



THE PROVINCIAL COURT
OF BRITISH COLUMBIA

Effective Date: *1 June 2017*

NP 12

NOTICE TO THE PROFESSION AND PUBLIC

CHANGES TO PROVINCIAL COURT CIVIL JURISDICTION AND PROCEDURES (CIVIL RESOLUTION TRIBUNAL)

Purpose

The objectives of this Notice to the Profession and Public are: (1) to outline the changes to the Provincial Court's civil jurisdiction and procedures effective June 1, 2017, further to the implementation of the small claims jurisdiction of the Civil Resolution Tribunal (CRT)¹; and (2) to rescind three Small Claims Practice Directions formerly issued by the Chief Judge.

Notice

1. The *Small Claims Rules*, B.C. Reg. 261/93 and the *Small Claims Monetary Limit Regulation*, B.C. Reg. 179/2005 are amended pursuant to Order in Council [166/2017](#), including by adding Rules 1.1, 10.2, and 16.1 and Forms 34 to 37.

2. Commencing June 1, 2017, the Court's civil jurisdiction increases to \$35,000.

[*Small Claims Monetary Limit Regulation*, s. 1]

3. Commencing June 1, 2017, subject to section 3.1(2) of the *Civil Resolution Tribunal Act*, all civil claims up to \$5,000 must commence at the CRT if the claim is for:

- a. debt or damages;
- b. recovery of personal property;
- c. specific performance of an agreement relating to personal property or services;
or
- d. relief from opposing claims to personal property.

**[*Civil Resolution Tribunal Small Claims Regulation*, s. 2;
Civil Resolution Tribunal Act, ss. 3.1 and 3.8]**

4. The Court continues to hear any cases up to \$5,000 filed with the Court prior to June 1, 2017.

¹ Pursuant to Order in Council [156/2017](#).

5. The Court may hear cases within the monetary jurisdiction of the CRT if:
- a. the CRT refuses to resolve the claim;
 - b. a party is granted an exemption from the Court to have the matter proceed in the Provincial Court instead of the CRT;
 - c. the CRT gives a final decision and one of the parties files an objection to the decision (the claim could come to the Court and be heard as a trial de novo); and
 - d. a negotiated consent order or final decision of the CRT is filed with the Court for enforcement and no objection is filed.

**[Civil Resolution Tribunal Act, ss. 11, 12.1, 56.1, 58, and 58.1;
Small Claims Rules, R. 1.1(2) and 16.1]**

6. Once a CRT order is filed with the Court, it has the same force and effect as a Provincial Court judgment, and may be enforced using the same procedures.

[Civil Resolution Tribunal Act, ss. 58 and 58.1]

7. Where the Court has jurisdiction to hear cases within the monetary jurisdiction of the CRT (see paras. 5.a. to 5.c. above):

- a. if the parties participated in the dispute resolution process (“facilitation”) at the CRT, then upon filing with the Court the parties will be given a date for a trial conference; and
- b. if the parties did not participate in facilitation at the CRT, then upon filing with the Court the parties will be given a date for a settlement conference.

[Small Claims Rules, R. 7 and 7.5]

8. If a party files a notice of objection to a final CRT order (the “objecting party”) and the matter proceeds to Court, any party that did not file the notice of objection at the CRT may apply to the Court to have the objecting party pay a deposit that is less than or equal to the amount ordered by the CRT plus an amount prescribed by regulation as security for costs. The Court has discretion to order payment of any amount up to the amount of the CRT order plus security for costs if prescribed by regulation. The Court may order that payments be made in instalments.

**[Civil Resolution Tribunal Act, ss. 56.3 and 56.4(b);
Civil Resolution Tribunal Small Claims Regulation, s. 3;
Small Claims Rules, R. 1.1(40)-(41)]**

9. If the responding party at the CRT failed to file a response but filed a notice of objection after the CRT made an order in favour of the initiating party, the Court must make an order for payment of deposit or security for costs upon application by the initiating party. Some exceptions apply.

[Civil Resolution Tribunal Act, s. 56.3(4)]

10. The Court may order the payment of a penalty of up to 20 percent of the CRT order against the objecting party if they are less successful in the Provincial Court. The Court will only be made aware of the CRT decision at the conclusion of the trial.

**[Civil Resolution Tribunal Act, s. 56.4(c);
Small Claims Rules, R. 10.2]**

11. Commencing June 1, 2017, simplified trials under Rule 9.1 may apply to claims up to \$10,000 at the Robson Square and Richmond Small Claims Registries.

[Small Claims Rules, R. 9.1]

12. The Practice Directions listed in **Appendix “A”** are rescinded.

13. A workflow² providing an overview of the progress of a civil claim in the Provincial Court and the CRT as of June 1, 2017 is attached as **Appendix “B”**.

History of Notice to the Profession and Public

- Original Notice to the Profession and Public dated June 1, 2017.

