



Provincial Court of British Columbia

Annual Report 2021/22

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Message from the Chief Judge

Many people have cautioned that the greatest challenge to the rule of law is ensuring timely justice is accessible to the people it is meant to serve. This is particularly so as we witness an increasing number of self represented litigants in family and civil matters.

The BC Provincial Court continues to work on improving access - in fact that work can never be finished. It's a continuous, cyclical process of collaboration, communication, experimentation, analysis, and implementing the lessons learned.

In the past year the Court engaged in all facets of that process, building on, and improving measures we implemented in response to the COVID pandemic. For example, after expanding our capacity to conduct some proceedings using video technology, in April 2021 we launched the Northern Bail Pilot Project to test the use of virtual courtrooms for centralized bail hearings.

As early evaluation was positive, we expanded the model to the Interior Region. With variations to suit regional needs, we are assessing how these projects reduce displacement of accused people from their own communities; reduce overnight remands in police cells; reduce travel for sheriffs, prisoners, and lawyers; reduce interruptions to previously scheduled trials; and increase access to duty counsel, Crown, and other resources.

Initial results from the virtual pre-trial case management conferences adopted for criminal cases last year indicated they led to a high file resolution rate, thereby saving many days of trial time and considerably reducing trial delays. We therefore continued those conferences in 2021.

In May 2021 new *Provincial Court Family Rules* streamlined procedures and incorporated referrals to community resources. Aspects of the "Early Resolution" approach in the new rules were launched in Victoria in 2019 and Surrey in 2020. There, virtual justice access centres provide timely access to family justice counsellors and other resources before court applications are filed. Published in January 2022, the [final evaluation](#) of this approach in Victoria found that 69% of families were able to resolve their disputes without litigation. We hope to continue to expand this approach across the province.

2021 also saw changes to the *Small Claims Rules*, including increased options for attending small claims proceedings remotely. I am grateful to the judges who participated in working groups developing the family and civil rules - in some cases for five years - and made frequent presentations about them at education programs.



While one or more participants attended court remotely in 79% of all criminal, family, and civil Provincial Court appearances in 2021/22, we recognize that many litigants face barriers to remote attendance. We continue our efforts to ensure that technological advances offer flexibility and don't leave anyone behind.

The need for reconciliation with Indigenous peoples is an ongoing imperative for the Provincial Court. We continue to work collaboratively with Indigenous communities to build new pathways for reconciliation. In 2021 the Court added an Indigenous sentencing court in Hazelton. In addition, we opened a new integrated community court in Kelowna.

The Court and the wider community were saddened by the deaths of two Provincial Court judges: [Judge Peder Gulbranson](#) on June 16, 2021, and [Judge Maris McMillan](#) on January 23, 2022. Both judges enriched the lives of everyone who knew them. They shared a compassionate approach to their work and the ability to see the best in everyone. Both judges inspired many of the people they dealt with to change their lives for the better. We miss them both.

Despite the pandemic, for the last two years judges, judicial justices, our legal officers, executive director, judiciary staff, lawyers, and Court Services Branch staff, including court clerks and sheriffs, came to work every day. Often making personal sacrifices, they were fully committed to ensuring the public had access to the courts to resolve their most complicated legal issues.

While each of them has chosen to serve the public by providing timely and fair access to justice in their communities, they never imagined they would be doing this during a pandemic. Without their resilience, courage, and dedication, our courts would not have been able to meet the challenges that confronted us. I feel honoured to work with everyone in the BC justice system, and I thank them for their professional commitment and the sacrifices they have made.

Melissa Gillespie
Chief Judge



Kelowna

Credit: Judge Ann Rounthwaite (retired)

The Provincial Court of British Columbia

The Provincial Court is a statutory court created by the [Provincial Court Act](#). Judges of the Court are appointed by the provincial government and exercise powers given to them by laws enacted by the federal and provincial governments. The Provincial Court is one of two trial courts in British Columbia. (The [Supreme Court of British Columbia](#) is the other.)



The Court's [mission, vision, core values, and goals](#) express its commitment to providing a forum for justice that:

- is independent, impartial, and consistent
- ensures equal access for all
- maintains respect for the rule of law
- enhances confidence in the administration of justice
- reflects core values of independence, fairness, integrity, and excellence

The Court's Work

The Provincial Court deals with cases in five main categories:

- **Criminal Matters** - Over 95% of criminal cases in BC are heard in Provincial Court. Under the [Criminal Code of Canada](#), Provincial Court judges conduct bail hearings, preliminary inquiries, trials, and sentencing hearings in all criminal matters except for adults charged with murder and a few rare offences such as treason and piracy.

- **Family Matters** - Provincial Court judges conduct trials and mediation conferences in disputes about guardianship of children, parenting arrangements, and child and spousal support under the [Family Law Act](#) and other BC statutes as well as in child protection matters under the [Child, Family and Community Service Act](#).
- **Youth Court Matters** - Provincial Court judges deal with young persons aged 12 through 17 who are charged with criminal offences under the [Youth Criminal Justice Act](#).
- **Small Claims Matters** - With some [exceptions](#), the BC Provincial Court deals with civil cases involving from \$5001 to \$35,000. Judges conduct trials and settlement conferences in these matters.
- **Traffic, Ticket & Bylaw Matters** - The Court's judicial justices hear trials of traffic and bylaw offences, as well as other provincial and municipal offences prosecuted under the [Offence Act](#) and the [Local Government Act](#). They also deal with certain federal contravention tickets.

Why Judicial Independence Matters



As the Rule of Law and judicial independence continue to be threatened in different ways around the world, understanding this cornerstone of democracy becomes increasingly important. An independent judiciary protects the public, not just judges.

British Columbia's system of government has three branches: judicial, executive, and legislative. The function of the judicial branch - the courts - is to interpret the law, resolve disputes, and defend the Constitution, including the Canadian Charter of Rights and Freedoms. To fulfill this role judges must be distinct from, and operate independently of, all other justice system participants, including the other two branches of government.

Judicial independence has many definitions, but basically it means that a court's judicial officers are free to decide each case on its own merits, without interference or influence of any kind from any source, including politicians. While judges' decisions rarely result in everyone being happy, our justice system is founded on public confidence that decisions, whether popular or not, are fully heard and fairly made. It is crucial that judges are both actually independent and appear to be independent so that there is public confidence that judicial decisions are made without bias.

Every Canadian has the constitutional right to have their legal issues decided by fair and impartial judges. To guarantee the right to an independent and impartial judiciary, the law in Canada has three constitutional protections or "essential conditions" that ensure judicial independence:

- Security of tenure - preventing the arbitrary removal of judges
- Financial security - providing an arm's length mechanism, through an independent remuneration commission, for determining the salaries and benefits of judges
- Administrative independence - enabling a court to manage itself, rather than be managed by others

While these protections apply to judges, they are for the benefit of the public. They allow courts to apply the rule of law that Canadians, through the electoral and legislative processes, have decided should govern them.

For more information on judicial independence, see: [Statement on Judicial Independence from the Courts of British Columbia.](#)

2021/2022 By the Numbers

13 Specialized Courts

- 1 Aboriginal Family Healing Conference Court
- 1 Downtown Community Court
- 1 Drug Treatment Court
- 8 Indigenous Sentencing Courts
- 2 Integrated Community Courts



Judicial officers

As of March 31, 2022 the Court had:

- 131 full-time judges
- 23 part-time senior judges
- 5 full-time judicial justices
- 28 part-time judicial justices

In 2021/22:

- 13 judges were appointed
- 10 retired or died
- 5 elected to sit part-time as senior judges

Judges' average age 61

Gender

Full-time judges:

female 52.7%
male 47.3%

Part-time senior judges:

female 26.1%
male 73.9%

Full-time judicial justices

female 20%
male 80%

Part-time judicial justices

female 57.1%
male 42.9%



2021/2022 By the Numbers

Caseload

148,804

new Provincial Court cases of all types in 2021/22

79,458

new criminal, family & civil matters heard by judges

69,346

traffic, ticket & bylaw offences heard by judicial justices

Self-represented appearances in 2021/22

69,408 self-represented appearances

% of appearances made by self-represented litigants:

9% in criminal matters

40% in family matters

66% in small claims matters

Judicial justices at the Justice Centre:

Considered

18,711

applications for warrants
& production orders

Conducted

18,068

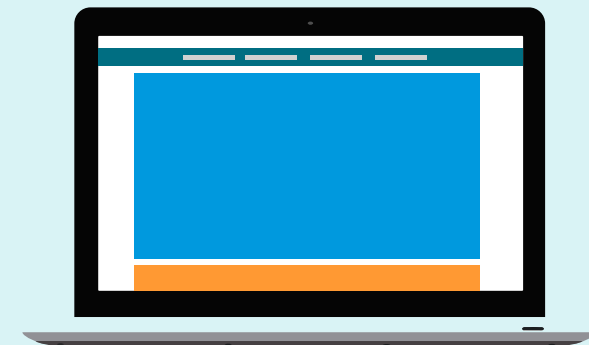
bail hearings



Remote appearances by MS Teams audio or video, or phone

At least one participant attended remotely in approximately

79% of the **593,487** criminal, family & civil court appearances in 2021/22.



2021/2022 At a Glance

During this fiscal year the Court continued to assess and refine improvements in access to justice implemented during the pandemic. The Court formally adopted temporary advancements in use of technology and procedures convenient to court users. As circumstances changed, it updated health measures to minimise the spread of COVID-19 while maintaining access to the Court.

2021

April 19

The Court launched the Northern Bail Project to test a centralized model for bail hearings, using virtual courtrooms.

May 6

The Kelowna Integrated Court, our 11th specialized sentencing court & 3rd integrated court, was opened.

May 17

New Provincial Court Family Rules brought a holistic approach to family disputes by incorporating referrals to community resources, mediation, simplified language and forms, and streamlined procedures. Judges helped develop the new rules and educated lawyers and others helping litigants about them.

May 17

The Chief Judge issued Practice Direction FAM 10 permitting a party or lawyer to use an electronic signature to sign a Family Order or Form.

July 8

The provincial government launched *Understand My Ticket*, a user-friendly online self-resolution tool developed in consultation with the Court, to help people explore information about a ticket anonymously, using step-by-step guided pathways.

2021/2022 At a Glance

2021

July 15

To “raise the bar” and improve the conduct of lawyers and parties attending Court remotely, the Chief Judge updated [Notice to the Profession and the Public \(NP 21\)](#) with directions on etiquette, procedures, and technical matters.

August 3

The [Hazelton Indigenous Court](#) had its first sitting. An earlier opening ceremony was postponed until 2022 at the community’s request due to the “heat dome”.

August 16

Changes to the [Small Claims Rules](#) expanded the possibilities for remote attendance at small claims proceedings to include the video- and audio-conferencing options adopted by the Court during the pandemic.

September 13

The Court marked the 50th anniversary of the appointment of the Honourable Alfred Scow, OB, OBC, hereditary chief of the Kwicksutaineuk First Nation, as a judge of the BC Provincial Court with an [eNews article](#). Judge Scow was the first Indigenous person to graduate from law school, the first Indigenous lawyer, and the first Indigenous Provincial Court judge in BC.

September 30

All Provincial Court locations closed on the National Day for Truth and Reconciliation.

2021/2022 At a Glance

2021

November 1

The Court launched a pilot project in Chilliwack to reduce the interruption of previously scheduled trials by bail hearings. The project involved adding a virtual bail courtroom one day a week and moving bail hearings to Abbotsford on two other days.

November 13

When devastating floods created a state of emergency in which people couldn't attend in person, the Court was able to use video capacity acquired during the pandemic to continue operating remotely.

November 29

The Court opened two virtual courtrooms for centralized bail hearings in the Interior Region.

December 4

The Drug Treatment Court of Vancouver marked its 20th anniversary. When opened in 2001 it was the second drug treatment court in Canada.

2021/2022 At a Glance

2022

January 4-28

Due to the rapid spread of the Omicron variant, in-person trials were generally adjourned during the period from January 4 - 28. Urgent matters, criminal trials for people in custody, and virtual trials proceeded.

January 31

The final evaluation of the Early Resolution Model's performance in Victoria was published. Evaluators analysed data and interviewed and surveyed families and stakeholders, concluding that the model helped families resolve disputes without court battles. It found 69% of families did not proceed to court with unresolved issues after initiating resolu-

tion of family law matters (parenting arrangements, guardianship, contact, child support and spousal support) through the early resolution process. The 31% who proceeded to court had often narrowed their issues through assessment and consensual dispute resolution, so their case could be managed more promptly.

February 24

In collaboration with Courthouse Libraries BC, the Court presented an interactive webinar to 203 frontline service providers, advocates, librarians, law students, lawyers, and others. Chief Judge Gillespie and Judges Kathryn Ferriss and

Kristen Mundstock answered questions and demonstrated how litigants could navigate court proceedings in family, small claims, and traffic cases using the information on the Court's website.

March 3

Representatives of the Gitksan and Wet'suwet'en First Nations, the provincial government, and the Court took part in a traditional tying ceremony for the Hazelton Indigenous Court. A cord woven from cedar bark was looped around participants' wrists to symbolize their commitment to reconciliation through the Indigenous Court.

March 10

The Court celebrated the first International Day of Women Judges with eNews articles on Judges Thérèse Alexander, Harbans Dhillon, and retired judge Marion Buller, respectively the first Black woman, the first South Asian woman, and the first woman of a First Nation, appointed a judge in BC.

Judicial Officers

In 2021/22 all the Court's judicial officers (judges, judicial justices, justices of the peace, and judicial case managers) and staff demonstrated flexibility and openness to innovation as they continued to adapt to pandemic-related safety measures and technological advances.

Chief Judge

The Honourable Melissa Gillespie is the Provincial Court's [Chief Judge](#). Responsible for the Court's administration, she is the head of the Court and its official spokesperson. Her duties are set out in the [Provincial Court Act](#).

In addition to overseeing the Court's judicial officers, the Chief Judge supervises the Office of the Chief Judge (OCJ) staff and judicial administrative assistants, administers a budget, facilitates continuing education for all judicial officers, acts as presiding member of the [Judicial Council of British Columbia](#), and speaks frequently at programs for the public, lawyers, and judges.

Associate Chief Judges

The Honourable Susan Wishart and the Honourable Paul Dohm continued as the Court's [Associate Chief Judges](#) in 2021/22.

Associate Chief Judge Dohm's responsibilities included criminal law reform, the judicial justice division and Justice Centre, scheduling, and regional operations. Associate Chief Judge Wishart's responsibilities included business intelligence and continuity, family and civil law reform, technology, and specialized courts.



Credit: Cliff MacArthur

Regional Administrative Judges

On the recommendation of the Chief Judge, the Lieutenant Governor in Council [designates Regional Administrative Judges](#) for each of the Court's judicial regions. In 2021/22 the following judges continued to serve in that capacity:

- the Honourable Carmen Rogers (Vancouver Island)
- the Honourable John Milne (Vancouver)
- the Honourable Robert Hamilton (Fraser)
- the Honourable Marguerite Shaw (Interior)
- the Honourable Victor Galbraith (Northern)

The Court's website contains a [map](#) showing the five judicial regions.

In this report we feature photographs of the Court's five regions, many of them taken by judicial officers and staff where they live and work. We hope you enjoy them!

