



THE PROVINCIAL COURT
OF BRITISH COLUMBIA

Effective Date: *02 August 2022*

SM. CL. 02

PRACTICE DIRECTION
SMALL CLAIMS PROCEEDINGS

Purpose

This Practice Direction sets: (A) the default method of attendance for small claims proceedings; and (B) the timelines and processes for litigants to file required documents with the Court and, in some instances, serve the documents, in advance of a trial conference, settlement conference, application to a judge, payment hearing, or Rule 9.1 simplified trial.

Application

This practice direction applies to all [court registries](#) in the Province.

Directions

Further to [OIC 310/2021](#) ordered May 25, 2021 and [NP 28](#), certain requirements in the *Small Claims Rules*, B.C. Reg. 261/93 are modified to facilitate the following directions and procedures.

A. Default Method of Attendance

1. For small claims trials, including Rule 9.1 simplified trials and Rule 9.2 summary trials, Rule 13 default hearings, applications to a judge (requiring a hearing – i.e., not desk applications)¹, and payment hearings, the default method of attendance will be in-person, unless a judge (or judicial justice, as applicable) otherwise orders or directs.
2. For small claims trial conferences and settlement conferences, the default method of attendance will be Microsoft (MS) Teams audioconference or videoconference or by telephone, unless a judge or judicial justice otherwise orders or directs.

¹ Under *Small Claims Rules* 6(5), 1.1(41.22), 3(8), 7.3(42), 8(1)(b), 8(1.1), 12(8), and 16(6).

3. A party seeking an alternate method of attendance must make an application to a Registrar pursuant to Rule 16(2)(c.1) [cross reference Rule 17(16.1)] or to a judge pursuant to Rule 17(16.2), as applicable. For an application to a judge pursuant to Rule 17(16.2) to appear remotely the default method of attendance will be Microsoft (MS) Teams audioconference or videoconference or by telephone.
4. For small claims proceedings by MS Teams, counsel are required and parties are strongly encouraged to use videoconference. For every MS Teams proceeding, a dial-in conference number will also be provided so that parties can participate by telephone if they are unable to do so by videoconference or if their video connection fails during the proceeding.
5. Parties must read and comply with:
 - a. The [Policy on Use of Electronic Devices in Courtrooms](#) and [Access to Court Proceedings Policy](#) for all small claims proceedings, including the general prohibition on the recording or broadcasting of small claims proceedings unless authorized by the Court; and
 - b. [NP 21 Remote Attendance in the Provincial Court](#) for remote attendance at small claims proceedings, including when counsel attend court proceedings remotely using MS Teams, they must appear by videoconference or apply to the Court to appear by audioconference only.

B. Timelines and Process for Filing and Serving Required Documents

The existing filing and service requirements under the *Small Claims Rules* continue to apply unless modified as set out below.

For Applications to a Judge and Payment Hearings, parties shall use the [Supporting Materials Form](#) when filing their documents.

1. Trial Conferences (Remote Attendance Default)

Where the parties have been directed to attend a Trial Conference (Rule 7.5), parties must file a Trial Statement (Form 33) at least 14 days before the date set for the Trial Conference (Rule 7.5(9)). When the Trial Conference is scheduled, parties will receive an *Information for Remote Attendance* document from the court registry about how to attend the Trial Conference remotely and file the Trial Statement with attached copies of all relevant documents before the Trial Conference.

2. Settlement Conferences (Remote Attendance Default)

Where a Settlement Conference has been set for a hearing by telephone or MS Teams audioconference or videoconference, parties shall file their relevant documents and reports up to 20 pages for consideration at the Settlement Conference [Rules 7(5) and (13)] at the court registry at least two business days before the Settlement Conference. When the Settlement Conference is scheduled, parties will receive an *Information for Remote Attendance* document from the court registry about how to attend the Settlement Conference remotely and submit their relevant documents and reports before the Settlement Conference.

3. Applications to a Judge (Remote Attendance Granted)

Where a litigant files an application to a judge [Rules 16(6) and 16.1] and the Court has granted the application for remote attendance, the court registry will provide the applicant with an *Information for Remote Attendance* document about how to attend the hearing remotely and how the parties can file documents related to the application two business days in advance of the hearing. The applicant shall serve a copy of *Information for Remote Attendance* document and a blank [Supporting Materials Form](#) on the other party or parties when serving them with a copy of the application.

4. Payment Hearings (Remote Attendance Granted)

- a. Where a debtor has been ordered by a judge or judicial justice to attend a payment hearing by telephone or MS Teams audioconference or videoconference, the debtor shall file the financial documents they are required to bring to the payment hearing [Rule 12(9)] at least two business days in advance of the payment hearing. The court registry will provide the creditor and debtor with an *Information for Remote Attendance* document about how to attend the hearing remotely, and how the debtor can file their documents in advance of the hearing.
- b. Where a creditor files a Summons to a Payment Hearing (Form 12) and a judge or judicial justice has granted the application to attend the payment hearing by telephone or MS Teams audioconference or videoconference, the court registry will provide the creditor with an *Information for Remote Attendance* document about how to attend the hearing remotely and how the debtor can file the financial documents listed in the summons in advance of the hearing. The creditor shall serve a copy of the *Information for Remote Attendance* document and a blank [Supporting Materials Form](#) on the debtor when serving them with a copy of the summons. The debtor shall file the documents listed on the summons at least two business days in advance of the payment hearing.
- c. Where a debtor has requested a payment hearing and has filed a Notice of Payment Hearing Form (Form 13) [Rule 12(10)], and the judge or judicial justice has granted the application to attend the payment hearing by telephone or MS Teams audioconference or videoconference, the court registry will provide the debtor with an *Information for*

Remote Attendance document about how to attend the hearing remotely and how the parties can file any related documents at least two business days in advance of the hearing. The debtor shall serve a copy of the *Information for Remote Attendance* document and a blank [Supporting Materials Form](#) on the creditor when serving them with a copy of the Notice of Payment Hearing.

5. Rule 9.1 Simplified Trials

Where Rule 9.1 applies (Simplified Trials), the parties must file a completed Trial Statement (Form 33) with attached copies of all relevant documents at least 14 days before the date set for trial [Rule 9.1(17)]. Parties will receive information from the court registry when they are notified of their trial date about how to file their Trial Statement and related documents.

History of Practice Direction

- Original practice direction dated April 19, 2021.
- May 25, 2021: updated per [OIC 310/2021](#).
- January 4, 2022: added COVID-19 alert for week of January 4 to 7, 2022.
- January 10, 2022: continues COVID-19 alert.
- January 31, 2022: deletes COVID-19 alert.
- July 18, 2022: Adds in s. A.1. applications to a judge requiring a hearing and payment hearings to proceedings that by default require in person attendance (along with trials and default hearings) as reflected in Appendix "A" of NP 28, and housekeeping changes.
- August 2, 2022: Revises Part A, s. 3 by adding that for an application to a judge pursuant to Rule 17(16.2) to appear remotely the default method of attendance will be MS Teams or by telephone.

I make this practice direction pursuant to my authority under [OIC 310/2021](#) ordered May 25, 2021, *Provincial Court Act*, R.S.B.C. 1996, c. 379, *Small Claims Act*, R.S.B.C. 1996, c. 430 and *Small Claims Rules*, B.C. Reg. 261/93.

Melissa Gillespie
Chief Judge
Provincial Court of British Columbia