

CANADA / JUDGMENT

R. v. White

2025 BCSC 1697

COURT

Supreme Court of British Columbia

DECIDED

27 June 2025

Source: bccourts.ca · Research copy typeset by Esheria. Not court-issued or certified.

2025 BCSC 1697 R. v. White

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. White,

2025 BCSC 1697

Date: 20250627

Docket: 49090-3

Registry: Penticton

Rex

v.

Norlene Dale White

Before: The Honourable Mr. Justice Giaschi

Oral Ruling re Further Fact Findings Pursuant to s. 724 CCC

Counsel for the Crown:

C. Lo

Counsel for the Accused:

M. Patterson

Place and Date of Trial/Hearing:

Kelowna, B.C.

May 29, 2025

Place and Date of Judgment:

Kelowna, B.C.

June 27, 2025

- [1] THE COURT: On December 17, 2024, the defendant was convicted by a jury of four counts of fraud over \$5,000, Counts 1, 2, 6 and 7; two counts of uttering a forged document, Counts 3 and 5; and one count of attempted fraud, an included offence under Count 4. The victim for all counts was the Ministry of Social Development and Poverty Reduction (the "Ministry").
- [2] The amount of the fraud committed by the defendant under Count 2 is not in dispute. That amount is \$8,888,25.
- [3] The amounts of the frauds committed by the defendant under Counts 1, 6 and 7 are in dispute.
- [4] Pursuant to s. 724 of the Criminal Code, R.S.C. 1985, c. C-46 [Code], for the purpose of eventually determining a fit and proper sentence, I am asked to make specific factual findings in relation to the amounts the defendant defrauded the Ministry under Counts 1, 6 and 7.

Legal Principles

- [5] Section 724 of the Code addresses the facts the court may or must accept for sentencing purposes. Pursuant to 724(2), I must accept any and all facts, express and implied, that are essential to the jury's guilty verdict, and I may find any other fact that was disclosed by the evidence at trial.
- [6] Pursuant to s. 724(3)(b), (d) and (e), the party wishing to rely on a fact has the burden of proving it on a balance of probabilities, except the Crown must prove an aggravating fact beyond a reasonable doubt.
- [7] It is not disputed that pursuant to s. 380.1(1) of the Code, the aggravating factors for a fraud conviction are the magnitude, complexity, duration or degree of planning of the fraud.
- [8] Sections 724 and 380.1 were considered by Justice Weatherill in *R. v. Reynolds*, 2020 BCSC 143, at paras. 7-9, where he referred to and relied on *R. v. Ward*, 2009 BCCA 409, paras. 16-19. In summary, the principles to be applied are:
 - a) the sentencing judge is "bound by the express and implied factual implications of the jury's verdict";
 - b) the sentencing judge does not have to find the facts most favourable to the accused;
 - c) the sentencing judge must not make findings inconsistent with the jury's verdict;

- d) the sentencing judge is required to make only those factual determinations necessary for deciding the appropriate sentence in the case at hand. The judge should first ask what the issues on the sentencing are, and then find such facts as are necessary to deal with those issues;
- e) when the factual implications of the jury's verdicts are ambiguous, the sentencing judge should not attempt to follow the logical process of the jury and should come to his or her own independent determination of the relevant facts; and
- f) an aggravating fact or prior conviction must be proven beyond a reasonable doubt. Other facts may be proven only on a balance of probabilities.

Position of the Parties

[9] I will address the positions of the parties more thoroughly when I discuss each count. For now, in summary, the Crown submits:

- a) With respect to Count 1, that there were 79 fraudulent transactions and the total amount of the fraud under this count is approximately \$79,000.
- b) With respect to Count 7, that all amounts paid by the Ministry to the defendant during the entire period covered by the indictment were induced by fraud. The Crown regrettably did not provide the figures for what that amount was; and
- c) With respect to Count 6, that there is a difficulty as the verdict of the jury is inconsistent with the instructions they were given.

[10] In summary, the defendant submits:

- a) With respect to Count 1, that the Crown must prove each transaction was fraudulent beyond a reasonable doubt and it has failed to discharge this onus;
- b) With respect to Count 7, that the Crown must prove the defendant and Mr. Johnson were in a marriage-like relationship during the entire period covered by the indictment beyond a reasonable doubt and it has failed to discharge this onus; and
- c) With respect to Count 6, that the jury should have found the defendant guilty of fraud under \$5,000, given my instructions.

