



THE PROVINCIAL COURT
OF BRITISH COLUMBIA

Effective Date: *28 September 2020* (unless otherwise stated in this Notice)

NP 19 (New 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 developed the plan set out in this Notice to resume further court operations.

As of July 13, 2020, Provincial Court registries will be 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.

Criminal, family, small claims, and youth court trials and hearings scheduled after July 3, 2020 will remain on the trial list on the date scheduled. Counsel and self-represented litigants should attend court in-person on the date scheduled at 9:00 AM to advise if they are 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. Criminal trials, preliminary inquiries and continuations of trials and preliminary inquiries (excluding summary proceedings court files) that are not able to proceed due to lack of court time or are otherwise adjourned will be scheduled for a pre-trial conference before a new hearing date is scheduled. Family and small claims case conferences will proceed by audio or videoconference on their scheduled dates.

The directions in this Notice are subject to change as circumstances of the pandemic change.

CONTENTS

I. FAMILY (including child protection (CFCSA) and maintenance enforcement (FMEA)) 3

- a. Family appearances originally scheduled or adjourned during COVID #1 and #2, and scheduled after July 3, 2020 3
- b. Urgent Family Matters 4
- c. New Filings..... 4
- d. Provincial Suspension of Limitation Periods Remains in Place 5
- e. Consent Adjournment (CFCSA/FLA/FMEA) 6
- f. Early Resolution Process and Expedited Court Process to Change or Suspend Child or Spousal Support Due to COVID-19..... 6
- g. Other Resources for Family Cases 7

II. SMALL CLAIMS..... 7

- a. Small claims appearances originally scheduled or adjourned during COVID #1 and #2, and scheduled after July 3, 2020 7
- b. New Filings..... 8
- c. Provincial Suspension of Limitation Periods Remains in Place 9

III. CRIMINAL (ADULT AND YOUTH) 9

- 1. PERSONS IN CUSTODY 10**
 - d. In custody criminal trials and trial continuations originally scheduled or adjourned during COVID Period #1 and #2, and scheduled after July 3, 2020 10
 - e. New in custody charges occurring during COVID #1 and COVID #2, except summary proceedings court files 11
 - f. New in custody charges occurring after July 3, 2020 requiring one day or more of trial time... 11
 - g. Judicial Interim Release 12
- 2. PERSONS OUT OF CUSTODY (including Circuit Courts) 12**
 - a. COVID 1: Out of custody criminal trials and trial continuations originally scheduled from March 16 to May 16, 2020 12
 - b. COVID 2: Out of custody criminal trials and trial continuations originally scheduled from May 19 to July 3, 2020..... 13
 - c. Out of custody criminal trials and trial continuations scheduled after July 3, 2020..... 13
 - d. New out of custody charges occurring during COVID 1 and COVID 2, excluding summary proceedings court files 14
 - e. New out of custody charges occurring after July 3, 2020 requiring one day or more of trial time 14
 - f. Other out of custody criminal matters scheduled to proceed from May 19 to July 3, 2020..... 15
 - g. Applications to replace a police undertaking 15
 - h. Filings 15
 - i. Criminal Informations 15
- 3. INITIAL APPEARANCE COURT 15**
- 4. DISPOSITIONS 16**
- 5. SPECIALIZED COURTS 16**
- 6. JUDICIAL AUTHORIZATIONS..... 17**
- 7. SECTION 490 DETENTION OF THINGS SEIZED 17**
- 8. APPLICATION TO RENDER ACCUSED BY SURETY 18**

IV. PUBLIC HEALTH EMERGENCY MATTERS 18

V. TRAFFIC, TICKET OR BYLAW MATTERS 18

VI. CIRCUIT COURTS 19

APPENDIX “A” – ADJOURNMENT DETAILS 21

I. FAMILY (including child protection (CFCSA) and maintenance enforcement (FMEA))¹

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

a. Family appearances originally scheduled or adjourned during COVID #1 and #2, and scheduled after July 3, 2020

