



THE PROVINCIAL COURT OF BRITISH COLUMBIA

Semi-Annual Time to Trial Report

September 30, 2021

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 time to trial in each area of the Court’s jurisdiction. The Court now publishes such a report semi-annually.

Time to trial measures the time elapsed from the time the case is ready to be scheduled until the next available date (in months) that a defined event can be routinely scheduled onto a future court list in a particular location.¹

Time to trial does not reflect when cases are actually set, rather it is an estimate of when court time would be available to schedule a particular activity. This estimate is then compared against the standard established by the Court for that particular activity.

Time to trial data is currently collected from 69 court locations. The current update includes the following information as of September 30, 2021:

- Adult Criminal Weighted Provincial Time to Trial;
- Family Law Act (FLA) Weighted Provincial Time to Trial;
- Child, Family and Community Service Act (CFCSA)² 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;
- Time to Trial Results by Location.

The last Provincial Time to Trial report was released in September 2019.

The Court is now in the position to provide this first report, and identify trends in data, since the COVID-19 pandemic caused the suspension of regular court operations beginning in mid-March 2020. From March to July 2020, many hearings and trials had to be adjourned. During this time, [health and safety protocols](#) were developed and implemented to support the resumption of in-person proceedings beginning June 8, 2020, including the installation of plexiglass and measures to ensure physical distancing. Starting in March 2020, the Court took several steps to counter potential backlogs, including:

- Hearing urgent family, child protection, and small claims applications and some sentencing hearings by telephone
- Introducing mandatory pre-trial conferences for all Criminal, Family and Small Claims Trials, including for those trials that had to be adjourned
- Quickly shifting to virtual bail hearings and other preliminary proceedings and settlement/case conferences by videoconference or audioconference
- Hearing some matters commenced by a violation ticket at alternate hearing locations and/or alternate hearing times
- Early launching in [Surrey](#) of the Early Resolution and Case Management Model

¹Does not include fast tracked events, or dates that become available due to cancellations

²Also known as ‘Child Protection’

Introduction

See **Appendix 2** for further background information about the Provincial Court’s operations during the COVID-19 pandemic.

This report compares September 2019 results and September 2021 results. While you will see that the current overall Provincial weighted time to trial delays are not significantly different from 2019, there are some individual locations where delays have increased (see Figures 6 – 9).

During the pandemic, the Court also experienced a significant increase in active criminal cases that are older than 18 months. An “active criminal case” has not yet concluded and has a future appearance date scheduled. Figure 1 shows the quarterly count of total active criminal cases from March 2018 to September 30, 2021. In 2019, prior to the pandemic, the court had between 24,755 and 26,998 active criminal cases in the province. Approximately 1,000 –1,200 of these active cases (4% – 5%) were older than 18 months.

During the pandemic, and in particular June 2020 – December 2020, the Court experienced a substantial increase in active criminal cases where we saw over 32,000 as at June 30, 2020. While there are many reasons for this, one of them is trials being adjourned to future dates at the outset of the pandemic.

Although the number of active criminal cases has now decreased to pre pandemic levels, the number of total active criminal cases older than 18 months continues to increase with 9% (2,250) being older than 18 months.

Figure 1 - Inventory of Total Active Cases, > 18 months Cases and Median Case Age
Quarterly report: 2018 - 2021

Provincial Active Cases				
Date	Total Active Cases	Total Active Cases >18 months	% of Total Active Cases	Median Active Case Age (Days)
March 31, 2018	23,474	1,045	4%	705
June 30, 2018	23,217	1,057	5%	712
September 30, 2018	24,128	1,097	5%	702
December 31, 2018	24,688	1,082	4%	697
March 31, 2019	24,755	1,138	5%	681
June 30, 2019	25,176	1,068	4%	701
September 30, 2019	26,634	1,137	4%	691
December 31, 2019	26,998	1,193	4%	684
March 31, 2020	26,879	1,358	5%	672
June 30, 2020	32,478	1,878	6%	674
September 30, 2020	31,238	2,087	7%	681
December 31, 2020	29,941	2,073	7%	680
March 31, 2021	27,845	2,034	7%	680.5
June 30, 2021	26,536	2,041	8%	669
September 30, 2021*	26,389	2,250	9%	668.5

