



THE PROVINCIAL COURT OF BRITISH COLUMBIA

The Semi-Annual Time to Trial Report of the Provincial Court of British Columbia¹

March 31, 2016

¹ On September 14, 2010 the Provincial Court of British Columbia released its “*Justice Delayed*” Report. The Report concluded that it would be appropriate to issue regular updates to the Attorney General and the public concerning the judicial complement of the Court, caseloads and times to trial in each area of the Court’s jurisdiction.

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1. Introduction

On September 14, 2010, the Provincial Court of British Columbia released its “*Justice Delayed*” Report. The Report concluded that it would be appropriate to issue regular updates to the Attorney General and the public concerning the judicial complement of the Court, as well as caseloads, and times to trial in each area of the Court’s jurisdiction.

This document provides the following updates as of March 31, 2016:

- Adult Criminal Weighted Provincial Time to trial;
- Child Protection Weighted Provincial Time to trial;
- Family 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.

The next scheduled update will be based on data obtained as of September 30, 2016.

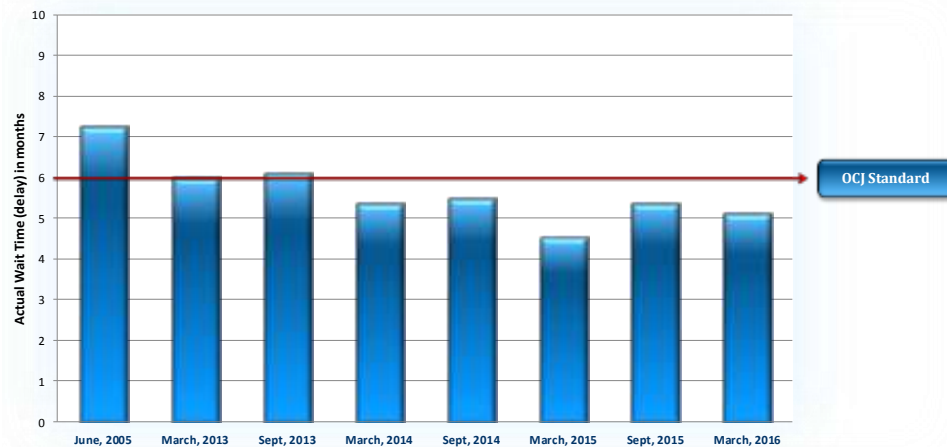
Some data previously provided by this report has been moved.

- Total Judge Complement and Judge FTE’s [number of Judges] now resides in the [Court’s monthly complement reports](#).
- Adult Criminal Cases Exceeding the Court’s Standard is reported in the [Provincial Court Annual Report](#).

2. Criminal²

Figure 1 sets out the number of months between an Arraignment Hearing/Fix Date and the first available court date for a typical half day **Adult Criminal Trial**. These results do not take into account the time between a first appearance in Court and the Arraignment Hearing/Fix Date. The **OCJ standard** for half day adult criminal trials is **six months** from the arraignment hearing to the first available trial date.

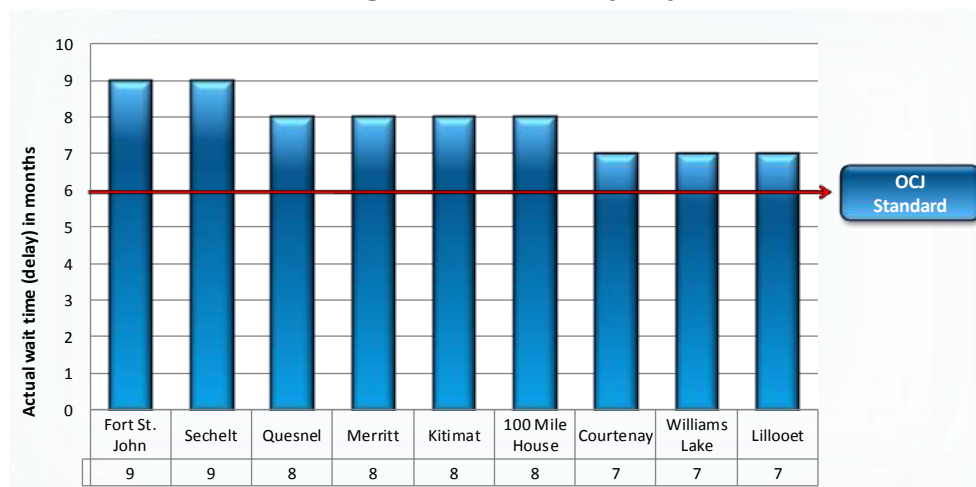
Figure 1 - Weighted Provincial Time to Half Day Adult Criminal Trials



Data Source: Judicial (Quarterly) Next Available Date Surveys.

Figure 1.1 sets out wait times for locations with the longest time to trial for **Half Day Adult Criminal Trials**.³

Figure 1.1 - Locations with the Longest Times to Half Day Adult Criminal Trials



Data Source: Judicial (Quarterly) Next Available Date Surveys.

² Please see Appendix 1 for a description of the charts.

³ Only nine locations with caseloads above the first quartile had times to trial exceeding the OCJ standard.

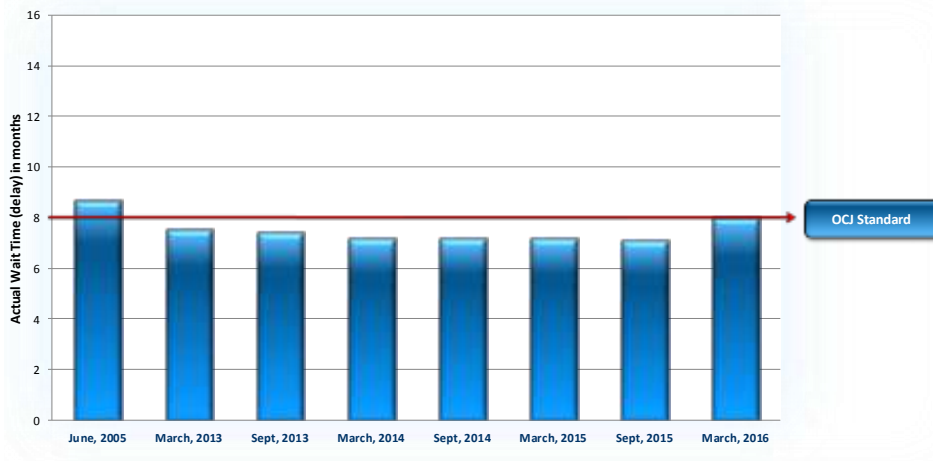
Figure 1.2 sets out the history of each location in Figure 1.1 in previous **Half Day Adult Criminal** longest time to trial tables.