For family appearances, other than for urgent matters, originally scheduled during March 16 to May 16, 2020 (“COVID #1”) and May 19 to July 3, 2020 (“COVID #2”), and scheduled after July 3, 2020, please see the table below for the current status of appearances. **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 originally scheduled/adjourned during COVID #1 (March 15-May 16)	Current status of appearance originally scheduled/adjourned during COVID #2 (May 19-July 3)	Current status of appearance scheduled after July 3, 2020
Family Remand List (CFCSA, FLA, FMEA)	Adjourned as noted in Appendix “A” - Adjournment Details	Adjourned as noted in Appendix “A” - Adjournment Details	Will be heard by audio or videoconference on the date scheduled. Please contact the applicable court registry for dial in information/link in advance of the scheduled date.
Family case conference (CFCSA)	Being rescheduled for judges to hear by audio or videoconference.	Will be heard by audio or videoconference on the date scheduled.	Will be heard by audio or videoconference on the date scheduled.
Family case conference (FLA)	Being rescheduled for judges to hear by audio or videoconference.	Will be heard by audio or videoconference on the date scheduled.	Will be heard by audio or videoconference on the date scheduled.
Family Management Conference (Victoria)	Being rescheduled for judges to hear by audio or videoconference.	Will be heard by audio or videoconference on the date scheduled. The Court will contact parties if the start time will be changed.	Will be heard by audio or videoconference on the date scheduled.

¹ In this Part, for references to a pre-trial conference (PTC), the pre-trial conference judge will determine whether the hearing can proceed on the date originally scheduled taking into consideration the following: urgency; suitability of receiving evidence by affidavit, telephone or videoconference; requirement for witness to testify in-person; and, the ability of the court to safely accommodate people attending in-person on the date scheduled for the hearing.

CFCSA Trial	<p>In the process of being rescheduled for trial dates after July 6, 2020.</p> <p>May also be scheduled for a pre-trial conference (PTC).</p>	<p>May be able to proceed on date scheduled. Please contact the applicable JCM.</p>	<p>Will remain on the trial list on date scheduled.</p> <p>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.</p> <p>The Court will determine which trials will proceed.</p> <p>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.</p>
FLA/FMEA Trial	<p>May be scheduled for a PTC.</p>	<p>May proceed as a PTC on the date scheduled unless otherwise contacted by the Court.</p>	<p>Will remain on the trial list on date scheduled.</p> <p>Counsel and self-represented litigants are to attend Court in-person on date scheduled at 9:00 AM to advise if ready to proceed that day.</p> <p>The Court will determine which trials will proceed.</p> <p>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.</p>

b. Urgent Family Matters

The pre-COVID process for having urgent matters come before the Court applies. See the following link for further details: <https://www.provincialcourt.bc.ca/types-of-cases/family-matters/without-notice-orders>.

c. New Filings

As of July 13, 2020, Provincial Court registries will be 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 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 to swear affidavits 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.

d. Provincial Suspension of Limitation Periods Remains in Place

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.

e. Consent Adjournment (CFCSA/FLA/FMEA)

By Director's Counsel (CFCSA)

Director's counsel may file a [Consent Requisition Form](#) to adjourn CFCSA matters upon obtaining the written consent of all parties. See [FAM 07 Practice Direction](#) for applicable procedures and details.

By Counsel (FLA/FMEA)

Effective July 16, 2020 until further direction, counsel may complete and file a [Consent Adjournment Form](#) by email to the [applicable local court registry](#) to adjourn matters under the FLA or FMEA from one family remand date to another or to adjourn generally, where at least one party is represented by counsel and the filing counsel has obtained the consent of all other parties or their counsel. See [FAM 09 Practice Direction](#) for applicable procedures and details.

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.

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

On July 2, 2020 a new process was implemented where a party is only seeking a suspension or change to an existing agreement or order of the Provincial Court about child support or spousal support as a result of a change in income since January 2020 that is related to COVID-19.

The new process to change support, which people may choose to use, will:

1. see whether they and the other party can agree on a change (the "early resolution process") and, if so, the early resolution service may assist the parties to prepare a written agreement or consent order package for the court; or
2. hold a hearing on their application by telephone or videoconference (the "expedited court process").

