

THE HONOURABLE ROBERT J. BAUMAN
CHIEF JUSTICE OF BRITISH COLUMBIA



THE LAW COURTS
400 - 800 HORNBY STREET
VANCOUVER, B.C.
V6Z 2C5

COURT OF APPEAL

Notice to the Public Regarding the Court of Appeal for British Columbia's Response to COVID-19

Dated 30 March 2020

Note: This Notice replaces the Notice to the Public Regarding the Court of Appeal for British Columbia's Response to COVID-19 issued 17 March 2020, effective 18 March 2020

Introduction

This notice applies to both civil and criminal appeals.

To protect the health of litigants, court staff, judges and members of the public and to help contain the spread of the 2019 novel coronavirus (COVID-19), the Court of Appeal is strictly limiting its operations through this direction by the Chief Justice of British Columbia, effective 18 March 2020, and until further notice. The Court plays a fundamental role in our constitutional democracy and must provide access to justice on the most urgent matters at all times. The limitations described in this notice ensure that the Court continues to hear the most urgent matters while responding proportionally to the COVID-19 international pandemic.

New Appeals and Applications for Leave to Appeal

Required Time Periods to Commence Civil or Family Proceedings Suspended Effective 26 March 2020

On 26 March 2020 the Minister of Public Safety and Solicitor General issued an order suspending the required time periods to commence civil or family proceedings in the Court of Appeal. The suspension of time periods is effective beginning 26 March 2020 and will remain in effect until the state of emergency declared under s. 9(1) of the *Emergency Program Act* on 18 March 2020 expires or is cancelled. For further details review Ministerial Order No. M086.

Required Time Periods to Commence Civil or Family Proceedings between 18 March 2020 and 26 March 2020

Any notice of appeal or application for leave to appeal that needed to be filed prior to 26 March 2020 is still subject to the usual timeline to initiate. Ministerial Order No. M086 does not apply to required time periods for commencing civil and family proceedings in the Court of Appeal between 18 March 2020 and 26 March 2020.

Required Time Periods to Commence Criminal Proceedings

Parties should continue to file and serve notices of appeal or applications for leave to appeal in criminal matters within required time periods.

The Court of Appeal registry will continue to accept filings. However, to support social distancing, the registry counter is closed and all are encouraged to file new criminal appeals and applications for leave

to appeal by fax, by mail (filing date to be backdated to the post-mark date), or, if those options are not available, you may contact the registry by phone at the numbers listed below.

After filing and serving new notices of appeal or applications for leave to appeal, all subsequent filing and service deadlines will be suspended and will start to run again beginning 4 May 2020, unless otherwise directed.

Existing Appeals and Applications

The filing and service deadlines for all existing appeals, existing applications for leave to appeal, or other existing matters before the Court were suspended by direction of the Chief Justice effective 18 March 2020 and will start to run again beginning 4 May 2020, except for those matters designated by the Chief Justice as matters that must proceed, or unless otherwise directed.

Neither the direction of the Chief Justice effective 18 March 2020 nor Ministerial Order No. M086 suspends the timelines for taking a step mandated by court order or direction. However, litigants can expect the Court to consider the exceptional circumstances created by the COVID-19 pandemic if an extension is sought.

In other words, litigants should not file any new materials related to existing appeals, existing applications for leave to appeal, or other existing matters prior to 4 May 2020, unless advised that the appeal is a matter that must proceed, or unless otherwise directed.

Appeal Hearings and Chambers Applications Currently Scheduled to occur between 18 March 2020 and 1 May 2020

All appeal hearings, chambers applications and other matters currently scheduled to occur between 18 March 2020 and 1 May 2020 are adjourned unless designated by the Chief Justice as matters that must proceed.

The Court is examining its docket and creating a list on an ongoing basis of matters that must proceed (for example, urgent criminal, family law or child protection matters). Litigants to an appeal designated as a matter that must proceed will be contacted by the registry and the matter will be presumptively heard remotely by teleconference or in writing.

For matters that are not designated as matters that must proceed, parties who consent to have their appeal, chambers application, or other matter heard by teleconference or in writing may contact the registrar in writing to request the permission of the Chief Justice, or his delegate, to proceed by alternative means.

Further information will follow regarding the rescheduling of adjourned appeals, chambers applications and other matters.

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 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.

Registry Contact Information

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 filings: **Vancouver Registry**

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

Dated 30 March 2020, at Vancouver, British Columbia

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

