

# B.C. identity theft victims say they can't get justice

Man says he can prove who stole from him, but police still can't act

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By Kathy Tomlinson, [CBC News](#)



*Mark Gorst and Shannon*

*Werry believe they know who is responsible for the identity theft, but are having difficulty getting authorities to act. (CBC)*

Two B.C. people who are victims of identity theft are speaking out in frustration with the justice system.

Mark Gorst and Shannon Werry have ample evidence indicating who the thief is, but even so, RCMP have told them charges won't be laid.

"It's frustrating ... and there is a lot of anger," said Werry. "Because you know who it is — and you have the proof that

you need — and nothing happens."

"I didn't know most of the money was stolen — until two years afterward," said Gorst. "We've been told — because it's been such a time delay — the statute of limitations on certain crimes means I am on the hook for everything."

"[Identity theft and fraud] is a level of crime that you don't know about until you know about it — which is sometimes too late for legal boundaries," explained Cpl. Lea-Anne Dunlop of the Chilliwack RCMP.

If more than a year has passed since the initial crime, she said, the bar to get charges approved by the Crown is higher.

## **Too late for charges: RCMP**

"We have to play within the confines of the legal system that exists," she said. "It is sometimes unlikely a long time after an offence that a charge will be approved."

Gorst said collection agents call him several times a day, about two-year-old charges on several credit cards. He firmly believes an ex-roommate obtained those cards in his name, then collected the bills at his old address.

## **Read more on how to protect against identity theft in our stolen identity [feature](#).**

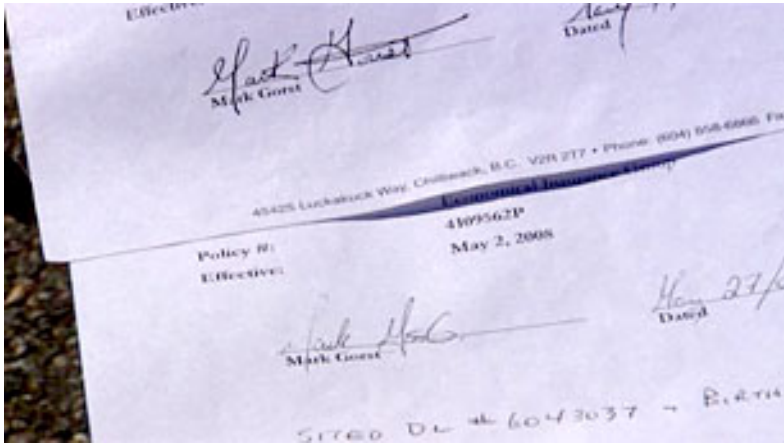
"I owe \$20,000 on credit cards I never applied for and never used," said Gorst. "I have no credit. I have nothing in my name. I can't own anything, because it could be seized by creditors."

Werry says it's far too late for the credit card companies to forgive the debt. "There's a time limit. Most credit cards, you have to report it within so many hours or so many days."

The couple first noticed something was wrong in 2007, when hundreds of dollars were siphoned out of his RBC account electronically. Gorst said he had never set up online banking.

Once he was able to log on, he discovered someone had listed his roommate as a bill payee — and then transferred money into their account at another bank.

He filed his first report with the RCMP at that time. Gorst said he was told it was a matter for his bank to handle.



*Gorst shows CBC his forged signature on one document (top), and his real signature on another (bottom). (CBC)*

When he later noticed he was not receiving GST rebates, Gorst contacted the Canada Revenue Agency. The CRA eventually sent him a letter it had received, signed with his forged signature, asking that all tax credits and refunds be paid into a TD Canada Trust account that was not his. His former roommate's return address is listed on that letter.

After his bank called to say his ex-roommate had tried to cash a large cheque by forging his signature, he called the person to confront them — and recorded the conversation.

## **Forgery admitted on tape**

"Please stop forging my signatures? Please, I am just asking nicely," said Gorst on the tape. "You didn't need to forge my signature."

The ex-roommate responded, "How did you expect [a cheque] to be cashed?"

The conversation ended with the person saying, "You are going to wish you never met me," before hanging up on Gorst.

After he discovered the credit cards he didn't know about this year, he went back to the RCMP, armed with a pile of new evidence, including the tape recording. Gorst said he was told the financial crimes were too old to pursue. He was advised to hire a lawyer and take civil action, which he said he can't afford.