Parties wanting to address other issues, such as parenting arrangements or changes to child or spousal support for reasons not related to COVID-19 cannot use this process. They may make an application in the normal course through the applicable Provincial Court registry.

For details see the Provincial Court's [Practice Direction "FAM 08: Early resolution process and expedited court process to change or suspend child or spousal support due to COVID-19"](#).

g. 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>.

II. SMALL CLAIMS

a. Small claims appearances originally scheduled or adjourned during COVID #1 and #2, and scheduled after July 3, 2020

For small claims appearances, other than for urgent matters, originally scheduled during March 16 to May 16, 2020 (“COVID #1”) and May 19 to July 3, 2020 (“COVID #2”), and scheduled for after July 3, 2020, please see the table below for the current status of the appearances. **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 originally scheduled/adjourned during COVID #1 (March 15-May 16)	Current status of appearance originally scheduled/adjourned during COVID #2 (May 19-July 3)	Current status of appearance scheduled for after July 3, 2020
Applications and Payment Hearings	Adjourned as noted in Appendix “A” - Adjournment Details	Adjourned as noted in Appendix “A” - Adjournment Details	Will be heard by audio 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 conference	Being rescheduled for judges to hear by audio or videoconference. Parties may be notified by the registry by telephone of the new date/time rather than the usual method by mail.	Will be heard by audio or videoconference on the date scheduled.	Will be heard by audio or videoconference on the date scheduled.
Trial conference	Being rescheduled for judges to hear by audio or videoconference. Parties may be notified by the registry by telephone of the new date/time	Will be heard by audio or videoconference on the date scheduled.	Will be heard by audio or videoconference on the date scheduled.

	rather than the usual method by mail.		
Trial	Being scheduled for pre-trial conference (PTC).	May proceed as a PTC on the date scheduled unless otherwise contacted by the Court.	<p>Will remain on the trial list on date scheduled.</p> <p>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.</p> <p>The Court will determine which trials will proceed.</p> <p>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.</p>
Rule 9.1 Simplified Trial	Being scheduled for pre-trial conference (PTC).	<p>Will proceed as a PTC.</p> <p>The PTC might be scheduled at a different time or even a different date than the original trial date. Parties will be contacted by the Court.</p>	<p><u>Robson Square</u></p> <p>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.</p> <p><u>Richmond</u></p> <p>Will proceed as a PTC by audio or videoconference, unless otherwise notified. The PTC might be scheduled at a different time or even a different date than the original trial date. Parties will be contacted by the Court.</p>

b. New Filings

As of July 13, 2020, Provincial Court registries will be 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 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.

c. Provincial Suspension of Limitation Periods Remains in Place

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. CRIMINAL (ADULT AND YOUTH)

In this Part, “trial” includes preliminary inquiry if not already stated. Also, in this Part, references to a pre-trial conference (PTC) refer to PTCs pursuant to [CRIM 12 Practice Direction: Criminal Pre-Trial Conferences During COVID-19](#). 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.

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.

1. PERSONS IN CUSTODY

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](#).

d. In custody criminal trials and trial continuations originally scheduled or adjourned during COVID Period #1 and #2, and scheduled after July 3, 2020

For in-custody trials and trial continuations, other than for urgent matters, originally scheduled during March 16 to May 16, 2020 (“COVID #1”) and May 19 to July 3, 2020 (“COVID #2”), and scheduled after July 3, 2020, please see the table below for the current status of the appearances.

Appearance type	Current status of appearance originally scheduled/adjourned during COVID #1 (March 15-May 16)	Current status of appearance originally scheduled/adjourned during COVID #2 (May 19-July 3)	Current status of appearance scheduled for after July 3, 2020
In-custody trial or trial continuation	Pre-trial conference by audioconference or videoconference will be scheduled by the JCM after contacting the parties, even if a new trial date has already been set in the interim. Summary proceedings court trials or continuations are excluded.	Pre-trial conference by audioconference or videoconference will be scheduled by the Judicial Case Manager after contacting the parties. Summary proceedings court trials or continuations are excluded.	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. 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. Trials requiring one day or more of trial time that are not able to proceed due to lack of court time

			or are otherwise adjourned will be scheduled for a PTC before a new trial date is fixed.
In-custody summary proceedings court trial or trial continuation	Adjourned as noted in Appendix "A" - Adjournment Details The Court file will record that these adjournments are due to COVID-19.	Will remain scheduled on the date originally set for trial with the accused appearing by videoconference and counsel appearing by telephone or videoconference. The trial will not proceed on that date, and if not resolved will be adjourned to another date as directed by the judge to fix a new trial date.	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. 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.

