



THE PROVINCIAL COURT OF BRITISH COLUMBIA

The Semi-Annual Time to Trial Report of the Provincial Court of British Columbia

September 30, 2016

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1. Introduction

On September 14, 2010, the Provincial Court of British Columbia released the report “Justice Delayed: A Report of the Provincial Court of British Columbia Concerning Judicial Resources”. One recommendation of the Report was to issue regular updates to the Attorney General and the public concerning the judicial complement, caseloads, and the time to trial in each area of the Court’s jurisdiction.

Some of the information previously provided in this report has been relocated and can be found through the following links:

- Judicial complement (a summary measure of the number and status of judges) now resides in the [Court’s monthly complement reports](#).
- Adult criminal pending cases exceeding the Court’s standard, as well as information on caseloads generally are reported in the [Provincial Court Annual Report](#).

The focus of the report published twice each year is on the Court’s time to trial. Time to trial measures the next available date (in months) that a defined event can be routinely scheduled onto a future court list in a particular location. It does not measure events that may be fast tracked or scheduled on a date that becomes available due to a cancellation. This estimate is then compared against the standard established by the Court for that particular activity. For the standards to be met, 90% of the cases should be offered a trial date within the set time.

By way of background the court first established standards in 2004. The standards have recently been revised in the manner described in Section 2 of the Report. For reference please note that the new standards as well as those previously in place are listed in Appendix 1. The comparison of actual time to trial to the standard enables the assessment of how effectively the Court is able to provide court time for the scheduling of cases. By providing a measure of the availability of court dates in Provincial Court, Time to Trial helps the Court monitor access to justice.

Time to trial data is currently collected from 69 court locations. The data is the foundation on which the semi -annual update is based. The current update includes the following information as of September 30, 2016:

- Adult Criminal Weighted Provincial Time to Trial;
- Family Law Act (FLA) Weighted Provincial Time to Trial;
- Child, Family and Community Service Act (CFCSA)¹ Weighted Provincial Time to Trial;
- Civil Small Claims Weighted Provincial Time to Trial;
- Locations with the Longest Time to Trial in each area of the Court’s jurisdiction.

¹ Also known as ‘Child Protection’

2. Changes in Methodology

Longer hearings have become more common in the Provincial Court. This has led to the decision to collect additional data on different categories of estimated trial length. This change also incorporates the use of Summary Proceedings Court (SPC) to hear shorter matters in assignment court locations.² Assignment courts are located at the Main Street, Robson Square, Surrey, Port Coquitlam, Abbotsford, Victoria and Kelowna courthouses.

Previously, the Court collected time to trial information on half-day trials and two-day and longer trials. The Court now collects time to trial information on three different lengths of trials: less-than-two day, two-to-four day, and five-day and longer trials. The Court also requests information on SPC, regardless of time estimate. The SPC results replace the less-than-two day category in assignment court locations. Figure 1 below summarizes these changes.

Figure 1 - Changes to Trial Length Measures

Previous Measures	New Measures (Effective June 30 , 2016)
	Summary Proceeding Court Hearings ³
Half-Day Trials	Less than 2 Day Trials
2 Days or more Trials	2 to 4 Day Trials
	5 Days or more Trials

Based on the change in the measures referred to above the Court also adopted new time to trial standards effective June 30, 2016. A detailed summary of the previous standards and the changes recently adopted is provided in Appendix 1.

