



THE PROVINCIAL COURT
OF BRITISH COLUMBIA

Date Issued: 19 March 2020; revised 23 March 2020

Effective Date: 25 March 2020 (unless otherwise stated in this Notice)

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NOTICE TO THE PROFESSION AND PUBLIC

COVID-19: SUSPENSION OF REGULAR COURT OPERATIONS

Updates to this Notice dated March 23, 2020

We recognize the increasing concerns related to the COVID-19 pandemic, the exceptional and unforeseen circumstances that continue to develop, the fact that a Provincial State of Emergency has been declared, the continued announcements about the increasing numbers of new COVID-19 cases, and the recommendations to stay home as much as possible and keep a safe distance from others. As a result of these circumstances the Provincial Court of British Columbia is making changes to this Notice. (*Additions in red.*)

For adjournments of all criminal trials, as well as criminal and family trials currently scheduled for a continuation, please see the information below regarding applications that must be made before March 27, 2020.

Notice Regarding Hub Locations

Effective March 25, 2020 (unless otherwise stated in this Notice), the Honourable Chief Judge Gillespie has suspended regular operations of the Provincial 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. In light of the extraordinary circumstances during the current public health emergency, people are strongly discouraged from attending any courthouse.

Urgent criminal trials as ordered by a judge to proceed, bail hearings during Court sitting hours, and other urgent hearings as ordered by a judge will only be heard at one of the below Hub Court locations, unless otherwise ordered by the Regional Administrative Judge or their designate.

REGION	DESIGNATED HUB COURT LOCATION
Fraser	Surrey
Interior	Kelowna
Northern	Prince George
Vancouver – Urgent Family and Civil and Youth	Robson Square
Vancouver – Criminal	222 Main Street

Vancouver Island	Victoria
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In person filings at all Court locations are suspended. The procedure is set out below for urgent filings for each division of the Court.

I. FAMILY (including child protection (CFCSA) and maintenance enforcement (FMEA))

To contact legal aid to make an application or seek help with an urgent problem relating to a family court matter that has been adjourned in response to the current Covid-19 situation, please call your local legal aid office or call 1 866 577-2525 (BC wide) or 604 408-2172 (Greater Vancouver).

Family case conferences, family management conferences, and CFCSA case conferences scheduled between March 16 and May 16, 2020 will not proceed so the parties should not attend Court. The parties will receive notification by May 4, 2020 regarding the next date they must attend Court.

All non-urgent family matters, including trials, scheduled to proceed between March 18 and May 16, 2020 are adjourned without the parties having to attend Court. See **Appendix "A" - Adjournment Details** for the next date.

Family law trials that are currently scheduled for a continuation between March 25 and May 16, 2020 are adjourned unless a party applies to the court registry **before March 27, 2020** by telephone to proceed on the basis of urgency. If the judge allows the application, the continuation must be heard by telephone. There will not be any in person attendance by counsel, parties or witnesses.

In a child protection case all statutorily mandated matters, including the initial presentation hearing and the protection hearing, are urgent hearings and will proceed on the day they are scheduled by telephone and, if they are on a list, they will proceed on the list day.

In all other cases, on application, only urgent family (FLA, CFCSA, and FMEA) matters as **determined by a judge in a telephone hearing** will be heard, including:

- a. requests for urgent relief relating to the safety of a child or parent;
- b. requests to obtain or set aside protection orders, or urgent orders involving parenting time, contact with a child or communication between parties;
- c. urgent issues that must be determined relating to the well-being of a child including essential medical decisions or issues relating to relocation, non-removal, wrongful removal or retention of a child;
- d. applications to suspend, change or cancel any order for imprisonment or committal pursuant to the *Family Maintenance Enforcement Act*;
- e. in a child protection case, all urgent matters, including applications for supervision orders and for extension of time, and any other urgent motions or hearings; and

- f. urgent cases where irreparable harm will occur if the application is not heard.

PROCEDURE FOR DETERMINING URGENT FAMILY MATTERS

Applications to a judge for determining on the record if a matter is urgent can be sent:

- a. by email, phone or mail to the applicable local [court registry](#); or,
- b. by fax to fax filing registries (see [GEN 01 Practice Direction](#)).

