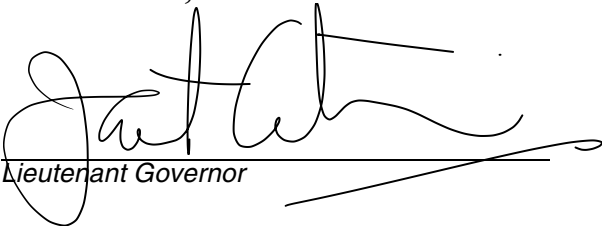


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 631


, Approved and Ordered November 27, 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 the Court of Appeal Rules, B.C. Reg. 120/2022, are amended as set out in the attached Schedule.



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: *OIC 271/2022*

R30700619

SCHEDULE

- 1** *Rule 4 of the Court of Appeal Rules, B.C. Reg. 120/2022, is amended by adding the following subrule:*

 - (2.1) A document required to be served under these rules on a person other than a party may be served in a manner set out in subrule (2).

- 2** *Rule 37 (1) is amended in the definition of “condensed book of evidence” by striking out “materials” and substituting “documents”.*

- 3** *Rule 57 is amended*

 - (a) *in subrule (3) (b) by striking out “, including that notice be served on another party”, and*
 - (b) *by repealing subrule (4).*

- 4** *Rule 58 (1) is repealed and the following substituted:*

 - (1) A party who wishes to apply for an order for payment into court of security under section 34 [*payment of security*] of the Act must

 - (a) obtain a hearing date for the application, and
 - (b) file and serve a notice of application in Form 4 and an application book prepared in accordance with the completion instructions at least 5 business days before the application hearing date.

- 5** *Rule 61 is amended*

 - (a) *in subrule (2) by adding the following subparagraph:*

 - (i.1) the person’s supporting affidavits, if any; , *and*
 - (b) *by adding the following subrule:*

 - (2.1) A person who is served an application referred to in subrule (2) may, for the purposes of responding to the application, file and serve on each party and on the applicant, at least 2 business days before the application hearing date, the following documents:

 - (a) the person’s supporting affidavits, if any;
 - (b) the person’s written argument, if any.

- 6** *Rule 62 is amended*

 - (a) *in subrule (2) by striking out “vary an order” wherever it appears and substituting “vary or cancel an order”, and*
 - (b) *in subrule (4) by adding “on the applicant and on each party” after “must file and serve.”.*

- 7** *Rule 63 (2) is repealed and the following substituted:*

- (2) A person who wishes to apply to have a justice, under section 35 [*varying orders of a justice or registrar*] of the Act, vary or cancel an order or direction of the registrar must do the following:
- (a) no later than 7 days after the order was made or direction given, obtain a hearing date for the application;
 - (b) at least 5 business days before the application hearing date, file and serve the following documents:
 - (i) a notice of application in Form 4;
 - (ii) the person's supporting affidavits, if any;
 - (iii) the person's written argument, if any.

8 Rule 66 (3) (c) is amended by adding "or cancel" after "vary".

9 Rule 80 is amended

- (a) *in subrule (1) by striking out* "must have at least one address for service that is one of the following" *and substituting* "may have an email address for service and must have one of the following addresses for service";
- (b) *by repealing subrule (1) (d), and*
- (c) *in subrule (2) by adding* "and, if any, the party's email address for service," *after* "address for service".

10 Rule 82 is amended

- (a) *in subrule (1) by striking out* "the permission of the court or a justice" *and substituting* "the consent of all the parties or the permission of the court, a justice or the registrar";
- (b) *in subrules (2) and (3) by striking out* "permission of the court or a justice" *and substituting* "the consent of the parties or the permission of the court, a justice or the registrar";
- (c) *by repealing subrule (4) and substituting the following:*
 - (4) A party may, at least 4 weeks before the appeal hearing date, file and serve an amended factum without the permission of the court, a justice or the registrar if
 - (a) the party changes lawyers, or discharges a lawyer in order to act on the party's own behalf, and
 - (b) all the parties consent to the amended factum being filed. , *and*
- (d) *by adding the following subrules:*
 - (5) A party may file and serve an amended factum during the 4 weeks before the appeal hearing date only with the permission of the court, a justice or the registrar.
 - (6) Unless otherwise directed by the court, a justice or the registrar, a party who is served an amended factum must file and serve an amended response factum not more than 15 days after being served.