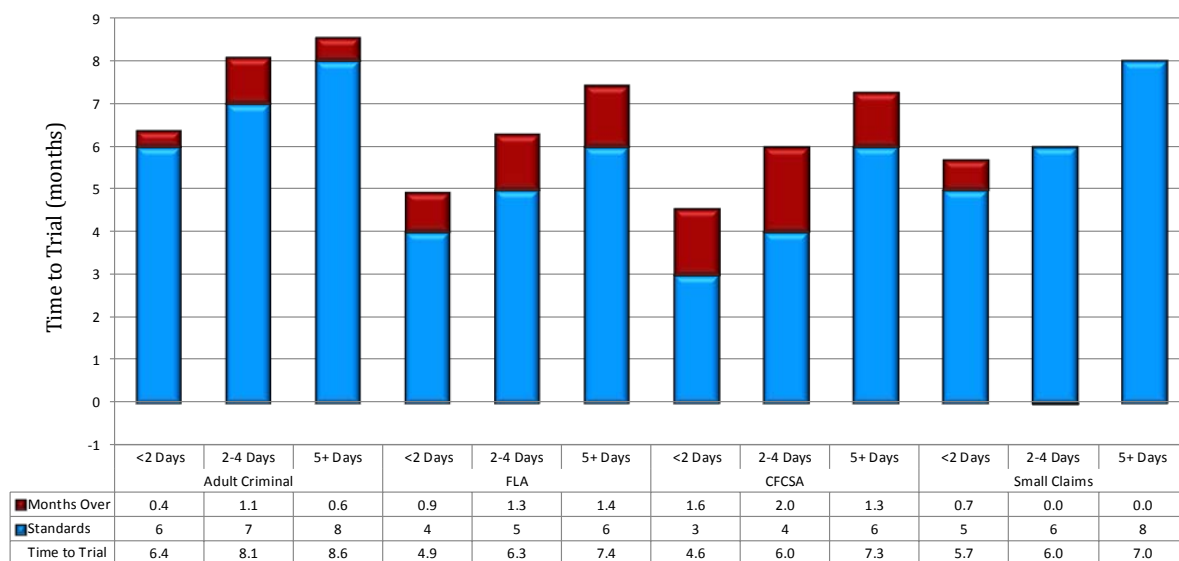
² The Court will hear matters that are designated as SPC by the federal and provincial Crown at the time of charge approval. SPC cases will generally be less complex, have historically high collapse rates, and a time estimate of less than half a day. SPC will be scheduled by JCMs based on a set number of cases in the AM and PM sessions. Time estimates may be noted but will not generally impact the number of cases set. For Family and Small Claims matters, the determination to schedule the case to the SPC will be made based on time estimates confirmed by judges and/or specific direction by judges.

³ This measure replaces the '<2 Day' category for assignment court locations, but is held to a stricter standard, and is therefore listed separately.

3. Provincial Time to Trial

Figure 2 shows weighted⁴ province-wide times to trial. Weighted time to trial is the average provincial time (weighted by case load), in months, from the time a request is made to the next available date. Figure 3 also includes the Office of the Chief Judge (OCJ) Standard for time to trial.⁵

Figure 2 - Provincial Weighted Time to Trial by Jurisdiction and Trial Length



Weighted results in all but the two-to-four day, and five-day and longer small claim trials exceed the standard as of September 30, 2016. The relative size of the delay can be seen by examining the ‘months over standard’ portion, which is shown in red.

While not completely comparable due to the changes in methodology described above, we can report generally that the times to trial in both shorter and lengthier trials, in all three jurisdictions of the Court’s work, have increased since our last report in March 2016.

It should be noted that 37 of the 69 court locations for which the Court collects time to trial information are smaller court operations. Of the 37 locations 11 do not have a resident judge, but are staffed and include registry services⁶ and 26 have neither resident judge nor registry services.⁷ Due to the relatively small number of Court sitting days in each of these locations, lengthier delays are anticipated for a number of reasons including:

⁴All locations in the province were weighted based on fiscal year caseloads. The Provincial Court’s case counting methodology has recently changed - see Appendix 3 for more details

⁵In order to meet the OCJ standard, 90% of cases must meet the listed time to trial.

⁶Registry offices are open to public for filing documents, accessing court file information or requesting information on court processes.

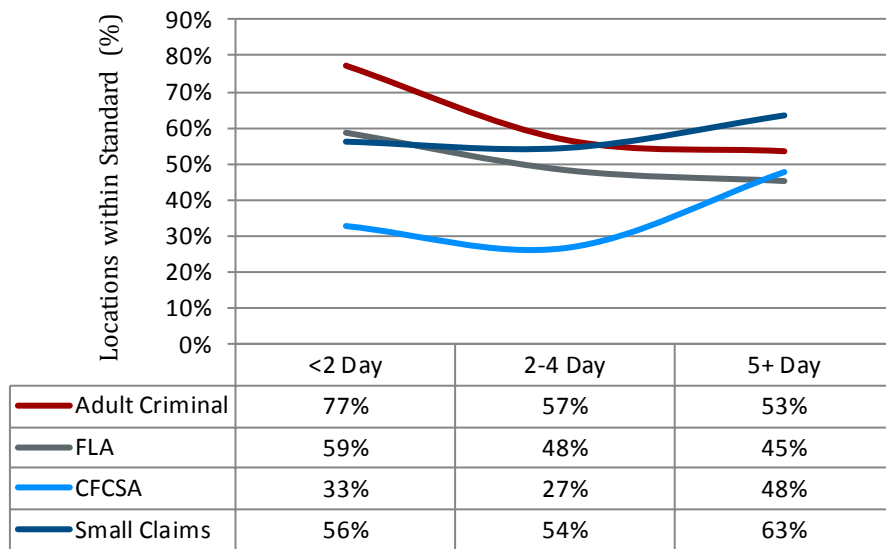
⁷These locations are only open for scheduled courtroom appearances such as hearings and trials

