

COVID-19: SUSPENSION OF REGULAR COURT OPERATIONS

March 26, 2020 UPDATE

Adrienne Atherton

On March 26, 2020, the Province ordered that, for the duration of the provincial State of Emergency, every mandatory limitation period and any other mandatory time period that is established in an enactment or law of British Columbia within which a civil or family action, proceeding, claim or appeal must be commenced in the Provincial Court, Supreme Court or Court of Appeal is suspended.

In addition, a person, tribunal or other body that has a statutory power of decision may waive, suspend or extend a mandatory time period relating to the exercise of that power.

The order can be found here http://www.bclaws.ca/civix/document/id/mo/mo/2020_m086

A. BC Supreme Court

The Supreme Court of BC announced on March 18th that, effective March 19th, regular operations at all locations of the Supreme Court are suspended until further notice. This means that all civil matters (including trials, applications and hearings) scheduled for hearing between March 19 and May 1 are automatically adjourned, unless otherwise ordered by the Court.

The Court will hear only essential and urgent matters, such as family matters involving those involving the safety of children, essential civil matters such as those related to public health and safety or other urgent matters.

Also, effective March 18, 2020, filing deadlines under the Rules of Court are suspended until May 1, 2020. This means that the time that parties have under the Rules of Court to file documents stopped running at the end of

March 17, and will be on hold until May 1, 2020 (unless the suspension is extended further).

It should be noted that other statutory limitation deadlines are not suspended and continue to apply. When the Court resumes regular operations, parties may request an extension of time in relation to those deadlines, which will be determined on a case by case basis.

Further information and updates can be found here: https://www.bccourts.ca/supreme_court/documents/Notice%20of%20Suspension%20of%20Civil%20and%20Family%20Proceedings%20-%20March%2018,%202020.pdf

B. BC Court of Appeal

The B.C. Court of Appeal announced on March 17, 2020 that, effective March 18, 2020, the Court of Appeal is strictly limiting its operations.

The required time limits for filing and serving notices of appeal or applications for leave to appeal still apply. The Registry counter will be closed, so alternative methods for filing are in effect. Once notices of appeal or applications for leave to appeal are filed, then all subsequent filing and service deadlines are suspended until May 4, 2020, except as otherwise directed. Litigants are instructed not to file any new materials in relation to existing appeals or applications for leave to appeal until May 4, 2020, unless otherwise directed.

All appeal hearings, applications and other matters that are scheduled for hearing between March 18 and May 1, 2020 are adjourned unless otherwise directed. Urgent matters will be reviewed, and if the matter is designated for the hearing to proceed, it will be heard remotely by teleconference or in writing.

For matters not designated to proceed, parties may consent to have their matters heard by teleconference or in writing by contacting the Registrar and requesting to proceed by alternative means.

Further information and updates can be found here: https://www.bccourts.ca/Court_of_Appeal/documents/Notice%20to%20the%20Public%20March%2017%202020%20FINAL.pdf

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Adrienne Atherton



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604.358.6648

adrienne@civiclegal.ca

Adrienne brings over 24 years of legal experience in litigation and dispute resolution representing local governments and other public entities, insurers and corporations, including

in-house as Senior Staff Lawyer at Municipal Insurance Association of BC. Adrienne has represented and provided strategic and practical advice in relation to a variety of complex matters, including procurement, construction (including builders' lien, delay and defect claims), environmental, regulatory, expropriation, bylaw and FOIPPA disputes and processes, municipal jurisdiction, procedure, constitutional challenges, judicial reviews, remedial action orders, administrative hearing processes, contract claims, and privacy, insurance and risk management issues. Adrienne has extensive experience at all levels of Court in British Columbia, administrative tribunals, mediations and arbitrations. Adrienne regularly writes and presents on a variety of matters of interest to public entities and the construction industry.

This article is intended for the general information of organizations in British Columbia. If your organization has specific issues or concerns relating to the matters discussed in this article, please consult a legal advisor.

Our lawyers combine legal experience in local government, commercial real estate development, and construction law to provide legal services to local governments, owners, builders and developers on a range of projects, from concept to completion, and beyond.

710 - 900 West Hastings Street, Vancouver, BC, V6C 1E5
604.639.3639 | www.civiclegal.ca | [Twitter CivicLegal](https://twitter.com/CivicLegal)