*September 30, 2021 results are preliminary and subject to change

Provincial Time To Trial

Overall, provincial weighted times to trial have decreased by 7% between September 2019 and September 2021. Most categories improved over the past two years. Top areas that improved:

- Family Case Conferences (decreased in time to trial by 29%)
- Long (over 5 days) small claims trials (decreased in time to trial by 25%)
- Mid-length (2-4 days) small claims trials (decreased in time to trial by 22%)
- Long (over 5 days) CFCSA family trials (decreased in time to trial by 11%)
- Mid-length (2-4 days) CFCSA family trials (decreased in time to trial by 11%)

The categories that saw an increase in time to trial:

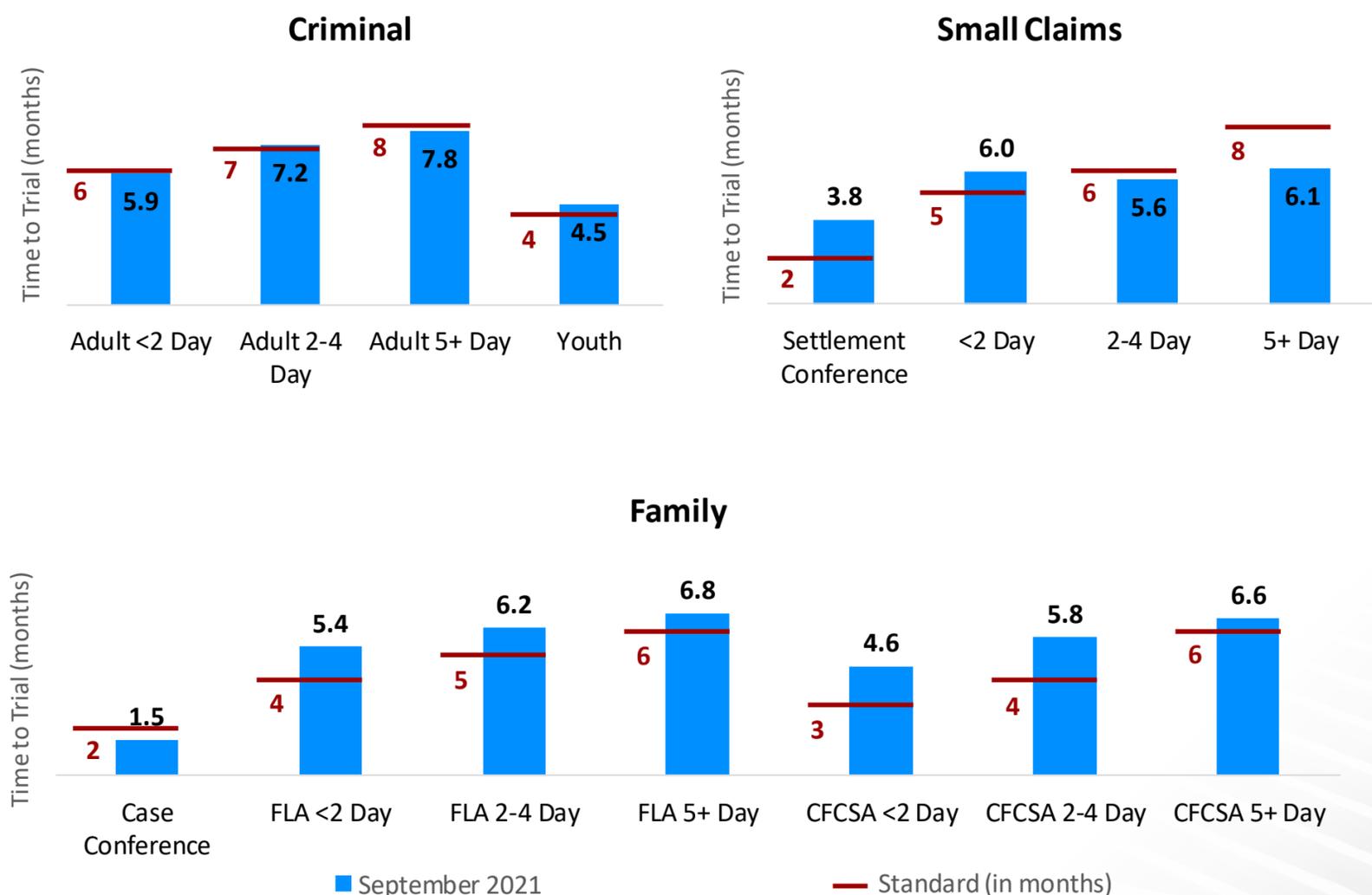
- Small claims settlement conference (increased by 9%)
- Short (under 2 day) FLA family trials (increased by 4%)
- Short (under 2 days) small claims trials (increased by 3%)