For COVID #1 and #2 in custody criminal matters, if there has been a pre-trial conference and the matter is still proceeding to trial, counsel **must** contact the applicable JCM with their available dates to schedule the trial before their next appearance.

e. New in custody charges occurring during COVID #1 and COVID #2, except summary proceedings court files

For all new adult and youth in custody files with charges occurring during COVID #1 and COVID #2, except summary proceedings court files:

- i. Files that have been set for trial or preliminary inquiry must have a pre-trial conference by audio or video conference prior to the trial or preliminary inquiry proceeding; and
- ii. Files that have not been set but wish to be set for trial or preliminary inquiry must have a pre-trial conference before being scheduled for trial or preliminary inquiry.

To schedule a pre-trial conference contact a [Judicial Case Manager](#) at the applicable court location.

f. New in custody charges occurring after July 3, 2020 requiring one day or more of trial time

All new adult and youth in custody files with charges occurring after July 3, 2020 requiring one day or more of trial time must have a pre-trial conference before being scheduled for trial or preliminary inquiry.

To schedule a pre-trial conference contact a [Judicial Case Manager](#) at the applicable court location.

g. Judicial Interim Release

All judicial interim release (bail) hearings will continue to use video/telephone conferences (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. PERSONS OUT OF CUSTODY (including Circuit Courts)

a. COVID 1: Out of custody criminal trials and trial continuations originally scheduled from March 16 to May 16, 2020

Out of custody trials and trial continuations (excluding summary proceedings court files) that were previously scheduled from March 16 to May 16, 2020 that were adjourned to a date by the court or as set out in **Appendix "A" - Adjournment Details** will be scheduled for a pre-trial conference by audioconference or videoconference before a new trial date is set. Judicial Case Managers will contact the parties before the next court date to schedule the pre-trial conference.

For COVID 1 out of custody criminal matters (excluding summary proceedings court files), if there has been a pre-trial conference and the matter is still proceeding to trial, counsel **must** contact the applicable JCM with their available dates to schedule the trial before their next appearance.

Out of custody COVID 1 summary proceedings court trials and continuations will not have a pre-trial conference. These trials are adjourned without the parties having to attend Court in-person. See **Appendix "A" - Adjournment Details** (shaded in grey) for the next date to fix a new trial date. The Court file will record that these adjournments are due to COVID-19.

b. COVID 2: Out of custody criminal trials and trial continuations originally scheduled from May 19 to July 3, 2020

If you have an out custody criminal trial or continuation on...	You must contact the Judicial Case Manager at the applicable local court location to arrange to have the Court determine by telephone whether the trial is urgent and any next steps before...	If no urgency application is made, you are deemed to have consented to an adjournment to the date below and Witnesses and parties represented by counsel will be de-notified. The Court file will record that these adjournments are due to COVID-19.
May 19 – 29, 2020	May 8, 2020	August 18, 2020
June 1 – 12, 2020	May 15, 2020	August 31, 2020
June 15 – July 3, 2020	May 29, 2020	September 15, 2020

Out of custody criminal trials and continuations (excluding summary proceedings court files) will be scheduled for a pre-trial conference by audioconference or videoconference.

For COVID 2 out of custody criminal matters (excluding summary proceedings court files) , if there has been a pre-trial conference and the matter is still proceeding to trial, counsel **must** contact the applicable JCM with their available dates to schedule the trial before their next appearance.