Thomas J. Crabtree
Chief Judge
Provincial Court of British Columbia

² Created by Court Services Branch, in consultation with the Provincial Court, CRT, and Justice Services Branch, for information purposes only.

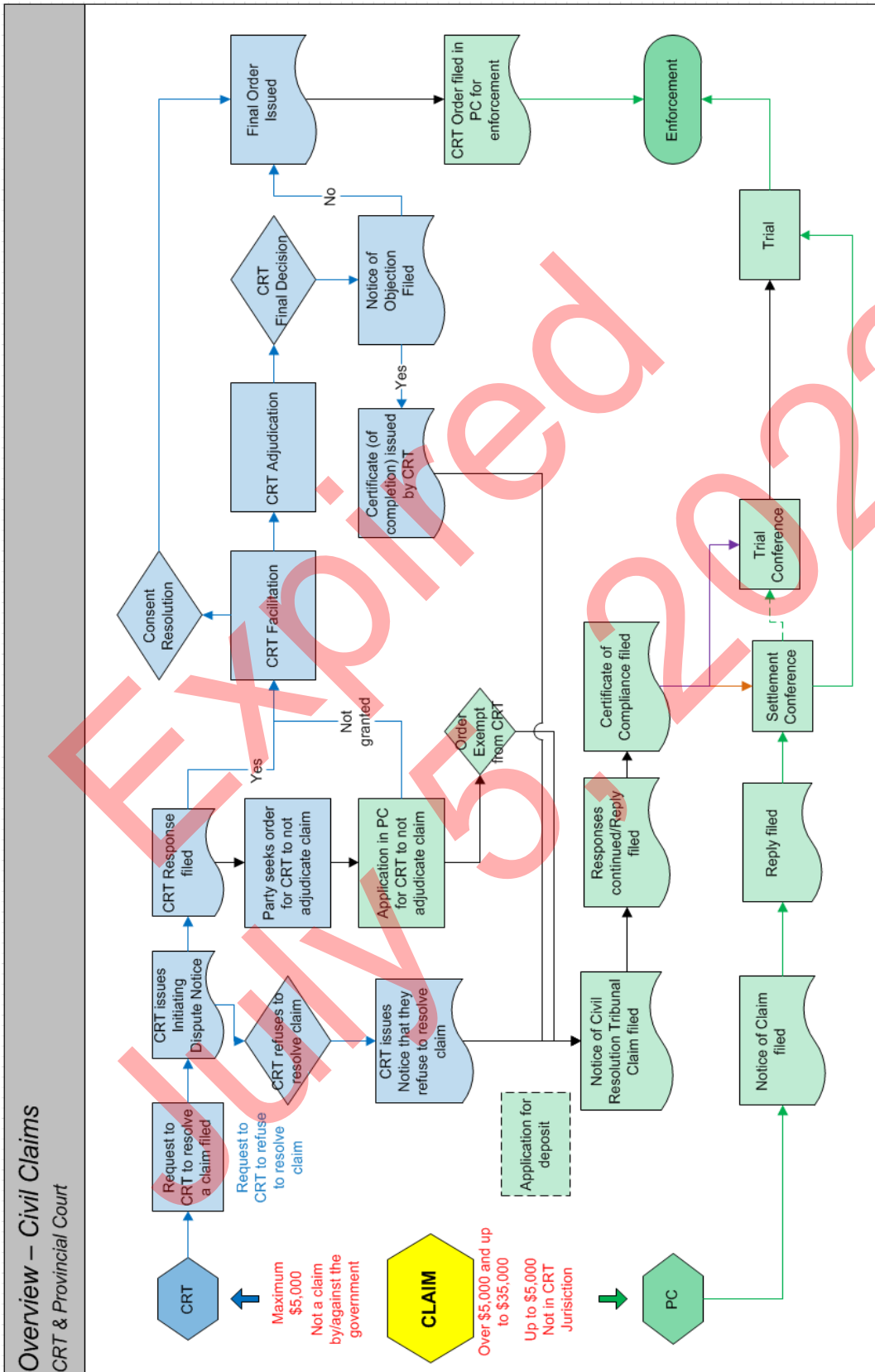
Appendix "A"

Practice Directions that are rescinded as of June 1, 2017

| Table of Practice Directions | Date of Practice Direction | Status |
|--|----------------------------|-----------|
| SM. CL. 02 Small Claims Court Mediation Program - Multiple Defendants | February 23, 2015 | Rescinded |
| SM. CL. 03 Scheduling of Civil Cases | February 23, 2015 | Rescinded |
| SM. CL. 04 Representation at a Mediation Session | February 23, 2015 | Rescinded |

Expired
July 5, 2022

Appendix "B"



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: SURNAME | CREW NAME | |
| Address: STREET | CITY/TOWN/MUNICIPALITY | POSTAL CODE |
| British Columbia Telephone HOME () | NUMBER () | |
| 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 _____ Print Name _____
Dated _____ at _____ British Columbia

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

Federal 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