If a judge determines that a matter is urgent, a hearing/trial will be scheduled with all participants appearing by telephone. The hearing/trial will not be in person.

The Provincial Court registries will not accept any new, non-urgent family filings submitted between March 18, 2020 and May 16, 2020.

II. SMALL CLAIMS

Small claims settlement conferences and small claims trial conferences scheduled between March 16 and May 16, 2020 will not proceed so the parties should not attend Court. The parties will receive notification by May 4, 2020 regarding the next date they must attend Court.

All non-urgent small claims matters, including trials and [Rule 9.1 Simplified Trials](#), scheduled to proceed between March 18, 2020 and May 16, 2020 are adjourned without the parties having to attend Court. See **Appendix "A" - Adjournment Details** for the next date.

Only urgent small claims matters as determined by a judge on the record will be heard by telephone including applications:

- a. regarding outstanding warrants;
- b. to preserve limitation periods;
- c. to extend the time for filing pleadings where permitted under the *Small Claims Rules*; and
- d. to renew notices of claim.

Small claims trials that are currently scheduled to continue between March 23 and May 16, 2020 are adjourned. You will be notified of your next court date.

PROCEDURE FOR DETERMINING URGENT SMALL CLAIMS MATTERS

Applications to a judge for determining if a matter is urgent can be sent:

- a. electronically (where able) using [Court Services Online](#);
- b. by email, phone or mail to the applicable local [court registry](#); or,

- c. by fax to fax filing registries (see [GEN 01 Practice Direction](#)).

No new non-urgent small claims filings will be accepted by the Provincial Court registries submitted between March 18, 2020 and May 16, 2020.

III. CRIMINAL (ADULT AND YOUTH)

To contact legal aid to make an application or seek help with an urgent problem relating to a criminal court matter that has been adjourned in response to the current Covid-19 situation, please call your local legal aid office or call 1 866 577-2525 (BC wide) or 604 408-2172 (Greater Vancouver).

1. PERSONS IN CUSTODY

All in custody criminal trials and trial continuations scheduled between March 23 and May 16, 2020 are adjourned and witnesses will be denotified **unless you or your counsel or Crown counsel contact the Judicial Case Manager at the applicable court location before March 27, 2020** and arrange to have the Court determine, by telephone, whether the trial is urgent and, if so, how the trial will proceed. Otherwise, as of March 27, 2020 you will be deemed to have consented to this adjournment and witnesses will be de-notified. The Court file will record that these adjournments are due to COVID-19. The Court file will record that these adjournments are due to COVID-19.

The scheduling and hearing of in-custody **sentencings or bail hearings** will proceed unless adjourned by the Court on application by a party. Parties **must appear by** video conference **or telephone** for in custody sentencing **and bail hearings**. You may apply to adjourn a **sentencing or bail hearing** by calling the [Judicial Case Manager](#) at the **applicable court** location noted above. Adjournments due to COVID-19 will be noted as such in the Court file.

Consent remand matters will proceed by telephone or by submitting to the Judicial Case Manager at the applicable local court location the [Consent Remand Form](#) by email where available.

All judicial interim release (bail) hearings will continue to use video/telephone conferences (instead of in-person appearances), unless a judge or justice orders otherwise. Bail applications occurring outside of Court sitting hours shall be referred to the [Justice Centre](#).

For consent bail variations without a surety, the [Form](#) in **Appendix “B”** may be sent to the [Judicial Case Manager](#) at the applicable local court location in one of the following ways:

- a. by email; or
- b. if available in the location, by facsimile.

Counsel for a person in-custody may sign the Form on their behalf if it is their application. For consent bail variations with a surety, please call the [Judicial Case Manager](#) at the applicable local court location for further information.

2. PERSONS OUT OF CUSTODY (including Circuit Courts)

With the exception of matters determined by a judge to be urgent, all out of custody criminal matters (initial appearances, remands, applications, trials, and sentencings) scheduled to proceed between March 18 and May 16, 2020 are adjourned without the parties having to attend Court. See **Appendix "A" - Adjournment Details** for the next date. The Court file will record that these adjournments are due to COVID-19.

