefit of or in association with a foreign entity or a terrorist group, induces or attempts to induce, by threat, accusation, menace or violence, any person to do anything or to cause anything to be done

- (a) that is for the purpose of increasing the capacity of a foreign entity or a terrorist group to harm Canadian interests; or
- (b) that is reasonably likely to harm Canadian interests.

Application

- (2) A person commits an offence under subsection (1) whether or not the threat, accusation, menace or violence occurred in Canada.

Punishment

- (3) Every person who commits an offence under subsection (1) is guilty of an indictable offence and is liable to imprisonment for life.

[10] The parties primarily diverge on whether the ITO provided an evidentiary foundation upon which the issuing justice could have been satisfied that an offence had been committed by Mr. Marsh or Mr. Majcher in contravention of s. 20(1) of SOIA. If I conclude that the ITO did not provide such a foundation, the warrant will necessarily be invalid, given the statutory requirements in s. 487(1)(b) of the Code. To that end, I turn to the legal principles that govern a review of an ITO in these circumstances.

The Law Governing Facial Review of a Search Warrant

[11] The parties agree about the legal principles that govern a review of the validity of a search warrant. A search warrant is presumed to have been properly issued. Mr. Majcher bears the onus of establishing, on a balance of probabilities, that the ITO upon which the search warrant was issued is insufficient: *R. v. Wilson*, 2011 BCCA 252 at para. 63 [Wilson] and *R. v. Islam*, 2024 BCSC 1000 at paras. 12-13.

[12] In *R. v. Garofoli*, [1990] 2 S.C.R. 1421 [Garofoli], the Supreme Court of Canada set out the test the reviewing judge must apply in determining whether a search warrant was properly issued. The inquiry is whether, based on a review of the contents of the ITO as amplified on review, the issuing justice could have granted the warrant: *Garofoli* at 1452, per Sopinka J. (See also: *R. v. Araujo*, 2000 SCC 65 at para. 51 [Araujo]; *R. v. Morelli*, 2010 SCC 8 at para. 40 [Morelli]; *R. v. Slemko*, 2020 BCCA 207 at para. 53; *Wilson* at para. 37 [Wilson]; *R. v. Sunner*, 2017 BCSC 2445 at para. 18 [Sunner]; and *R. v. Belanic*, 2019 BCSC 1411 at para. 6 [Belanic]).

- [13] Since the present challenge is to the facial validity of the ITO, the scope of the review is limited to considering whether, on an examination of the face of the information disclosed within the four corners of the ITO, the justice could have issued the warrant. The record to be examined is thus fixed to the ITO itself--it is not amplified on review, as it would be in a sub-facial challenge: *R. v. Sadikov*, 2014 ONCA 72 at para. 37, citing *Araujo* at para. 19 and *Wilson* at para. 39.
- [14] Thus, the question is not whether the reviewing court would itself have issued the warrant, nor whether in the court's opinion the authorization should have been granted: *Morelli* at para. 40 and *R. v. Vu*, 2013 SCC 60 at para. 16 [Vu]. Instead, the reviewing judge must determine whether the ITO contains sufficient credible and reliable evidence that might reasonably be believed on the basis of which the authorizing justice could have concluded that the statutory preconditions for the warrant had been met: see *Garofoli* at 1452; *Araujo* at paras. 51 and 54; *Morelli* at para. 40; and *R. v. Liu*, 2014 BCCA 166 at paras. 33-39 [Liu]. As stated by the Court in *Vu*, "[i]n applying this test, the reviewing judge must take into account that authorizing justices may draw reasonable inferences from the evidence in the ITO; the informant need not underline the obvious": *Vu* at para. 16, citing among others *R. v. Sanchez* (1994), 93 C.C.C. (3d) 357 at 364-365, 1994 CanLII 5271 at para. 20 (Ont. S.C.).
- [15] In *Belanic*, Justice Riley (then of this Court) identified two important concepts a reviewing judge must consider when assessing the facial sufficiency of the grounds in an ITO. The first concept is the rule against narrative, which refers to the requirements to properly source information set out in the ITO. As Riley J. explained (at para. 13): "without knowing the source of the information, the reader cannot make any assessment of the credibility and reliability of the source, making it difficult or sometimes impossible to determine whether the information is capable of supporting a reasonable belief". (See also *Criminal Code (Re)*, [1997] O.J. No. 4393 (Ont. S.C.) at para. 8.)
- [16] The second concept is the rule against conclusory statements, which refers to the need to set out the factual underpinning supporting the statement to permit the issuing justice to evaluate the factual basis for the conclusion: *Belanic* at para. 14. In *Sunner*, Riley J. explained, "it is trite law that an affiant cannot simply recite conclusory statements that are material to the application without setting out any factual underpinning allowing the issuing justice to evaluate the factual basis for the conclusion": at para. 31, citing *Restaurant Le Clémenceau Inc. v. Drouin*, [1987] 1 S.C.R. 706. (See also *R. v. Biring*, 2022 BCSC 925 at paras. 61-62 [Biring]).
- [17] Determining whether the issuing justice could have issued the warrant requires a consideration of the totality of the circumstances. This includes examining the ITO as a whole, and not in a piecemeal fashion, because "each piece of evidence colours other pieces of evidence and a fuller picture emerges by considering all of the evidence together": *R. v. Whitaker*, 2008 BCCA 174 at para. 41, leave to appeal to SCC ref'd, 32657 (30 October 2008), quoting *R. v. Lam*, 2002 BCCA 99 at para. 10. As Justice Ker stated in *R. v. Latimer*, 2020 BCSC 2173 (at para. 28): "deconstruction, parsing, dissection, or microscopic analysis of the

paragraphs or averments in the ITO is to be eschewed", and instead "[a]ll the grounds must be assessed together as a whole".

