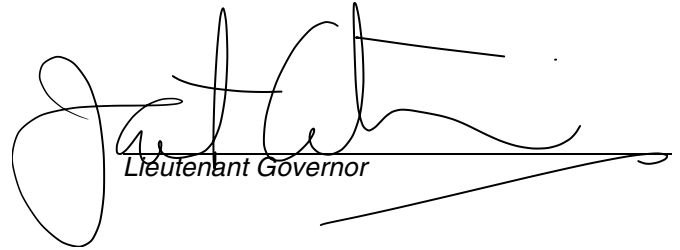


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 425

, Approved and Ordered July 10, 2023

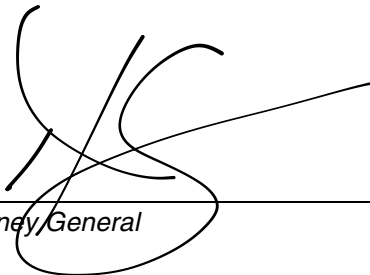


Lieutenant Governor

**Executive Council Chambers, Victoria**

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective September 1, 2023,

- (a) the Supreme Court Civil Rules, B.C. Reg. 168/2009, are amended as set out in the attached Schedule 1, and
- (b) the Supreme Court Family Rules, B.C. Reg. 169/2009, are amended as set out in the attached Schedule 2.



Attorney General



Presiding Member of the Executive Council

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

**Authority under which Order is made:**

Act and section: Court Rules Act, R.S.B.C. 1996, c. 80, s. 1

Other: \_\_\_\_\_

R20600718

## SCHEDULE 1

**1** *Rule 1-1 (1) of the Supreme Court Civil Rules, B.C. Reg. 168/2009, is amended by adding the following definition:*

“**business day**” means a day on which the court registries are open for business; .

**2** *Rule 4-1 (1) is repealed and the following substituted:*

### **Required addresses for service of party represented by lawyer**

- (1) A party of record to a proceeding who is represented by a lawyer must have, as the party’s addresses for service, both
- (a) an e-mail address, if available, and
  - (b) an accessible address that is an office address of that lawyer.

### **Required addresses for service of unrepresented party**

- (1.1) A party of record to a proceeding who is not represented by a lawyer must
- (a) have, as the party’s addresses for service, both
    - (i) an e-mail address, if available, and
    - (ii) an accessible address within 30 kilometres of the registry, or
  - (b) if the party does not have an accessible address within 30 kilometres of the registry, have, as the party’s addresses for service, both
    - (i) an e-mail address, if available, and
    - (ii) either
      - (A) a postal address in British Columbia, or
      - (B) a fax number.

**3** *Rule 4-1 (2) is amended*

*(a) by striking out “subrule (1)” and substituting “subrule (1) or (1.1)”, and*

*(b) by repealing paragraph (c) and substituting the following:*

*(c) an additional e-mail address.*

**4** *Rule 4-1 (3) is amended*

*(a) by striking out “his or her” and substituting “the party’s”, and*

*(b) in paragraph (a) by striking out “subrule (1)” and substituting “subrule (1) or (1.1)”.*

**5** *Rule 4-2 is amended by adding the following subrule:*

### **Request for copy of document served by e-mail**

- (8) If a document is transmitted for service by e-mail and the person receiving the document requests, within 3 days of receiving that document, that a copy be sent to another address for service for that person, the party who served the document by

e-mail must provide the copy at the requested address for service within 7 days of receiving that request or as agreed upon by the parties.

**6 Rule 5-1 (4) is amended**

- (a) *in paragraph (a) by striking out “Form 17,” and substituting “Form 19.1, and”, and*
- (b) *by repealing paragraph (b).*

**7 Rule 5-2 (4) is amended**

- (a) *in paragraph (a) by striking out “Form 17,” and substituting “Form 20.1, and”, and*
- (b) *by repealing paragraph (b).*

**8 Rule 8-1 is amended**

- (a) *by repealing subrule (1) and substituting the following:*

**Definition**

- (1) In this rule, “**application respondent**” means a person who files an application response under subrule (9)., *and*
  - (b) *in subrule (15) by striking out “, no later than 4 p.m. on the business day that is one full business day before the date set for the hearing,” and by adding the following paragraph:*
    - (e) the application record must be provided to the registry
      - (i) no earlier than 9 a.m. on the business day that is three full business days before the date set for the hearing and no later than 4 p.m. on the business day that is one full business day before the date set for the hearing, or
      - (ii) if an earlier date is fixed by a registrar, on or before that date.

**9 The following rule is added:**

**RULE 12-1.1 – TRIAL BRIEF**

**Plaintiff must file trial brief**

- (1) Unless the court otherwise orders, the plaintiff must, at least 56 days before the scheduled trial date,
  - (a) file a trial brief in Form 41, and
  - (b) serve a copy of the filed trial brief on all other parties of record.

**Other parties of record must file trial brief**

- (2) Unless the court otherwise orders, each party of record, other than the plaintiff, must, at least 49 days before the scheduled trial date,
  - (a) file a trial brief in Form 41, and
  - (b) serve a copy of the filed trial brief on all other parties of record.

**Plaintiff may file amended trial brief**

- (3) Unless the court otherwise orders, the plaintiff may, at least 42 days before the scheduled trial date,
  - (a) file an amended trial brief in Form 41, and
  - (b) serve a copy of the filed amended trial brief on all other parties of record.

**Failure to file or serve trial brief**

- (4) If a party of record has failed to comply with subrule (1) (a) or (b) or (2) (a) or (b), the judge or master at a trial management conference may order costs against that party.

**Trial removed from trial list**

- (5) Unless the court otherwise orders, a trial must be removed from the trial list if neither the plaintiff nor any other party of record has filed a trial brief as required by subrule (1) or (2).

**Witness list must be amended**

- (6) If a party of record who has provided a witness list in a trial brief later learns that the witness list is inaccurate or incomplete, the party must promptly
  - (a) file an amended witness list, and
  - (b) serve a copy of the filed amended witness list on all parties of record.

**Person named in witness list need not testify**

- (7) Nothing in this rule requires a party to, at trial, lead evidence from a person listed in the witness list set out in the party's trial brief.

**New trial briefs required if trial rescheduled**

- (8) If the date for the hearing of a trial is rescheduled, a party of record who has already filed a trial brief as required under subrule (1) or (2) must file a new trial brief under those subrules, as applicable, in relation to the new scheduled trial date unless
  - (a) the new scheduled trial date is less than 6 months from the previously scheduled trial date, or
  - (b) the court otherwise orders.

**10 Rule 12-2 (1) is repealed and the following substituted:**

**When trial management conference is required**

- (1) A trial management conference must take place if
  - (a) required by order of the court, or
  - (b) unless the court otherwise orders,
    - (i) more than 15 days have been reserved for the trial,
    - (ii) any party of record is not represented by a lawyer, or may not be represented by a lawyer at the trial,
    - (iii) the trial is to be heard by the court with a jury, or
    - (iv) a party of record requests a trial management conference by filing a requisition not less than 42 days before the scheduled trial date.

#### **Date and place of trial management conference**

- (1.1) Unless the court otherwise orders, the trial management conference must take place at least 28 days before the scheduled trial date, at a time and place to be fixed by a registrar.

**11** *Rule 12-2 (2) is amended by striking out everything after “master”.*

**12** *Rule 12-2 (3), (3.1), (3.2), (3.3), (3.4), (3.5) and (3.6) is repealed.*

**13** *Rule 12-2 (5) is amended by striking out “by telephone” and substituting “by telephone, video conference or other communication medium”.*

**14** *Rule 12-2 (6) is repealed and the following substituted:*

#### **Application must be made by requisition**

- (6) An application made under subrule (4) for an order respecting the manner in which a person is to attend a trial management conference or exempting a person from attending a trial management conference must be made by requisition in Form 20.1.

