



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

## Notice to the Profession, the Public and the Media Regarding Criminal Proceedings

### COVID-19: Suspension of Regular Supreme Court Operations

Date: revised **April 16, 2020**

This notice replaces the following notices and announcements:

- **Notice of Suspension of Regular Court Operations dated March 30, 2020;**
- Announcement – Changes to Supreme Court Registry Operations dated March 25, 2020;
- Further Directions dated March 20, 2020;
- Notice of Suspension of Regular Court Operations dated March 18, 2020; and,
- Supreme Court of British Columbia Modified Proceedings dated March 13, 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.

Courthouses remain open. However, in person registry services have been suspended until further notice. Counsel, parties, litigants and members of the public are strongly discouraged from attending courthouses unless personal attendance is absolutely necessary or unless the Court otherwise directs.

#### I. REGULAR CRIMINAL MATTERS

Except as otherwise noted in this Part, all criminal matters scheduled for any type of appearance from March 19, 2020 up to and including **May 29, 2020**, are adjourned, unless the Court otherwise directs. To preserve jurisdiction, a bench warrant will be issued for all accused persons who have scheduled appearances during that time period. The bench warrant will be held and not executed until the date of the next scheduled appearance as identified below (dates are subject to change depending on circumstances closer to the time). If the accused person appears personally or through counsel on that date, the bench warrant will be vacated.

- For a matter scheduled for the period between March 19 and April 9, 2020, the next appearance will be set on the fix-date list of the court location where the matter was scheduled to be heard, on the dates set out in **Appendix A. For May**

dates, appearances will be by telephone, with self-represented accused persons in custody appearing by video.

- For a matter scheduled for the period between April 14 and May 1, 2020, the next appearance will be set on the fix-date list of the court location where the matter was scheduled to be heard, on the dates set out in **Appendix B**. For May dates, appearances will be by telephone, with self-represented accused persons in custody appearing by video.
- For a matter (other than pre-trial conferences and fix-date appearances) scheduled for the period between May 4 and May 29, 2020, the next appearance will be set on the fix-date list of the court location where the matter was scheduled to be heard, on the dates set out in **Appendix C**.

Counsel must contact the local Manager of Supreme Court Scheduling the week prior to the fix-date appearance to canvass new dates. Scheduling information by location can be found [here](#).

If the public health situation improves before **May 29, 2020**, to a point where the Court can begin to resume regular operations, Supreme Court Scheduling will contact counsel (and the accused if not represented by counsel) to arrange for an earlier appearance, if possible.

**Pre-trial conferences** already scheduled for dates before **May 29, 2020**, for trials scheduled to begin after **May 29, 2020**, will proceed as scheduled, unless the case management judge or the trial judge directs otherwise. Counsel and self-represented accused persons should arrange to appear by telephone for these pre-trial conferences. If the accused person is self-represented and in custody, Crown counsel should arrange for them to appear at the pre-trial conference by video.

**Regular fix-date appearances** will resume as of May 4, 2020, on the usual day and time for each court location, unless it is not possible for them to proceed due to logistical issues created by the public health measures. The hearings will take place at the nearest central location listed in Part VI of this Notice. For May fix-dates, appearances will be by telephone, with self-represented accused persons in custody appearing by video. Details will be provided in advance, regarding how the appearances will be run.

## II. ESSENTIAL AND URGENT CRIMINAL MATTERS

In order to maintain the rule of law and its core function, the Court will continue to hear essential and urgent matters during the suspension period. The procedure for requesting hearings of essential or urgent matters is described in Part IV of this Notice. Hearings will be by telephone where possible and appropriate, or by video appearance where appropriate and available. Essential or urgent criminal matters include the following:

- Judicial interim release (bail) and bail review hearings;

- Scheduling and detention review hearings under s. 525 of the *Criminal Code*;
- *Habeas corpus* applications, or other applications by in-custody accused persons and offenders that require prompt attention;
- Applications under Part VI of the *Criminal Code*, applications for search warrants or arrest warrants, or other related applications that should not be delayed.

For matters not listed above, counsel, or accused persons not represented by counsel, who believe that their matter is essential or urgent may also submit a request to the Court that the matter be heard.

### III. WITNESSES, LAWYERS AND JURORS

Witnesses, lawyers and jurors should not attend court for trials or any matters (except attendance by lawyers for pre-trial conferences, as indicated above) between March 19 and May 29, 2020, unless specifically directed to do so by the Court after the date of this Notice. Jurors and witnesses will be re-notified of when to attend. Unless ordered otherwise, ongoing trials will be adjourned to a date after May 29, 2020.

All jury selections are cancelled up to and including **July 3, 2020**, everywhere in the province.