- [18] Finally, I recognize that the language of s. 487 of the Code should be read expansively. Namely, the requirement in s. 487(1)(b) that the search "will afford evidence with respect to the commission of an offence" is a broad statement, "encompassing all materials which might shed light on the circumstances of an event which appears to constitute an offence": *CanadianOxy Chemicals Ltd. v. Canada (Attorney General)*, [1999] 1 S.C.R. 743 at para. 15 [CanadianOxy]; see also *R. v. Ferguson*, 2018 BCSC 490 at paras. 66-68.
- [19] With these legal principles in mind, I will now turn to a review of the evidence on the voir dire (i.e., the ITO). After reviewing the contents of the ITO, I will conduct my analysis.

Evidence on the Voir Dire

- [20] This application proceeded by way of submissions from counsel. The 62-page ITO was filed as Exhibit 1 on the voir dire, together with a copy of the search warrant. The ITO also contained an unedited Confidential Appendix which formed part of the Affiant's grounds.
- [21] The contents of the ITO were canvassed by the parties during submissions. I will discuss the contents of the ITO with a particular focus on those areas that are central to my analysis of the issues raised by the parties. The grounds relied on by the Affiant are contained in Schedule B of the ITO, which is organized into sections, beginning with background information and a summary of the investigation.

Section 1: "Introduction of the investigation"

- [22] Section 1 of the ITO contains general background information regarding the nature of the investigation into activities of Mr. Majcher and his alleged conduct on behalf of the PRC's MPS. This section also sets out definitions for the terminology and entity names used in the ITO and the sources for information relied on by the Affiant. At para. 12, the Affiant explains that the information was "gathered from various official and unofficial sources" which included "well-known and less known international media outlets".
- [23] Paragraphs 15 to 19 provide an "investigative summary". The summary details the basis for the commencement of the investigation in September 2021, after the RCMP's Integrated National Security Enforcement Team in Montreal received information from the Canadian Security Intelligence Service ("CSIS") about Mr. Majcher and his possible involvement "in covert extrajudicial activities undertaken in other countries on behalf of the Chinese police". The Affiant also explains that Mr. Marsh is an associate of Mr. Majcher and describes the investigative team's belief that the search of the Marsh residence will afford evidence of the offence being investigated (s. 20 of SOIA), "by revealing the nature of his involvement, if any, in Majcher's operation".

- [24] At paras. 20 to 22, the Affiant references the offence under SOIA being investigated (s. 20), and the two persons being investigated, Mr. Majcher and Mr. Marsh.

Section 2: "Projects Fox Hunt and Skynet"

- [25] In paras. 23 to 43, the Affiant provides details regarding the operation of two anticorruption campaigns undertaken by the PRC, known as Project "Fox Hunt" and Project "Skynet". I will refer to these operations collectively as "Fox Hunt/Skynet" in these Reasons. The Affiant refers to a variety of sources which appear to discuss Fox Hunt/Skynet, including media reports from PRC state media and western media. He also references information about Fox Hunt/Skynet from various law enforcement and intelligence agencies, including the American Federal Bureau of Investigation ("FBI"), the RCMP, and CSIS. Collectively, this information provided the issuing justice with details pertaining to the creation and purpose of Project Fox Hunt, which targeted corrupt officials and suspected economic criminals hiding overseas, as well as the broader multi-agency initiative Project Skynet, whose objective was the repatriation of Chinese fugitives and their allegedly stolen money and assets to the PRC. In sum, this section provided the authorizing justice with information regarding the global efforts of the PRC to locate and target Chinese fugitives in Western countries, and especially the PRC's method of doing so using coercive tactics, in order to repatriate the targets and/or money allegedly stolen from the PRC.
- [26] At paras. 30 and 31, the Affiant sets out information he obtained from reviewing a television program called Four Corners, created by the Australian Broadcasting Corporation ("ABC"). As noted at para. 52, the existence of this particular broadcast was brought to the RCMP's attention by a CSIS letter. The program describes a case in Australia in which private investigators--Jason McFetridge and Austin Whittaker (identified by the Affiant as ex-police and security personnel)--had been hired by a Chinese law firm to conduct an investigation on behalf of the Chinese government into an Australian company called Cap Chevron. The Affiant states this action was part of an operation called "Project Dragon", which was, according to the report, related to Project Fox Hunt. Cap Chevron was alleged to have purchased property in Australia with money funneled illegally out of China. The two private investigators were hired to locate the administrators of the property, convince them to turn over the control of the company, and ultimately to sell the property and return the money to China. The Affiant also states that Mr. McFetridge's firm was sued for allegations of fraud.
- [27] As I understand the ITO, based on his review of the broadcast the Affiant describes a belief (at para. 31) that Mr. Majcher was brought into the asset recovery operations in Australia by Mr. McFetridge's firm. I agree with counsel for Mr. Majcher that the statement at para. 31 that Mr. Majcher "works with McFetridge's firm, instructing and coordinating the Chinese operations", is purely speculative and conclusory. The Affiant advises that this belief is based on the Affiant's review of the ABC broadcast and ABC news articles. The difficulty I have with this statement is that the Affiant provides no further information as to what exactly Mr. Majcher is said to have done with Mr. McFetridge or others in Australia, nor is there any indication of the source of the information about Mr. Majcher, which apparently is

described in the Four Corners program. Later in the ITO (at para. 56), the Affiant notes that as of October 2021 Mr. Whittaker was listed as a member of the "leadership team" on a webpage for Mr. Majcher's business (a topic to which I will return). However, at no point does the Affiant provide a factual underpinning, beyond this loose association, for the suggestion that Mr. Majcher worked with either Mr. Whittaker or Mr. McFetridge on the Cap Chevron matter. In other words, there is simply no basis for the issuing justice to have reasonably inferred that Mr. Majcher was engaged in any sort of illicit activity in relation to the actual Cap Chevron case. Hence, this assertion regarding Mr. Majcher's involvement could not have assisted the issuing justice to form the grounds necessary for issuing the warrant.