[11] I observe that I agree with the defendant that the onus on the Crown to prove the amounts of the frauds is proof beyond a reasonable doubt and not a lesser burden of a balance of probabilities. I did not understand the Crown to dispute this.

Analysis

[12] I will address Count 6 first, and will then address Counts 1 and 7.

Count 6

[13] Count 6 of the indictment reads:

Norlene Dale White, from the 12th day of February, 2015 to the 6th day of March, 2015, inclusive, at or near Penticton, in the Province of British Columbia, did by deceit, falsehood or other fraudulent means defraud the Ministry of Social Development and Poverty Reduction, of money, of a value in excess of five thousand dollars (\$5,000.00), contrary to Section 381(1)(a) of the Criminal Code.

[14] Count 6 relates to moving expenses claimed from the Ministry by the defendant and paid to Colton Green, the defendant's son, in respect of a move of the defendant's sisters from Penticton to Okanagan Falls between February 12 and March 6, 2015.

[15] In my charge to the jury on this particular count, I addressed the evidence relevant to the various elements of fraud. In relation to the final element, whether the Crown had proven beyond a reasonable doubt that the Ministry had been defrauded of more than \$5,000, I said the following:

At Exhibit 6, Tab C4, is a copy of the moving invoice with handwritten, "Paid in full, February 28th CG". The invoice was in the amount of \$4,830 or under \$5,000. It follows that if you find all other elements of fraud are proven beyond a reasonable doubt in respect of this count, you can only find Ms. White guilty of the included offence of fraud under \$5,000.

[16] Notwithstanding my instruction to the jury, the jury returned the verdict of guilty, meaning they found as a fact that the Ministry was defrauded of more than \$5,000.

[17] The evidence before the jury consisted of the invoice I referred to in my instructions at Exhibit 6, Tab C4, which was submitted to the Ministry in relation to the defendant's sister, Darlene. The evidence also included a second copy of the same invoice at Exhibit 6, Tab C5, which was submitted to the Ministry in relation to the defendant's sister, Marlene. To reach the verdict it did, the jury must have determined as a fact that the Ministry paid \$4,830 on account of the move of Darlene, and an additional \$4,830 on account of the move of Marlene, for a total of \$9,660.

[18] Pursuant to 724(2)(a) of the Code, this is an essential finding on an essential element of the offence which I must accept. To allow a finding the Ministry was defrauded of only \$4,830 would be to make a finding inconsistent with the verdict of the jury, something I am not permitted to do.

[19] Accordingly, on Count 6 of the indictment, the Ministry was defrauded of \$9,660.

Count 1

[20] Count 1 relates to amounts paid by the Ministry during the period from September 17, 2014 to November 8, 2021, in relation to costs and expenses of transporting the sisters of the defendant to medical appointments, mostly in Vancouver. These expenses have been consistently referred to as non-local medical transportation, or NLMT expenses. The sisters

requested the Ministry pay transportation expenses at an increased rate because of their special needs. These requests were approved by the Ministry. In particular the Ministry approved the use of specialized vehicles to transport the sisters at a higher rate than normal mileage. The vehicles the Ministry was requested to approve and did approve were a Ford Handy-Van, sometimes referred to as a Handy-Bus, from 2015, and a motorhome from October 2020.

