Index

All references in this Index are to the British Columbia Supreme Civil Court Rules unless preceded by one of the following abbreviations:

"CAA" refers to sections of the Court of Appeal Act

"CAR" refers to the Court of Appeal Rules

ACCOUNTS

See Inquiries, Assessments and Accounts

ACT

Generally, COAR BCR NOTE [CAR 1]

ACTION

Defined, R 1-1 [1-1(1)]

ADMINISTRATION OF ESTATES

Application to court for estate grant or resealing

generally, R 25-9

application materials, R 25-9 [25-9(2)]

powers of court, **R 25-9 [25-9(3)]** registrar refuses to issue, **R 25-9** [25-9(1)]

registrar's duty after disposition for court, R 25-9 [25-9(4)]

Authorization to obtain estate information or resealing information, R 25-8

Citation

generally, R 25-11

alternate executors, **R 25-11 [25-11(2)]**

answer to, **R 25-11 [25-11(4)]**

failure to answer, **R 25-11 [25-11(6)]**

application for probate, **R 25-11** [25-11(1)]

deemed renunciation of executorship, **R 25-11 [25-11(5), (7)]**

ADMINISTRATION OF ESTATES

-Cont'd

Citation—Cont'd

filing and service, R 25-11 [25-11(1), (4)]

supporting documents and information, R 25-11 [25-11(3)]

to bring in will, R 25-12 [25-12(1), (3), (4)]

to propound alleged will, R 25-11 [25-11(4)]

Contentious estate matters

commencement of action, R 24-14 [24-14(1), (1.1), (1.2), (3)], 25-10(1)

parties to action, R 25-14 [25-14(5), R 25-15 [25-15(5)], (6)]

Costs, R 25-13 [25-13(7)], R 25-15 [25-15(4), (5)]

Court applications relating to grants generally, **R 25-14**

application for spousal home orders, **R 25-14 [25-14(2)]**

application for will deficiencies orders, **R 25-14 [25-14(2)]**

applications, **R 25-14 [25-14(1)]**

court may give direction as to procedure, R 25-14 [25-14(8)]

disputant to receive notice of proceeding, R 25-14 [25-14(7)]

proof of will in solemn form, **R** 25-14 [25-14(4)]

ADMINISTRATION OF ESTATES ADMINISTRATION OF ESTATES -Cont'd —Cont'd Court applications relating to grants Estate grant—Cont'd -Cont'd notice of application—Cont'd service form of notice, R 25-2 [25-2(3)] address for service, **R 25-14** [25-14(3)], R 25-15 [25notice not required, R 25-2 15(2), (3)] [25-2(16)] personal representative to be notice to Public Guardian and served, R 25-14 [25-Trustee, R 25-2 [25-14(5)] 2(13), (15)] when personal service persons who must receive required, R 25-14 [25notice, R 25-2 [25-2(2)] 14(6)] procedure after filing application Definitions, R 25-1 [25-1(1)] materials, R 25-4, R 25-15 [25-15(2), (3)]**Documents** sealing of court file, R 21-3 [21delivery of, R 25-1 [25-1(3)] 3(13)] Estate documents Notice of dispute application to amend, R 25-5 generally, R 25-10 [25-5(3)]amendment of notice of dispute, application to correct, R 25-5 R 25-10 [25-10(4), (5)] [25-5(1)]registrar may correct, R 25-5 ceases to be in effect, R 25-10 [25-5(2)][25-10(12)] Estate grant contents of notice of dispute, R 25-10 [25-10(3)] generally, R 25-2 effect of notice of dispute, R application for grant or resealing 25-10 [25-10(8)] generally, R 25-2 [25-2(1)] filing of notice of dispute, R amendment of application, R 25-10 [25-10(1), (2)] 25-3.1 removal of notice of dispute, **R** when application made, R 25-2 25-10 [25-10(10)], (11) [25-2(2.1)] withdrawal of application, R renewal of notice of dispute, R 25-3.2 25-10 [25-10(6), (7)] delivery of documents, R 25-2 withdrawal of notice of dispute, [25-2(5) to (12)], R 25-3 R 25-10 [25-10(9)] [25-3(11) to (12)] Personal representative, death of, R documents to be filed, R 25-3 25-14 [25-14(1.2)] [25-3(2), (3), (5) to (10)] Petition, for order, R 25-14 [25more than one applicant, R 25-2 14(1.1)] [25-2(4)], R 25-3 [25-3(4)] Probate or letters of administration notice of application administration bonds, R 25-14 generally, **R 25-2** [25-2(1.1)] [25-14(1)] court may dispense with application generally, R 25-3, R notice, R 25-2 [25-2(14)] 25-14