- The inability to accommodate longer trials. These lengthy trials cannot be scheduled for several days in a row as they often can in larger court locations
- The inability to react to caseload fluctuations which could result in an increase in the amount of cases requiring a trial.

Due to these factors, comparing similar time to trial results between large and small court locations is not particularly useful.

Figure 3 shows the percentage of locations in the Province reporting results that are within the OCJ standard. These figures range from a low of 27% (2-4 day CFCSA trials) to a high of 77% (<2 day adult criminal trials). Generally speaking, these figures were highest in the criminal jurisdiction, and lowest in the two family jurisdictions. Only locations that hear a given type and length of trial are included in the count.

Figure 3 - Percentage of Locations within Standard by Jurisdiction and Trial Length



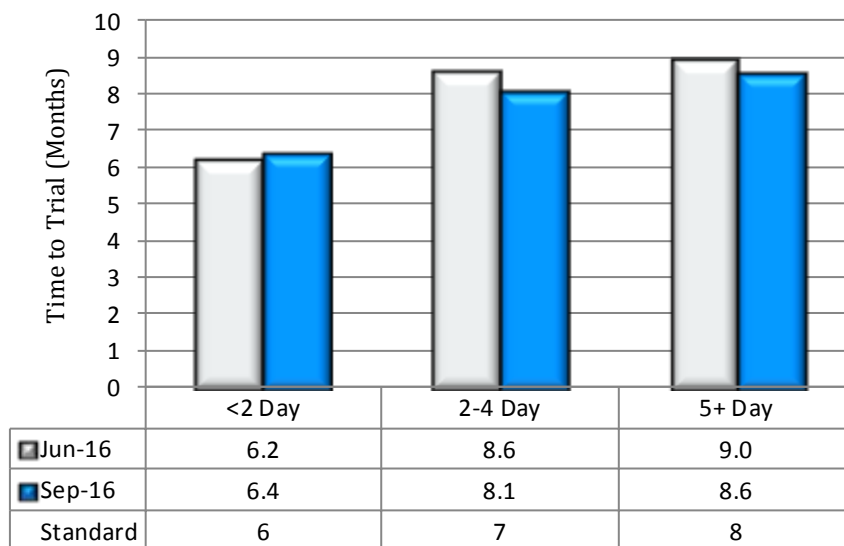
4. Weighted Results by Jurisdiction

Figures 4 to 7 show weighted province-wide times to trial, and include the OCJ standard for reference. These figures also show a comparison of results for trials of different lengths between June⁸ and September of this year.

Results for lengthier small claims trials were within the OCJ standards, but all others were above in both periods.

Figure 4 sets out the number of months between an Arraignment Hearing/Fix Date and the first available court date for typical adult criminal trials of various lengths. These results do not take into account the time between a first appearance in Court and the Arraignment Hearing/Fix Date.

Figure 4 - Weighted Provincial Time to Adult Criminal Trials



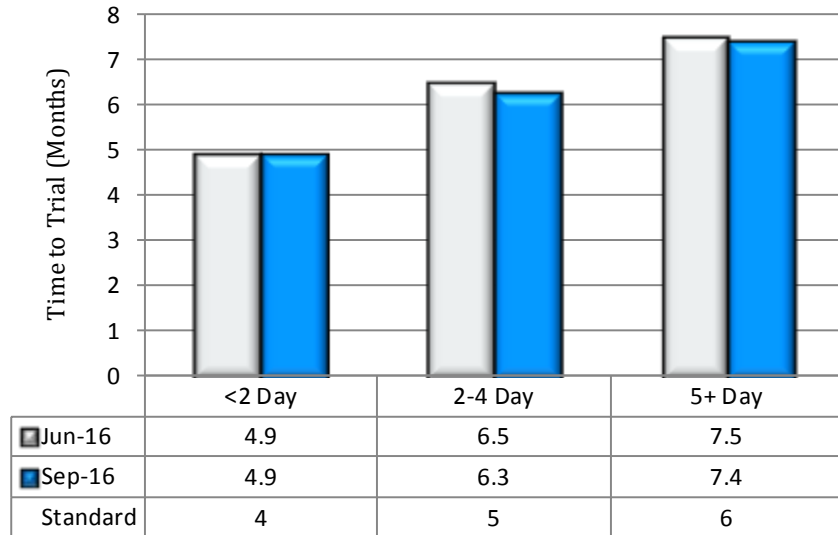
Data Source: Judicial Next Available Date Surveys