- [28] At paras. 32 to 43, the Affiant describes investigations in the United States and Canada which he believes are examples of Fox Hunt/Skyenet operations. While these paragraphs provide details of other investigations believed to be connected to Fox Hunt/Skyenet, they do not relate to either Mr. Majcher or Mr. Marsh. At most, they only generally provide the issuing justice with examples of the methods employed by those working in furtherance of the PRC's Fox Hunt/Skyenet objectives.
- [29] In para. 38, the Affiant refers to comments made by the then-current Director of CSIS, David Vigneault, in February 2021, about the "covert and clandestine" activities undertaken by China in Canada in relation to Project Fox Hunt. The Affiant also refers to information from a "former unnamed CSIS official". At para. 39, the Affiant refers to comments made by another former Director of CSIS, Richard Fadden, in which Mr. Fadden stated that "Fox Hunt agents come to Canada in order to bully expatriates, including some suspected of corruption, to return home." In the same paragraph, the Affiant refers to comments made by a Toronto lawyer in a Globe and Mail article about the intimidation apparently directed towards some of his Chinese clients "to force them or their relatives to return to China". Collectively, these paragraphs provided the issuing justice some additional general information to support the belief that Chinese officials or agents engage in coercive tactics in Canada, in support of Fox Hunt/Skyenet.
- [30] At paras. 40 to 42, the Affiant refers to two incidents in Canada where it is believed that coercive methods were employed by the PRC against purported targets of Fox Hunt/Skyenet, Li Dongzhe and Xie Weidong. Neither paragraph discloses any information to suggest that Mr. Majcher or Mr. Marsh had any involvement whatsoever with Mr. Li or Mr. Xie. I also note that the Affiant only identifies newspaper articles as the source of the information contained in these paragraphs.
- [31] Paragraph 43 provides a list of names of Canadian residents or former residents, in addition to Mr. Li and Mr. Xie, who have been identified as targets of Fox Hunt/Skyenet based on open-source internet searches. It is important to note that the names of Mr. Yan and Mr. Sun do not appear on the list.

[32] Having set out the general background of Fox Hunt/Skynet, and having described some incidents that the Affiant believes demonstrate the PRC's use of coercive methods against Fox Hunt/Skynet targets in the United States, Australia and Canada, the Affiant proceeds to set out his grounds regarding the actions of Mr. Majcher and Mr. Marsh.

Section 3: "Grounds to believe the commission of an offence to the Security of Information Act"

[33] I turn now to a review of Section 3 of the ITO, in which the Affiant sets out his grounds for believing that Mr. Majcher and Mr. Marsh are involved in the commission of an offence under SOIA.

[34] Paragraphs 44 to 50 set out the background of Mr. Majcher, including his experience as a former RCMP investigator and his subsequent career as the head of global recovery at a company called EMIDR, an investigative and asset recovery firm based in Hong Kong. Some of the information contained in these paragraphs is sourced from the ABC program which I have already discussed. For example, at para. 46 the Affiant refers to Mr. Majcher's comment, sourced from the ABC Four Corners broadcast, that he is a "hired gun" for large corporations and governments. At para. 47, the Affiant states that "Majcher is part of the 'Project Dragon' taskforce", with reference to an ABC article related to the Four Corners broadcast. There is nothing to substantiate this conclusory comment.

[35] At para. 50, the Affiant refers to a speech Mr. Majcher gave at a conference in Hong Kong in which, in response to a question about the Chinese government's crackdown on corruption, he said he had been approached by someone "very close to senior state security" in China. Mr. Majcher explained that he declined a request to assist in tracking down money stolen by officials, by using his relationships with police and intelligence services. However, Mr. Majcher also stated, "that's what we do in the West, we do that all the time, informal relationships to get around the difficulties sometimes with the formal route".

[36] This paragraph is followed by a comment by the Affiant, in which he states as follows:

This last quote by MAJCHER summarises very well the very subject of this investigation. The current investigative theory is that MAJCHER is using his informal relationships to directly or indirectly facilitate, in Canada, the use of coercive extrajudicial measures aimed at repatriating Chinese nationals and alleged stolen money and assets to China. The timing of when he would have been approached by this person would also coincide more or less with the beginning of Operation Fox Hunt.

[Emphasis added.]

[37] I agree with counsel for Mr. Majcher that neither the words attributed to him above or anywhere else in the ITO establish objectively discernible facts to support the conclusion that Mr. Majcher engaged in "coercive extrajudicial measures". Additionally, the suggestion that Mr. Majcher is involved in Operation Fox Hunt because he said he was approached by someone "very close to senior state security" at a time "more or less" consistent with the start of Operation Fox Hunt is purely speculative. The information could not support a

reasonable inference that Mr. Majcher was employed by the PRC as part of Fox Hunt/Skynet.

