



SUPREME COURT OF BRITISH COLUMBIA

Effective Date: 2013/03/25

Number: PD - 42

Title:

Practice Direction
Masters' Jurisdiction

Summary:

This Practice Direction has two parts. Part A of the Practice Direction sets out a direction of the Chief Justice pursuant to Section 11(7) of the *Supreme Court Act*, RSBC 1996 c. 443, as to the matters in respect of which a master is not to exercise jurisdiction. Part B of the Practice Direction sets out guidelines for the assistance of the profession and the public as to the matters in respect of which a master has jurisdiction.

PART A- Direction:

1. PD - 34 - *Masters' Jurisdiction* dated April 25, 2012 is rescinded.

Restrictions on masters' jurisdiction

2. Section 11(7) of the *Supreme Court Act* provides:

A master has, subject to the limitations of section 96 of the Constitution Act, 1867, the same jurisdiction under any enactment or the Rules of Court as a judge in chambers unless, in respect of any matter, the Chief Justice has given a direction that a master is not to exercise that jurisdiction.

3. Pursuant to section 11 (7) of the *Supreme Court Act*, the Chief Justice directs that a master is not to exercise jurisdiction:
 - a. to grant relief where the power to do so is conferred expressly on a judge by a statute or rule
 - b. to dispose of an appeal, or an application in the nature of an appeal, on the merits
 - c. to pronounce judgment by consent where any party in a proceedings is under a legal disability

- d. to grant court approval of a settlement, compromise, payment or acceptance of money into court on behalf of a person under a legal disability, or court approval of a sale of assets of a person under a legal disability
- e. in any matter relating to criminal proceedings or the liberty of the subject other than uncontested petitions under the *Patients Property Act*
- f. to make an order holding any person or entity in contempt
- g. to grant injunctive relief, other than as identified under paragraph 6 of this direction
- h. to make an order under the *Judicial Review Procedure Act* or for a prerogative writ
- i. to grant a stay of proceedings where there is an arbitration
- j. to make a declaration under the *Survivorship and Presumption of Death Act*
- k. to remove a suspension from the practice of a profession
- l. to set aside, vary or amend an order of a judge, other than:
 - i. to abridge or extend a time prescribed by an order where the original order was one that a master would have had the jurisdiction to make
 - ii. to vary the interim orders identified under paragraph 2 of this direction

Part B- Guidelines:

Matters within a master’s jurisdiction:

- 4. Paragraphs 4- 7 set out guidelines as to the matters that are generally considered to fall within the jurisdiction of a master. These guidelines are for the assistance of the profession and the public and are not intended to be exhaustive.

Applications

- 5. Subject to constitutional limitations and to the direction set out in paragraph 3, a master has jurisdiction to hear applications under the Rules of Court, including applications for approval of sale in foreclosure proceedings.

Interim orders in family law cases

- 6. Subject to constitutional limitations and to the direction set out in paragraph 3, a master has jurisdiction in family law cases
 - a. to make interim orders under the *Family Law Act*, including:
 - i. interim orders respecting guardianship
 - ii. interim orders respecting parenting arrangements