- [21] In the verdict of the jury, the jury must have found that for at least some of these trips the sisters were transported in ordinary vehicles rather than the approved specialized vehicles and were entitled to only ordinary mileage rather than the increased amounts that were paid. The jury did not need to make specific findings about each and every trip to conclude the amount of fraud under Count 1 exceeded \$5,000.
- [22] The Crown submits that there were a total of approximately 79 incidents of transportation fraud and that each fraud was in the amount of approximately \$1,000. More specifically, the Crown submits that for each trip the Ministry was only required to pay approximately \$300 but paid approximately \$1,300 for a specialized vehicle that was not used. The Crown relies on surveillance evidence and various business records as establishing that the specialized vehicles were not used.
- [23] The defendant submits that the Crown must prove each incident of fraudulent travel expenses beyond a reasonable doubt. It says [the Crown] has not done this. The defendant says Mr. and Mrs. Byrne confirmed in their evidence that the Handy-Van was used at times to transport the sisters. The defendant further says that the evidence of the investigators is sporadic and cannot be relied on to infer all 79 incidents involved a non-specialized vehicle, and the defendant says the business records are not reliable.
- [24] Exhibit 8 contains most of the documents relevant to Count 1. Tab 1 contains NLMT requests submitted to the Ministry between the period of September 17, 2014, and November 18, 2021, for exceptional transportation rates.
- [25] The first six NLMT requests were made between September 17, 2014, and May 4, 2015. These request an exceptional rate of 30 cents per kilometre and one of them specified the number of kilometres as 860. I do not intend to address these particular trips as the evidence of the normal mileage paid by the Ministry is incomplete, something I will address later.
- [26] The other 75 NLMT requests attached invoices for use of a specialized vehicle. The invoices date from September 1, 2015 to October 22, 2021. Two of the invoices are for travelling to Kelowna, both in the amount of \$155. The other 73 are for travel to Vancouver. These invoices and the amounts paid by the Ministry total \$95,878.
- [27] The Crown relies on evidence of investigators who conducted surveillance of the defendant and her residences at various times, ICBC records, business records of the Canada Border Services Agency ("CBSA"), and business records of Trans Canada Flow Tolling Inc., the company who operates the tolls for the Port Mann Bridge toll crossing. I have carefully

reviewed all of this evidence and cross-referenced the evidence against the dates of the trips as set out in the NLMT requests and the invoices. I am satisfied that this evidence establishes beyond a reasonable doubt that a specialized vehicle was not used for 72 of the 75 trips. As for the other three trips which occurred May 28 to 30, 2017, January 19, 2018, and April 24, 2018, I infer that the specialized vehicle was not used based on the pattern of usage. I will further explain my findings.

- [28] There were three investigators involved; Gregory Chiarot, the lead investigator, Thomas Drechsel and Ross Woronka.
- [29] Mr. Chiarot testified that on various dates from March 17, 2016, to November 8, 2021, he attended at the defendant's home in Okanagan Falls and Kaleden. On two occasions he made notes of the vehicles present and took photographs. He also attended at Kelowna Hospital on the dates when the sisters had medical appointments and did some surveillance at Sunset Inn in Vancouver on January 24 and 25, 2017. Exhibit 5 includes photographs he took. Exhibit 4 is a ledger of the photographs he took including dates, locations and the vehicles he observed. I have carefully reviewed the evidence of Mr. Chiarot and Exhibits 4 and 5 and have cross-referenced the observations of Mr. Chiarot against the dates and NLMT requests and invoices. Based on Mr. Chiarot's evidence, it is clear beyond any doubt that a specialized vehicle, Handy-Bus or motorhome was not used for the two trips to Kelowna Hospital, and for 42 of the trips to Vancouver. The specialized vehicle, in most cases the Handy-Van, was parked at the defendant's home during the time it was claimed as being used to transport the sisters to Vancouver or Kelowna.
- [30] Mr. Drechsel testified that on March 27, 2019, a date of one of the trips and a NLMT request, he observed and took photos of one of the defendant's sisters being dropped off and picked up at Vancouver General Hospital. His testimony and photos indicate the vehicle involved bore licence plate GA970K, a Ford Expedition belonging to Mr. Johnson. I also note that March 27, 2019 is one of the dates that Mr. Chiarot confirmed the Handy-Bus was parked at the defendant's home.
- [31] Mr. Woronka conducted surveillance at Vancouver General Hospital and at the Sunset Inn in Vancouver on various dates corresponding with dates in the NLMT requests and invoices. He testified:
- a) On January 20, 2016, he observed and took pictures of a Ford F-150 bearing licence plate JF2570 at the Sunset Inn, a vehicle belonging to Mr. Johnson.
 - b) On January 11, 2017, he again observed the Ford pickup at the Sunset Inn and took pictures.
 - c) On January 13, 2017, he observed the defendant, a sister and Mr. Johnson enter into the Ford.
 - d) On March 18, 2017, he again observed the Ford, the F-150, at the Sunset Inn and took pictures.