ADMINISTRATION OF ESTATES **ADMINISTRATION OF ESTATES** -Cont'd -Cont'd Probate or letters of administration Resealing—Cont'd —Cont'd more than one applicant, R 25-6 approval by registrar, R 25-4 [25-[25-6(3)]4(1), (2)procedure after filing application materials, R 25-7 caveat where party opposing grant, R 25-10 [25-10(1)], Revocation applications (3), (8), (10), (12)generally, R 25-5 [25-5(5)] grants to guardians, R 25-15 [25granting leave, R 25-5 [25-5(6)] 15(1)] no revocation by default, R 25-5 hearing of application, R 25-4, R [25-5(7)]25-9 [25-4(6), 25-9(1)] Subpoena for testamentary docunotice to next of kin, R 25-2 [25ment or grant 2(2)] application, R 25-12 [25-12(1)] required attachments, R 25-4 certification of non-compliance, [25-4(1.1)] R 25-12 [25-12(5)] resealing grant, R 25-6 [25-6(2), failure of subpoenaed person to R 25-7, (4)file documents, R 25-12 Remuneration on passing of [25-12(6)] accounts filings, R 25-12 [25-12(2)] generally, **R 25-13** issue of, R 25-12 [25-12(3)] affidavit required, R 25-13 [25release of apprehended person, R 13(6)] 25-12 [25-12(7)] application process, R 25-13 [25service of, R 25-12 [25-12(4)], R 13(2)] 25-15 [25-15(2), (3)] certification of results, R 25-13 setting aside subpoena, R 25-12 [25-13(5)][25-12(8)] costs, R 25-13 [25-13(7)] Substitution of personal representadirections and referrals, R 25-13 tive, R 25-14 [25-14(1.2)] [25-13(3), (4)]Transitional provisions who may apply, R 25-13 [25application for grant or resealing 13(1)] under former rule, R 25-16 [25-16(2)]Renunciations by executor or administrator caveat under former rule, R 25-16 [25-16(3)] generally, R 25-1 [25-1(4)], R 25-11 [25-11(5)] citation under former rule, R 25-16 [25-16(4)] Resealing court may decide procedure, R generally, **R 25-5** [25-5(5)] 25-16 [25-16(6)] delivery of documents to Public definitions, R 25-16 [25-16(1)] Guardian and Trustee, R 25-6 [25-6(9), (10)] probate action under former rule, R 25-16 [25-16(5)] documents to be filed, R 25-6 Will [25-6(2), (5) to (8)] domicile of deceased, R 25-6 affidavit of witness, R 25-3 [25-[25-6(4)]3(16)], R 25-4 [25-4(2)]

ADMINISTRATION OF ESTATES **ADULTERY** —Cont'd See Family Law Proceedings Will—Cont'd ADVICE OF COURT alterations, R 25-3 [25-3(20) to Generally, **R 41 [41(26)]** (22)] document referred to, R 25-3 **AFFIDAVIT** [25-3(23)] See also Affidavit Evidence electronic wills, R 25-1 [25-Alterations, **R 22-2 [22-2(11)]** 1(7)], R 25-2 [25-2(1.2) to Contents, R 22-2 [22-2(12), (13)] (1.4)Defective affidavit, R 22-2 [22erasures and obliterations, R 25-3 2(14)] [25-3(21), (22)] Exhibits, R 22-2 [22-2(8) to (10)] International Wills Convention, Filing, R 22-2 [22-2(1)] R 25-3 [25-3(19)] Form and content, R 22-2 [22-2(2) other testamentary papers, R 25-3 to (4)] [25-3(22)] Interlocutory application, R 8-1 proof in solemn form, **R 25-1** [8-1(3) to (13)] [25-1(5)], R 25-9 [25-9(3)], Interpretation to non-English R 25-14 [25-14(4)] deponent, R 22-2 [22-2(7)] proof of execution, R 25-3 [25-Jurat where deponent unable to 3(15) to (17)] read, R 22-2 [22-2(6)] proof of search for, R 25-3 [25-Made before proceeding com-3(2), (6), (14)menced, R 22-2 [22-2(15)] proof of will-maker's knowledge Patient under Patients Property Act, of will, **R 25-3 [25-3(18)]** of, R 22-2 [22-2(16)] reference to judge or master, R 25-3 [25-3(24)] AFFIDAVIT EVIDENCE search for will See also Affidavit generally, R 25-3 [25-3(14)], R Contents, R 12-5 [12-5(63)] 25-4 [25-4(11)] Copy furnished to each party, **R** copy attached, R 25-3 [25-12-5 [12-5(60)] 3(14.1)] Costs where attendance unneces-Wills, Estates and Succession Act sary, R 12-5 [12-5(65)] application of, **R 25-1 [25-1(2)]** Cross-examination on, R 12-5 [12-**ADMIRALTY** 5(61)] Generally, R 21-1 General, R 12-5 [12(59), (60)] Time to require attendance, R 12-5 **ADMISSIONS** [12-5(62)] Application for order, **R** 7-7 [7-7(6)] **AMENDMENT** Notice to admit Amended statement of defence, effect, **R 7-7 [7-7(2)]** failure to deliver, R 6-1 general, **R** 7-7 [7-7(1), (3)] [6-1(6)]Unreasonable refusal, R 7-7 Consequent amendments, R 6-1 [7-7(4)][6-1(5)]Withdrawal, **R** 7-7 [7-7(5)] How made, **R 6-1 [6-1(2), (3)]**

