

Date: 20011120  
Case Number: 1059359

**IN THE PROVINCIAL COURT OF NOVA SCOTIA**

**IN THE MATTER OF an Application by the  
Attorney General of Canada for an Order  
pursuant to section 490(9) of the *Criminal Code*  
Ordering that certain property seized by the police  
be forfeited to Her Majesty the Queen in the Right of Canada**

Cite as: Canada (Attorney General ) v. Luther, 2001 NSPC 31

---

**Heard Before:** The Honourable Judge D. William MacDonald

**Place Heard:** Dartmouth, Nova Scotia

**Decision:** November 20, 2001

**Subject:** Criminal Law - Application for Forfeiture under section 490(9) of the  
*Criminal Code* - Admissibility of Hearsay Evidence

**Summary:** Justin Luther took a package containing \$21,500 to a courier service to be sent to a named person in British Columbia. The package was seized by police at the courier office under a search warrant. No charges were laid and none are contemplated. The Attorney General of Canada applied for forfeiture of the contents of the package under section 490(9) of the Criminal Code. No affidavits were relied upon. The Applicant sought to present hearsay evidence through the investigating police officers. There was a voir dire to determine the admissibility of the hearsay evidence. The issue was whether hearsay evidence in general is admissible in a proceeding under section 490.

**Result:** The hearsay evidence was excluded.