The results for September are slightly higher than those from June in the <2 Day category, but otherwise show a decline for all adult criminal trials.

Figure 5 (next page) sets out the number of months between a family case conference and the first available court date for typical FLA trials of various lengths. These results do not take into account the time between a first appearance in Court and the case conference.

⁸ June, 2016 is the first period for which results using the new measures and standards are available.

Figure 5 - Weighted Provincial Time to FLA Trials

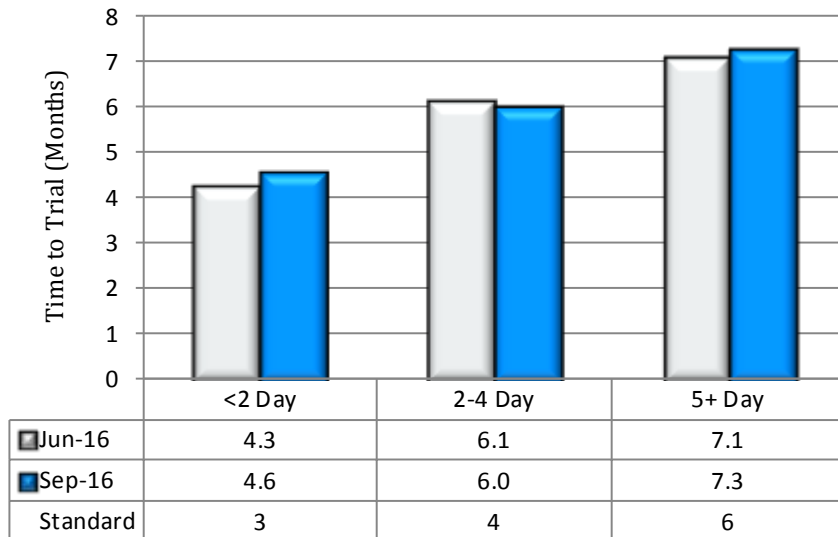


Data Source: Judicial Next Available Date Surveys

Comparing June 2016 to September 2016 results, the time to trial for trials with an estimated length of less than two days remained the same. Results in the other two estimated trial length categories (2-4 Day and 5+ Day) showed slight declines between the two periods.

Figure 6 sets out the number of months between a family case conference and the first available court date for typical CFCSA trials of various lengths. These results do not take into account the time between a first appearance in Court and the case conference.

Figure 6 - Weighted Provincial Time to CFCSA Trials

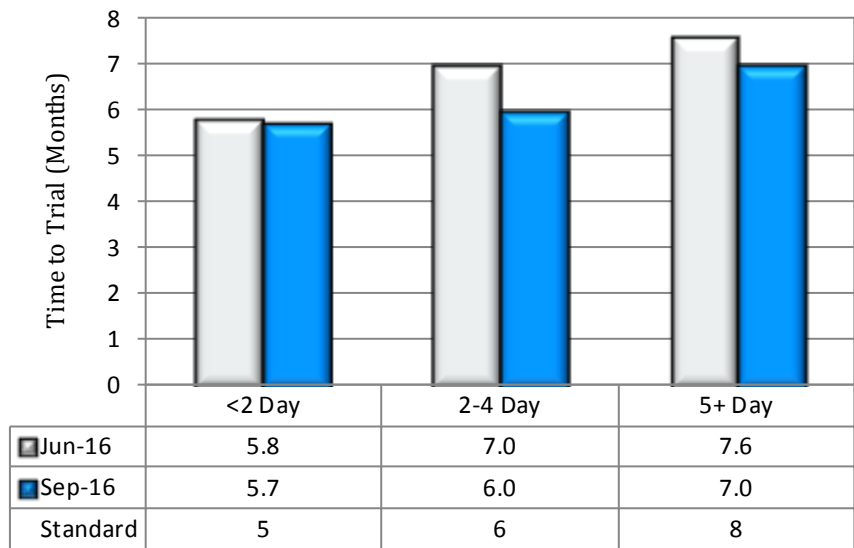


Data Source: Judicial Next Available Date Surveys

Results indicate a slight decline in the 2-4 Day category, but otherwise show an increase in the time to trial between the two periods.