Vancouver Region

Region: extends from Richmond through Vancouver, Burnaby, North and West Vancouver, Squamish, Whistler, Pemberton, and Sechelt

Full- and part-time senior judges: 34

Courts include:

5 staffed court locations including Vancouver's Main Street (criminal cases) and Robson Square Courthouses (family and civil law cases), as well as suburban courts in Richmond and North Vancouver, and the Sechelt court

A circuit court in Pemberton

Specialized courts:

- Drug Treatment Court of Vancouver
- Downtown Community Court in Vancouver's Downtown Eastside
- an Indigenous sentencing court in North Vancouver



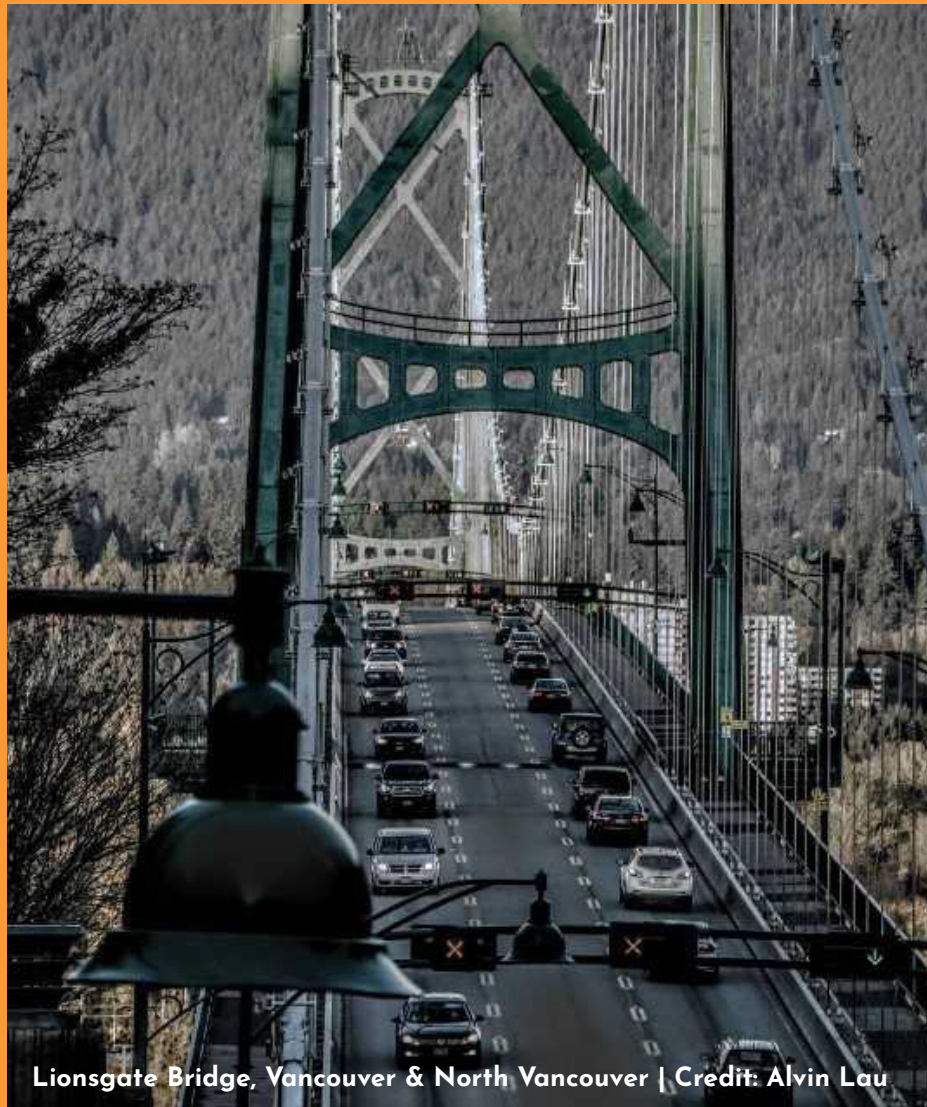
Squamish
Credit: Judge R. Hamilton

"BC Provincial Court Judges have one of the widest jurisdictions in Canada - they sit in all divisions of the court hearing criminal, youth, civil, family, small claims, and child protection cases. Each community has different judicial needs and challenges reflecting the diverse and rapidly growing population of the region.

When not presiding in court, judges write reserved decisions, keep current by reading the law, consider complex applications for warrants, and volunteer their time to many legal education groups. I am proud of the way our judges maintain a high level of competency and sensitivity to our communities' needs."

Regional Administrative Judge John Milne

Vancouver Region



Lionsgate Bridge, Vancouver & North Vancouver | Credit: Alvin Lau



Vancouver waterfront
Credit: Alvin Lau



Kitsilano pool, Vancouver
Credit: Josh Ford

■ Provincial Court Judges

The Lieutenant Governor in Council [appoints](#) Provincial Court judges on the recommendation of the [Judicial Council of BC](#). The Judicial Council's [annual reports](#) provide details of the appointment process, applicants' demographics, and analysis of application trends, while this report includes [details of judicial appointments and demographics](#).

When appointed, each judge is assigned chambers (an office) in a courthouse, though many judges are required to travel regularly to other court locations.

Most Provincial Court judges work full-time. However, judges aged 55 or older with at least ten years of service may choose to hold office as a part-time "senior judge".

Judges conduct trials and other proceedings in criminal, youth, family, and civil matters. They also perform judicial mediation in family and civil settlement conferences. When not presiding in court they research and write reserved decisions, keep current by reading the law, and consider complex applications for warrants. They also volunteer their time for court committees, speaking engagements, and other activities contributing to the justice system.

See [Judges by Region](#) for a current list of judges.

■ Administrative Judicial Justices ■ Justice of the Peace Adjudicators

Administrative Judicial Justice Gerry Hayes is responsible for criminal matters at the Justice Centre while Administrative Judicial Justice Lori Plater is responsible for the Traffic Division, which includes hearings of traffic, by-law, cannabis, Covid measures, and other tickets, as well as small claims payment hearings.

■ Judicial Justices

[Judicial justices](#) are judicial officers who exercise authority under various provincial and federal laws. They are assigned a variety of duties by the Chief Judge, including conducting bail hearings, considering search warrant applications at the Justice Centre, and presiding in traffic and bylaw courts and small claims payment hearings.

Find a current [list](#) of judicial justices on the Court's website.

Justice of the peace adjudicators are senior lawyers appointed on a part-time (per diem) basis under the [Provincial Court Act](#). They hear civil cases having a monetary value from \$5,001 to \$10,000 in the Robson Square and Richmond courthouses. The Court's justice of the peace adjudicators are listed on the Court's [website](#).



Surrey Provincial Court
Credit: Cliff MacArthur

Judicial Case Managers

Judicial case managers (JCMs) are justices of the peace who exercise judicial discretion and authority within their assigned duties. As of March 31, 2022, there were 38 full-time and 10 part-time JCMs, as well as six auxiliary JCMs.

JCMs continued to work both remotely and in court-houses, managing the flow of Provincial Court appearances in rapidly changing circumstances. When some court operations were suspended in January 2022, they skilfully re-scheduled matters to minimize delays.

JCMs also continued to preside virtually in Initial Appearance Courts, meeting the challenges of “hybrid” proceedings in which the JCM, Crown and defense lawyers appeared remotely while some self-represented persons appeared in person. In BC’s seven busiest courthouses, they also presided in Assignment Courts.

In addition, JCMs continued to be an important source of information for litigants, lawyers, sheriffs, and court staff. In 2021/22 they played a crucial role in informing stakeholders about operational changes due to weather extremes and the pandemic.



Robson Square Provincial Court

Credit: Rebecca Jensen

Education

Using technology developed to conduct court proceedings remotely, the Court was able to present engaging virtual education programs for its judicial officers and staff.

Judges' Education

2021/22 was [Judge Rita Bowry's](#) last year as chair of the Judges' Education Committee, the group of judges who volunteer to organize five days of programs attended annually by all judges. The Court is grateful for the legacy of excellence she leaves after eight years in that position.

The Spring Conference focussed on practical challenges judges may face in the courtroom. Topics included trauma-informed practices, the neurobiological and psychological effects of trauma, unconscious racial bias, and amendments to family court rules. As keynote speaker, the Rt. Honourable Beverley McLachlin offered insights into challenges for judges during the pandemic.

The Fall Conference dealt with aspects of violence and trauma. After a powerful presentation by a sexual abuse survivor, there were sessions on the impact of stress on the developing brain, violence in the context of family law matters, intergenerational trauma in Indigenous communities, violence resistance, and the power of language.

The Court developed additional virtual education programs for judges, including

- the Sexual Offence Trials Workshop, August 2021 - an intensive three-day seminar for newly appointed Provincial Court judges from BC, Alberta, and Manitoba
- the Criminal Law Bootcamp, April 2021 - a two-day workshop for newly appointed judges on topics including bail, criminal trials, and sentencing, including the application of *R. v. Gladue*
- two Family Law Bootcamps, April and November 2021 - two-and-a-half-day workshops for newly appointed judges covering broad concepts in family law
- three Judgment Writing Workshops, April, August, and November 2021 - two-day workshops on strategies to improve judgment writing
- virtual "Lunch and Learn" webinars and one-on-one training for all judges in using Microsoft Teams, the digital workspace, and digital orders
- training for newly appointed judges on the technology judges use, including Microsoft Teams, the Provincial Court Scheduling System, and the digital workspace.

In addition, judges attended online education programs and used the educational resources offered by the [National Judicial Institute](#) and other organizations.

Newly appointed judges continued to shadow colleagues during a two-to-three week orientation period, and sometimes observed court proceedings remotely. Each new judge was paired with a more senior judge for mentoring for at least the first year after their appointment.



Judicial Justices' Education

Education for the Court's judicial justices is also multi-faceted. This year it included two virtual education conferences, self-directed attendance at other webinars and online courses, and training for newly appointed judicial justices.

Topics at the judicial justices' Spring Conference included risk assessment of aggressive individuals, s.133 of the *Offence Act* and *R. v. Bisette*, the law on electronic devices, and using plain language in reasons. Fall Conference topics included sealing orders and privacy issues, and cultural awareness and sensitivity. Judicial justices were moved by a residential school survivor's account of their journey to success.

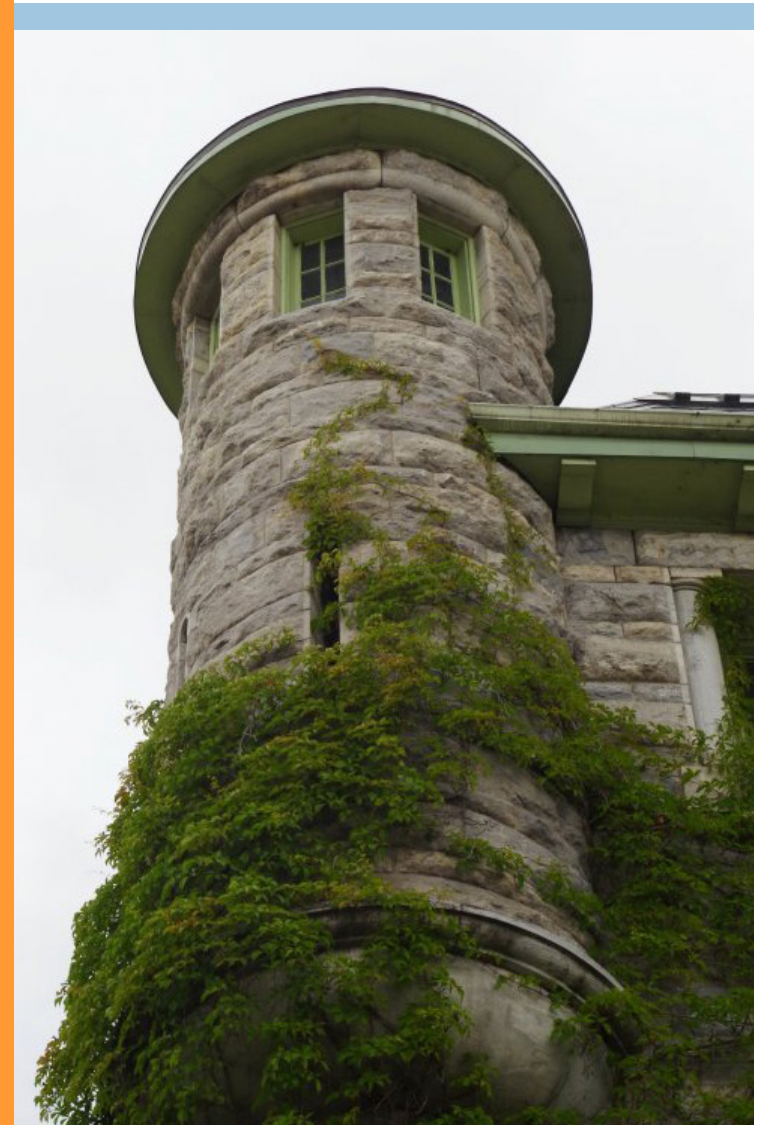
Judicial justices also participated in online webinars and courses, including technical training on the use of Microsoft Teams for virtual hearings and on the Provincial Court Scheduling System. They also continued to conduct independent legal research on changes in the law and current issues and shared their findings with colleagues.

Newly appointed judicial justices come from varied legal backgrounds with different educational needs. The Court provides online resources and assigns mentors for them to shadow during an orientation period.

Staff Education

The Court's employees include judicial administrative assistants (JAAs), judicial case managers (JCMs), and staff at the Office of the Chief Judge. Their annual training included:

- a two-day education conference annually for JCMs
- a two-day education conference biennially for JAAs
- an inaugural Indigenous Reconciliation Training program
- quarterly MS Teams conference calls and "lunch-and-learn" webinars for JAAs on procedure and technology updates
- review of the Standards of Conduct and Oath of Employment
- diversity and inclusion essentials
- information management: access, security, privacy, and records management
- fraud awareness and prevention
- additional Public Service Agency training to enhance and update skills



Nelson Law Courts
Credit: John Deacon, KC

Community Engagement

BC Provincial Court judges continued to engage actively with the legal and broader communities in 2021/22. In addition to their court sitting duties, they delivered presentations and participated as volunteers in a wide variety of programs and activities, either in-person or remotely.

They delivered hundreds of virtual speaking engagements, including:

- to secondary school classes around BC
- at Justice Education Society programs for students
- to students in criminology, psychology, resources management, and other courses at BCIT, colleges, and universities
- to classes and organizations at BC's three law schools
- to victims' and community groups
- to paralegals and legal assistants
- to Elder College classes
- at law enforcement training programs
- at education programs for Access to Justice BC (A2JBC), the Canadian Bar Association and its sub-sections, Continuing Legal Education Society, Courthouse Libraries BC, Trial Lawyers Association, Canadian Institute for the Administration of Justice, Law Foundation of BC, Legal Aid, Duty Counsel, Crown Prosecution Service, Women Lawyers Forum, legal clinics, local Bar Associations, Federation of Asian Canadian Lawyers, South Asian Bar Association
- at education programs for the Court's Indigenous Elders, interns, and judicial justices
- at BC Provincial Court "Lunch and Learn" webinars, boot camps, and education programs
- at education conferences for provincially and federally appointed judges and members of administrative tribunals in BC and in other provinces

Provincial Court judges sat on boards including those of:

- Access Pro Bono BC
- the Justice Education Society of BC
- the Law Foundation of BC
- Mediate BC
- the Restorative Justice Association of BC
- the Terrace Library
- the South Peace Arts Society

Their volunteer activities within the justice system also included:

- teaching law school courses
- coaching and acting as judges in law school mock trials and moot courts
- mentoring the Court's Law Interns
- chairing Court Users', Inns of Court, and other committees
- serving on editorial boards of legal publications like the BC Family Practice Manual
- conducting swearing-in ceremonies for judicial officers, municipal and other councils, and police recruits
- chairing and serving on the Court's committees and working groups
- serving on provincial and national judges associations' boards and committees
- serving as partner judges to immigrating Afghan women judges through the International Association of Women Judges



Office of the Chief Judge and Governance

The Court's administrative headquarters, called "the Office of the Chief Judge" (OCJ), are located at the Robson Square courthouse in downtown Vancouver.

Governance

The Chief Judge is responsible for the administration of the Court. The OCJ's primary function is to support the Chief Judge in the assignment of judges and cases, as well as to support judicial officers in the exercise of their duties. Under the direction of the Chief Judge, the OCJ is also responsible for engaging with individuals and organizations, including government agencies and media, wishing to communicate with the Court.

The Court's [Associate Chief Judges](#), [Regional Administrative Judges](#), [Administrative Judicial Justices](#), and Executive Director of Operations assist the Chief Judge with the Court's administrative work as members of one or more of four administrative committees: the Governance, Judicial Administration, Judicial Justice Administration, and Executive Operations Committees.

Find more information on the Court's governance, committees, and the functions of the OCJ at [Governance](#) on the Court's website.

Law Committees

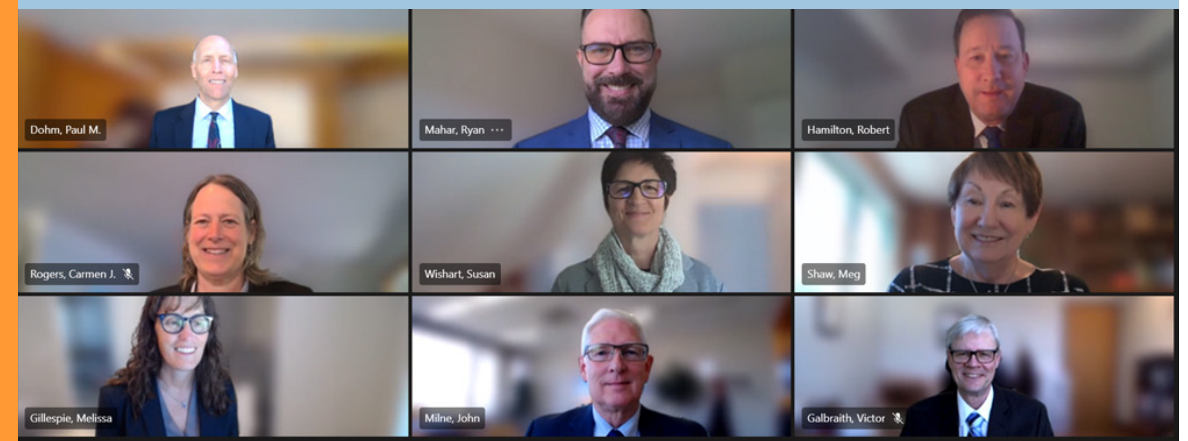
Judges volunteer to serve on three committees that advise the Chief Judge on issues related to areas of law affecting the Court's work. In 2021/22 these committees continued to advise on procedures to protect court participants from COVID-19, in addition to their usual work.

