



THE PROVINCIAL COURT
OF BRITISH COLUMBIA

Effective date: 23 February 2015

CRIM 03

PRACTICE DIRECTION

DAYTIME SEARCH WARRANT APPLICATIONS

Purpose

To clarify the process for obtaining a daytime (during court sitting hours) search warrant.

Application

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

Directions

1. Pursuant to section 11 of the *Provincial Court Act*, search warrant applications made during court sitting hours (“Daytime Search Warrants”), *excluding* applications that are required by the relevant statutory provisions to be heard by a judge (“Judge-Only Warrants”), are assigned to be heard in person by available judicial justices (“JJs”), at the Justice Centre in Burnaby or in all court locations in which JJs are normally resident or regularly preside in traffic court. This does not include circuit courts where there is no registry.
2. Police agencies within a reasonable distance of a location where there is or may be a JJ presiding are instructed to telephone the judicial administrative assistant or court registry in locations where there is or may be a JJ presiding, to inquire whether the JJ is available to hear the application in person prior to commencing the search warrant paperwork.
3. JJs are considered available to hear applications in person during court sitting hours when not presiding in court, but *not* during scheduled breaks, lunch adjournments, or outside of court sitting hours.
4. If a JJ is not available to hear a Daytime Search Warrant application in person, either because there is no JJ in or near the location or because no JJ is available, and the

application is one that may be made by telewarrant, an application may be made to the Justice Centre at (604) 660-3263. The application must set out the reasons the application cannot be heard in person.

5. Judges are not assigned to hear *any* Daytime Search Warrant applications other than Judge-Only Warrants. Under no circumstances shall a Daytime Search Warrant application be referred to a judge by a judicial administrative assistant or a court registry without the approval of the applicable Regional Administrative Judge.
6. In rare cases where a Daytime Search Warrant application must be heard in person by a judge for specific reasons of sensitivity or security, requests for a judge to be assigned to the specific application must be made through the Office of the Chief Judge at (604) 660-2864 or the Justice Centre at (604) 660-3263.

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.

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*.

Thomas J. Crabtree
Chief Judge
Provincial Court of British Columbia