- [38] The Affiant next sets out the information investigators had received from CSIS. Paragraphs 51 and 52 set out the information contained in two advisory letters provided by CSIS to the RCMP in June 2021. One letter advised that Mr. Majcher had ongoing contact with current and former RCMP members, and provided his Gmail address. The second letter advised the RCMP about online information pertaining to Mr. Majcher's activities. Specifically, CSIS advised the RCMP of the ABC Four Corners investigation titled Project Dragon (discussed earlier in the ITO), and advised about a video conference titled "Sport Section Champion", in which Mr. Majcher participated in the discussion by describing his background and professional establishment in China.
- [39] Paragraph 53 provides a list of the dates on which Mr. Majcher entered Canada between 2014 and 2021. This portion of the ITO provides no basis to suggest that Mr. Majcher's 11 trips to Canada over a seven-year period were in any way related to nefarious activities on behalf of the PRC.
- [40] Paragraphs 54 and 55 detail secondary examinations of Mr. Majcher by the Canada Border Services Agency ("CBSA") upon his return to Canada on January 16, 2019, and May 17, 2019. On January 16, 2019, Mr. Majcher told the CBSA officer that, "if RCMP or CSIS wished to talk to him, they should just come and see him". He also stated that he was asked by the Chinese government to come to Canada to speak to Canadian government officials about the arrest of the Huawei executive in Vancouver.
- [41] To properly understand Mr. Majcher's comments, reference must be made to the Confidential Appendix of the ITO. The content of the Confidential Appendix purports to be a summary of notes written by Mr. Majcher regarding his dealings with CSIS employees over the years. Per the Appendix, Mr. Majcher provided these notes to Peter Merrifield, a former RCMP member and his friend (who is described in greater detail at para. 84 of the ITO). Mr. Merrifield, in turn, provided Mr. Majcher's notes to the RCMP, following his interview with investigators. I will return to Mr. Merrifield later in these Reasons. At this stage, I note that sub-paragraphs (k), (l) and (m) on page 52 of the Confidential Appendix detail Mr. Majcher's activities prior to arriving in Canada and provide some explanation as to why Mr. Majcher made the comments that he did to the CBSA officer on January 16, 2019.
- [42] Returning to Section 3 of the ITO, at para. 56 the Affiant describes Mr. Majcher's company, EMIDR. As detailed elsewhere in the ITO (in particular at paras. 67, 70 and 79), Mr. Majcher has told various people that his Hong Kong based company offers expertise in investigation, cyber solutions, and asset recovery. He has also stated that he works in asset management and has been hired by the Chinese government for work related to that field. I pause to note that cumulatively, these statements attributed to Mr. Majcher establish that he has never concealed the fact that he has done business with both the Chinese government and businesses based in China. Indeed, the issuing justice would have also reviewed the contents of the Confidential Appendix, in which Mr. Majcher details his business dealings as

well as his purported ongoing relationship with CSIS.

- [43] At paras. 57 and 58, the Affiant discusses Capital Chambers, a Hong Kong-based law firm that lists Mr. Majcher on their website as the director of investigations (Canada). The Affiant advises that Capital Chambers, according to its website, was involved in the civil case of "CITIC Bank vs. Shibiao Yan" in British Columbia. Specifically, according to the website a lawyer named Conrad Wan was involved in the British Columbia court case, in which the court recognized an arbitration award of approximately \$10 million issued by the PRC against Mr. Yan. The ITO does not elaborate on the precise role of either Capital Chambers or Mr. Wan in the civil case. While this paragraph establishes a connection between Mr. Majcher and Capital Chambers, there is no evidentiary foundation to support a reasonable inference, beyond a mere hunch or suspicion, that because of the relationship Mr. Majcher had with Capital Chambers, he had any involvement in the particular case of Mr. Yan.
- [44] At para. 58, the Affiant states that investigators attended the residence of Mr. Yan in Vancouver on September 20, 2022, and spoke to his wife and daughter. They indicated that Mr. Yan had left for China in 2017 to deal with some "unknown issues", and that prior to his departure they received threats and phone calls, which stopped after he left.
- [45] As I will discuss later in these Reasons, the Crown submits that the issuing justice was entitled to infer that Mr. Majcher may have had some involvement in the coercive efforts to repatriate Mr. Yan. When viewed together with the entirety of the ITO, I see no merit in this submission. The threats being described at para. 58 are in no way linked by some other evidentiary basis to Mr. Majcher or even to Fox Hunt/Skyenet more generally. Indeed, the Affiant comments in the same paragraph that he, "do[es] not know the nature of the threats referred to during the interview, nor can [he] confirm whether or not Majcher or the Capital Chambers firm were involved". As I will discuss, later in the ITO the Affiant also links Mr. Majcher to Mr. Yan through Mr. Majcher's association with Mr. Marsh. For reasons I will describe, I agree with counsel for Mr. Majcher that the inferences invited by this section of the ITO are based entirely on speculation, that this portion of the ITO is devoid of any evidentiary value, and as such could not have supported the inference sought.
- [46] Putting aside for the moment the incident involving Mr. Yan, paras. 59 to 66 set out Mr. Majcher's phone number, email, and various contacts that he has had with current and former RCMP members. These paragraphs establish that Mr. Majcher had ongoing contact with both active and retired RCMP members. There is nothing to suggest that any of this contact is related to Mr. Majcher performing acts at the behest of the MPS or any other Chinese entity, in furtherance of Fox Hunt/Skyenet objectives.
- [47] The next section of the ITO contains information from several former RCMP members who knew Mr. Majcher and who had been interviewed by investigators, including Peter German, Mike Butcher and Calvin Chrustie. Mr. German, a retired senior RCMP member and one-time supervisor of Mr. Majcher, provided copies of email exchanges he had with Mr. Majcher in 2019. The Affiant summarizes some of those emails at para. 67. The Affiant

explains that in the emails Mr. Majcher advised that his company, EMIDR, had agreements with companies associated to the Chinese MPS and PSB to assist on the recovery of proceeds of crime overseas, as well as to conduct banking and other inquiries in China that would help detect economic crime and the flight of criminal funds to Canada and elsewhere. Mr. Majcher also advised that he had been asked to assist on the Huawei matter.