Out of custody COVID 2 summary proceedings court trials and continuations will not have a pre-trial conference. These trials are adjourned without the parties having to attend Court in-person. See **Appendix “A” - Adjournment Details** (shaded in grey) for the next date to fix a new trial date. The Court file will record that these adjournments are due to COVID-19.

c. Out of custody criminal trials and trial continuations scheduled after July 3, 2020

For out of custody trials and trial continuations scheduled after July 3, 2020, please see the table below for the current status.

Appearance type	Current status of appearance scheduled for after July 3, 2020
Out of custody trial or trial continuation (excluding summary proceedings court files)	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. 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.

	<p>The Court will determine which trials will proceed.</p> <p>Trials requiring one day or more of trial time that are not able to proceed due to lack of court time or are otherwise adjourned will be scheduled for a PTC before a new trial date is fixed.</p>
Out of custody summary proceedings trial or trial continuation	<p>Will remain on the trial list on date scheduled.</p> <p>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.</p> <p>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.</p> <p>The Court will determine which trials will proceed.</p>

d. New out of custody charges occurring during COVID 1 and COVID 2, excluding summary proceedings court files

For all new adult and youth out of custody files with charges occurring during COVID 1 and COVID 2, except summary proceedings court files:

- i. Files that have been set for trial or preliminary inquiry must have a pre-trial conference by audio or videoconference prior to the trial or preliminary inquiry proceeding; and
- ii. Files that have not been set but wish to be set for trial or preliminary inquiry must have a pre-trial conference before being scheduled for trial or preliminary inquiry.

To schedule a pre-trial conference contact a [Judicial Case Manager](#) at the applicable court location.

e. New out of custody charges occurring after July 3, 2020 requiring one day or more of trial time

All new adult and youth out of custody files with charges occurring after July 3, 2020 requiring one day or more of trial time must have a pre-trial conference by audio or videoconference before being scheduled for trial or preliminary inquiry.

To schedule a pre-trial conference contact a [Judicial Case Manager](#) at the applicable court location.

f. Other out of custody criminal matters scheduled to proceed from May 19 to July 3, 2020

With the exception of trials, continuations and matters determined by a judge to be urgent (see above), all out of custody criminal matters (initial appearances, remands, applications, and sentencings²) scheduled to proceed from May 19 to July 3, 2020 are adjourned without the parties having to attend Court. See **Appendix “A” - Adjournment Details** (shaded in grey) for the next date. The Court file will record that these adjournments are due to COVID-19.

g. 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>.

h. Filings

As of July 13, 2020, Provincial Court registries will be 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.

Information about judicial authorizations is set out below in section 6.

i. Criminal Informations

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

3. 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](#).

The previous version of this Notice was unclear about whether Initial Appearance Court matters scheduled from June 15 to July 3, 2020 are adjourned as set out in **Appendix “A”**.

For the Fraser, Interior, Northern, and Vancouver Regions, Initial Appearance Court has recommenced at all reopened court locations effective June 15, 2020.

² Subject to the “Process for Resolution of Non-Urgent Criminal Disposition Matters” below.

For the Vancouver Island Region, Initial Appearance Court has recommenced at all reopened court locations effective July 6, 2020. If you have matters scheduled from June 15 to July 3, 2020, you do not need to attend court and your matter will be adjourned as set out in **Appendix “A”**.

4. DISPOSITIONS

For out of custody matters where the accused (out of custody) and counsel agree to appear by audio or video conference, 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 audio or video conference 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.

5. 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 by audioconference or videoconference without the participants attending court in-person until further notice.

Drug Treatment Court of Vancouver	<p>Accused and counsel may appear, in person, by audioconference, or videoconference during the COVID period.</p> <p>Crown and defence counsel are encouraged to appear by audio or video conference.</p>
Downtown Community Court	
Domestic Violence Courts	
Victoria Integrated Court	<p>Accused and counsel may appear, in person, by audioconference, or videoconference during the COVID period.</p> <p>Crown and defence counsel and other court participants, including ACT Team members, are encouraged to appear by audio or video conference.</p>

6. 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.

7. 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.

8. 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](#).

IV. 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](#).

V. TRAFFIC, TICKET OR BYLAW MATTERS

As of July, 2020 traffic court matters have been proceeding. Starting in June parties have been sent a new notice of hearing that will include the date, time and location (including the address) of the hearing. Start times will be staggered so that all participants are not at the hearing location at the same time. 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.

