

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF PUBLIC
SAFETY AND SOLICITOR GENERAL

Emergency Program Act

Ministerial Order No. M121

WHEREAS a declaration of a state of emergency throughout the whole of the Province of British Columbia was declared on March 18, 2020 because of the COVID-19 pandemic;

AND WHEREAS, as a result of the COVID-19 pandemic and necessary public health measures to be taken in response to it, it may not be reasonable for a party to a legal proceeding before the Supreme Court to take steps required by the Supreme Court Civil Rules or the Supreme Court Family Rules in order to participate in an application in relation to the legal proceeding;

AND WHEREAS it is consistent with the rule of law, principles of access to justice, and the object of the Supreme Court Civil Rules and the Supreme Court Family Rules to secure the just, speedy and inexpensive determination of proceedings to facilitate access to the Supreme Court for the purpose of hearing and deciding applications by means other than in-person hearings;

AND WHEREAS section 10 (1) of the *Emergency Program Act* provides that I may do all acts and implement all procedures that I consider necessary to prevent, respond to or alleviate the effects of any emergency or disaster;

I, Mike Farnworth, Minister of Public Safety and Solicitor General, order that the attached Supreme Court Civil and Family Applications (COVID-19) Order is made.

April 22, 2020
Date


Minister of Public Safety and Solicitor
General

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Emergency Program Act*, R.S.B.C. 1996, c. 111, s. ~~9(1)~~ 10

Other: MO 73/2020; OIC 173/2020

SUPREME COURT CIVIL AND FAMILY APPLICATIONS (COVID-19) ORDER

Definitions

- 1 In this order:
- “**application**” means an application for an order from the court other than at trial or at the hearing of a petition;
 - “**associate chief justice**” means the associate chief justice of the Supreme Court;
 - “**chief justice**” means the chief justice of the Supreme Court;
 - “**specified rule**” means a rule in the Supreme Court Civil Rules or the Supreme Court Family Rules respecting a procedural step that must be taken before an application is heard.

Application

- 2 This order applies during the period that starts on the date this order is made and ends on the date on which the last extension of the declaration of a state of emergency made March 18, 2020 under section 9 (1) of the *Emergency Program Act* expires or is cancelled.

Orders to disapply rules

- 3 (1) Despite the *Court Rules Act* and any of the Supreme Court Civil Rules and the Supreme Court Family Rules and subject to subsection (2), the chief justice and the associate chief justice may
- (a) make an order that a specified rule does not apply in relation to
 - (i) a class of applications, or
 - (ii) a specific application, and
 - (b) make any other orders for the hearing or determination of a class of applications or a specific application or the manner in which a class of applications or a specific application is to be conducted.
- (2) The chief justice and the associate chief justice may exercise the discretion under subsection (1) only if a requirement in the specified rule would require a party taking a step in an application that cannot reasonably be taken because of the COVID-19 pandemic or would be inconsistent with public health advisories issued to reduce the threat of COVID-19 to the health and safety of persons.
- (3) Despite the *Court Rules Act* and any of the Supreme Court Civil Rules and the Supreme Court Family Rules, the chief justice and the associate chief justice may make an order that an application may be made by written submissions or be heard by way of telephone, video conference or other communication medium.