



THE PROVINCIAL COURT
OF BRITISH COLUMBIA

Effective Date: *10 February 2023*

SM CL 03

PRACTICE DIRECTION

AFFIDAVITS & EXHIBITS AND DOCUMENTS FOR SETTLEMENT CONFERENCES FOR USE IN SMALL CLAIMS PROCEEDINGS

Background

In small claims files the Court has received lengthy Affidavits and Exhibits, as well as Affidavits and Exhibits in electronic format on electronic storage devices without parties determining if the appropriate technology is in place to access the device during a hearing.

The Court has also received Affidavits and Exhibits in small claims files that have photographs, screenshots or a video recording which contain intimate images of individuals. Once filed these Exhibits may be accessed by those listed in the Court's [Access to Court Records](#) policy.

Purpose

To set out guidelines for intimate images in Affidavits and Exhibits used in small claims proceedings, as well as guidelines regarding the length and format of Affidavits and Exhibits. In addition, this practice direction provides guidance regarding the length of relevant documents and reports submitted for a settlement conference.

Application

This practice direction applies to all Provincial Court locations in the Province.

Directions

1. Unless the court orders otherwise, an Affidavit and Exhibits in small claims proceedings:

- a. must be no longer than 25 pages in total, and
- b. must not be provided on a USB stick or other electronic data storage device including a video or audio file.

Section 1(a) does not apply to financial documents for a payment hearing or default hearing.

2. Affidavits and Exhibits in small claims proceedings must not include an intimate image of any person made by any means including a photograph, film, screenshot or video recording. Intimate image means an image in which a person in the image is nude, is exposing their genital organs, anal region or breasts or is engaged in explicit sexual activity. Instead a written description of the intimate image may be included. A judge will determine whether to admit the image itself.
3. Any intimate image that has already been filed will, on application by a party or on the Court's own motion, be sealed. The party filing may, with leave of the Court, file another Affidavit and Exhibit that does not contain the offending material.
4. Unless the Court orders otherwise, the documents and reports submitted for a settlement conference under Rule 7(5) of the Small Claims Rules:
 - a. for all documents and reports must be no longer than 20 pages in total, and
 - b. must not be provided on a USB stick or other electronic data storage device including a video or audio file.

History of Practice Direction

- Original practice direction dated February 10, 2023.

I make this practice direction pursuant to my authority under the *Provincial Court Act*, R.S.B.C. 1996, c. 379, and the *Small Claims Act*, R.S.B.C. 1996, c. 430.

Melissa Gillespie
Chief Judge
Provincial Court of British Columbia