



Practice Direction Scheduling of Continuations in the Provincial Court of British Columbia

Persons charged with a criminal offence have a constitutional right to be tried within a reasonable time. It is reasonable to conclude that the right includes the right to have their trial, once commenced, concluded within a reasonable time.

Implicit within child protection legislation and family law jurisprudence is the conclusion that litigants, and especially the children who are affected by litigation, have a right to achieve resolution of their disputes within a reasonable time.

The economic and emotional implications of civil disputes remaining unresolved, whether for private citizens or small businesses, are apparent. The governing legislation requires that disputes be resolved in a manner which is, among other things, "speedy".

The crushing workload of the provincial court means scarce resources must be allocated cautiously, and with the court's best effort to balance these competing claims for early resolution.

Special considerations arise in relation to proceedings in which a trial or other hearing has commenced and has been required to be adjourned for whatever reason. Particular priority must be given to completing such "continuations".

In a March 2006 meeting of the Management Committee of the Provincial Court, the following guideline was adopted:

The Management Committee agreed that when a matter has been scheduled for hearing and has not been completed in the time provided, it will be scheduled to conclude within 30 days unless otherwise approved by the relevant Administrative Judge on advice of the local judicial case manager.

This Practice Direction elevates that guideline to Practice Direction status.

It is recognized that in imposing this Practice Direction, there arises an obligation upon the court to ensure there exists a reasonable mechanism for administrative judges and judicial case managers to accommodate the burden of early scheduling of completion of continuations. To that end, the court is committed to development of a "fast-track" scheduling capacity in every district to be implemented within the next 9 months.

Practice Direction

When any criminal, civil or family matter has been scheduled for hearing and has not been completed in the time provided, it will be scheduled to conclude within 30 days unless otherwise approved by the relevant Administrative Judge on the advice of the local judicial case manager.



Hugh C. Stansfield
Chief Judge

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