Figure 1.2 - Frequency of Locations in Fig. 1.1

	Location	Previous Rank	Total 'top ten' listings
1	Fort St. John	1	9
2	Sechelt	-	1
3	Quesnel	-	5
4	Merritt	4	3
5	Kitimat	-	1
6	100 Mile House	-	1
7	Courtenay	-	1
8	Williams Lake	-	6
9	Lillooet	-	1

Figure 2 sets out the number of months between an Arraignment Hearing/Fix Date and the first available court date for a typical two day (or longer) **Adult Criminal Trial**. These results do not take into account the time between a first appearance in Court and the Arraignment Hearing/Fix Date. The **OCJ standard** for adult criminal two day (or longer) trials are **eight months** from the arraignment hearing to the first available trial date.

Figure 2 - Weighted Provincial Time to Two Day (or longer) Adult Criminal Trials

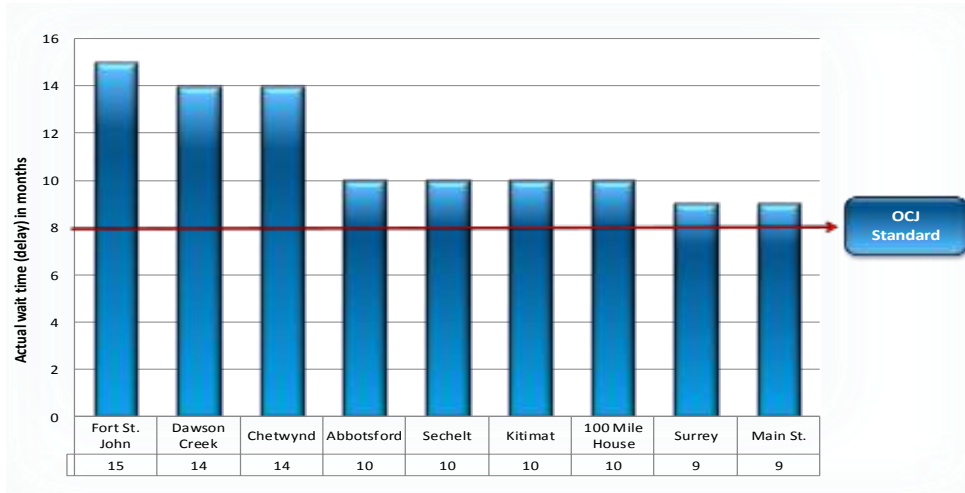


Data Source: Judicial (Quarterly) Next Available Date Surveys.

Figure 2.1 (next page) sets out wait times for locations with the longest time to trial for **Two Day (or longer) Adult Criminal Trials**.⁴

⁴ Only nine locations with caseloads above the first quartile had times to trials exceeding the OCJ standard.

Figure 2.1 - Locations with the Longest Times to Two Day (or longer) Adult Criminal Trials



Data Source: Judicial (Quarterly) Next Available Date Surveys

Figure 2.2 sets out the history of each location in Figure 2.1 in previous **Two Day (or longer) Adult Criminal** longest time to trial tables.

Figure 2.2 - Frequency of Locations in Fig. 2.1

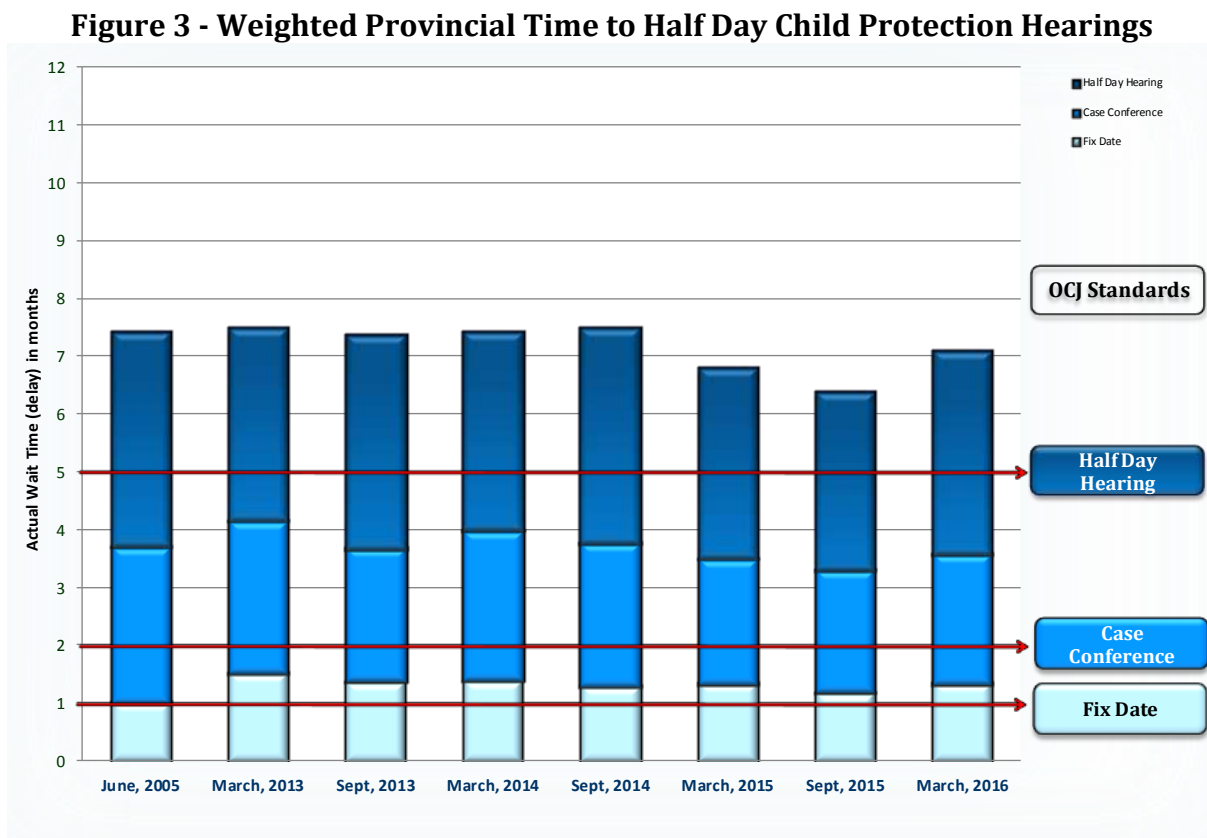
	Location	Previous Rank	Total 'top ten' listings
1	Fort St. John	1	9
2	Dawson Creek	2	5
3	Chetwynd	3	5
4	Abbotsford	-	4
5	Sechelt	-	1
6	Kitimat	-	4
7	100 Mile House	-	1
8	Surrey	-	8
9	Main Street	-	5

3. Child Protection⁵

Figure 3 is a set of stacked columns depicting the average number of months between:

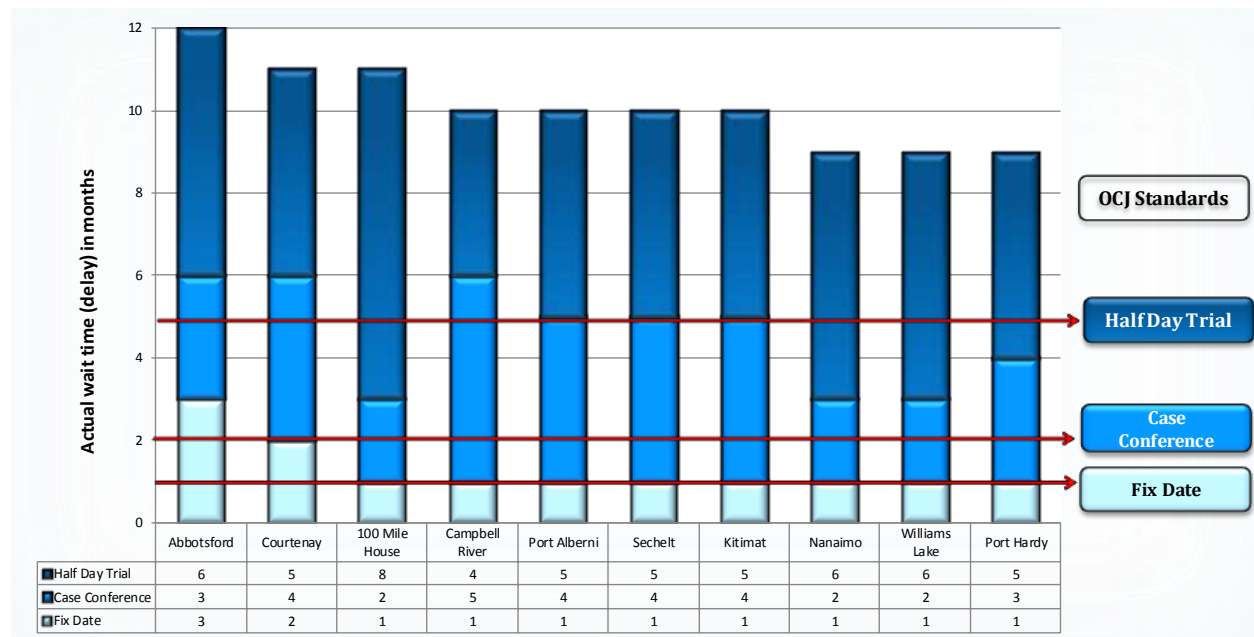
- An initial filing and the first available date for a typical fix date
- The fix date and the first available date for a typical case conference, and
- The case conference and the first available date for a typical half day **Child Protection Hearing**

The columns as a whole provide the average cumulative time to trial in this process. The **OCJ Standard** for child protection hearings is **one month** from initial filing to the fix date, **one month** from the fix date to the case conference, and **three months** from the case conference to the first available half day hearing.



⁵ Please see Appendix 1 for a description of the charts.

Figure 3.1 - Locations with the Longest Times to Trial for Half Day Child Protection Hearings



Data Source: Judicial (Quarterly) Next Available Date Surveys.

Figure 3.2 sets out the history of each location in Figure 3.1 in previous Half Day Child Protection longest time to trial tables.

Figure 3.2 - Frequency of Locations in Fig. 3.1

	Location	Previous Rank	Total 'top ten' listings
1	Abbotsford	-	9
2	Courtenay	2	4
3	100 Mile House	7	3
4	Campbell River	1	2
5	Port Alberni	-	3
6	Sechelt	-	1
7	Kitimat	-	1
8	Nanaimo	-	3
9	Williams Lake	-	3
10	Port Hardy	3	3

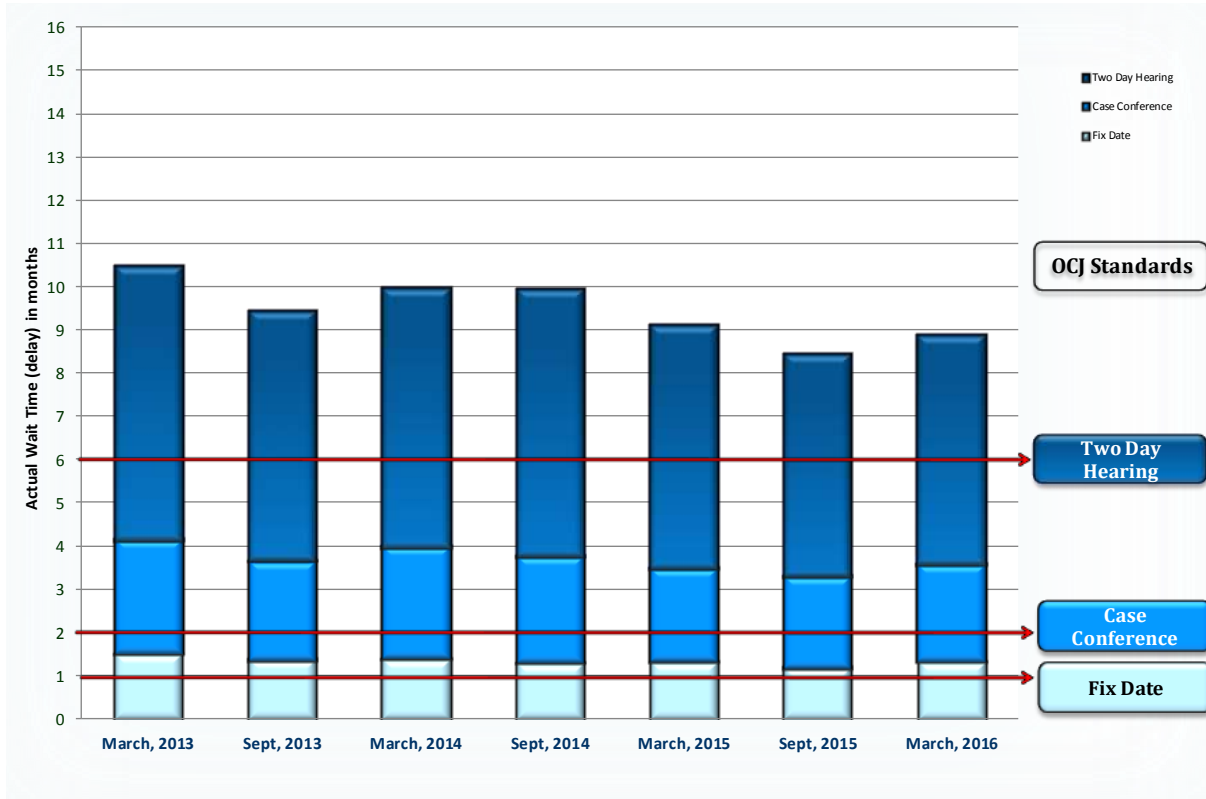
Figure 4 is a set of stacked columns depicting the average number of months between:

- An initial filing and the first available date for a typical fix date
- The fix date and the first available date for a typical case conference, and
- The case conference and the first available date for a typical two day (or longer) **Child Protection Hearing**