AMENDMENT—Cont'd Service of amended document, R 6-1 [6-1(4)] Service of amended pleading, R 6-1 [6-1(4)]Time for appearance to amended writ, R 6-1 [6-1(7)] Trial, at, **R 6-1 [6-1(8)]** When made, **R 6-1 [6-1(1)]** APPEALS Abandonment of appeal, **COAR** BCR PT 8 [CAR 46], R 18-3 [18-3(10)]Additional evidence, COAR BCR PT 9 [CAR 59] affidavit responding to application for leave, COAR BCR PT 9 [CAR 59(2)] notice of motion for leave, **COAR BCR PT 9 [CAR 59(1)**] Adjournments, COAR BCR PT 9 [CAR 65] Appeal book generally, COAR BCR PT 4 [CAR 26] filing, COAR BCR PT 4 [CAR 26(5)] joint appeal book, COAR BCR PT 4 [CAR 26(1), (4), (5)] respondent's supplementary appeal book, COAR BCR PT 4 [CAR 26(3)] service. COAR BCR PT 4 [CAR 26(2), (3), (5)]Appeal record, COAR BCR PT 4 [CAR 23] Applications, general general requirements, COAR BCR PT 9 [CAR 52 to 56],

R 18-3(3)

hearings by telephone or

videoconference, COAR

BCR PT 8 [CAR 42]

```
APPEALS—Cont'd
  Applications, specific
    generally, COAR BCR PT 9,
        COAR BCR PT 12 [CAR
        62, 85]
    applications for indigent status,
        COAR BCR PT 12 [CAR
        851
    applications for intervener status,
        COAR BCR PT 9 [CAR
    applications to review order or
        direction of registrar,
        COAR BCR PT 9 [CAR
    application to cross-examine on
        affidavits, COAR BCR PT
        [CAR 44]
    general requirements, COAR
        BCR PT 9, COAR BCR
        PT 10 [CAR 53 to 56]
    specific requirements applicable
        to applications to vary order
        of justice, COAR BCR PT
        9 [CAR 62]
  Applications for leave
    generally, COAA PT 4 [CAA
        23], COAR BCR PT 3
        [CAR 12, 13]
    amendment of notice of applica-
        tion, COAR BCR PT 12
        [CAR 82]
    application for stay pending hear-
        ing of leave application,
        COAR BCR PT 3 [CAR
    filing of notice of appearance by
        respondent, COAR BCR
        PT 3 CAR 7]
    if notice of appearance not filed,
         COAR BCR PT 3 [CAR
        7(2)
    limited appeal orders, COAA PT
        3 [CAA 13(2)], COAR
        BCR PT 3 [CAR 11]
```

notice of application, COAR

BCR PT 3, COAR BCR

APPEALS—Cont'd APPEALS—Cont'd Applications for leave—Cont'd Costs-Cont'd PT 9 [CAR 13, 54] unreasonably incurred, COAR reply book, COAR BCR PT 3 BCR PT 11 [CAR 78] [CAR 14] wasted, COAR BCR PT 11 service of application for leave to [CAR 78] appeal, COAR BCR PT 2 Cross appeal [CAR 4(1), (2)]generally, COAR BCR PT 3 Books of authorities, **COAR BCR** [CAR 8, 9, 10(2)]PT 4 [CAR 27] amendment of notice, COAR Case management, COAR BCR BCR PT 12 [CAR 82(3)] PT 8 [CAR 47, 48] filing of notice of appearance by Conduct, R 18-3 [18-3(4)] respondent, COAR BCR Costs PT 3 [CAR 10] generally, COAR BCR PT 11 if notice of appearance not filed, [CAR 69 to 75] COAR BCR PT 3 [CAR appointment to assess, COAR 10(2)] BCR PT 7 [CAR 39] notice, COAR BCR PT 3 [CAR assessment of, COAR BCR PT 11 [CAR 69] Cross-examination on affidavits, certain duties of registrar, COAR COAR BCR PT 8 [CAR 44] BCR PT 11 [CAR 69, 70] Directions, R 18-3 [18-3(3), (5)] certification of costs and enforce-Document, electronic, Registrar's ment, COAA PT 7 [CAA filing directive 46(2)] Document form (general), COAR discretion of registrar in specific BCR PT 12 [CAR 79] circumstances, COAR BCR Electronic filing, Registrar's filing PT 11 [CAR 74] directive estates and, COAA PT 7 [CAA **45], COAR BCR PT 7** Estimated hearing time, COAR [CAR 39(3)] BCR PT 5 [CAR 35(2)] increased costs, COAR BCR PT Evidence, further, COAR BCR PT 11 [CAR 70] 9 [CAR 59] order against solicitor, COAR Factums on appeal BCR PT 11 [CAR 78] generally, COAR BCR PT 4 particular portion of proceeding, [CAR 25, 29] **COAA PT 7 [CAA 45]** additional written material, registrar, powers of, COAA PT 7 **COAA PT 5 [CAA 26(2)]** [CAA 46] content, COAR BCR PT 4 review of registrar's decision, [CAR 25(4)]**COAR BCR PT 9 [CAR** discretion to allow argument omitted from factum, special costs, COAR BCR PT 11 COAR BCR PT 6 [CAR [CAR 71] special costs on lump sum basis, COAR BCR PT 11 [CAR form, COAR BCR PT 4 [CAR

