



COURT OF APPEAL

APPENDIX “A”

How to Bring a Chambers Application for Access to Specified Court Records

A court application is necessary to access records in the following circumstances:

1. Where the record is a record in a family law appeal;
2. Where there is a sealing order in place or where the proceeding was conducted “in camera”;
3. Where the matter has been referred to a Justice in chambers by the Registrar; or
4. Where there is a common-law or statutory prohibition on access to the court record.

A court application should be brought in regular chambers before a single Justice using the same timelines, forms and rules as for a regular motion provided in Part 6 of the *Court of Appeal Rules*.

In addition to the parties to the appeal in which access is sought, you must serve application materials on any party that may be directly affected by an order for access.

See the model form Notice of Motion and Order of the court below. You should also file an affidavit outlining any relevant facts as part of your application.

Court of Appeal File No.

COURT OF APPEAL

BETWEEN:

Appellant/Respondent
(Plaintiff)

AND:

Appellant/Respondent
(Defendant)

NOTICE OF MOTION

TO: *[List all the parties to be served, including those that may be directly affected by an order for access]*

TAKE NOTICE THAT AN APPLICATION will be made by *[name the applicant]* to the presiding Justice at *[address of courthouse]*, British Columbia, at 9:30 a.m. on *[day of the week – Monday-Friday - and the date]*, for an order pursuant to *[rule, enactment and/or court’s common-law jurisdiction to control court records]* that *[name of the applicant]* be granted access to the following records:

- 1. *[Set out records]*

Access is sought on the following terms:

- 1. *[Set out terms of access. For example, if you are seeking access for a defined period of time or wish to view or copy records.]*

AND TAKE NOTICE THAT in support of the application will be read the affidavit of *[name of deponent]* sworn on *[date]*.

The applicant anticipates that the application will be *[contested / uncontested]*.

Dated:

Signed:

[name of signer].....

This application will take no more than 30 minutes to be heard.

COURT OF APPEAL

BETWEEN:

Appellant/Respondent
(Plaintiff)

AND:

Appellant/Respondent
(Defendant)

ORDER OF A JUSTICE

BEFORE THE HONOURABLE MR./MADAM JUSTICE
[insert name of chambers Justice]

IN CHAMBERS ON *[insert date of chambers hearing]*

THE APPLICATION OF *[name of applicant]* for access to certain court records coming on for hearing this day at *[location of hearing]*, British Columbia; AND ON HEARING *[insert name(s) of counsel that appeared in support of an order for access, or, if self-represented, the name of the person who appeared followed by "in person"]* and *[insert name(s) of counsel that appeared opposing an order for access, if any, or, if self-represented, the name of the person who appeared name followed by "in person"]*; AND ON READING the materials filed herein;

IT IS ORDERED that access to the following court records is approved:

- (a) *[list court records]*

IT IS FURTHER ORDERED THAT following terms of access are imposed:

- (a) *[stipulate terms of access]*

IT IS FURTHER ORDERED THAT *[Any order(s) as to costs]*

APPROVED AS TO FORM:

.....
[Counsel appearing in support of order or name of applicant]

.....
[Counsel appearing to oppose an order for access or name of responding party of parties]