**15** *Rule 12-3 (1) is amended by striking out “and” at the end of paragraph (d) and by adding the following paragraph:*

(d.1) the trial brief filed by each party of record, and .

**16** *Rule 12-4 is amended*

*(a) in subrule (1) by striking out “trial is to be held” and substituting “action was started”, and*

*(b) in subrule (3) (d) by adding “or was not required” after “action”.*

**17** *Rule 13-1 (3) is amended by adding the following paragraph:*

(a.1) an order made at a trial management conference must be in Form 47.1, .

**18** *Rule 16-1 is amended*

*(a) in subrule (11) by striking out “, no later than 4 p.m. on the day that is one full day before the date set for the hearing,” and by adding the following paragraph:*

(e) the petition record must be provided to the registry

(i) no earlier than 9 a.m. on the business day that is three full business days before the date set for the hearing and no later than 4 p.m. on the business day that is one full business day before the date set for the hearing, or

(ii) if an earlier date is fixed by a registrar, on or before that date. , *and*

*(b) in subrules (12) and (15) by striking out “day that is one full day” and substituting “business day that is one full business day”.*

**19** *Rule 23-1 (11) (b) and (12) is amended by striking out “his or her” and substituting “the judge’s”.*

20 *Rule 23-4 (10) (a) is amended by striking out “he or she” and substituting “the minister”.*

21 *Rule 23-5 is amended*

*(a) in subrules (4) (a) and (4.1) (a) by adding “in person or” after “heard”, and*

*(b) by repealing subrule (5) and substituting the following:*

**Application must be made by requisition**

(5) An application under subrule (4) or (4.1) for a direction that an application or a hearing before a registrar be heard in person or by way of telephone, video conference or other communication medium must be made by requisition in Form 20.1.

22 *Rule 23.1-1 (4) is amended by striking out “Form 17” and substituting “Form 20.1”.*

23 *Rule 25-5 is amended*

*(a) in subrule (3) (b) (ii) by striking out “day that is one full day” and substituting “business day that is one full business day”, and*

*(b) in subrule (6) (a) (i) by striking out “Form 17” and substituting “Form 19.1”.*

24 *Form 17 in Appendix A is amended*

*(a) by striking out “5-1 (4), 5-2 (4),” and by striking out “12-2 (6),”*

*(b) by striking out “23-1 (9), 23-3 (10), 23-5 (5), 23.1-1 (4) AND 25-5 (6)” and substituting “23-1 (9) AND 23-3 (10),” and*

*(c) by striking out “dd/mmm/yyyy” in both places and substituting “date”.*

25 *Form 17.1 in Appendix A is amended by striking out “dd/mmm/yyyy” wherever it appears and substituting “date”.*

26 *Form 17.2 in Appendix A is amended*

*(a) by striking out the title and substituting the following:*

**REQUISITION – TRIBUNAL AWARD**

*, and*

*(b) by striking out “dd/mmm/yyyy” and substituting “date”.*

27 *The following forms are added to Appendix A:*

FORM 19.1 (RULE 5-1 (4) AND 25-5(6) )

*[Style of Proceeding]*

**REQUISITION – GENERAL (APPLICATION)**

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

**Filed by:** .....[party(ies)].....

Required:

[Set out order or relief sought]

This order/relief is sought because:

[Set out the reasons why the order or relief is sought]

This requisition is supported by the following documents:

[Include a description of supporting document(s). Each affidavit included on the list must be identified as follows: "Affidavit #.....[sequential number, if any, recorded in the top right hand corner of the affidavit]..... of .....[name]....., made.....[date].....".]

- 1
- 2

Position of the other party(ies):

[State whether other parties have a position with respect to this application]

Date: .....[date].....

.....  
 Signature of [ ] filing party [ ] lawyer for filing party(ies)  
 .....[type or print name].....

**ORDER BY ENDORSEMENT** (to be completed by a judge, master or registrar)

Order granted [ ] / refused [ ]

**Conditions or directions:**

.....

.....

**Endorsed:**

Judge/Master/Registrar .....

Date .....[date].....

FORM 20.1 (RULE 5-2 (4), 12-2 (6), 23-5 (5) AND 23.1-1 (4) )

*[Style of Proceeding]*

**REQUISITION – METHOD OF ATTENDANCE**

*[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]*

**Filed by:** .....*[party(ies)]*.....

Required:

- Order to exempt ..... *[name of party]* ..... from attending the:
  - case planning conference on ..... *[date]* ..... [Rule 5-2 (4)]
  - trial management conference on ..... *[date]* ..... [Rule 12-2 (6)]
- Order to permit attendance  in person or by way of  video conference or  telephone by  
..... *[name of lawyer or party]* ..... at the:
  - case planning conference on ..... *[date]* ..... [Rule 5-2 (4)]
  - trial management conference on ..... *[date]* ..... [Rule 12-2 (6)]
- Order that the following application be heard  in person or by way of  video conference  
 telephone or  other communication medium (please specify below):  
..... *[identify application (including filing date)]* ..... [Rule 23-5 (5)]
- Order that the following hearing before a registrar be heard  in person or by way of  video  
conference  telephone or  other communication medium (please specify below):  
..... *[identify hearing]* ..... [Rule 23-5 (5)]
- Order that the following application, conference or hearing be heard in person:  
..... *[identify application (including filing date), conference or hearing]* ..... [Rule 23.1-1 (4)]

This order/relief is sought because:

*[Set out the reasons why the order or relief is sought]*

Position of the other party(ies):

*[State whether other parties have a position with respect to this application]*

Contact information for any person whose participation is to be by video conference or  
telephone:

*[provide e-mail address (for video conference) or telephone number (for telephone)]*



Date: .....[date].....

.....  
Signature of [ ] filing party [ ] lawyer for filing party(ies)  
.....[type or print name].....

**ORDER BY ENDORSEMENT** (to be completed by a judge, master or registrar)

Order granted [ ] / refused [ ]

**Conditions or directions:**

.....  
.....

**Endorsed:**

Judge/Master/Registrar .....

Date .....[date].....

FORM 47.1 (RULE 13-1 (3))

*[Style of Proceeding]*

**ORDER MADE AT TRIAL MANAGEMENT CONFERENCE**

BEFORE MASTER/JUSTICE

.....[insert date of hearing].....

THIS MATTER coming on for a Trial Management Conference at *[insert location of registry]* Law Courts on *[insert date of hearing]* and on hearing *[insert name of person appearing]*, *[insert description of person appearing, i.e., counsel for the plaintiff(s), appearing on their own behalf]*, and *[insert name of person appearing]*, *[insert description of person appearing, i.e., counsel for the defendant(s)/appearing on their own behalf]*;

THIS COURT ORDERS that:

1 *[set out details]*

2

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER:

*[insert name of person appearing]*  
*[insert description of person appearing]*

*[insert name of person appearing]*  
*[insert description of person appearing]*

By the Court

Registrar

**28 Form 41 in Appendix A is repealed and the following substituted:**

**FORM 41 (RULE 12-1.1 (1), (2) AND (3) )**

*[Style of Proceeding]*

**TRIAL BRIEF**

*[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]*

**Filed by:** .....[party]..... (the “filing party”)

*[The pages of this trial brief must be consecutively numbered.]*

*[Check the following box, if applicable] [ ] This is an amended trial brief of the filing party.*

The trial of this action is scheduled for .....[number of days scheduled for trial]..... days and is scheduled to begin on .....[insert date]..... . The total time needed respecting items 3, 4, 6, 9 and 11 (b), as applicable, is .....[total, in hours, of all times indicated in items 3, 4, 6, 9 and 11 (b) below].....