If an out of custody trial is urgent, the person out of custody, their counsel or Crown counsel must contact the [Judicial Case Manager](#) at the applicable local court location before March 27, 2020 and they will arrange to have the Court determine by telephone whether the trial is urgent and any next steps. Otherwise, as of March 27, 2020, you will be deemed to have consented to this adjournment and witnesses will be de-notified. The Court file will record that these adjournments are due to COVID-19.

Criminal trials that are currently scheduled for [continuance](#) between March 25 and May 16, 2020 are adjourned unless a party contacts the Judicial Case Manager at the applicable court location and applies to the Court before March 27, 2020 by telephone to proceed on the basis of urgency. If the judge allows the application the continuance must be heard by telephone. There will not be any in person attendances by the accused, counsel or witnesses.

If you think your matter (other than a trial) is urgent, you or your counsel must contact the [Judicial Case Manager](#) at the applicable local court location and they will arrange to have a judge determine, by telephone, whether the matter is urgent and any next steps.

4. INDIGENOUS COURTS

All Indigenous Court matters scheduled to proceed between March 18 and May 16, 2020 are adjourned without the parties having to attend Court. See **Appendix "C" - Indigenous Courts Adjournment Details** for more information.

5. FILINGS

No new non-urgent criminal filings will be accepted by the applicable local [court registry](#) between March 18, 2020 and May 16, 2020.

Information must be sent by telecommunication (fax or telephone) to the applicable local [court registry](#). The process hearing will be done by telephone.

6. JUDICIAL AUTHORIZATIONS

Until further notice, all applications for judicial authorization that can be made by telecommunication should be made by telecommunication for judicial consideration. This direction restricting in-person applications supersedes paras. 3 and 6 of [CRIM 03 Daytime Search Warrant Applications](#).

Applicants seeking judicial authorization for matters that by law must be applied for in person are to give consideration to the investigative urgency of the matter and seek judicial authorization where the matter is a priority. The Court may vet matters accordingly, decline to consider an in person application, or provide applicants with directions as to where a particular application may be made in person to a judicial officer.

For all warrants, including judge only warrants, peace officers should contact the Justice Centre. Do not attend your local courthouse in person.

7. SECTION 490 DETENTION OF THINGS SEIZED

Section 490 *Criminal Code* extension applications will be heard by telephone. New applications must include a date/time and phone number that the applicant and disputant can attend by telephone. On the day of the telephone hearing, if the matter is uncontested, and service has been proven, the CSB Justice of the Peace or Judicial Justice will review the application along with supporting materials filed. If the matter is contested, the CSB Justice of the Peace or Judicial Justice will obtain the telephone contact information for the applicant and disputant and provide that to the applicable local [Judicial Case Manager](#), who will arrange to have a Provincial Court Judge determine by telephone whether the matter is urgent and any next steps.

8. JUSTICE CENTRE

For bail and judicial authorizations at the [Justice Centre](#) that police agencies or counsel believe require an in-person appearance, the police agency or counsel must call the Justice Centre and they will arrange to have a Provincial Court Judge or Judicial Justice determine by telephone whether the matter is urgent and any next steps.

Affiants with an in-person application to be made at the Justice Centre must swear their affidavits before attending at the Justice Centre and will then drop off the document at the front counter without a personal appearance before anyone at the Justice Centre.

For all warrants, including judge only warrants, peace officers should contact the Justice Centre. Do not attend your local courthouse in person.

IV. TRAFFIC, TICKET OR BYLAW MATTERS

Traffic, ticket or bylaw matters scheduled from March 18 to May 16, 2020 are adjourned without the disputant having to attend Court and will be rescheduled to a later date. A notice of a new Court date will be sent to the disputant by mail to the address on file with the Court. To [dispute a violation ticket](#), the disputant has the option to download a form and mail it in to:

Ticket Dispute Processing
Bag 3510
Victoria, B.C. V8W 3P7

The timeline to pay fines related to a Provincial Court traffic, ticket or bylaw case is extended to June 30, 2020. These measures are adopted to ensure no one is required to attend court or visit a courthouse to deal with a pending fine.

