



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

## APPLICATIONS UNDER S. 490 OF THE *CRIMINAL CODE* (FURTHER DETENTION OF THINGS SEIZED) DURING THE HEALTH EMERGENCY

*COVID-19 Notice No. 30*

**Date: June 30, 2020**

This notice replaces COVID-19 Notice No. 3

Applications under s. 490 of the *Criminal Code* for orders for further detention of things seized raise some distinct procedural issues in the current COVID-19 health emergency, during which the Court is keeping in-person appearances in court to a minimum.

Typically, applications under s. 490 face an inherent deadline because an earlier order of this Court or the Provincial Court is due to expire. Under the current circumstances, the required notice of the application to extend the period of detention may be difficult to give to the party(ies) from whom the things were seized because of illness, quarantine, self-isolation, social distancing, or business closures associated with the health emergency. Even where notice is successfully given, the notified party may (for similar reasons) have difficulty consulting counsel or taking the necessary steps to respond.

Now that fix-date appearances have resumed by telephone for all court locations on their regular dates, the following procedures will apply to s. 490 applications in Supreme Court until further notice during the health emergency:

1. Crown counsel are to contact Supreme Court Scheduling to arrange to set the matter for either a hearing on the merits or for a fix-date appearance, depending on the circumstances.
2. If the Crown indicates that the person from whom the things were seized has been given notice of the application, the application will be set for a hearing on the merits either in person or by remote means, as appropriate.
3. If the Crown indicates that the application cannot proceed for lack of notice to the person from whom the things were seized due to reasons related to the COVID-19 pandemic, then the matter will be set for a fix-date appearance by telephone before the detention period expires. If, at the fix date appearance, a date is set for the hearing of the application, the Crown will notify the person from whom the things were seized of the date and time of the hearing.

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

Dated 30 June 2020, at Vancouver, British Columbia

By Direction of Associate Chief Justice Heather J. Holmes  
Supreme Court of British Columbia