*[Check whichever one of the following boxes is correct and complete any required information.]*

- The filing party expects the trial to complete within the scheduled time.
- The filing party expects the trial to require .....[number]..... days, and the filing party and counsel are available to continue for .....[number]..... consecutive days following the currently scheduled completion date.

The total time needed for orders or directions sought at the trial management conference is \_\_\_\_\_, if proceeding *[total time of all applications in item 1 (d) ]*.

**1 TRIAL MANAGEMENT CONFERENCE**

- (a) The filing party is represented by legal counsel and anticipates being represented by counsel at the trial:  yes  no
- (b) The trial is set for hearing for more than 15 days:  yes  no  
*[See Rule 12-2 (1) for when trial management conference is required.]*
- (c) Has the filing party filed a jury notice:  yes  no  
If yes, does the filing party intend to proceed by:  judge alone  jury
- (d) The following orders or directions will be applied for at the trial management conference:

Nature of order or direction	Time in hours needed for application


If a trial management conference is not held, the parties are encouraged to engage in pretrial communication that will result in the efficient conduct of the trial, including provisions for a joint book of authorities, agreed statement of facts, and common book of documents.

**2 SUMMARY OF ISSUES AND POSITIONS**

The following is a list, in numbered paragraphs, of the issues in dispute and the filing party's position on each:

Issue in dispute	Filing party's position
1	1
2	2

**3 WITNESSES TO BE CALLED**

The following are the names and addresses of the lay and expert witnesses the filing party intends to call at trial, the issue(s) each will address, an estimate of the time each will need for giving direct evidence, and the filing party's opinion on whether, if the court so orders or the parties all consent, the witness's direct evidence could conveniently be given by affidavit:

Name	Address	Issue(s)	Evidence expected at trial: (a) attached as a schedule or (b) to be provided 14 days before trial	Time in hours needed	Direct evidence by affidavit (Y/N)	Video Attendance Proposed by Filing Party (Y/N)

**4 WITNESSES TO BE CROSS-EXAMINED**

The following are the names of the witnesses the filing party anticipates cross-examining at trial, and an estimate of the time the filing party will need for each:

Name	Time in hours needed

**5 EXPERT REPORTS**

The following are the expert reports that will be offered as evidence at trial:

Name of expert	Area of expertise	Date of report

**6 OBJECTION TO ADMISSIBILITY**

The filing party intends to object to the admissibility of all or a part of the following expert reports:

Name of expert	Area of expertise	Date of report	Basis of objection	Time in hours needed

**7 DOCUMENTS, EXHIBITS AND AUTHORITIES**

- (a) The parties [ ] have agreed on [ ] have not agreed on [ ] have not yet discussed a common book of documents.
- (b) The filing party [ ] is in favour or [ ] is not in favour of having a common book of documents. If not, provide reasons:  
\_\_\_\_\_
- (c) The parties [ ] have reached [ ] have not reached [ ] have not yet discussed an agreement governing the use and admissibility of documents.
- (d) The filing party [ ] is in favour or [ ] is not in favour of proceeding with an agreement governing the use and admissibility of documents.  
If yes, attach proposed form of document agreement.  
If not, provide reasons:  
\_\_\_\_\_
- (e) The filing party [ ] expects [ ] does not expect that there will be a joint book of authorities.

**8 ADMISSIONS**

The filing party will admit the following facts at trial (attach schedule if more space required):

- 1
- 2

**9 TIME REQUIRED FOR SUBMISSIONS**

The filing party estimates that .....[time estimate, in hours]..... will be needed for the filing party's opening statement and .....[time estimate, in hours]..... will be needed for that party's final submissions.

If a jury notice has been filed, the filing party estimates that.....[time estimate, in hours] will be needed for jury selection, jury deliberations, jury charge and other jury specific related matters.

**10 ORDERS THAT MAY AFFECT THE CONDUCT OF THE TRIAL**

The following orders may affect the conduct of the trial:

Date of order	Nature of order

**11 APPLICATIONS ANTICIPATED**

(a) The following applications are anticipated to be made prior to trial:

Name of application	Time estimate

(b) The following applications are anticipated to be made during the trial:

Name of application	Time estimate

**12 TRIAL LOGISTICS**

(a) Does this trial involve/require:

(i) out of town witnesses? yes [ ] no [ ]

If so, indicate where witnesses are traveling from: \_\_\_\_\_

(ii) interpreters? yes [ ] no [ ]

If so, indicate language[s] required for each witnesses: \_\_\_\_\_

(iii) security concerns? yes [ ] no [ ]

If so, indicate whether sheriff required in the courtroom: \_\_\_\_\_

(iv) special equipment/courtroom arrangements? yes [ ] no [ ]

Videoconferencing: yes [ ] no [ ]

Teleconferencing: yes [ ] no [ ]

Evidence Presentation System: yes [ ] no [ ]

Large courtroom: yes [ ] no [ ]

Other requirements: \_\_\_\_\_

(b) How many people do you anticipate to be in attendance in person at the trial?

[ ] number of party attendees

[ ] number of non-party attendees

**13 READINESS**

Are further amendments to the pleadings, applications, examinations for discovery, interrogatories, admissions or expert reports required before the trial? yes [ ] no [ ]

Date: .....[date].....

.....  
Signature of [ ] filing party [ ] lawyer for filing party

.....[type or print name].....

**29 Form 118 in Appendix A is amended**

**(a) by striking out**

“www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/submit-court-documents-forms/fax-filing/how-to-fax-file or through” **and**

**substituting**

“www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/submit-court-documents-forms/fax-filing or through”,

**(b) under the heading “Payment Information:” by striking out “or BC Online Account” and by striking out “(Note: BC Online is available only in the Prince George Court Registry)”, and**

**(c) by striking out the following:**

or \_\_\_\_\_

BC OnLine account number

or \_\_\_\_\_

print name of BC OnLine account

or \_\_\_\_\_

authorizing signature (BC OnLine account) .

**30 Schedule 1 to Appendix C is amended**

**(a) in item 5 in the table by striking out “stated case” and substituting “stated case, or to schedule a trial management conference or settlement conference”, and**

**(b) in item 13 in the table by striking out “his or her” and substituting “the person’s”.**

**31 Schedule 2 to Appendix C is amended in item 8 in the table by striking out “his or her” and substituting “the person’s”.**

**32 Schedule 3 to Appendix C is amended in section 2 (1) (a) and (b) by striking out “his or her” and substituting “the witness”.**

**33 Schedule 4 to Appendix C is amended in item 13 in the table by striking out “his or her” and substituting “the person’s”.**

## SCHEDULE 2

- 1** *Rule 1-1 (1) of the Supreme Court Family Rules, B.C. Reg. 169/2009, is amended by adding the following definition:*

“**business day**” means a day on which the court registries are open for business; .

- 2** *Rule 6-1 (1) is repealed and the following substituted:*

### **Required addresses for service of party represented by lawyer**

- (1) A party to a family law case who is represented by a lawyer must have, as the party’s addresses for service, both
- (a) an e-mail address, if available, and
  - (b) an accessible address that is an office address of that lawyer.

