



THE PROVINCIAL COURT
OF BRITISH COLUMBIA

Date Issued: 19 March 2020; revised 23 March 2020

Effective Date: 25 March 2020 (unless otherwise stated in this Notice)

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NOTICE TO THE PROFESSION AND PUBLIC

COVID-19: SUSPENSION OF REGULAR COURT OPERATIONS

Updates to this Notice dated March 23, 2020

We recognize the increasing concerns related to the COVID-19 pandemic, the exceptional and unforeseen circumstances that continue to develop, the fact that a Provincial State of Emergency has been declared, the continued announcements about the increasing numbers of new COVID-19 cases, and the recommendations to stay home as much as possible and keep a safe distance from others. As a result of these circumstances the Provincial Court of British Columbia is making changes to this Notice. (*Additions in red.*)

For adjournments of all criminal trials, as well as criminal and family trials currently scheduled for a continuation, please see the information below regarding applications that must be made before March 27, 2020.

Notice Regarding Hub Locations

Effective March 25, 2020 (unless otherwise stated in this Notice), the Honourable Chief Judge Gillespie has suspended regular operations of the Provincial Court of British Columbia at all of its locations to protect the health and safety of court users and to help contain the spread of COVID-19. In light of the extraordinary circumstances during the current public health emergency, people are **strongly** discouraged from attending any courthouse.

Urgent criminal trials as ordered by a judge **to proceed**, bail hearings during Court sitting hours, and other urgent hearings as ordered by a judge will only be heard at one of the below Hub Court locations, unless otherwise ordered by the Regional Administrative Judge or their designate.

| REGION | DESIGNATED HUB COURT LOCATION |
|---|-------------------------------|
| Fraser | Surrey |
| Interior | Kelowna |
| Northern | Prince George |
| Vancouver – Urgent Family and Civil and Youth | Robson Square |
| Vancouver – Criminal | 222 Main Street |

| | |
|------------------|----------|
| Vancouver Island | Victoria |
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In person filings at all Court locations are suspended. The procedure is set out below for urgent filings for each division of the Court.

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

To contact legal aid to make an application or seek help with an urgent problem relating to a family court matter that has been adjourned in response to the current Covid-19 situation, please call your local legal aid office or call 1 866 577-2525 (BC wide) or 604 408-2172 (Greater Vancouver).

Family case conferences, family management conferences, and CFCSA case conferences scheduled between March 16 and May 16, 2020 will not proceed so the parties should not attend Court. The parties will receive notification by May 4, 2020 regarding the next date they must attend Court.

All non-urgent family matters, including trials, scheduled to proceed between March 18 and May 16, 2020 are adjourned without the parties having to attend Court. See **Appendix "A" - Adjournment Details** for the next date.

Family law trials that are currently scheduled for a continuation between March 25 and May 16, 2020 are adjourned unless a party applies to the court registry **before March 27, 2020** by telephone to proceed on the basis of urgency. If the judge allows the application, the continuation must be heard by telephone. There will not be any in person attendance by counsel, parties or witnesses.

In a child protection case all statutorily mandated matters, including the initial presentation hearing and the protection hearing, are urgent hearings and will proceed on the day they are scheduled by telephone and, if they are on a list, they will proceed on the list day.

In all other cases, on application, only urgent family (FLA, CFCSA, and FMEA) matters as **determined by a judge in a telephone hearing** will be heard, including:

- a. requests for urgent relief relating to the safety of a child or parent;
- b. requests to obtain or set aside protection orders, or urgent orders involving parenting time, contact with a child or communication between parties;
- c. urgent issues that must be determined relating to the well-being of a child including essential medical decisions or issues relating to relocation, non-removal, wrongful removal or retention of a child;
- d. applications to suspend, change or cancel any order for imprisonment or committal pursuant to the *Family Maintenance Enforcement Act*;
- e. in a child protection case, all urgent matters, including applications for supervision orders and for extension of time, and any other urgent motions or hearings; and

- f. urgent cases where irreparable harm will occur if the application is not heard.