Two thirds (ten out of fifteen) of the weighted times to trial results for September 2021 performed under the Provincial Court standards. Overall, results varied from 1.9 months below these standards to 1.8 months over these standards.

Figures 2 to 5 show time elapsed in months from the time the case is ready to be scheduled until the next available date.

Figure 2 shows weighted³ province-wide times to trial, as well as Provincial Court standards in months.

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



³All locations in the province were weighted based on fiscal year caseloads. Weighted time to trial is the average time (in months), weighted by caseloads, from the time a request is made to the next available date.

Data Source: Judicial Next Available Date Survey

Weighted Results by Jurisdiction

Figures 3 to 5 show weighted province-wide times to trial and Provincial Court standards in months, by division. These figures also show a comparison between the results as at September 2019 and September 2021.

Figure 3 sets out the number of months between an Arraignment Hearing/Fix Date and the first available court date for typical adult/youth 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. All adult and youth criminal time to trials have stayed the same or declined, compared to September 2019.

Figure 3 - Weighted Provincial Time to Adult/Youth Criminal Trials

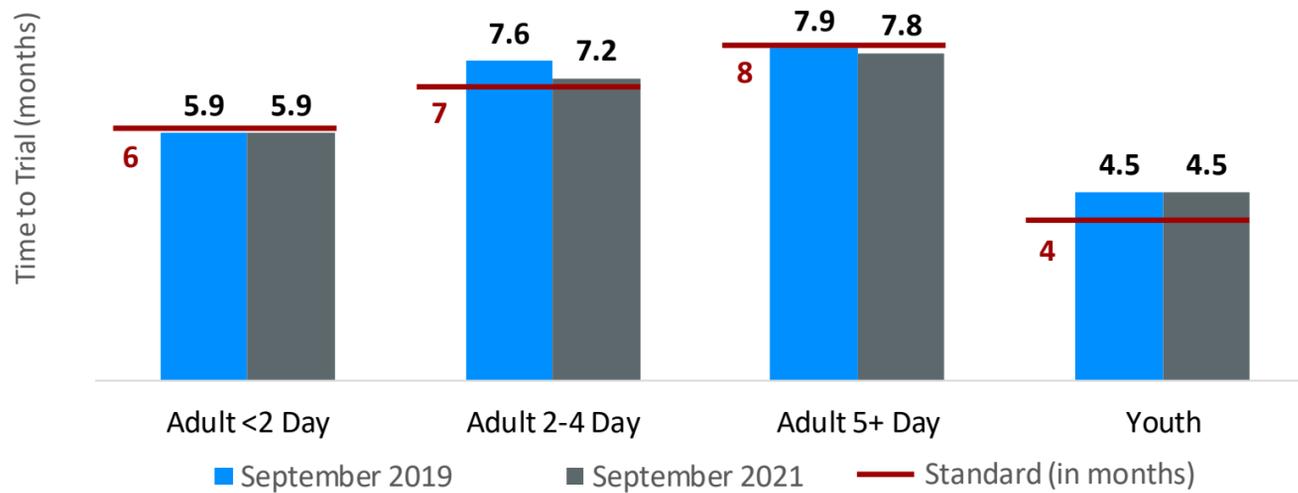
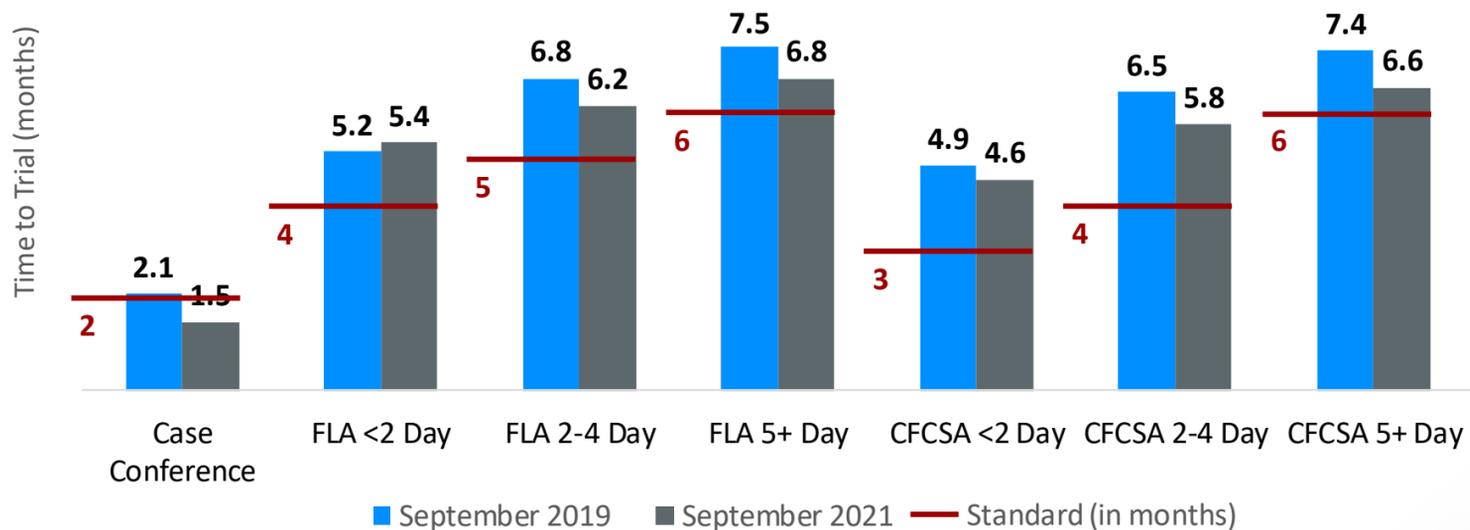


