

AMENDED

**Notice to Profession
Fax Filing Pilot Project**

June 30, 2006

On February 1, 2003, the Fax Filing Pilot Project was implemented in fourteen (14) court registries throughout the province. This project, an initiative of Court Services Branch, Ministry of Attorney General, in consultation with the Provincial Court and Supreme Court, pilots an alternative to 'in-person' filing or filing by mail of certain Provincial Court and Supreme Court civil documents.

The 14 pilot locations are:

Chilliwack	Cranbrook	Dawson Creek	Kamloops
Kelowna	Nelson	Penticton	Prince George
Rosland	Salmon Arm	Smithers	Terrace
Vernon	Williams Lake		

The Fax Filing Pilot Project also pilots the use of credit card payment of statutory filing fees in all 14 locations and the use of BC Online payment in Prince George.

The Fax Filing Pilot Project was originally scheduled to end on July 31, 2003, but had been extended since then and is now extended to July 1, 2008. This allows time for further evaluation of the service. Following the completed evaluation, a decision will be made as to whether to expand the service to all registries throughout the Province.

The fax filing initiative has entailed changes to civil procedure in the Provincial Court. For the purposes of the pilot project, two new Rules of Court were introduced: Rule 17.1 – Procedures in Fax Filing Project Registries, Small Claims Rules and Rule 5.1 – Procedures in Fax Filing Project Registries, Provincial Court (Family) Rules. In addition to the Rule changes, a Practice Direction has been issued to provide direction on the transmission of Provincial Court documents to the registry by fax.

The Rules and Practice Direction provide information on the documents excluded from the pilot project and the elements of transmitting documents to the registry by fax which include the following:

Original document must be available

- The original document must be available for production to the court. Litigants must bring original documents when appearing before court.

Effect of fax filing

- Where a document transmitted by fax has been accepted by the registry and returned to the person filing the document with the date stamp and file number, that copy is valid for the purposes of any rule that refers to an original.

Date document is received by registry

- A document will not be considered to be filed in the registry until the document is stamped by the registry and payment of applicable registry service fees is received.
- A document will be considered filed as of the date stamped by the registry.
- It is the responsibility of the person submitting the document to ensure that a document is received in the registry by the required date. The registry takes no responsibility for difficulty experienced by the person submitting the document in attempting to fax a document to the registry.

Filing process

- To be accepted for filing, a document must be accompanied by a fax cover sheet which will include information required to process the payment of the applicable registry service fees.
- Documents will only be accepted for filing at a registry when sent to the dedicated fax number for that registry.

The guidelines set out in the Practice Direction are subject to judicial determination. Every accommodation will be made to see that this project is successful. However, if problems arise in administering these guidelines, they may be changed or modified during the term of the Pilot Project.

A copy of the Practice Direction, this Notice and the Rules may be found on the Provincial Court of British Columbia webpage www.provincialcourt.bc.ca.

A copy of the Fax Cover Sheet and further information on how to transmit documents by fax may be found on the Court Services Branch webpage <http://www.ag.gov.bc.ca/courts> or by calling Enquiry BC.



Hugh C. Stansfield
Chief Judge