



THE PROVINCIAL COURT
OF BRITISH COLUMBIA

Effective Date: 11 April 2022 (unless otherwise stated in this Notice)

NP 19

NOTICE TO THE PROFESSION AND PUBLIC
COURT OPERATIONS DURING COVID-19

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I. FILINGS

Provincial Court registries are accepting all filings at the [applicable court registry](#) either in person or remotely (by mail, email, fax to fax filing registries under [GEN 01 Fax Filing Registries – Family and Small Claims](#), or using [Court Services Online](#) where available). To protect the health and safety of all court users and help contain the spread of COVID-19 while maintaining access to the Court, parties are encouraged to use remote filing options wherever possible.

Applications in family and small claims matters may be accompanied by **affidavits**, written statements of fact that have been sworn or affirmed to be true before a commissioner for oaths such as a lawyer or justice of the peace. In order to reduce the number of people

attending court registries the Chief Judge is advising Provincial Court registries that the materials filed need not be sworn or affirmed at this time (during COVID-19). The judge who hears the matter may attach whatever weight they consider appropriate to unsworn or unaffirmed documents. People submitting affidavits must still take care to ensure their affidavits are accurate and true. If there is a hearing the judge will likely require them to swear or affirm that the contents of their affidavit are true at the hearing. See, also, [NP 20 Affidavits for Use in Court Proceedings](#). The only exception is that Affidavits of Personal Service need to be sworn/affirmed before filing if the person who served the documents will not be attending the hearing.

During COVID-19, the Chief Judge is advising Provincial Court registries to accept family Applications and Notices of Motion with typewritten or electronic signatures.

Police must send Informations by telecommunication (fax or telephone) to the applicable local [court registry](#). The process hearing will be done by telephone.

Information about judicial authorizations is set out below in Part IV, section 8.

II. FAMILY (including child protection (CFCSA) and maintenance enforcement (FMEA))

If you require legal assistance with your matter, you may contact Legal Aid at 1-866-577-2525.

Please note that the only matters that will be heard in person are trials and trial continuations, unless otherwise ordered by a judge. They will remain on the trial list on the date scheduled. Counsel and self-represented litigants are to attend Court in person on the date scheduled at 9:00 AM to advise if they ready to proceed that day. The Court will determine which trials will proceed. Witnesses and parties represented by counsel are to wait outside the courthouse (within a 30 minute distance) and be prepared to be called to attend court in person.

Family remand lists (CFCSA, FLA, FMEA), family case conferences (CFCSA), family settlement conferences, and family management conferences will be heard by videoconference or audioconference on the date scheduled. For family remand, please contact the applicable [court registry](#) for dial in information/link in advance of the scheduled date.

Consent Adjournment (CFCSA/FLA/FMEA)

Where counsel and parties agree to adjourn a matter they can use the following procedures to adjourn.

By Director's Counsel (CFCSA)

- See [FAM 07 CFCSA Consent Requisitions](#) and the [Consent Requisition Form](#).

By Counsel (FLA/FMEA)

- See [FAM 09 Consent Adjournment \(FLA/FMEA\)](#) and the [Consent Adjournment Form](#).

By Parties (FLA/FMEA)

- See Rule 114 of the *Provincial Court Family Rules*, B.C. Reg. 120/2020 for the procedure to adjourn a trial date by consent.

Other Resources for Family Cases

- The following link lists some other resources that may assist in resolving a family matter: <https://www.provincialcourt.bc.ca/types-of-cases/family-matters/links>.

III. SMALL CLAIMS

See [SM CL 02 Small Claims Proceedings During COVID-19](#).

Trials and trial continuations will remain on the trial list on the date scheduled. Counsel and self-represented litigants are to attend Court in person on the date scheduled at 9:00 AM to advise if they are ready to proceed that day. The Court will determine which trials will proceed. Witnesses and parties represented by counsel are to wait outside the courthouse (within a 30 minute distance) and be prepared to be called to attend court in person.

