



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 – SEALED BID PROCEDURES FOR FORECLOSURES AND OTHER MATTERS INVOLVING SALES OF LAND

COVID-19 Notice No. 31

Date: June 30, 2020

This notice supplements the following notice:

- [COVID-19 Notice No. 28 – Resumption of Chambers Applications](#)

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.

With the release of [COVID-19 Notice #28](#), the Court announced that effective June 1, 2020, chambers matters already scheduled for hearing on the trial list could resume by telephone, and effective June 8, 2020, chambers applications estimated for 2 hours or less, other than short leave applications, could resume by telephone.

Hearing of foreclosure matters in chambers has resumed by telephone using the telephone process set out in [COVID-19 Notice #28](#).

Parties submitting sealed bids to the Court for foreclosures and other matters involving the sale of land should follow the process set out in the Schedule and Appendices attached to this notice.

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

Dated June 5, 2020, at Vancouver, British Columbia

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

SCHEDULE "A"

BID PROCESS

1. Any person interested in making an offer to compete against an offer before the court and the subject of an application for approval of sale (the "**Original Bid**") to purchase any Lands (a "**Competing Offeror**") shall do so as follows (the "**Bid Process**"):
 - (a) An offer to purchase in the standard real estate contract form, accompanied by a Schedule "A" to be provided by the Seller or its agent, shall be submitted by the Competing Offeror to the Seller's counsel either by: (a) a sealed envelope; or (b) attachment to an email with the Subject Line marked "SEALED BID: [address]", in either case addressed to the Seller's counsel;
 - (b) An offer to purchase must be accompanied by a Transmission Letter/Acknowledgement of Receipt ("Transmission/Receipt Notice") in the form attached as Appendix "A" hereto, signed by the Competing Offeror or their authorized representative; and
 - (c) All offers must be accompanied by: (a) the applicable deposit by way of bank draft or certified cheque; or (b) proof of delivery of a bank draft or certified cheque to the Seller's realtor or held in trust with the purchaser(s)' counsel; and, either concurrently with its delivery or, if delivered by email, to be received by the Seller's counsel on or before 12:00 p.m. the business day preceding the hearing date of the application for sale approval (the "Hearing Date").

All bids, in final form, must be received by the Seller's counsel by no later than noon on that day which is two business days before the Hearing Date (the "Bid Date").

2. The Seller's counsel shall endorse and return to the applicable Competing Offeror any Transmission/Receipt Notices provided by such Competing Offeror prior to the Bid Date.
3. The Seller's counsel shall advise the proposed purchaser under the Original Bid (the "Original Offeror") that bids have been received pursuant to the process set out in paragraph 1 above within a reasonable period of time of a bid being received. The Original Offeror will have until 4:00 p.m. on the Bid Date to provide a revised bid if they wish, accompanied by a Transmission/Receipt Notice.
4. The Original Offeror and all Competing Offerors (collectively, "Offeror" or "Offerors") acknowledge that:
 - (a) If an Offeror has not provided the Transmission/Receipt Notice to the Seller's counsel and received back a signed copy of the Transmission/Receipt Notice from the Seller's counsel, then the Seller's counsel is not under any obligation to consider such Offeror's bid;
 - (b) All bids must clearly set out the names of all parties to be on title should the offer be approved by the court, with middle name and how title is to be taken (joint tenancy or tenants in common, with particular ownership interest);
 - (c) To the extent any bid submitted represents a revised offer from the Original Bid, it shall not be necessary for such revised offer to be accompanied by any further deposit of funds, and it may be provided on the condition that it is only to be relied upon if other offers are received; and

(d) The Seller's counsel may request that any Offeror provide further information as to the identity of any related parties or operating minds of any corporate entities, so as to satisfy itself as to the Offeror(s)' *bona fides* and ability to complete the sale, including paying the purchase funds upon closing. Should any such Offeror(s) not provide information as may reasonably be requested by the time reasonably required in the request, the Seller's counsel may decline to consider their offer.