Figure 4 includes two types of proceedings: family case conferences and trials. The time to a family case conference is the number of months between the date a judge directs a conference to be set and the first available date for a family case conference. The time to trial sets out the number of months between a family case conference and the first available court date for typical FLA or CFCSA trials of various lengths. These results do not take into account the time between a first appearance in Court and the family case conference. Since September 2019, all FLA and CFCSA results declined, except the time to a short (under 2 day) FLA family trial increased slightly.

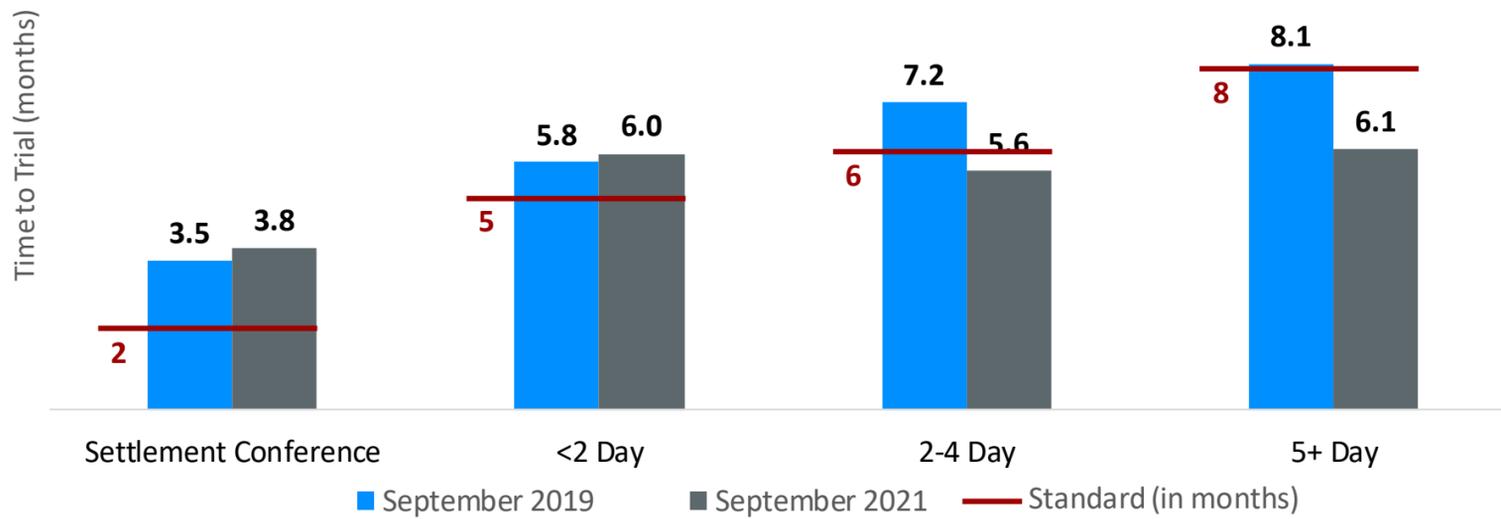
Figure 4 - Weighted Provincial Time to Family Trials