- [48] As for Mr. Butcher, the Affiant explains (at para. 68) that Mr. Butcher advised investigators that sometime around 2018 he had contact with Mr. Majcher, who he knew from their time working together on RCMP undercover operations. At the time, Mr. Butcher was involved in international teaching and Mr. Majcher offered him teaching opportunities in Asia, including China. Mr. Butcher emailed Mr. Majcher some of his training materials.
- [49] Following the RCMP interview with Mr. Butcher, Mr. Chrustie contacted investigators and was subsequently interviewed. At para. 70, the Affiant explains that Mr. Chrustie advised investigators that Mr. Majcher had communicated with him sometime in 2019 and had indicated that he had been hired by a Hong Kong law firm to research the Huawei case. Mr. Chrustie reported to investigators that Mr. Majcher told him he was paid \$15,000 USD for "his presence in Canada". Mr. Chrustie also stated that he met with Mr. Majcher in 2018, when Mr. Majcher was in British Columbia representing a Chinese company regarding a cyber extortion case which affected a Richmond paper company (confirmed, per para. 71, to be a company called "Paper Excellence"). According to Mr. Chrustie, Mr. Majcher was unsatisfied with the police response to the extortion, so he wanted Mr. Chrustie to reach out to his police contacts, which he apparently did.
- [50] Following para. 70, based on the information Mr. Majcher provided to Mr. German and Mr. Chrustie regarding his attendance in Canada in relation to the Huawei case, the Affiant makes the following comment:

I suspect that MAJCHER was sent to represent Chinese interests and use his network of influence in the law enforcement and security community in Canada to obtain information and/or interfere to some level with the judicial process.

[Emphasis added.]

- [51] I agree with counsel for Mr. Majcher that this comment is entirely fanciful and inflammatory. The contents of the ITO could not have supported such an inference. As I have already canvassed in these Reasons, Mr. Majcher had advised a CBSA official on January 16, 2019, that he was asked by the Chinese government to gather information about the Huawei case. This is consistent with the contents of the Confidential Appendix, at page 52, sub-para. (l), which indicates that Mr. Majcher had reported to a CSIS official in January 2019 that he was asked by an entity he identified as "Anbound" to attend Canada, to see what he could find out about the Meng Wanzhou case (i.e., the Huawei matter). The same sub-para. describes Mr. Majcher's suspicion that Anbound was in fact the Ministry of Foreign Affairs. Similarly, Mr. Majcher told both Mr. German and Mr. Chrustie about his involvement in the Huawei matter.

- [52] Collectively, this information, when considered together with the entire ITO, fails to provide an evidentiary basis for the suggestion that Mr. Majcher was engaged in efforts to interfere with the judicial process in relation to the Huawei matter. It is simply unreasonable to infer that Mr. Majcher intended to interfere with a judicial process in Canada while simultaneously openly discussing his involvement in the matter with former high ranking RCMP members and current CSIS and CBSA officials. To suggest that Mr. Majcher was sent by the PRC to interfere with the Huawei matter on the basis of the information contained in the ITO invited the issuing justice to engage in nothing more than mere speculation. Nor does this information advance the proposition underlying the request for the search warrant that Mr. Majcher was working as an agent of the PRC in respect of Fox Hunt/Skynet. The issuing justice could not have properly drawn such inferences.
- [53] At paras. 73 to 75, the Affiant provides information pertaining to former RCMP officer Ben Chang. The passage describes Mr. Chang's role in the arrest of Ms. Meng in Vancouver, in connection to an extradition request, and his subsequent employment with a casino in Macau upon his retirement from the RCMP. The ITO does not disclose any link between Mr. Chang and either Mr. Majcher or Mr. Marsh, other than all of them being former members of the RCMP. These paragraphs evidently contain no information to support the grounds necessary to issue a search warrant for the Marsh residence.
- [54] At paras. 76 to 83, the Affiant provides information regarding Mr. Marsh. Mr. Marsh is a former RCMP officer who transitioned into the public sector following his retirement. Among other things, the ITO describes that Mr. Marsh successively occupied the roles of Executive VP International Operations and then President of a corporate investigations company called IPSA International. Following that, Mr. Marsh established Marsh Advisory, a firm which provides guidance to governments and ancillary businesses in various areas, including anti-money laundering, compliance and due diligence. As of January 2021, Mr. Marsh was the Vice President of Vidocq Group, a company providing subject matter expertise in due diligence, litigation support, and anti-money laundering. Mr. Marsh operates his company from his residence.
- [55] At para. 78, the Affiant sets out some additional information provided by Mr. Chrustie, including that Mr. Majcher and Mr. Marsh were friends and that Mr. Marsh worked for IPSA International. The Affiant also refers to a CBC news article which reported on the efforts of IPSA International and Mr. Marsh, on behalf of defrauded Chinese banks, to track down money laundered through the Vancouver real estate market. The Affiant comments that despite not having any information regarding Mr. Majcher's role in Mr. Marsh's business activities, it is "reasonable to infer that Majcher may have acted as an intermediary in the matter". The Affiant suggests that this inference is supported by Mr. Chrustie's speculation in his interview with investigators that Mr. Marsh would be Mr. Majcher's "go to guy" in Canada for "locating someone or something". It should be apparent from the language used by the Affiant himself that the inferences the Affiant invites the issuing justice to draw in this comment are based on nothing more than bare assertions and speculation, including on the

part of Mr. Chrustie. They do not advance the grounds necessary to have issued the search warrant of the Marsh residence.