(7) For the purposes of subrule (6), the amendments in an amended response factum may address only the amendments made in the amended factum.

11 Forms 2, 4, 6 to 8, 10 to 15, 17, 18 and 21 are repealed and the following substituted:

COURT OF APPEAL FOR BRITISH COLUMBIA

FORM 2 NOTICE OF APPEARANCE (RULES 7(1), 8(a), 10(1))

[STAMP]	Court of Appeal File No.	<input type="text"/>
	<i>The file number can be found on the upper right corner of the Notice of Appeal.</i>	
<input type="text"/>	v.	<input type="text"/>
<i>Name of the first appellant named on Form 1: Notice of Appeal.</i>		<i>Name of the first respondent named on Form 1: Notice of Appeal.</i>

Name(s) of respondent(s) filing the notice of appearance

Name(s) and address(es) within BC for service of respondent(s)
If you have a lawyer, include the law firm's address; otherwise provide another address for service.

Phone number(s) of respondent(s) filing the notice of appearance

Email address(es) for service of respondent(s)
If you provide an email address, you consent to have documents served on you by email.

Date form completed

DD/MM/YYYY

Name of lawyer or party authorizing filing of this form

To the respondent completing this form: The other parties to this appeal are entitled to rely on the address for service you have provided on this Notice of Appearance unless you change your address for service by filing and serving a Change of Address for Service in Form 18.

COURT OF APPEAL FOR BRITISH COLUMBIA

FORM 4

NOTICE OF APPLICATION (RULES 13(a), 18(4), 20(3) and (4), 54(a), 58(1), 59(1), 60(2), 61(2), 63(2))

[STAMP]

Court of Appeal File No.

The file number can be found on the upper right corner of the Notice of Appeal.

PARTIES TO THE APPEAL

Appellant(s)

List the name(s) of the appellant(s) named on Form 1: Notice of Appeal.

Respondent(s)

List the name(s) of the respondent(s) named on Form 1: Notice of Appeal.

This application is in the jurisdiction of:

- The Court (3 Justices) A Chambers Justice The Registrar

To the person(s) filing the application (the *applicant*):

If your application is before a chambers justice, check the [available chambers dates](#) on the court website and the timelines for bringing your application under the rules.

If your application is before the court or the registrar, contact the appropriate scheduler before completing this form.

Communicate with the other person(s) to ensure they are available on the requested date. Chambers applications are to be no more than 30 minutes.

Name(s) of person(s) bringing the application

Name(s) of responding person(s) to be served with the application

Location where the application will be heard
Enter the address of the courthouse.

Date the application will be heard

Chambers applications begin at 9:30 a.m.

DD/MM/YYYY

The applicant anticipates that this application will be...
Check only one.

Contested Uncontested

Enter the section(s) or rule(s) that you are relying on for your application

E.g., If you are applying for leave to appeal, enter "Section 31 of the Court of Appeal Act." If you are applying for a stay of proceedings, enter "Section 33 of the Court of Appeal Act."

Enter the order(s) that you are seeking

E.g., "stay of proceedings" or "extension of time to file an appeal book" and any request with respect to costs. If you are seeking leave to appeal, enter "leave to appeal the order of _____."

Is an application book required?

See Rule 13 for leave applications and Division 2 of Part 9 of the Rules for other applications.

Yes

No

If you are not required to file an application book, list the affidavit(s) in support of this application

Enter the name of each person whose affidavit is being filed and the date each affidavit was sworn.

Email address(es) for service of applicant(s)

If you provide an email address, you consent to have documents served on you by email.

Date form completed

DD/MM/YYYY

Name of lawyer or applicant authorizing filing of this form

COURT OF APPEAL FOR BRITISH COLUMBIA

FORM 6

NOTICE OF SETTLEMENT OR ABANDONMENT (RULE 46)

[STAMP]	Court of Appeal File No.	<input type="text"/>
	<i>The file number can be found on the upper right corner of the Notice of Appeal.</i>	
<input type="text"/>	v.	<input type="text"/>
<i>Name of the first appellant named on Form 1: Notice of Appeal.</i>		<i>Name of the first respondent named on Form 1: Notice of Appeal.</i>

To the appellant(s):
A party who abandons an appeal may be liable for the costs associated with the appeal.