Weighted Results by Jurisdiction (continued)

Figure 5 includes two types of proceedings: Small Claims settlement conferences and trials. The time to a settlement conference is the number of months between the date the last reply or document is filed to ready the case for a settlement conference and the first available date for a settlement conference. The time to trial is the number of months between the end of 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 claim and the reply. Since September 2019, long (over 5 days) and mid-length (2-4 days) small claims trials results have decreased, while time to a conference and short (under 2 days) trials results increased slightly.

Figure 5 - Weighted Provincial Time to Small Claims Trials



Top 10 Results

Figures 6 and 7 show the ten locations with the longest times to trial in months 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 Provincial Court standard in months is shown across the top and the provincial delay average is shown along the bottom.

Figure 6 - Locations with the Longest Delays to Adult Criminal Trials

<2 Day		2-4 Day		5+ Day	
6 Months Max		7 Months Max		8 Months Max	
Lillooet	11	Penticton	9	Port Coquitlam	11
Princeton	9	Burns Lake	9	Kelowna	9
Penticton	8	Princeton	9	Prince George	9
Fort St. John	8	Kelowna	8	Kamloops	9
Courtenay	8	Port Coquitlam	8	Richmond	9
Hazelton	8	Prince George	8	Penticton	9
Clearwater	8	Kamloops	8	Fort St. John	9
Prince George	7	Fort St. John	8	Dawson Creek	9
Kamloops	7	New Westminster	8	Merritt	9
Vernon	7	Courtenay	8	Lillooet	9
Provincial Average	5.9		7.2		7.8

Figure 7 - Locations with the Longest Delays to Family Trials (FLA)

<2 Day FLA		2-4 Day FLA		5+ Day FLA	
4 Months Max		5 Months Max		6 Months Max	
Princeton	9	Kelowna	10	Kelowna	10
Penticton	8	Penticton	9	Kamloops	9
Clearwater	8	Burns Lake	9	Penticton	9
Hazelton	8	Princeton	9	Lillooet	9
Kamloops	7	Port Coquitlam	8	Clearwater	9
Vernon	7	Kamloops	8	Princeton	9
Salmon Arm	7	Quesnel	8	Merritt	9
Merritt	7	Fernie	8	Chilliwack	8
Fernie	7	Invermere	8	New Westminster	8
Invermere	7	Lillooet	8	Vernon	8
Provincial Average	5.4		6.2		6.8

Top 10 Results (Continued)

Figures 8 and 9 show the ten locations with the longest times to trial in months 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 Provincial Court standard in months is shown across the top and the provincial delay average is shown along the bottom.

Figure 8 - Locations with the Longest Delays to Family Trials (CFCSA)

<2 Day CFCSA		2-4 Day CFCSA		5+ Day CFCSA	
3 Months Max		4 Months Max		6 Months Max	
Penticton	8	Kelowna	10	Kelowna	10
Hazelton	8	Burns Lake	9	Port Coquitlam	10
Vernon	7	Kamloops	8	Kamloops	9
Salmon Arm	7	Penticton	8	Merritt	9
Sparwood	7	Quesnel	8	Clearwater	9
Invermere	7	Clearwater	8	Lillooet	9
Fernie	7	Hazelton	8	Duncan	8
Kamloops	6	Lillooet	8	Chilliwack	8
Chilliwack	6	Sparwood	8	Vernon	8
Quesnel	6	Invermere	8	Penticton	8
Provincial Average	4.6		5.8		6.6