### **Required addresses for service of unrepresented party**

- (1.1) A party to a family law case who is not represented by a lawyer must
- (a) have, as the party’s addresses for service, both
    - (i) an e-mail address, if available, and
    - (ii) an accessible address within 30 kilometres of the registry, or
  - (b) if the party does not have an accessible address within 30 kilometres of the registry, have, as the party’s addresses for service, both
    - (i) an e-mail address, if available, and
    - (ii) either
      - (A) a postal address in British Columbia, or
      - (B) a fax number.

- 3** *Rule 6-1 (2) is amended*

*(a) by striking out “subrule (1)” and substituting “subrule (1) or (1.1)”, and*

*(b) by repealing paragraph (c) and substituting the following:*

*(c) an additional e-mail address.*

- 4** *Rule 6-1 (3) is amended*

*(a) by striking out “his or her” and substituting “the party’s”, and*

*(b) in paragraph (a) by striking out “subrule (1)” and substituting “subrule (1) or (1.1)”.*

- 5** *Rule 6-2 is amended by adding the following subrule:*

### **Request for copy of document served by e-mail**

- (8) If a document is transmitted for service by e-mail and the person receiving the document requests, within 3 days of receiving that document, that a copy be sent to another address for service for that person, the party who served the document

by e-mail must provide the copy at the requested address for service within 7 days of receiving that request or as agreed upon by the parties.

**6 Rule 7-1 is amended**

*(a) by repealing subrule (5) and substituting the following:*

**How to apply for relief**

(5) To bring an application for relief under subrule (4), a party must file a requisition in Form F18.1. ,

*(b) in subrule (13) by striking out “his or her” and substituting “the party’s”, and*

*(c) by adding the following subrule:*

**Application must be made by requisition**

(13.1) An application under subrule (13) for an order exempting a person from attending a judicial case conference must be made by requisition in Form F19.1.

**7 The following Part is added:**

**PART 7.1 – CASE PLANNING**

**RULE 7.1-1 – CASE PLANNING CONFERENCES**

**Case planning conference may be requested**

- (1) At any time after a judicial case conference has been held in a family law case, a party may request a case planning conference by
  - (a) obtaining a date and time for the case planning conference from the registry, and
  - (b) filing a notice of case planning conference in Form F19.2.

**Case planning conference may be directed**

- (2) Without limiting subrule (1), at any time after a judicial case conference has been held in a family law case, the court
  - (a) may direct that a case planning conference take place, and
  - (b) in that case, must direct that a party request a case planning conference in accordance with subrule (1).

**Time for service of notice**

- (3) Unless the court otherwise orders or the parties otherwise agree, a party who is requesting a case planning conference under subrule (1) or who has been directed to request a case planning conference under subrule (2) must serve the filed notice of case planning conference on the other parties,



- (a) in the case of the first case planning conference to be held in the family law case, at least 35 days, or any shorter period that the court may order, before the date set for the case planning conference, and
- (b) in the case of any other case planning conference to be held in the family law case, at least 7 days, or any shorter period that the court may order, before the date set for the case planning conference.

**Application must be made by requisition**

- (4) An application under subrule (3) (a) or (b) to shorten the service period applicable to a notice of case planning conference
  - (a) must be made by requisition in Form F17, and
  - (b) unless the court otherwise orders, may be made without notice.

**Case plan proposal required**

- (5) Unless the court otherwise orders, if a case planning conference is requested or ordered under this rule, the parties must, before the first case planning conference to be held in the family law case, file case plan proposals as follows:
  - (a) the party who is requesting the case planning conference must, within 14 days after serving the notice of case planning conference,
    - (i) file the party's case plan proposal, and
    - (ii) serve a copy of the filed case plan proposal on all other parties;
  - (b) each other party must, within 14 days after receipt of the case plan proposal referred to in paragraph (a),
    - (i) file the party's case plan proposal, and
    - (ii) serve a copy of the filed case plan proposal on all other parties.

**Contents of case plan proposal**

- (6) A party's case plan proposal referred to in subrule (5) must be in Form F19.3 and must, in a summary manner, indicate the party's proposal with respect to the following steps:
  - (a) discovery of documents;
  - (b) examinations for discovery;
  - (c) obtaining the views of a child, if appropriate;
  - (d) dispute resolution procedures;
  - (e) expert witnesses;
  - (f) witness lists;
  - (g) trial type, estimated trial length and preferred periods for the trial date.

**RULE 7.1-2 — CONDUCT OF CASE PLANNING CONFERENCE**

**Case planning conference must be conducted by judge or master**

- (1) A case planning conference held in a family law case must be conducted by a judge or master.

**Who must attend**

- (2) Unless the court otherwise orders, the following persons must attend a case planning conference in accordance with subrule (3):
  - (a) each lawyer representing a party;
  - (b) a party if
    - (i) the party is not represented by a lawyer in the family law case, or
    - (ii) the party is ordered to attend by the court.

**Method of attendance**

- (3) Unless the court otherwise orders, a lawyer or party referred to in subrule (2) must attend a case planning conference held in the family law case
  - (a) in person, or
  - (b) by telephone, video conference or other communication medium, if all persons participating in the case planning conference, whether by telephone, video conference or other communication medium or in person, are able to communicate with each other.

**Application must be made by requisition**

- (4) Each application under subrule (2) for an order exempting a person from attending a case planning conference
  - (a) must be made by requisition in Form F19.1, and
  - (b) unless the court otherwise orders, may be made without notice.

**Considerations of the court**

- (5) If an application is brought under subrule (2) for an order exempting a person from attending a case planning conference, the court may make such an order if the court considers that
  - (a) attendance must be excused on health or compassionate grounds, or
  - (b) other extraordinary circumstances exist that justify the order.

**Non-attendance at case planning conference**

- (6) If a person who, under subrule (2), is required to attend a case planning conference fails to attend at that case planning conference, the case planning conference judge or master may do one or more of the following:
  - (a) proceed in the absence of the person who failed to attend;
  - (b) adjourn the case planning conference;
  - (c) order that the person, or the party on whose behalf the person was to attend, pay costs to one or more other parties.

**Proceedings must be recorded**

- (7) Proceedings at a case planning conference must be recorded, but no part of that recording may be made available to or used by any person without court order.

## **RULE 7.1-3 — CASE PLANNING CONFERENCE ORDERS**

### **Orders**

- (1) At a case planning conference, the case planning conference judge or master may make one or more of the following orders in respect of the family law case, whether or not on the application of a party:
  - (a) setting a timetable for the steps to be taken;
  - (b) amending a previous case plan order;
  - (c) any order referred to in Rule 21-2 (2);
  - (d) requiring amendment of a pleading to provide details of one or more of the following matters set out in that pleading:
    - (i) the facts,
    - (ii) the relief sought, or
    - (iii) the legal basis on which relief is sought or opposed;
  - (e) respecting the length and content of pleadings;
  - (f) respecting discovery, listing, production, preservation, exchange or examination of documents or exhibits, including, without limitation, orders
    - (i) respecting electronically stored information, and
    - (ii) that discovery, listing, production, exchange or examination be limited or otherwise conducted as ordered;
  - (g) respecting discovery of parties or the examination or inspection of persons or property, including, without limitation, that discovery, examination or inspection be limited, expanded or otherwise conducted in the manner ordered;
  - (h) respecting interrogatories;
  - (i) respecting third party claims, including imposing terms on any third party procedure to limit or avoid any prejudice or unnecessary delay that might otherwise be suffered by the claimant as a result of that third party procedure;
  - (j) respecting witness lists;
  - (k) respecting experts, including, without limitation, orders
    - (i) that the expert evidence on any one or more issues be given by one jointly-instructed expert,
    - (ii) respecting the number of experts a party may call,
    - (iii) that the parties' experts must confer before the service of their respective reports,
    - (iv) setting a date by which an expert's report must be served on the other parties, and
    - (v) respecting the issues on which an expert may be called;
  - (l) respecting admissions;
  - (m) respecting offers to settle;
  - (n) respecting the conduct of any application;

- (o) requiring the parties to attend one or more of a mediation, a settlement conference or any other dispute resolution process, and giving directions for the conduct of the mediation, settlement conference or other dispute resolution process;
- (p) authorizing or directing the parties to try one or more issues in the action independently of others;
- (q) fixing the length of trial;
- (r) respecting the place at which any step in the action is to be conducted;
- (s) setting the action for trial on a particular date or on a particular trial list;
- (t) striking out a counterclaim or directing that a counterclaim be tried separately;
- (u) adjourning the case planning conference;
- (v) directing the parties to attend a further case planning conference at a specified date and time;
- (w) any orders the judge or master considers will further the object of these Supreme Court Family Rules.