- [56] At para. 79, the Affiant sets out the results of an interview that investigators conducted with Mr. Marsh on February 17, 2023. Mr. Marsh confirmed in the interview that he and Mr. Majcher were friends and that he has worked with Mr. Majcher on occasion in private business. Mr. Majcher told Mr. Marsh that he had worked for the Chinese government in attempting to track state assets and locate people. Mr. Marsh stated that over two to three months in 2018, he provided information to Mr. Majcher on Mr. Sun, who had allegedly defrauded ICBC. Mr. Marsh had compiled a 45-page report on Mr. Sun as a result of his investigative work but was unable to find an interested party.
- [57] Following this paragraph, the Affiant provides a note in which he states that Mr. Sun was the subject of an Interpol Red Notice issued by China. The note advises that Mr. Sun was involved in a \$500 million banking scandal at ICBC before immigrating to Canada in the early 2000's. In 2018, the Interpol Red Notice was cancelled and the RCMP liaison officer in Beijing reported that an MPS member "hinted" at an attempt to negotiate with Mr. Sun. The Affiant then acknowledges he has no confirmation that the investigative work conducted by Mr. Marsh on Mr. Sun, and the information that he shared with Mr. Majcher, had any connection to the resolution of the case. Nevertheless, the Affiant suggests that the timing of the information-sharing between Mr. Majcher and Mr. Marsh and the cancellation of the Interpol Red Notice are consistent. The Affiant suggests that this information, along with the nature of the allegation against Mr. Sun (i.e., that he had defrauded a Chinese bank), are all "consistent with China's ways of dealing with Fox Hunt/Skyenet Targets". As I will discuss in my analysis, the Crown submits on the basis of this information that it was open to the issuing justice to infer that Mr. Majcher was somehow involved in coercive tactics directed at Mr. Sun on behalf of Fox Hunt/Skyenet.
- [58] At para. 80, the Affiant says that Mr. Marsh also described participating in the investigation of Chinese nationals who were "on the run" in Canada, in association with a UK-based company. Mr. Marsh said that one case targeted an unnamed individual from Vancouver living on "60-somethingth" avenue, near the airport, and that the case was eventually brought before the courts.
- [59] These paragraphs are followed by a comment by the Affiant, in which he says that the case Mr. Marsh referred to in his interview was that of Mr. Yan, discussed earlier in the ITO (paras. 57-58). The Affiant advises that Mr. Yan had a residential address on 64th Avenue, Vancouver. Further, the Affiant draws a link between Mr. Yan, Mr. Marsh, Capital Chambers and Mr. Majcher. As I will discuss in my analysis, the Crown submits that it was reasonable for the issuing justice to infer that both Mr. Majcher and Mr. Marsh were engaged in coercive tactics on behalf of the PRC's Fox Hunt/Skyenet operation, in relation to Mr. Yan.

- [60] At paras. 81 to 83, the Affiant sets out some further information regarding Mr. Marsh, including records of phone contact he had with Brad Desmarais, also a former RCMP member and a friend of Mr. Majcher. The Affiant "suspects" that Mr. Marsh has an ability to obtain inside information from his RCMP contacts about the investigation into him. I view these paragraphs as completely speculative and of no assistance to establishing grounds to search the Marsh residence.
- [61] At para. 85, the Affiant details the results of a November 21, 2022, interview with Mr. Merrifield. Mr. Merrifield was aware that Mr. Majcher worked in the asset recovery business, but not for any specific government. Mr. Majcher told Mr. Merrifield that he did some work for CSIS against China. He also stated that he came to Canada during the Huawei case and had some involvement in it. According to Mr. Merrifield, Mr. Majcher was in Canada with a lawyer named "Conrad". Mr. Majcher also said that he was supposed to debrief with his CSIS handler in Vancouver when he came for the Huawei case. This information is consistent with what Mr. Majcher had told others, including the CBSA officer in January 2019. As I have described earlier, following his interview Mr. Merrifield sent a document to investigators which contained notes provided to Mr. Merrifield by Mr. Majcher, detailing his involvement with CSIS over the years. This information was then summarized in the Confidential Appendix attached to the ITO.
- [62] At para. 88, the Affiant details an interview with Doug Maynard, a retired RCMP member. Mr. Maynard worked for a risk management group called Lions Gate. The firm provided security to Ms. Meng during her extradition case. Mr. Maynard has never had contact with Mr. Majcher. Mr. Maynard reported that during a business meeting with Mr. Desmarais, Mr. Desmarais discussed locating assets and people for a lawyer working for a Chinese law firm. According to Mr. Maynard, during this business meeting Mr. Desmarais "alluded to wanting to do things legitimately, not like Bill Majcher does". Following the interview, Mr. Maynard advised investigators via email that the Chinese lawyer he was referring to was named Conrad Wan.
- [63] In his comments following this paragraph, the Affiant suggests that it is reasonable to infer based on phone records which show contact between Mr. Marsh and Mr. Desmarais, Mr. Desmarais's business proposal to Mr. Maynard, and the type of business Mr. Marsh is involved in, that Mr. Marsh and Mr. Desmarais may have a professional relationship in the field of asset recovery and people tracking. As I understand the Crown's position, this paragraph thus serves to establish a link among Mr. Marsh, Mr. Desmarais and Mr. Majcher, in the field of asset recovery. Even accepting this inference as reasonable, this portion of the ITO discloses no information to suggest that any of them are engaged in illicit activity.
- [64] At para. 89, the Affiant sets out the results of an interview with Paul McNamara on February 18, 2023. Mr. McNamara is a retired police officer and a friend of Mr. Majcher's, but they have never had a business relationship. Mr. McNamara saw Mr. Majcher in January 2019, when Mr. Majcher was in Canada to monitor the case of Ms. Meng.

[65] At paras. 90 to 92, the Affiant provides details regarding the arrest for obstruction of two individuals reported to be PRC intelligence officers, in relation to efforts to recruit a US government employee in order to obtain privileged information about the American prosecution of Ms. Meng and the extradition request. The US government employee was in fact working for the FBI. The Affiant also provides some information about the Huawei company and its links to Chinese intelligence services.