The columns as a whole provide the average cumulative time to trial in this process. The **OCJ Standard** for child protection hearings is **one month** from initial filing to the fix date, **one month** from the fix date

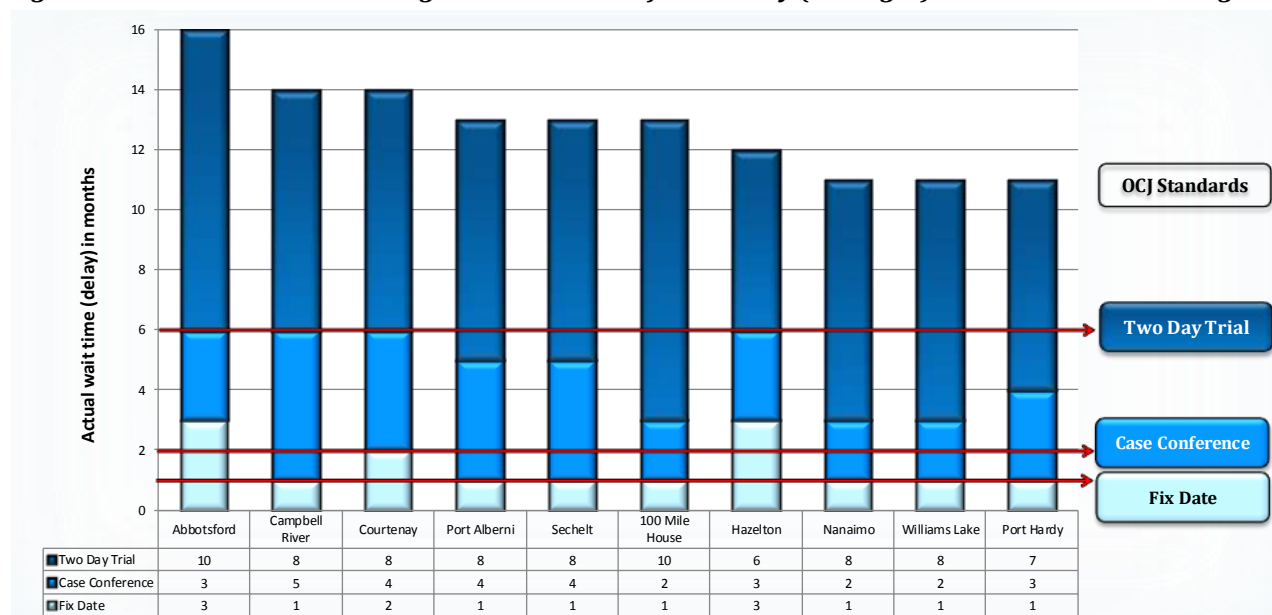
to the case conference, and **four months** from the case conference to the first available two day hearing.

Figure 4 - Weighted Provincial Time to Two Day (or longer) Child Protection Hearings



Data Source: Judicial (Quarterly) Next Available Date Surveys

Figure 4.1 - Locations with the Longest Times to Trial for Two Day (or longer) Child Protection Hearings



Data Source: Judicial (Quarterly) Next Available Date Surveys.

Figure 4.2 sets out the history of each location in Figure 4.1 in previous **Child Protection Two Day (or longer)** longest time to trial tables.

Figure 4.2 - Frequency of Locations in Fig. 4.1

	Location	Previous Rank	Total 'top ten' listings
1	Abbotsford	-	3
2	Campbell River	2	2
3	Courtenay	1	2
4	Port Alberni	3	4
5	Sechelt	-	1
6	100 Mile House	9	2
7	Hazelton	6	2
8	Nanaimo	-	2
9	Williams Lake	-	1
10	Port Hardy	5	4

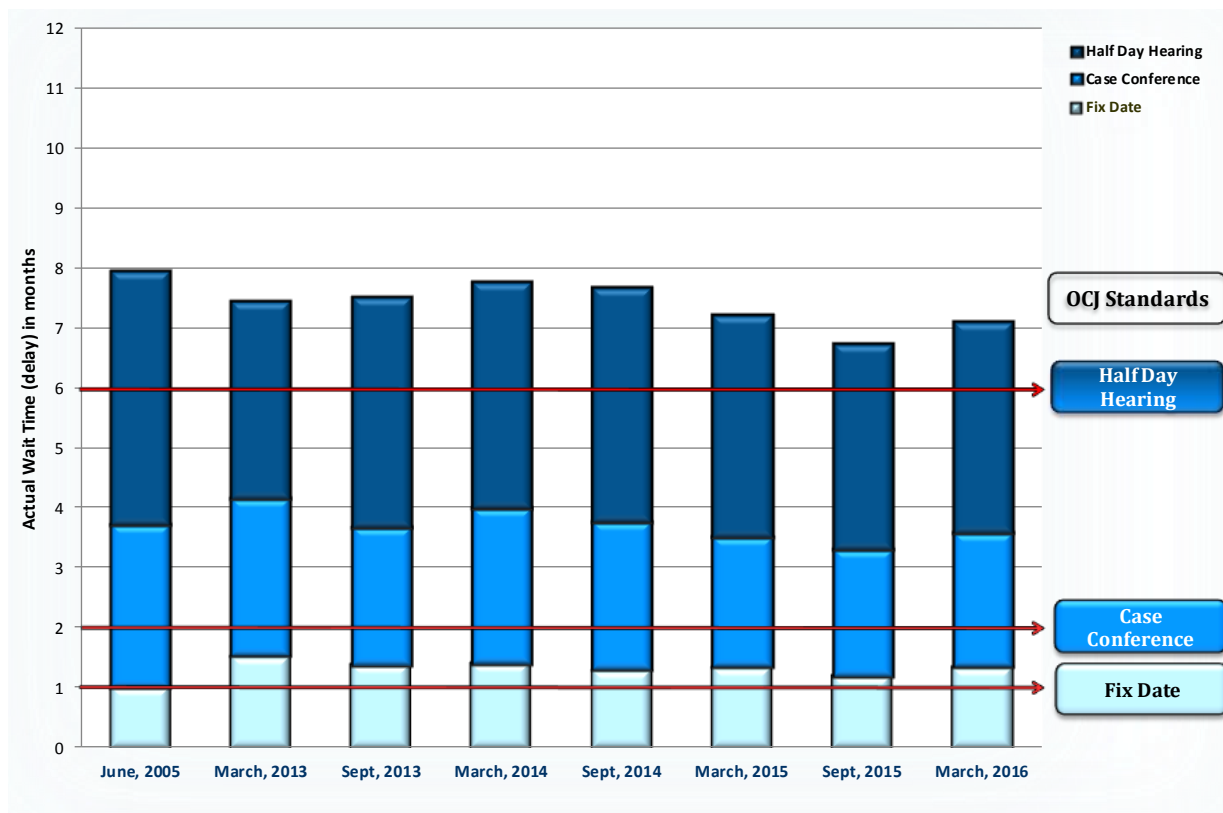
4. Family⁶

Figure 5 is a set of stacked columns depicting the average number of months between:

- An initial filing and the first available date for a typical fix date
- The fix date and the first available date for a typical case conference, and
- The case conference and the first available date for the typical half day **Family Trial**

The columns provide the average cumulative time to trial in this process. The **OCJ standard** for Family Trials is **one month** from initial filing to the fix date, **one month** from the fix date to the case conference, and **four months** from the case conference to the first available half day hearing.