The Criminal Law Committee prepared and presented a three-day workshop on conducting sexual offences trials for judges from the British Columbia, Alberta,

and Manitoba Provincial Courts. Its members also took part in a committee examining public access to remote proceedings, reviewed *Mental Health Act* warrant procedures and the Court's [Criminal Picklists](#), and advised on procedural reforms in Bill S-4.

The Family Law Committee prepared and presented two Family Law Boot Camps for recently appointed judges. It also updated the standard wording of orders in the [Family Picklists](#) to reflect new Provincial Court Family Rules. Committee members participated in webinar and video projects and made many presentations on the new Rules to judges, lawyers, and people supporting self-represented litigants.

Members of the Civil Law Committee also participated in webinar and video projects to support self-represented litigants in small claims matters. They continued to take part in a working group to modernize the Small Claims Rules. That work resulted in amendments to the Rules - B.C. Reg. 191/2021 (OIC 443/2021) - and further amendments are expected in 2022.



Judicial Administration Committee members 2021/22

Specialized Courts

The Provincial Court operates a variety of specialized courts, including:

- eight Indigenous sentencing courts
- an Aboriginal Family Healing Court
- a Community Court (Downtown Vancouver)
- two integrated sentencing courts (Victoria Integrated Court, and Kelowna Integrated Court)
- Drug Treatment Court of Vancouver
- local courts dealing with domestic violence

The Kelowna Integrated Court opened in May, 2021. Integrated with existing services in the community, this sentencing Court sits for a half day every week. It provides clients with encouragement, accountability, and supervision of sentences that are often innovative and client-centred but realistic. In its first year the Court's support people, supervisors, health professionals, police, lawyers, and judges have formed a committed, cohesive, and innovative team.

The Hazelton Indigenous Court had its first formal sitting in New Hazelton on August 3, 2021 and began sitting once every four weeks. First Nations, government, and Court representatives took part in a traditional tying ceremony on March 3, 2022. A cedar bark cord was looped around participants'

wrists to symbolize their commitment to reconciliation through the Indigenous Court.

Artwork created for the Court by Elders was unveiled at the ceremony. Elder Art Wilson created a beautiful mural containing depictions of traditional First Nations clans with the scales of justice representing common law court traditions.

Elder Beatrice Robocz hand-made embroidered vests for each of the Court Elders to wear in court.

Another milestone this year was the Drug Treatment Court of Vancouver's 20th anniversary in October 2021. Launched in 2001, it was the second drug treatment court to open in Canada. Since then, hundreds of participants have successfully completed the four-phase treatment program and benefitted from related employment programs.

For more information, see [Specialized and Indigenous courts](#) on our website.

"An open justice system is a cornerstone of democracy. Our courtrooms are open to the public, except in rare circumstances.

We invite you to come watch us work."

Chief Judge Melissa Gillespie

Hazelton Indigenous Court



Elder Beatrice Robocz hand-made embroidered vests for each of the Court Elders to wear in court.
Photo Credit: Judge W. Bernt



Elder Art Wilson created this mural containing depictions of traditional First Nations clans and the scales of justice to represent common law court traditions. | Photo Credit: Judge W. Bernt

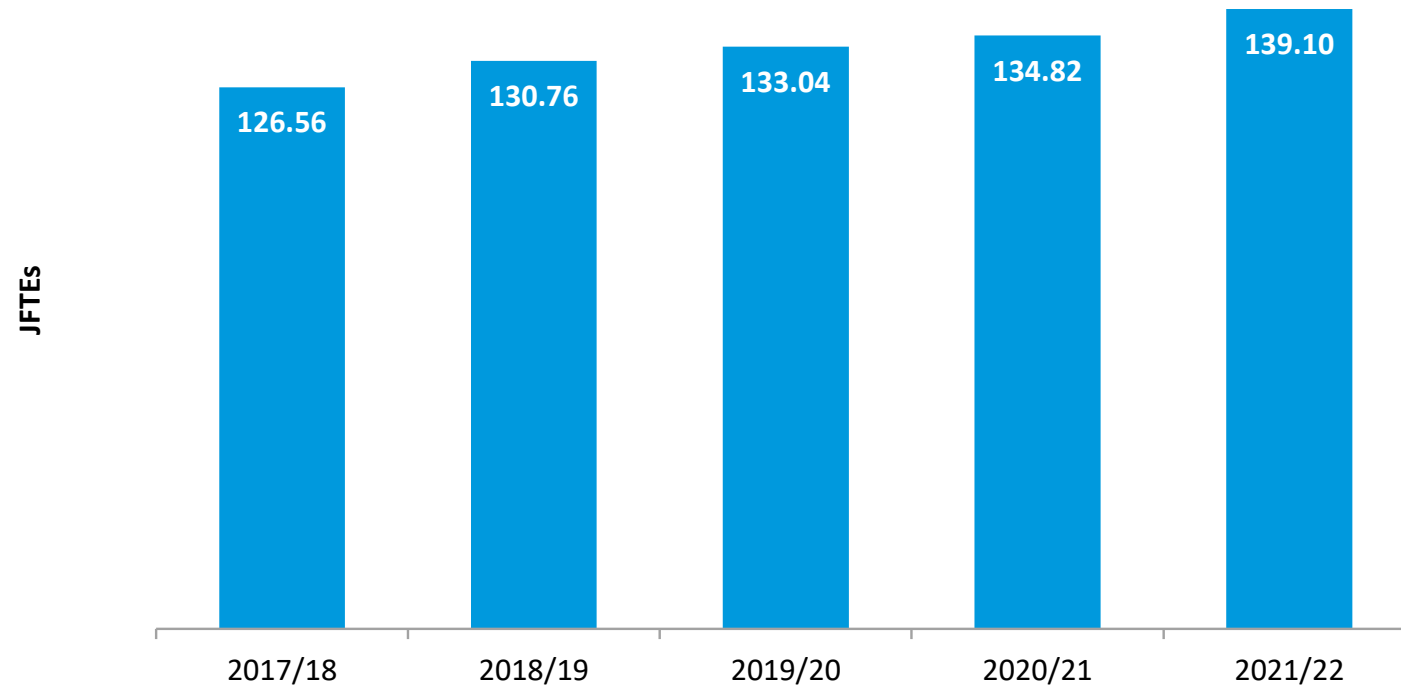
Judicial Complement

Judicial complement refers to the number of judicial full-time equivalents (JFTEs¹) available to the Provincial Court. This is distinct from the number of judges, as some work part-time. As of March 31, 2022, there were 131 full-time judges (FT), 23 senior judges, and one judge sitting part-time in the Provincial Court. This equates to a complement of 141.68² on that date.

Changes to the Provincial Court’s complement are reported every month in a [Judicial Complement Report](#) on the Court’s website. These reports represent a snapshot in time, which can be influenced by the timing of appointments or retirements. Average daily complement, calculated over the course of a year, is less likely to be influenced in this way and can therefore provide a more accurate gauge of complement over time.

The average daily complement for 2021/22 was 139.1. This is the largest average complement seen during the last five years, reflecting in part an increase in complement following construction of new court-rooms in Surrey and Fort St. John in 2019 and Abbotsford in 2021.

Figure 1 Average Judicial Complement, 2017/18 - 2021/22



1. JFTE is calculated based on the number and status of Provincial Court judges. Full-time judges are counted as 1; senior judges are counted as 0.45; and any part-time judges are counted according to their sitting time as a proportion of a full-time judge. Complement numbers do not include judges on long term disability.

2. One of the judges who left the Court in 2021 was on LTD. Judges on LTD are not included in judicial complement calculations.

During the 2021/22 fiscal year:

- 13 judges were appointed;
- 8 judges retired;
- 2 judges died; and
- 5 judges elected to participate in the Senior Judges' Program.³

Figure 2 Judges Appointed in 2021/22

Judge	Judicial Region	Date
Judge Nadon	Northern	06-Apr-21
Judge Harris	Fraser	12-Apr-21
Judge Stanford	Northern	12-Apr-21
Judge Bennett	Interior	07-Jun-21
Judge Mah	Vancouver	15-Jul-21
Judge Dunn	Fraser	27-Jul-21
Judge Archer	Vancouver Island	27-Jul-21
Judge Mulder	Northern	31-Jan-22
Judge Munro	Vancouver Island	31-Jan-22
Judge Purewal	Northern	31-Jan-22
Judge Peacock	Fraser	07-Mar-22
Judge Sangha	OCJ	07-Mar-22
Judge Hughes	Fraser	14-Mar-22

3. This program allows judges 55 years or older with at least 10 years' service to continue sitting on a part time basis.

A number of judges left the Provincial Court or elected to participate in the Senior Judges' Program during the past fiscal year.

Figure 3 List of Judges who retired, died, or elected to sit part-time as of March 31, 2022

Judge	Judicial Region	Date	Reason ⁴
Judge Daley	Northern	01-May-21	Senior Election
Judge Seagram	Interior	31-May-21	Retirement
Judge Gulbransen	Fraser	30-Jun-21	Deceased
Judge Cartwright	OCJ	21-Jul-21	Senior Retirement
Judge Gove	OCJ	21-Jul-21	Senior Retirement
Judge Miller	OCJ	21-Jul-21	Senior Retirement
Judge Skilnick	Fraser	31-Jul-21	Senior Election
Judge Chaperon	Vancouver Island	03-Dec-21	Senior Retirement
Judge Harrison	Interior	31-Dec-21	Senior Retirement
Judge McMillan	Vancouver	23-Jan-22	Deceased
Judge Hoy	Fraser	31-Jan-22	Senior Retirement
Judge Steinberg	Fraser	01-Feb-22	Senior Election
Judge McCarthy	Vancouver Island	01-Mar-22	Senior Election
Judge Brecknell	Northern	31-Mar-22	Senior Election
Judge Giardini	Vancouver	01-Apr-22	Senior Retirement

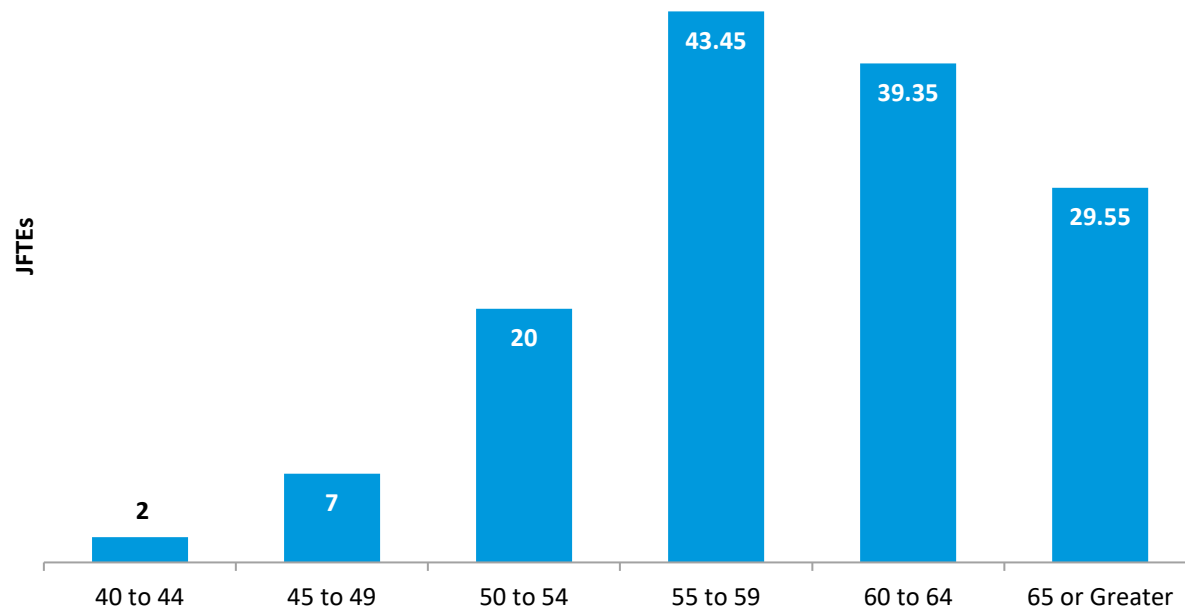
4. The last sitting day of a retiring judge is recorded as a retirement.

Demographics of Judges

Age

As of March 31, 2022, most Provincial Court judges were between the ages of 50 and 64, with an overall average age of 61 years and median age of 60 years - similar to the previous year. Figure 4 shows the JFTE⁵ by age category.

Figure 4 JFTE by Age Category



5. JFTE can decline with age as more judges choose to participate in the Senior Judge Program (a senior judge is counted as 0.45 of a JFTE).

Gender

Of the 54 judges appointed during the past five fiscal years, more than half (29) have been women.

Figure 5 Judges by Gender and Year of Appointment

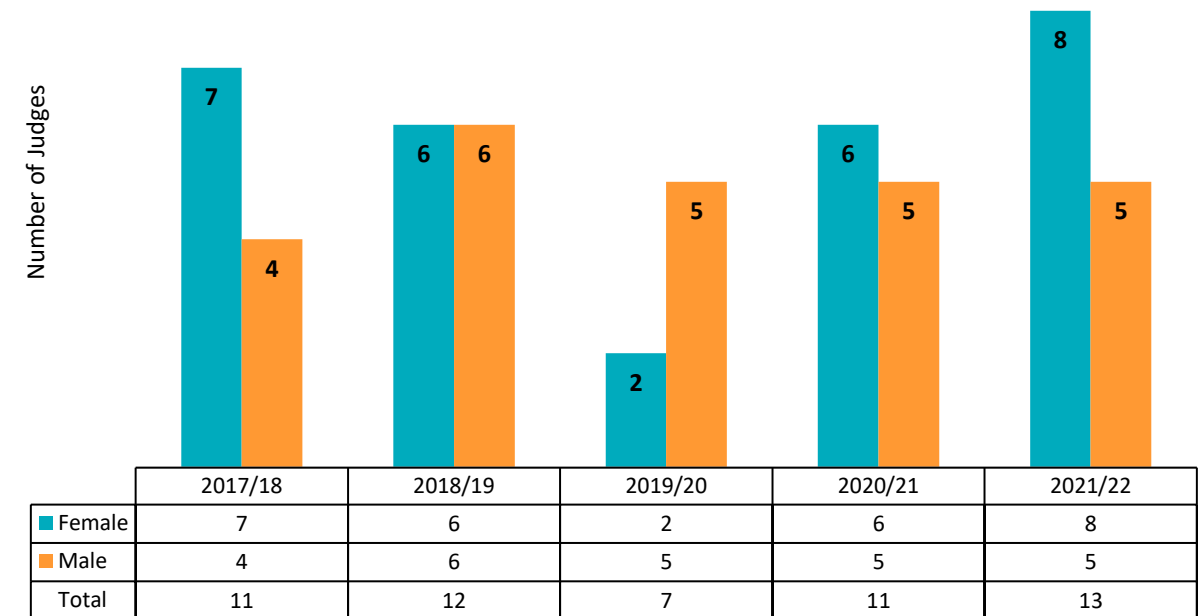


Figure 6 Percentage of Judges by Gender and Status⁶

Gender	Full-Time		Senior		JFTE	
	#	%	#	%	#	%
Female	69	52.7%	6	26.1%	72.03	50.8%
Male	62	47.3%	17	73.9%	69.65	49.2%

As of March 31, 2022, 52.7% of full-time judges were female.

A greater proportion of active male judges currently sit as seniors (22% vs. 8% of active female judges). The average female Provincial Court judge is 59.8 years of age, whereas the average male judge is 61.6.⁷

The cultural and ethnic backgrounds volunteered by applicants for judicial appointment are outlined in the [annual reports](#) of the Judicial Council of BC.

6. The number of judges is as at March 31, 2022. The (female) part-time judge is not included in this table.

7. Age is measured as at March 31, 2022.

8. This does not include 3 judicial justices on LTD.

Demographics of Judicial Justices

Figure 7 outlines the complement of judicial justices (JJs) as of March 31, 2022, including five full-time and 28 who work in a part-time (ad hoc or per diem) capacity. Of the total complement of 33⁸, there are 16 male and 17 female judicial justices.

