



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

## **Notice to the Profession, the Public and the Media Regarding Civil Proceedings - Insolvency**

### **COVID-19: SUSPENSION OF REGULAR COURT OPERATIONS**

**Date: April 2, 2020**

This notice supplements the following notice:

- Notice of Suspension of Regular Court Operations in Civil and Family Proceedings, revised March 30, 2020

Effective March 19, 2020 and until further notice, the Honourable Chief Justice Hinkson has suspended regular operations of the Supreme Court of British Columbia at all of its locations to protect the health and safety of court users and to help contain the spread of COVID-19.

Courthouses remain open. However, in person registry services have been suspended until further notice. Counsel, parties, litigants and members of the public are strongly discouraged from attending courthouses unless personal attendance is absolutely necessary or unless the Court otherwise directs.

#### **I. ADJOURNMENT OF CIVIL MATTERS**

All civil matters scheduled for hearing between March 19, 2020 and May 1, 2020 are adjourned, unless the Court otherwise directs. This automatic adjournment extends to all trials, conferences, and chambers applications or other hearings currently scheduled for hearing before May 1, 2020.

#### **II. THE COURT WILL HEAR ONLY ESSENTIAL AND URGENT MATTERS**

While regular operations are suspended the Court will hear only essential and urgent matters.

In the previous Notice issued March 30, 2020, various civil matters were presumptively considered to be of an essential or urgent nature. In addition, the following insolvency matters can be considered to be of an essential or urgent nature.

The Court has discretion to hear urgent matters other than those listed below, and to decline to hear a matter listed.

### **III. ESSENTIAL AND URGENT INSOLVENCY MATTERS**

The following are examples of insolvency matters that can be essential or urgent:

- a. Shareholder disputes or oppressive conduct that may require some immediate relief under the CBCA/BCA.
- b. An application for an interim and/or final order for an arrangement under the CBCA/BCA.
- c. The appointment of a liquidator, receiver, interim receiver or receiver-manager under the CBCA/BCA/BIA/Law and Equity Act of BC.
- d. An application for a bankruptcy order under the BIA.
- e. An application for an initial order under the CCAA or the extension of a stay of proceedings under the CCAA.
- f. An application for relief specific to restructuring procedures in a context of proceedings under the BIA or CCAA, such as authorization of a sale of assets, interim financing, claims process orders, adjudication of claims, meeting orders and sanction orders.
- g. A time-sensitive application in a foreclosure proceeding, such as approval of a sale.

### **IV. PROCEDURES FOR ESSENTIAL OR URGENT MATTERS**

The Court has established procedures to allow for parties to request the hearing of essential or urgent insolvency matters.

The **online process** is to be used where possible. The **paper process** is to be used if it is not possible to use the online process. For example, if a court file is sealed, the online process cannot be used and paper filings will be necessary. In addition, there is a size limit of 10MB for documents submitted through CSO or email, which may require documents to be sent in stages or filed by the paper process.

In both processes, a judge will first review the applicant's unfiled materials to determine if a hearing is required. If the judge determines that a hearing is required, the Court will

give directions to both the applicant and the respondent(s) to provide filed materials for the hearing.

**A. Requesting a Hearing – Online Process (use if possible)**

- The party requesting a hearing of an essential or urgent matter completes and submits an online **Request for Urgent Hearing - Insolvency Form** (“**Request Form**”).

[https://www.bccourts.ca/supreme\\_court/scheduling/Request\\_for\\_Urgent\\_Insolvency/](https://www.bccourts.ca/supreme_court/scheduling/Request_for_Urgent_Insolvency/)

- The Court sends the parties an **Acknowledgment Email** confirming receipt of the Request Form and notifying all parties of the request.
- The party requesting the hearing replies to the Acknowledgment Email as soon as possible and attaches to it:
  - an unfiled draft appropriate form of application which identifies what orders the party is seeking; and
  - an unfiled draft affidavit which sets out the key facts and describes the urgency.
- Once the Request Form, draft application and draft affidavit are received, they will be sent to the reviewing judge.
- The respondent does not provide any materials to the Court at this stage.

If the Request Form is submitted with respect to a matter that had previously been scheduled for hearing, the applicant should provide any filed materials that the respondent previously served on them.

**B. Requesting a Hearing – Paper Process (Use if you cannot use Online Process)**

- The party requesting a hearing completes a paper copy of the Request Form. Paper copies of the Request Form are available at every Supreme Court registry and are located next to the drop box inside the courthouse. If possible, the party must provide a telephone number and/or email address at which they may be reached.
- The party making the request sends the Court the completed Request Form along with
  - an unfiled draft appropriate form of application which identifies what orders the party is seeking; and

- an unfiled draft affidavit which sets out the key facts, describes the urgency, and if applicable, states whether the opposing party(ies) has been notified of this request for an urgent hearing.
- The completed Request Form, draft application, and draft affidavit must be sent together to the Court in one of the following ways:
  - By using the drop box located at the nearest Supreme Court registry;
  - By mailing it to the nearest Supreme Court registry; or
  - By faxing it to one of the designated registries described in **Appendix A**.
- See Part VII of this notice, Changes to Registry Services, for further details about submitting these documents.
- The respondent does not provide any materials to the Court at this stage.
- If the Request Form is submitted with respect to a matter that had previously been scheduled for hearing, the applicant should provide any filed materials that the respondent previously served on them.