IV. CRIMINAL (ADULT AND YOUTH)

In this Part, “trial” includes preliminary inquiry if not already stated.

Crown and defence counsel are encouraged to appear by videoconference or audioconference on all matters except trials, preliminary inquiries, and sentencings where evidence is called until further notice.

If you require legal assistance with your matter, you may contact Legal Aid at 1-866-577-2525. Any in-custody accused who is transported to Court from a correctional facility, if they are returning to custody after the appearance, may be placed in an induction unit. For current information, see [BC Corrections’ COVID-19 In-Court Protocols](#).

1. JUDICIAL INTERIM RELEASE

All judicial interim release (bail) hearings will continue to use videoconference or audioconference (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](#) (see [CRIM 05 Hearing of Bail Applications](#)). For bail hearings for all adult and youth criminal files in the Northern Region, see also [CRIM 14 Northern Bail Pilot Project](#).

For consent bail variations without a surety, the Application to Vary Bail by Consent Form (PCR 317) (<https://www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/court-forms/criminal-court-forms>) 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. INITIAL APPEARANCE COURT

Counsel must endeavor to avoid unnecessary personal attendances of the accused or counsel at the courthouse wherever possible. Please refer to “Alternatives to Attending Court” in [CRIM 13 Initial Appearance Court During COVID-19](#).

3. PRE-TRIAL CONFERENCES

[CRIM 12 Criminal Pre-Trial Conferences During COVID-19](#) applies to the specified adult and youth criminal files listed in the “Application” section of the Practice Direction.

This practice direction only applies to files where the accused is represented by counsel. Self-represented accused with trials requiring one day or more of trial time will have a pre-trial conference set before a judge, preferably the trial judge, approximately 8 to 10 weeks before the first date of trial for trial management purposes.

4. TRIALS AND TRIAL CONTINUATIONS

In-custody and out-of-custody trials and trial continuations will remain on the trial list on the date scheduled. Counsel and self-represented litigants are to attend Court in person on the date scheduled at 9:00 AM to advise if they are ready to proceed that day. Witnesses and parties represented by counsel are to wait outside the courthouse (within a 30 minute distance) and be prepared to be called to attend court in person. The Court will determine which trials will proceed.

5. DISPOSITIONS

Counsel may file a [Consent Requisition](#) form (Form 1, CPD-1) in advance of the hearing date to adjourn matters. See [CPD-1 CCFM Practice Direction, and CRIM 08 Criminal Caseflow Management Rules Forms and Procedure](#).

For out of custody matters where the accused (out of custody) and counsel agree to appear by videoconference or audioconference, and the prosecutor and defence counsel have agreed to seek a sentence that does not involve any incarceration but may factor in time already spent in custody and include a one day jail sentence where the accused is not taken into custody or a conditional sentence order, in order to schedule these dispositions, defence counsel must:

- i. complete the “[Request for Resolution of Matters](#)” Form;

- ii. file the completed Form to the applicable local [court registry](#); and
- iii. provide a means by which the accused will receive a printed copy of any court order(s). For example, this could be an email, fax or mailing address for the accused or their counsel.

A Judicial Case Manager will contact counsel to schedule the hearing by videoconference or audioconference before a judge.

All materials to be relied on must be provided to the court two days in advance of the hearing. Those materials will include the picklist terms as part of any peace bond, probation order, or conditional sentence order.

Where Crown is seeking incarceration or the accused does not consent to being sentenced by videoconference or audioconference, parties must contact the applicable Judicial Case Manager to schedule these sentencings. Where the accused is appearing in person for their sentencing, counsel may appear by videoconference or audioconference and must notify the JCM of their method of appearance.

6. APPLICATIONS TO REPLACE A POLICE UNDERTAKING

For applications to replace a police undertaking under s. 502(2) of the *Criminal Code* the Application to a Judge Form (PCR 315) is available at: <https://www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/court-forms/criminal-court-forms>.