Figure 7 Gender Distribution of Judicial Justices, 2021/22

Gender	Full-Time		Part-Time	
	#	%	#	%
Female	1	20.0%	16	57.1%
Male	4	80.0%	12	42.9%

Figure 8 Judicial Justices Appointed in 2021/22

Judicial Justice	Date
Judicial Justice Wall	02-Jul-21
Judicial Justice McCall	02-Jul-21

Fraser Region

Region: stretches from Ladner/Tsawwassen on the southwest to Boston Bar at the northeast

Full- and part-time senior judges: 44

Courts include:

5 courthouses including Surrey (which deals with Surrey, Delta, White Rock, and Langley cases), Abbotsford, Chilliwack, New Westminster and Port Coquitlam

A virtual bail court

3 Specialized courts:

- the New Westminster First Nations Court
- Aboriginal Family Healing Court Conferences in New Westminster
- the Domestic Violence Remand Court in Surrey



Fraser River, Sumas Mountain
Credit Judge D. Silverman

“The population of the Fraser Region continues to grow rapidly and is diverse demographically, ethnically, and culturally. To respond to the community’s needs and growing caseloads, the Surrey courthouse has been enlarged and a new courthouse was opened in Abbotsford in 2021.

The use of technology and larger physical space in Abbotsford and Surrey has improved access to justice and how services are provided to the communities, for example, with virtual bail court.”

Regional Administrative Judge Robert Hamilton

Fraser Region



Hell's Gate
Credit: Josh Ford



Delta
Credit: Alvin Lau



Delta
Credit: Alvin Lau

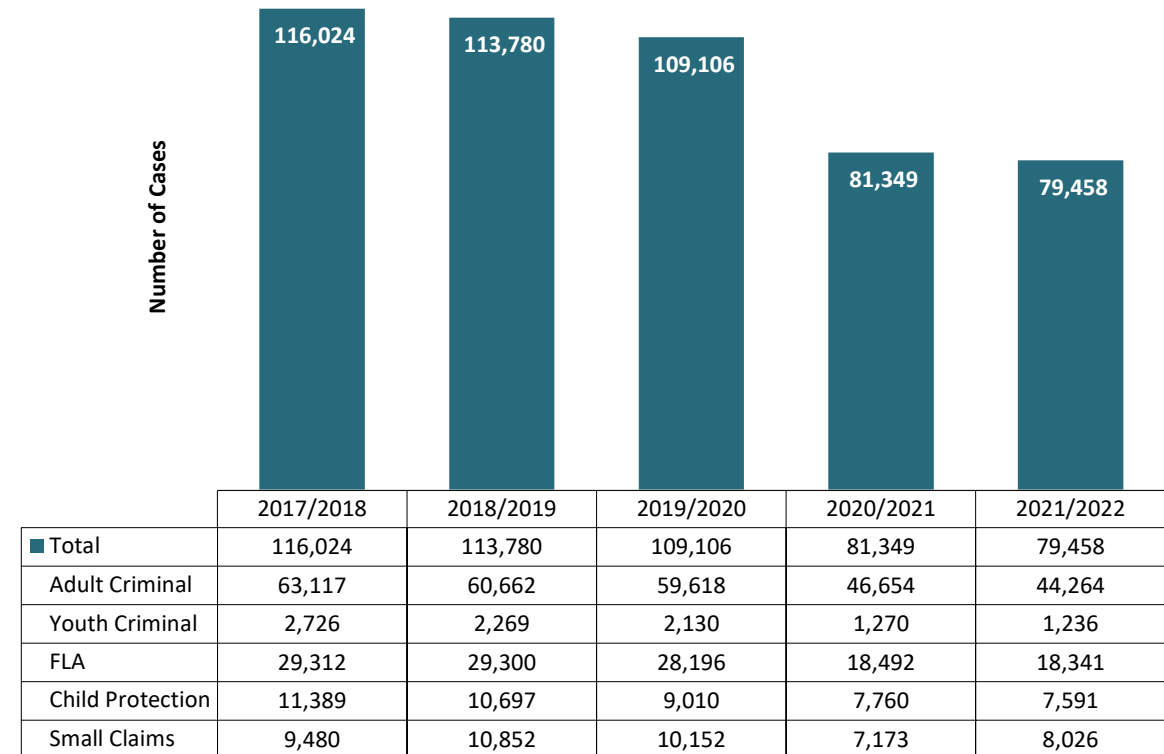
The Court's Caseload

New Cases by Division

Excluding traffic and bylaw matters usually dealt with by judicial justices, there were 79,458 cases initiated in the Provincial Court of British Columbia in 2021/22.⁹ This represents a decrease of 2% from 2020/21. Figure 9 shows Provincial Court Caseloads over the last five years.¹⁰

Caseload volumes have declined in all divisions except small claims between 2017/18 and 2021/22. Small claims have increased over the past year. All other divisions are at the lowest point over the past five years. However, all 2021/22 results should be interpreted with caution due to the impact of the COVID-19 pandemic.

Figure 9 New Cases by Division 2017/18 - 2021/22



Excluding traffic and bylaw matters, over the past five years, criminal cases have made up over half of the Court's new caseload volume, family cases have made up a third, and small claims cases about a tenth.

9. New case counts include all cases typically overseen by a judge. Therefore, family subsequent applications are included, and traffic and bylaw cases are excluded.

10. Data are preliminary and subject to change - small fluctuations in the reported totals and percentages for new cases are expected due to continuing improvements in data quality.

■ New Cases by Division

■ Criminal

The number of adult criminal cases is at its lowest level in the past five years and is fairly consistent with levels seen last year. Youth criminal cases have decreased every year over the past five. As a result, the 2021/22 youth criminal caseload is 55% lower than in 2017/18. However, the 2021/22 results should be interpreted with caution due to the impact of the COVID-19 pandemic.

■ Family

The majority of family cases in the Provincial Court are governed by the [Family Law Act \(FLA\)](#) or the [Child, Family and Community Service Act \(CFCSA\)](#). In 2021/22 the caseload for both CFCSA and FLA decreased, reaching a five-year low that is slightly less than in 2020/21. Compared to 2017/18, the number of CFCSA cases has decreased by 33%, and the number of FLA cases has decreased by 37%.

The bulk of new cases (80%) in the family division comes from subsequent applications in existing files.¹¹ The percentage of new cases from subsequent applications has been slightly higher in CFCSA cases than FLA (87% vs. 77%) over the past five years.

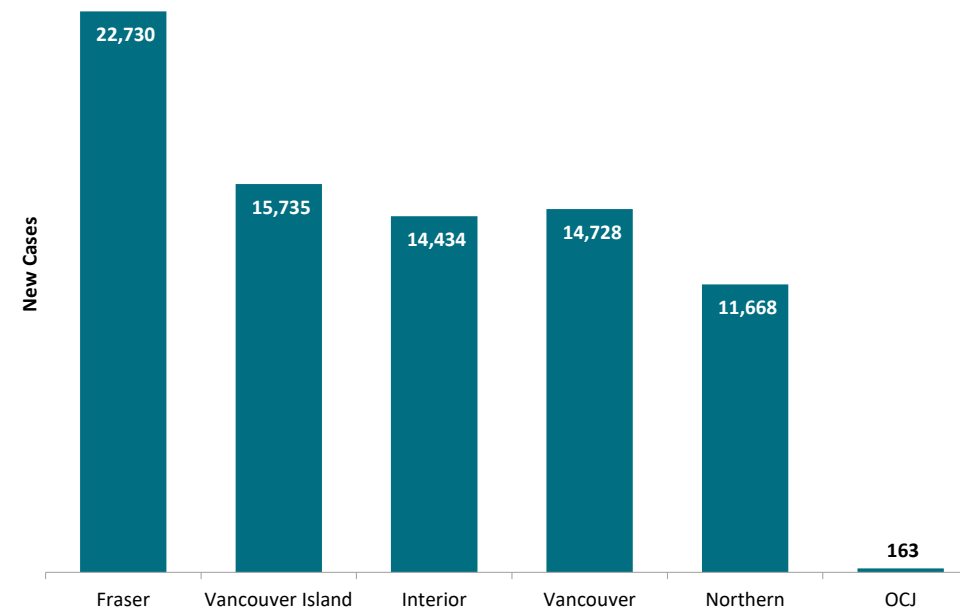
■ Small Claims

New small claims cases have decreased 15% since 2017/18, when the Civil Resolution Tribunal was given jurisdiction over small claims cases up to \$5,000. New small claims cases, however, have increased by 12% since the last year (2020/21) when new filings were suspended for three months due to the pandemic.

■ New Cases by Region

The Fraser region continued to have the highest new caseload in 2021/22, while the small remote locations administered directly by the Office of the Chief Judge (OCJ) had the lowest.

Figure 10 New Cases by Region



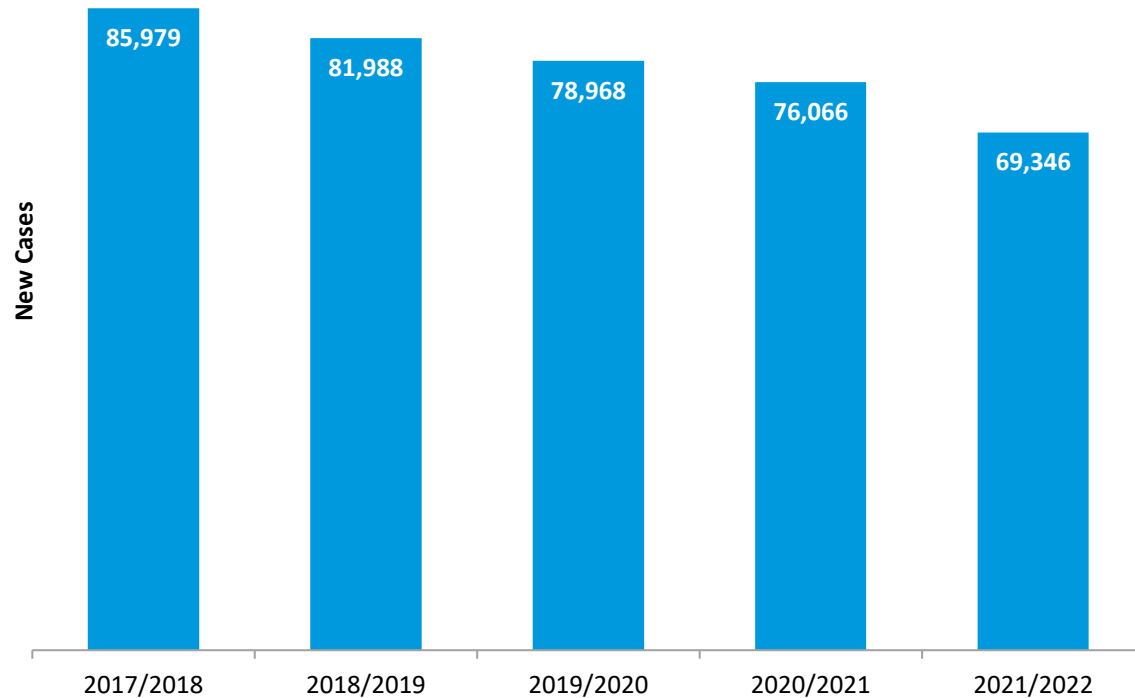
The distribution of new cases filed by region has been relatively stable over the past five fiscal years - varying by 1-2% at most. However, the 2021/22 numbers should be interpreted with caution due to impact of the COVID-19 pandemic.

11. Subsequent applications are additional motions or applications filed in a case after the initial application is filed. Applications to change or enforce an order are a common example of FLA subsequent applications. Under the CFCSA, subsequent applications are required to determine custody of a child who is not returned to a parent.

■ Traffic and Bylaw Cases

In addition to the criminal, family, and small claims cases typically dealt with by judges, the Provincial Court also handles traffic and bylaw cases (typically adjudicated by judicial justices). In 2021/22, there were 69,346 new traffic and bylaw cases, down 9% from last year.

Figure 11 New Traffic and Bylaw Cases 2017/18 - 2021/22



■ The Justice Centre

The Provincial Court operates a [Justice Centre](#) in Burnaby to provide access to judicial justices from anywhere in British Columbia.

Using telephone and sophisticated video conferencing methods, judicial justices at the Centre conduct bail hearings from 8:00 a.m. to 11:00 p.m. daily, including weekends. They also consider applications for search warrants and production orders 24 hours a day, seven-days-a-week.

23 judicial justices work through the Justice Centre, either on site or remotely. In 2021/22 they considered 18,711 applications for search warrants and production orders and conducted 18,068 bail hearings.

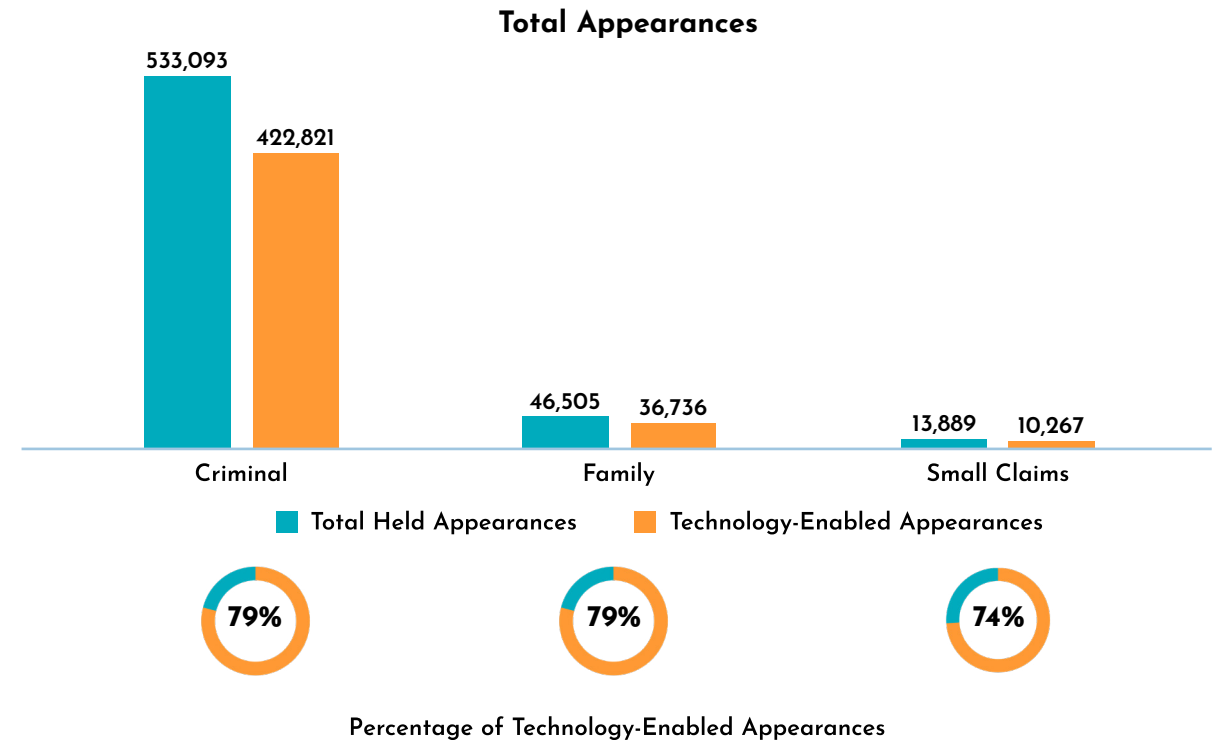
Remote Appearances

Remote or “technology enabled” appearances are court appearances in which one or more of the participants appears remotely by audio- or video-conferencing or telephone. In 2020, the Court moved swiftly to expand the number and types of technology-enabled court appearances when COVID limited the number of people that could safely attend court in person.

In 2021/22 approximately 79% of all court appearances, excluding traffic and bylaw, were technology-enabled. Although participants were not prohibited from attending in person, the Court strongly encouraged them to appear remotely for a variety of appearances when evidence would not be presented.

The Court has continued technology-enabled appearances in areas where they have proven effective and convenient for litigants and lawyers. For example, as of March 31, 2022, 100% of all small claims settlement conferences, family case conferences, and family management conferences, as well as the majority of criminal sentencing hearings, are being held virtually.

Figure 12 Percentage of Technology-Enabled Appearances



Vancouver Island Region

Region: includes all of Vancouver Island ranging from Victoria in the south, Tofino to the west, Nanaimo to the east, and Port Hardy to the north as well as Salt Spring Island and Powell River

Full- and part-time senior judges: 23

Courts include:

9 staffed court locations and **5** unstaffed locations where “circuit court” is held as required to improve access to justice

4 Specialized courts:

- Domestic Violence Courts in Nanaimo and Duncan
- First Nations Court in Duncan
- Victoria Integrated Court dealing with people with mental health and addiction challenges



Victoria Inner Harbour
Credit: Administrative Judicial Justice G. Hayes

“Judges drive, fly, and/or take a ferry to get to some of our court locations. The courthouses we work in are varied. Many are purpose-built. For example, the Nanaimo courthouse was built between 1895 and 1896 to replace an earlier wooden courthouse. But others have court-rooms constructed in leased space convenient to court users.