- e) Again, on July 8, 2017, he attended medical offices on Willow Street in Vancouver and observed Darlene White exit a Honda bearing licence plate ER760R.
- [32] I note that the dates of December 20, 2016, and January 11 and 13, 2017, were dates Mr. Chiarot observed the Handy-Bus parked at the defendant's home.
- [33] The defendant submits the surveillance of the investigators was sporadic and says because of this cannot be relied on. I disagree. The fact that specialized vehicles were observed to be at the home of the defendant on dates of medical appointments in Vancouver is very compelling evidence the specialized vehicles were not used. Similarly, the fact other vehicles belonging to the defendant or Mr. Johnson were actually observed being used to transport the sisters to Vancouver on dates of the medical appointments is compelling evidence.
- [34] Based solely on the surveillance evidence, the Crown has proven beyond a reasonable doubt that a specialized vehicle was not used on 46 of the 75 trips. The various business records and other evidence increase this number.
- [35] First, the records of ICBC at Exhibit 12, Tab A10, indicate that from October 25, 2017, to June 6, 2018, the Handy-Bus was uninsured. During this period there were 15 NLMT requests and invoices for trips to Vancouver. Mr. Chiarot attended at the defendant's residence during seven of these trips and confirmed the Handy-Bus was present at the home. For the remaining eight trips, I infer that the Handy-Bus was not used because it was uninsured.
- [36] Second, the evidence is that the Handy-Bus was sold to a third party in April 2019 and that the use of a motorhome to transport the sisters was not approved by the Ministry until October 29, 2020. During this period from April 2019 to October 29, 2020, there were seven NLMT requests and seven invoices submitted for reimbursement. I infer that the specialized vehicle was not used for these trips since the Handy-Bus had been sold and no other vehicle had been approved by the Ministry.
- [37] Third, the business records of the CBSA contain travel or history information for the defendant between August 2013 and October 2018. These records indicate the defendant crossed the border on 27 dates that correspond to the dates of travel in the NLMT requests and invoices. On all of these occasions, she was travelling with one or both of her sisters and sometimes also with Mr. Johnson. The CBSA records include the licence plate of the vehicle in which the travel was being conveyed. On all of these occasions, the recorded licence plate did not match or even come close to the licence plate numbers of the Handy-Van or the motorhome. Additionally, of the 27 dates in the CBSA records, 14 correspond with dates of surveillance of Mr. Chiarot where he confirms the Handy-Bus was parked at the defendant's home. This means 13 additional dates where the Handy-Bus was not used.

- [38] The defendant submits the CBSA records are not reliable and points to an admission where Thomas Drechsel recorded that he received information from the CBSA that Norlene White had been driving while crossing the border on March 26, 2019. I do not agree that this note of Mr. Drechsel undermines the reliability of the CBSA records. As the admission further addresses, Mr. Drechsel either misheard, misunderstood or incorrectly recorded the information he received from CBSA.
- [39] Finally, the business records of Trans Canada Flow Tolling Inc. for the Port Mann bridge toll crossing include bridge crossing information for the defendant from March 2015 to January 2017. The records indicate the defendant crossed the bridge on 10 occasions that correspond with dates of travel in the NLMT requests and invoices. In all cases, the records indicate the vehicle as having a licence plate belonging to Mr. Johnson's Ford F-150. Four of these crossings correspond with dates Mr. Chiarot confirmed the Handy-Bus was at the defendant's residence, thus leaving six additional dates where the Handy-Van was not used.
- [40] The defendant relies heavily on the evidence of Katherine and Michael Byrne. They both testified that the Handy-Bus was used to transport the sisters. Ms. Byrne testified that commencing in the spring of 2012 she accompanied the defendant's sisters to Vancouver in the Handy-Bus 15 to 20 times. Mr. Byrne testified that he went to Vancouver for the medical appointments a couple of times and that the vehicle used was a van type.
- [41] I accept the evidence of Katherine and Michael Byrne without hesitation. However, it does not establish for the period of time in issue the Handy-Bus was used, nor does it raise a reasonable doubt as to whether the Handy-Bus was used as Katherine Byrne also testified that she and the defendant had a falling out, stopped talking and she stopped accompanying the defendant to Vancouver for medical visits. It was unclear from her evidence when this falling out occurred, but it must have been before 2015 as the other evidence which I have addressed in detail is overwhelmingly that from at least September 2015 the Handy-Bus was not used to transport the sisters to medical appointments.
- [42] I am satisfied beyond a reasonable doubt that specialized vehicles were never used for the 75 trips. The amount of the fraud on this count would therefore be \$95,878 less the amount the defendant would have been entitled to claim for travel using a normal vehicle. This amount depends on two things, the mileage rate paid by the Ministry and the kilometres travelled.
- [43] Concerning the mileage rate, Ms. Lori-Ann Gilchrist, a quality compliance specialist with the Ministry, testified that the base compensation paid by the Ministry for travel was 10 cents per kilometre in 2002 to 2004, and increased over time to the current rate of 36 cents per kilometre. She did not know the increments or the dates of the increments. I will therefore use the highest rate, namely 36 cents per kilometre.
- [44] Concerning the kilometres travelled, this would have varied slightly depending on where the defendant and her sisters lived or reported to live at the time of the fraud. The furthest they lived from Vancouver is Rock Creek, which is approximately 450 kilometres from Vancouver, meaning the defendant is entitled to claim for a round trip of 900 kilometres. In respect of