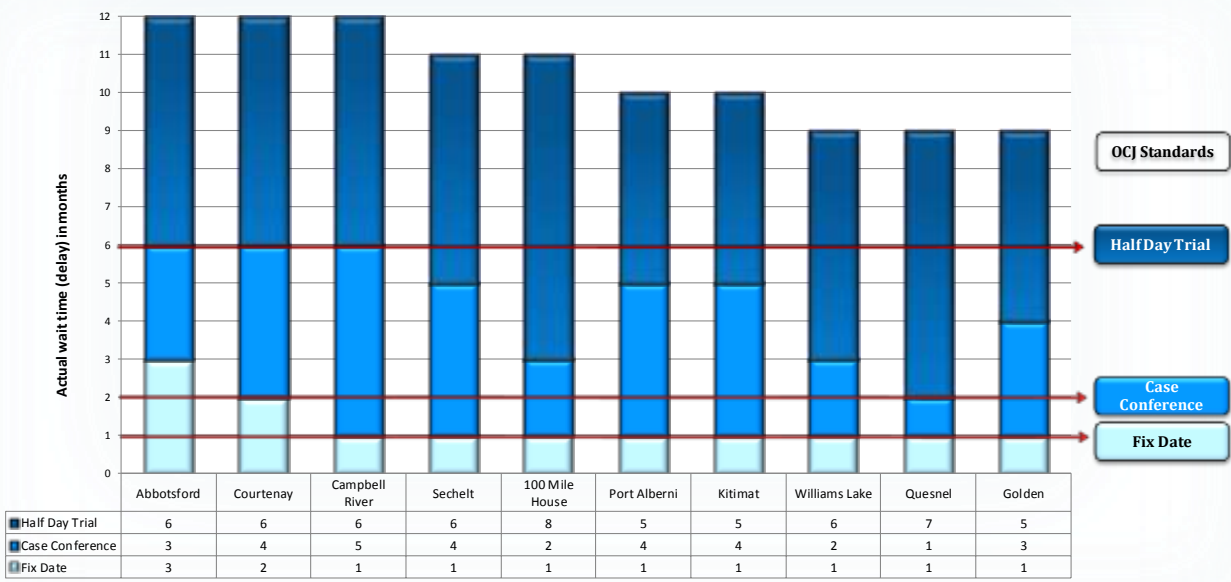
Figure 5 - Weighted Provincial Time to Half Day Family Trials



Data Source: Judicial (Quarterly) Next Available Date Surveys.

⁶ Please see Appendix 1 for a description of the charts.

Figure 5.1 - Locations with the Longest Times to Half Day Family Trials



Data Source: Judicial (Quarterly) Next Available Date Surveys.

Figure 5.2 sets out the history of each location in Figure 5.1 in previous Half Day Family Trials longest time to trial tables.

Figure 5.2 - Frequency of Locations in Fig. 5.1

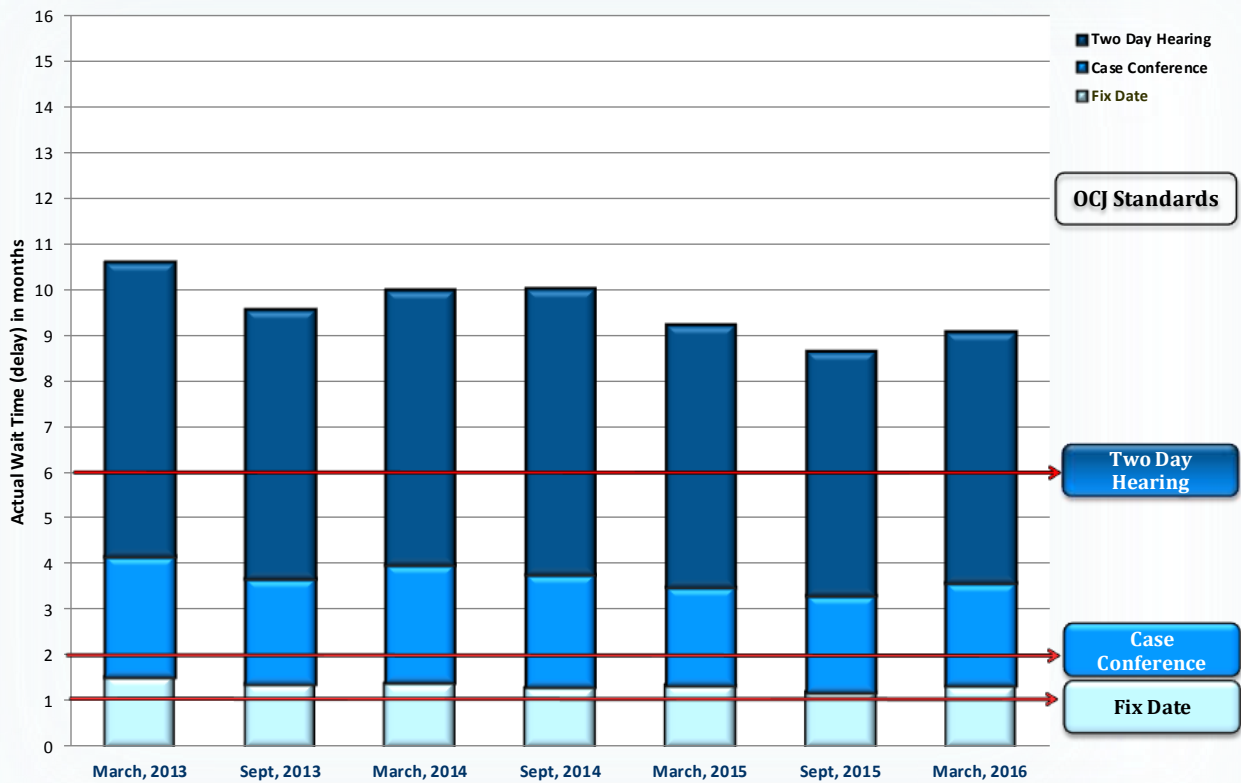
	Location	Previous Rank	Total 'top ten' listings
1	Abbotsford	1	7
2	Courtenay	1	4
3	Campbell River	2	2
4	Sechelt	-	1
5	100 Mile House	9	3
6	Port Alberni	4	2
7	Kitimat	-	1
8	Williams Lake	-	3
9	Quesnel	-	2
10	Golden	-	2

Figure 6 (next page) is a set of stacked columns depicting the average number of months between:

