



**Effective Date:** 2020/02/10

**Updated Date:** 2023/08/01

**Number:** PD-58

**Title:**

## **Practice Direction**

### **Sealing Orders in Civil and Family Proceedings**

#### **Summary:**

This Practice Direction sets out how to apply for a sealing order in a civil or family law proceeding. The applicant must prepare a draft sealing order in the form attached in Schedule A, have it vetted by the court registry, and provide it to the Court at the hearing of the application. The Practice Direction also sets out the steps required after obtaining a sealing order. This Practice Direction does not address the jurisdiction to grant a sealing order, and does not alter restrictions on access to the court record reflected in statutes, rules or court policies.

#### **Direction:**

##### **Application for sealing order**

1. An application for a sealing order in a civil or family law proceeding must be set for hearing. Such applications may not be brought by desk order, even if by consent.
2. At the hearing of an application for a sealing order, the applicant must provide to the Court a draft sealing order in the form attached in Schedule A.
3. The applicant must complete every relevant section of the draft sealing order, including the applicant's proposal for:
  - a. which documents in the court file will be sealed, or whether they are seeking to have the entire court file sealed;
  - b. whether any other court records stored by the court will be sealed (e.g., the court clerk's log notes of court proceedings, audio recordings of court proceedings, orders granted by the Court, and/or reasons for judgment);
  - c. who will be entitled to have access to the sealed documents, other court records and/or file;

- d. whether the sealing order itself, in the form attached in Schedule A, will be sealed;
  - e. whether redacted versions of the sealed documents will be filed; and
  - f. what the duration of the sealing order will be.
4. The draft sealing order must be vetted by the court registry prior to being presented to the Court for signature.
  5. An application to amend an existing sealing order in a civil or family law proceeding must follow the steps set out above, and a new vetted draft sealing order in the form attached in Schedule A must be provided to the Court at the hearing of the application to amend.

#### **The sealing order and next steps**

6. If, on the hearing of an application, the Court grants a sealing order:
  - a. the draft form of sealing order will be signed by the Court and endorsed with any changes; and
  - b. the applicant or counsel for the applicant must attend at the court registry to meet with court registry staff as soon as possible following the hearing of the application to have the order entered, and to confirm the applicable next steps, including the steps in paragraphs 7 and 8.

#### **Redacted versions of sealed documents**

7. If the Court has ordered that a redacted version of a sealed document be filed, the applicant or applicant's counsel must file the redacted version by the date specified in the order or, if the order does not specify a date, no later than 10 business days from the date the order was pronounced.

#### **Documents submitted to the registry before a sealing order has been made**

8. If the Court has ordered that one or more previously filed documents be sealed, the applicant or applicant's counsel must attend at the court registry and confirm to court registry staff which documents are subject to the sealing order and how many copies of them are contained in the court file, so that the court registry can seal the documents and all copies.

#### **Documents submitted to the registry after a sealing order has been made**

9. If the Court has made an order sealing the entire court file, and counsel or a party subsequently seeks to file a document to which the sealing order applies, they must provide the registry with:
  - a. a copy of the applicable sealing order;
  - b. an unsealed envelope containing the documents that are subject to the sealing order; and

- c. a list of the documents contained in the envelope that notes:

*The enclosed listed documents are to be sealed pursuant to the order of \_\_\_\_\_, dated \_\_\_\_\_ in Court File No. \_\_\_\_\_:*

1. \_\_\_\_\_;
2. \_\_\_\_\_;
3. \_\_\_\_\_; etc.

**Sealing order attached to court file or package unless the sealing order is sealed**

10. Where a sealing order directs that specific documents in the court file be sealed, court registry staff must segregate those documents in a package and attach the sealing order to the front of the package, unless the sealing order itself is sealed.
11. Where a sealing order directs that the entire court file be sealed, court registry staff must attach the sealing order to the front of the package containing the court file, unless the sealing order itself is sealed.
12. Where a sealing order itself is sealed, the applicant or applicant's counsel must complete the notice in the form attached in Schedule B and provide this to the court registry, and court registry staff must attach the notice to the package containing the sealed documents or sealed court file.

**Christopher E. Hinkson**  
**Chief Justice**

Schedule A

Court File No.: \_\_\_\_\_  
Court Registry: \_\_\_\_\_

In the Supreme Court of British Columbia

[Style of Proceeding]

SEALING ORDER

BEFORE THE HONOURABLE JUSTICE \_\_\_\_\_ )  
\_\_\_\_\_ ) dd/mm/yyyy  
\_\_\_\_\_ )

ON THE APPLICATION of \_\_\_\_\_  
[party(ies)]

- [ ] coming on for hearing at \_\_\_\_\_ [location] on \_\_\_\_\_  
[dd/mm/yyyy] and on hearing \_\_\_\_\_ [name of party/lawyer] and  
\_\_\_\_\_ [name of party/lawyer];
- [ ] without notice coming on for hearing at \_\_\_\_\_ [location] on  
\_\_\_\_\_ [dd/mm/yyyy] and on hearing \_\_\_\_\_ [name of  
party/lawyer] and \_\_\_\_\_ [name of party/lawyer]

THIS COURT ORDERS that:

1. The \_\_\_\_\_ [ following documents / court records / entire  
court file] be sealed by the Registrar of this Honourable Court for the duration noted:

Description	Date filed, if applicable	Number of copies filed, including any extra copies for the judge	Duration of sealing order [until further order of the Court; until the first day of trial; or until a specific date]	Sought	Granted	
					YES	NO
1a) Specific documents [please specify, e.g. Notice of Civil Claim filed May 1, 2023; Affidavit of John Doe, dated June 1, 2023)]				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1b) Entire court file				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2) Other court records stored by the court [e.g. court clerk's log notes, court audio recording]				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3) Orders [please specify]				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4) Reasons for Judgment				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. The applicant must file redacted versions of [insert applicable documents] by [insert date].

3. Access to the sealed items is restricted to the following persons: [Select all that apply]

- a.  Parties
- b.  Counsel for a party
- c.  Others [Specify]

By the Court

\_\_\_\_\_  
Registrar

\_\_\_\_\_  
Signature of [ ] party [ ] lawyer for \_\_\_\_\_  
[type or print name]

\_\_\_\_\_  
Signature of [ ] party [ ] lawyer for \_\_\_\_\_  
[type or print name]

**Schedule B**

Court File No.: \_\_\_\_\_  
Court Registry: \_\_\_\_\_

**In the Supreme Court of British Columbia**

*[Style of Proceeding]*

**NOTICE OF SEALED SEALING ORDER**

TAKE NOTICE that on \_\_\_\_\_ *[dd/mmm/yyyy]* this Court ordered that  
\_\_\_\_\_ *[note the specific documents or other court records / the entire  
court file]* be sealed. The Court also ordered that the sealing order itself be sealed.

Date: \_\_\_\_\_ *[dd/mmm/yyyy]*

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Signature of [ ] party providing this notice  
Signature of [ ] lawyer providing this notice

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*[type or print name]*