**Prohibited orders**

- (2) A case planning conference judge or master must not, at a case planning conference,
  - (a) hear any application supported by affidavit evidence, except under subrule (6), or
  - (b) make an order for final judgment, except by consent or under subrule (6).

**Case plan order required**

- (3) Without limiting subrules (1) and (2), the judge or master conducting a case planning conference must, at the conclusion of the case planning conference, make a case plan order.

**Case plan order**

- (4) A case plan order under subrule (3) must be in Form F19.4 and
  - (a) must set out any order made under subrule (1), and
  - (b) may but need not include any other matter referred to in Form F19.4.

**When approval in writing by lawyer not required**

- (5) Without limiting Rule 15-1 (4), if a case plan order under subrule (3) is approved in writing by the case planning conference judge or master, that order need not be approved in writing by a lawyer or by a party.

**Consequences of non-compliance**

- (6) If a party fails to comply with this Part or an order made under this rule or if anything is done or omitted improperly or unnecessarily by or on behalf of a party in relation to anything under this Part, the court may, on application, do one or both of the following:
  - (a) make an order under Rule 21-5;

- (b) despite any other provision of these Supreme Court Family Rules to the contrary and without limiting Rule 16-1 (13),
  - (i) award costs of the application on a lump sum basis, and
  - (ii) set the period within which those costs must be paid.

**Application may be made at case planning conference**

- (7) Without limiting Part 10, a party may apply for an order under subrule (6) at a case planning conference.

**Amendments to case plan orders**

- (8) Without limiting the ability of a case planning conference judge or master to amend a case plan order at a case planning conference under Rule 7.1-3 (1) (b), the parties may apply to amend a case plan order by requesting a subsequent case planning conference under Rule 7.1-1.

**8 Rule 10-6 (1) is repealed and the following substituted:**

**Definition**

- (1) In this rule, “**application respondent**” means a person who files an application response under subrule (8).

**9 Rule 10-6 (14) is amended**

(a) *by striking out* “, no later than 4 p.m. on the business day that is one full business day before the date set for the hearing,”

(b) *in paragraph (b) by adding the following subparagraph:*

- (viii) the most current Form F102 statement of information for corollary relief proceedings, if any, filed by each party in accordance with Rule 15-2.2; , *and*

(c) *by adding the following paragraph:*

- (e) the application record must be provided to the registry
  - (i) no earlier than 9 a.m. on the business day that is three full business days before the date set for the hearing and no later than 4 p.m. on the business day that is one full business day before the date set for the hearing, or
  - (ii) if an earlier date is fixed by a registrar, on or before that date.

**10 Rule 10-9 (2) is amended by striking out “Form F17” and substituting “Form F32.01”.**

**11 Rule 10-10 (1) is amended by striking out “or” at the end of paragraph (a) and by adding the following paragraph:**

- (a.1) by way of summary trial in accordance with Rule 11-3, or .

**12 Rule 11-3 (2) is amended by adding the following paragraph:**

- (d) an undefended family law case.

**13**    *The following rule is added:*

**RULE 14-2.1 – TRIAL BRIEF**

**Claimant must file trial brief**

- (1) Unless the court otherwise orders, the claimant must, at least 56 days before the scheduled trial date,
  - (a) file a trial brief in Form F45, and
  - (b) serve a copy of the filed trial brief on each of the other parties.

**Other parties must file trial brief**

- (2) Unless the court otherwise orders, each party, other than the claimant, must, at least 49 days before the scheduled trial date,
  - (a) file a trial brief in Form F45, and
  - (b) serve a copy of the filed trial brief on each of the other parties.

**Claimant may file amended trial brief**

- (3) Unless the court otherwise orders, the claimant may, at least 42 days before the scheduled trial date,
  - (a) file an amended trial brief in Form F45, and
  - (b) serve a copy of the filed amended trial brief on each of the other parties.

**Failure to file or serve trial brief**

- (4) If a party has failed to comply with subrule (1) (a) or (b) or (2) (a) or (b), the judge or master at a trial management conference may order costs against that party.

**Trial removed from trial list**

- (5) Unless the court otherwise orders, a trial must be removed from the trial list if neither the claimant nor any other party has filed a trial brief as required by subrule (1) or (2).

**Witness list must be amended**

- (6) If a party who has provided a witness list in a trial brief later learns that the witness list is inaccurate or incomplete, the party must promptly
  - (a) file an amended witness list, and
  - (b) serve a copy of the filed amended witness list on each of the other parties.

**Person named in witness list need not testify**

- (7) Nothing in this rule requires a party to, at trial, lead evidence from a person listed in the witness list set out in the party's trial brief.

**New trial briefs required if trial adjourned**

- (8) If the date for the hearing of a trial is rescheduled, a party who has already filed a trial brief as required under subrule (1) or (2) must file a new trial brief under those subrules, as applicable, in relation to the new scheduled trial date unless

- (a) the new scheduled trial date is less than 6 months from the date on which the previous trial brief was filed, or
- (b) the court otherwise orders.

**14 Rule 14-3 is amended**

*(a) by repealing subrule (1) and substituting the following:*

**When trial management conference is required**

- (1) A trial management conference must take place if
  - (a) required by order of the court, or
  - (b) unless the court otherwise orders,
    - (i) more than 15 days have been reserved for the trial,
    - (ii) any party is not represented by a lawyer, or may not be represented by a lawyer at the trial, or
    - (iii) a party requests a trial management conference by filing a requisition not less than 42 days before the scheduled trial date.

**Date and place of trial management conference**

- (1.1) Unless the court otherwise orders, the trial management conference must take place at least 28 days before the scheduled trial date, at a time and place to be fixed by a registrar. ,
  - (b) in subrule (2) by striking out everything after “master”,*
  - (c) by repealing subrule (3), and*
  - (d) in subrule (6) by striking out “by telephone” and substituting “by telephone, video conference or other communication medium”.*

**15 Rule 14-3 (7) is amended**

- (a) in paragraph (a) by striking out “Form F17,” and substituting “Form F19.1, and”, and*
- (b) by repealing paragraph (b).*

**16 Rule 14-4 (1) is amended**

- (a) by adding the following paragraph:*
  - (c.1) the most current Form F102 statement of information for corollary relief proceedings, if any, filed by each party in accordance with Rule 15-2.2.,  
*and*
- (b) by striking out “and” at the end of paragraph (d) and by adding the following paragraph:*
  - (d.1) the trial brief filed by each party, and .

