



THE LAW COURTS  
800 SMITHE STREET  
VANCOUVER, B.C.  
V6Z 2E1

## Notice to the Profession, the Public and the Media Regarding Civil and Family Proceedings

### COVID-19: RESUMPTION OF FURTHER COURT OPERATIONS – CHAMBERS APPLICATIONS

*COVID-19 Notice No. 28*

**Date:** June 5, 2020

**Revised:** July 13, 2020

~~This notice supplements the following notices:~~

- ~~• COVID-19 Notice #8 – Notice of Suspension of Regular Court Operations revised April 16, 2020~~
- ~~• COVID-19 Notice #25 – Resumption of Further Court Operations~~

#### Introduction

On March 19, 2020, the Supreme Court of British Columbia suspended regular operations to protect the health and safety of court users and to help contain the spread of COVID-19. All civil and family matters scheduled for trials, conferences, and chambers applications or other hearings between March 19 and May 29, 2020 were adjourned, unless the Court otherwise directed.

~~In COVID-19 Notice #25, the Court announced that~~ Effective June 1, 2020, chambers matters already scheduled for hearing on the trial list ~~would~~ resumed by telephone. Other civil and family chambers matters were adjourned until further notice. This Notice provides further directions on these matters.

Effective June 8, 2020, Chief Justice Hinkson directs that chambers applications, ~~other than short leave applications,~~ estimated for 2 hours or less may resume by telephone in accordance with the procedures set out in this Notice. For chambers matters that are longer than two hours and not already scheduled for hearing on the trial list, parties may refer to the Court's website under "[Scheduling – Booking Lengthy Chambers](#)".

The following processes remain in place until further notice:

- ~~Essential and Urgent Matters Civil and Family Matters as set out in COVID-19 Notice #8;~~
- ~~Essential and Urgent Insolvency Matters as set out in COVID-19 Notice #15;~~
- ~~Telephone Conference Hearings as set out COVID-19 Notice #13;~~
- Applications by Written Submissions as set out in [COVID-19 Notice #14](#);
- Trial Management Conferences as set out in [COVID-19 Notice #26](#);
- ~~Desk Order Applications as set out in COVID-19 Notice #12.~~

The Chief Justice has also ordered that until the conclusion of the Court's suspension of regular operations, certain requirements in the *Supreme Court Civil Rules* and the *Supreme Court Family Rules* are modified to facilitate the process in this Notice. See the Court's order dated June 5, 2020, [found here](#),

Effective July 13, 2020, as described in Part I of this notice, certain requirements have been reinstated. See the Court's order dated July 13, 2020, [found here](#).

While the Court is taking all steps necessary to allow for these chambers applications to proceed, the Court cannot guarantee that all applications will proceed as scheduled. The Province is still impacted by the COVID-19 pandemic and efforts taken to contain it. The Court will continue to be guided by public health recommendations, and further adjustments to Court processes may be required. The Court appreciates willingness on the part of parties to expect and accommodate changes to scheduled proceedings.

As set out in this Notice, chambers applications will be conducted by telephone. Further information and directions will be provided when in-person and video conferencing hearings become available.

## I. MAKING A CHAMBERS APPLICATION

Parties can make chambers applications to the Court that are estimated to take two hours or less.

Parties must bring and respond to applications in accordance with the *Supreme Court Civil Rules* or the *Supreme Court Family Rules*, as applicable, subject to the modifications described below.

### A. Modifications to Notice of Application and Application Response

The applicant must file a **notice of application in Form 32 for a civil matter** or in **Form F31 for a family matter** with the modifications below:

- In accordance with Appendix A, the applicant must identify one of the following locations as the place of hearing, and indicate that the hearing is by telephone:
  - Chilliwack

- Kamloops
  - Kelowna
  - Nanaimo
  - New Westminster
  - Prince George
  - Vancouver
  - Vernon
  - Victoria
  - Williams Lake
- The applicant must include their mailing address, as well as an email address and telephone number where the registry may contact them to confirm telephone conferencing information.

If the respondent wishes to respond, the respondent must file an **application response in Form 33 for a civil matter** and **Form F32 for a family matter**, with the modifications below:

- The respondent must include their mailing address, as well as an email address and telephone number where the registry may contact them to confirm telephone conferencing information.

Parties must file and serve the modified notice of application, modified application response, and other application materials (i.e., every affidavit and other document that is to be referred to at the hearing and that has not already been filed and served in the proceeding) in accordance with the *Supreme Court Civil Rules* or the *Supreme Court Family Rules*, as applicable.

~~Courthouse registries are not providing in-person services until further notice. For methods of filing see Part IV of COVID-19 Notice #25.~~

Effective July 13, 2020, in-person registry services will resume at all Supreme Court registries in British Columbia. For information about in-person registry services and other methods of filing see **Part I** of [COVID-19 Notice #34](#). Parties are strongly encouraged to e-file through [Court Services Online](#).

Parties that had an application of less than two hours set for hearing at a location in Appendix A that was adjourned as a result of the Court's suspension of regular operations may reset the application by filing a requisition in accordance with Rule 8-1(21.1) of the *Supreme Court Civil Rules* or Rule 10-6(19.1) of the *Supreme Court Family Rules*. Parties must provide a mailing address, as well as an email address and telephone number where the registry may contact them to confirm telephone conferencing information. Those parties are not required to file a new modified notice of application or modified application response, but must follow the procedures set out below.