7. SPECIALIZED COURTS

Specialized Court	Current Status
Indigenous Courts (including Aboriginal Healing Court Conferences)	Will remain on the date scheduled unless otherwise notified by the Court. The Court anticipates hearing these matters in person, by videoconference, or by audioconference.
Drug Treatment Court of Vancouver	Accused and counsel and other court participants may appear, in person, by videoconference, or audioconference during the COVID period.
Downtown Community Court	
Domestic Violence Courts	
Kelowna Integrated Court	Crown and defence counsel are encouraged to appear by videoconference or audioconference.
Victoria Integrated Court	

8. JUDICIAL AUTHORIZATIONS

See [CRIM 03 Daytime Judicial Authorization Applications](#).

9. 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 use best efforts to schedule it either before a Provincial Court Judge that day if the detention period is about to expire or for another day prior to the expiration of the detention period.

10. APPLICATION TO RENDER ACCUSED BY SURETY

Those no longer wanting to be sureties for an accused can fill out the form, [Application to render accused by surety pursuant to s. 766\(1\) of the Criminal Code](#) (PCR 967), and make that application by filing the form at the applicable local [court registry](#).

V. APPLICATION TO ATTEND TRIAL REMOTELY

If all or some court participants wish to attend a trial or trial continuation remotely that was originally scheduled to be heard in-person, they may apply to do so by filing their application (**Small Claims** [Application to a Judge - Filing Assistant](#) (SCR Form 17, SCL017); **FLA** [Application for a Case Management Order](#) (Form 10, PFA717); **CFCSA** [Application for an Order](#) (CFCSA Form 2, PFA895); or **Criminal** [Application to a Judge](#) (PCR315)) at the applicable local [court registry](#)".

Remote attendance and virtual hearings are only possible if the court location has sufficient resources and if court participants have access to the appropriate technology to attend remotely. Prior to making an application, the parties (or their counsel) must: (1) make the necessary inquiries with Court Services Branch to ensure there are sufficient resources at the applicable court location to facilitate a virtual hearing; and (2) ensure that court participants have the technology to appear remotely.

Even if the appropriate technology is in place, the Court has discretion to grant or refuse an application for remote attendance at trial. In addition to any applicable statutory requirements, some of the factors that the Court may consider in exercising its discretion include whether:

- a. an interpreter is required;
- b. an application will be made to have the trial conducted in French;
- c. exhibits will be entered in evidence;
- d. witnesses will be called, and if so, the number of witnesses;
- e. court participants have the means to appear remotely (computer/tablet/mobile, reliable Internet connection); and,
- f. remote attendance is in the interests of justice.

It is expected that parties or their counsel will address the above-noted factors in their submissions.

See, also, [SM CL 02 Small Claims Proceedings During COVID-19](#) and [FAM 11 Default Method of Attendance for Certain Court Appearances](#), as applicable. For criminal applications, please include the applicable *Criminal Code* sections being relied upon.

VI. PUBLIC HEALTH EMERGENCY MATTERS

Matters related to public health and safety and the COVID-19 pandemic, including matters under the *Quarantine Act*, *Public Health Act* and similar statutes and regulations can be filed at the applicable local [court registry](#).

You may request in writing to a judge using the [Request to appear by audioconference or videoconference](#) form (PTR 825) to attend remotely.

VII. CIRCUIT COURTS

All circuit court matters will proceed as scheduled.

VIII. TRAFFIC, TICKET OR BYLAW MATTERS

Parties who receive a notice of hearing and require interpreter services for their hearing must contact the Violation Ticket Center at 1-877-661-8026 prior to their hearing date.

Disputants have the options of:

- a. **Filing Written Reasons including a request for a fine reduction and/or time to pay** (link to form: <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/courthouse-services/court-files-records/court-forms/traffic/ptr022.pdf>)
- b. **Paying the fine(s) on the ticket**

To dispute a violation ticket and have a trial date assigned as a future available court date, the Disputant can download a [form](#) and mail it in to: Ticket Dispute Processing, Bag 3510, Victoria, B.C. V8W 3P7.