Figure 9 - Locations with the Longest Delays to Small Claims Trials

<2 Day Trial		2-4 Day Trial		5+ Day Trial	
5 Months Max		6 Months Max		8 Months Max	
Lillooet	11	Richmond	9	Richmond	10
Princeton	9	Penticton	9	Kamloops	9
Penticton	8	Princeton	9	Clearwater	9
Clearwater	8	Burns Lake	9	Lillooet	9
Hazelton	8	Port Coquitlam	9	Merritt	9
Richmond	7	Kamloops	8		
Kamloops	7	Chilliwack	8		
Chilliwack	7	Courtenay	8		
Vernon	7	Quesnel	8		
Salmon Arm	7	Invermere	8		
Provincial Average	6.0		5.6		6.1

Appendix 1: Time to Trial by Location, Jurisdiction, and Trial Length

Results in months for all locations for which time to trial information is collected appear below. Results for the Criminal and Small Claims divisions are listed first, followed by results for Family. Locations are listed by region, with the exception of assignment court locations, which are listed together. The Provincial Court standard in months is shown for reference. Not all locations for which time to trial information is collected hear all kinds of trials. Grey cells indicate that the trial type in question is not heard at that location.

36 of the 69 court locations for which the Court collects time to trial information are smaller operations. Of the 36 locations, 10 do not have a resident judge, but are staffed and include registry services⁴ and 26 have neither a resident judge nor registry services.⁵ Due to the relatively small number of Court sitting days in these locations, lengthier delays are anticipated for a number of reasons including:

- 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. Smaller locations are marked with an asterisk in the table below.

September 2021 Time to Trial Summary											
Source Sheet	Location	Adult Criminal				Youth	Small Claims				
		SPC	<2 Day	2 - 4 Day	5+ Day		S. Conf	SPC	<2 Day	2 - 4 Day	5+ Day
OCJ Standards		4	6	7	8	4	2	4	5	6	8
Assignment Court	Abbotsford	2		5	6	4	2	2		5	6
	Kelowna	6		8	9	6	3	4		6	6
	Main Street	3		6	8						
	Port Coquitlam	4		8	11	8		4		9	
	Robson Square	2		2	4	2	5	2		4	5
	Surrey	2		6	6	5	5	2		4	5
	Victoria	3		6		4	3	3		7	
Fraser Region	Chilliwack		6	7	8	5	2		7	8	8
	New Westminster		7	8	8	5	3		6	7	
Interior Region	Castlegar *		4	5		4	4		4	5	
	Clearwater *		8	8	9	4	4		8	8	9
	Cranbrook		5	6		3	2		5	6	
	Creston *		4	5		2	2		4	5	
	Fernie *		7	8		2	2		7	8	
	Golden *		4	5		2	2		4	5	
	Grand Forks *		4	5		4	4		4	5	
	Invermere *		7	8		2	2		7	8	
	Kamloops		7	8	9	4	4		7	8	9
	Lillooet *		11	8	9	4	4		11	8	9
	Merritt *		7	7	9	2	2		7	7	9
	Nakusp *		5	7		5	5		5		
	Nelson		5	6		6	3		5	6	
	Penticton		8	9	9	3	2		8	9	
	Princeton *		9	9	9	4	3		9	9	
	Revelstoke *		2			2	1		2		
	Rossland		5	6		4	3		5	6	
	Salmon Arm		7			6	1		7		
Sparwood *		7	8		2	2		7	8		
Vernon			7	7	8	6	1		7	7	8

⁴Registry offices are open to public for filing documents, accessing court file information or requesting information on court processes.

