



**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: SUSPENSION OF REGULAR COURT OPERATIONS

Date: March 18, 2020

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

This direction replaces the Court's announcement issued Friday, March 13, 2020.

I. ADJOURNMENT OF CIVIL AND FAMILY MATTERS

All civil and family matters scheduled for hearing between March 19, 2020 and May 1, 2020 are adjourned, unless directed otherwise by the Court. This automatic adjournment extends to all trials, conferences and chambers applications or other hearings currently scheduled for hearing before May 1, 2020.

II. THE COURT WILL HEAR ONLY ESSENTIAL AND URGENT MATTERS

While regular operations are suspended the Court will hear only essential and urgent matters.

The following family and civil matters are presumptively considered to be of an essential and urgent nature.

The Court has discretion to hear urgent matters other than those listed, and to decline to hear a matter listed.

III. ESSENTIAL AND URGENT FAMILY MATTERS

Essential and urgent matters in family proceedings include those in which the following relief is sought:

- Orders relating to the safety of a child or parent due to a risk of violence or immediate harm (e.g., a protection order, conduct orders, or exclusive possession of the home);
- Orders relating to the risk of removal of a child from the jurisdiction (e.g., relocation, non-removal, wrongful removal or retention of a child); and
- Orders relating to the well-being of a child (e.g., essential medical decisions, urgent issues relating to parenting time, contact or communication with a child that cannot reasonably be delayed).

IV. ESSENTIAL AND URGENT CIVIL MATTERS

Essential and urgent matters in civil proceedings include:

- Matters related to public health and safety and COVID-19, including:
 - orders under the *Quarantine Act*; and
 - orders under the *Public Health Act*.
- Matters where there is a *prima facie* urgency, including:
 - refusal of treatment and end of life matters, including applications under the *Health Care (Consent) and Care Facility (Admission) Act*;
 - detention of individuals, including under the *Mental Health Act* and the *Adult Guardianship Act*;
 - emergency adult guardianship and committee orders, including under the *Adult Guardianship Act* and *Patients Property Act*;
 - housing evictions, including interim stays of orders of possession under the *Residential Tenancy Act*;
 - civil restraining orders;
 - preservation orders;
 - urgent injunction applications; and

- urgent orders in the nature of *habeas corpus*, *certiorari*, *mandamus* and prohibition.

V. PROCEDURES FOR URGENT MATTERS

The Court has established the following two-part procedure to facilitate the hearing of essential and urgent matters. First, the applicant will submit a request to the Court for an urgent hearing using an online form. Parties will then submit unfiled materials in order that the Court can assess the urgency of the matter. Second, if the Court determines that the matter is essential and urgent and a hearing is required, the Court will set a date and direct the parties to file their materials electronically in accordance with a modified process.

A. Requesting a Hearing

1. A request for the hearing of an urgent matter must be made by completing an online **Request for Urgent Hearing form**.

https://www.bccourts.ca/supreme_court/scheduling/Request_for_Urgent_Hearing/

2. Upon receipt of the request form, the Court will send the parties an email confirming receipt of the request form.
3. The parties must follow the instructions in the request acknowledgement email and provide relevant unfiled materials to assist with the Court's determination as to whether the matter is of sufficient urgency to require a hearing. If the respondent's unfiled materials are not received within a reasonable time, the Court will review the applicant's request without the responding materials.
4. A judge of the Court will review the request form and related materials and make a determination as to whether the matter requires an urgent hearing.

B. Instructions for Filing Materials

5. If the judge determines that a hearing is required, the Court will set a hearing date and provide directions to the parties about filing and service of materials. Materials will be filed electronically, if possible.

C. Conduct of Hearing

6. Parties will appear by telephone where possible and appropriate, or by video where appropriate and available.

VI. LIMITATION PERIODS AND FILING DEADLINES

A. Filing Timelines under the Supreme Court Rules

Effective March 18, 2020, filing deadlines under the *Supreme Court Civil Rules* and the *Supreme Court Family Rules* are suspended until May 1, 2020.

B. Limitation Periods

Other statutory filing deadlines and limitation periods continue to apply. When the Court resumes regular operations, parties may request an extension of time for deadlines set out in other statutes, which the Court will determine on a case-by-case basis.

The Court will not hear applications for extensions of time until regular operations resume.

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

Dated 18 March 2020, at Vancouver, British Columbia

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