Name(s) of party(ies) wishing to abandon an appeal or cross appeal

This party is abandoning an... Appeal or Cross Appeal

Is it a full or partial abandonment? Full or Partial

Which section(s) of the appeal are you abandoning?
If partial abandonment, list the sections of the appeal that you are abandoning. E.g., grounds of appeal.

Which party(ies) are you abandoning against?
If partial abandonment, list the party(ies) of the appeal that you are abandoning against.

Who made the order?
Name the justice or other decision maker who pronounced the order you are abandoning.

Date the order under appeal was pronounced
Not the date the order was entered.

DD/MM/YYYY

Date initiating document in the appeal or cross appeal you are abandoning was filed
Notice of Appeal: Form 1 or Notice of Cross Appeal: Form 3.

DD/MM/YYYY

Date form completed

DD/MM/YYYY

Name of lawyer or party authorizing filing of this form

COURT OF APPEAL FOR BRITISH COLUMBIA

FORM 7

NOTICE OF URGENT APPLICATION (RULE 57(2))

[STAMP]	Court of Appeal File No.	<input type="text"/>
	<i>The file number can be found on the upper right corner of the Notice of Appeal.</i>	
<input type="text"/>	v.	<input type="text"/>
<i>Name of the first appellant named on Form 1: Notice of Appeal.</i>		<i>Name of the first respondent named on Form 1: Notice of Appeal.</i>

To the person(s) filing the notice of urgent application (the *applicant*):
In cases of urgency you may apply for permission to bring an application on shorter notice than is otherwise required under the Court of Appeal Rules. You must obtain an urgent application hearing date from the registrar. Even in cases of urgency, you must give notice and attempt to serve the application material on all parties.

Name of person(s) bringing the urgent application	<input type="text"/>		
Location where the application will be heard <i>Enter the address of the courthouse.</i>	<input type="text"/>		
Date the application will be heard	<input type="text"/>	Time application will be heard	<input type="text"/>
<i>DD/MM/YYYY</i>			
The applicant anticipates that this application will be... <i>Check only one.</i>	<input type="checkbox"/> Contested	<input type="checkbox"/> Uncontested	

Enter the section(s) or rule(s) that you are relying on for your application

E.g., If you are applying for leave to appeal, enter "Section 31 of the Court of Appeal Act." If you are applying for a stay of proceedings, enter "Section 33 of the Court of Appeal Act."

Enter the order(s) that you are seeking

E.g., "stay of proceedings"

List any affidavits being filed

An affidavit explaining the need for urgency is not required, but may be provided.

Have you filed materials in support of the main application?

If yes, list the material you have filed.

Yes

No

Date form completed

DD/MM/YYYY

Name of lawyer or applicant authorizing filing of this form

COURT OF APPEAL FOR BRITISH COLUMBIA

FORM 8

NOTICE OF APPLICATION TO VARY OR CANCEL AN ORDER OF A JUSTICE (RULE 62(2))

[STAMP]

Court of Appeal File No.

The file number can be found on the upper right corner of the Notice of Appeal.

PARTIES TO THE APPEAL

Appellant(s)

List the name(s) of the appellant(s) named on Form 1: Notice of Appeal.

Respondent(s)

List the name(s) of the respondent(s) named on Form 1: Notice of Appeal.

To the person(s) filing the application (the applicant):

An application to vary or cancel an order of a justice is heard by a division of the court. Contact the court scheduler to obtain an application hearing date and time.

Communicate with the other person(s) to ensure they are available on the requested date. Applications to vary or cancel are to be no more than 30 minutes.

Name of person(s) bringing the application

Include name of law firm if represented.

Date the order you are seeking to vary or cancel was pronounced
Not the date the order was entered.

Name of justice who pronounced the order

DD/MM/YYYY

Application hearing date and time to be set by the associate registrar

Date form completed

Name of lawyer or applicant authorizing filing of this form

DD/MM/YYYY

COURT OF APPEAL FOR BRITISH COLUMBIA

Court of Appeal File No.