⁵These locations are only open for scheduled courtroom appearances such as hearings and trials

⁶>2 day trials are scheduled into Summary Proceedings Court (SPC)

Appendix 1: Time to Trial by Location, Jurisdiction, and Trial Length

Source Sheet	Location	Adult Criminal				Youth	Small Claims				
		SPC	<2 Day	2 - 4 Day	5+ Day		S. Conf	SPC	<2 Day	2 - 4 Day	5+ Day
OCJ Standards		4	6	7	8	4	2	4	5	6	8
Northern Region	100 Mile House *		6	7	7	7	3		6	7	7
	Anahim Lake *		6	6	6	6			6	6	6
	Burns Lake *		4	9		2	2		4	9	
	Chetwynd *		5	7	9	5	1		5	7	
	Dawson Creek		5	7	9	5	1		5	7	
	Fort Nelson *		6			3	1		4		
	Fort St. James *		5	6		4	2		4		
	Fort St. John		8	8	9	7	3		4	6	
	Fraser Lake *		4	4		3	2		4		
	Hazelton *		8	8	8	2	2		8	8	
	Houston *		2	5	5	1	1		2	5	
	Kitimat *		4	6	6	2	1		4	5	6
	Kwadacha *		4	4		4					
	Mackenzie *		6	6		5	2				
	Masset *		4	4		2	1				
	McBride *		2	2		2	2				
	Prince George		7	8	9	6	1		6	7	
	Prince Rupert		6	6	6	4	1		6	6	6
	Queen Charlotte *		4	4		2	1				
	Quesnel		6	7	7	6	2		6	8	8
Smithers		4	5	5	1	2		4	5		
Terrace		5	5	7	2	1		3	5	7	
Tumbler Ridge *		5	7	9	5	1		5	7		
Valemount *		2	2		2	2					
Vanderhoof *		4	4		3	2		4			
Williams Lake		6	7	8	6	4		6	6	6	
Vancouver Region	North Vancouver		5	6	8	5	5		5	6	8
	Pemberton *		3	6	7	3	3		3	6	7
	Richmond		6	7	9	6	5		7	9	10
	Sechelt		5	6	6	5	3		5	6	6
Vancouver Island Region	Campbell River		3	8	8	3	1		3		
	Courtenay		8	8		3	2		5	8	
	Duncan		5	6	8	5	3		5	6	8
	Nanaimo		6	7	8	4	1		6	7	
	Port Alberni		4	6		2	1		4	6	
	Port Hardy *		6	8		4	1				
	Powell River *		4	6		4	1				
Western Communities		5	6	7	4	1		5	6	7	
OCJ	Bella Bella *		1	1	1						
	Bella Coola *		1	1	1						

Appendix 1: Time to Trial by Location, Jurisdiction, and Trial Length

Source Sheet	Location	FCC	FLA			CFCSA				
			SPC	<2 Day	2 - 4 Day	5+ Day	SPC	<2 Day	2 - 4 Day	5+ Day
OCJ Standards		2	3	4	5	6	2	3	4	6
Assignment Court	Abbotsford	1	2		5	6	2		4	5
	Kelowna	2	4		10	10	4		10	10
	Main Street									
	Port Coquitlam	1	4		8		3		7	10
	Robson Square	1	2		3	4	2		3	4
	Surrey	1	2		4	5	2		4	5
	Victoria	1	2		7		2		7	
Fraser Region	Chilliwack	2		6	7	8		6	7	8
	New Westminster	1		6	7	8		6	7	
Interior Region	Castlegar *	3		4	5			4	5	
	Clearwater *	4		8	8	9		4	8	9
	Cranbrook	2		5	6			5	6	
	Creston *	2		4	5			4	5	
	Fernie *	2		7	8			7	8	
	Golden *	2		4	5			4	5	
	Grand Forks *	3		4	5			4	5	
	Invermere *	2		7	8			7	8	
	Kamloops	3		7	8	9		6	8	9
	Lillooet *	4		7	8	9		4	8	9
	Merritt *	1		7	7	9		4	7	9
	Nakusp *	4		5	7			5		
	Nelson	3		4	5			4	5	
	Penticton	2		8	9	9		8	8	8
	Princeton *	3		9	9	9		6	8	8
	Revelstoke *	1		2				2		
	Rosland	3		4	5			4	5	
Salmon Arm	1		7				7			
Sparwood *	2		7	8			7	8		
Vernon	1		7	7	8		7	7	8	
Northern Region	100 Mile House *	3		6	7	7		6	7	7
	Anahim Lake *			6	6	6		6	6	6
	Burns Lake *	2		4	9			4	9	
	Chetwynd *	1		5	7			5	7	
	Dawson Creek	1		5	7			5	7	
	Fort Nelson *	1		4				3		
	Fort St. James *	2		4	5			3	4	
	Fort St. John	2		4	6	6		4	6	6
	Fraser Lake *	2		3	4			2	3	
	Hazelton *	1		8	8	7		8	8	
	Houston *	1		1	5	5		1	5	
	Kitimat *	1		2	4	6		2	4	6
	Kwadacha *	4								
	Mackenzie *	2		5						
	Masset *	1		4				4		
	McBride *	2		2						
	Prince George	1		5	6	6		4	6	6
	Prince Rupert	1		5	6	6		5	6	6
	Queen Charlotte *	1		4				4		
	Quesnel	2		6	8	8		6	8	8
Smithers	1		3	5	5		3	5		
Terrace	1		3	5	7		2	4	7	
Tumbler Ridge *	1		5	7			5	7		
Valemount *	2		2							
Vanderhoof *	2		3	4			2	3		
Williams Lake	5		6	6	6		6	6	6	