the 73 trips to Vancouver, the defendant was entitled to mileage of \$23,652 ($900 \times \$0.36 \times 73$ trips). In respect to the two trips to Kelowna, which is located 135 kilometres from Rock Creek, the defendant was entitled to mileage of 194.40 ($270 \times \$0.36 \times 2$). In total the defendant was entitled to mileage of \$22,846.40.

[45] Therefore, I find as a fact and beyond a reasonable doubt that the extent of the fraud under Count 1 is approximately \$72,000, namely (\$95,878 - \$22,846.40).

Count 7

[46] Turning to Count 7 of the indictment, this relates to the relationship status of the defendant and whether she misrepresented that status to the Ministry to obtain benefits. More specifically, it concerns whether the defendant failed to advise the Ministry she was in a common-law relationship with Mr. Johnson, lived with Mr. Johnson, and failed to include all household assets in her applications for benefits.

[47] Based on the jury's finding of guilt on this count, they must have found as facts:

- a) That the defendant and Mr. Johnson were in a common-law relationship; and
- b) That on her applications for benefits the defendant continuously failed
 - i. to list Mr. Johnson as a common-law spouse,
 - ii. to list Mr. Johnson as a member of the household, and
 - iii. to include assets belonging to Mr. Johnson as family assets.

[48] The jury must have further found that if the defendant had reported her relationship status and listed all of her family assets in her applications, she would not have been entitled to benefits.

[49] The jury did not address the precise period of time during which the defendant and Mr. Johnson were in a common-law relationship and lived together. They merely must have found that this period was long enough that the amount of the fraud was more than \$5,000.

[50] The defendant submits that the Crown must prove beyond a reasonable doubt that for each and every year under consideration: (1) the defendant and Mr. Johnson were in a common-law relationship; and (2) that the family assets excluding the family home lived in were above the ceiling for benefits. The defendant says the Crown has failed to do so. I disagree.

[51] In my view, the evidence is overwhelming that the defendant and Mr. Johnson were in a common-law relationship during the entire period covered by the indictment. The evidence includes:

- a) John Green, the ex-spouse of the defendant, testified that in 1995 his children called Mr. Johnson daddy and the defendant told him that Mr. Johnson was the new daddy of their children.