### IV. PROCEDURE FOR ESSENTIAL OR URGENT MATTERS

The Court has established procedures to allow parties to request hearings of essential or urgent criminal matters (other than s. 525 scheduling hearings, which will continue to be scheduled by the Detention Review Coordinator in accordance with CPD-4, and pre-trial conferences, as described in Part I above).

The **online process** is to be used where possible. The **paper process** is to be used if it is not possible to use the online process.

In both processes, a judge will first review relevant unfiled materials to determine if a hearing is required. If the judge determines that a hearing is required, the Court will give directions to both the applicant and the respondent(s) to provide filed materials for the hearing.

#### A. Requesting a Hearing – Online Process (use if possible)

- The party requesting a hearing of an essential or urgent matter completes and submits an online **Request for Urgent Hearing form**.

[https://www.bccourts.ca/supreme\\_court/scheduling/Request\\_for\\_Urgent\\_Hearing/](https://www.bccourts.ca/supreme_court/scheduling/Request_for_Urgent_Hearing/)

- The Court sends the parties an **Acknowledgment Email** confirming receipt of the Request Form and notifying all parties of the request.
- The parties must follow the instructions in the 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.

- 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. Requesting a Hearing – Paper Process (use if you cannot use the Online Process)**

- The party requesting a hearing completes a paper copy of the Request Form. Paper copies of the Request Form are available at every Supreme Court registry, and are located next to the drop box inside the courthouse. If possible, the party must provide a telephone number and/or email address at which they may be reached.
- The party making the request sends the Court the completed Request Form along with relevant unfiled materials to assist with the Court's determination as to whether the matter is of sufficient urgency to require a hearing.
- The completed Request Form and relevant unfiled materials must be sent together to the Court in one of the following ways:
  - By using the drop box located at the nearest Supreme Court registry;
  - By mailing it to the nearest Supreme Court registry;
  - By faxing it to the nearest Supreme Court registry.
- See Part V of this notice, Changes to Registry Services, for further details about submitting these documents.

**C. Judge's Determination of Whether a Hearing is Required**

- A judge will review the Request Form and relevant unfiled materials submitted to the Court (either by way of the online process or the paper process), and will determine whether an urgent hearing is required.
- The judge's determination of whether or not a hearing is required will be communicated to all parties:
  - Parties using the online process will receive an email notification;
  - Parties using the paper process will be contacted at the contact information provided on the Request Form.

#### **D. Instructions for Filing Materials**

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

#### **E. Conduct of Hearing**

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

### **V. CHANGES TO REGISTRY SERVICES**

Courthouse registries are no longer providing in-person services during the suspension of the Court's regular operations.

However, all courthouses will continue to receive documents for any criminal matters.

Where possible and available, documents and materials should be submitted electronically; however, the following methods may be used by any person unable to use the online processes to submit documents including in relation to:

1. submitting a request for an urgent hearing;
  2. filing materials as directed by the Court; or
  3. filing materials for any other criminal matter (whether scheduled for an appearance before **May 29, 2020** or after).
- **Mailing to** any Supreme Court registry. Contact information for all Supreme Court registries is available **here**;
  - **Faxing to** a criminal registry. Fax numbers for all Supreme Court registries are available **here**; and
  - **\*NEW\* - Using the Secure Drop Box** available at Supreme Court registries. The drop box will be accessible to the public from Monday to Friday, between 9 a.m. and 4 p.m. and will be emptied at the end of the day and processed every 24 hours. The drop box will be monitored to ensure its contents are secure during the day. Parties who submit materials for filing using the drop box must provide with the materials a telephone number or email address where they can be reached. Registry staff will contact parties only if their materials are not accepted for filing.

## **VI. HEARINGS WILL BE SCHEDULED AT SEVEN CENTRALIZED REGISTRIES**

Effective March 30, 2020, hearings of the Supreme Court of British Columbia will only be scheduled at the following seven central locations, unless otherwise ordered by the Court:

- Vancouver Law Courts
- New Westminster
- Victoria
- Kamloops
- Kelowna
- Prince George
- Nanaimo

Hearings will occur by telephone or video where appropriate and available, unless otherwise directed by the Court.

Other registries will continue to receive documents in the manner set out in this notice.

