



THE PROVINCIAL COURT
OF BRITISH COLUMBIA

Effective date: 20 April 2023

CRIM 03

PRACTICE DIRECTION

JUDICIAL AUTHORIZATION APPLICATIONS

Purpose

To outline the process for obtaining judicial authorizations, either in person or by a means of telecommunication (“telewarrant”).¹

Application

This practice direction applies to all court locations in the Province.

Directions

1. Pursuant to section 11 of the *Provincial Court Act*, all applications for judicial authorizations are assigned to be heard by judicial justices (“JJs”) *except* applications that are required by the relevant statutory provisions to be heard by a judge (“PCJ only”). See [NP 16](#). Unless otherwise stated in this Practice Direction, JJs are available to receive in person judicial authorization applications at the Justice Centre.
2. Affidavits in support of all applications for judicial authorizations must be properly sworn or affirmed² **before** submission to the Court.
3. Applications for unsealing orders shall be made at the court location where the judicial authorization is filed.

¹ For applications for orders under the *Missing Persons Act*, see [CRIM 09 Practice Direction: Missing Person Act Applications](#).

² Or have the statement alternative to oath completed if by telecommunication where applicable.

A. Applications for judicial authorizations from 8:00AM to 11:00PM, including weekend and statutory holidays

4. For all applications for judicial authorizations (JJ and PCJ only), contact the **Justice Centre at (604) 660-3263** to arrange an in person appointment or to submit your application by telecommunication, and provide the Justice Centre with the following information:
 - a. Affiant's name, name of detachment/enforcement agency, contact information, agency file number;
 - b. Type of judicial authorization sought, including relevant statutory provisions; and if PCJ only and/or a sealing order is required;
 - c. If re-application or previously reviewed;
 - d. Level of urgency and number of pages of the application;
 - e. Confirmation that the application has been sworn/affirmed (or statement alternative to oath completed if by telecommunication where applicable) and is ready to be submitted to the Court; and
 - f. Affiant's email address or if affiant has a BC Secure File Transfer Service ("SFTS")³ account.
5. After 4:00PM or on the weekend or a statutory holiday, PCJ only applications must be **urgent** in order to be submitted.
6. Additionally, the following guidelines shall be followed:
 - i. **In Person Applications**
 - a. Arrive at your appointment time and location with your pre-sworn/affirmed application.
 - b. Affiants will be contacted when they may return for pick-up.
 - c. For in person applications outside the Justice Centre, while affiants will retain the original judicial authorization if issued, affiants must deliver all other application documents (i.e., original ITO/application, copy of warrant/judicial authorization, and any sealing/non-disclosure order) as soon as reasonably possible for filing to the applicable court registry (filing location).

³ As described [here](#), the Provincial Court already uses SFTS for sending court records to accredited media and sending certain reports to counsel.

ii. Telewarrant Applications

- a. All telewarrant applications must be submitted via SFTS following the Document Submission Protocol set out in **Appendix "A"**, unless the governing legislation specifies only by fax or telephone.⁴
- b. Affiants will be contacted by phone or email when the application has been reviewed.

B. Applications for judicial authorizations from 11:00PM to 8:00AM when the Justice Centre is closed, including weekend and statutory holidays

7. There is one JJ assigned to deal only with **urgent** judicial authorization applications and any accompanying sealing orders.
8. To contact the assigned JJ, phone **RCMP E-Division at 778-290-6000**. They will relay the affiant's contact information to the assigned JJ who will then contact the affiant.
9. In person applications that are pre-sworn/affirmed may be made if the affiant is located near the assigned JJ's location. Otherwise, the application may be submitted by telecommunication via fax only.
10. Where an application is made in person, while the affiant will retain the original judicial authorization if issued, the affiant must deliver all other application documents (i.e., original ITO/application, copy of warrant/judicial authorization, and any sealing/non-disclosure order) as soon as reasonably possible for filing to the applicable court registry (filing location).