- An initial filing and the first available date for a typical fix date
- The fix date and the first available date for a typical case conference, and
- The case conference and the first available date for the typical two day (or longer) **Family Trial**

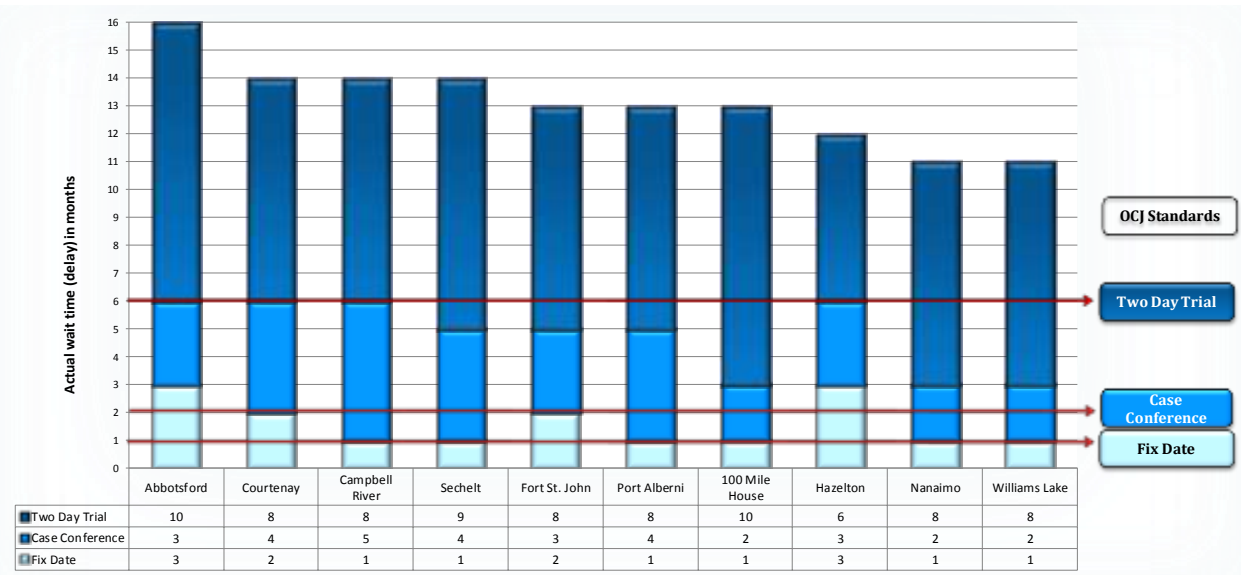
The columns provide the average cumulative time to trial in this process. The **OJ standard** for Family Trials is **one month** from initial filing to the fix date, **one month** from the fix date to the case conference, and **four months** from the case conference to the first available half day hearing.

Figure 6 - Weighted Provincial Time to Two Day (or longer) Family Trials



Data Source: Judicial (Quarterly) Next Available Date Surveys.

Figure 6.1 - Locations with the Longest Times to Two Day (or longer) Family Trials



Data Source: Judicial (Quarterly) Next Available Date Surveys.

Figure 6.2 sets out the history of each location in Figure 6.1 in previous **Two Day (or longer) Family** longest time to trial tables.

Figure 6.2 - Frequency of Locations in Fig. 6.1

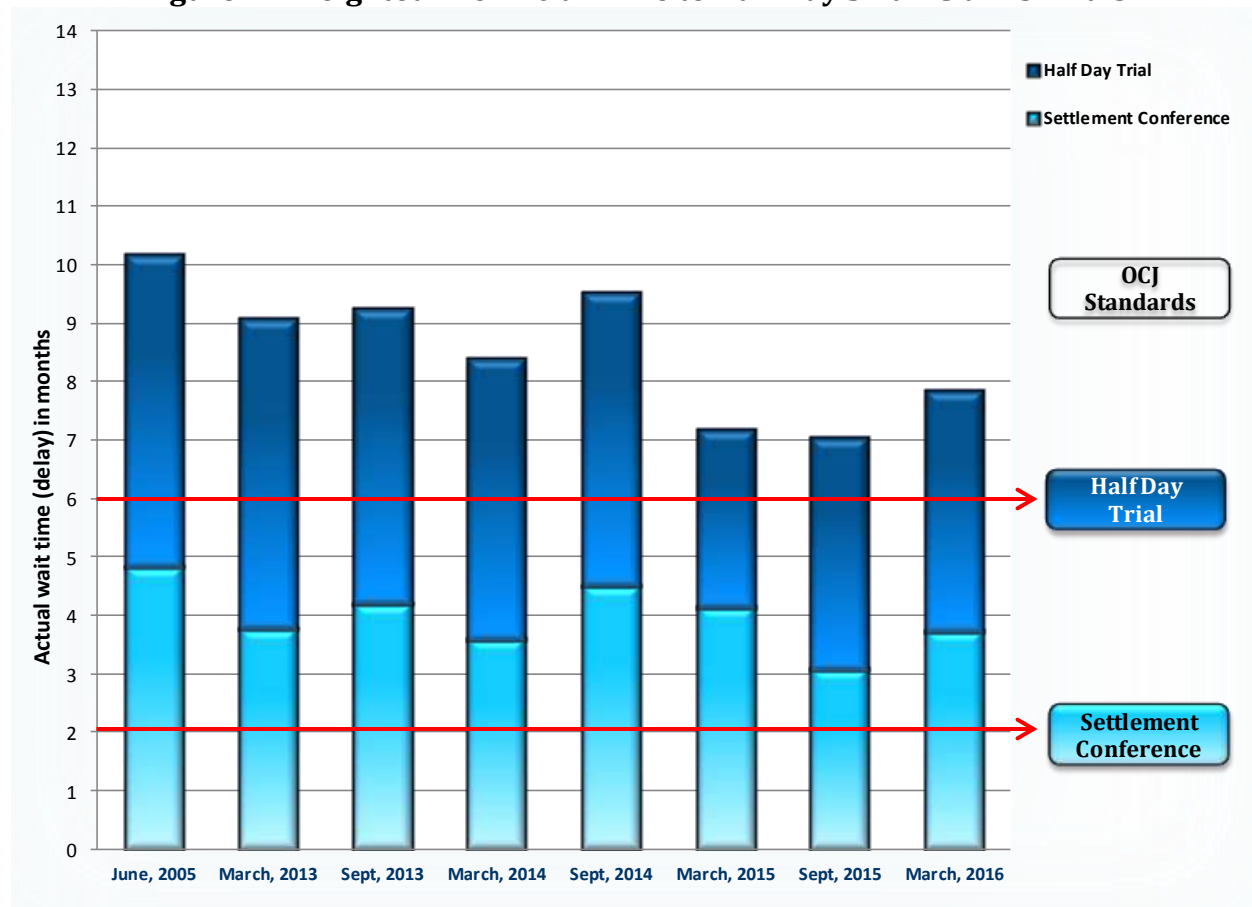
	Location	Previous Rank	Total 'top ten' listings
1	Abbotsford	-	3
2	Courtenay	1	2
3	Campbell River	2	2
4	Sechelt	-	1
5	Fort St. John	3	3
6	Port Alberni	4	4
7	100 Mile House	9	2
8	Hazelton	6	3
9	Nanaimo	-	2
10	Williams Lake	-	1

5. Civil⁷

Figure 7 is a set of stacked columns depicting the average number of months between the filing of a reply and the first available settlement conference date, as well as between the date of the settlement conference and the first available date for a typical half day **Small Claims Trial**.