In Port Hardy, for example, the Provincial Court sits every second week in a former shopping mall, and in Ucluelet it sits in the Community Centre.

All our courts continued to operate throughout the COVID pandemic, although sometimes in alternate spaces to allow more distancing, or by video or telephone to safeguard participants’ health.”

Regional Administrative Judge Carmen Rogers

Vancouver Island Region

Victoria | Credit: Alvin Lau



British Columbia Parliament Buildings
Credit: Alvin Lau

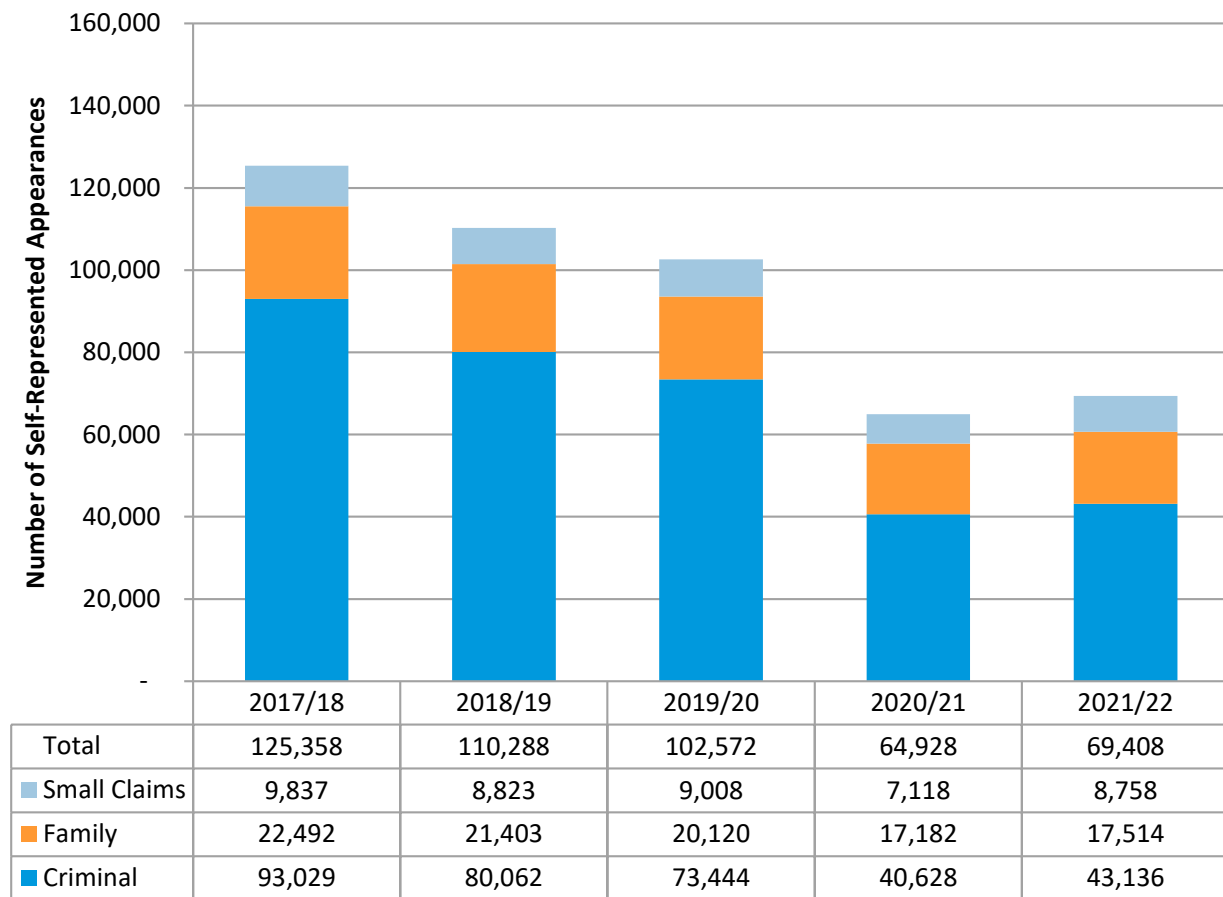


Oak Bay, Victoria
Credit: Judge Ann Rounthwaite (retired)

Self-Represented Litigants

The Court oversaw a total of 69,408 self-represented appearances in 2021/22,¹² representing a 7% increase compared to last year. Figure 13 shows the number of self-represented appearances by division over the past five fiscal years.¹³

Figure 13 Number of Self-Represented Appearances by Division, 2017/18 - 2021/22

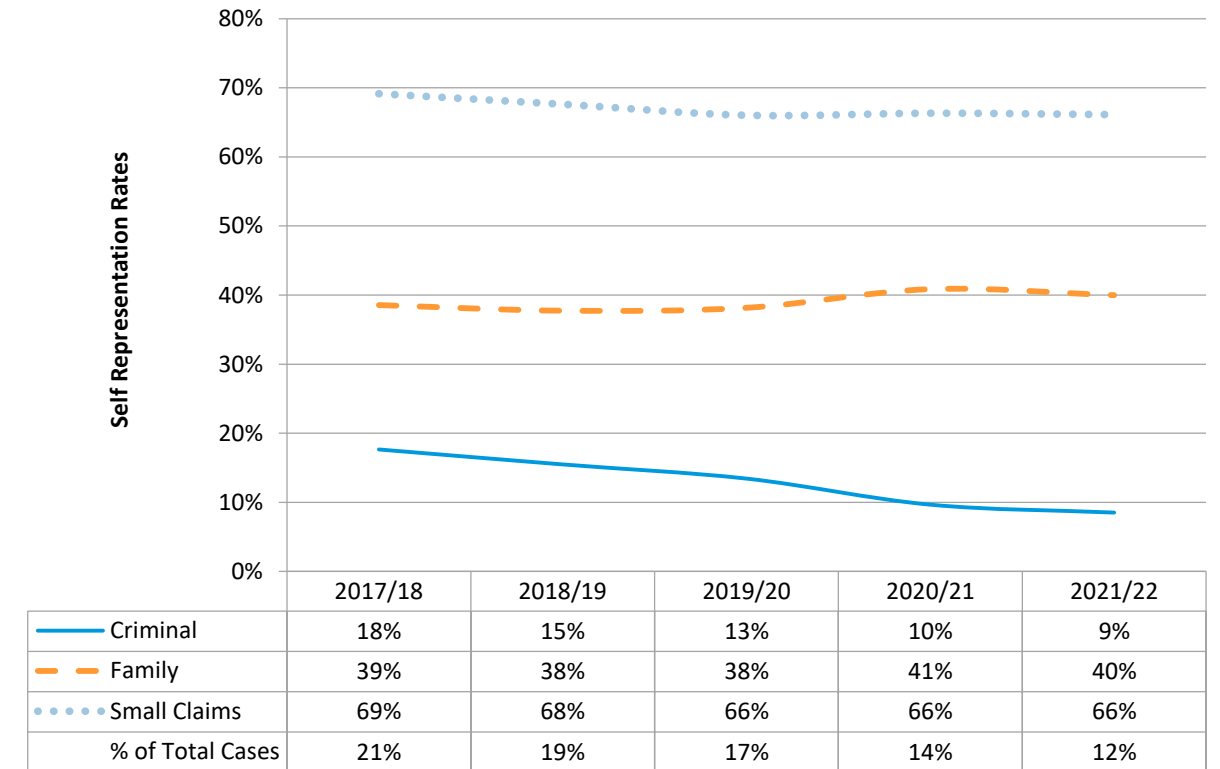


12. A self-represented appearance is when the accused is recorded as appearing in court with no counsel or agent present. Data Source: Criminal BI Database. Data are preliminary and subject to change. This analysis counts only appearances that took place, excluding cases that have been adjourned or cancelled before the appearance or that do not have any appearance duration recorded.

13. Data are preliminary and subject to change - small fluctuations in the reported totals and percentages for new cases are expected due to continuing improvements in data quality.

While the number of self-represented appearances is highest in the criminal division, the rate of self-representation is lowest. Figure 14 shows the self-representation rate for each division over time. The overall rate of self-representation continues to decline. However, the 2021/22 numbers should be interpreted with caution due to the impact of the COVID-19 pandemic on the number of appearances this year.

Figure 14 Rate of Self-Represented Appearances by Division, 2017/18 - 2021/22



Interior Region

Region: stretches from Princeton to the Alberta border and from Golden to the American border

Full- and part-time senior judges: 25

Courts include:

- 21 court locations including 12 circuit courts and one satellite court
- two virtual bail courts where all the participants appear virtually
- two Indigenous courts (Kamloops and Nicola Valley)
- one integrated court (Kelowna)



Sunset at Big White Mountain
Credit: Judge L. Wyatt

“During 2021/22, not just the pandemic but weather interrupted access to some court locations. Courts sometimes relocated to alternate sites to provide physical distancing during the pandemic, and again when Princeton and Merritt were evacuated due to flooding.

In addition, necessary renovations and upgrades were done to several courthouses, including some of our beautiful historic buildings. Those projects will provide improved, safer environments for court users and those working in the buildings, but it meant that court staff and users had to work in construction zones for long periods.

The Court appreciates the stamina, resourcefulness, and determination of the public, justice system participants, and court staff whose cooperation allowed it to continue operating during these challenges.”

Regional Administrative Judge Marguerite Shaw

Interior Region



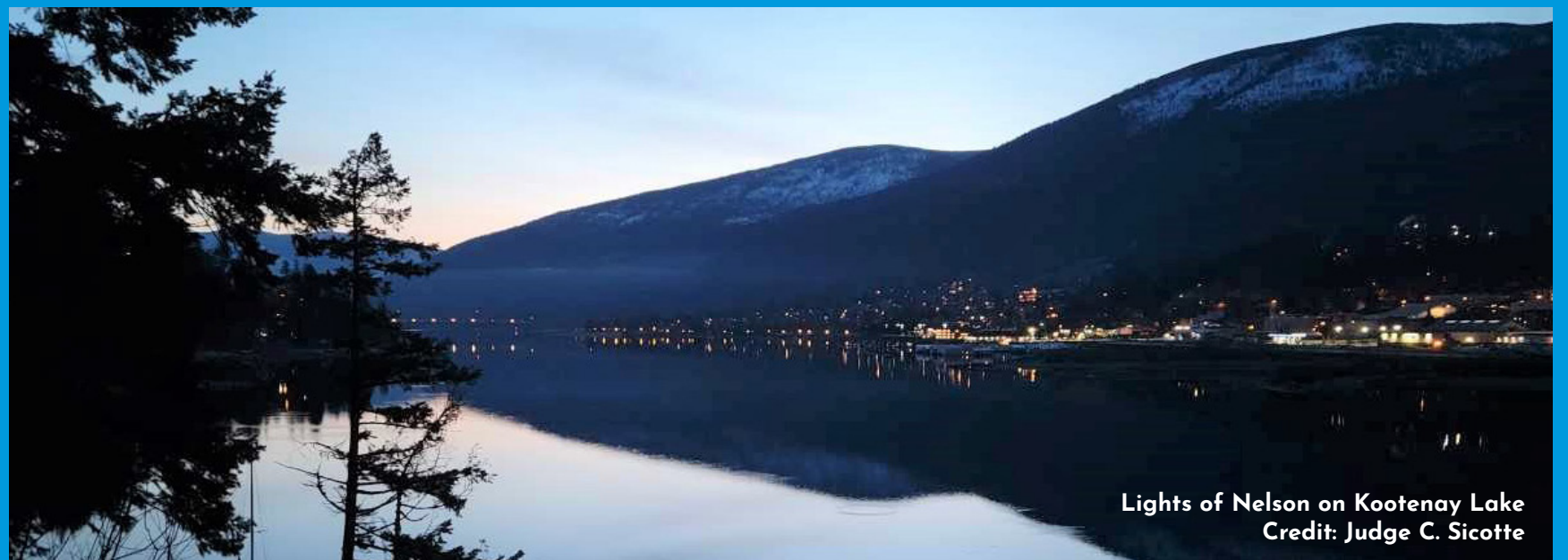
Lake Okanagan orchard
Credit: Judge Ann Rounthwaite (retired)



Kamloops | Credit: Judge L. Bennett



Lake Okanagan
Credit: Judge Ann Rounthwaite (retired)



Lights of Nelson on Kootenay Lake
Credit: Judge C. Sicotte

Operational Court Standards

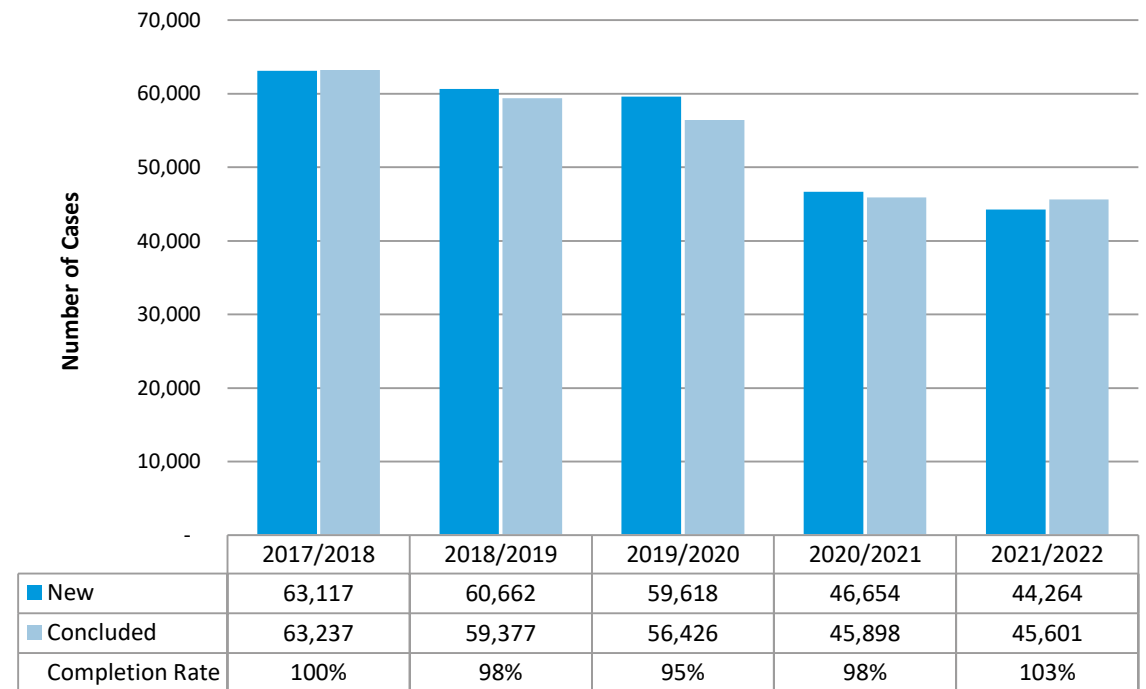
In 2004 the Office of the Chief Judge began to develop operational standards to assess the Court’s ability to manage its caseload effectively. The standards represent objective goals and performance targets the Court strives to meet with the judicial resources it has available. When standards are not met, the Office of the Chief Judge examines underlying causes, monitors trends, and takes appropriate steps including reallocating available resources when possible.

Adult Criminal Case Completion Rates

The Court’s standard for the adult criminal case completion rate is 100%, calculated over a fiscal year.¹⁴ This measure provides an indication of the Court’s ability to conclude cases at the same rate that new cases enter the system.

In 2021/22, the completion rate moved up to 103%, meaning the number of cases concluded was 3% greater than the number of new cases in this fiscal year. (Concluded cases each year include cases filed in previous years.) The number of new criminal cases filed in Provincial Court decreased slightly, while the concluded cases remained similar to last year.

Figure 15 Adult Criminal Case Completion Rates, 2017/18 - 2021/22



14. Data Source: Criminal BI Database. Rates are calculated by dividing the total number of concluded cases in a fiscal year by the total number of new cases in that year. If the numbers are equal, the completion rate is 100%. Concluded case information is only available in the criminal division.

■ On-Time Case Processing

This measure assesses the timeliness with which Provincial Court cases are concluded. It examines the percentage of cases heard by judges that reach a final or important interim outcome (disposition or a significant event) within established timelines. This information is only available for the criminal division. The standard reflects the Court’s goal for early conclusion of criminal cases - to have 90% of cases concluded within 180 days.

