



THE PROVINCIAL COURT  
OF BRITISH COLUMBIA

Effective Date: 09 October 2020 (unless otherwise stated in this Notice)

NP 19 *Additions in red*

## NOTICE TO THE PROFESSION AND PUBLIC

### COVID-19: RESUMPTION OF COURT OPERATIONS

The Provincial Court of British Columbia recognizes that the Province is still impacted by the COVID-19 pandemic. The Chief Public Health Officers of Canada and the Province still require people to keep a safe distance from each other, but currently there can be a cautious reopening of public places with health and safety protocols in place to minimize the transmission of the virus. Taking this into account, the Provincial Court has resumed court operations as described in this Notice (NP 19). **This version of NP 19 has been substantially revised to reflect current court operations only and remove historical information. Archived versions of NP 19 are available [here](#).** The directions in this Notice are subject to change as circumstances of the pandemic change. Anyone appearing for an in person hearing must be in full compliance with all of the Provincial Health Officer's Orders or directions regarding COVID-19 and [Notice to the Profession and Public 22: Resuming In-Person Proceedings During COVID-19 Health and Safety Protocols](#). **For virtual proceedings, see [NP 21 Guide to Virtual Proceedings](#).**

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## I. FILINGS

Provincial Court registries are accepting all filings at the [applicable court registry](#) either in-person or remotely (by mail, email, fax to fax filing registries under [GEN 01 Practice Direction](#), or using [Court Services Online](#) where available). To protect the health and safety of all court users and help contain the spread of COVID-19 while maintaining access to the Court, parties are encouraged to use remote filing options wherever possible.

Applications in family and small claims matters may be accompanied by **affidavits**, written statements of fact that have been sworn or affirmed to be true before a commissioner for oaths such as a lawyer or justice of the peace. In order to reduce the number of people attending court registries the Chief Judge is advising Provincial Court registries that the materials filed need not be sworn or affirmed at this time (during COVID-19). The judge who hears the matter may attach whatever weight they consider appropriate to unsworn or unaffirmed documents. People submitting affidavits must still take care to ensure their affidavits are accurate and true. If there is a hearing the judge will likely require them to swear or affirm that the contents of their affidavit are true at the hearing. See, also, [NP 20 Affidavits for use in Court Proceedings](#). The only exception is that Affidavits of Personal Service need to be sworn/affirmed before filing if the person who served the documents will not be attending the hearing.

During COVID-19, the Chief Judge is advising Provincial Court registries to accept family Applications and Notices of Motion with typewritten or electronic signatures.

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

Information about judicial authorizations is set out below in section 8.

## II. PROVINCIAL SUSPENSION OF LIMITATION PERIODS REMAINS IN PLACE (SMALL CLAIMS AND FAMILY)

Effective March 26, 2020, the Minister of Public Safety and Solicitor General suspended limitation periods and mandatory time periods in British Columbia enactments or laws for the commencement of a small claims or family action. See Ministerial Order No. M086 (Limitations Order No. 1).

Effective April 15, 2020, Ministerial Order No. M086 was repealed and replaced by Ministerial Order No. M098, which suspends limitation periods and mandatory time periods in British Columbia enactments or laws for the commencement of a small claims or family action, (Limitations Order No. 2).

On July 8, 2020, the Legislature passed the *COVID-19 Related Measures Act*, S.B.C. 2020, c. 8 ("Act"). The Act came into force on July 10, 2020. The Act continues the suspension of mandatory limitation periods and other mandatory time periods in British Columbia

enactments or laws for commencing a small claims or family action as set out in Limitations Order No. 1 and Limitations Order No. 2.

On August 4, 2020, the Lieutenant Governor made the *COVID-19 (Limitation Periods in Court Proceedings) Regulation*, B.C. Reg. 199/2020 (“Regulation”) and amended the Act. The Regulation and the Act provide that the suspension of mandatory limitation periods and any other mandatory time periods in British Columbia enactments or laws for commencing a small claims or family action in the Provincial Court of British Columbia will end 90 days after the date the state of emergency expires or is cancelled.

### **III. FAMILY (including child protection (CFCSA) and maintenance enforcement (FMEA))**

If you require legal assistance with your matter, you may contact Legal Aid at 1-866-577-2525.