[66] In the Affiant's comments, he "suspects" on the basis of this case in the US that the PRC may have employed a similar strategy in Canada, and that Mr. Majcher "may have had some involvement", because he reported that he was in Canada in January 2019 to assist in the Huawei case. The Affiant also refers to Mr. Chang's involvement in the extradition proceedings relating to Ms. Meng, his subsequent employment with a Macao casino, and his refusal to return to Canada to testify at the extradition hearing. As the Affiant himself says, these comments describe only his "suspicion" and are based on pure speculation regarding Mr. Majcher. They also have nothing to do with Mr. Marsh. Accordingly, they do not contribute to the grounds to obtain the warrant to search the Marsh residence.

Section 4: "Authorization requested and justification"

[67] In this section the Affiant provides a summary of the grounds that he believes justify the issuance of the search warrant for the Marsh residence. The key components justifying the search can be summarized as follows:

- Mr. Marsh and Mr. Majcher are friends and business associates.
- Mr. Marsh shared information with Mr. Majcher that he had gathered on Mr. Sun.
- The Interpol Red Notice for Mr. Sun was cancelled at approximately the same time that Mr. Marsh provided the information to Mr. Majcher, in 2018.
- The information shared by Mr. Marsh may have been used to pressure and leverage Mr. Sun to return to China.
- The pressure on Mr. Sun was a form of coercion or intimidation consistent with the means used by the PRC to carry out its Fox Hunt/Skyenet operations.
- Mr. Marsh and Mr. Majcher may have exchanged other information on PRC-targeted persons.
- Mr. Marsh was also involved in the Fox Hunt program in targeting Mr. Yan.
- Mr. Marsh is still involved in Fox Hunt/Skyenet operations. This is based on Mr. Maynard's report that Mr. Desmarais, who is a friend of Mr. Majcher and is associated to the Chinese law firm of Mr. Wan, offered him a business proposal in September 2022 regarding asset tracking. The phone records of Mr. Marsh, which show contact with Mr. Desmarais, suggest Mr. Marsh was involved in similar operations in 2022.

[68] I turn now to my analysis.

Analysis

[69] As I conduct my analysis, I remain mindful that my role, as described earlier, is to determine if the issuing justice could have granted the warrant. Specifically, with respect to the search warrant, I must determine whether there were reasonable grounds--described as a credibly-based probability--to believe that there is evidence respecting the commission of an offence in the location to be searched: see *R. v. Herta*, 2018 ONCA 927 at para. 20. In doing so, I must examine the information in its totality and in a "practical, non-technical, and common sense basis": see *Liu* at para. 39. Put differently, the standard of reasonable grounds is more than mere suspicion, but less than a balance of probabilities: *R. v. Vu*, 2011 BCCA 536 at para. 39, *aff'd* 2013 SCC 60, citing *Hunter v. Southam Inc.*, [1984] 2 S.C.R. 145.

Could the issuing justice have concluded that the statutory preconditions for the warrant had been met, on the basis of the ITO?

[70] As I have described, the parties primarily diverge on whether the ITO provided an evidentiary foundation upon which the issuing justice could have been satisfied that an offence had been committed by Mr. Marsh or Mr. Majcher in contravention of s. 20(1) of SOIA, and thus whether the ITO had satisfied one of the statutory preconditions for the issuance of a search warrant under s. 487 of the Code.

[71] I have already canvassed the submissions of Mr. Majcher in relation to specific passages or statements made in the ITO. The overall position advanced by Mr. Majcher is that the issuing justice did not have the necessary foundation before them to infer that an offence under SOIA had occurred, and that a search of the Marsh residence would afford evidence of the offence. Counsel for Mr. Majcher says that the actual description of activities undertaken by Mr. Majcher or Mr. Marsh in the ITO amounts to entirely lawful asset recovery and private investigative work. Counsel characterizes the "flavour" of the ITO as a suggestion that Mr. Majcher and Mr. Marsh have engaged in illicit behaviour in furtherance of Fox Hunt/Skynet. However, counsel argues that the ITO does not actually provide evidence in support of this general inference. At most, counsel for Mr. Majcher argues that the ITO discloses the Affiant's suspicions about Mr. Majcher and Mr. Marsh. He says that such suspicions are clearly not a sufficient basis for issuing a judicial authorization to search the Marsh residence.

[72] In response, the Crown submits that the ITO discloses reasonable grounds to believe that Mr. Marsh and Mr. Majcher were involved in the use of coercive tactics to pressure targets of Fox Hunt/Skynet, including Mr. Yan and Mr. Sun, to accede to the demands of the PRC. In doing so, the Crown says that the ITO provided the issuing justice reasonable grounds to believe that an offence under s. 20 of SOIA had been committed, and that a search of the Marsh residence would afford evidence of the offence.

[73] I begin with a consideration of Mr. Yan. As discussed earlier, the circumstances of Mr. Yan are that he was the subject of a civil action in British Columbia on behalf of a Chinese bank, had received threats and phone calls of some kind, and then fled to China. The Crown

submits that this sequence of events is consistent with the manner in which Fox Hunt/Skynet operates, and says that since Mr. Yan had defrauded a Chinese bank, it was reasonable to infer that he was a Fox Hunt/Skynet target. Further, since Mr. Majcher was associated with the Hong Kong-based law firm Capital Chambers, which according to its own website had some role in the civil action in British Columbia against Mr. Yan, it was reasonable to infer that Mr. Majcher had engaged in some manner in the "coercive tactics" which resulted in Mr. Yan returning to China. As well, the Crown relies on the fact that Mr. Marsh was involved in the matter of Mr. Yan because he assisted a London-based company with locating assets connected to a person living in Vancouver which appears to have been Mr. Yan.

