THE SUPREME COURT
OF BRITISH COLUMBIA

Effective Date: 2010/11/01

Number: PD - 28

Title:

Practice Direction

Chambers Practice

Summary:

This Practice Direction describes administrative procedures that must be followed in setting and adjourning applications or petitions for hearing in chambers. The purpose of these procedures is to allow registry staff to manage hearing lists efficiently both in advance of the hearing and in the courtroom itself. This Practice Direction does not apply to bankruptcy matters, urgent applications, appeals, stated case applications, or other applications for which a procedure is provided for by the Rules of Court.

Direction:

Extra copy of notice of application or petition to be provided

1. To assist registry staff and court clerks in managing hearing lists efficiently, an extra copy of the notice of application or petition must be provided to the registry with the application record or petition record. The extra copy should be separate from and not bound with the application record or petition record.

2. Part 1 of the extra copy of the notice of application or petition should be highlighted or marked in such a way as to indicate which of the orders listed in Part 1 will be spoken to at the hearing. Having a copy marked in this way, allows registry staff to know whether all or only part of the relief listed in the notice of application or petition will be spoken to at the hearing, which in turn allows for better management of hearing time in the courtroom.

Time window for providing application or petition record to registry

3. The Rules of Court require that application records and petition records be provided to the registry no later than 4 p.m. on the business day that is one full business day before the hearing date.

4. Storage becomes a problem for the registries if application records and petition records are filed too far in advance of hearings.

5. Accordingly, unless the court otherwise orders, the applicant/petitioner may provide the application record/petition record to the registry no earlier than 9 a.m. on the business day that is three full business days before the date set for the hearing.

Where application/petition record not provided on time, matter will not be placed on hearing list

6. Where the application record or petition record is not provided to the registry by 4 p.m. on the business day that is one full business day before the date set for hearing of the application or petition as required by the Rules of Court, the application or petition will not be placed on the hearing list.

Adjournments

7. Consent adjournments of applications or petitions set for hearing on the chambers list may be made by telephone or faxed requisition (depending on the practice in the local registry) up until 9 a.m. on the date of the hearing.

8. After 9:00 a.m. on the date of the hearing, consent adjournments may be made only by attending in person before chambers commences and informing the clerk that the hearing of the application or petition has been adjourned by consent, or after the commencement of chambers, by speaking to the matter before the judge or master.

Resetting hearing of application or petition

9. To reset the hearing of an application or petition that:

    a. was not placed on the hearing list because the application or petition record was not provided to the registry on time, or

    b. was adjourned generally,

    the applicant or petitioner must file a requisition in Form 17 and serve the filed requisition on the application respondents or petition respondents at least 2 business days before the new date set for the hearing.

10. The requisition to reset the hearing of an application or petition must set out the following:

    a. the new date and time for the hearing

    b. the place of hearing

    c. a brief description (one paragraph)of the nature of the relief sought on the application or petition

    d. an estimate of the time that the hearing will require

    e. whether or not the matter is within the jurisdiction of a Master.

Robert J. Bauman
Chief Justice