

Publisher's Note

2023 — Release 1

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Debbie Jamison

Guide to Civil Litigation

British Columbia Edition

Dear Subscriber:

We are pleased to enclose update 1/23. Kindly review the pages and then insert the updated pages as set out on the Instruction Sheet. In addition to various housekeeping amendments, Highlights are set out below.

Highlights

Affidavit of Personal Service [pp. 1.06, 2.44 & 2.45] — Additions to the preparation section and the form have been made to account for the additions made to Form 15 pursuant to Order in Council No. 357 dated June 27, 2022, and effective October 3, 2022.

Requisition [p. 2.30] — Additions to the purpose section have been made to account for the revisions and additions made to Rule 13-1 pursuant to Order in Council No. 357 dated June 27, 2022, and effective October 3, 2022.

Fax Cover Sheet [pp. 2.33 – 2.35] — Revisions to the form have been made to account for the revisions made to Form 118 pursuant to Order in Council No. 357 dated June 27, 2022, and effective October 3, 2022, as well as anticipated changes that will be made to transition to the new BC Registries' application in spring 2023.

Updates required as a result of the repeal of Rule 5-4 and revisions to Rule 5-3(8) [pp. 2.94, 3.02, 3.04 & 3.09] — Various updates have been made to take into account the repeal of Rule 5-4 and revisions to Rule 5-3(8) (pursuant to BC Reg 321/2021, Sch 1, s 4).

Case Plan Order [pp. 2.94 to 2.99] — Revisions to the preparation section and form have been made to account for the revisions made to Form 21 pursuant to Order in Council No. 357 dated June 27, 2022, and effective October 3, 2022.

Witness List [pp. pp. 2-2, 2-4, & 6.07] — Information regarding Witness Lists has been updated and pages removed (2.173(a) - (b)) to take into account the repeal of Rule 7-4 pursuant to Order in Council No. 357 dated June 27, 2022, and effective October 3, 2022. Witness lists will now be set out only in trial briefs (and Rule 12-5(28) has been amended accordingly).

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Notice of Application [p. 2.124] — The Preparation section has been amended to account for the updates to the Notice to the Profession Memorandum dated September 13, 2021, regarding lengthy chambers applications. Please note that bookings are still currently limited to one booking per call (instead of two).

Orders Made After Application [p. 2.142] — Additions to the background section have been made to account for the revisions and additions made to Rule 13-1 pursuant to Order in Council No. 357 dated June 27, 2022, and effective October 3, 2022.

NEW – Order Signing Instructions [pp. 2.143(a) – 2.143(b)] — New subrule 13-1(1.1) requires that this new document be served on parties of record or their lawyers by a party who draws up an order of the court that must be approved in writing to provide instructions regarding signing the draft order prescribed by a judge or master at an oral hearing (pursuant to Order in Council No. 357 dated June 27, 2022 and effective October 3, 2022).

Appointment [p. 2.162] — Additions to the background section have been made to account for the revisions and additions made to Rule 13-1(12) pursuant to Order in Council No. 357 dated June 27, 2022, and effective October 3, 2022.

Orders Made After Application (regarding a Trial Management Conference) [p. 2.194] — Additions to the background section have been made to account for the revisions and additions made to Rule 13-1 pursuant to Order in Council No. 357 dated June 27, 2022, and effective October 3, 2022.

Orders After Trial [p. 2.196] — Additions to the background section have been made to account for the revisions and additions made to Rule 13-1 pursuant to Order in Council No. 357 dated June 27, 2022, and effective October 3, 2022.

Experts [p. 2.321 (and 1.12)] — Additions to Appendix 9 have been made to provide information regarding additions to Rule 16-1 pursuant to Order in Council No. 357 dated June 27, 2022, and effective October 3, 2022.

NEW – Orders [pp. 3.17(e) – 3.17(f)] — Rule 13-1 — Orders has been added to provide the various revisions and additions made pursuant to Order in Council No. 357 dated June 27, 2022 and effective October 3, 2022.

Arranging a Trial Date [pp. 3.20 – 3.20(b)] — These pages have been amended to account for the updates in the Notices to the Profession dated June 10, 2020, regarding updates to the dates that the trial calendars open for booking dates for MVA and civil trials in Vancouver.

Letter to Canada Revenue Agency — requesting income tax return(s) [p. 4.20] — The information section has been updated with a revised link to the required form and the address has been updated in the letter (example 30).

Calculation of Interest and Interest Rate Table and example [pp. 5.03(a) – 5.03(b)] — The updated rates are set out (as well as the example of interest calculations). Please note that the updated rates are effective to June 30, 2023.

Company Search and Driving Record [pp. 5.07 & 5.08] — These pages have been updated with revised information and links, including anticipated changes that will be made to transition to the new BC Registries' application in spring 2023.

Authorizations for Release of Information [pp. 5.27 – 5.28] — Revisions have been made to the explanation page in Section 5 to assist with document production.

[Updated & NEW] COVID-19 Notices, Announcements & Procedures [pp. 5.29 – 5.60] — Various revisions and rescissions have been made with respect to COVID-19 notices and orders (current to December 14, 2022). Refer to the index starting at page 5.30.