Appendix 1: Time to Trial by Location, Jurisdiction, and Trial Length

Source Sheet	Location	FCC	FLA			CFCSA				
			SPC	<2 Day	2 - 4 Day	5+ Day	SPC	<2 Day	2 - 4 Day	5+ Day
OCJ Standards		2	3	4	5	6	2	3	4	6
Vancouver Region	North Vancouver	2		5	6	8		5	6	8
	Pemberton *	3		3	6	7		3	6	7
	Richmond	2		6	7	8		5	7	8
	Sechelt	2		5	6	6		5	6	6
Vancouver Island Region	Campbell River	2		3				3		
	Courtenay	2		2				2		
	Duncan	1		5	6	8		5	6	8
	Nanaimo	2		6	7			4	7	
	Port Alberni	1		4	6			4	6	
	Port Hardy *	1						3		
	Powell River *	1		4	4			4	4	
	Western Communities	1		5	5	6		5	5	6
OCJ	Bella Bella *									
	Bella Coola *	2			5					

Results in months for Summary Proceedings Court (SPC) appear below. The locations above standard are shown in red. The Provincial Court standard in months is shown across the top and the provincial assignment court delay average is shown along the bottom.

Time to Trial for Summary Proceeding Court by Location and Jurisdiction

Adult Criminal		FLA		CFCSA		Small Claims	
4 Months Max		3 Months Max		2 Months Max		4 Months Max	
Kelowna	6	Port Coquitlam	4	Kelowna	4	Kelowna	4
Port Coquitlam	4	Kelowna	4	Port Coquitlam	3	Port Coquitlam	4
Vancouver Criminal	3	Surrey	2	Surrey	2	Victoria	3
Victoria	3	Robson Square	2	Robson Square	2	Robson Square	2
Surrey	2	Abbotsford	2	Victoria	2	Surrey	2
Abbotsford	2	Victoria	2	Abbotsford	2	Abbotsford	2
All Assignment Court Locations (average)		3.0	2.6	2.2	2.2	2.2	2.2

Appendix 2: Background Regarding Provincial Court Operations during COVID-19

The Provincial Court suspended regular court operations after the Province declared a provincial state of emergency in mid-March. During the period of March 16 to July 3, 2020 (the “COVID-19 period”), the Court remained [open](#) but initially heard urgent and essential matters only and then, with increased technological developments, held certain court proceedings remotely by telephone or audio/video-conference using Microsoft Teams, an online conferencing platform. As of June 8, 2020, the Provincial Court resumed in-person proceedings to hear priority matters. During the COVID-19 period, court operations resumed incrementally while complying with public health guidelines to ensure everyone’s safety as described in the Court’s various [archived Notices to the Profession and Public 19](#) (NP 19) and [archived Notices to the Profession and Public 22](#) (NP 22).

Since July 6, 2020, the Provincial Court has resumed all its operations, with some proceedings being conducted remotely and others in-person. The current NP 19 can be found [here](#) and describes what matters are being heard remotely and in-person at this time. For example, the current NP 19 notes that, unless a judge or justice orders otherwise, criminal, family, small claims, and youth court trials and hearings will be heard in-person, while civil and criminal case conferences and pre-trial conferences, judicial interim release (bail) hearings, and family remand lists will be heard remotely.

As of July 13, 2020, Provincial Court registries have accepted 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).