

COVID-19 RESOURCE CENTER

The Courts have Suspended Regular Operations but Urgent Matters will be Heard

April 2, 2020

As a result of the COVID 19 pandemic, the British Columbia Supreme Court suspended its regular operations on March 19, 2020 until further notice. All civil and family hearings, court conferences, applications and trials that were due to be heard between March 19, 2020 and May 1, 2020 were automatically adjourned and will need to be rescheduled to another date. With respect to matters currently scheduled after May 1, 2020, these may also be adjourned although the Court has not yet issued a direction on that point.

However, and notwithstanding the above, the Court is willing to hear essential urgent matters and has provided a list of what it considers to be presumptively urgent and includes (but is not limited to) the following:

- Urgent injunction applications;
- Shareholder disputes or oppressive conduct that may require some immediate relief under the *Canada Business Corporations Act* (“CBCA”) or the *British Columbia Business Corporations Act* (the “BCBCA”);
- Applications for an interim and/or final order for an arrangement under the CBCA or BCBCA;
- Applications for the appointment of a liquidator, receiver, interim receiver or receiver-manager under the CBCA, BCBCA, *Bankruptcy and Insolvency Act* (“BIA”), or the *Law and Equity Act*;
- Applications for a bankruptcy order under the BIA;
- Application for an initial order under the *Companies’ Creditors Arrangement Act* (“CCAA”) or the extension of a stay of proceedings under the CCAA;
- 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;
- Time-sensitive application in a foreclosure proceeding (including approval of a sale applications);
- Emergency adult guardianship and committee orders;

- Matters relating to public safety and COVID-19, including:
 - orders under the *Quarantine Act*; and
 - orders under the *Public Health Act*,
- Refusal of treatment and end of life matters;
- Detention of individuals, including under the *Mental Health Act* and the *Adult Guardianship Act*;
- Housing evictions, including interim stays of orders of possession under the *Residential Tenancy Act*;
- Civil restraining orders;
- Preservation orders;
- Orders relating to the safety of a child or parent due to a risk of violence or immediate harm;
- Orders relating to the risk of removal of a child from the jurisdiction; and
- Orders relating to the well-being of a child (e.g., essential medical decisions, urgent issues relating to parenting time, contact or communication with a child that cannot reasonably be delayed).

If a matter is urgent, it will be heard by telephone or video where possible and appropriate although some urgent matters are still being heard in person. Apart from the above, courts have not given any guidance as to what will constitute urgency although time-sensitive bankruptcy applications or receivership/restructuring proceedings may also meet the urgency threshold.

The Court has also suspended filing deadlines under the Rules of Court until May 1, 2020. The effect of this is that default judgments cannot be obtained during this time, and it might be more difficult to push general and non-urgent civil litigation forward until May 1, 2020.

Should parties wish to file court documents with the registry notwithstanding the above, or commence an action, the Courts have also suspended in-person registry services; however, documents may still be filed with the Court registry through various remote means (including e-filing through BC Online and fax filing) as well as by way of a new “drop box” where documents can be deposited and will be collected by the registry staff.

FARRIS

In addition to the above, the Court has implemented new and additional procedural requirements for the health and safety of their staff and the protection of others, and these procedures are subject to change without notice. Please seek advice if you are seeking to bring an urgent matter before the Court or file any documents with the Court registry.



Rebecca Morse
Partner
604 661 1712
rmorse@farris.com
Bio



Tim Louman-Gardiner
Partner
604 661 1729
tlouman-gardiner@farris.com
Bio

Farris communications are intended for informational purposes only and do not constitute legal advice or an opinion on any issue. We would be pleased to provide additional details or advice about specific situations if desired. For permission to republish this content, please contact the Marketing Department at ssangha@farris.com. © 2020 FARRIS LLP