25(4)]

71]

APPEALS—Cont'd	APPEALS—Cont'd
Factums on appeal—Cont'd	Interveners
reply if cross appeal filed, COAR	generally, COAR BCR PT 9
BCR PT 4 [CAR 25, 29]	[CAR 61]
reply if no cross appeal filed,	applications for intervener status,
COAR BCR PT 4 [CAR	COAR BCR PT 9 [CAR
25, 29]	61(1), (2)]
Factums on cross appeal	defined, COAR BCR PT 1
generally, COAR BCR PT 4	[CAR 1(1)]
[CAR 29]	factum required, COAR BCR
appellant's answer, COAR BCR	PT 9 [CAR 61(3), (4)]
PT 4 [CAR 29(2)]	notice of motion to intervene,
form, COAR BCR PT 4 [CAR	COAR BCR PT 9 [CAR
29(5)]	61(2)]
not to repeat matters in factums on main appeal, COAR	Irregularities, effect of, COAA PT 4 [CAA 19]
BCR PT 4 [CAR 29(4)]	Judgment delivery, COAA PT 6
Fees	[CAA 40]
application for non-payment of	Judgment filing, COAA PT 6
generally, COAR BCR PT 12	[CAA 41]
[CAR 85]	Judgment reserved, COAA PT 6
affidavit in support of, COAR	[CAA 40(2), (3)]
BCR FM 22 [CAR Form	Leave to appeal, COAA PT 3
22]	[CAA 13(2)(a)], COAR BCR
order for non-payment of, COAA	PT 3 [CAR 12, 13]
PT 5 [CAA 30(c)]	Limiting argument, COAA PT 5
Filing of documents	[CAA 26]
generally, COAR BCR PT 12	Location of, COAA PT 4 [CAA 17]
[CAR 79]	New hearing, COAA PT 5 [CAA
electronic, Registrar's filing	27]
directive	New trial, COAA PT 5 [CAA 27]
Filing of documents generally,	Non-compliance with Act/Rules,
COAR BCR PT 12 [CAR 79]	COAA PT 5 [CAA 36]
Form, R 18-3 [18-3(2)]	Notice
From tribunals, COAA PT 3 [CAA	amendment of, COAR BCR PT
16]	12 [CAR 82(2)]
Governing rule, R 18-3 [18-3(1)]	application for leave to appeal,
Hearings by telephone or	COAR BCR PT 3 CAR
videoconference, COAR BCR	12, 13]
PT 8 [CAR 42]	of abandonment, COAR BCR
Inactive appeals, COAA PT 4	PT 8 [CAR 46], R 18-3
[CAA 23], COAR BCR PT 8	[18-3(10)]
[CAR 49, 50]	of appeal, COAR BCR PT 3
inactive appeal list, defined,	[CAR 6]
COAR BCR PT 1 [CAR	of appearance, COAR BCR PT
1(1)]	3 [CAR 7]

APPEALS—Cont'd APPEALS—Cont'd Notice-Cont'd Service of application, COAR BCR PT 3 address for service required on all [CAR 13] documents, COAR BCR of cross appeal, COAR BCR PT PT 12 [CAR 80] 3 [CAR 8, 9] methods of service, COAR BCR of hearing, **R 18-3 [18-3(9)]** PT 2 [CAR 4] of settlement, COAR BCR PT 8 of application for leave to appeal, [CAR 46] COAR BCR PT 3 [CAR Obtaining hearing date generally, COAR BCR PT 5 of notice of abandonment, [CAR 33] **COAR BCR PT 8 [CAR** confirmation once hearing date fixed, COAR BCR PT 5 of notice of appeal, COAR BCR [CAR 33(2)]PT 2 [CAR 4(1), R 18-3 registrar may fix date for hearing, [18-3(6)], 6, 80(2)]**COAR BCR PT 5 [CAR** of notice of application and 35] application book, COAR **BCR PT 3 [CAR 13]** Orders generally, COAR BCR PT 10 of notice of cross appeal, COAR [CAR 66] BCR PT 3 [CAR 8, 9] consent orders, COAR BCR PT of notice of settlement, COAR 10 [CAR 67] BCR PT 8 [CAR 46] correction of orders, COAA PT 5 Services agreement, electronic, [CAA 43] Registrar's filing directive Setting down hearing, COAR BCR drawing and approving, COAR **BCR PT 10 [CAR 66]** PT 5 [CAR 35] limited appeal orders, COAA PT Settlement, COAR BCR PT 8 3 [CAA 13(2)], COAR [CAR 46] **BCR PT 3 [CAR 11]** Settlement of record, COAR BCR registrar to keep orders, COAR PT 4 [CAR 28] BCR PT 10 [CAR 66(4)] Stay of proceeding, COAA PT 5 settlement of orders, COAR [CAA 33], COAR BCR PT 3 BCR PT 10 [CAR 68] [CAR 20] Practice directives, COAR BCR Time for bringing, COAA PT 3 PT 12 [CAR 89] [CAA 15] Preliminary objection, COAA PT 4 Time for hearing appeal [CAA 20] obtaining, COAR BCR PT 5 Registries, COAA PT 2 [CAA 12], [CAR 33, 34] COAR BCR PT 12 [CAR 83] registrar may change, COAR Respondent opposing, R 18-3 [18-**BCR PT 5, COAR BCR** 3(8)] PT 9 [CAR 35, 56] Response book, COAR BCR PT 3 Time limits, justice's discretion to vary, COAA PT 5 [CAA 32] [CAR 14] Security for costs, COAA PT 5 Transcript, COAR BCR PT 4