The Court has not met this standard during the past five years. Some factors that affect this measure are beyond the Court’s control, such as whether an accused sets the matter for trial, the amount of time it takes for the Crown to provide disclosure, and lawyers’ availability when setting court dates. The COVID-19 pandemic also affected on-time case processing negatively this year.

With improvements in data collection, the Court can now track the time between specific events to determine where improvements, if required, can be made.

Figure 16 shows the percentage of cases completed within 180, 365, and 540 days, respectively.

Figure 16 Percentage of Judge Cases Concluded within Three Time frames, 2017/18 - 2021/22

Percentage of Adult Criminal Cases Concluded within...

Year	180 Days	365 Days	540 Days
FY 17/18	70%	89%	96%
FY 18/19	70%	90%	96%
FY 19/20	67%	89%	96%
FY 20/21	52%	80%	93%
FY 21/22	52%	79%	91%
Five Year Average	63%	86%	95%

Pending Cases

A pending case is a criminal case¹⁵ that has not yet been completed and for which a future appearance has been scheduled. The pending status of a court case is distinct from the total age of the case. However, the two measures are linked, as pending cases that exceed a certain age are of concern due to the possibility of unreasonable delay.

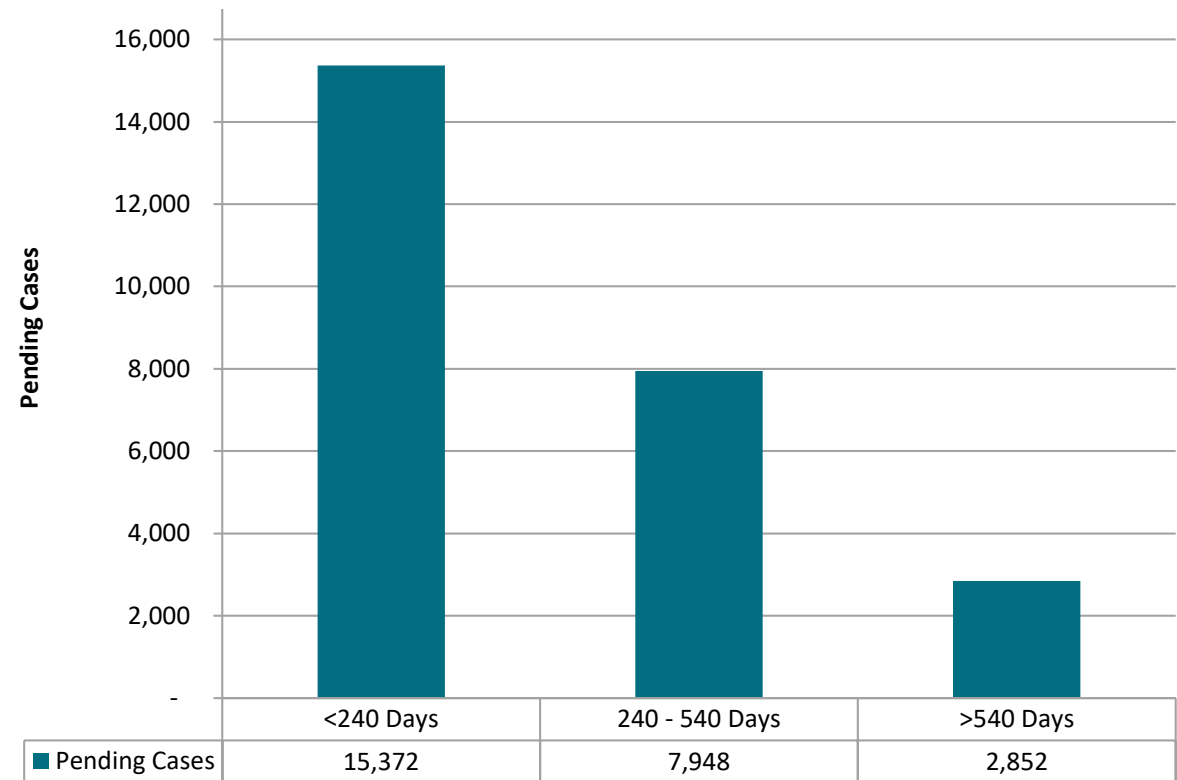
Case age calculations for pending cases count from the date an Information is sworn to the next scheduled appearance occurring after the “as at” date (in this case, March 31, 2022). These calculations exclude inactive time (e.g. bench warrants). The number and age of pending cases provide a general indication of the Court’s ability to process criminal cases in a timely manner.

For criminal cases, the Court’s standard for pending cases is for 60% of its pending caseload to be less than 240 days old.

As of March 31, 2022, there were 26,172 adult criminal pending cases, of which 59% had a pending date less than 240 days from the sworn date (that is, there are less than eight months between the date the information was sworn and the next appearance date).¹⁶ This means that the court met its standard this year - as it has for the past five years. The remaining 10,800 (41%) cases had pending dates greater than 240 days from the sworn date.

Figure 17 shows the number of adult criminal pending cases in the Provincial Court system on March 31, 2022, broken down by age category.

Figure 17 Adult Criminal Pending Cases by Age Category¹⁷



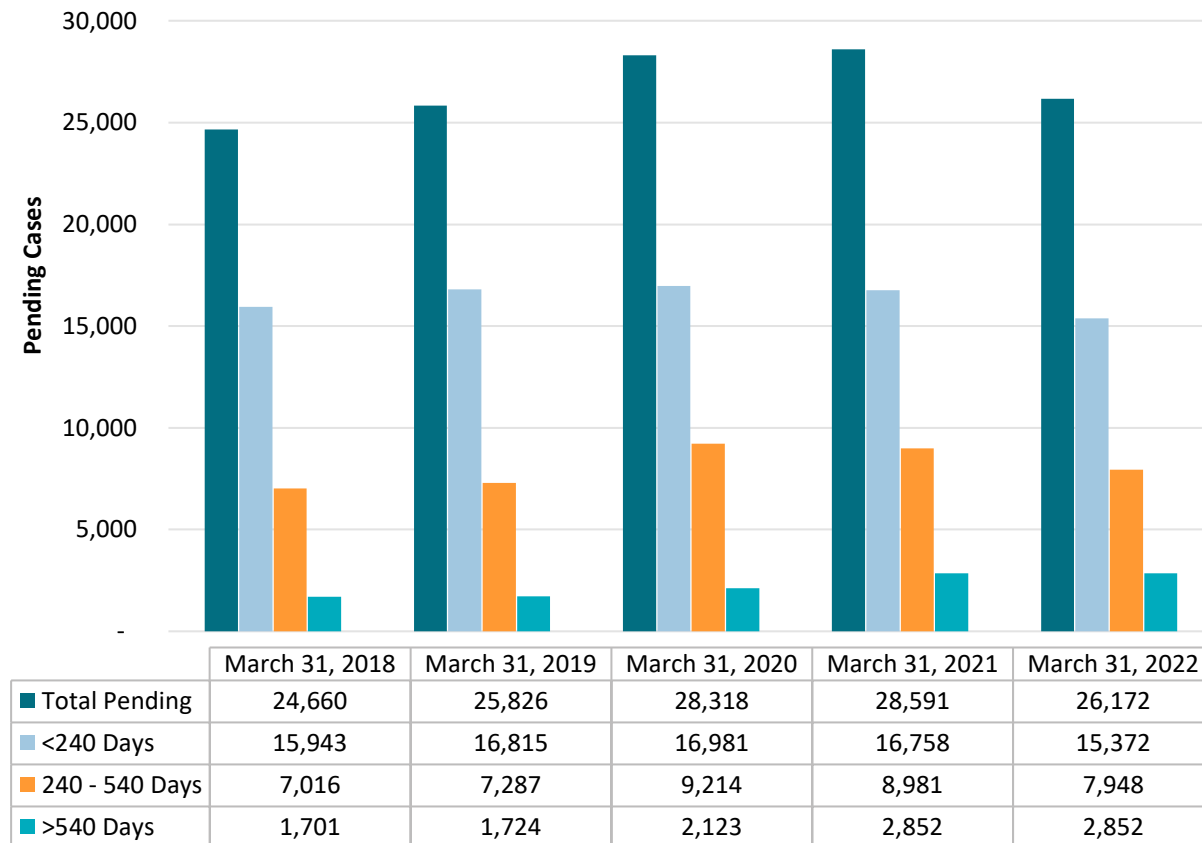
15. Pending case information is currently only available in the criminal division, as there is no agreed upon definition of case conclusion in the family and small claims divisions.

16. The current report is a snapshot as at March 31, 2022. These results are preliminary. Pending cases are likely to adjust upwards due to delays in compiling the data.

17. Data source: Criminal BI Database.

The number of pending cases with fewer than 540 days from the sworn date has decreased since last year (total pending cases decreased by 8% overall). The number and proportion of pending cases in the oldest age category (>540 days) have stayed the same. Figure 18 shows these trends.

Figure 18 Adult Criminal Pending Cases Over Time



Province-wide Time to Trial

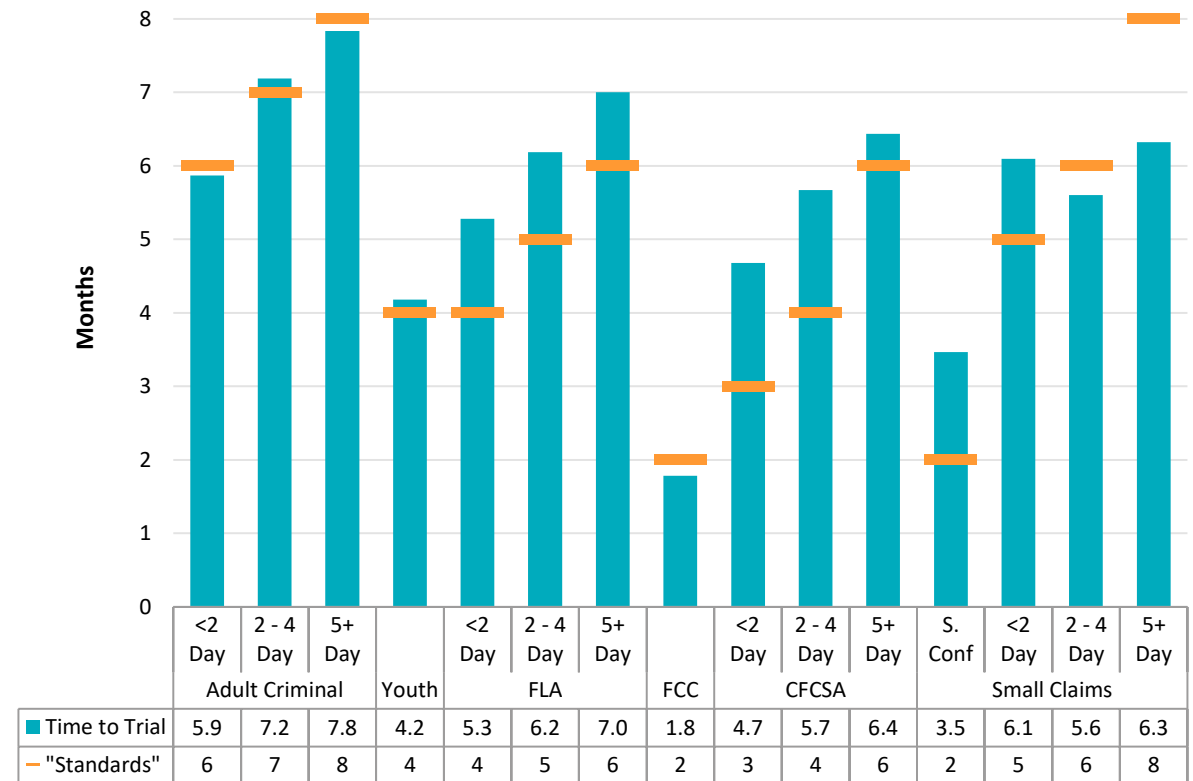
The Court continues to measure time to trial from the date a request or order is made for a conference or trial to the date when cases of that type can typically be scheduled. Time to trial does not reflect when cases are actually set as this depends on lawyers' availability. Rather, it is an estimate of when court time would be available to schedule a particular activity.¹⁸

The Court adopted standards to measure whether dates were being offered for trial in a timely manner in 2005 and revised¹⁹ them in 2016 to better capture longer trials and Summary Proceedings Court²⁰ matters. These standards reflect the Court's goals as to when the Court ought to be able to offer time for specified trial events.

Figure 19 shows the average time to trial for this fiscal year.

Current overall provincial weighted time to trial delays are generally similar to 2019's pre-COVID rates, although some individual court locations have experienced increases. Time to trial data should still be interpreted with caution due to the impact of the pandemic.

Figure 19 Average Provincial Time to Trial, 2021/22



The Court produces comprehensive time to trial reports twice a year and posts these on the Court Reports page of the Court's website. The reports for March 31, 2022 and September 30, 2021 can be found [here](#).

18. In order to provide the most accurate data, other cases waiting to be scheduled are factored into the estimates. "Fast track" dates or openings created when other cases collapse are not considered, as these dates are not an accurate reflection of when the case would typically be scheduled.

19. A detailed explanation of time to trial definitions, calculations and standards appears in [Appendix 2](#).

20. In seven of the Court's busiest locations, Summary Proceedings Courts conduct trials, hearings, or dispositions set for less than half a day.

Efforts to reduce delays

The Court monitors time to trial and pending case data closely. In almost all areas of BC the Court is able to offer time for criminal trials well below the 18 month ceiling established by the Supreme Court of Canada in the case of [R. v. Jordan](#) 2016 SCC 27 (“Jordan”). Locations with the longest delays are identified in the Time to Trial reports and steps are taken to reallocate judicial resources where possible.

Availability of court time is not the only factor leading to delays in criminal cases. Some factors are beyond the Court’s control - for example, the length of time it takes for police to prepare disclosure in complex cases, lawyers’ availability when setting trial dates, and the impact of the pandemic.

The Court continued its efforts to minimize COVID-related delays. Mandatory pre-trial conferences in criminal matters, small claims settlement conferences, and family management conferences, all conducted remotely, served to identify cases and issues that would not need trials and shorten trials through admissions of undisputed facts.

Centralized virtual bail hearings allowed trials in smaller locations to proceed without being interrupted by bail hearings, reducing trial continuations. In Surrey and Victoria, the Early Resolution approach helped families resolve disputes without court hearings, and aspects of the approach were used in other court locations. Judicial case managers were also proactive in re-scheduling cases adjourned due to COVID in January 2022, or for other reasons.



Vernon Law Courts

Credit: John Deacon, KC

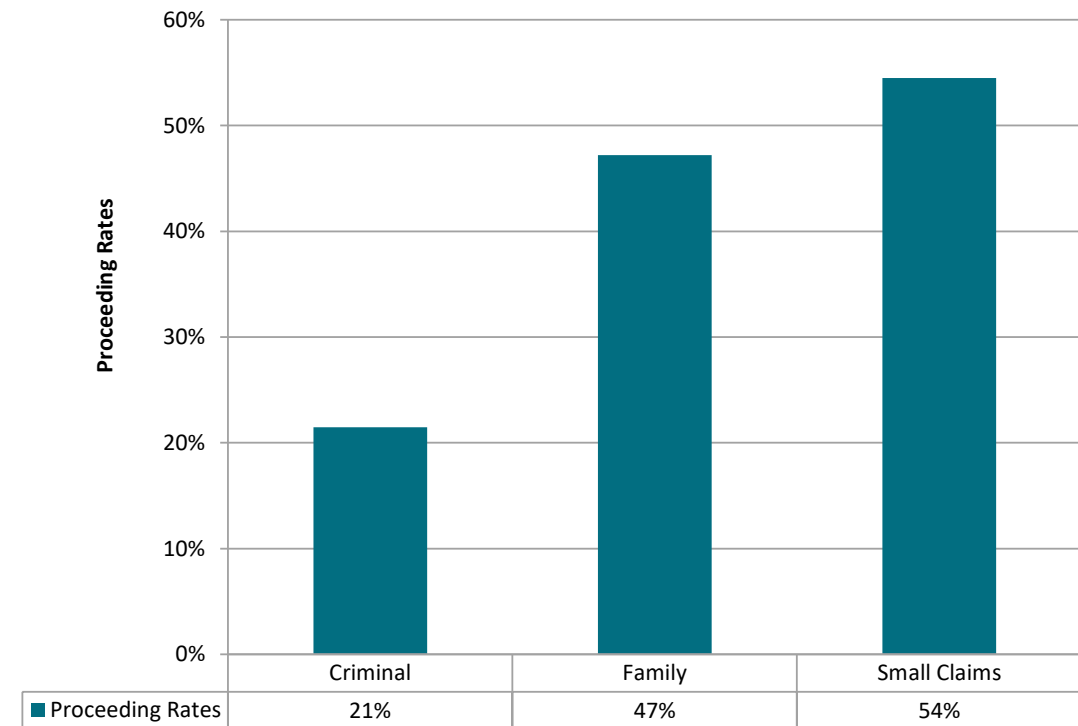
■ Trial Events

The Court tracks outcomes for all cases that were still on the Court list on the date set for trial. In 2021/22, there were 12,554 such trial events²¹, which is an increase of 14% from the previous year.

