

AMENDED
PRACTICE DIRECTION
Fax Filing Pilot Project

"The review period outlined in this Practice Direction has been extended from the original date of July 31, 2003 and now extends to July 1, 2012."

(1) Fax Filing Pilot Project Locations

The provisions of this practice direction apply to the fax filing pilot project that is being conducted in the following registries and will continue until July 1, 2012. Documents will only be accepted for fax filing at these registries when sent to the designated fax filing number for that registry set out below:

Chilliwack	-	(604) 795-8397
Cranbrook	-	(250) 426-1498
Dawson Creek	-	(250) 784-2218
Kamloops	-	(250) 828-4345
Kelowna	-	(250) 979-6768
Nelson	-	(250) 354-6133
Penticton	-	(250) 492-1290
Prince George	-	(250) 614-7923
Rossland	-	(250) 362-7321
Salmon Arm	-	(250) 833-7401
Smithers	-	(250) 847-7344
Terrace	-	(250) 638-2143
Vernon	-	(250) 549-5461
Williams Lake	-	(250) 398-4264

(2) *Definitions*

In this practice directive:

“faxed submission” means a transmission by fax to the registry, relating to a single court file, containing a fax cover sheet (Form 20 – Small Claims Rule 17.1; Form 32 – Provincial Court (Family) Rule 5.1) and the documents transmitted for filing with that fax cover sheet.

(3) *Effect of fax filing*

Where a document has been accepted for filing under this practice direction, that document will be deemed to satisfy the requirements of any Provincial Court Rule that refers to the original.

(4) *Documents accepted for faxing filing*

Any document may be transmitted by fax to the Provincial Court of British Columbia with the exception of the following:

- (a) pursuant to Rule 5.1 of the Provincial Court (Family) Rules
 - i. an application for an order under Rule 2(1) or (2) if the application is filed in a family justice registry or the court file for the proceedings is transferred under Rule 19 to a family justice registry (see Rule 5(1))
 - ii. a statement of finances under section 13 of the *Family Maintenance Enforcement Act*
- (b) pursuant to Rule 17.1 of the Small Claims Rules
 - i. a certificate of service respecting an application for a default order
 - ii. a certificate of judgment under section 88 of the *Court Order Enforcement Act*
 - iii. an order under section 76 of the *Offence Act*
 - iv. a director’s order under section 22(8) of the *Residential Tenancy Act*
 - v. a decision or order of an arbitrator or the director under section 57(5) of the *Residential Tenancy Act*
 - vi. a restitution order under section 741 of the *Criminal Code*
- (c) pursuant to s. 17(1) of the *Small Claims Act*, a decision or order of the director filed under s. 85(2) of the *Residential Tenancy Act*.

(5) *Requirements of faxed submission*

A faxed submission:

- (a) must relate to one file
- (b) must contain a Fax Cover Sheet
- (c) should not exceed 20 pages in length

(d) may contain more than one document for filing.

(See Rule 5.1(3) of the Provincial Court (Family) Rules and Rule 17.1(3) of the Small Claims Rules)

(6) Submissions longer than 20 pages

Any faxed submission in excess of 20 pages will be accepted only if leave has been obtained from a registrar or clerk of the court.

(See Rule 5.1(3) of the Provincial Court (Family) Rules and Rule 17.1(3) of the Small Claims Rules)

(7) Hours of registry for fax filing

(a) Documents will be processed in the registry from 9:00 a.m. to 4:00 p.m., Monday through Friday except for statutory holidays.

(b) Documents received after 4:00 p.m. will be deemed to be received on the following business day.

(c) The date and time of receipt will be evidenced by the transmission time assigned by the registry fax machine.

(d) All documents will be processed in the order that they are received.

(8) Document filed in registry

A document is filed in the registry when date stamped by the registry and the requirement is met for the payment of applicable registry services fees including the fax confirmation fee.

(9) Date document is filed

A document will be considered filed as of the date stamped by the registry.

(See Rule 5.1(5) of the Provincial Court (Family) Rules and Rule 17.1(5) of the Small Claims Rules)

(10) Responsibility of person submitting a document

It is the responsibility of the person submitting a document to ensure that the document is received in the registry within the required filing time. The registry takes no responsibility for difficulty experienced when transmitting a document by fax to the registry.

If the person submitting the document requires it to be filed on the day the document is faxed to the registry, a note must be made on the Fax Cover Sheet. The registry staff cannot guarantee that any document will be filed on the day it is received in the registry.

(11) *Refusal to accept faxed document*

- (a) A registrar, clerk of the court and/or the court will refuse to accept a document by fax if the document is one of the documents set out in paragraph (4) above.
- (b) A registrar, clerk of the court and/or the court may refuse to accept a document by fax if, in the opinion of the registrar, clerk of the court and/or court, the document is incomplete or the document is illegible as a result of the faxing process.

(See Rule 5.1(3) of the Provincial Court (Family) Rules and Rule 17.1(3) of the Small Claims Rules)

(12) *Confirmation of filing*

- (a) Subject to 12(b), the registry staff will return to the person submitting the document a confirmation that the document has been filed. This confirmation will consist of:
- a cover sheet, stating the fees paid and any comments about the filing
 - the first page of the document, showing the date stamp and file number, and
 - any other page altered by registry staff.
- (b) It is in the discretion of a registrar or clerk of the court whether the confirmation will be returned by fax or by some other method.

(13) *Court may request original document*

A judge may require that the original of a document transmitted to a registry by a fax machine be produced at any time during a proceeding.

(See Rule 5.1(6) of the Provincial Court (Family) Rules and Rule 17.1(6) of the Small Claims Rules)

Tom J. Crabtree
Chief Judge

August 12, 2010