**17 Rule 14-5 is amended**

*(a) in subrule (1) by striking out “trial is to be held” and substituting “action was commenced”, and*

*(b) in subrule (3) (d) by adding “or was not required” after “conducted”.*

**18 Rule 15-1 (1) is amended**

*(a) by adding the following paragraph:*

(d.5) if the order is made under Rule 14-3 (9) at a trial management conference, in Form F51.2; , *and*

*(b) in paragraph (e) by striking out “(d.2) or (d.3)” and substituting “(d.2), (d.3), (d.4) or (d.5)”.*

**19 Rule 17-1 is amended**

*(a) in subrule (11) by striking out “, no later than 4 p.m. on the day that is one full day before the date set for the hearing,”*

*(b) in subrule (11) (b) by adding the following subparagraph:*

(vi) the most current Form F102 statement of information for corollary relief proceedings, if any, filed by each party in accordance with Rule 15-2.2; ,

*(c) in subrule (11) by adding the following paragraph:*

(e) the petition record must be provided to the registry

(i) no earlier than 9 a.m. on the business day that is three full business days before the date set for the hearing and no later than 4 p.m. on the business day that is one full business day before the date set for the hearing, or

(ii) if an earlier date is fixed by a registrar, on or before that date. , *and*

*(d) in subrules (12) and (15) by striking out “day that is one full day” and substituting “business day that is one full business day”.*

**20 Rule 22-2 (11) (b) and (12) is amended by striking out “his or her” and substituting “the judge’s”.**

**21 Rule 22-6 (4) (a) and (4.1) (a) is amended by adding “in person or” after “heard”.**

**22 Rule 22-6 (5) is amended by adding “in person or” after “heard” and by striking out everything after “video conference” and substituting “or other communication medium must be made by requisition in Form F19.1”.**

**23 Rule 22.1-1 (4) is amended by striking out “Form F17” and substituting “Form F19.1”.**

**24 Form F17 in Appendix A is amended**

*(a) by striking out “7-1 (5),” and substituting “7-1 (13.1), 7.1-1 (4),”*



(b) *by striking out* “14-3 (7),”

(c) *by striking out* “22-2 (9), 22-4 (10), 22-6 (5) AND 22.1-1 (4)” *and substituting* “22-2 (9) AND 22-4 (10),”

(d) *by striking out the title and substituting the following:*

**REQUISITION – GENERAL**

, *and*

(e) *by striking out* “dd/mmm/yyyy” *in both places and substituting* “date”.

**25** *Form F17.1 in Appendix A is amended*

(a) *by striking out the title and substituting the following:*

**REQUISITION – FILING OF AGREEMENT**

, *and*

(b) *by striking out* “dd/mmm/yyyy” *wherever it appears and substituting* “date”.

**26** *Form F17.2 in Appendix A is amended*

(a) *by striking out the title and substituting the following:*

**REQUISITION – PARENTING COORDINATOR DETERMINATION**

, *and*

(b) *by striking out* “dd/mmm/yyyy” *and substituting* “date”.

**27** *Form F17.3 in Appendix A is amended*

(a) *by striking out the title and substituting the following:*

**REQUISITION – ARBITRATION AWARD**

, *and*

(b) *by striking out* “dd/mmm/yyyy” *and substituting* “date”.

**28** *The following forms are added to Appendix A:*

FORM F18.1 (RULE 7-1 (5) )

*[Style of Proceeding]*

**REQUISITION – GENERAL (APPLICATION)**

*[Rule 21-1 of the Supreme Court Family Rules applies to all forms.]*

**Filed by:** ..... [party(ies)] .....

**Required:**

*[Set out order or relief sought]*

**This order/relief is sought because:**

*[Set out the reasons why the order or relief is sought]*

**This requisition is supported by the following documents:**

*[Include a description of supporting document(s), if any. An application pursuant to Rule 7-1(5) should be supported, at minimum, by a copy of the proposed notice of application. If the requisition is supported by an affidavit, each affidavit included on the list must be identified as follows: "Affidavit #.....[sequential number, if any, recorded in the top right hand corner of the affidavit]..... of .....[name]....., made .....[date].....".]*

- 1
- 2

**Position of the other party(ies):**

*[State whether other parties have a position with respect to this application]*

Date .....[date].....

Signature of

filing party  lawyer for filing party(ies)

.....[type or print name].....

**ORDER BY ENDORSEMENT** (to be completed by a judge, master or registrar)

Order granted  / refused

**Conditions or directions:**

.....  
.....

**Endorsed:**

Judge/Master/Registrar .....

Date ..... [date].....

*[Style of Proceeding]*

**REQUISITION – METHOD OF ATTENDANCE**

*[Rule 21-1 of the Supreme Court Family Rules applies to all forms.]*

**Filed by:** .....*[party(ies)]*.....

Required:

- Order to exempt ..... *[name of party]* ..... from attending:
  - judicial case conference on ..... *[date]*..... [Rule 7-1 (13.1)]
  - case planning conference on ..... *[date]* ..... [Rule 7.1-2 (4)]
  - trial management conference on ..... *[date]* ..... [Rule 14-3 (7)]
- Order to permit attendance by  in person  video conference  telephone by .....  
*[name of lawyer or party]* ..... at the:
  - judicial case conference on ..... *[date]*.....
  - case planning conference on ..... *[date]* .....
  - trial management conference on ..... *[date]* ..... [Rule 14-3 (7)]
- Order that the following application be heard  in person or by way of  video conference  
 telephone or  other communication medium (please specify below):  
 ..... *[identify application (including filing date)]* ..... [Rule 22-6 (5)]
- Order that the following hearing before a registrar be heard  in person or by way of  video  
 conference  telephone or  other communication medium (please specify below):  
 ..... *[identify hearing]* ..... [Rule 22-6 (5)]
- Order that the following application, conference or hearing be heard in person:  
 .....*[identify application (including filing date), conference or hearing]*..... [Rule 22.1-1 (4)]

This order/relief is sought because:

*[Set out the reasons why the order or relief is sought]*

Position of the other party(ies):

*[State whether other parties have a position with respect to this application]*

Contact information for any person whose participation is to be by video conference or telephone:

*[provide email address (for video conference) or telephone number (for telephone)]*

Date .....*[date]*.....

Signature of

filing party  lawyer for filing party(ies)

.....[type or print name].....

**ORDER BY ENDORSEMENT** (to be completed by a judge, master or registrar)

Order granted  / refused

**Conditions or directions:**

.....

.....

**Endorsed:**

Judge/Master/Registrar .....

Date .....[date].....

**FORM F19.2 (RULES 7.1-1 (1))**

*[Style of Proceeding]*

**NOTICE OF CASE PLANNING CONFERENCE**

*[Rule 21-1 of the Supreme Court Family Rules applies to all forms.]*

A case planning conference has been set for this family law case:

*[Check whichever one of the following boxes is correct and complete any required information.]*

at the request of .....[party(ies)].....

at the direction of the court

The case planning conference will be held at .....[address of the registry in which the proceeding is being conducted]..... at .....[time of day]..... on .....[date]..... .

The parties will attend the case planning conference:

..... *[Name of claimant's lawyer or claimant]* .....  in person  video conference  telephone  other communication medium (please specify below):

..... *[Name of respondent's lawyer or respondent]* .....  in person  video conference  telephone  other communication medium (please specify below):

This case planning conference has been set to consider:

[Check whichever one of the following boxes is correct and complete any required information.]

[in the case of a first case planning conference] the matters set out in the parties' respective case plan proposals

[in the case of a subsequent case planning conference] .....[Using numbered paragraphs, set out a brief summary of the matters to be considered.].....

1

2

Contact information for any person whose participation is to be by video conference or telephone:

[provide email address (for video conference) or telephone number (for telephone)]

Date: .....[date].....

.....

Signature of  filing party  lawyer for filing party(ies)

.....[type or print name].....