Figure 7 sets out the number of months between a settlement conference and the first available court date for typical small claims trials of various lengths. These results do not take into account the time between the filing of a reply and the settlement conference.

Figure 7 - Weighted Provincial Time to Small Claims Trials



Data Source: Judicial Next Available Date Surveys

Time to Trial decreased for all three lengths of trial in the small claims jurisdiction. This was also the only jurisdiction for which weighted provincial results were within standard (in both the 2-4 Day and 5+ Day categories).

5. Top 10 Results

Figures 8, 9 and 10 show the ten locations with the longest times to trial for different jurisdictions. Smaller locations are screened out of these calculations, as a longer wait for trial dates is more likely a result of fewer Court sittings in these locations. The OCJ standard is shown across the top, and the provincial weighted delay is shown along the bottom.

Figure 8 - Locations with the Longest Delays to Adult Criminal Trials

	<2 Day		2-4 Day		5+ Day	
	6 Months		7 Months		8 Months	
1	Fort St. John	14	Fort St. John	14	Fort St. John	14
2	Port Hardy	13	Campbell River	13	Campbell River	13
3	Penticton	9	Port Hardy	13	Vancouver Criminal	11
4	Port Alberni	9	Courtenay	10	Terrace	10
5	Dawson Creek	9	Vancouver Criminal	9	Courtenay	10
6	Williams Lake	9	Nanaimo	9	Williams Lake	10
7	Richmond	8	Penticton	9	Surrey	9
8	Nanaimo	7	Port Alberni	9	Nanaimo	9
9	Campbell River	7	Dawson Creek	9	Chilliwack	9
10	Sechelt	7	Williams Lake	9	Penticton	9
	Provincial	6.4		8.1		8.6

Figure 9 is similar to figure 8, but shows the ten locations with the longest times to trial in the two family jurisdictions.

Figure 9 - Locations with the Longest Delays to Family Trials

	<2 Day FLA Trial		2-4 Day FLA Trial		5+ Day FLA Trial		<2 Day CFCSA Trial		2-4 Day CFCSA Trial		5+ Day CFCSA Trial	
	4 Months		5 Months		6 Months		3 Months		4 Months		6 Months	
1	Port Alberni	9	Nanaimo	9	Campbell River	11	Port Alberni	9	Port Alberni	9	Campbell River	11
2	Williams Lake	8	Williams Lake	9	Courtenay	10	Williams Lake	8	Williams Lake	9	Courtenay	10
3	Quesnel	8	Port Alberni	9	Surrey	9	Quesnel	7	Surrey	8	Terrace	10
4	Nanaimo	7	Surrey	8	Nanaimo	9	100 Mile House	7	Chilliwack	8	Surrey	9
5	Fort St. John	7	Chilliwack	8	Chilliwack	9	Chilliwack	6	Courtenay	8	Chilliwack	9
6	100 Mile House	7	Courtenay	8	Williams Lake	9	Fort St. John	6	Campbell River	8	Port Alberni	9
7	Chilliwack	6	Campbell River	8	Port Alberni	9	Port Hardy	6	Quesnel	8	Williams Lake	9
8	Penticton	6	Quesnel	8	Quesnel	9	Merritt	6	Powell River	8	Quesnel	9
9	Sechelt	6	Sechelt	8	100 Mile House	9	Sechelt	6	100 Mile House	8	Merritt	9
10	Port Hardy	6	Powell River	8	Merritt	9	Lillooet	6	Sechelt	8	100 Mile House	9
	Provincial	4.9		6.3		7.4		4.6		6.0		7.3

Figure 10 is similar to figures 8 and 9, but shows the ten locations with the longest times to trial in the small claims jurisdiction.