[CAR 24]

[CAA 34]

APPEALS—Cont'd	APPLICATIONS—Cont'd
Vexatious appeals, COAA PT 4	Date and time of hearing, R 8-1 , R
[CAA 22]	16-1 [8-1(5), (6), (10)], 16-1(9)
APPEARANCE	Documents required
Address for delivery, R 4-1 [4-1(1)	application by consent, R 8-3
to 4-1(3)]	[8-3(1)] application over two hours, R
Default	8-1, R 16-1 [8-1(15), (12)],
application to judge or master, R	16-1(11)
3-8 [3-8(8)]	application without notice, R 8-4
assessment of damages, R 3-8	[8-4(1)]
[3-8(12), (13)]	opposed application, R 8-1, R
claims for damages to be	16-1 [8-1(9), 16-1(7)]
assessed, R 3-8 [3-8(5)] debt or liquidated demand claim,	respondent's application heard at hearing, R 8-1 , R 16-1
R 3-8 [3-8(3), (4)]	[8-1(18), 16-1(13)]
detention of goods, R 3-8	Form, R 8-1 [8-1(3), (4)]
[3-8(6)]	No notice required, R 8-4 [8-4(1)]
filings required, R 3-8 [3-8(2)]	Notice of application
plaintiff's right to proceed, R 3-8	delivery, R 8-1 [8-1(9)]
[3-8(1)]	endorsement where leave
Disputed jurisdiction, R 21-8 [21-	granted, R 8-2 [8-2(5)]
8(1)]	form, R 8-1 [8-1(3), (4)]
Disputed process or service, R 21-8	Notice of hearing
[21-8(2)]	delivery to respondents, R 8-1 [8-1(7)]
Order declining jurisdiction, R 21-8 [21-8(3)]	filing mandatory, R 8-1, R 16-1
Party does not submit to jursisdic-	[8-1(2), 16-1(8)]
tion, R 21-8 [21-8(5)]	time for delivery, R 8-1 , R 16-1
Powers of court pending resolution	[8-1(8), 16-1(8)]
of certain challenges to juris-	Place of hearing
diction, R 21-8 [21-8(4)]	forwarding file materials, R 8-2
change of parties, R 6-2 [6-2(8)]	[8-2(8)]
APPLICATIONS	more than one place, R 8-2 [8-2(2)]
Affidavit in response, R 8-1 [8-1(9)	must be stated, R 8-1, R 8-2
to (12)]	[8-1(4), (2)], 8-2(1)
Affidavit in support, R 8-1 [8-1(3)]	other than where proceeding
Chambers record	began, R 8-2 [8-2(3)]
amended record, R 8-1 , R 16-1	transfer of file, R 8-2 [8-2(7)]
[8-1(21), 16-1(16)]	with leave of registrar, R 8-2
return mandatory, R 8-1, R 16-1 [8-1(19), 16-1(14)]	[8-2(4) to (6)] Renewal, R 3-1
to be refiled, R 8-1 , R 16-1	Response
[8-1(20), 16-1(15)]	address for delivery, R 8-1
Consent application R 8-3 [8-3(1)]	[8-1(11)]

BC Supreme Court Rules Annotated APPLICATIONS—Cont'd Response—Cont'd contents, R 8-1, R 16-1 [8-1(13), 16-1(6)] reply to, R 8-1, R 16-1 [8-1(13), **16-1(6)**, (6.1)] timing, R 8-1 [8-1(9)] Setting down for hearing, R 8-1, R 16-1 [8-1(3), (4), 16-1(8) Without notice, **R 8-4 [8-4(1)]** ASSESSMENTS See Inquiries, Assessments and Accounts **CARRIAGE OF AIR ACT** High contracting party, R 21-2 [21-2(1)] CASE PLANNING CONFERENCE Application made by requisition, R 5-1 [5-1(4)] Case plan proposal, R 5-1 [5-1(5), (6)Conduct of conference, R 5-2 Non-compliance, **R 5-3 [5-3(6)]** Notice, R 5-1 [5-1(3)] Order for, R 5-1 [5-1(2)] Order resulting from generally, R 5-3 amendments, **R 5-3 [5-3(8)]** Request for, **R 5-1 [5-1(1)]**