There are several possible outcomes on the day of trial, one of which is that the trial proceeds.²² Where a trial does not proceed, this is referred to as a “collapse”. There are a number of reasons why a trial might collapse. For example, the case might settle on the day of trial before the trial begins. The Court has not established standards for collapse rates but will continue to collect and monitor this data, with particular attention to the number of cases adjourned for lack of court time.²³

Proceeding rates capture the percentage of trials that proceeded on the first day of trial.²⁴ There are persistent differences in proceeding rates between divisions. Figure 20 shows the rate for each division in 2021/22.

Figure 20 Proceeding Rates by Division



21. Results for cases that were never set for trial, or which did not proceed as scheduled due to adjournment, resolution, or any other reason before their first scheduled trial date are not captured under this system.

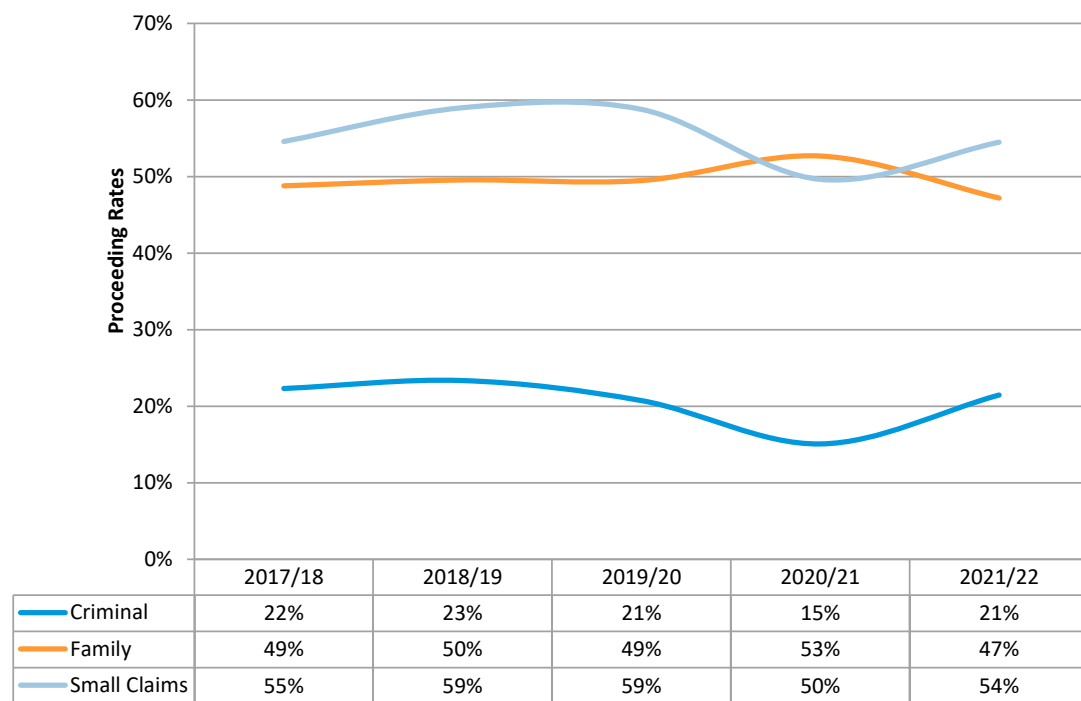
22. Defined as proceeding for trial as scheduled, with evidence or a witness being called - the outcome of the trial appearance is irrelevant from the perspective of whether or not the trial proceeded.

23. Lack of court time refers to a situation in which the Court has insufficient judicial resources to hear a case on the day it was scheduled.

24. Whether the case concluded or not is irrelevant to this determination - all that matters is that the case proceeded (as a trial) on the day it was scheduled for trial.

As shown in Figure 21, proceeding rates in all divisions changed slightly in 2021/22, compared to previous years.²⁵

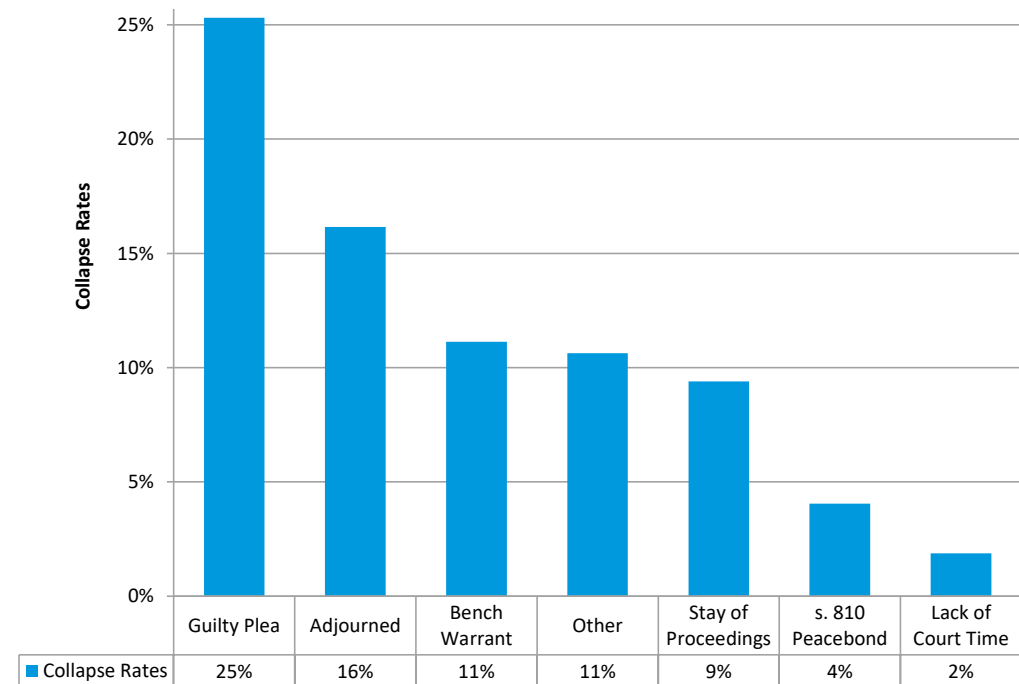
Figure 21 Proceeding Rates by Division



There will always be cases that do not proceed on the first day of trial - a low proceeding rate is not, in itself, a cause for concern. What is important is to note the reason why cases are not proceeding and whether the case has concluded without ever proceeding to trial. Proceeding rates are utilized by judicial case managers to determine how many cases to schedule on a given day to maximize the use of available court time.

In the criminal division, 39% of the cases remaining on the list concluded on the first day of trial by ending in a guilty plea, stay of proceedings, or s. 810 peace bond. Figure 22 shows the distribution of collapse reasons for the criminal division in 2021/22

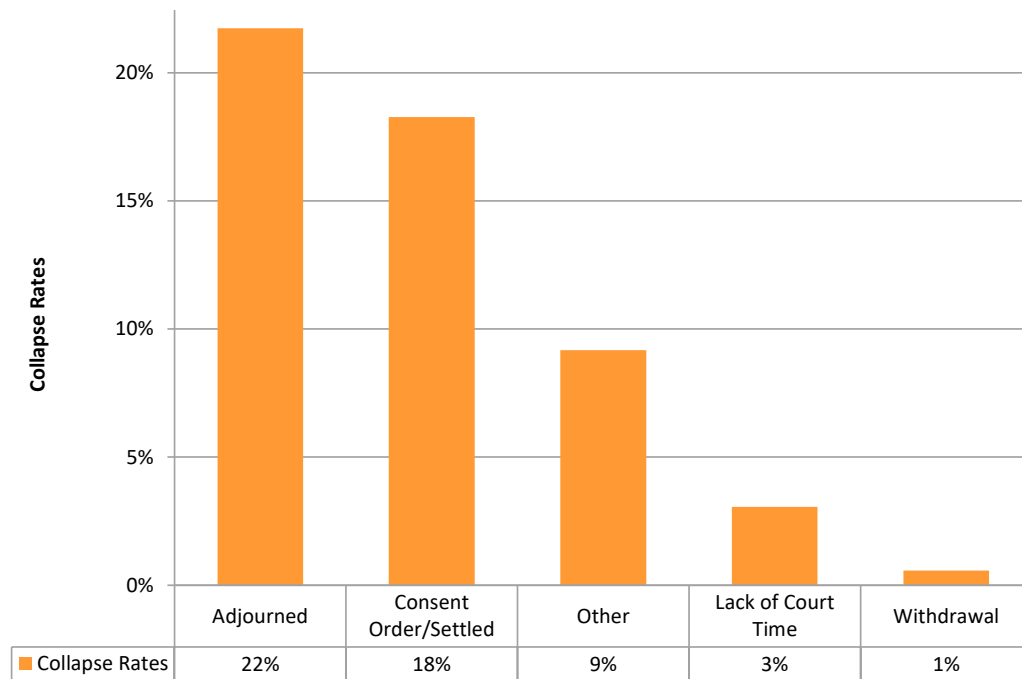
Figure 22 Collapse Rates of Criminal Trials by Collapse Reason



25. This figure includes blended data from three sources: stand-alone trial tracker application, interim tool for Assignment Court, and the Provincial Court Scheduling System (PCSS). While this data is now being captured solely through PCSS, historical reporting will continue to rely on other sources.

The 47% proceeding rate in the family division is slightly lower than last year's rate of 53%. Figure 23 shows the distribution of collapse reasons in the family division.

Figure 23 Collapse Rates of Family Trials by Collapse Reason



The majority of small claims trials (54%) remaining on the list proceeded on the first day of trial. Figure 24 below shows the distribution of collapse reasons for small claims trials.

Figure 24 Collapse Rates of Small Claims Trials by Collapse Reason

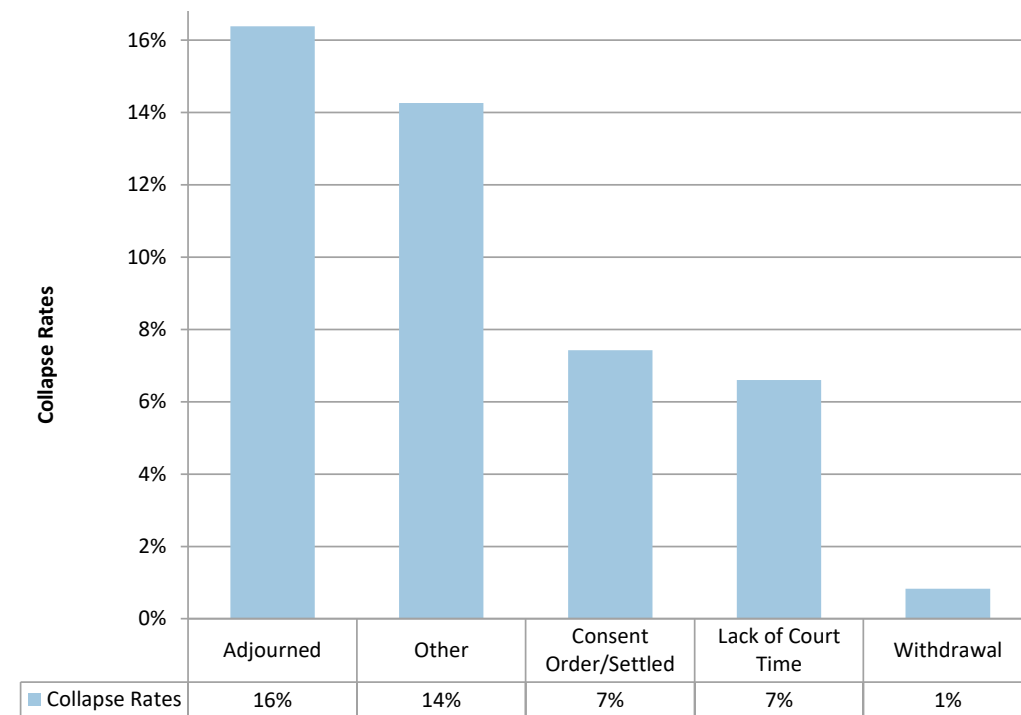
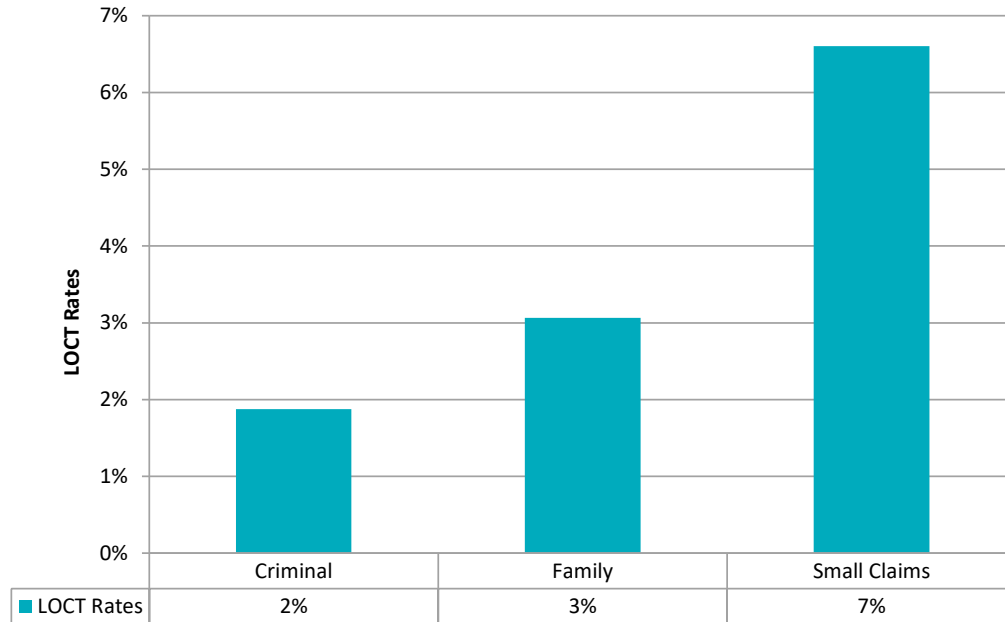


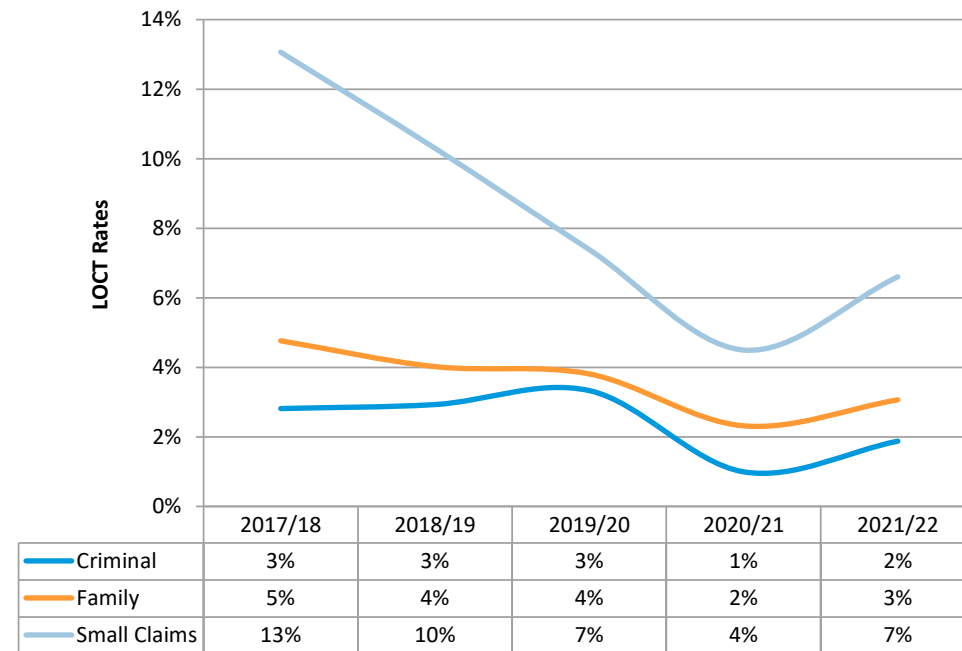
Figure 25 shows the lack of court time rates for each division in 2021/22. Lack of court time (LOCT) rates capture the percentage of trials adjourned because the Court did not have sufficient judicial resources to hear a given trial on the day it was scheduled to begin.