BETWEEN:

Appellant(s)

[role in proceeding appealed from]

AND:

Respondent(s)

[role in proceeding appealed from]

ORDER OF A SINGLE JUSTICE

BEFORE THE HONOURABLE [CHIEF JUSTICE/MADAM JUSTICE/MR. JUSTICE/JUSTICE] [name of chambers justice] IN CHAMBERS

.....[Vancouver or other location of hearing], British Columbia, [date reserve judgment was released or, if judgment was not reserved, date when judgment was given in chambers]

[Add if applicable] Reasons to follow being released on [date of release of reasons]

THE APPLICATION OF [appellant/respondent] for [insert type of application] coming on for hearing on [insert date of chambers hearing] at [location of hearing], British Columbia; AND ON HEARING [insert name of lawyer for the appellant or state "the appellant appearing in person"] and [insert name of lawyer for the respondent or state "the respondent appearing in person"]; AND ON READING the materials filed herein; AND ON JUDGMENT BEING PRONOUNCED ON THIS DATE;

IT IS ORDERED that

IT IS FURTHER ORDERED that

APPROVED AS TO FORM:

Signature of ...[Appellant/Appellant's Lawyer]..... [type or print name].....

A Justice of the Court of Appeal

Signature of ..[Respondent/Respondent's Lawyer].. [type or print name].....

COURT OF APPEAL FOR BRITISH COLUMBIA

Court of Appeal File No.

BETWEEN:

Appellant(s)

[role in proceeding appealed from]

AND:

Respondent(s)

[role in proceeding appealed from]

ORDER OF THREE OR MORE JUSTICES

BEFORE:

The Honourable [Chief Justice/Madam Justice/Mr. Justice/Justice]

The Honourable [Madam Justice/Mr. Justice/Justice]

The Honourable [Madam Justice/Mr. Justice/Justice]

[Justices' names must be set out in the same order as in the reasons for judgment]

..... [Vancouver or other location of hearing], British Columbia, [date reserve judgment was released or, if judgment was not reserved, date when judgment was given in court]

[Add if applicable] Reasons to follow being released on [date of release of reasons]

[Add if applicable] Supplementary reasons being released on [date of release of supplementary reasons]

THE APPEAL from the order of [name of judge and court/tribunal appealed from] at [location of court/tribunal] dated [insert date of order appealed from] coming on for hearing on [insert date(s) of the hearing in the Court of Appeal], AND ON HEARING [insert name of lawyer for the appellant or state "the appellant appearing in person"] and [insert name of lawyer for the respondent or state "the respondent appearing in person"], AND ON READING the materials filed herein; AND ON JUDGMENT BEING PRONOUNCED ON THIS DATE;

THIS COURT ORDERS that [the appeal is dismissed/allowed etc.]

AND THIS COURT FURTHER ORDERS that

AND THIS COURT FURTHER ORDERS that [*insert name of successful party on the appeal*] do recover the costs of the appeal from [*insert name of unsuccessful party*] promptly after assessment.

APPROVED AS TO FORM:

.....
Signature of[*Appellant/Appellant's Lawyer*].....
.....[*type or print name*].....

BY THE COURT
.....
Deputy Registrar

.....
Signature of ..[*Respondent/Respondent's Lawyer*]..
.....[*type or print name*].....

COURT OF APPEAL FOR BRITISH COLUMBIA

Court of Appeal File No.

BETWEEN:

Appellant(s)
[role in proceeding appealed from]

AND:

Respondent(s)
[role in proceeding appealed from]

ORDER FROM AN APPLICATION TO VARY OR CANCEL

BEFORE:

The Honourable [Chief Justice/Madam Justice/Mr. Justice/Justice]
The Honourable [Madam Justice/Mr. Justice/Justice]
The Honourable [Madam Justice/Mr. Justice/Justice]

[Justices' names must be set out in the same order as in the reasons for judgment]

..... [Vancouver or other location of hearing], British Columbia,[date of judgment]

The application of the [appellant(s)/respondent(s)] to ...[vary/cancel]... the order of [Chief Justice / Madam Justice / Mr. Justice / Justice] dated the day of, 20.... coming on for hearing on [date(s) of the hearing in the Court of Appeal],