CAVEAT

Address for delivery, **R 4-1 [4-1(1)** to (3)]

CHAMBERS APPLICATIONS

Adjournment, R 22-1 [22-1(10)] "Application" defined, R 22-1 [22-1(1)] Chambers record

amended record, R 8-1, R 16-1

[8-1(21), 16-1(16)] return mandatory, R 8-1, R 16-1 [8-1(19), 16-1(14)] to be refiled, R 8-1, R 16-1

[8-1(20), 16-1(15)]

CHAMBERS APPLICATIONS

—Cont'd

Evidence, R 22-1 [22-1(4)]

Failure to attend, R 22-1 [22-1(2),

Hearing to be in public, R 22-1 [22-1(5)]

Notes of proceedings, R 22-1 [22-1(11)]

Powers of court

generally, R 22-1 [22-1(7)] where notice not given, R 8-5 [8(1) to (8)], R 22-1 [22-1(8)]

Returnable on holiday, R 22-1 [22-1(6)]

Which applications to be heard, R 22-1 [22-1(1)]

CITATION

See Administration of Estates

CLAIMS

Multiple, R 22-5 [22-5(1)]

CLASS PROCEEDING

Style of proceeding in documents, R 22-3 [22-3 (6)]

CONTEMPT OF COURT

Acts constituting contempt, R 22-8 [22-8(4)]

Apprehension of guilty party, **R** 22-8 [22-8(5) to (8)]

Commencement of proceeding, R 22-8 [22-8(11), (12)]

Corporation, R 22-8 [22-8(2)]

Defined, R 22-8(1)]

Discharge, R 22-8 [22-8(16)]

Hearing, R 22-8 [22-8(13)]

Power to punish, R 22-8 [22-8(1)]

Release upon undertaking, R 22-8 [22-8(9), (10)]

Security for good behaviour, R 22-8 [22-8(3)]

Suspension of punishment, R 22-8 [22-8(16)]

CONTEMPT OF COURT—Cont'd	COSTS—Cont'd
Weekly review of person in custody,	On appeal—Cont'd
R 22-8 [22-8(17)]	PT 11 [CAR 74]
COSTS	estates and, COAA PT 7 [CAA 45], COAR BCR PT 7
Appeal, R 14-1 [14-1(29)]	[CAR 39(3)]
Appointment to assess, R 14-1 [14-	_ ` ` ' =
1(21), (25)]	increased costs, COAR BCR PT
Arising from improper act, R 14-1	11 [CAR 70]
[14-1(14)]	lump sum basis, COAR BCR PT
Assessment officer, R 14-1 [14-	11 [CAR 71]
1(4), (7)]	order against solicitor, COAR
Between defendants, R 14-1 [14-	BCR PT 11 [CAR 78]
1(18)]	particular portion of proceeding,
Bill of costs, R 14-1 [14-1(20),	COAA PT 7 [CAA 45],
(30)]	COAR BCR PT 6 [CAR 39(3)]
Certificate of costs, R 14-1 [14-	
1(27)]	registrar, powers of, COAA PT 7 [CAA 46]
Certificate of fees, R 14-1 [14-	
1(28)]	review of registrar's decision, COAR BCR PT 9 [CAR
Default judgment, R 14-1 [14-	63]
1(26)]	special, COAR BCR PT 11
Expenses and disbursements, R	[CAR 71]
14-1 [14-1(5)]	
Fees to experts, R 14-1 [14-1(39)]	unreasonably incurred, COAR BCR PT 11 [CAR 78]
How assessed generally, R 14-1	
[14-1(1), (2)]	wasted, COAR BCR PT 11
Lump sum costs	[CAR 78]
generally, R 14-1 [14-1(15), (30)	Particulars, R 14-1 [14-1(23)]
to (32)	Part of proceeding only, R 14-1
interlocutory application, R 14-1	[14-1(15)]
[14-1(15)]	Party represented by employee, R
Motions, R 14-1 [14-1(12)]	14-1 [14-1(11)]
Notice to person affected, R 14-1	Payable from estate, R 14-1 [14-
[14-1(35)]	1(16)]
On appeal	Place for review or examination, R
assessment of, COAR BCR PT	14-1 [14-1(22)]
7, COAR BCR PT 11	Refusal to procure assessment, R
[CAR 39, 69]	14-1 [14-1(38)]
certain duties of registrar, COAR	Security for
BCR PT 11 [CAR 69 to 71]	see also Family Law Proceedings
certification of costs and enforce-	generally, COAA PT 5 [CAA 34]
ment, COAA PT 7 [CAA	Set-off between parties, R 14-1 [14-
46(2)]	1(17)]
discretion of registrar in certain	Small claims cases, R 14-1 [14-
circumstances, COAR BCR	1(10)]