"I wouldn't wish this on my worst enemy. I really wouldn't," said Gorst. "I made the

**'I wouldn't wish this on my worst enemy.'**

*—Identity theft victim Mark Gorst*

mistake of leaving my ID and my mail on a bedroom counter or kitchen counter where anyone could have grabbed it — and someone did," he said.

The RCMP said it did try to pursue charges, related to threats, but Crown counsel did not approve those charges.

"Someone who I trusted did this to me. I don't trust very many people anymore," Gorst added.



*RCMP Cpl. Lea-Anne*

*Dunlop says police need an updated law to address identity theft. (CBC)*

RCMP Cpl. Dunlop said it is "common" for police to be unable to make charges stick in identity theft cases. The crimes are intricate and often hidden for long periods, with the help of technology, she said, so the laws need updating.

"Until we have some legislation around some things that give us the tools that we need as the police to investigate some of these crimes, it is going to be a challenge," said Dunlop.

## **New law promised but not delivered**

Identity theft and fraud are not listed as specific crimes in

the Criminal Code, putting Canada behind the U.S. and Europe.

"We have such lax laws regarding this," said Gorst.

For several years, the Harper government has been promising new legislation, which would make it a crime to obtain or possess someone else's identity information for fraudulent purposes. That legislation has been halted twice, when federal elections were called.

"Especially if you know who the person is that is committing the crimes, that makes it even worse," said Werry.

The couple said they live in fear that new bills will continue to surface.

"We're always concerned about what's next. What's going to happen next? What can we do? Who do we have to contact? Who do we have to fight with now?" said Werry.

Gorst said he's hit several brick walls, trying to get information from creditors. When they ask him to verify his identity, he said, he often doesn't know the phone number or other information they have on file.





*The Chilliwack, B.C., RCMP office where Gorst and Werry took their evidence of identity theft. (CBC)*

"If I don't give them the proper information they don't tell me anything — because of privacy," he said. "So, I could have more cards out there I don't know about."

## **Victim expected to pay in full**

Gorst drives a transport truck and his wife is a civil servant. They said they have delayed having a family because of the constant financial stress they are under. Gorst said he has paid \$5,000 toward the debts, but owes at least another \$15,000.

"We basically live paycheque to paycheque," said Werry. "So, \$15,000 is a lot. A thousand dollars — five hundred dollars — is a lot to us."



To add insult to injury, Gorst said, he's also paid a higher price for reporting the crimes. The CRA made him pay back some of the tax credits paid out in his name, which he said wouldn't have happened if he hadn't written to them.

Collection agents didn't start chasing him, he said, until he contacted TransUnion Canada, to check his credit rating. He gave his real address and phone number, he said, and the credit agency passed that information on to collectors.

"The way our society is now, you are just a number," he said. "And according to all the computers, I am a bad person."

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**[Geoduck](#) wrote:**Posted 2009/09/29

at 5:56 PM ETAHSKOOL9944 wrote:

"This is why you balance your chequebook and check all your accounts at LEAST once a month. We look everything over two to four times per month just to catch this sort of thing."

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The article tells us... The victim wasn't getting monthly reports on the fraudulent account. In fact the victim didn't have the credit cards. The bank issued credit cards to a criminal who was using the victims identity. All the monthly balancing in the world wouldn't have help.

And that is why we have flagged our records with the Credit Agencies. Any time there is a request to open a new line of credit, they have to call and talk to us. If they cannot reach us, the account is not opened, the money is not handed over.

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**[jonny](#) wrote:** Posted 2009/09/29

at 5:29 PM ET My credit card was copied and used two times in 6 months. I thought that was bad, but I guess I have been lucky so far!

There is no way I would EVER pay off debt that was not mine. How can they make him? If he can prove he wasn't the one who signed up for those credit cards or used them, there is no way he should be accountable for them - even if the law can't prosecute the bad guy.

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**[tracy.I](#) wrote:** Posted 2009/09/29

at 4:13 PM ET Terrifying story. With the information of more and more people being haphazardly exposed as well, we definitely need extremely strong legislation regarding this.

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**[aaronthompson](#) wrote:** Posted 2009/09/29

at 4:04 PM ET it's simple, you need to perform regular checks on your credit history, and by regular i mean every 3 months....

this is the only way to monitor and ensure (beyond protecting your personal information) that you don't get stung.

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[ShadesOfGrey](#) wrote: Posted 2009/09/29

at 4:03 PM ET "He filed his first report with the RCMP at that time. Gorst said he was told it was a matter for his bank to handle. "

What?!?!?

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