AND ON HEARING [name of lawyer for the appellant/respondent or "the appellant/respondent appearing in person"] and [name of lawyer for the appellant/respondent or "the appellant/respondent appearing in person"]

AND ON READING the materials filed herein; AND ON JUDGMENT BEING PRONOUNCED ON THIS DATE;

THIS COURT ORDERS that the application to[vary/cancel]... the order of [Chief Justice/Madam Justice/Mr. Justice/Justice] is [either dismissed or allowed]

THIS COURT FURTHER ORDERS that

APPROVED AS TO FORM:

BY THE COURT

Signature of ...[Appellant/Appellant's Lawyer].....
[type or print name]

Deputy Registrar

Signature of ..[Respondent/Respondent's Lawyer]..
[type or print name]

COURT OF APPEAL FOR BRITISH COLUMBIA

Court of Appeal File No.

BETWEEN:

Appellant(s)
[role in proceeding appealed from]

AND:

Respondent(s)
[role in proceeding appealed from]

CONSENT ORDER TO EXTEND TIME TO FILE A DOCUMENT

..... [Insert date of the order]

WHEREAS:

- (a) all parties have consented to this order,
(b) no person involved is under any legal disability, and
(c) all parties have agreed to comply hereafter with the time limits set forth in the Court of Appeal Act and Court of Appeal Rules,

IT IS ORDERED that the time set for [name of party], the [appellant/respondent], to file and serve the [appeal record/transcript/factum/appeal book/book of authorities] is extended until [date of the extension]

APPROVED AS TO FORM:

BY THE COURT

Signature of ...[Appellant/Appellant's Lawyer].....
[type or print name]

Deputy Registrar

Signature of ..[Respondent/Respondent's Lawyer]..
[type or print name]

Note: This form of order is to be submitted at the same time as the document(s) referred to in this order.

COURT OF APPEAL FOR BRITISH COLUMBIA

Court of Appeal File No.

BETWEEN:

Appellant(s)
[role in proceeding appealed from]

AND:

Respondent(s)
[role in proceeding appealed from]

CONSENT ORDER TO REMOVE AN APPEAL FROM THE INACTIVE LIST

..... [Insert date of the order]

WHEREAS:

- (a) all parties have consented to this order,
(b) no person involved is under any legal disability, and
(c) all parties have agreed to comply hereafter with the time limits set forth in the Court of Appeal Act and Court of Appeal Rules,

IT IS ORDERED that this [appeal/application for leave to appeal] be removed from the inactive list and that the time limit for taking the next step required by the Court of Appeal Act or Court of Appeal Rules must begin to run as of the date of this order.

IT IS FURTHER ORDERED that the notice of hearing be filed within 180 days of the date of this order, failing which the [appeal/application for leave to appeal] must be returned to the inactive list.

APPROVED AS TO FORM:

Signature of[Appellant/Appellant's Lawyer].....
.....[type or print name].....

.....
A Justice of the Court of Appeal

Signature of ..[Respondent/Respondent's Lawyer]..
.....[type or print name].....

Note: This form of order may not be used to reinstate appeals that have been dismissed as abandoned under Rule 51.

Note: This form of order may be used only if there is no prior order to remove the appeal or application for leave to appeal from the inactive list.

COURT OF APPEAL FOR BRITISH COLUMBIA

Court of Appeal File No.

BETWEEN:

Appellant(s)
[role in proceeding appealed from]

AND:

Respondent(s)
[role in proceeding appealed from]

CONSENT ORDER – GENERAL

BEFORE THE HONOURABLE

[registrar will insert name of justice]

[registrar will insert date of order]

IN CHAMBERS

ON application of *[appellant/respondent]* herein; AND BY CONSENT;

IT IS ORDERED that

IT IS FURTHER ORDERED that

APPROVED AS TO FORM:

.....
Signature of*[Appellant/Appellant’s Lawyer]*.....
.....*[type or print name]*.....

.....
Signature of ..*[Respondent/Respondent’s Lawyer]*..
.....*[type or print name]*.....

COURT OF APPEAL FOR BRITISH COLUMBIA

Court of Appeal File No.

BETWEEN:

Appellant(s)
[role in proceeding appealed from]

AND:

Respondent(s)
[role in proceeding appealed from]

CERTIFICATE OF COSTS

I CERTIFY that on *[date]*, the costs of the *[appellant/respondent, name of party]* have been allowed against the *[appellant/respondent, name of party]* at \$.....