Figure 10 - Locations with the Longest Delays to Small Claims Trials

	<2 Day Trial		2-4 Day Trial		5+ Day Trial	
	5 Months		6 Months		8 Months	
1	Williams Lake	9	Campbell River	11	Campbell River	11
2	Port Alberni	9	Courtenay	10	Courtenay	10
3	Richmond	8	Williams Lake	10	Williams Lake	10
4	Penticton	8	Nanaimo	9	Terrace	10
5	Quesnel	8	Quesnel	9	Nanaimo	9
6	Nanaimo	7	Port Alberni	9	Chilliwack	9
7	Fort St. John	7	Sechelt	9	Penticton	9
8	Powell River	7	Richmond	8	Quesnel	9
9	Sechelt	7	Chilliwack	8	Port Alberni	9
10	100 Mile House	7	Penticton	8	100 Mile House	9
	Provincial	5.7		6.0		7.0

Appendix 1: New Time to Trial Measures and Standards

Jurisdiction	Old Measures and Standards		New Measures and Standards	
	Measure	OCJ Standard	New Measure	OCJ Standard
Small Claims	Settlement Conference	2 months (from close of pleadings)	Settlement Conference	2 months
	½ Day Trial	4 months (from conference)	SPC	4 month
	2 Days or more Trial	6 months (from conference)	<2 Day Trial (non-A/Court locations)	5 months
			2-4 Day Trial	6 months
			5 Days or More Trial	8 months
Family (CFCSA)	FXD	1 month	FXD	N/A
	FCC	1 month (from direction by PCJ to fix FCC)	FCC	2 months
	½ Day Trial	3 months (from FCC)	SPC	2 months
	2 Days or more Trial	4 months (from FCC)	<2 Day Trial (non-A/Court locations)	3 months
			2-4 Day Trial	4 months
			5 Days or More Trial	6 months
Family (FLA)	FXD	1 month	FXD	N/A
	FCC	1 month (from direction by PCJ to fix FCC)	FCC	2 months
	½ Day Trial	3 months (from FCC)	SPC	3 months
	2 Days or more Trial	4 months (from FCC)	<2 Day Trial (non-A/Court locations)	4 months
			2-4 Day Trial	5 months
			5 Days or More Trial	6 months
Criminal	½ Day Trial	6 months (from A/Hearing)	SPC	4 months
	2 Days or more Trial	8 months (from A/Hearing)	<2 Day Trial (non-A/Court locations)	6 months
			2-4 Day Trial	7 months
			5 Days or More Trial	8 months
	Youth Trial	4 months (from A/Hearing)	Youth Trial	4 months

Appendix 2: Time to Trial by Location, Jurisdiction, and Trial Length

Results for all locations for which time to trial information is collected appear below. Locations are listed by region, with the exception of assignment court locations, which are listed together. The OCJ standard is shown at the top for reference. Not all locations for which time to trial information is collected hear all kinds of trials. The grey cells below indicate that the trial type in question is not heard at that location.

As mentioned in the body of the report, 37 of the 69 court locations for which the Court collects time to trial information are smaller court operations, for which lengthier delays are sometimes to be expected. Please see the section on Province Wide Time to Trial for details. Smaller locations are marked with an asterix.

Region	Location	Adult Criminal			FLA			CFCSA			Small Claims		
		<2	2 - 4	5+	<2	2 - 4	5+	<2	2 - 4	5+	<2	2 - 4	5+
OCJ Standards		6	7	8	4	5	6	3	4	6	5	6	8
Assignment Court ⁹	Abbotsford		6	8		7	8		7	6		5	6
	Kelowna		4	6		5	6		4	6		5	6
	Main Street		9	11									
	Port Coquitlam		7	8		7	8		7	8		7	8
	Robson Square					6	7		5	6		6	7
	Surrey		8	9		8	9		8	9		4	6
	Victoria		5	7		5	7		5	7		5	7
Fraser Region	Chilliwack	6	8	9	6	8	9	6	8	9	6	8	9
	New Westminster	5	6	6	4	4	4	5	4	4	3	4	4
Interior Region	Castlegar*	6	7		4	5		4	5		6	7	
	Clearwater*	6	8		6	8		6	8		6	8	
	Cranbrook	5	6		5	6		5	6		5	7	
	Creston*	4	5		4	5		4	5		4	5	
	Fernie*	4	5		4	5		4	5		4	5	
	Golden*	5	6		5	6		5	6		5	6	
	Grand Forks*	6	7		4	5		4	5		6	7	
	Invermere*	5	6		5	6		5	6		6	7	
	Kamloops	6	6	8	4	4	8	4	4	8	6	6	8
	Lillooet*	6	8	8	6	7	8	6	7	7	6	8	8
	Merritt*	6	6	9	6	6	9	6	6	9	6	6	9
	Nakusp*	6	7		4	5		4	5		6	7	
	Nelson	6	7		4	5		4	5		6	7	
	Penticton	9	9	9	6	6	6	4	4	4	8	8	9
	Princeton*	6	9	9	6	6	6	4	4	4	6	8	9
	Revelstoke* ¹⁰												
	Rossland	6	7		4	5		4	5		6	7	
Salmon Arm ¹⁰													
Sparwood*	4	5		4	5		4	5		4	5		
Vernon ¹⁰													