### FORM F19.3 (RULE 7.1-1 (6) )

[Style of Proceeding]

#### CASE PLAN PROPOSAL

[Rule 21-1 of the Supreme Court Family Rules applies to all forms.]

Party submitting this case plan proposal: .....

Indicate the party's proposal with respect to the following steps:

Item	Step	If parties agree, step agreed to and its timing [set out details or refer to attachment]	If parties disagree, party's proposal respecting step and its timing [set out details or refer to attachment]
1	Discovery of documents [when list is to be produced, where documents are to be made available for inspection, electronic document protocol, etc.]		
2	Examinations for discovery [person to be discovered, date of discovery, duration of discovery, etc.]		
3	Obtaining the views of a child [views of the child reports]		

4	Dispute resolution procedures under Part 11 of the Supreme Court Family Rules <i>[what procedures to be used and when, etc.]</i>		
5	Expert witnesses <i>[area of expertise of expert, date report to be served, etc.]</i>		
6	Witness Lists <i>[date list to be served]</i>		
7	Trial Type		
8	Estimated trial length		
9	Preferred period(s) for trial date		
10	Other <i>[specify]</i>		

Date: .....[date].....

.....  
Signature of [ ] filing party [ ] lawyer for filing party(ies)  
.....[type or print name].....

**FORM F19.4 (RULE 7.1-3 (4) )**

*[Style of Proceeding]*

BEFORE } A JUDGE OF THE COURT }  
} or } .....[date].....  
} A MASTER OF THE COURT }

**CASE PLAN ORDER**

*[Rule 21-1 of the Supreme Court Family Rules applies to all forms.]*

AT A CASE PLANNING CONFERENCE conducted on .....[date]..... by .....[judge/master]..... in the presence of .....[names of attending counsel and parties].....;

THIS COURT ORDERS that the parties comply with the attached case plan.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER

*[A signature line in the following form must be completed and signed by or for each approving party.]*

.....

Signature of [ ] party

[ ] lawyer for .....[name of party(ies)].....

.....[type or print name].....

.....

Signature of [ ] party

[ ] lawyer for .....[name of party(ies)].....

.....[type or print name].....

By the Court.

.....  
Registrar

CASE PLAN

**1 DISPUTE RESOLUTION PROCEDURES**

The parties have discussed resolution options including those under Part 11 of the Supreme Court Family Rules and have agreed to the following:

*[Check the box to the left of each step to be taken and fill in the agreed date.]*

	Step	Date by which step to be completed
<input type="checkbox"/>	Offer to settle	
<input type="checkbox"/>	Mediation	
<input type="checkbox"/>	Special Case	
<input type="checkbox"/>	Proceeding on point of law	
<input type="checkbox"/>	Summary trial	
<input type="checkbox"/>	Summary judgment application	
<input type="checkbox"/>	Other <i>[identify]</i>	

A party may undertake any of the steps provided for in Part 11 of the Supreme Court Family Rules whether or not the step is noted above.

**2 DOCUMENT PRODUCTION (RULE 9-1 OF THE SUPREME COURT FAMILY RULES)**

The following steps will be completed by the date set out next to each step:

Step	Date by which step to be completed <i>[if dates differ by party, indicate a date for each party]</i>
Delivery of the lists of documents required under Rule 9-1	
Completion of an electronic document protocol	
Other <i>[identify]</i>	

**3 EXAMINATIONS FOR DISCOVERY (RULE 9-2 OF THE SUPREME COURT FAMILY RULES)**

The following examinations for discovery will be conducted, not exceed the time limits indicated and be completed by the date indicated:

Examination by (party name)	Examination of (party and person name)	Time Limit	Date by which step to be completed

**4 APPLICATIONS**

The following applications are anticipated:

*[Identify each anticipated application and fill in the proposed date.]*

Application	Date by which application anticipated to be brought

A party may bring any other application whether or not that application is noted above.

**5 EXPERT WITNESSES (PART 13 OF THE SUPREME COURT FAMILY RULES)**

*[For the following, complete the following Parts 1 and 2 for any expert evidence that the parties anticipate introducing at trial, and if the parties are unable to provide the information required under Part 1 or 2, complete the following Part 3.]*

PART 1

Each party may tender the report of, or call to give oral opinion evidence, an expert with the following expertise:

Name of party who intends to call the expert <i>[if expert is being called jointly, specify "Joint"]</i>	Area of Expertise



PART 2

The following steps will be taken by the date set out next to each step:

Step	Date by which step to be completed <i>[if dates differ by party, indicate a date for each party]</i>
Joint expert's report served	
Expert reports served	
Responding expert reports served	
Notices of objection to expert evidence served (Rule 13-6 (10) )	
Experts confer and serve report summarizing points of difference	
Other <i>[identify]</i>	
Other <i>[identify]</i>	

PART 3

If the information set out in the foregoing Part 1 or 2 is incomplete, the parties will apply to amend this order to complete that information by .....*[date]*..... .

**6 WITNESSES (RULE 9-4 OF THE SUPREME COURT FAMILY RULES)**

The following steps will be completed by the date set out next to each step:

Step	Date by which step to be completed <i>[if dates differ by party, indicate a date for each party]</i>
Serve lists of witnesses to be called at trial	
Other <i>[identify]</i>	
Other <i>[identify]</i>	

**7 TRIAL (PART 14 OF THE SUPREME COURT FAMILY RULES)**

(a) Estimated length of the trial: .....*[days]*.....;

(b) .....*[party(ies)]*....., will file a Notice of Trial in Form F44 to secure the trial date by .....*[date]*..... .

**8 OTHER**

FORM F32.01 (RULE 10-9 (2) )

*[Style of Proceeding]*

**REQUISITION - SHORT NOTICE**

[Rule 21-1 of the Supreme Court Family Rules applies to all forms.]

**Filed by:** .....[party(ies)].....

Required: An order pursuant to Supreme Court Family Rule 10-9 (1) that the main application be brought on short notice.

This requisition is supported by the following:

*[Include a description of supporting document(s). Each affidavit included on the list must be identified as follows: Affidavit # ... [sequential number, if any, recorded in the top right corner of the affidavit] ...of ...[name]....made ...[date]..."]*

- 1
- 2

Date .....[date].....

Signature of

filing party  lawyer for filing party(ies)

..... [type or print name] .....

**ORDER BY ENDORSEMENT** (to be completed by a judge, master or registrar)

Date set for hearing of main application: .....

**Conditions for Service:**

Service by application of Notice of Application and applicant’s affidavits with this order on the respondent(s)

before ..... a.m./p.m. on .....

Service of respondent(s)’ Application Response and affidavits on applicant:

before ..... a.m./p.m. on .....

**Other Conditions:**

applicant must file application record on or by

.....

.....

**Endorsed:**

Judge/Master/Registrar .....

Date .....[date].....

FORM F51.2 (RULE 14-3 (7) )

[Style of Proceeding]

ORDER MADE AT TRIAL MANAGEMENT CONFERENCE

BEFORE } THE HONOURABLE JUSTICE }  
          } or } .....[insert date of  
          } MASTER } hearing].....

THIS MATTER coming on for a Trial Management Conference at [insert location of registry] Law Courts on [insert date of hearing] and on hearing [insert name of person appearing], [insert description of person appearing, i.e., counsel for the claimant(s), appearing on their own behalf], and [insert name of person appearing], [insert description of person appearing, i.e., counsel for the respondent(s)/appearing on their own behalf];

THIS COURT ORDERS that:

- 1 [set out details]
- 2

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER:

[insert name of person appearing]  
[insert description of person appearing]

[insert name of person appearing]  
[insert description of person appearing]

By the Court

Registrar

29 Form F35 in Appendix A is amended

(a) by striking out the title and substituting the following:

REQUISITION - UNDEFENDED FAMILY LAW CASE

, and

(b) by adding the following after “[ ] affidavit in Form F38.”:

[Check the following box and file the following document with this requisition if corollary relief under the Divorce Act (Canada) is sought.]

