



THE PROVINCIAL COURT
OF BRITISH COLUMBIA

Date Issued: 19 March 2020

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

NP 19

NOTICE TO THE PROFESSION AND PUBLIC

COVID-19: SUSPENSION OF REGULAR COURT OPERATIONS

This direction replaces the Court's March 17, 2020 COVID-19 Update Announcement.

Notice

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, members of the public who do not have urgent business before the Court are discouraged from attending any courthouse.

In person and by video in-custody criminal trials, bail hearings during Court sitting hours, urgent out of custody criminal trials, and other urgent trials or 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. For these matters, a victim or witness may apply to appear by videoconference from another Court location. You may contact the Judicial Case Manager (for criminal matters) or the [court registry](#) (for small claims matters or family matters) at the designated Hub Court Location to schedule your telephone application before a judge.

REGION	DESIGNATED HUB COURT LOCATION	JUDICIAL CASE MANAGER (Criminal Matters)
Fraser	Surrey	Surrey.Scheduling@provincialcourt.bc.ca
Interior	Kelowna	Kel.Scheduling@provincialcourt.bc.ca
OCJ	Robson Square	Robson.Scheduling@provincialcourt.bc.ca
Northern	Prince George	PG.Scheduling@provincialcourt.bc.ca
Vancouver	Robson Square	Robson.Scheduling@provincialcourt.bc.ca
Vancouver Island	Victoria	Vic.Scheduling@provincialcourt.bc.ca

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))

Family case conferences, family management conferences, and CFCSA case conferences scheduled between March 16 and May 4, 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 more information.

Only urgent family, CFCSA, and FMEA matters **as determined by a judge** 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. in a child protection case, all urgent or statutorily mandated matters, including the initial presentation hearing, the protection hearing, applications for supervision orders and for extension of time, and any other urgent motions or hearings; and
- e. applications to suspend, change or cancel any order for imprisonment or committal pursuant to the *Family Maintenance Enforcement Act*.

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](#)).

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 4, 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 more information.

Only urgent small claims matters as determined by a judge on the record will be heard, 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.

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)

1. PERSONS IN CUSTODY

The scheduling and hearing of in-custody criminal trials and sentencings will proceed unless adjourned by the Court on application by a party. Parties are encouraged to apply to use video conference for in custody sentencing and trials in criminal matters. You may call the [court registry](#) at the designated Hub Court location noted above to schedule your telephone application before a judge to have a matter heard by videoconference. You may apply to adjourn a matter by calling the [Judicial Case Manager](#) at the designated Hub 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 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)

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 more information. The Court file will record that these adjournments are due to COVID-19.

3. PROCEDURE FOR URGENT CRIMINAL MATTERS

If you think your matter is urgent, you or your counsel must contact the [Judicial Case Manager](#) at the applicable local court location before March 27, 2020 and they will arrange to have a Provincial Court Judge determine by telephone whether the matter 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.

4. INDIGENOUS COURTS

All Indigenous Court matters scheduled to proceed between March 18 and May 8, 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.

Informations 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 supercedes 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.

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.

IV. TRAFFIC, TICKET OR BYLAW MATTERS

Traffic, ticket or bylaw matters scheduled from March 18 to May 4, 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 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).

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 “B” – [Application to Vary Bail by Consent Form](#)

**Application to Vary
Bail by Consent**

In the Provincial / Youth Justice Court of British Columbia
Canada: Province of British Columbia

Police Agency & File No.:	Court File No.(s):
DOB:	

Attach the court copy to the original bail document

APPLICANT:	<small>SURNAME</small>	<small>GIVEN NAME</small>
Address:	<small>STREET</small>	<small>CITY/MUNICIPALITY</small>
British Columbia	Telephone <small>NUMBER ()</small>	<small>NUMBER ()</small>
Name of Counsel for Applicant		

Under Section 519.1 of the *Criminal Code* an application is made to vary the attached document on which NAME OF ACCUSED / YOUNG PERSON was released on DATE.
The consent of the prosecutor is requested to vary the bail as follows:

The reasons on which the application is based are as follows:
(if more space is required, add more pages)

Dated _____ at _____
British Columbia

Signature of Applicant

PROSECUTOR:
 I consent to the variation I do not consent to the variation

Signature of Crown Counsel

Dated _____ at _____ British Columbia

Print Name

I (my client) understand that the current undertaking, recognizance, or release order remains in effect until I (they) have verbally acknowledged acceptance of the variation to a representative of the Provincial Court of British Columbia or their delegate who will be contacting me (them) once the variation has been approved.

I (my client) understand that once the variation has been verbally acknowledged and accepted, failure to comply without a lawful excuse with the release order as varied is an offence.

Signature of Accused / Young Person /
Counsel for the Accused or Young Person (circle one)

Dated _____ at _____ British Columbia

Provincial Court Judge or Judicial Officer (if applicable)

COURT SERVICES:
I NAME COURT SERVICES POSITION, spoke with
NAME OF ACCUSED / YOUNG PERSON on DATE
 by telephone. I read the terms of the order to them and they acknowledged acceptance and understanding of all the conditions.

Signature

Dated _____ at _____ British Columbia

Application to Vary Bail by Consent

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