Taken as a whole, these columns indicate the total average time between the filing of a reply and the trial date. This measure does not take into account the time between the filing of the initial claim and the date when all pleadings are closed (replies and other documentation filed). The **OCJ Standard** for small claims is **two months** from final document filing to the settlement conference and **four months** from the settlement conference to the first available half day trial.

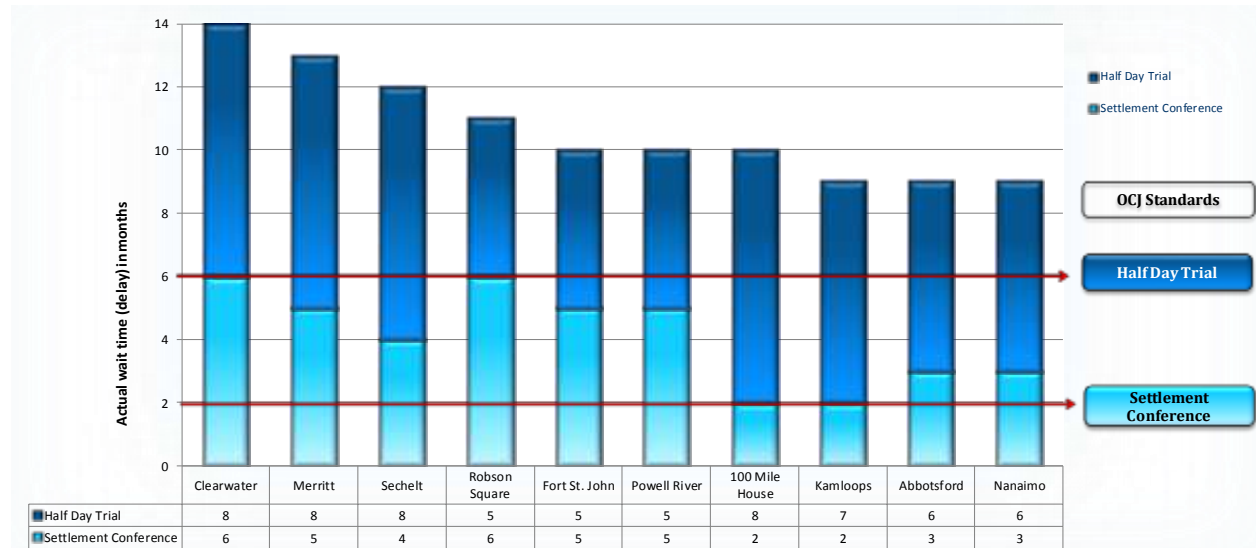
Figure 7 - Weighted Provincial Time to Half Day Small Claims Trials



Data Source: Judicial (Quarterly) Next Available Date Surveys.

⁷ Please see Appendix 1 for a description of the charts.

Figure 7.1 Locations with the Longest Times to Half Day Small Claims Trials



Data Source: Judicial (Quarterly) Next Available Date Surveys.

Figure 7.2 sets out the history of each location in Figure 7.1 in previous Half Day Small Claims longest time to trial tables.

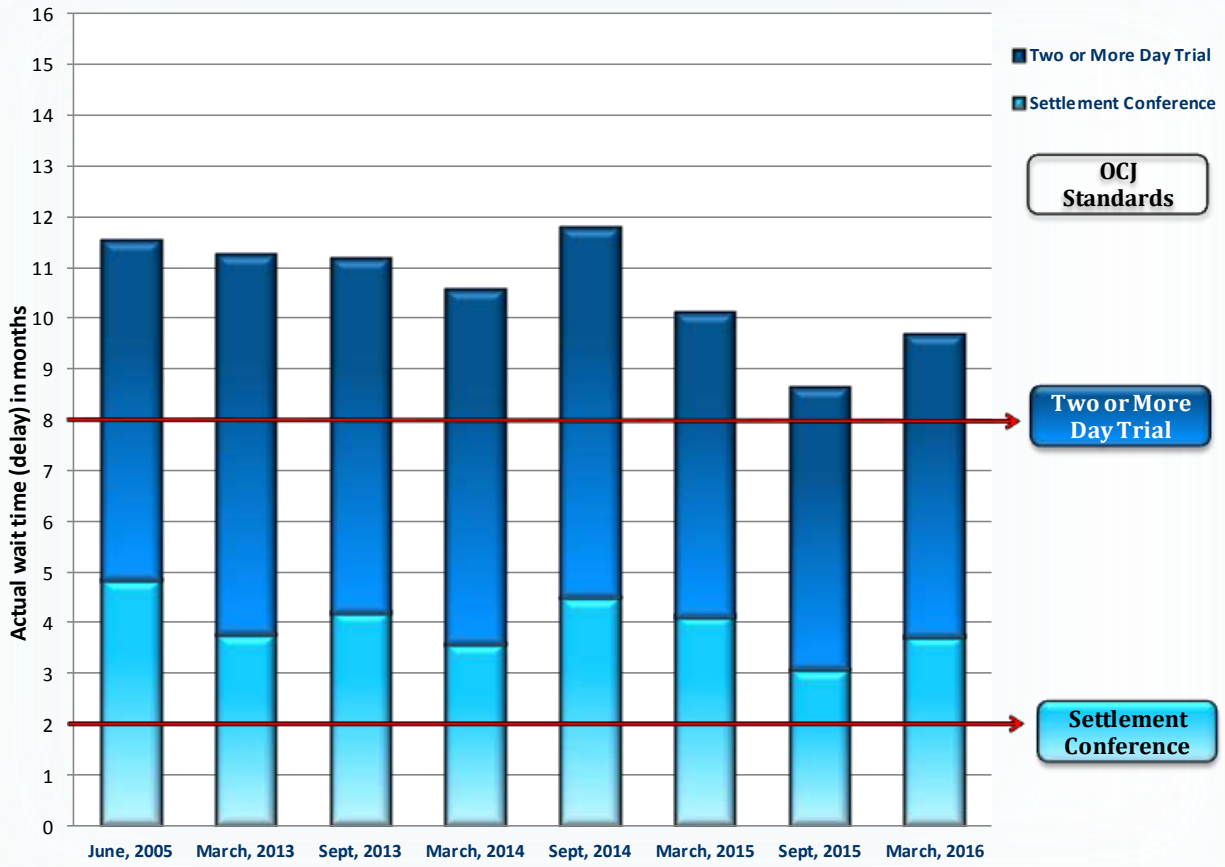
Figure 7.2 - Frequency of Locations in Fig. 7.1

	Location	Previous Rank	Total 'top ten' listings
1	Clearwater	1	2
2	Merritt	-	1
3	Sechelt	-	1
4	Robson Square	-	6
5	Fort St. John	3	6
6	Powell River	-	2
7	100 Mile House	-	1
8	Kamloops	-	5
9	Abbotsford	-	3
10	Nanaimo	-	3

Figure 8 (next page) is a set of stacked columns depicting the average number of months between the filing of a reply and the first available settlement conference date, as well as between the date of the settlement conference and the first available date for a typical two day (or longer) Small Claims Trial.