COSTS—Cont'd **COURT OF APPEAL ACT** Solicitor client costs, disallowance, —Cont'd R 14-1 [14-1(33) to (37)] Leave to appeal, COAA PT 5 Special costs, **R 14-1 [14-1(3)]** [CAA 31] Powers of, COAA PT 5, COAA PT Tax payable 6 [CAA 24 to 29, COAR BCR disbursements, **R 14-1 [14-1(8)]** PT 11 [CAR 69, 40, 45], 70, legal services, **R 14-1 [14-1(9)]** To follow event, **R 14-1 [14-1(9)]** Quorum and divisions of, COAA Unnecessary expense after judg-PT 2 [CAA 4] ment, **R 14-1** [14-1(19)] When costs payable, R 14-1 [14-**CROWN PRACTICE IN CIVIL** 1(13)] **MATTERS** Without assessment, R 14-1 [14-Generally, R 21-3 1(34)] **DEATH COUNTERCLAIM** Of personal representative, R 25-14 Against plaintiff and another [25-14(1.2)] person, R 3-4 [3-4(2), (3)] **DEBTOR** Costs, **R 3-3 [3-3(5), (6)]** Committal Defamation action, tender in, R 3-3 [3-3(7)] failure to pay sheriff, R 13-3 [13-3(26)] Defence to, **R 3-3 [3-3(2)]** Delivery, R 3-4 [3-4(4)] notice of application, R 13-3 [13-3(12)] Form, R 3-4 [3-4(1)] order Judgment for defendant, R 3-4 enforcement by creditor, R [3-4(8)] 13-3 [13-3(17), (18)] Payment into court where tender execution by sheriff, R 13-3 pleaded, R 3-3 [3-3(4)] [13-3(19)] Reference to parties, R 3-4 [3-4(3)] general, R 13-3 [13-3(13) to Stay of main action, **R 3-3 [3-3(2)]** (16)Summary trial, **R 9-7 [9-7(2)]** setting aside, R 13-3 [13-Transferred proceedings, R 19-1 3(20)] [19-1(6)] payment of debt, R 13-3 [13-**COURT** 3(20) to (24)] Defined, COAA PT 1 [CAA 1], R praecipe for discharge, R 13-3 [13-3(25)] 1-1 [1-1(1)] Examination COURT APPOINTED EXPERTS adjournment, R 13-3 [13-3(7)] See Experts corporate debtor, R 13-2 [13-2(2)] COURT OF APPEAL ACT costs, R 13-4 [13-4(9)] Constitution of, COAA PT 2 [CAA creditor failing to attend, R 13-3 [13-3(9)] Jurisdiction, COAA PT 3 [CAA 13 to 16] limitation upon, R 13-4 [13-4(4)]

DEFAULT JUDGMENT DEBTOR-Cont'd Examination—Cont'd Setting aside, R 3-8 [3-8(11)] order for payment, R 13-3 [13-**DELIVERY OF DOCUMENTS** 3(11)] person other than debtor, R 13-4 Address for delivery, **R 4-1 [4-1(1)** [13-4(5), (6)] to 4-1(3)] production of documents, R 13-4 Address for delivery not given, R 4-2 [4-2(7)] [13-4(11)] refusal to attend, R 13-3 [13-Transferred proceedings, R 19-1 3(8)[19-1(7)] scope, R 13-3, 13-4(2)], 13-4 DEPOSITIONS [13-3(4)]See also Evidence, Witnesses service of notice, R 13-4 [13-Evidence, as, **R 12-5** [12-5(40)] 4(10)] Examination of person, R 7-8 use of, R 13-4 [13-4(8)] [7-8(1), (2)]who may examine, R 13-3 [13-Grounds for order, **R** 7-8 [7-8(3)] 3(5)] "Judgment creditor" defined, R Letter of request, **R 7-8 [7-8(11)]** 13-4 [13-4(1)] Mode of examination, R 7-8 "Judgment debtor" defined, R 13-4 [7-8(14)][13-4(1)] Notice of examination, R 7-8 Subpoena of, R 13-3 [13-3(1) to [7-8(13)] 13-3(3)] Objection to question, R 7-8 Unreasonable refusal to pay, R 13-3 [7-8(15)][13-3(10)]Perpetuating testimony, R 7-8 [7-8(17)] **DEFAULT** Place of examination, R 7-8 See also Appearance [7-8(16)]Application for default judgment Recording of evidence, R 7-8 generally, **R 3-8 [3-8(8)]** [7-8(16)]Assessment of damages Subpoena, service of, **R** 7-8 [7-8(5), generally, R 3-8 [3-8(12)] (6)alternative methods, R 3-8 Taken outside British Columbia, R [3-8(13)]7-8 [7-8(8)] Debt or liquidated demand, R 3-8 Undertaking to pay expenses of [3-8(4), (5)]party, R 7-8 [7-8(12)] Detention of goods, **R 3-8 [3-8(6)]** Willingness of person to testify, R Filings required by plaintiff, R 3-8 7-8 [7-8(9), (10)] [3-8(2)]**DETENTION, PRESERVATION** Multiple claims, **R 3-8 [3-8(7)]** OR RECOVERY OF Only one defendant, by, R 3-8 **PROPERTY** [3-8(10)]Setting aside judgment, R 3-8 Compensation for wrongful recovery, **R 7-8 [7-8(9), (10)]** [3-8(11)] Unliquidated damages, R 3-8 Fund subject matter of proceeding, [3-8(5)]R 10-1 [10-1(2)]

