



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: EXPANSION OF COURT OPERATIONS – IN-PERSON REGISTRY SERVICES

COVID-19 Notice No. 34

Date: **revised August 7, 2020**

Highlighted changes:

- **Part IV respecting suspension of limitation periods in provincial enactments and laws has been updated.**
- COVID-19 Telephone Conference Hearings, which were established for civil and family matters that had been scheduled to be heard between March 19 and May 29, were not urgent or essential, and met certain other criteria (as per COVID-19 Notice No. 13), are no longer available. The Court will continue to hear other matters by telephone, including Judicial Case Conferences, Chambers applications, Trial Management Conferences, Case Planning Conferences, and Registrar's hearings.
- Information about civil jury selections and civil jury trials has been removed, as this is now dealt with in COVID-19 Notice No. 39.

Effective **July 13, 2020**, this notice replaces the following notices:

- COVID-19 Notice No. 1 – Changes to Courtroom Procedures for In-Person Court Appearances
- COVID-19 Notice No. 8 – Notice of Suspension of Regular Court Operations, revised April 16, 2020
- COVID-19 Notice No. 13 – Expansion of Civil and Family Matters – Telephone Conference Hearings
- COVID-19 Notice No. 15 – Suspension of Regular Court Operations – Insolvency Matters
- COVID-19 Notice No. 25 – Resumption of Further Court Operations

Effective **July 13, 2020**, this notices modifies the following notices:

- COVID-19 Notice No. 14 – Applications by Written Submission
- COVID-19 Notice No. 28 – Resumption of Further Court Operations – Chambers Applications

## Introduction

Effective March 19, 2020 and until further notice, the Honourable Chief Justice Hinkson suspended regular operations of the Supreme Court of British Columbia to protect the health and safety of court users and to help contain the spread of COVID-19.

The Court has gradually resumed some regular operations, including trials, chambers applications and other hearings and conferences, many of which proceed remotely. While the Court has expanded the scope of its in-person operations, counsel, parties, litigants and members of the public are discouraged from attending courthouses unless their personal attendance is necessary or the Court so directs. This will help minimize the overall number of people in courthouses.

Effective **July 13, 2020**, in-person registry services will resume at all Supreme Court registries in British Columbia (see **Part I** for details). In addition, the interim processes that the Court established for: (i) requesting a hearing of an urgent or essential matter, and (ii) scheduling a COVID-19 Telephone Conference Hearing for matters that are not urgent or essential and meet certain other criteria will no longer be available (see **Part II** for details).

Information about in-person registry services and changes to the Court's processes are set out below.

### I. REGISTRY SERVICES

All Supreme Court registries will be open for in-person services on **July 13, 2020**. As of that date, parties may file materials at the registry.

While in-person filing is available, parties are strongly encouraged to use e-filing, or one of the other methods set out below:

- **E-filing** using [Court Services Online](#). Court Service Online will allow e-filing through the use of a Basic BCeID account. More information can be found [here](#);
- **Fax Filing** at a registry designated as a fax filing registry by *Supreme Court Civil Rule 23-2* or *Supreme Court Family Rule 22-3*. See **Appendix A** for a list of fax filing registries and the fax numbers; and
- **Mailing** to any Supreme Court registry. Contact information for all Supreme Court registries is available [here](#).

Anyone attending at the courthouse must review the directions in [COVID-19 Notice No. 27 – In Court Measures During the Pandemic](#) prior to arrival.

## **I. REQUESTS FOR URGENT OR ESSENTIAL HEARINGS AND COVID-19 TELEPHONE CONFERENCE HEARINGS ARE NO LONGER AVAILABLE**

The Court established the Request for Urgent Hearing process for civil and family matters (COVID-19 Notice No. 8) and insolvency matters (COVID-19 Notice No. 15) to facilitate access to the Court while registries were not providing in-person services.

Effective **July 13, 2020**, the Request for Urgent Hearing process for civil, family and insolvency matters will no longer be available. Parties who have emergency applications should follow the processes set out in [COVID-19 Notice No. 28 – Chambers Applications](#) and the *Supreme Court Civil Rules* or the *Supreme Court Family Rules*, and:

- for short notice applications under the *Supreme Court Family Rules*, Family [Practice Direction No. 6](#); and
- for emergency applications in Vancouver, [Administrative Notice 15](#).

