

COVID-19 RESOURCE CENTER

Filing Deadlines Suspended under BC Rules of Court

April 9, 2020

On March 18, 2020, the Supreme Court of British Columbia suspended regular operations at all locations as part of the effort to contain the spread of COVID-19. Click [here](#) for further information on the suspension of regular operations.

In addition to limiting court appearances to urgent or essential matters, the court also suspended all filing deadlines under the Supreme Court Civil Rules and the Supreme Court Family Rules until May 1, 2020. The Court also noted that the adjournment of all trials scheduled up to May 1, 2020 necessarily suspends the usual time frames under the Rules for holding trial management conferences and filing trial certificates and trial briefs.

As a result, while it is still possible to commence litigation or file applications in ongoing litigation, the deadlines to respond to such matters are temporarily suspended, so that many matters will not proceed prior to May 1.

However, not all steps in litigation are paused, as the Court has only suspended filing deadlines, not all deadlines or timelines set by the Civil Rules. For example, it appears that service deadlines that are not paired with a filing deadline, such as the requirement in Rule 3-7(20) that a party serve further particulars “within 10 days after a demand is made in writing”, are still operational. Similarly, the timeline to respond to interrogatories under Rule 7-3 continues, and for actions where parties had completed the exchange of pleadings prior to the suspension of court operations, the obligation under Rule 7-1(1) to prepare and serve a list of documents within 35 days after the end of the pleading period still applies.

Additionally, deadlines established by court order or direction are not suspended, nor are those established under other enactments, unless they qualify as a limitation period or a mandatory time period for the commencement of an action. See further discussion of the order suspending limitation periods here [[link to limitation period resource](#)].

As such, those who are involved with ongoing litigation (or who are contemplating the commencement of litigation) should consult with a lawyer to determine whether any filing deadlines or other relevant deadlines or timelines are still operational.

Suspension of Deadlines in British Columbia Court of Appeal

The situation is much the same for existing appeals and applications for leave to appeal before the [British Columbia Court of Appeal](#).

The filing and service deadlines in appeals were suspended effective March 18, 2020 and are currently set to begin running again on May 4, 2020, other than those matters which are designated by the Court as matters which must proceed.

The Court of Appeal emphasizes that neither the Chief Justice's March 18, 2020 direction nor the Ministerial Order No. M086 suspends the timelines for taking a step mandated by court order or direction, but notes that "litigants can expect the Court [of Appeal] to consider the exceptional circumstances created by the COVID-19 pandemic if an extension is sought." The notice concludes by saying that "litigants should not file any new materials related to existing appeals, existing applications for leave to appeal, or other existing matters prior to May 4, 2020, unless advised that the appeal is a matter that must proceed, or unless otherwise directed."

Those parties involved in ongoing appeals should consult with counsel with respect to their obligations going forward.



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