



THE SUPREME COURT
OF BRITISH COLUMBIA

Calculating the Deadline for Filing a Trial Certificate

Supreme Court Civil Rule 12-4 states (Supreme Court Family Rule 14-5):

(1) Each party of record must file a trial certificate in Form 42 (Family, Form F46) in the registry where the trial is to be held.

(2) A trial certificate must be filed at least 14 days before but not more than 28 days before the scheduled trial date.

Section 25(4) of the *Interpretation Act* states:

In the calculation of time expressed as [...] "at least" [...] a number of days, weeks, months or years, the first and last days must be excluded.

Therefore, in calculating the date by which a trial certificate must be filed, neither the date of filing nor the trial date is counted. In situations where the 14th day happens to fall on a weekend day or a day that the registry is closed, it will be necessary to file the trial certificate on or before the last business day that allows for a 14 day period, not counting the date of filing or the scheduled trial date. **See next page for examples.**

Trial Certificate – Consequence of failure to file

Supreme Court Civil Rule 12-4(5) states (Supreme Court Family Rule 14-5(5)):

Unless the court otherwise orders, if no party of record files a trial certificate, the trial must be removed from the trial list.

The Managers of Supreme Court Scheduling have no authority to extend the time of filing.

February 2016						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22 (trial date) TC filed February 5	23 (trial date) TC filed February 5	24	25	26	27
28	29					

March 2016						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21 (trial date) TC filed March 4	22	23	24	25	26
27	28	29 (trial date) TC filed March 14	30	31		

April 2016						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4 (trial date) TC filed March 18	5	6	7	8	9
10	11 (trial date) TC filed March 24	12 (trial date) TC filed March 24	13	14	15	16