PROCEDURE FOR DETERMINING URGENT FAMILY MATTERS

Applications to a judge for determining on the record if a matter is urgent can be sent:

- a. by email, phone or mail to the applicable local [court registry](#); or,
- b. by fax to fax filing registries (see [GEN 01 Practice Direction](#)).

If a judge determines that a matter is urgent, a hearing/trial will be scheduled with all participants appearing by telephone. The hearing/trial will not be in person.

The Provincial Court registries will not accept any new, non-urgent family filings submitted between March 18, 2020 and May 16, 2020.

II. SMALL CLAIMS

Small claims settlement conferences and small claims trial conferences scheduled between March 16 and May 16, 2020 will not proceed so the parties should not attend Court. The parties will receive notification by May 4, 2020 regarding the next date they must attend Court.

All non-urgent small claims matters, including trials and [Rule 9.1 Simplified Trials](#), scheduled to proceed between March 18, 2020 and May 16, 2020 are adjourned without the parties having to attend Court. See **Appendix "A" - Adjournment Details** for the next date.

Only urgent small claims matters as determined by a judge on the record will be heard by **telephone** including applications:

- a. regarding outstanding warrants;
- b. to preserve limitation periods;
- c. to extend the time for filing pleadings where permitted under the *Small Claims Rules*; and
- d. to renew notices of claim.

Small claims trials that are currently scheduled to continue between March 23 and May 16, 2020 are adjourned. You will be notified of your next court date.

PROCEDURE FOR DETERMINING URGENT SMALL CLAIMS MATTERS

Applications to a judge for determining if a matter is urgent can be sent:

- a. electronically (where able) using [Court Services Online](#);
- b. by email, phone or mail to the applicable local [court registry](#); or,

- c. by fax to fax filing registries (see [GEN 01 Practice Direction](#)).

No new non-urgent small claims filings will be accepted by the Provincial Court registries submitted between March 18, 2020 and May 16, 2020.

III. CRIMINAL (ADULT AND YOUTH)

To contact legal aid to make an application or seek help with an urgent problem relating to a criminal court matter that has been adjourned in response to the current Covid-19 situation, please call your local legal aid office or call 1 866 577-2525 (BC wide) or 604 408-2172 (Greater Vancouver).

1. PERSONS IN CUSTODY

All in custody criminal trials and trial continuations scheduled between March 23 and May 16, 2020 are adjourned and witnesses will be denotified **unless you or your counsel or Crown counsel contact the Judicial Case Manager at the applicable court location before March 27, 2020** and arrange to have the Court determine, by telephone, whether the trial is urgent and, if so, how the trial will proceed. Otherwise, as of March 27, 2020 you will be deemed to have consented to this adjournment and witnesses will be de-notified. The Court file will record that these adjournments are due to COVID-19. The Court file will record that these adjournments are due to COVID-19.

The scheduling and hearing of in-custody sentencings **or bail hearings** will proceed unless adjourned by the Court on application by a party. Parties **must appear by** video conference **or telephone** for in custody sentencing **and bail hearings**. You may apply to adjourn a **sentencing or bail hearing** by calling the [Judicial Case Manager](#) at the **applicable court** location noted above. Adjournments due to COVID-19 will be noted as such in the Court file.

Consent remand matters will proceed by telephone or by submitting to the Judicial Case Manager at the applicable local court location the [Consent Remand Form](#) by email where available.

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 [Form](#) in **Appendix “B”** 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)

With the exception of matters determined by a judge to be urgent, all out of custody criminal matters (initial appearances, remands, applications, trials, and sentencings) scheduled to proceed between March 18 and May 16, 2020 are adjourned without the parties having to attend Court. See **Appendix “A” - Adjournment Details** for the next date. The Court file will record that these adjournments are due to COVID-19.

If an out of custody trial is urgent, the person out of custody, their counsel or Crown counsel must contact the [Judicial Case Manager](#) at the applicable local court location before **March 27, 2020** and they will arrange to have the Court determine by telephone whether the trial is urgent and any next steps. Otherwise, as of **March 27, 2020**, you will be deemed to have consented to this adjournment and witnesses will be de-notified. The Court file will record that these adjournments are due to COVID-19.