⁹ For assignment court locations, SPC replaces <2 Days trials in the survey. These results are discussed below.

¹⁰ Data for these locations was not received in time to be included in this report.

Region	Location	Adult Criminal			FLA			CFCSA			Small Claims		
		<2	2 - 4	5+	<2	2 - 4	5+	<2	2 - 4	5+	<2	2 - 4	5+
OCJ Standards		6	7	8	4	5	6	3	4	6	5	6	8
Northern Region	100 Mile House*	7	8	9	7	8	9	7	8	9	7	8	9
	Anahim Lake*	4	4	4	4	4	4	4	4	4	4	4	4
	Burns Lake*	4	6	8	3	5	7	3	5	7	4	6	8
	Chetwynd*	3			3			2			4		
	Dawson Creek	9	9	9	3	3	3	2	2	2	3	3	3
	Fort Nelson*	4			4			2			4		
	Fort St. James*	5	6	6	4	4	4	3	4	4	4	5	6
	Fort St. John	14	14	14	7	7	7	6	6	6	7	7	7
	Fraser Lake*	4	4	6									
	Hazelton*	5	7	7	4	6	7	4	6	7	5	7	7
	Houston*	4			3			3			4		
	Kitimat*	6	7	9	3	3	9	3	3	9	3	3	9
	Kwadacha*	5	9	9	5	5	5	5	5	5	5	5	5
	MacKenzie*	6	8	8	4	4	4	3	4	4	4	6	6
	Masset*	7	7	9	4	6	9	4	6	9	7	7	9
	McBride*	5	7	7	5	5	5	3	3	5	3	5	5
	Prince George	6	8	8	4	4	5	3	4	5	4	6	6
	Prince Rupert	4	5	7	3	4	6	3	4	6	4	5	7
	Queen Charlotte City*	6	7	9	6	6	9	6	6	9	6	6	9
	Quesnel	6	10	10	8	8	9	7	8	9	8	9	9
Smithers	5	6	6	2	3	6	2	3	6	5	6	7	
Terrace	3	6	10	3	5	10	3	5	10	3	6	10	
Tumbler Ridge*	5			5			2			5			
Valemount*	5	7	7	5	5	5	3	3	5	3	5	5	
Vanderhoof*	6	7	8	4	5	7	3	4	7	4	5	7	
Williams Lake	9	9	10	8	9	9	8	9	9	9	10	10	
Vancouver Region	North Vancouver	6	7	8	4	6	7	4	6	8	5	6	7
	Pemberton*	3	8		3	8		3	8		3	8	
	Richmond	8	8	8	4	5	5	4	5	5	8	8	8
	Sechelt	7	9		6	8		6	8		7	9	
Vancouver Island Region	Campbell River	7	13	13	5	8	11	5	8	11	5	11	11
	Courtney	6	10	10	4	8	10	4	8	10	5	10	10
	Duncan	4	6	7	4	6	7	4	6	7	4	6	7
	Nanaimo	7	9	9	7	9	9	6	9	9	7	9	9
	Port Alberni*	9	9	9	9	9	9	9	9	9	9	9	9
	Port Hardy*	13	13		6	6		6	6		6	6	
Western Communities	4	5	6	4	5	6	4	5	6	4	5	6	
OCJ	Bella Bella* ¹¹				3	5	5	3	5	5	3	5	5
	Bella Coola* ¹¹				3	5	5	3	5	5	3	5	5
	Powell River*	7	8		5	8		5	8		7	8	

Results for Summary Proceedings Court (SPC) appear on the next page. The locations within the new standards are shown in green, with those above in red. The OCJ standard for each jurisdiction is listed across the top. 50% - 100% of locations are within standard for SPC, depending on the jurisdiction.