THE FOREGOING IS SUBJECT TO CHANGE, ANY UPDATED DIRECTIONS WILL BE POSTED ON THE COURT'S [WEBSITE](#).

History of Notice to the Profession and Public

- Original Notice to the Profession and Public issued on March 19, 2020, and effective March 25, 2020 (unless otherwise stated in the Notice).
- Updated Notice issued March 23, 2020 with additions noted in red.

By Direction of Chief Judge Melissa Gillespie
Provincial Court of British Columbia

Appendix “A” – Adjournment Details

If your court location is listed in the table immediately below, you will be required to contact the scheduling contact noted below for your location (by email or telephone) **on the date you were originally scheduled to attend Court** in order to set your next appearance date.

AREA	COURT LOCATION	SCHEDULING CONTACT
Campbell River	Campbell River (staffed)	CampbellRiver.Scheduling@provinciacourt.bc.ca
	Gold River (circuit)	250-286-7556 (Mon and Tue) 250-334-1237 (Wed, Thu, and Fri)
Cariboo	Quesnel (staffed)	Cariboo.Scheduling@provinciacourt.bc.ca
	Williams Lake (staffed)	250-398-4377
	100 Mile House (circuit)	
	Anaheim Lake (circuit)	
Courtenay	Courtenay (staffed)	Courtenay.Scheduling@provinciacourt.bc.ca 250-286-7556 (Mon and Tue) 250-334-1237 (Wed, Thu, and Fri)
Duncan	Ganges (circuit)	Dun.Scheduling@provinciacourt.bc.ca 250-746-1201
Kamloops	Clearwater (circuit)	Kamloops.Scheduling@provinciacourt.bc.ca
	Lillooet (circuit)	250-828-4086
	Merritt (circuit)	
East Kootenays	Cranbrook (staffed)	EKootenays.Scheduling@provinciacourt.bc.ca
	Golden (staffed)	250-426-1354
	Creston (circuit)	
	Fernie (circuit)	
	Invermere (circuit)	
	Sparwood (circuit)	
West Kootenays	Nelson (staffed)	WKootenays.Scheduling@provinciacourt.bc.ca
	Rosslund (staffed)	250-354-6870
	Castlegar (circuit)	
	Grand Forks (circuit)	
	Nakusp (circuit)	
North Vancouver	Pemberton (circuit)	NVan.Scheduling@provinciacourt.bc.ca 604-981-0293
Peace District	Dawson Creek (staffed)	Peace.District.Scheduling@provinciacourt.bc.ca
	Chetwynd (circuit)	250-787-3416
	Tumbler Ridge (circuit)	
Penticton	Princeton (circuit)	Penticton.Scheduling@provinciacourt.bc.ca 250-492-1298
Port Hardy	Port Hardy (staffed)	PortHardy.Scheduling@provinciacourt.bc.ca 250-286-7556 (Mon and Tue) 250-334-1237 (Wed, Thu, and Fri)
Powell River	Powell River (staffed)	LCaporale@provinciacourt.bc.ca and YHadfield@provinciacourt.bc.ca 604-485-3630

Prince George	Mackenzie (staffed by Service BC)	PG.Scheduling@provincialcourt.bc.ca 250-614-2740 or 250-614-2756
	Valemount (staffed by Service BC)	
	Fort St. James (circuit)	
	Fraser Lake (circuit)	
	McBride (circuit)	
	Vanderhoof (circuit)	
Prince Rupert	Prince Rupert (staffed)	PrinceRupert.Scheduling@provincialcourt.bc.ca 250-847-7482
	Masset (circuit)	
	Queen Charlotte (circuit)	
Smithers	Burns Lake (staffed)	Smithers.Scheduling@provincialcourt.bc.ca 250-847-7482
	Smithers (staffed)	
	Hazelton (circuit)	
	Houston (circuit)	
Terrace	Fort Nelson (staffed)	Terrace.Scheduling@provincialcourt.bc.ca 250-638-2140
	Dease Lake (circuit)	
	Kitimat (circuit)	
	New Aiyansh (circuit)	
	Stewart (circuit)	
Vernon	Salmon Arm (staffed)	Vernon.Scheduling@provincialcourt.bc.ca 250-549-5433 (Vernon) 250-833-3376 (Salmon Arm)
	Revelstoke (circuit)	