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

Dated 16 April 2020, at Vancouver, British Columbia

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

## APPENDIX A

Campbell River	Monday, May 4th at 10:00am (In Nanaimo)
Chilliwack	Monday, May 11th at 2:00pm (In New Westminster)
Courtenay	Monday, June 1st at 10:00am
Cranbrook	Monday, May 11th at 2:00pm (In Kamloops)
Dawson Creek	Monday, May 4th at 10:00am (In Prince George)
Duncan	Wednesday, May 6th at 2:00pm (In Victoria)
Fort St. John	Monday, May 4th at 10:00am (In Prince George)
Kamloops	Monday, May 4th at 2:00pm
Kelowna	Monday, May 4th at 10:00 am
Nanaimo	Monday, May 4th at 2:00pm
Nelson	Tuesday, May 19th at 2:00pm (In Kamloops)
New Westminster	Thurs., May 7th at 2:00pm or Thurs., May 14 at 2:00pm
Penticton	Monday, June 8th at 10:00 am
Port Alberni	Monday, May 11th at 10:00am (In Nanaimo)
Powell River	Monday, May 11th at 10:00am (In Nanaimo)
Prince George	Monday, May 11th at 9:30am
Prince Rupert	Monday, May 11th at 10:00am (In Victoria)
Quesnel	Monday, May 4th at 10:00am (In Prince George)
Revelstoke	Monday, May 11th at 10am (In Kamloops)
Rosland	Monday, May 4th at 2:00pm (In Kamloops)
Salmon Arm	Tuesday, May 12th at 10:00am (In Kamloops)
Smithers	Monday, May 4th at 10:00am (In Victoria)
Terrace	Tuesday, June 23rd at 10:00am
Vancouver	Wed., May 6th at 2:00pm or Wed., May 13th at 2:00pm
Vernon	Monday, May 11th at 10:00 am (In Kelowna)
Victoria	Wednesday, May 6th at 2:00pm
Williams Lake	Monday, May 11th at 10:00am (In Prince George)

## APPENDIX B

Campbell River	Monday, June 8th at 10:00am
Chilliwack	Tuesday, May 19th at 2:00pm (In New Westminster)
Courtenay	Monday, June 22nd at 10:00am
Cranbrook	Monday, June 8th at 2:00pm
Dawson Creek	Monday, May 4th at 10:00am (In Prince George)
Duncan	Wednesday, June 3rd (in Victoria)
Fort St John	Monday, May 4th at 10:00am (In Prince George)
Kamloops	Monday, May 11th at 2:00pm
Kelowna	Tuesday, May 19th at 10am
Nanaimo	Tuesday, May 19th at 2:00pm
Nelson	Monday, June 1st at 2:00pm
New Westminister	Thurs., May 28 <sup>th</sup> at 2:00pm or Thurs., June 4 <sup>th</sup> at 2:00pm
Penticton	Monday, June 8th at 10:00am
Port Alberni	Monday, May 11th at 10:00am (In Nanaimo)
Powell River	Monday, May 11th at 10:00am (In Nanaimo)
Prince George	Tuesday, May 19th at 9:30am
Prince Rupert	Monday, May 11th at 10:00am (In Victoria)
Quesnel	Monday, May 4th at 10:00am (In Prince George)
Revelstoke	Monday, June 8th at 10:00am
Rossland	Monday, June 22nd at 2:00pm
Salmon Arm	Tuesday, June 9th at 10:00am
Smithers	Monday, May 4th at 10:00am (In Victoria)
Terrace	Tuesday, June 23rd at 10:00am
Vancouver	Wed., May 27th at 2:00pm or Wed., June 3rd at 2:00pm
Vernon	Tuesday, May 19th at 10:00am (In Kelowna)
Victoria	Wednesday, June 3rd at 2:00pm
Williams Lake	Tuesday, May 19th at 10:00am (In Prince George)



## APPENDIX C

Campbell River	Monday, June 8th at 10:00am
Chilliwack	Monday, June 1st at 2:00pm
Courtenay	Monday, June 1st at 10:00am
Cranbrook	Monday, June 8th at 2:00pm
Dawson Creek	Monday, June 15th at 10:00am
Duncan	Wednesday, June 3rd at 2:00pm (In Victoria)
Fort St. John	Monday, June 1st at 10:00am
Kamloops	Monday, June 1st at 2:00pm
Kelowna	Monday, June 1st at 10:00am
Nanaimo	Monday, June 1st at 2:00pm
Nelson	Monday, June 22nd at 2:00pm
New Westminster	Thurs., June 11th at 2:00pm or Thurs, June 18th at 2:00pm
Penticton	Monday, June 8th at 10:00 am
Port Alberni	Monday, June 8th at 10:00am
Powell River	Monday, June 8th at 10:00am
Prince George	Monday, June 1st at 9:30am
Prince Rupert	Monday, June 8th at 10:00am
Quesnel	Monday, June 15th at 10:00am
Revelstoke	Monday, June 8th at 10am
Rossland	Monday, June 22nd at 2:00pm
Salmon Arm	Tuesday, June 9th at 10:00am
Smithers	Monday, June 1st at 10:00am
Terrace	Tuesday, June 23rd at 10:00am
Vancouver	Wed, June 10th at 2:00pm or Wed., June 17th at 2:00pm
Vernon	Monday, June 1st at 10:00 am
Victoria	Wednesday, June 3rd at 2:00pm
Williams Lake	Monday, June 1st at 10:00am