Figure 25 Lack of Court Time Rates by Division



LOCT rates have slightly increased from last year's 5-year low point. The five-year trends for each division are shown in Figure 26 below. However, these trends should be interpreted with caution due to the impact of the pandemic.

Figure 26 Lack of Court Time Rates by Division, 2017/18 - 2021/22



Northern Region

Region: stretching from the Pacific Ocean to the Alberta border and from the Yukon border to Clearwater, the region covers some 670,000 km², an area larger than Alberta or France.

Full- and part-time senior judges: 20

Courts include:

- staffed locations in Prince George and seven other communities
- 21 circuit locations
- 2 virtual bail courts
- 3 Indigenous sentencing courts (Prince George, Williams Lake, and Hazelton)



Agate Beach, Haida Gwaii
Credit: Judge D. Stewart

“The Northern Region is distinguished by its weather, its geography, and its sparse population. Some of our circuit courts sit weekly and some, every four months. Northern judges may drive more than 20,000 km a year. With heavy snow and temperatures sinking to mid -40’s in the winter, white knuckle driving and the ever-present risk of colliding with large animals are commonplace. “Fly in” circuits bring their own challenges.

Despite the added challenges of judging in the North, the judges in this region share the love of the land felt by many Northern residents. They enjoy the region’s natural beauty, as well as the warmth of its people and communities.”

Regional Administrative Judge Victor Galbraith

Northern Region

Moose Hall where Court sits in Bella Coola
Credit: Judge B. Hoy (retired)



Alaska Highway en route to Lower Post
Credit: Judge K. Skilnick



Skeena River
Credit: Judge D. Stewart



Prince George | Credit: Alvin Lau



Atlin Recreational Centre where Court sits
Credit: Judge G. Gill

Financial Report

In the 2021/22 fiscal year the Court continued to invest in and build upon the innovative Court Modernization initiatives introduced in 2020 in response to the COVID-19 pandemic. The pandemic and associated public health orders persisted through 2021, causing the Court to continue to explore innovations while refining the changes implemented in 2020. This investment enabled the Court to provide safe, physically distanced, access to justice through in-person, virtual, and hybrid proceedings.

The Court Modernization initiatives also allowed the Court to keep pace with the incoming volume of new cases and introduce efficiencies in court processes that improve access to justice. While the Court continued to face ongoing budget pressures, notably in salaries, benefits, and information technology supporting new court processes, significant COVID-19 related savings and efficiencies realized through Court Modernization enabled the Court to complete the fiscal year with a small budget deficit.

Figure 27 provides an overview of the estimates budget allocated to the Court, the actual expenses incurred, and authorized cost recoveries.

Figure 27 Statement of Operating Expenses - Fiscal Year 2021/2022

Description	Estimates	Actual	Variance	% Variance	
Salaries	\$48,080,000	\$48,577,134	-\$497,134	-1.03%	(1)
Supplemental Salaries	\$50,000	\$95,253	-\$45,253	-90.51%	(2)
Benefits	\$12,213,000	\$12,696,396	-\$483,396	-3.96%	(1)
Total Salaries and Benefits	\$60,343,000	\$61,368,782	-\$1,025,782	-1.70%	
Jud'l Council Fees & Exp		\$19,682	-\$19,682		(3)
Jud'l Justices Fees & Exp	\$2,615,000	\$3,481,289	-\$866,289	-33.13%	(4)
Travel	\$1,882,000	\$508,357	\$1,373,643	72.99%	(5)
Professional Services	\$285,000	\$168,245	\$116,755	40.97%	(6)
IT/Systems	\$877,000	\$968,409	-\$91,409	-10.42%	(7)
Office Expenses	\$1,415,000	\$958,909	\$456,091	32.23%	(8)
Supplies - Jud'l Attire	\$103,000	\$101,245	\$1,756	1.70%	
Vehicle Expenses	\$60,000	\$59,457	\$543	0.91%	
Amortization	\$603,000	\$395,634	\$207,366	34.39%	(9)
Renovations and Rent	\$275,000	\$318,414	-\$43,414	-15.79%	(10)
Transfers - CAPCJ, CCCJ, NJI	\$12,000	\$135,500	-\$123,500	-1,029.17%	(6)
Total Operating Expenses	\$8,127,000	\$7,115,141	\$1,011,859	12.45%	
Recoveries	-\$1,000	-\$1,000			
Grand Total	\$68,469,000	\$68,482,923	-\$13,923	-0.02%	

Notes

(1) Increased cost for Court Modernization staffing, unused leave benefits, disability benefits, taxable benefits, and relocations.

(2) Increased cost of supplemental salaries due to staff parental leave.

(3) The public accounts present the budget for Judicial Council fees and expenses and Judicial Justices fees and expenses together as one line item. Actual expenditures for Judicial Council are presented separately here for greater clarity.

(4) Added shifts to manage COVID-19 backlog, higher disputed Intersection Safety Camera ticket volume and to replace retiring full-time judicial justices.

(5) Travel savings related to COVID-19 and Court Modernization initiatives.

(6) Professional services fees for the National Judicial Institute were reclassified as Grants and Transfers. Transfers to the Canadian Council of Chief Judges (CCCJ) totalled \$5,000, to the Canadian Association of Provincial Court Judges (CAPCJ) \$7,200, and to the National Judicial Institute, \$123,300. CAPCJ and NJI transfers support on-going judicial education through development of material and courses to provide judicial education to ensure

judges are up to date on new advancements in the law while ensuring judges are sensitive to the social and cultural context of the communities in which they work, including the history, experience and circumstances of Canada's Indigenous peoples.

(7) Increased information technology costs to support Court Modernization.

(8) Temporary reduction in office expenses due to COVID-19 and Court Modernization initiatives.

(9) Variance due to timing of capital asset additions.

(10) Coding error related to capital project increased reported facilities expenses by \$65,000.



Nanaimo Law Courts
Credit: John Deacon, KC

Complaints

Public confidence that judicial decisions are heard fully and made fairly is a foundation of our justice system. The Court's complaints process maintains that confidence by giving people the means to criticize judicial officers formally if they believe their conduct is inappropriate. Under the [Provincial Court Act](#), all complaints about judicial officers are made in writing to the Chief Judge.

The Act establishes three stages to the judicial conduct complaints process: examination, investigation, and inquiry. If the complaint asserts judicial misconduct, it is examined by the Chief Judge. As part of this examination, the judicial officer who is the subject of the complaint is provided with a copy of the complaint and an opportunity to respond. The Chief Judge, after examining the complaint, any other relevant materials, and any response received from the judicial officer, may determine that:

- a. the complaint lacks merit;
- b. the complaint can be resolved through corrective or remedial measures; or
- c. an investigation is warranted.

The Chief Judge then advises the complainant and the judicial officer of the result of the examination.

In 2021, the Chief Judge conducted examinations of two complaints about the Court's judicial officers - one complaint about a judge and one about a judicial case manager.

207 other letters of complaint were found not to involve judicial misconduct and therefore not to be complaints within the authority of the Chief Judge. Most of these amounted to appeals from a judicial decision, and the complainants were sent appropriate information about appealing. Some did not relate to the Court, and instead complainants were referred to other applicable agencies or organizations.

Including complaints carried over from 2020, two complaint examinations were completed and resolved at the examination stage. Examinations of the other five complaints will continue into 2022.

Summaries of the completed complaint examinations can be found in [Appendix 1](#). Figure 28 tracks complaint statistics and outcomes for the last decade. Since 2012, almost all complaints have been resolved at the examination stage.



Revelstoke Law Courts
Credit: John Deacon, KC

Figure 28 Complaints Statistics, 2012-2022²⁶

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Complaints received	227	253	273	204	336	352	379	305	230	211
Non-complaints (those found not to involve judicial misconduct)	206	225	254	164	313	335	370	288	215	192
Referrals ²⁷ (those found not related to the Court and referred to another organization)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	9	15
Examinations of complaints performed to December 31, 2021	* 21	* 20	* 28	* 19	* 26	* 16	* 9	* 13	* 10	* 2
Investigations of complaints performed	0	0	0	0	0	1	0	0	0	0
Files carried forward into 2022	0	0	11	23	7	16	5	9	8	5

26. * Indicates that an examination may have dealt with more than one correspondence from a complainant or more than one complaint about the same matter.

27. Matters that were found to not be related to the Court and in which the only action taken was to refer the complainant to another agency or organization. Prior to 2020, these were not distinctly captured and were counted as "Non-complaints".

Appendix 1: Complaint Summaries

Complaints against Judges	
#	Summary
1	<p>Complaint: Concerns were received regarding a comment that a judge publicly posted on Facebook regarding a meme. The complainant asserted that the comment was inappropriate and raised some concerns about the judge's impartiality.</p> <p>Review: A response was sought and received from the judge. The judge showed themselves to be extremely open to the concerns raised and committed themselves to take steps to address them. They apologized, expressing their embarrassment and sincere regret over making the comment, confirmed that they had immediately deleted the comment in question, and committed to refrain from such conduct in the future. They also completed, as directed, a review of judicial education materials regarding ethics and social media, and participated in a related judicial education webinar. The matter was closed on that basis.</p>

Complaints against Judicial Case Managers	
#	Summary
2	<p>Complaint: The complaint arose from the scheduling of a criminal matter. The complainant asserted that the judicial case manger (JCM) was not answering their phone or responding to any of the voice messages left by the complainant's counsel in regard to setting a hearing date.</p> <p>Review: A response was sought and received from the JCM. The JCM provided a detailed response which appeared to fully answer the concerns expressed in the complainant's letter.</p> <p>The JCM advised that they were on holiday during the time period indicated by the complainant, but it was made apparent that the JCM was in contact with counsel about setting dates prior to their absence. Further, there was no record available to indicate that the complainant or their counsel had phoned or left messages with the JCM's office during the JCM's absence.</p> <p>A review of the complaint, the JCM's response, and the circumstances around the matter led to the conclusion that the JCM had not acted in a manner that could fairly be considered judicial misconduct. The complainant was provided with a reporting letter and the matter was closed on that basis.</p>

Appendix 2: Time to Trial Definitions, Weighting, and Standards

Division Specific Time to Trial Definitions

Time to an adult criminal trial is defined as the number of months between an Arraignment Hearing/Fix Date²⁸ and the first available court date for typical trials of various lengths.

Time to trial for youth criminal trials is not broken down by trial length but is otherwise the same. These results do not take into account the time between a first appearance in Court and the Arraignment Hearing/Fix Date.

Time to a family trial is defined as the number of months between a case conference and the first available court date for typical family (*FLA* and *CFCSA*) trials of various lengths. Results for time to a case conference count from the Fix Date. The Court no longer tracks time to a Fix Date, as this event is primarily driven by factors unrelated to Court scheduling.

Time to a small claims trial is defined as the number of months between a settlement conference and the first available court date for typical small claims trials of various lengths. These results do not take into account the time between the filing of a reply and the settlement conference. Results for settlement conferences count from the date of the reply.

Weighted Time to Trial Calculations

Time to trial information is collected at the location level. It is then weighted using each location's caseload. This is done at both the regional and the provincial level. For example, if a location has 50% of its region's caseload and 11% of the provincial caseload in a given division, their results are multiplied by 0.5 during the calculation of the regional weighted time to trial, and by 0.11 when calculating provincial weighted time to trial.

Standards

The current standards came into effect on June 30, 2016, and were developed based on changes to the estimated trial length categories.

The Court now collects information on three different lengths of trial - less than two days, two to four days, and five or more days - in addition to Summary Proceedings Court²⁹ matters and conferences. The precise information collected varies based on division (e.g., no conference information is collected for criminal matters). Time to trial data is collected by surveying judicial case managers, who report when events of various types can typically be scheduled.

28. Sometimes a lawyer sets a trial date at the conclusion of the arraignment hearing. Alternatively, they will set a "Fix Date" appearance and set a trial date at that time.

29. In seven of the Court's busiest locations, Summary Proceedings Courts conduct trials, hearings, or dispositions set for less than half a day.

Figure 29 Time to Trial Measures and Standards

JURISDICTION	MEASURES AND STANDARDS	
	Measure	OCJ Standard
Small Claims	Settlement Conference	2 months
	Summary Proceedings Court (SPC)	4 months
	<2 Day Trial (non-Assignment Court locations)	5 months
	2-4 Day Trial	6 months
	5 Days or More Trial	8 months
Family (CFCSA)	Family Case Conference (FCC)	2 months
	SPC	2 months
	<2 Day Trial (non-Assignment Court locations)	3 months
	2-4 Day Trial	4 months
	5 Days or More Trial	6 months
Family (FLA)	SPC	3 months
	<2 Day Trial (non-Assignment Court locations)	4 months
	2-4 Day Trial	5 months
	5 Days or More Trial	6 months
Criminal	SPC	4 months
	<2 Day Trial (non-Assignment Court locations)	6 months
	2-4 Day Trial	7 months
	5 Days or More Trial	8 months
	Youth Trial	4 months

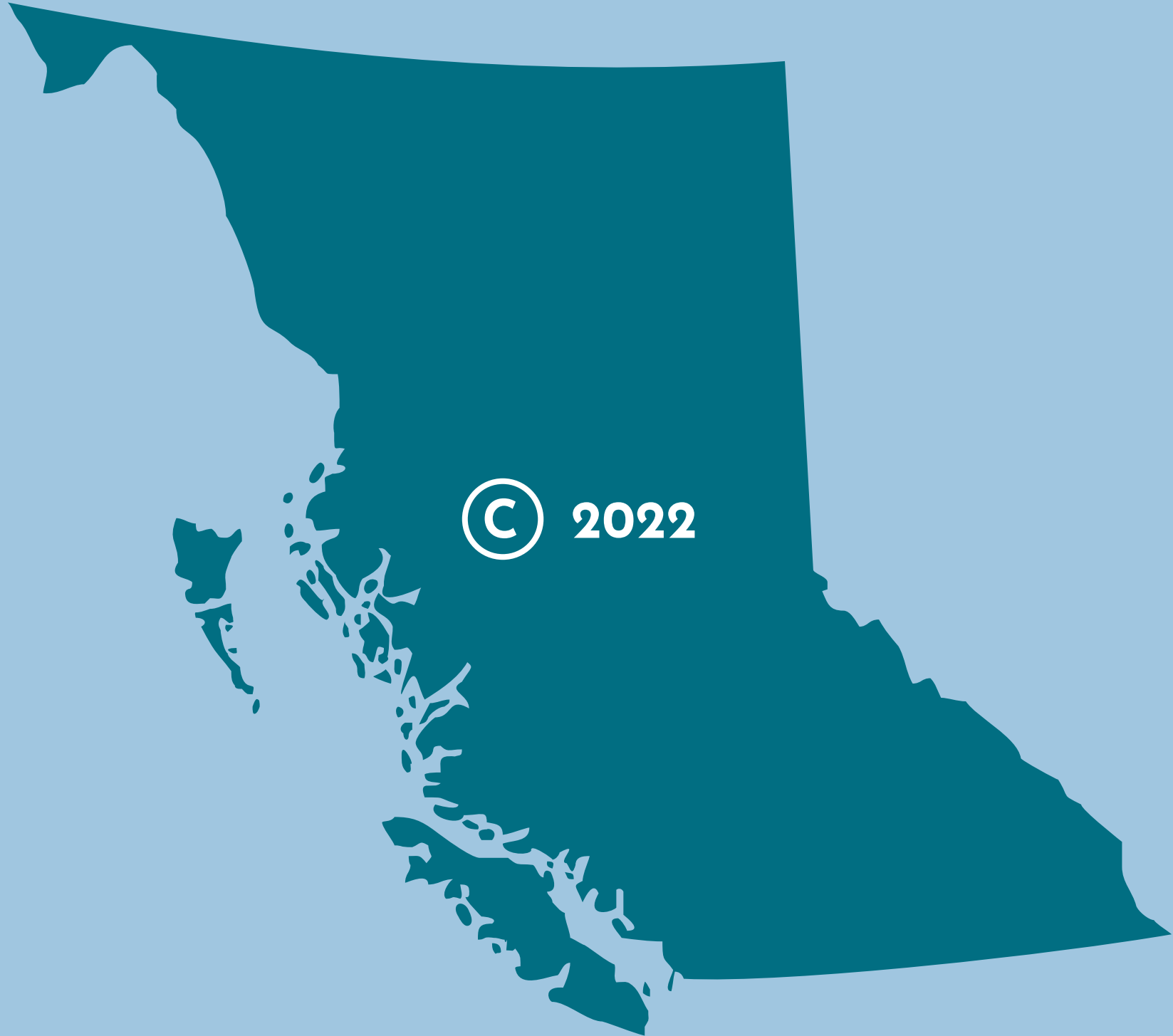
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