⁴ If under any applicable provincial law, the application is one that can be made by telecommunication if it would be impracticable to appear personally before a justice to make the application, the application must set out the reasons the application cannot be heard in person.

Appendix "A"

Document Submission Protocol for Telewarrants via SFTS

All applications for judicial authorizations by telecommunication via SFTS must be submitted following the below criteria:

1. Documents must be in PDF format. If using a PCR Form, the PDF must be flattened. Each page of a document must be oriented so that the text is not upside down or sideways and can be read across the screen without the need to rotate the document.
2. Documents must not be password protected or encrypted unless they follow the Justice Centre rules on encryption (please contact the Justice Centre Manager with any questions in this regard).
3. The Information to Obtain ("ITO")* and any draft order must be sent as separate PDF files and named using the following naming convention:

Officer Last Name_Enforcement/Police Agency_Enforcement/Police File #_Document Type

Examples: Smith_VPD_23-1234_ITO
Smith_VPD_23-1234_Draft Order
Smith_VPD_23-1234_Sealing Order

Jones_SurreyRCMP_12-5678_ITO
Jones_SurreyRCMP_12-5678_Draft Order

* The PDF file of the ITO must include the ITO plus any Exhibits to the ITO. In other words, Exhibits should follow the ITO that addresses them and are not to be sent in as separate PDFs.

4. The SFTS email attaching the documents noted in section 3 above shall use the following email subject line for submission to the Justice Centre:

Officer Last Name_Enforcement/Police Agency_Enforcement/Police File #

Examples: Smith_VPD_23-1234
Jones_SurreyRCMP_12-5678

Any other officer(s) or supervisor(s) that the affiant would like copied when the Justice Centre responds by email should be copied (Cc:) in the original SFTS email attaching the documents.

Cross-Reference

- CRIM 09 Practice Direction: *Missing Person Act* Applications

History of Practice Direction

- Original practice direction dated March 04, 2005.
- Amended practice direction dated February 23, 2015 (changes to wording and formatting only - last sentence of para. 4 of the original practice direction deleted).
- January 8, 2020: Housekeeping update to remove “duration” section as contained information duplicated in “History of Practice Direction” section.
- June 14, 2021: Changed title from “Daytime Search Warrant Applications”; updated to reflect current process, including directions previously set out in the Chief Judge’s memorandum dated February 9, 2021 and updated April 15, 2021 and the addition of the Judicial Authorization Liaison as the designated contact for certain daytime judicial authorization applications.
- September 15, 2021: Updates clarifying Vancouver Region includes Richmond, contact JAL to determine if JJ available at certain court locations, and paras. 3(b) to (e) apply to in person applications only.
- April 11, 2022: Changes to para. 3 consequential to rescission of NP 22.
- January 14, 2023: Changes title from “Daytime Judicial Authorization Applications” to “Judicial Authorization Applications”; adds process for obtaining judicial authorizations outside daytime court sitting hours; removes the Judicial Authorization Liaison as the designated contact for certain daytime judicial authorization applications; and updates consequential to Bill S-4 and use of SFTS.
- January 26, 2023: Clarifies #1 (orientation of documents) and #3 (Exhibits part of ITO PDF) of Appendix “A”.
- March 20, 2023: Clarifies in para. 1 that JJs are available to receive in person judicial authorization applications at the Justice Centre unless otherwise stated in this Practice Direction; adds paras. A.6.i.c. and B.10; and housekeeping edits in paras. A.6.ii (including telewarrants must be submitted via SFTS unless governing legislation specifies only by fax or telephone) and B.9. and Appendix “A” (#3).
- April 20, 2023: clarifies #2 of Appendix “A” that any encryption must follow Justice Centre rules.

I make this practice direction pursuant to my authority under the *Provincial Court Act*, R.S.B.C. 1996, c. 379, and Rule 3 of the *Criminal Caseflow Management Rules*.

Melissa Gillespie
Chief Judge
Provincial Court of British Columbia