- b) Lynn McCaig testified that she has known the defendant and Mr. Johnson since about 2000 and thought them to be a couple.
 - c) Heather Sylvester testified the defendant and Mr. Johnson moved to Rock Creek about the same time she did, which was in 2003. She testified they lived in Rock Creek with the sisters and the boys. She assumed they were husband and wife because they lived together, were always together, held hands, gave each other pecks on the cheek and wrapped arms around each other.
 - d) Katherine Byrne testified that she met the defendant and Mr. Johnson after moving to Okanagan Falls in 2011. She testified she assumed the defendant and Mr. Johnson were a couple. She testified that the sisters and Colton lived in the downstairs at the house at Heritage Hills and that there was a large bedroom upstairs with a closet containing both men's and women's clothing. She also testified in cross-examination that the defendant told her the clothes in the closet were hers and Mr. Johnson's. She identified Exhibit 2 as being two photos she took on August 14, 2014, depicting Ms. White and Mr. Johnson kissing. She also testified in cross-examination that the defendant told her the clothes in the closet were hers and Mr. Johnson's.
 - e) Michael Byrne assumed the defendant and Mr. Johnson were a couple. He also testified that his assumption they were a couple was based on them hugging and kissing at a party and on another occasion when they were saying goodbye. He said they were amorous. He also testified that they slept in the same bedroom and, when further questioned on this, he testified he saw them go to bed in the same bedroom.
 - f) Jovelin Porier, who rented at 117 McCulloch Drive, from June 2015 to June 2016, testified that Ms. White told her Mr. Johnson was her husband, but they were saying he was not so that they could get money from the government. She further testified Ms. White said they had been a couple for 20 years.
 - g) On January 12, 2018, Mr. Chiarot testified he observed the defendant and Mr. Johnson shopping together at the Penticton Superstore; and
 - h) Elizabeth Mozeski and Ben Campbell testified that when Mr. Campbell purchased the Handy-Bus belonging to Mr. Johnson on April 6, 2019, they dealt with a person named Noreen, who was obviously the defendant.
- [52] Contrary to the submissions of the defendant, I find the evidence of the aforementioned witnesses was credible and reliable. Additionally, the jury must have done likewise with respect to some of them to reach the verdict of guilt.
- [53] Other evidence from which a common-law relationship could be inferred included ICBC vehicle registration information records which show the defendant and Mr. Johnson jointly owned:
- a) the 1977 Vanguard motorhome;

- b) a 1988 Triple E motorhome;
- c) a 2004 GMC Savana;
- d) a 2018 Ford; and
- e) a 2015 Ford F-150.

- [54] Mr. Johnson was called to testify on behalf of the defendant. He testified extensively that he and the defendant were not in a relationship and that he was simply a business partner of the defendant's mother, a caregiver for the sisters, and/or a landlord of the sisters and the defendant. His evidence of their relationship was clearly not accepted by the jury and is not accepted by me.
- [55] Much of Mr. Johnson's evidence was quite simply so unbelievable in so many aspects that I reject his evidence completely. For example, he testified to renovating the defendant's elderly mother's home in Surrey, where all of them lived for a period of time. He said this was done pursuant to an agreement with the mother, the terms of which were that when she died he would become the sole owner of the house. He said they also had a similar arrangement for the condominium the mother owned in Nanaimo. He testified that it was through this arrangement that he became the sole owner of the Surrey house and the Nanaimo condominium upon the mother's death in 2001. This evidence is totally unbelievable. The defendant's mother had three children two of whom were disabled. It is simply beyond belief that she would essentially give sole title to her two real properties to Mr. Johnson because he did some renovations to their Surrey house.
- [56] One part of Mr. Johnson's cross-examination was particularly telling. When asked why the defendant left Osoyoos in 2008 or 2009, he testified that the defendant discovered he was having sexual encounters with a woman named Bev, and the defendant became greatly upset. He testified the defendant went to see a lawyer and had a separation agreement drawn up, stipulating that some of his assets were hers. This evidence not only supports the existence of a common-law relationship, it also indicates the defendant knew she had a right to a legal interest in property owned by Mr. Johnson. I also note that Mr. Johnson testified the defendant moved to Nanaimo. It is that move to Nanaimo that is the subject of Counts 2 and 3 of the indictment where the defendant defrauded the Ministry of the cost of the alleged move and submitted the forged invoice.
- [57] The defendant notes that there is a lack of evidence of co-mingling of the finances of the defendant and Mr. Johnson. I agree such evidence is lacking. A co-mingling of the finances is only one of many factors to consider. The lack of such evidence does not raise a reasonable doubt given the nature and extent of the evidence indicating the two lived together in a common-law relationship.