¹¹ Criminal jurisdiction data for these locations was not received in time to be included in this report.

Time to Trial for Summary Proceeding Court by Location and Jurisdiction

	Adult Criminal		FLA		CFCSA		Small Claims	
	4 Months		3 Months		2 Months		4 Months	
1	Kelowna	5	Victoria	4	Robson Square	4	Robson Square	4
2	Victoria	4	Robson Square	4	Abbotsford	3	Victoria	4
3	Surrey	3	Port Coquitlam	3	Port Coquitlam	3	Port Coquitlam	3
4	Abbotsford	3	Abbotsford	3	Surrey	2	Kelowna	3
5	Port Coquitlam	3	Kelowna	3	Victoria	2	Abbotsford	3
6	Vancouver Criminal	2	Surrey	2	Kelowna	2	Surrey	2
All AC Locations		3.2	3.1		2.7		3.2	

Appendix 3: Revised Methodology for Reporting Cases

CHANGE IN PROVINCIAL CRIMINAL COURT CASE DEFINITION

Historically, criminal adult and youth court caseloads in Provincial Court have reflected principally a document count, which has been a useful metric for reflecting workloads within the Court Services Branch of the BC Ministry of Justice. Specifically, the definition was defined by one accused on one initiating document. In other words, any new initiating document filed against an accused on the same court file created a new court case. This restrictive definition can fragment a single criminal matter into multiple seemingly unrelated matters, which makes it challenging to properly assess justice system performance (e.g. case timeliness).

As the justice system strives for improved reporting on workloads, performance, and impacts of justice reform initiatives, it has been imperative to refine the way criminal court caseloads are defined and reported. Effective April 1, 2015, Court Services Branch (CSB) changed the way it reports criminal court caseloads for the Provincial Court. This change was applied to all historical data.

The new definition of a criminal court case differentiates between substantive information for an accused and subsequent documents sworn or filed after a case has been initiated, but related to the same alleged offence. Now, a new case is triggered by substantive information only. Subsequent documents, such as applications, transfers between locations, and re-laid informations, are treated as being part of the same case. For example, an information is sworn against a single accused person by police alleging theft over \$5,000. In the event new information is laid by Provincial Crown Counsel and the alleged offence is changed from theft over \$5,000 to theft under \$5,000, in the past, this scenario would have generated 2 criminal cases, with the original case being stayed by the Crown and the new case continuing through the court system. The new criminal case definition now considers this a single case; the initial police sworn information is the substantive document that initiates the case and the re-laid information sworn by Crown is treated as being a subsequent document on the same file. A separate document count metric will capture the volume of all subsequent document filings on a criminal court case (for workload measurement and other purposes).

This new definition better represents the lifecycle of court activity for a single accused person approved to court. This in turn supports an end-to-end vision for justice system performance measurement and provides improved information for justice reform analysis. This process also provides an opportunity to improve the way other court metrics are reported.

Based on the new case methodology, the following observations will be seen with criminal caseload metrics:

- Fewer cases than historically reported – reporting gap will be represented by a new criminal document count
- More appearances reported to reach a true deemed concluded date
- Longer median days to disposition
- Decrease in volumes of cases stayed and “other” findings
- Overall new caseload trends should remain relatively constant when comparing historical caseloads and caseloads based on the new case methodology

CHANGE IN PROVINCIAL CIVIL AND FAMILY COURT CASE DEFINITION

Since 1994, when an initial filing or transferred case was received by a court registry, it triggered a new case count.

On April 1, 2015, the Provincial Civil and Family new case definition changed and no longer counts files transferred between court registries. This definition more closely aligns with other justice system measures and focuses on cases that are new to the justice system, rather than new to a particular court registry. Recent historical new case counts (after CEIS implementation) are recalculated.

Based on the new case methodology, the following impacts will be seen with historical caseload metrics:

- Reduction in the number of new cases by roughly 6% in Provincial Family and 0.6% in Small Claims compared to historically reported counts
- Court registries that receive more transferred cases than they send to other registries will be impacted more than others
- More consistency and comparability between civil and criminal new case counts
- Eliminates double-counting

New case trends that exclude transferred cases will not be available prior to 2004.

The September 30, 2016 Time to Trial Report restates historical data using the revised methodology. As a result, the numbers used may not be directly comparable with those in previous reports.