Process for Disputant and Officer (Prosecutor) - Request to Appear by Telephone or Videoconference Form

For violation tickets issued under the *Motor Vehicle Act* or *Motor Vehicle Act Regulations*, if the Disputant and/or the Officer wishes to appear remotely by telephone at the traffic ticket hearing, they may ask the Court for permission by completing and submitting a Request to Appear by Telephone or Videoconference Form ([PTR 824](#) for the Disputant or [PTR824B](#) for the Officer) to the Violation Ticket Centre. Please note that remote appearances by the Disputant and/or Officer by MS Teams videoconference are only available for hearings scheduled at specifically designated court locations and sittings at this time. In addition:

1. Individual judges and justices retain their common law authority to make directions about the proceedings in their courtrooms, including the manner in which parties must appear before them. It is within the Court's discretion to permit or deny a request to appear remotely at a traffic ticket hearing. It is also within the Court's discretion to subsequently require the Disputant or the Officer to appear in person after initially permitting them to appear remotely. Some of the factors that the Court may consider in exercising its discretion include the "Request Details" noted on the Forms and whether it is in the interests of justice.
2. The Court will advise the Disputant and the Officer of their required method of appearance.
3. If the Disputant and/or the Officer is permitted by the Court to appear remotely at the traffic ticket hearing, they must read and abide by [NP 21](#).
4. A Disputant's failure to attend the hearing remotely or in-person as required and failure to remain available until the Disputant's matter is concluded on the scheduled hearing date may result in the matter being deemed not disputed and a conviction being entered.
5. The Officer must be available and remain available until the hearing is called, spoken to and concluded.

Archived versions of NP 19 are available [here](#).

THE FOREGOING IS SUBJECT TO CHANGE, ANY UPDATED DIRECTIONS WILL BE POSTED ON THE COURT'S [WEBSITE](#).

Cross-reference

- BC Centre for Disease Control [Guidance for Courthouse Users During the COVID-19 Pandemic & BC Restart Plan](#)
- BC Centre for Disease Control [Public Exposures webpage](#) regarding courthouse exposure events and incidents
- B.C. Government's [Restart Plan](#) and [COVID-19 court restart operations](#)
- Provincial Health Officer [Statement for Employers on Transitioning from COVID-19 Safety Plans to Communicable Disease Plans](#)
- [Protocol](#) for communication and testing related to COVID-19 at courthouses

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).
- Updated Notice issued March 23, 2020 with additions noted in red.
- April 2, 2020: Updated Appendix B to replace picture of Application to Vary Bail by Consent Form with link to the Form.
- April 14, 2020: Changes since last update noted in red, including adding applications to replace a police undertaking under s. 502(2) of the *Criminal Code* under "Persons in Custody"; revising "Judicial Authorization" section and removing "Justice Centre" section in Part III "Criminal (Adult and Youth)"; adding Part IV "Public Health Emergency Matters"; and housekeeping changes.
- April 28, 2020: Updated to set out the plan to commence recovery of some court operations that are capable of being done remotely by audioconference or videoconference.
- May 8, 2020: Updated to address: summary proceedings in criminal matters; and, some urgent matters (see page 8 for information regarding a May 16, 2020 deadline).
- June 12, 2020: Updated to remove reference to Hub Courts; address Initial Appearance Court, remand appearances, and court appearances scheduled after July 3, 2020; update Appendix "C"; add Appendix "D". See, also, NP 22 Resuming In-Person Proceedings During COVID-19: Health & Safety Protocols and NP 21 Guide to Remote Proceedings.
- July 2, 2020: Updated regarding traffic court locations, registry opening for new filings, urgent applications, additions to Appendix C and further information regarding CRIM 12.
- July 13, 2020: Updated to reflect that court registries will accept all filings, including in-person filings, and to remove references to the urgent hearing process in place during reduced registry operations; added Nelson Traffic Court sittings on August 14 and 28, 2020; and housekeeping changes to remove outdated information including several Appendices.
- July 17, 2020: Updated to add Creston Traffic Court sitting; move references to details regarding Circuit Courts to new Notice (NP 23) hyperlinked in Part VI.
- July 29, 2020: Updated "Family" and "Criminal" sections; clarification of small claims applications and payment hearing appearances after July 3, 2020.
- August 17, 2020: Removed chart under Part V "Traffic, Ticket and Bylaw Matters" as Notices of Hearing contain relevant information.
- September 28, 2020: Updated to add section d under Part I "Family", section c under Part II "Small Claims", and reference to "unpaid agents permitted by the presiding judicial officer" under Part V "Traffic Matters"; and consequential amendments to Part III "Criminal" further to the revised CRIM 12 Practice Direction.
- October 1, 2020: Housekeeping changes – references to "one day or more" revised to "more than one day" further to the CRIM 12 Practice Direction.
- October 9, 2020: Updated to reflect current court operations only, delete historical references such as to Appendix "A" – Adjournment Details, and change "remote proceedings" references to "virtual proceedings".
- December 7, 2020: Updated Part III "Family" to reflect Early Resolution and Case Management Model in Surrey; changed title from "COVID-19: Resumption of Court Operations".
- December 21, 2020: Updated Part V, section 8 to include reference to s. 49 *Community Charter* applications; updated Part II regarding suspension of limitation periods.
- February 16, 2021: Updated Part II title for Limitation Periods; Part V, section 8 re Judicial Authorizations; Part VII Traffic, Ticket and Bylaws to remove references to alternate locations for hearings; and housekeeping changes.