- [58] In view of all of the evidence, I am satisfied beyond a reasonable doubt that the defendant and Mr. Johnson were in a common-law relationship during the entire period covered by the indictment.
- [59] I will now address the family assets of the defendant and whether the Crown has proven beyond a reasonable doubt that the family assets exceeded the eligibility requirements of the Ministry.
- [60] I have little difficulty in determining that the family assets exceeded the eligibility requirements.
- [61] First, during his cross-examination, Mr. Johnson admitted that his assets have always exceeded \$100,000.
- [62] Second, for the entire time period of the indictment, the defendant and Mr. Johnson either individually or jointly owned two real properties. In particular:
- a) From December 18, 2000 to December 1, 2011, Mr. Johnson owned a property in Osoyoos. He initially acquired the property together with the defendant's mother for a reported consideration of \$370,000. Following the death of the defendant's mother, he became the sole owner. The property was sold to a third party on December 1, 2011, for a reported consideration of \$517,500.
 - b) From February 4, 2004 to December 13, 2017, they owned a property in Rock Creek. The property was originally owned by the defendant but was transferred to Mr. Johnson on January 10, 2007, and sold to a third party on December 13, 2017, for a reported consideration of \$625,000.
 - c) From November 30, 2009 to November 28, 2016, Mr. Johnson owned 117 McCulloch Drive in Penticton. The property was purchased for a reported consideration of \$345,000 and sold for a reported consideration of \$369,000.
 - d) On February 15, 2012, Mr. Johnson purchased the strata property at 115 Apple Court in Okanagan Falls for \$435,000, which property he testified at trial was still owned by him.
 - e) On May 11, 2016, Mr. Johnson together with the defendant's son as joint tenants purchased the property at 2153 Capistrano Crescent for a reported consideration \$610,000, which property he testified at trial is still owned by him; and
 - f) On May 23, 2019, the defendant and her son, Colton, as joint tenants purchased a property at 387 Linden Avenue, Kaleden, for \$577,000.
- [63] The above evidence, which was directly confirmed by Mr. Johnson in his testimony, confirms for the entire time the defendant was receiving benefits from the Ministry the family assets included at least two properties, specifically:
- a) From February 2004 to November 30, 2009, they had property in Osoyoos and Rock Creek;

- b) From November 30, 2009 to December 1, they had properties in Surrey, Rock Creek and Penticton;
- c) From December 1, 2011 to February 15, 2012, they owned properties in Rock Creek and Penticton;
- d) From February 15, 2012 to May 11, 2016, they owned properties in Rock Creek, Penticton and Okanagan Falls;
- e) From May 11, 2016 to November 28, 2016, they owned properties in Rock Creek, Penticton and Okanagan Falls and a half interest in 2153 Capistrano Crescent in Kelowna;
- f) From November 28, 2016 to December 13, 2017, they owned properties in Rock Creek, Okanagan Falls and a half interest in 2153 Capistrano Crescent;
- g) From December 13, 2017 to May 22, 2019, they owned the property in Okanagan Falls, and had the half interest in 2153 Capistrano Crescent; and
- h) From May 23, 2019 to trial, they owned a property in Okanagan Falls and had the half interest in 2153 Capistrano Crescent, and a half interest in 387 Linden Avenue, Kaleden.

[64] In view of Mr. Johnson's evidence that his assets had always exceeded \$100,000, and given that between them Mr. Johnson and the defendant have always owned at least two properties, one of which was required to be reported as a family asset, I find that the Crown has proven beyond a reasonable doubt that the family assets of the defendant have always exceeded the eligibility requirements of the Ministry. Those eligibility requirements have always been \$100,000 or less.

[65] It follows that the defendant has defrauded the Ministry in respect of all amounts paid to them during the period covered by the indictment.

[66] The amounts paid to the defendant by the Ministry are set out in Exhibit 6, Tab E. The period covered by the Ministry's records of payments is from January 2004 to January 2022. However, as the indictment covers only the period from February 5, 2004 to December 1, 2021, the amount of \$360 paid by the Ministry in January of 2004 and the amount of \$1,390.50 paid by the Ministry in January 2022 must be excluded. All other payments recorded in Exhibit 6, Tab E, are fraudulent. The total amount of the fraud in Count 7 is approximately \$245,000, but I leave it to counsel to total these payments.

Conclusion

[67] Accordingly, the total amount alleged by the Ministry as being defrauded by the defendant under all counts is by my calculation approximately \$335,000.

[68] Anything else, counsel?

[69] CNSL C. LO: No. Thank you, Justice.

[70] CNSL M. PATTERSON: No, Justice. Thank you.

[71] THE COURT: All right.

"Giaschi J."

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.bccourts.ca/jdb-txt/sc/25/16/2025BCSC1697.htm>

CASE PAGE <https://chat.esheria.ai/case-law/canada/r-v-white-2025>

Prepared on 28 October 2026 · Esheria