## B. Application Record

The process for providing an application record to the registry is modified as follows:

- ~~• The applicant must provide the application record to the registry where the hearing is to take place no later than 4 p.m. on the business day that is one two full business days before the date set for the hearing. (in other words, the timeframe set in Rule 8-1(15) of the *Supreme Court Civil Rules* and Rule 10-6(14) of the *Supreme Court Family Rules* has been modified).~~
- ~~• The application record must be provided to by placing it in the application record drop box located at the registry where the hearing is to take place.~~
- The application record must be prepared in accordance with Rules 8-1(15) and 8-1(16) of the *Supreme Court Civil Rules* and Rule 10-6(14) of the *Supreme Court Family Rules*, except parties may include copies of case law and other authorities that they will rely on at the hearing (in other words, Rule 8-1(15)(d)(ii) of the *Supreme Court Civil Rules* and Rule 10-6(14)(d)(ii) of the *Supreme Court Family Rules* do not apply).
- ~~• The applicant must serve a copy of the application record index on each respondent no later than 4 p.m. on the business day that is one two full business days before the date set for hearing. (in other words, the timeframe set in Rule 8-1(17) of the *Supreme Court Civil Rules* and Rule 10-6(15) of the *Supreme Court Family Rules* has been modified).~~
- The application record must have an external cover page as required by [Administrative Notice 14](#), and must include the contact information (email preferred) for all parties. If the registry is unable to contact the parties to provide telephone conferencing information, the matter may not be put on the court list.
- ~~• Any amended application record must be provided to the registry no later than 4 p.m. on the business day that is one two full business days before the date set for the hearing.~~
- If parties submit a draft order in the application record, a backing sheet is required and it must include a mailing address.

~~Applicants must provide application records to the registry where the hearing is to take place, and serve application record indexes on each respondent, in accordance with the timelines set out in the *Supreme Court Civil Rules* and the *Supreme Court Family Rules*.~~

Application records will not be returned to the parties after the hearing (in other words, Rule 8-1(19) and (20) of the *Supreme Court Civil Rules* and Rule 10-6(17) and (18) of the *Supreme Court Family Rules* do not apply). Application record contents will be securely destroyed following the hearing. If the hearing is adjourned, the registry will hold the application record for 10 business days. If a requisition resetting the adjourned application is not filed within that time period, the contents of the application record will be securely destroyed.

If an application record is not provided to the registry within the time stipulated in this Notice, the application will be struck from the chambers list. Parties are not permitted to file a requisition for late filing of their application record. The applicant may file a requisition to reset their hearing date.

## **II. THE CHAMBERS HEARING**

Parties will check in with the court clerk the morning of the hearing, and remain in the telephone conference until their matter is called and heard. The following processes will apply:

### **A. Confirming the scheduled hearing date and time**

- At least one day before the hearing date, the registry will send the parties a hearing confirmation email with instructions about how to join the telephone conference and the time that the parties must check in with the court clerk.

### **B. Attending chambers via phone**

- Parties will be required to check in with the court clerk when they join the telephone conference and should refer to the instructions provided in the hearing confirmation email.
- The check-in time will begin at 9:00 am, unless the hearing confirmation email provides otherwise.
- Parties are expected to stay on the line with a muted connection until their matter is called.
- The [Policy on Use of Electronic Devices in Courtrooms](#) (the “Policy”) applies to applications heard by telephone, and parties must not record telephone proceedings except in accordance with the Policy.

Parties will be held to the time estimate provided. There may be cost consequences for parties who exceed their time estimate or the two hour time limit.

**THE FOREGOING IS SUBJECT TO CHANGE. ANY UPDATED DIRECTIONS WILL BE POSTED ON THE COURT’S WEBSITE.**

**Dated July 13, 2020**, at Vancouver, British Columbia

By Direction of Chief Justice Christopher E. Hinkson  
Supreme Court of British Columbia

## Appendix A

The location of the chambers hearing depends on the location of the registry file.

The below table shows where the chambers hearing will be located based on the location of the registry file. For example, if the registry file is located in Cranbrook then the hearing location is Kamloops.

<b>REGISTRY FILE LOCATION</b>	<b>HEARING LOCATION and REGISTRY CONTACT INFORMATION</b>
<ul style="list-style-type: none"> <li>• Chilliwack</li> </ul>	CHILLIWACK 604.795.8350
<ul style="list-style-type: none"> <li>• Cranbrook</li> <li>• Golden</li> <li>• Kamloops</li> <li>• Nelson</li> <li>• Revelstoke</li> <li>• Rossland</li> <li>• Salmon Arm</li> </ul>	KAMLOOPS 250.828.4344
<ul style="list-style-type: none"> <li>• Kelowna</li> <li>• Penticton</li> </ul>	KELOWNA 250.470.6900
<ul style="list-style-type: none"> <li>• Campbell River</li> <li>• Courtenay</li> <li>• Nanaimo</li> <li>• Port Alberni</li> <li>• Powell River</li> </ul>	NANAIMO 250.741.5860
<ul style="list-style-type: none"> <li>• New Westminster</li> </ul>	NEW WESTMINSTER 604.660.0686
<ul style="list-style-type: none"> <li>• Dawson Creek</li> <li>• Fort St. John</li> <li>• Prince George</li> <li>• Quesnel</li> </ul>	PRINCE GEORGE 250.614.2700
<ul style="list-style-type: none"> <li>• Vancouver</li> </ul>	VANCOUVER 604.660.2849
<ul style="list-style-type: none"> <li>• Vernon</li> </ul>	VERNON 250.549.5422
<ul style="list-style-type: none"> <li>• Duncan</li> <li>• Prince Rupert</li> <li>• Smithers</li> <li>• Terrace</li> <li>• Victoria</li> </ul>	VICTORIA 250.356.1478
<ul style="list-style-type: none"> <li>• Williams Lake</li> </ul>	WILLIAMS LAKE 250.398.4301

