



THE PROVINCIAL COURT  
OF BRITISH COLUMBIA

Effective date: 11 April 2022

CRIM 03

## PRACTICE DIRECTION

### DAYTIME JUDICIAL AUTHORIZATION APPLICATIONS

#### Purpose

To outline the process for obtaining daytime (during court sitting hours) judicial authorizations.

#### Application

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

#### Directions

1. Pursuant to section 11 of the *Provincial Court Act*, applications for judicial authorizations made during court sitting hours (“Daytime Judicial Authorizations”), *excluding* applications that are required by the relevant statutory provisions to be heard by a judge (“PCJ only”), are assigned to be heard in person by available judicial justices (“JJs”), except for b.ii. below, as follows:
  - a. At the Justice Centre, for court locations in **Vancouver Region (including Richmond, but excluding Sechelt and Pemberton) and New Westminster, Surrey and Port Coquitlam**; or
  - b. At courthouses in which JJs are normally resident or regularly preside in traffic court for court locations in **Sechelt, Pemberton, Interior Region, Island Region, Northern Region, and Fraser Region (excluding New Westminster, Surrey and Port Coquitlam)**. Contact the Judicial Authorization Liaison by phone (778-506-2215) or email to [JAL@provincialcourt.bc.ca](mailto:JAL@provincialcourt.bc.ca) to determine if there is a JJ available in these court locations. If a JJ is **not** available at these court locations to hear a Daytime Judicial Authorization application in person, and:

- i. If the application is one can be made by telewarrant, an application must be made to the Justice Centre at (604) 660-3263. The application must set out the reasons the application cannot be heard in person.
  - ii. If the application is one that cannot be made by telewarrant, contact the Judicial Authorization Liaison by phone (778-506-2215) or email to [JAL@provincialcourt.bc.ca](mailto:JAL@provincialcourt.bc.ca).
2. Affidavits in support of **in-person** applications for all Daytime Judicial Authorizations must be properly sworn or affirmed **before** attending at the Justice Centre or the applicable courthouse to submit the application to the Court.
3. The following guidelines shall be followed for applications for Daytime Judicial Authorizations (with b. and c. below applying to in person applications only):
- a. Contact the Designated Contact to arrange an appointment:

<b>Applicable Court Location In:</b>	<b>Vancouver Region (including Richmond, but <u>excluding</u> Sechelt and Pemberton) and New Westminster, Surrey and Port Coquitlam</b>		<b>Sechelt, Pemberton, Interior Region, Island Region, Northern Region, and Fraser Region (excluding New Westminster, Surrey and Port Coquitlam)</b>		
<b>Judicial Authorization Type</b>	JJ	PCJ only	PCJ only	JJ where no JJ available and cannot be done by telewarrant	JJ where no JJ available and can be done by telewarrant
<b>Designated Contact</b>	<b>Justice Centre (604-660-3263)</b>	<b>Judicial Authorization Liaison by phone (778-506-2215) or email to <a href="mailto:JAL@provincialcourt.bc.ca">JAL@provincialcourt.bc.ca</a></b>			<b>Justice Centre (604-660-3263)</b>

- b. Arrive at your appointment time with your pre-sworn/affirmed application.
  - c. Affiants will be asked to provide their contact information. Affiants will be contacted when they may return for pick-up.
4. Applications for unsealing orders shall be made at the court location where the judicial authorization is filed.

#### 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.

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