[ ] the most current Form F102 statement of information for corollary relief proceedings, if any, filed by each party in accordance with Rule 10-10 (2) (h).

**30 Form F45 in Appendix A is repealed and the following substituted:**

FORM F45 (RULE 14-2.1 )

[Style of Proceeding]

**TRIAL BRIEF**

[Rule 21-1 of the Supreme Court Family Rules applies to all forms.]

**Filed by:** .....[party]..... (the “filing party”)

[The pages of this trial brief must be consecutively numbered.]

[Check the following box, if applicable] [ ] This is an amended trial brief of the filing party.

The trial of this family law case is scheduled for .....[number of days scheduled for trial]..... days and is scheduled to begin on .....[insert date]..... . The total time needed respecting items 3, 4, 6, 9 and 11(B), as applicable, is .....[total, in hours, of all times indicated in items 3, 4, 6, 9 and 11(B) below].....

[Check whichever one of the following boxes is correct and complete any required information.]

- [ ] The filing party expects the trial to complete within the scheduled time.
- [ ] The filing party expects the trial to require .....[number]..... days, and the filing party and counsel are available to continue for .....[number]..... consecutive days following the currently scheduled completion date.

The total time needed for orders or directions sought at the trial management conference is \_\_\_\_\_, if proceeding [total time of all applications in item 1C].

**1 TRIAL MANAGEMENT CONFERENCE**

- (a) The filing party is represented by legal counsel and anticipates being represented by counsel at the trial: [ ] yes [ ] no
- (b) The trial is set for hearing for more than 15 days: [ ] yes [ ] no  
[See Rule 14-3 (1) for when trial management conference is required.]
- (c) The following orders or directions will be applied for at the trial management conference:

Nature of order or direction	Time in hours needed for application

If a trial management conference is not held, the parties are encouraged to engage in pretrial communication that will result in the efficient conduct of the trial, including provisions for joint book of authorities, agreed statement of facts, and common book of documents.

**2 SUMMARY OF ISSUES AND POSITIONS**

The following is a list, in numbered paragraphs, of the issues in dispute and the filing party’s position on each:

Issue in dispute	Filing party’s position
1	1
2	2

**3 WITNESSES TO BE CALLED**

The following are the names and addresses of the lay and expert witnesses the filing party intends to call at trial, the issue(s) each will address, an estimate of the time each will need for giving direct evidence, and the filing party’s opinion on whether, if the court so orders or the parties all consent, the witness’s direct evidence could conveniently be given by affidavit:

Name	Address	Issue(s)	Evidence expected at trial: (a) attached as a schedule or (b) to be provided 14 days before trial	Time in hours needed	Direct evidence by affidavit (Y/N)	Video Attendance Proposed by Filing Party (Y/N)

**4 WITNESSES TO BE CROSS-EXAMINED**

The following are the names of the witnesses the filing party anticipates cross-examining at trial, and an estimate of the time the filing party will need for each:

Name	Time in hours needed

**5 EXPERT REPORTS**

The following are the expert reports the filing party intends to offer as evidence at trial:

Name of expert	Area of Expertise	Date of report

**6 OBJECTION TO ADMISSIBILITY**

The filing party intends to object to the admissibility of all or a part of the following expert reports:

Name of expert	Area of expertise	Date of report	Basis of objection	Time in hours needed


**7 DOCUMENTS, EXHIBITS AND AUTHORITIES**

- (a) The parties [ ] have agreed on [ ] have not agreed on [ ] have not yet discussed a common book of documents.
- (b) The filing party [ ] is in favour or [ ] is not in favour of having a common book of documents. If not, provide reasons:
- (c) The parties [ ] have reached [ ] have not reached [ ] have not yet discussed an agreement governing the use and admissibility of documents.
- (d) The filing party [ ] is in favour or [ ] is not in favour of proceeding with an agreement governing the use and admissibility of documents.  
 If yes, attach proposed form of document agreement.  
 If not, provide reasons:
- (e) The filing party [ ] expects [ ] does not expect that there will be a joint book of authorities.

**8 ADMISSIONS**

The filing party will admit the following facts at trial (attach schedule if more space required):

- 1
- 2

**9 TIME REQUIRED FOR SUBMISSIONS**

The filing party estimates that .....[time estimate, in hours]..... will be needed for the filing party’s opening statement and .....[time estimate, in hours]..... will be needed for that party’s final submissions.

**10 ORDERS THAT MAY AFFECT THE CONDUCT OF THE TRIAL**

The following orders may affect the conduct of the trial:

Date of order	Nature of order

**11 APPLICATIONS ANTICIPATED**

- (a) The following applications are anticipated to be made prior to trial:

Name of application	Time estimate

(b) The following applications are anticipated to be made during the trial:

Name of application	Time estimate

**12 TRIAL LOGISTICS**

(a) Does this trial involve/require:

(i) out of town witnesses? yes  no

If so, indicate where witnesses are traveling from: \_\_\_\_\_

(ii) interpreters? yes  no

If so, indicate language[s] required for which witnesses: \_\_\_\_\_

(iii) security concerns? yes  no

If so, indicate whether sheriff required in the courtroom: \_\_\_\_\_

(iv) special equipment/courtroom arrangements? yes  no

Videoconferencing: yes  no

Teleconferencing: yes  no

Evidence Presentation System: yes  no

Large courtroom: yes  no

Other requirements: \_\_\_\_\_

(b) How many people do you anticipate to be in attendance in person at the trial?

[\_\_\_\_\_] number of party attendees

[\_\_\_\_\_] number of non-party attendees

**13 READINESS**

Are further amendments to the pleadings, applications, examinations for discovery, interrogatories, admissions or expert reports required before the trial?

yes  no

Date: .....[date].....

.....  
Signature of  filing party  lawyer for filing party

.....[type or print name].....

**31 Form F95 in Appendix A is amended**

(a) *by striking out* “or BC Online Account” *and by striking out* “(Note: BC Online is available only in the Prince George Court Registry)”, *and*

(b) *under the heading* “Payment Information:” *by striking out the following:*

or \_\_\_\_\_

BC OnLine account number

or \_\_\_\_\_

print name of BC OnLine account

or \_\_\_\_\_

authorizing signature (BC OnLine account) .

**32** *Schedule 1 to Appendix C is amended*

(a) *in section 1 by repealing the definition of “qualified mediator” and substituting the following:*

“qualified mediator” means a mediator who is qualified as a family dispute resolution professional within the meaning of section 4 (2) of the Family Law Act Regulation, B.C. Reg. 347/2012. , *and*

(b) *in item 5 in the table by striking out* “stated case” *and substituting* “stated case, or to schedule a trial management conference or settlement conference”.

**33** *Schedule 1 to Appendix C is amended in item 13 in the table by striking out* “his or her” *and substituting* “the person’s”.

**34** *Schedule 2 to Appendix C is amended in item 7 in the table by striking out* “his or her” *and substituting* “the person’s”.

**35** *Schedule 3 to Appendix C is amended in section 2 (1) (a) and (b) by striking out* “his or her” *and substituting* “the witness”.

**36** *Schedule 4 to Appendix C is amended in item 13 in the table by striking out* “his or her” *and substituting* “the person’s”.