



## Notice to the Public and Profession regarding Use of the File Transfer Server – **Insolvency and Other Proceedings**

COVID-19 Notice No. 44

**Revised: September 16, 2021**

### I. Introduction

The Supreme Court has created a File Transfer Server (FTS) to allow parties in remote hearings to transmit documents electronically to the Court so that they can be accessed by presiders.

The FTS is available for use at the request of parties or counsel only in insolvency matters.

The Court (a presider or a Supreme Court Scheduling Manager) may direct the use of the FTS in any matter.

Parties must be aware that **uploading documents using the FTS is not equivalent to filing documents** under the *Supreme Court Criminal, Civil or Family Rules*. It is equivalent to handing up documents in court. If there are documents that must be filed pursuant to the *Rules*, such filing must still also be done either in person at court registries or through Court Services Online.

Parties are responsible for providing their own electronic devices and internet connection to upload documents to the FTS. **All parties must adhere to the standards below in Part IV when formatting their documents and, in particular, must ensure documents are searchable.**

### II. Use of the FTS

Parties **in insolvency matters** at the Vancouver registry may contact the Supreme Court Scheduling (SCS) by email at [FileTransfer@bccourts.ca](mailto:FileTransfer@bccourts.ca) to request access to the FTS for their matter. For all other registries, parties may contact SCS at the relevant email address, available [here](#) by choosing the location from the drop-down menu at the top.

**In other matters, an SCS staff person may contact the parties to offer the use of the FTS.**

SCS will provide parties/counsel with all the information they need to upload documents.

At present, it takes approximately 30 minutes to set up the folders and log-in identities for parties, therefore arrangements need to be made in advance of hearings. If there is a high demand for use of the FTS, SCS may experience backlogs and counsel may have to expect longer wait times.

Parties granted access can create subfolders and, if desired, nest other subfolders within them. Parties are advised to follow the guidelines below with respect to folders and document formats, unless the presider directs otherwise.

Parties who have been granted access to folders are not alerted when documents by opposing parties are added and will need to check the folder.

The FTS is to be used for transmitting documents to the judiciary. Parties are expected to exchange documents as they normally would in litigation.

### **III. Materials that may be uploaded (subject to the required standards)**

The materials that may be uploaded to the FTS include:

- Application or hearing records
- Documents relevant to the hearing **filed** in accordance with the *Supreme Court Criminal, Civil or Family Rules*
- Books of authorities
- Draft orders
- Insolvency reports
- Written submissions or other documents requested by the presider

### **IV. Standards for application records and books of authorities**

Application records should conform to the standards set out below.

Any documents uploaded outside of the period permitted for filing under the *Supreme Court Criminal, Civil or Family Rules* must indicate "Uploaded Subject to Approval by Presider" on the cover page.

#### **A. Application and hearing records**

- i. *Numbered index*: Each application or hearing record must have a numbered index listing the documents submitted in the order that they would appear if submitted in binders.
- ii. *Order*: Documents should be uploaded and their file names numbered to correspond with the "tabs" listed in the index, with the index itself numbered 0.

- iii. *Searchable PDFs:* Documents in the application or hearing record should be submitted as **separate, searchable, bookmarked PDFs, unless the presider directs otherwise.** (“Bookmarks” are links in a PDF, often in the index, that the reader can click to quickly jump to another section of the document or to an individual file in a PDF of combined documents.) In some cases, presiders may request documents such as written submissions in Word format.
- iv. *Hyperlinks:* Presiders may also explicitly request that certain documents such as written submissions contain hyperlinks to authorities.
- v. *File names:* Each document must be saved with a name that allows the presider to identify it. The document name should include the:
  - 1) Number from the application or hearing record index, starting with 1 (e.g., Tab 3 or 3).
  - 2) Type of document (e.g., Notice of Civil Claim, Response to Civil Claim, Notice of Application, Affidavit, etc.).
  - 3) Description (e.g., Report of Dr. Smith), if applicable.
  - 4) Date the document was filed or submitted, as applicable.

If the document is an affidavit or an exhibit, it must include a short description (e.g., Affidavit 2 of John Doe sworn May 18, 2020; Exhibit A to Affidavit 2, Report of Dr. Smith, January 4, 2019).

Examples of file names would be:

“Tab 3 - Application Response (Wilson), August 30, 2017”

“12. Affidavit 1 of Mary Jones re Notice of Constitutional Question, June 4, 2016”

- vi. *Searchable electronic format:* Parties must submit documents that have been created electronically, not scanned. Scanned image PDFs are not acceptable. All PDFs must be fully searchable (“OCR’d”, or created using software with optical character recognition enabled. Some versions of Adobe Acrobat refer to this format as an “enhanced scan”).
- vii. *Numbered paragraphs:* Originating documents must have numbered paragraphs.
- viii. *Page numbers:* All documents must have page numbers.

## **B. Authorities**

- i. For books of authorities, parties should submit an index hyperlinked to each case, statute, legal article, or textbook excerpt cited. Parties should not submit the individual authorities themselves.

- ii. Parties should hyperlink to an open online database such as Canlii.org, rather than a proprietary database that requires a subscription and log in.
- iii. In the event that cases, statutes, articles, or textbook excerpts are not available through an online database, they may be submitted by uploading them to the FTS. Any such documents should be searchable electronic versions, not printed and scanned image files, unless searchable electronic versions are not available.

## V. Retention of the FTS folder

Only documents necessary for a specific hearing may be uploaded.

FTS folders will not be monitored **at any time before or after a hearing by SCS** or by Court staff for documents uploaded.

The FTS folder for a specific case will remain accessible for 30 days after reasons for judgment for the specific hearing are released, unless the presider or parties explicitly request that the folder be retained for a longer period. For insolvency matters, if a longer retention is desired, parties must inform SCS when setting up the folders to retain the folder until notified by the parties.

After reasons for judgment are released or at the end of the period agreed to, the folder and all contents will be deleted.

Parties will NOT be notified prior to deletion of folders. If there are reasons why parties require that the folder be retained beyond the period originally agreed to, parties must notify SCS by email in advance of the end of the retention period and *as early as possible* to request that the folder continue to be made available for a specified period of time.

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

Dated **September 16, 2021**, at Vancouver, British Columbia

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