



COURT OF APPEAL

Notice Regarding Modified Court of Appeal Procedures due to COVID-19

Dated April 9, 2021

This Notice applies to civil and criminal appeals and replaces all previous Notices to the Public Regarding the Court of Appeal for British Columbia's Response to COVID-19.

1. New Appeals and Applications for Leave to Appeal

- The required time periods to file and serve civil or family proceedings stopped running on 26 March 2020 and were reinstated on 25 March 2021. For further details review [Ministerial Order No. M098](#) and [Order in Council 655/2020](#).
- This means that, beginning 26 March 2021 you had the same amount of time to file and serve a notice of appeal or application for leave to appeal in civil or family proceedings as you were entitled to on 26 March 2020. If the decision you are appealing falls between 26 March 2020 and 26 March 2021, you have until 26 April 2021 to file your appeal.
- The required time periods to file and serve notices of appeal or applications for leave to appeal in criminal matters have not changed during the COVID-19 pandemic.

2. Filing and Service Deadlines

- The filing and service deadlines for all existing appeals, existing applications for leave to appeal, and other existing matters before the Court were suspended by direction of the Chief Justice from 18 March 2020 until 14 September 2020. The Chief Justice also suspended operation of s. 25 of the *Court of Appeal Act* during this period, meaning that matters were not placed on the inactive list or dismissed as abandoned.
- Beginning on 14 September 2020 litigants or counsel had the same amount of time to file and serve materials that they were entitled to on 18 March 2020.
- Timelines for taking a step required by court order or direction have not changed during the COVID-19 pandemic.

3. How to File Documents and Materials

- Directions on filing documents and materials are provided in the [Notice to the Public Regarding Modified Filing Directions in Civil and Criminal Appeals](#).

4. Access to Hearings

- Members of the media or public who wish to observe a hearing should see the [Notice regarding access to court proceedings](#) for more information.

5. Appeal Hearings

Online booking of hearings

- Once a certificate of readiness has been filed the appellant should request a date for the appeal using the online portal on the [Court of Appeal Scheduling Page](#). The appellant may request a maximum of one day of hearing time using this service. A half day of hearing time is common for most appeals from chambers. One day of hearing time is common for many appeals from trials. If the parties believe more than one day of hearing time is required they should telephone the court scheduler at 604-660-2865 to seek directions. The Registrar will review all requests for more than one day of hearing time.

Video conference hearings

- **On 9 November 2020 the Chief Justice of British Columbia directed that all appeals proceed by video conference unless otherwise directed.** This direction was made in response to BC public health orders aimed at minimizing travel and social contact and encouraging people to work from home where possible. Parties may also consent to have their appeal conducted solely in writing by submitting a request to the Registrar indicating their consent.
- Directions on videoconference hearings and Court etiquette are provided in this [Notice to the Public regarding video conference proceedings](#).

Hearings in a Courtroom (very rarely and ONLY by direction of the Chief Justice)

- The Court has made adjustments to the physical facilities at the courthouse to ensure that hearings will comply with public safety guidelines. At this time, any hearings in a courtroom will take place in courtrooms 50 or 60 with a maximum of four lawyers or self-represented litigants attending at one time. Parties should be aware that because of social distancing guidelines, usually no more than seven observers may be accommodated in the courtroom.
- Counsel/litigant(s) are asked to advise the registry immediately if unexpected circumstances related to the COVID-19 virus arise prior to the hearing, such that a counsel/litigant prefers to switch to a video conference hearing. No reason need be provided to the Registry and the Court will endeavor to accommodate such a switch. A request for such accommodation should be made as early as possible but may be made right up until the morning of the hearing. Counsel/litigants must bring their own water supply and present their arguments from their own table (individual lecterns will be provided). Furniture will be cleaned and disinfected between hearings.

Facemasks

- People attending courthouses in British Columbia are required to wear a face mask or face covering, including in entrances, lobbies, waiting areas, registries, hallways, stairways, restrooms and elevators. In addition, people are required to wear a face mask or face covering in courtrooms unless the presiding judge, justice, master or registrar directs otherwise.