Please note that the only matters that will be heard in-person are trials, unless otherwise ordered by a judge. They will remain on the trial list on date scheduled. Counsel and self-represented litigants are to attend Court in-person on the date scheduled at 9:00 AM to advise if ready to proceed that day. The Court will determine which trials will proceed. Witnesses and parties represented by counsel are to wait outside the courthouse (within a 30 minute distance) and be prepared to be called to attend court in-person.

Family remand lists (CFCSA, FLA, FMEA), family case conferences (CFCSA and FLA), family management conferences (Victoria) will be heard by audioconference or videoconference on the date scheduled. For family remand, please contact the applicable [court registry](#) for dial in information/link in advance of the scheduled date.

#### **a. Consent Adjournment (CFCSA/FLA/FMEA)**

##### ***By Director’s Counsel (CFCSA)***

- See [FAM 07 Practice Direction](#) and the [Consent Requisition Form](#).

##### ***By Counsel (FLA/FMEA)***

- See [FAM 09 Practice Direction](#) and the [Consent Adjournment Form](#).

##### ***By Parties (FLA/FMEA)***

- The [Consent to Court Date Form](#) may be filed at the [applicable local court registry](#) upon signing by all parties to change the first appearance date, or change the trial date by consent without the necessity of appearing in Court. You must first contact the registry and ask for a date acceptable to all parties and to the Court. To change a trial date, you must file the [Consent to Court Date Form](#) with the registry at least 45 days before the original trial date.

**b. Early Resolution Process and Expedited Court Process to Change or Suspend Child or Spousal Support Due to COVID-19**

See [Practice Direction FAM 08: Early resolution process and expedited court process to change or suspend child or spousal support due to COVID-19](#).

**c. Other Resources for Family Cases**

The following link lists some other resources that may assist in resolving a family matter:  
<https://www.provincialcourt.bc.ca/types-of-cases/family-matters/links>.

**IV. SMALL CLAIMS**

Please note that the only matters that will be heard in-person are trials, unless otherwise ordered by a judge.

Appearance type	Current status of appearance
Applications and Payment Hearings	Will be heard by audioconference or videoconference on the date scheduled. In the event a judge or justice determines sworn evidence is required, the judge or justice may adjourn the matter to another date for an in person hearing.
Settlement or Trial Conference	Will be heard by audioconference or videoconference on the date scheduled. The Court will contact the parties regarding how to submit documents relevant to the settlement discussion in advance of a settlement conference.
Trial	Will remain on the trial list on date scheduled. Counsel and self-represented litigants are to attend Court in-person on the date scheduled at 9:00 AM to advise if ready to proceed that day. The Court will determine which trials will proceed. Witnesses and parties represented by counsel are to wait outside the courthouse (within a 30 minute distance) and be prepared to be called to attend court in-person.
Rule 9.1 Simplified Trial	Will remain on the trial list on date scheduled for in-person proceeding. The Court will contact the parties regarding how to submit their Trial Statements in advance.

## **V. CRIMINAL (ADULT AND YOUTH)**

In this Part, “trial” includes preliminary inquiry if not already stated.

Crown and defence counsel are encouraged to appear by audioconference or videoconference on all matters except trials, preliminary inquiries, and sentencings where evidence is called until further notice.

If you require legal assistance with your matter, you may contact Legal Aid at 1-866-577-2525. Any in-custody accused who is transported to Court from a correctional facility, if they are returning to custody after the appearance, may be placed in an induction unit. For current information, see [BC Corrections’ COVID-19 In-Court Protocols](#).

### **1. JUDICIAL INTERIM RELEASE**

All judicial interim release (bail) hearings will continue to use audioconference or videoconference (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 Application to Vary Bail by Consent Form (PCR 317) (<https://www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/court-forms/criminal-court-forms>) 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. INITIAL APPEARANCE COURT**

Counsel must endeavor to avoid unnecessary personal attendances of the accused or counsel at the courthouse wherever possible. Please refer to “Alternatives to in-person appearance” in [CRIM 13 Practice Direction: Initial Appearance Court During COVID-19](#).