The Court established the COVID-19 Telephone Conference Hearing process for civil and family matters that had been scheduled to be heard between March 19 and May 29, were not urgent or essential, and met certain other criteria (COVID-19 Notice No. 13). In light of the Court's expanded operations, effective **July 13, 2020**, the Telephone Conference Hearing process for civil and family matters that was set out in COVID-19 Notice No. 13 will no longer be available.

The Court will continue to hear other matters by telephone, including Judicial Case Conferences, Chambers applications, Trial Management Conferences, Case Planning Conferences, and Registrar's hearings.

## **II. OTHER COVID-19 PROCESSES ARE STILL AVAILABLE**

During the suspension of the Court's regular operations, the Court established interim processes to respond to the COVID-19 pandemic and to hear matters by telephone and written submissions. A list of the Court's current processes and notices is available [here](#).

Effective **July 13, 2020**, the following COVID-19 processes are modified as set out below:

### **A. COVID-19 Notice No. 14 – Applications by Written Submissions**

For family law matters, parties are no longer automatically relieved of the requirement to attend a Judicial Case Conference (JCC) before making an application by written submissions. Instead, Rule 7-1(2) of the *Supreme Court Family Rules* applies, meaning

a party must not make an application by written submissions until a JCC has been conducted. Exceptions to this rule and the process by which a party can apply to be relieved of this requirement are set out under Rules 7-1(3) to 7-1(6) of the *Supreme Court Family Rules*.

The court will continue to hear JCCs by telephone, unless the court otherwise directs. The process for setting a JCC is set out in **Part IV** of this notice.

## **B. COVID-19 Notice No. 28 – Resumption of Further Court Operations - Chambers Applications**

### Timelines for Delivering Application Record to Registry

For chambers applications, applicants are no longer required to provide the application record to the registry no later than 4 p.m. on the business day that is two full business days before the date set for hearing. Instead, the usual timeframes in the *Supreme Court Civil Rules* and the *Supreme Court Family Rules* apply, meaning applicants must submit 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** full business day before the date set for hearing.

### Timelines for Serving Application Record Index on Respondents

Applicants are no longer required to serve an application record index on each respondent no later than 4 p.m. on the business day that is two full business days before the date set for hearing. Instead, the usual timeframes in the *Supreme Court Civil Rules* and the *Supreme Court Family Rules* apply, meaning applicants 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** full business day before the date set for hearing.

## **III. CIVIL AND FAMILY MATTERS**

### **A. Trials**

All civil and family trials scheduled to begin on or after **June 8, 2020** have resumed unless the Court otherwise directs. The resumption of civil and family trials may be subject to change as a result of limitations on available facilities or public health recommendations.

### **B. Chambers Hearings and Conferences**

As of **June 1, 2020**, the following matters resumed by telephone:

- JCCs for family matters;
- Chambers matters already scheduled for hearing on the trial list; and
- TMCs, as set out in [COVID-19 Notice No. 26](#)

JCCs that are already scheduled to occur on or after **June 1, 2020** will resume by telephone. Parties may also schedule a JCC, which will occur by telephone, by contacting Supreme Court Scheduling by phone at the registry where the file is located and filing and serving all required materials pursuant to Rule 7-1 of the *Supreme Court Family Rules*. Registry contact information can be found online [here](#).

Parties may apply to have a JCC heard by remote video conferencing pursuant to [COVID-19 Notice No. 35 – Remote Video Conferencing](#).

As of **June 5, 2020**, chambers applications estimated to take two hours or less resumed by telephone in accordance with [COVID-19 Notice No. 28 – Chambers Applications](#).

As of **June 30, 2020**, registrar hearings resumed in accordance with [COVID-19 Notice No. 32 – Registrar Hearings](#).

As the Court continues with its plan for expanding court operations, further information will be provided as it becomes available.