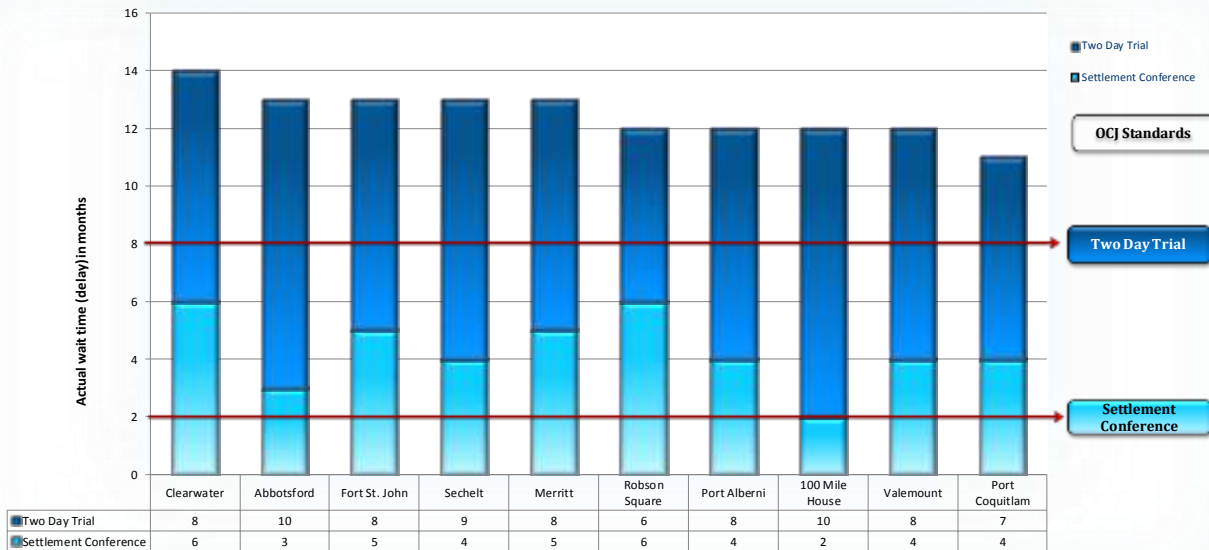
Taken as a whole, these columns indicate the total average time to trial between the filing of a reply and the trial date. This measure does not take into account the time between filing the initial claim and the date when all pleadings are closed (replies and other documentation filed). The **OCJ Standard** for small claims is **two months** from final document filing to the settlement conference and **six months** from the settlement conference to the first available two day (or longer) trial.

Figure 8 - Weighted Provincial Time to Two Day (or longer) Small Claims Trials



Data Source: Judicial (Quarterly) Next Available Date Surveys.

Figure 8.1 - Locations with the Longest Times to Two Day (or longer) Small Claims Trials



Data Source: Judicial (Quarterly) Next Available Date Surveys.

Figure 8.2 sets out the history of each location in Figure 8.1 in previous **Two Day (or longer) Small Claims** longest time to trial tables.

Figure 8.2 - Frequency of Locations in Fig. 8.1

	Location	Previous Rank	Total 'top ten' listings
1	Clearwater	-	1
2	Abbotsford	-	4
3	Fort St. John	1	3
4	Sechelt	10	2
5	Merritt	-	1
6	Robson Square	-	6
7	Port Alberni	-	3
8	100 Mile House	-	1
9	Valemount	-	1
10	Port Coquitlam	3	5

Appendix 1: Notes for Time to Trial Reports

Figures 1 to 8 are weighted⁸ province-wide times to trial for each area of the Court’s jurisdiction. They set out the average provincial wait time (weighted by case load), in months, from the time a request is made to the ‘first available date’ for various types of proceedings. These tables compare results for June, 2005⁹ to the three-year period from March, 2012 to March, 2015. ‘First available dates’ do not include those that have opened up due to cancellations, since that is not when the court would normally schedule the matter. These numbers also take into account any cases currently waiting to be scheduled, factoring them into the time to trial estimates. Each figure also includes the Office of the Chief Judge (OCJ) Standard for wait times. In order to meet the OCJ standard, 90% of cases must meet the listed time to trial. The standards are set out in the descriptions of each figure and are visually represented as an arrow.

Figures 1.1 to 8.1 represent the ten locations with the longest times to trial in each area of the Court’s jurisdiction. Results for Adult Criminal and Civil proceedings are broken down into time to trial for different expected durations (‘half day’ and ‘two day (or longer)’ trials). Smaller locations - i.e. those falling below the first quartile of caseloads - are screened out of these calculations, as they experience more volatility (and thus, a long wait time in any given quarter is less likely to be indicative of a concerning trend). These tables also contain the OCJ standard.

Figures 1.2 to 8.2 examine the history of each location included in Figures 1.1 to 8.1 with respect to previous ‘longest time to trial’ tables.¹⁰ These tables compare the location’s current rank with its rank in the immediately previous report (if any – those locations that weren’t ranked in the last report are marked with a dash). They also track the number of times a location has been included in any ‘longest time to trial’ table of the kind. There have been a total of 11 reports since the publication of the Justice Delayed report (including this one), so a score of ‘11’ in the third column of Figures 1.2 to 7.2 would indicate that a location has been listed in the ‘top 10’ table of this type in every report. There are some charts which were added later.¹¹

⁸ All locations in the province were weighted based on fiscal year caseloads. The Provincial Court’s case counting methodology has recently changed - see Appendix 2 for more details

⁹ Results for June, 2005 are not available for two-day CFCSA and FLA trials. Thus, these results have been omitted from figures 4 and 6.

¹⁰ Results for these tables may not be consistent with previous reports as the filtering criteria changed as of the March, 2014 report from using locations above the median caseload to including locations above the first quartile of caseloads.

¹¹ Figure 8.1 was added in the March, 2013 update - as such, Figure 8.2 contains data for 7 reporting periods. Figures 4.1 and 6.1 were added in the September, 2014 update, so their tables contain data for 4 reporting periods.

Appendix 2: 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 a 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 a 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. Upon review, a new information is re-laid by Provincial Crown 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 as well.

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, 2015 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