### **3. PRE-TRIAL CONFERENCES**

[CRIM 12 Practice Direction: Criminal Pre-Trial Conferences During COVID-19](#) applies to the specified adult and youth criminal files listed in the “Application” section of the Practice Direction.

Effective September 28, 2020, this practice direction only applies to files where the accused is represented by counsel. Self-represented accused with trials requiring one day or more of trial

time will have a pre-trial conference set before a judge, preferably the trial judge, approximately 8 to 10 weeks before the first date of trial for trial management purposes.

#### **4. TRIALS AND TRIAL CONTINUATIONS**

In-custody and out-of-custody trials and trial continuations will remain on the trial list on the date scheduled. Counsel and self-represented litigants are to attend Court in-person on the date scheduled at 9:00 AM to advise if they are ready to proceed that day. Witnesses and parties represented by counsel are to wait outside the courthouse (within a 30 minute distance) and be prepared to be called to attend court in-person. The Court will determine which trials will proceed.

#### **5. DISPOSITIONS**

For out of custody matters where the accused (out of custody) and counsel agree to appear by audioconference or videoconference, and the prosecutor and defence counsel have agreed to seek a sentence that does not involve any incarceration but may factor in time already spent in custody and include a one day jail sentence where the accused is not taken into custody or a conditional sentence order, in order to schedule these dispositions, defence counsel must:

- i. complete the “Request for Resolution of Matters” Form;
- ii. file the completed Form to the applicable local [court registry](#); and
- iii. provide a means by which the accused will receive a printed copy of any court order(s). For example, this could be an email, fax or mailing address for the accused or their counsel.

A Judicial Case Manager will contact counsel to schedule the hearing by audioconference or videoconference before a judge.

All materials to be relied on must be provided to the court two days in advance of the hearing. Those materials will include the picklist terms as part of any peace bond, probation order, or conditional sentence order.

Where Crown is seeking incarceration or the accused does not consent to being sentenced by audioconference or videoconference, parties must contact the applicable Judicial Case Manager to schedule these sentencings. Where the accused is appearing in person for their sentencing, counsel may appear by audioconference or videoconference and must notify the JCM of their method of appearance.

#### **6. APPLICATIONS TO REPLACE A POLICE UNDERTAKING**

For applications to replace a police undertaking under s. 502(2) of the *Criminal Code* the Application to a Judge Form (PCR 315) is available at:  
<https://www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/court-forms/criminal-court-forms>.

## 7. SPECIALIZED COURTS

Specialized Court	Current Status
Indigenous Courts (including Aboriginal Healing Court Conferences)	Will remain on the date scheduled unless otherwise notified by the Court. The Court anticipates hearing these matters in person, by audioconference, or by videoconference.
Drug Treatment Court of Vancouver	Accused and counsel may appear, in person, by audioconference, or videoconference during the COVID period.  Crown and defence counsel are encouraged to appear by audioconference or videoconference.
Downtown Community Court	
Domestic Violence Courts	
Victoria Integrated Court	Accused and counsel may appear, in person, by audioconference, or videoconference during the COVID period.  Crown and defence counsel and other court participants, including ACT Team members, are encouraged to appear by audioconference or videoconference.

## 8. JUDICIAL AUTHORIZATIONS

This direction suspends the [CRIM 03 Practice Direction regarding Daytime Search Warrant Applications](#) until further notice.

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

Until further notice, all applications for judicial authorization that can be made by telecommunication should be made by telecommunication for judicial consideration, unless a judge or justice directs otherwise. In-person applications for all applications that can be made by telewarrant pursuant to section 487.1 of the *Criminal Code* will not be accepted by the Justice Centre.

Affidavits in support of applications for all judicial authorizations must be properly sworn before being transmitted to the judge or justice.

Please see the Memo from the Chief Judge regarding [Judicial Authorizations at the Justice Centre During COVID-19](#) for further details.

## **9. 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 any next steps.

## **10. APPLICATION TO RENDER ACCUSED BY SURETY**

Those no longer wanting to be sureties for an accused can fill out the form, [Application to render accused by surety pursuant to s. 766\(1\) of the Criminal Code](#) (PCR 967), and make that application by filing the form at the applicable local [court registry](#).