For all other court locations **not** listed in the above table, your matter is adjourned to the date set out below to fix your next appearance date:

If your matter is scheduled for...	Your matter is adjourned to fix a date for your next appearance on...
March 18	June 17
March 19	June 18
March 20	June 19
March 23	June 22
March 24	June 23
March 25	June 24
March 26	June 25
March 27	June 26
March 30	June 29
March 31	June 30
April 1	July 2 (STAT July 1)
April 2	July 3
April 3	July 6
April 6	July 7
April 7	July 8
April 8	July 9
April 9	July 10

April 14	July 13
April 15	July 14
April 16	July 15
April 17	July 16
April 20	July 17
April 21	July 20
April 22	July 21
April 23	July 22
April 24	July 23
April 27	July 24
April 28	July 27
April 29	July 28
April 30	July 29
May 1	July 30
May 4	July 31
May 5	August 4 (STAT Aug 3)
May 6	August 5
May 7	August 6
May 8	August 7
May 11	August 10
May 12	August 11
May 13	August 12
May 14	August 13
May 15	August 14

Application to Vary Bail by Consent

Police Agency & File No.:	Court File No.(x):
DOB:	

APPLICANT:		SURNAME	GIVEN NAME
Address:		CITY/TOWN/SUBURB/VILLAGE	POSTAL CODE
British Columbia	Telephone	HOME ()	MURDER ()
Name of Counsel for Applicant _____			

Under Section 519.1 of the *Criminal Code* an application is made to vary the attached document on which **NAME OF ACCUSED / YOUNG PERSON** was released on **DATE**.


The consent of the prosecutor is requested to vary the bail as follows:

The reasons on which the application is based are as follows:
(If more space is required, add more pages)

Dated _____
at _____
British Columbia

Signature of Applicant

PROSECUTOR:
☐ I consent to the variation ☐ I do not consent to the variation

 **Print Name** _____

Signature of Crown Counsel _____

Dated _____ **at** _____ **British Columbia**

I (my client) understand that the current undertaking, recognizance, or release order remains in effect until I (they) have verbally acknowledged acceptance of the variation to a representative of the Provincial Court of British Columbia or their delegate who will be contacting me (them) once the variation has been approved.

I (my client) understand that once the variation has been verbally acknowledged and accepted, failure to comply without a lawful excuse with the release order as varied is an offence.


Signature of Accused / Young Person /
Counsel for the Accused or Young Person (circle one)

Provincial Court Judge or Judicial Justice (if applicable)

Dated _____ at _____ British Columbia

COURT SERVICES:

I, NAME _____ COURT SERVICES POSITION _____, spoke with
NAME OF ACCUSED / YOUNG PERSON _____ on DATE _____
by telephone. I read the terms of the order to them and they acknowledged acceptance and understanding of all the conditions.



Signature

Dated _____ at _____ British Columbia

Application to Vary Bail by Consent

Appendix “C” – Indigenous Courts Adjournment Details

INDIGENOUS COURT	If you have an existing appearance date scheduled for ...	Your matter is adjourned to ...
DUNCAN	Thursday, March 26	Monday May 11 (half day)
	Thursday, April 23	Friday May 15
KAMLOOPS	Friday, April 3	Friday, June 5
	Friday, May 8	Friday, July 10
MERRITT	Wednesday, April 22	Wednesday, June 17
NEW WESTMINSTER	Thursday, April 9	Thursday, June 4
	Thursday, May 7	Thursday, July 2
NORTH VANCOUVER	Wednesday, March 18	Wednesday, June 3
	Wednesday, April 8	Wednesday, June 17
PRINCE GEORGE	Tuesday, April 7	Tuesday, June 2
	Tuesday, May 5	Tuesday, July 7