Criminal trials that are currently scheduled for [continuation](#) between March 25 and May 16, 2020 are adjourned unless a party contacts the [Judicial Case Manager](#) at the applicable court location and applies to the Court before **March 27, 2020** by telephone to proceed on the basis of urgency. If the judge allows the application the continuation must be heard by telephone. There will not be any in person attendances by the accused, counsel or witnesses.

If you think your matter (other than a trial) is urgent, you or your counsel must contact the [Judicial Case Manager](#) at the applicable local court location and they will arrange to have a judge determine, by telephone, whether the matter is urgent and any next steps.

4. INDIGENOUS COURTS

All Indigenous Court matters scheduled to proceed between March 18 and May 16, 2020 are adjourned without the parties having to attend Court. See **Appendix “C” - Indigenous Courts Adjournment Details** for more information.

5. FILINGS

No new non-urgent criminal filings will be accepted by the applicable local [court registry](#) between March 18, 2020 and May 16, 2020.

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

6. JUDICIAL AUTHORIZATIONS

Until further notice, all applications for judicial authorization that can be made by telecommunication should be made by telecommunication for judicial consideration. This direction restricting in-person applications supersedes paras. 3 and 6 of [CRIM 03 Daytime Search Warrant Applications](#).

Applicants seeking judicial authorization for matters that by law must be applied for in person are to give consideration to the investigative urgency of the matter and seek judicial authorization where the matter is a priority. The Court may vet matters accordingly, decline to consider an in person application, or provide applicants with directions as to where a particular application may be made in person to a judicial officer.

For all warrants, including judge only warrants, peace officers should contact the Justice Centre. Do not attend your local courthouse in person.

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 whether the matter is urgent and any next steps.

8. JUSTICE CENTRE

For bail and judicial authorizations at the [Justice Centre](#) that police agencies or counsel believe require an in-person appearance, the police agency or counsel must call the Justice Centre and they will arrange to have a Provincial Court Judge or Judicial Justice determine by telephone whether the matter is urgent and any next steps.

Affiants with an in-person application to be made at the Justice Centre must swear their affidavits before attending at the Justice Centre and will then drop off the document at the front counter without a personal appearance before anyone at the Justice Centre.

For all warrants, including judge only warrants, peace officers should contact the Justice Centre. Do not attend your local courthouse in person.

IV. TRAFFIC, TICKET OR BYLAW MATTERS

Traffic, ticket or bylaw matters scheduled from March 18 to May 16, 2020 are adjourned without the disputant having to attend Court and will be rescheduled to a later date. A notice of a new Court date will be sent to the disputant by mail to the address on file with the Court. To [dispute a violation ticket](#), the disputant has the option to download a form and mail it in to:

Ticket Dispute Processing
Bag 3510
Victoria, B.C. V8W 3P7

The timeline to pay fines related to a Provincial Court traffic, ticket or bylaw case is extended to June 30, 2020. These measures are adopted to ensure no one is required to attend court or visit a courthouse to deal with a pending fine.

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.

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

Appendix “A” – Adjournment Details

If your court location is listed in the table immediately below, you will be required to contact the scheduling contact noted below for your location (by email or telephone) **on the date you were originally scheduled to attend Court** in order to set your next appearance date.