## **VI. PUBLIC HEALTH EMERGENCY MATTERS**

Matters related to public health and safety and the COVID-19 pandemic, including matters under the *Quarantine Act*, *Public Health Act* and similar statutes and regulations can be filed at the applicable local [court registry](#).

## **VII. TRAFFIC, TICKET OR BYLAW MATTERS**

Parties who receive a notice of hearing and require interpreter services for their hearing must contact the Violation Ticket Center at 1-877-661-8026 prior to their hearing date.

Alternate traffic locations will be configured to accommodate physical distancing, however, to assist with that distancing the Court asks that only counsel, parties, unpaid agents permitted by the presiding judicial officer and witnesses involved in the hearings before the Court, as well as members of the accredited media, attend these hearings.

Filings will not be accepted at alternate hearing locations such as schools and universities, nor at court registries on evenings or weekends. Where filing at a court registry is by email, and the location has an email address specific to a criminal registry (such as the Surrey Courthouse), the email should be directed to that email address.

Disputants have the options of:

- a. **Filing Written Reasons including a request for a fine reduction and/or time to pay** (link to form: <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/courthouse-services/court-files-records/court-forms/traffic/ptr022.pdf>)
- b. **Paying the fine(s) on the ticket**



To dispute a violation ticket and have a trial date assigned as a future available court date, the Disputant can download a [form](#) and mail it in to: Ticket Dispute Processing, Bag 3510, Victoria, B.C. V8W 3P7.

#### **VIII. CIRCUIT COURTS**

See Notice to Profession (NP 23) [Circuit Court Sitzings During COVID-19](#).

**THE FOREGOING IS SUBJECT TO CHANGE, ANY UPDATED DIRECTIONS WILL BE POSTED ON THE COURT'S WEBSITE.**

Expired

### 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.
- April 2, 2020: Updated Appendix B to replace picture of Application to Vary Bail by Consent Form with link to the Form.
- April 14, 2020: Changes since last update noted in red, including adding applications to replace a police undertaking under s. 502(2) of the *Criminal Code* under “Persons in Custody”; revising “Judicial Authorization” section and removing “Justice Centre” section in Part III “Criminal (Adult and Youth)”; adding Part IV “Public Health Emergency Matters”; and housekeeping changes.
- April 28, 2020: Updated to set out the plan to commence recovery of some court operations that are capable of being done remotely by audioconference or videoconference.
- May 8, 2020: Updated to address: summary proceedings in criminal matters; and, some urgent matters (see page 8 for information regarding a May 16, 2020 deadline).
- June 12, 2020: Updated to remove reference to Hub Courts; address Initial Appearance Court, remand appearances, and court appearances scheduled after July 3, 2020; update Appendix “C”; add Appendix “D”. See, also, [NP 22 Resuming In-Person Proceedings During COVID-19: Health & Safety Protocols](#) and [NP 21 Guide to Remote Proceedings](#).
- July 2, 2020: Updated regarding traffic court locations, registry opening for new filings, urgent applications, additions to Appendix C and further information regarding CRIM 12.
- July 13, 2020: Updated to reflect that court registries will accept all filings, including in-person filings, and to remove references to the urgent hearing process in place during reduced registry operations; added Nelson Traffic Court sittings on August 14 and 28, 2020; and housekeeping changes to remove outdated information including several Appendices.
- July 17, 2020: Updated to add Creston Traffic Court sitting; move references to details regarding Circuit Courts to new Notice (NP 23) hyperlinked in Part VI.
- July 29, 2020: Updated “Family” and “Criminal” sections; clarification of small claims applications and payment hearing appearances after July 3, 2020.
- August 17, 2020: Removed chart under Part V “Traffic, Ticket and Bylaw Matters” as Notices of Hearing contain relevant information.
- September 28, 2020: Updated to add section d under Part I “Family”, section c under Part II “Small Claims”, and reference to “unpaid agents permitted by the presiding judicial officer” under Part V “Traffic Matters”; and consequential amendments to Part III “Criminal” further to the revised [CRIM 12](#) Practice Direction.
- **October 9, 2020: Updated to reflect current court operations only, delete historical references such as to Appendix “A” – Adjournment Details, and change “remote proceedings” references to “virtual proceedings”.**

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