.....
Date

.....
Registrar

COURT OF APPEAL FOR BRITISH COLUMBIA

FORM 18

NOTICE OF CHANGE OF REPRESENTATION / CHANGE OF ADDRESS FOR SERVICE (RULE 86)

[STAMP]	Court of Appeal File No.	<input type="text"/>
	<i>The file number can be found on the upper right corner of the Notice of Appeal.</i>	
<input type="text"/>	v.	<input type="text"/>
<i>Name of the first appellant named on Form 1: Notice of Appeal.</i>		<i>Name of the first respondent named on Form 1: Notice of Appeal.</i>

If you are changing representation, complete Part A and Part B. If you are only changing your address for service, complete Part B only. If you are a lawyer seeking to withdraw from the record without your client's permission, use Form 19.

Name(s) of person(s) or lawyer completing the notice of change of representation/change of address for service

If form completed by lawyer, name(s) of person(s) you are/were representing

PART A

Current status:	<input type="checkbox"/> Self-represented	<input type="checkbox"/> Lawyer	
			Name of lawyer and firm name
New status:	<input type="checkbox"/> Self-represented	<input type="checkbox"/> Lawyer	
			Name of lawyer and firm name

PART B

Name(s) and residential or business address(es) within B.C. for service of person(s) completing this form <i>Include law firm if represented.</i>	
Phone number(s) of person(s) completing this form	
Email address(es) for service of person(s) completing this form <i>If you provide an email address, you consent to have documents served on you by email.</i>	

Date form completed		Name of lawyer or person authorizing filing of this form	
	<i>DD/MM/YYYY</i>		

COURT OF APPEAL FOR BRITISH COLUMBIA
FORM 21: BILL OF COSTS
(RULE 39(2))

Court of Appeal File No.

BETWEEN:

Appellant(s)
[role in proceeding appealed from]

AND:

Respondent(s)
[role in proceeding appealed from]

BILL OF COSTS OF

Tariff Scale (Scale A unless otherwise ordered) **Unit Value \$**.....

To complete the Bill of Costs, refer to Court of Appeal Rule 69 and Schedule 1.

ITEM	DESCRIPTION	UNITS CLAIMED	UNITS ALLOWED
1	Advising appellant or respondent on bringing appeal, application for leave to appeal or cross appeal (5 – 20 units)		
2	Preparation of appeal record (2 units)		
3	Preparation of appeal book(s), one of the following:		
	(a) 1 – 5 volumes (5 units) Up to 1,000 pages		
	(b) 6 – 10 volumes (7 units) 1,001 to 2,000 pages		
	(c) 11 or more volumes (10 units) 2,001 or more pages		
4	Preparation of application book including written argument (5 units)		
5	Preparation of factum (10 – 50 units)		
6	Preparation of written argument if specifically ordered by the court or a justice or directed by the registrar (5 units) Specifics of application(s):		
7	Preparation of any application before the court, a justice or the registrar, except where otherwise provided (5 units) Specifics of application(s):		
8	Attendance at any application before the court, a justice or registrar, except where otherwise provided (5 units) Specifics of application(s):		
9	Preparation for hearing of appeal, per half day (10 – 30 units per half day)		
10	Attendance at hearing of appeal, per half day (10 units per half day)		
11	Preparation of bill of costs, except if settled by the registrar (2 units)		

12	Preparation and entry of each order, including each application to settle an order before the registrar (2 units) Specifics of application(s):		
----	---	--	--

	Claimed:	Allowed:
Total number of units .....	.....	.....
Multiply by unit value \$.....	\$.....	\$.....
		.
Subtotal .....	.....	.....
PST .....	.....	.....
GST .....	.....	.....
Total \$.....	\$.....	\$.....
		.

DISBURSEMENTS

ITEM	DESCRIPTION	PST	GST	CLAIMED	ALLOWED
		<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>		

	Claimed:	Allowed:
Subtotal .....	.....	.....
PST .....	.....	.....
GST .....	.....	.....
Total \$.....	\$.....	\$.....

TOTAL ALLOWED: \$.....\$.....

Date of Assessment

Registrar