5. After receipt of any bids received in accordance with the procedure outlined above, and after the Bid Date:
 - (a) The Seller's counsel will open any offers received in envelopes or electronic form;
 - (b) The Seller's counsel shall provide any prior financial chargeholder's counsel with a copy of all offers it has received, either in envelopes or electronically, if the offer to be presented to court is not sufficient to discharge that encumbrance; and
 - (c) No earlier than 12:00 p.m. (noon) the day before the Hearing Date and no later than 8:00 a.m. on the Hearing Date, the Seller's counsel will electronically forward to the Supreme Court of British Columbia, to the email address for the applicable Registry as set forth in Appendix B hereto, copies of the paper and electronic bids, each saved as its own document together with a request to direct the email to the presider, noting the hearing date; and
 - (d) The Seller's counsel is at liberty to discuss the results of the bid process with counsel for any subsequent charge holders and the Seller, in order to obtain instructions as to which offer to support at the court application, provided that such parties agree to keep the results confidential.

The Seller, Seller's counsel and any charge holder's counsel shall undertake to maintain the confidentiality of all bids received, either in envelopes or electronically.

6. At the hearing, the Seller's counsel will report to the Court as to the results of the Bid Process and provide the Court with its position as to the best offer for the Court's further consideration, approval and pronouncement of a vesting order if deemed appropriate.
7. After the Hearing, the Seller's counsel shall notify the successful Offeror of the outcome of the hearing and file the approved offer with the court by way of requisition.
8. All parties, including all Offerors, acknowledge that the Court retains its full discretion with respect to the application for approval of any sale, including with respect to the use of the Bid Process and the consideration of any offers that were not made in compliance with the Bid Process ("**Non-Compliant Offers**"). In addition to complying with paragraph 6 of this Bid Process, the Seller's Counsel should advise the Court at the beginning of the application for sale approval whether any Non-Compliant Offers were received and the Court retains full discretion to review and consider any Non-Compliant Offer(s) as it sees fit.

APPENDIX "A"

TRANSMISSION LETTER

Date/Time: _____

Enclosed is an offer to purchase with respect to the property municipally described as:
_____ (the "Property").

As an offeror for the Property, I (the "Offeror") acknowledge:

- (a) the Seller's counsel may not consider any offer received by them that is not accompanied by a deposit that is by way of bank draft or certified cheque, or proof of its deposit with the Offeror's realtor;
- (b) the Seller's counsel may not consider any offer received after the Bid Date or be required to forward the offer to the Court if received after the Bid Date;
- (c) the Seller's counsel has no responsibility to ensure that an offer is complete, satisfactory, or meets compliance as to form, and is under no obligation to confirm any unclear, missing, ambiguous, or incomplete term or item and may, at its sole discretion, not consider any such offer without incurring any liability to any party, including the Offeror;
- (d) the Seller' counsel may not consider any offer if they have not returned to the Offeror an endorsed copy of this letter; and
- (e) the Seller's counsel may refuse to accept any revisions, amendments or attempts to increase any offer after the Bid Date.

Offeror(s)

ACKNOWLEDGEMENT OF RECEIPT

Date/Time: _____

By signing below, we hereby acknowledge receipt of either a sealed envelope or an email marked and/or stated to be from: _____.

In addition, by our signature below, we make no acknowledgement or representation as to the contents of the envelope. The Offeror must satisfy itself that the envelope contains an offer in the form required, is accompanied by a deposit in the appropriate amount and form, and that the contents comply with the Bid Process.

Seller's counsel

APPENDIX “B”

EMAIL ADDRESSES OF REGISTRIES

- Victoria Victoria.CourtScheduling@gov.bc.ca
- Nanaimo Nanaimo.chambersdesk@gov.bc.ca
- Vancouver Law Courts VLC.chambersdesk@gov.bc.ca
- New Westminster NewWestminster.chambersdesk@gov.bc.ca
- Chilliwack chilliwack.chambersdesk@gov.bc.ca
- Kamloops kamloops.chambersdesk@gov.bc.ca
- Kelowna Kelowna.chambersdesk@gov.bc.ca
- Vernon JAGCSBVernonScheduling@gov.bc.ca
- Williams Lake office15231@gov.bc.ca
- Prince George Office15214@gov.bc.ca