Pursuant to [Ministerial Order No. M425](#):

- Face masks and face coverings must be worn in a manner that cover a person's nose and mouth. If you do not have a face mask or face covering, Sheriffs will provide one when you enter the courthouse. While wearing a face mask or face covering can reduce the spread of infection, it does not substitute for physical distancing, which must be maintained whenever possible.
- The requirement to wear a face mask or face covering does not apply:
 - to a child who is less than twelve years of age,
 - to a person who is unable to wear a face mask or face covering because of (i) a psychological, behavioural or health condition, or (ii) a physical, cognitive or mental impairment,
 - to a person who is unable to put on or remove a face mask or face covering without the assistance of another person,
 - if the face mask or face covering is removed temporarily for the purpose of identifying the person wearing it.
- In addition, all people attending courthouses in British Columbia are asked to be familiar with all health and safety protocols and to cooperate in following them.

6. Chambers Hearings

- All chambers applications will proceed by teleconference unless otherwise directed. Some longer hearings may proceed via videoconference using the Zoom platform. If a Zoom hearing is directed, parties must follow the [Notice to the Public regarding video conference proceedings](#).
- Counsel/litigants must file and serve materials according to the timelines required under the *Court of Appeal Act*, *Court of Appeal Rules*, *Criminal Code*, the *Court of Appeal Criminal Rules* and the Court's Civil and Criminal Practice Directives. Chambers applications may also proceed in writing by approval of the Court on consent request addressed to the Registrar.

The Court's capacity to hear a full chambers list may remain compromised. As such:

- Counsel/litigants should coordinate with one another **before** filing a chambers application and should be prepared to meet all subsequent filing and service deadlines set out in the *Court of Appeal Act* and *Rules*.
- Counsel/litigants must check the online list of available dates **before** filing a chambers application in accordance with [Booking Civil Chambers Applications \(Civil Practice Note, 8 May 2017\)](#), and should check again just before e-filing.
- Counsel/litigants should be patient with the occasional need to re-book chambers applications to other dates, given expected demands. The chambers scheduler, as a Deputy Registrar, has the final say on the reassignment of dates, if necessary (no appeals to the Registrar).
- Chambers materials received late will be marked "received not filed" and should be addressed at the hearing of the chambers application.

7. Hearings before the Registrar

All hearings set to proceed before the Registrar will proceed by Zoom, teleconference, in writing, or as directed by the Registrar. Counsel/litigants may also request or consent to an appointment being heard in writing only.

8. Self-Represented Litigants

Self-represented litigants are expected to comply with the modified processes set out in this notice.

Access Pro-Bono has a dedicated appeals program. If you require assistance contact Heather Wojcik, Court of Appeal Intake Coordinator, at 604-424-8286. You can also visit accessprobono.ca or call 604-878-7400 or 1-877-762-6664 to find out more information about Access Pro-Bono emergency telephone clinics that have been set up in response to COVID-19. Additionally, anyone e-filing materials in the Court of Appeal or preparing to appear before the Court by Zoom video conference may contact the Canadian Bar Association BC Branch at members@cbabc.org for technical support with managing PDF Adobe or Zoom video conference software.

9. Registry Contact Information

General Inquiries:	604.660.2468
Maria Littlejohn, Court Scheduler:	604.660.2865
Manjit Gunglay, Chambers Scheduler:	604.660.2859
Kristine Dhamrait, Registrar Scheduler:	604.660.2729
Fax filings:	604.660.1951

Mail or Courier: **Vancouver Registry**

The Registry Counter will be open unless required to close in response to COVID-19 circumstances. Before attending at the Registry Counter, please check [HERE](#) to confirm whether it is open or closed.

If the Registry Counter is open:

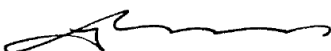
BC Court of Appeal
The Law Courts
400 – 800 Hornby Street
Vancouver, British Columbia
V6Z 2C5

If the Registry Counter is closed:

BC Court of Appeal
The Law Courts
206 - 800 Smithe Street
Vancouver, British Columbia
V6Z 2E1

The forgoing is subject to change. Any updates will be posted on the BCCourts.ca website.

Dated 9 April 2021, at Vancouver, British Columbia



By Direction of Robert J. Bauman, Chief Justice of British Columbia