- March 1, 2021: Updated Part VII Traffic, Ticket and Bylaws to add section entitled “*Process for Disputant – Request to Appear by Telephone or Videoconference*”; updated Part IV Small Claims re Applications and Payment Hearings.
- April 19, 2021: Removed Part II Provincial Suspension of Limitation Periods; updated Part III “Small Claims” further to SM CL 02 Practice Direction; added reference to CRIM 05 and CRIM 14 Practice Directions in Part IV “Criminal” (#1 Judicial Interim Release); and updated Part IV “Criminal” (#8 Judicial Authorizations) re applications for unsealing orders.
- May 17, 2021: Amended Part II “Family” by removing reference to FAM 08 Practice Direction, and updating consent adjournment by parties consequential to the new *Provincial Court Family Rules*, B.C. Reg. 120/2020.
- June 04, 2021: Housekeeping amendment to Part II “Family” to be consistent with the new *Provincial Court Family Rules*, B.C. Reg. 120/2020; and updated Part IV “Criminal” (#8 Judicial Authorizations) to reflect the revised CRIM 03 Practice Direction.
- June 14, 2021: Updated Part IV “Criminal” (#8 Judicial Authorizations) to remove reference to the expired CRIM 03 Practice Direction: Daytime Search Warrant Applications and the expired Chief Judge’s memo dated February 9, 2021.
- July 02, 2021: Introduction revised in accordance with updated BC Centre for Disease Control Guidance for Court Users During the COVID-19 Pandemic and the government’s Restart Plan; and housekeeping changes.
- September 1, 2021: Updated Part VI to include the Officer – Request to Appear by Telephone or Videoconference Form and surrounding process; housekeeping changes; and deleted Part VII Circuit Courts.
- January 4, 2022: Revised to limit in person proceedings in response to the rapid and concerning increase of COVID-19 cases and specifically the spread of the Omicron variant in the Province.
- January 10, 2022: Revised to cover the period January 10 to January 28, 2022; Introduction updated; Part IV section 5 information about consent requisitions added; Part V Application to Have Scheduled Trial Proceed added; Part VII Circuit Court added; and other housekeeping changes.
- January 31, 2022: Revised to remove Part V “Application to Have Scheduled Trial Proceed” and Part V “Application to Attend Trial Remotely” added; Introduction updated; Part IV section 9 last sentence revised; and housekeeping changes.
- April 11, 2022: Deleted introductory text consequential to rescission of NP 22.

By Direction of Chief Judge Melissa Gillespie
 Provincial Court of British Columbia