



THE PROVINCIAL COURT
OF BRITISH COLUMBIA

Effective Date: *03 October 2022*

SM. CL. 02

PRACTICE DIRECTION

DEFAULT METHOD OF ATTENDANCE FOR COURT APPEARANCES UNDER THE SMALL CLAIMS RULES

Purpose

The purpose of this practice direction is to set out the default methods of attendance for court appearances under the *Small Claims Rules*, B.C. Reg. 261/93.

Application

This practice direction applies to all Provincial Court locations in the Province.

Directions

1. Unless a judge (or judicial justice, as applicable) otherwise orders or directs, and subject to section 2 below, the default methods of attendance will be:
 - a. In Person for:
 - i. Trials and trial continuations, including Rule 9.1 simplified trials and Rule 9.2 summary trials,
 - ii. Rule 13 default hearings,
 - iii. Applications to a judge (requiring a hearing – i.e., not desk applications under Rule 17(16.1)), and
 - iv. Payment hearings.
 - b. Remotely by Microsoft (MS) Teams audioconference or videoconference or by telephone for:
 - i. Settlement conferences, and
 - ii. Trial conferences.

2. Further to Rules 17(16.1) and 16(6.1), a person seeking an alternate method of attendance must make an application:
 - a. To a registrar under Rule 16(1) or (3) to change their own method of attendance at a conference or application hearing;
 - b. To a judge or judicial justice under Rule 16(7.2) to change their own method of attendance at a payment hearing; or
 - c. To a judge under Rule 16(7.2) to change their own method of attendance at a trial or default hearing or to change another person's method of attendance at any proceeding.
3. For small claims proceedings by MS Teams, counsel are required and parties are strongly encouraged to use videoconference. For every MS Teams proceeding, a dial-in conference number will also be provided so that parties can participate by telephone if they are unable to do so by videoconference or if their video connection fails during the proceeding.
4. Parties must read and comply with:
 - a. The [Policy on Use of Electronic Devices in Courtrooms](#) and [Access to Court Proceedings Policy](#) for all small claims proceedings, including the general prohibition on the recording or broadcasting of small claims proceedings unless authorized by the Court; and
 - b. [NP 21 Remote Attendance in the Provincial Court](#) for remote attendance at small claims proceedings, including when counsel attend court proceedings remotely using MS Teams, they must appear by videoconference or apply to the Court to appear by audioconference only.

History of Practice Direction

- Original practice direction dated April 19, 2021.
- May 25, 2021: updated per [OIC 310/2021](#).
- January 4, 2022: added COVID-19 alert for week of January 4 to 7, 2022.
- January 10, 2022: continues COVID-19 alert.
- January 31, 2022: deletes COVID-19 alert.
- July 18, 2022: Adds in s. A.1. applications to a judge requiring a hearing and payment hearings to proceedings that by default require in person attendance (along with trials and default hearings) as reflected in Appendix "A" of NP 28, and housekeeping changes.
- August 2, 2022: Revises Part A, s. 3 by adding that for an application to a judge pursuant to Rule 17(16.2) to appear remotely the default method of attendance will be MS Teams or by telephone.
- October 3, 2022: Revisions consequential to *Revised Small Claims Rules* per OIC 401/2022.

I make this practice direction pursuant to my authority under Rule 17(26) of the *Small Claims Rules*, B.C. Reg. 261/93, the *Provincial Court Act*, R.S.B.C. 1996, c. 379, and the *Small Claims Act*, R.S.B.C. 1996, c. 430.

Melissa Gillespie
Chief Judge
Provincial Court of British Columbia