



THE LAW COURTS
800 SMITHE STREET
VANCOUVER, B.C.
V6Z 2E1

Notice to the Profession, the Public and the Media Regarding Civil and Family Proceedings

COVID-19: EXPANSION OF CIVIL AND FAMILY MATTERS – TELEPHONE CONFERENCE HEARINGS

Date: April 17, 2020

On March 19, 2020 the Supreme Court of British Columbia suspended regular operations to protect the health and safety of court users and to help contain the spread of COVID-19. All civil and family matters scheduled for hearing between March 19, 2020 and May 1, 2020 (the “Suspension Period”) were adjourned, unless the Court otherwise directed. This automatic adjournment extended to all trials, conferences, chambers applications and other hearings. The Court established a process to hear only urgent or essential matters.

On April 16, 2020 the Court extended the Suspension Period to May 29, 2020.

Effective April 20, 2020, in an effort to expand the civil and family matters that can be dealt with at this time, the Court has established procedures to allow parties to schedule a COVID-19 Telephone Conference Hearing (“TCH”) for matters that are not urgent or essential (as specified in the Court’s [April 16, 2020 Notice](#)) and that were scheduled for hearing during the Suspension Period.

At each TCH, parties will be limited to addressing one disputed issue or to bringing forward issues on which they have consent. The issue(s) must be suitable for determination by telephone and on the basis of one affidavit per party no longer than 10 pages each. TCHs will be limited to one hour in length.

At this time, this process is **only** available to parties who had a matter scheduled for hearing during the Suspension Period. Subject to available resources, the Court may at a later date expand the availability of the TCH process to matters that were not scheduled during the Suspension Period.

I. MATTERS THAT ARE ELIGIBLE FOR A COVID-19 TELEPHONE CONFERENCE HEARING

Parties who had a matter scheduled for hearing during the Suspension Period (i.e., between March 19, 2020 and May 29, 2020) may schedule a TCH for matters that meet the following criteria:

- The matter is limited to one disputed issue, or (if the matter involves more than one issue) the parties have reached consent on some or all of the issues;
- The disputed issue is suitable for determination by telephone and is estimated to take less than one hour; and
- The disputed issue can be addressed on the basis of a single affidavit filed per party, no longer than 10 pages.

The Court has discretion to decide if a matter scheduled by the parties is not appropriate for determination at a TCH.

No matter may proceed if any party or counsel is unable to participate or is impeded from participating as a result of COVID-19.

II. SCHEDULING A COVID-19 TELEPHONE CONFERENCE HEARING

The Court has established the following procedures to allow parties to schedule a TCH:

- Before scheduling a TCH, the party seeking a TCH (“Scheduling Party”) must make efforts to contact the opposing party (“Responding Party”) to determine a mutually agreeable date for the TCH. Parties are encouraged to discuss ways of narrowing the disputed issue to make best use of the TCH.
- The Scheduling Party must set a date for a TCH by booking online.
- The Scheduling Party must complete a COVID-19 Telephone Conference Hearing Form (“Form”) located [here](#).
- The Scheduling Party must complete all parts of the Form including:
 - The date on which the matter was originally scheduled to be heard;
 - What was originally scheduled to be heard (i.e., trial, conference, chambers application, other hearing);
 - A brief description of the disputed issue;

- The order(s) sought at the TCH;
 - Any other issues still in dispute;
 - Whether any issues will be proceeding by consent;
 - Whether all parties consent to the date of the TCH; and
 - A list of documents to be relied on at the TCH, including pleadings (e.g., petition, response to petition, notice of civil or family claim, response to civil or family claim, reply, counterclaim, response to counterclaim, third party notice, and/or response to third party notice).
- If the TCH is to address a disputed issue, the Scheduling Party must file one sworn affidavit, not exceeding 10 pages, setting out the key facts of the disputed issue to be addressed at the TCH. For methods of filing see Part VII of the [Court's April 16, 2020 Notice](#). Parties are encouraged to e-file if possible.
 - The Scheduling Party must serve the completed Form, a copy of this Notice, a sworn affidavit (if filed), and any written submissions not exceeding 10 pages on the Responding Party 8 business days before the TCH.
 - If the TCH is to address a disputed issue, the Responding Party may file one sworn affidavit, not exceeding 10 pages, in response to the Scheduling Party's affidavit. For methods of filing see Part VII of the [Court's April 16, 2020 Notice](#). Parties are encouraged to e-file if possible.
 - The Responding Party must serve its sworn affidavit (if filed) and any written submissions in response not exceeding 10 pages on the Scheduling Party 5 business days before the TCH.
 - The Scheduling Party must submit a **TCH Brief** by email to Supreme Court Scheduling at the appropriate email address (as set out in Appendix A of this Notice) no later than 4 p.m. on the business day that is one full business day before the date set for the TCH. All parties must be copied on this email. The TCH Brief must include:
 - the completed Form;
 - the Scheduling Party's affidavit (if filed) and written submissions (if any);
 - the Respondent Party's affidavit (if filed) and written submissions (if any); and
 - any pleadings that will be relied on at the TCH.

- Supreme Court Scheduling will confirm the date of the TCH via email to all parties.
- The parties may agree to abridge the timelines for service on each other, provided the Scheduling Party still submits the TCH Brief to Supreme Court Scheduling no later than 4 p.m. on the business day that is one full business day before the date set for the TCH.
- If the Scheduling Party does not submit the TCH Brief to Supreme Court Scheduling by 4 p.m. on the business day that is one full business day before the date set for the TCH, the date will be removed from the hearing list.

THE FOREGOING IS SUBJECT TO CHANGE. ANY UPDATED DIRECTIONS WILL BE POSTED ON THE COURT'S WEBSITE.

Dated **April 17, 2020** at Vancouver, British Columbia

By Direction of Chief Justice Christopher E. Hinkson
Supreme Court of British Columbia

Appendix A

KAMLOOPS - sc.scheduling_ka@BCCourts.ca

- Cranbrook, Golden, Nelson, Revelstoke, Rossland, Salmon Arm

KELOWNA - sc.scheduling_ok@BCCourts.ca

- Penticton, Vernon

NANAIMO - sc.scheduling_na@BCCourts.ca

- Campbell River, Courtenay, Port Alberni, Powell River

NEW WEST - sc.scheduling_nw@BCCourts.ca

- Chilliwack

PRINCE GEORGE - sc.scheduling_pg@BCCourts.ca

- Dawson Creek, Fort St. John, Quesnel, Williams Lake

VANCOUVER - sc.family_va@BCCourts.ca OR sc.civil_va@BCCourts.ca

VICTORIA - sc.scheduling_vi@BCCourts.ca

- Duncan, Prince Rupert, Smithers, Terrace