- [74] The Crown submits that when the issuing justice considered the circumstances of Mr. Yan in the context of Fox Hunt/Skynet, and the mode of operation employed by those initiatives (i.e., utilizing retired police/security officers in the country at issue to locate/return the target and their assets), it was open to the issuing justice to infer that both Mr. Marsh and Mr. Majcher were involved in the commission of an offence under s. 20 of SOIA.
- [75] In addition to the matter of Mr. Yan, the Crown submits that the circumstances described in the ITO in relation to Mr. Sun add further grounds to believe that an offence under SOIA had been committed. The Crown submits that the issuing justice could have reasonably inferred that both Mr. Majcher's and Mr. Marsh's role in the case of Mr. Sun were connected to Fox Hunt/Skynet. The Crown acknowledges that like Mr. Yan, Mr. Sun's name does not appear in the list of Fox Hunt/Skynet targets resident in Canada provided by the Affiant at para. 43 of the ITO. However, the Crown submits that given the nature of the allegations against Mr. Sun (i.e., that he had defrauded a Chinese bank of approximately \$500 million CAD), it was reasonable for the issuing justice to infer that he was a target of Fox Hunt/Skynet.
- [76] As well, the Crown submits that it was reasonable for the issuing justice to infer that the results in the cases of both Mr. Sun and Mr. Yan were a consequence of coercive tactics employed by those acting at the behest of Fox Hunt/Skynet. Further, the Crown says that the actions of Mr. Majcher and Mr. Marsh in relation to both Mr. Yan and Mr. Sun establish a basis for the belief that they were engaged in conduct that would constitute an offence under s. 20 of SOIA.
- [77] I disagree. As I have discussed during my review of the contents of the ITO, I find there is nothing in the ITO that could have supported an inference that an offence under SOIA had been committed by either Mr. Majcher or Mr. Marsh, or that either Mr. Majcher or Mr. Marsh were engaged in other forms of illicit behaviour.
- [78] First, I agree with Mr. Majcher's counsel that there is nothing in the ITO to support a reasonable inference that Mr. Yan returned to China because of threats/phone calls related to Fox Hunt/Skynet. The description of the threats that his family apparently received is devoid of any context to reasonably support such an inference. More importantly, there is nothing to suggest that either Mr. Majcher or Mr. Marsh were associated in any manner to

the threats/phone calls directed at the Yan family, even if Mr. Yan was a Fox Hunt/Skynet target. It is unreasonable to suggest that Mr. Majcher was involved in the threats/phone calls against Mr. Yan simply because Mr. Majcher is listed on the website of Capital Chambers, which advises that it had some involvement in the litigation relating to Mr. Yan. The chain of reasoning required to infer from Mr. Majcher being listed on the website that he may have had some involvement in threatening Mr. Yan in support of the PRC's objectives simply calls for too great a leap, without the necessary evidentiary foundation to connect these facts together. This is the type of "gap" in information that can prove fatal to an authorization (see, for instance: Liu at para. 45; Sunner at paras 37-41; Biring at para. 59). I find that there is no information upon which the issuing justice could have reasonably inferred that either Mr. Majcher or Mr. Marsh had some involvement in efforts to secure Mr. Yan's repatriation, let alone that they did so in the coercive manner required to potentially give rise to an offence under s. 20 of SOIA.

- [79] I also agree with Mr. Majcher's counsel that there is no basis to infer a link between the timing of the removal of Mr. Sun's Interpol Red Notice and Mr. Marsh providing Mr. Majcher with a copy of his report on Mr. Sun. It is purely speculative to suggest that the information shared by Mr. Marsh was somehow used to pressure and leverage Mr. Sun to return to China. I find that the ITO lacks an evidentiary foundation to support an inference that these events were linked.
- [80] In reaching these conclusions, I am mindful that the ITO establishes the existence of Fox Hunt/Skynet, and the use of former police investigators who appear to engage in coercive measures to assist the PRC in repatriating targets of Fox Hunt/Skynet. I also accept that both Mr. Sun and Mr. Yan appear to meet the profile of the type of individual targeted by Fox Hunt/Skynet. However, when I review the specific information pertaining to Mr. Yan and Mr. Sun, as they purportedly relate to Mr. Majcher and Mr. Marsh, I conclude that there is a critical informational gap such that the inferences invited by the ITO fail to rise above mere speculation and conjecture. As well, there is no information in the ITO to reasonably support an inference that Mr. Majcher and Mr. Marsh may have exchanged other information on PRC-targeted persons.
- [81] On an objective assessment of all of the circumstances, the ITO fails to provide a basis upon which the issuing justice could have concluded that an offence had been committed under SOIA by either Mr. Marsh or Majcher, or even that an event had occurred which "appears to constitute an offence": CanadianOxy at para. 15; see also R. v. Guenter, 2025 BCCA 308 at para. 22. Consequently, the issuing justice could not have reasonably concluded that a search of the Marsh residence would afford evidence of an offence. Accordingly, I find that the ITO failed to satisfy the necessary statutory prerequisites for the issuance of the search warrant.

Conclusion

[82] Based on my consideration of the totality of the ITO, I am not satisfied that the issuing justice could have reasonably inferred that an offence had been committed, and thus that a search of the Marsh residence would afford evidence of the offence. Therefore, the requirements of s. 487 of the Code have not been met. I conclude that the warrant could not have properly issued and I consequently find a breach of Mr. Majcher's right to be secure against unreasonable search and seizure, as protected by s. 8 of the Charter.

[83] For the foregoing Reasons, Mr. Majcher's application is granted.

"Devlin J."

- [1] Since the time of the offence alleged in this case, the title of the Act has been amended to the Foreign Interference and Security of Information Act: see s. 50 of the Countering Foreign Interference Act, S.C. 2024, c. 16 [2024 Amending Act].
- [2] The Crown advises that the PSB and MPS act as the local-level and national police forces within the PRC, respectively.
- [3] Since June 2023, s. 20 of SOIA has undergone significant legislative amendment: see the 2024 Amending Act, s. 53.

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