A large number of people attend these hearings. In order to keep the public, court users, court staff, and judicial officers safe and physically distant while providing access to justice, the Court has worked together with Court Services Branch (including the Sheriff Service) and Corporate Management Services Branch to identify alternate hearing locations and/or alternate hearing times to accommodate people attending these hearings. All locations used have been assessed by an experienced professional consultant to ensure they meet the health and safety requirements established by the Provincial Health Officer and WorkSafeBC. This work was done in consultation with the judiciary and stakeholders. The health and safety protocols put in place are available on the [Attorney General's website](#). 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.

Anyone appearing for a hearing must be in full compliance with all of the Provincial Health Officer's Orders or directions regarding COVID-19. The Court's [Notice to the Profession and Public 22: Resuming In-Person Proceedings During COVID-19 Health and Safety Protocols](#) applies to these hearings (with the exception that some parts of that Notice are specific to court locations such as the references to court registries). Participants should review [NP 22](#) and should be aware of the following:

- Those entering will be subject to a verbal screening process by the Sheriff Service.
- Participants in a proceeding are encouraged and permitted to wear a mask or protective face covering in the courtroom if they wish to do so, subject to direction from the

Judicial Officer, if removal of a mask is necessary in order for the participant's evidence or submissions to be heard and understood. Participants should be aware that the Judicial Officer and the sheriff may or may not wear a mask.

Provincial Court registries will accept 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. [Where filing 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.]

Filings will not be accepted at alternate hearing locations such as schools and universities, nor at court registries on evenings or weekends.

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.

VI. CIRCUIT COURTS

The Court is reaching out to stakeholders to see if remote hearings are possible. A separate Notice to Profession (NP 23) has been posted with information about circuit courts [here](#).

THE FOREGOING IS SUBJECT TO CHANGE, ANY UPDATED DIRECTIONS WILL BE POSTED ON THE COURT'S [WEBSITE](#).

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](#).

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

APPENDIX "A" – ADJOURNMENT DETAILS

The circuit court scheduling contacts table that was previously listed here has been moved to the [Notice \(NP 23\)](#).

For all other court locations **not** listed in the tables in the [Notice \(NP 23\)](#), your matter is adjourned to the date set out below to fix your next appearance date:

If your matter is scheduled for...	Your matter is adjourned to fix a date ("adjourned date"/ "next date") for your next appearance on...
March 16	June 15
March 17	June 16
March 18	June 17
March 19	June 18
March 20	June 19
March 23	June 22
March 24	June 23
March 25	June 24
March 26	June 25
March 27	June 26
March 30	June 29
March 31	June 30
April 1	July 2 (STAT July 1)
April 2	July 3
April 3	July 6
April 6	July 7
April 7	July 8
April 8	July 9
April 9	July 10
April 14	July 13
April 15	July 14
April 16	July 15
April 17	July 16
April 20	July 17
April 21	July 20
April 22	July 21
April 23	July 22
April 24	July 23
April 27	July 24
April 28	July 27
April 29	July 28
April 30	July 29
May 1	July 30
May 4	July 31
May 5	August 4 (STAT Aug 3)
May 6	August 5

May 7	August 6
May 8	August 7
May 11	August 10
May 12	August 11
May 13	August 12
May 14	August 13
May 15	August 14
May 19	August 18
May 20	August 19
May 21	August 20
May 22	August 21
May 25	August 24
May 26	August 25
May 27	August 26
May 28	August 27
May 29	August 28
June 1	August 31
June 2	September 1
June 3	September 2
June 4	September 3
June 5	September 4
June 8	September 8 (Statutory holiday September 7)
June 9	September 9
June 10	September 10
June 11	September 11
June 12	September 14
June 15	September 15
June 16	September 16
June 17	September 17
June 18	September 18
June 19	September 21
June 22	September 28
June 23	September 29
June 24	September 30
June 25	October 1
June 26	October 2
June 29	October 5
June 30	October 6
July 2	October 7
July 3	October 8