| AREA | COURT LOCATION | SCHEDULING CONTACT |
|-----------------|--------------------------|--|
| Campbell River | Campbell River (staffed) | CampbellRiver.Scheduling@provincialcourt.bc.ca |
| | Gold River (circuit) | 250-286-7556 (Mon and Tue) 250-334-1237 (Wed, Thu, and Fri) |
| Cariboo | Quesnel (staffed) | Cariboo.Scheduling@provincialcourt.bc.ca |
| | Williams Lake (staffed) | 250-398-4377 |
| | 100 Mile House (circuit) | |
| | Anaheim Lake (circuit) | |
| Courtenay | Courtenay (staffed) | Courtenay.Scheduling@provincialcourt.bc.ca 250-286-7556 (Mon and Tue) 250-334-1237 (Wed, Thu, and Fri) |
| Duncan | Ganges (circuit) | Dun.Scheduling@provincialcourt.bc.ca 250-746-1201 |
| Kamloops | Clearwater (circuit) | Kamloops.Scheduling@provincialcourt.bc.ca |
| | Lillooet (circuit) | 250-828-4086 |
| | Merritt (circuit) | |
| East Kootenays | Cranbrook (staffed) | EKootenays.Scheduling@provincialcourt.bc.ca |
| | Golden (staffed) | 250-426-1354 |
| | Creston (circuit) | |
| | Fernie (circuit) | |
| | Invermere (circuit) | |
| | Sparwood (circuit) | |
| West Kootenays | Nelson (staffed) | WKootenays.Scheduling@provincialcourt.bc.ca |
| | Rossland (staffed) | 250-354-6870 |
| | Castlegar (circuit) | |
| | Grand Forks (circuit) | |
| | Nakusp (circuit) | |
| North Vancouver | Pemberton (circuit) | NVan.Scheduling@provincialcourt.bc.ca 604-981-0293 |
| Peace District | Dawson Creek (staffed) | Peace.District.Scheduling@provincialcourt.bc.ca |
| | Chetwynd (circuit) | 250-787-3416 |
| | Tumbler Ridge (circuit) | |
| Penticton | Princeton (circuit) | Penticton.Scheduling@provincialcourt.bc.ca 250-492-1298 |
| Port Hardy | Port Hardy (staffed) | PortHardy.Scheduling@provincialcourt.bc.ca 250-286-7556 (Mon and Tue) 250-334-1237 (Wed, Thu, and Fri) |
| Powell River | Powell River (staffed) | LCaporale@provincialcourt.bc.ca and YHadfield@provincialcourt.bc.ca 604-485-3630 |

| | | |
|---------------|-----------------------------------|--|
| Prince George | Mackenzie (staffed by Service BC) | PG.Scheduling@provincialcourt.bc.ca 250-614-2740 or 250-614-2756 |
| | Valemount (staffed by Service BC) | |
| | Fort St. James (circuit) | |
| | Fraser Lake (circuit) | |
| | McBride (circuit) | |
| | Vanderhoof (circuit) | |
| Prince Rupert | Prince Rupert (staffed) | PrinceRupert.Scheduling@provincialcourt.bc.ca 250-847-7482 |
| | Masset (circuit) | |
| | Queen Charlotte (circuit) | |
| Smithers | Burns Lake (staffed) | Smithers.Scheduling@provincialcourt.bc.ca 250-847-7482 |
| | Smithers (staffed) | |
| | Hazelton (circuit) | |
| | Houston (circuit) | |
| Terrace | Fort Nelson (staffed) | Terrace.Scheduling@provincialcourt.bc.ca 250-638-2140 |
| | Dease Lake (circuit) | |
| | Kitimat (circuit) | |
| | New Aiyansh (circuit) | |
| | Stewart (circuit) | |
| Vernon | Salmon Arm (staffed) | Vernon.Scheduling@provincialcourt.bc.ca 250-549-5433 (Vernon) 250-833-3376 (Salmon Arm) |
| | Revelstoke (circuit) | |

For all other court locations **not** listed in the above table, 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 for your next appearance on... |
|------------------------------------|---|
| 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 |

Appendix “C” – Indigenous Courts Adjournment Details

| INDIGENOUS COURT | If you have an existing appearance date scheduled for ... | Your matter is adjourned to ... |
|-------------------------|--|--|
| DUNCAN | Thursday, March 26 | Monday May 11 (half day) |
| | Thursday, April 23 | Friday May 15 |
| KAMLOOPS | Friday, April 3 | Friday, June 5 |
| | Friday, May 8 | Friday, July 10 |
| MERRITT | Wednesday, April 22 | Wednesday, June 17 |
| NEW WESTMINSTER | Thursday, April 9 | Thursday, June 4 |
| | Thursday, May 7 | Thursday, July 2 |
| NORTH VANCOUVER | Wednesday, March 18 | Wednesday, June 3 |
| | Wednesday, April 8 | Wednesday, June 17 |
| PRINCE GEORGE | Tuesday, April 7 | Tuesday, June 2 |
| | Tuesday, May 5 | Tuesday, July 7 |