**C. Judge’s Determination of Whether a Hearing is Required**

- A judge will review the Request Form, unfiled application, and draft affidavit submitted by the party requesting a hearing (either by way of the online process or the paper process) and will determine whether an urgent hearing is required.
- The judge’s determination of whether or not a hearing is required will be communicated to all parties:
  - Parties using the online process will receive an email notification; or
  - Parties using the paper process will be contacted at the contact information provided on the Request Form.

**D. Instructions for Filing Materials**

- If the judge determines that a hearing is required, the Court will schedule a date for the hearing.
- The Court will provide directions to all parties about filing and service of materials for the hearing. See Part VII of this notice, Changes to Registry Services, for further details for filing these materials.

**E. Conduct of Hearing**

- Parties will appear at the hearing by telephone where possible and appropriate or by video where appropriate and available.

## **V. LIMITATION PERIODS AND FILING DEADLINES**

### **A. Filing Timelines under the Supreme Court Rules**

Effective March 18, 2020, filing deadlines under the *Supreme Court Civil Rules* and the *Supreme Court Family Rules* are suspended until May 1, 2020.

The suspension of regular operations and adjournment of trials scheduled up to May 1, 2020 necessarily suspends the usual time frames under the Rules for holding Trial Management Conferences, for filing Trial Briefs, and for filing Trial Certificates, as these time frames all count back from the scheduled trial date. Trials scheduled for hearing following May 1, 2020 will also be affected, and further directions concerning this will come from the Court as matters evolve.

### **B. Limitation Periods**

Effective March 26, 2020, the Minister of Public Safety and Solicitor General suspended limitation periods and mandatory time periods for the commencement of a civil or family proceeding. See [Ministerial Order No. M086](#). Once this suspension is lifted, more directions will be provided by the Court.

## **VI. CHANGES TO REGISTRY SERVICES**

Courthouse registries are no longer providing in-person services during the suspension of the Court's regular operations.

However, all courthouses will continue to receive documents for any civil matters.

Requests for an urgent hearing should, where possible, be made using the online process described above. However, the following methods may be used by any person unable to use that online process.

For the following situations:

1. Requests for an urgent hearing where a person is unable to use the online process established by the Court;
2. Filing of materials as directed by the Court for a scheduled urgent hearing; and
3. Regular filings that are not defined as essential or urgent;

documents may be submitted to the registry by one of the methods set out below.

- **E-filing** using [Court Services Online](#);

- **Fax Filing** at a registry designated as a fax filing registry by *Supreme Court Civil Rule 23-2* or *Supreme Court Family Rule 22-3*. See **Appendix A** for a list of fax filing registries and the fax numbers;
- **Mailing to** any Supreme Court registry. Contact information for all Supreme Court registries is available [here](#); and
- **\*NEW\* - Using the Secure Drop Box** available at Supreme Court registries. The drop box will be accessible to the public from Monday to Friday, between 9 a.m. and 4 p.m. and will be emptied at the end of the day and processed every 24 hours. The drop box will be monitored to ensure its contents are secure during the day. Parties who submit materials for filing using the drop box must provide with the materials a telephone number or email address where they can be reached. Registry staff will contact parties only if their materials are not accepted for filing.

## **VII. HEARINGS WILL BE SCHEDULED AT SEVEN CENTRALIZED REGISTRIES**

Effective March 30, 2020, hearings of the Supreme Court of British Columbia will only be scheduled at the following seven central locations, unless otherwise ordered by the Court:

- Vancouver Law Courts
- New Westminster
- Victoria
- Kamloops
- Kelowna
- Prince George
- Nanaimo

Hearings will occur by telephone or video where appropriate and available, unless otherwise directed by the Court.

Other registries will continue to receive documents in the manner set out in this notice.

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

Dated April 2, 2020, at Vancouver, British Columbia

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

## Appendix A – Fax Filing Registries

Chilliwack	(604) 795-8397
Cranbrook	(250) 426-1498
Dawson Creek	(250) 784-2218
Kamloops	(250) 828-4345
Kelowna	(250) 979-6768
Nelson	(250) 354-6133
Penticton	(250) 492-1290
Prince George	(250) 614-7923
Rossland	(250) 362-7321
Salmon Arm	(250) 833-7401
Smithers	(250) 847-7344
Terrace	(250) 638-2143
Vernon	(250) 549-5461
Williams Lake	(250) 398-4264