#### **IV. LIMITATION PERIODS AND FILING DEADLINES**

Filing and service timelines under the *Supreme Court Civil Rules* and the *Supreme Court Family Rules* were suspended on **March 18, 2020** and began to run again on **May 29, 2020**. With the exception of any document associated with a Request for Urgent Hearing, Telephone Conference Hearing, or Application by Written Submissions, documents filed between March 19, 2020 and May 28, 2020 are deemed to have been filed on **May 29, 2020**. A party unable to meet a filing deadline for reasons related to COVID-19 may apply for an order amending the timeline for filing.

~~The suspension of regular operations and adjournment of trials scheduled on or before May 29, 2020 necessarily suspended the usual timelines under the *Supreme Court Civil and Family Rules* for holding TMCs, for filing Trial Briefs, and for filing Trial Certificates, as these timelines all count back from the scheduled trial date. Trials scheduled for hearing following May 29, 2020 are also affected. See [COVID-19 Notice No. 26](#) regarding the resumption of TMCs.~~

#### **Provincial Suspension of Limitation Periods Remains in Place**

~~Effective April 15, 2020, [Ministerial Order No. M098](#) suspended limitation periods and mandatory time periods for the commencement of a civil or family proceeding from March 18, 2020 to the date on which the last extension of the declaration of the state of emergency made under section 9 (1) of the *Emergency Program Act* expires or is cancelled, except for those limitations and time periods established under the *Builders Lien Act* and Division 5 of Part 5 of the *Strata Property Act*.~~

~~Effective March 26, 2020, the Minister of Public Safety and Solicitor General suspended limitation periods and mandatory time periods in British Columbia enactments or laws~~

for the commencement of a civil or family action, proceeding, claim or appeal. See [Ministerial Order No. M086](#) (Limitations Order No. 1).

Effective April 15, 2020, Ministerial Order No. MO86 was repealed and replaced by [Ministerial Order No. MO98](#), which suspends limitation periods and mandatory time periods in British Columbia enactments or laws for the commencement of a civil or family action, proceeding, claim or appeal except those established under the *Builders Lien Act* and Division 5 of Part 5 of the *Strata Property Act* (Limitations Order No. 2).

On July 8, 2020, the Legislature passed the [COVID-19 Related Measures Act, S.B.C. 2020, c. 8](#) (“Act”). The Act came into force on July 10, 2020. The Act continues the suspension of mandatory limitation periods and other mandatory time periods in British Columbia enactments or laws for commencing a civil or family action, proceeding, claim or appeal as set out in Limitations Order No. 1 and Limitations Order No. 2.

On August 4, 2020, the Lieutenant Governor made the *COVID-19 (Limitation Periods in Court Proceedings) Regulation*, B.C. Reg. 199/2020 (“Regulation”) and amended the Act. The Regulation and the Act provide that the suspension of mandatory limitation periods and any other mandatory time periods in British Columbia enactments or laws for commencing a civil or family action, proceeding, claim or appeal in the Supreme Court of British Columbia will end **90 days** after the date the state of emergency expires or is cancelled.

Once this suspension is lifted, more directions will be provided by the Court.

## **V. IN-PERSON HEARINGS**

The Supreme Court initially instituted the Centralized Registry model, scheduling hearings at only seven locations throughout the province, to contain the spread of COVID-19. The Court will no longer be using the Centralized Registry model. However, the Court is not yet able to return to full in-person hearing and trial capacity at all of its registries. In order to continue to protect the safety and health of the members of the public, limit the number of in-person appearances and trials, limit the transmission of the virus and maintain access to justice as an essential service for the public, many hearings such as chambers applications, TMCs, JCCs and some registrar hearings will continue to be heard by telephone conference or, where available, videoconference, unless the Court otherwise directs.

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

Dated **August 7, 2020**, at Vancouver, British Columbia

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

## Appendix A – Fax Filing Registries

Chilliwack	(604) 795-8397
Cranbrook	(250) 426-1498
Dawson Creek	(250) 784-2218
Kamloops	(250) 828-4345
Kelowna	(250) 979-6768
Nelson	(250) 354-6133
Penticton	(250) 492-1290
Prince George	(250) 614-7923
Rossland	(250) 362-7321
Salmon Arm	(250) 833-7401
Smithers	(250) 847-7344
Terrace	(250) 638-2143
Vernon	(250) 549-5461
Williams Lake	(250) 398-4264