DETENTION, PRESERVATION OR RECOVERY OF PROPERTY—Cont'd

Income from property, R 10-1 [10-1(3)]

Property subject matter of proceeding, **R 10-1 [10-1(1)]**

Recovery of specific property, R 10-1 [10-1(4)]

DIRECTIONS OF COURT

Generally, **R 13-1** [13-1(18)]

DISABILITY

See Persons under Disability

DISCONTINUANCE AND WITHDRAWAL

Application of rule, **R 9-8 [9-8(9)]**

Costs and default procedure, R 9-8 [9-8(4) to $9-\hat{8}(7)$]

Discontinuance by plaintiff, R 9-8 [9-8(1), (2)]

Not defence to subsequent proceeding, R 9-8 [9-8(8)]

Withdrawal by defendant, **R 9-8** [9-8(3)]

DISCOVERY OF DOCUMENTS

Affidavit verifying list of documents

cross-examination on, R 12-5 [12-5(61)]

general, R 7-1 [7-1(8)]

Copies, R 7-1 [7-1(16)]

Delivery of and answer to demand, R 7-1 [7-1(10) to (12)]

Determination of issue before discovery, **R** 7-1 [7-1(22)]

Enumeration of documents where no objection, **R 7-1 [7-1(2)]**

Excuse performance, court may, **R** 7-1 [7-1(14)]

Failure to produce, effect, R 7-1 [7**-1**(21)]

In control of person not party, R 7-1 [7-1(18), (19)]

DISCOVERY OF DOCUMENTS

-Cont'd

Information not to be disclosed, R 7-1 [7-1(4)]

Inspection

by court, **R 7-1 [7-1(20)]**

by party, **R 7-1 [7-1(15)]**

Insurance policy, **R 7-1** [7-1(3), (5)]

Order to produce, **R 7-1 [7-1(17)]**

Privilege claims, **R 7-1 [7-1(6)]**

Proportionality, R 7-1

Referred to in pleadings, R 3-7 [3-7(2)]

Specific documents, demand for, R 7-1 [7-1(10)]

Supplementary list, **R 7-1** [7-1(9)]

DISMISSAL FOR WANT OF **PROSECUTION**

Death of plaintiff, **R 6-2 [6-2(5)]** General, R 22-4, R 22-7 [22-4(5), 22-7(7)]

DIVORCE PROCEEDINGS

See Family Law Proceedings

DOCUMENT

See also Discovery of Documents Completion instructions, defined,

COAR BCR PT 1 [CAR 1(1)]

Copy filed in registry, R 23-1 [23-1(1)]

Defined, COAR BCR PT 1 [CAR 1(1)], R 1-1 [1-1(1)]

Form required, R 22-3 [22-3(2)]

Space for stamp, **R 22-3** [22-3(4)]

Style of proceeding

generally, R 22-3 [22-3(5)]

class proceedings, R 22-3 [22-3(6)

ELECTRONIC FILING AND DOCUMENTS

Acceptance, R 23-3 [23-3(14)]

Affidavits, R 23-3 [23-3(6)] Application of rules, R 23-3 [23-

3(5), (11)

ENFORCEMENT OF ORDERS **ELECTRONIC FILING AND** DOCUMENTS—Cont'd -Cont'd Conflict of laws, R 23-3 [23-3(2)] Costs of enforcement, R 13-2 [13-Conversion of documents, R 21-3 2(22) to (27)] [21-3(8)] Execution Deemed signature, R 23-3 [23change of parties, R 13-2 [13-3(12)] 2(10)] Delivery conditional order, on, R 13-2 generally, R 23-3 [23-3(17)] [13-2(8) to 13-2(9)] effective, whether, R 4-2 [4-2(6), endorsement of writ, R 13-2 [13-2(12)] 23-3(18)] general, **R 13-2** [13-2(6)] e-mail, R 4-2 [4-2(6)] issue of writ, R 13-2 [13-2(15) to "Electronic document" defined, R (17)] 23-3 [23-3(1), Registrar's filing directive] order to pay money within period, R 13-2 [13-2(14)] Electronic services agreement production of order necessary, R generally, R 23-3 [23-3(3)] 13-2 [13-2(11)] defined, R 23-3 [23-3(1)] stay, R 13-2 [13-2(31) to (33)] E-mail address for delivery, **R 4-2** term and renewal of writ, R 13-2 [4-2(6)] [13-2(18) to (21)] Filing, generally, **R 23-3 [23-3(13)]** Money order, R 13-2 [13-2(1), (2)] Inspection of original documents, R Non-compliance with mandatory 23-3 [23-3(9)] order, R 13-2 [13-2(7)] Original document Order that judgment has been paid, inspection of, R 23-3 [23-3(9)] R 13-2 [13-2(30)] Public access, **R 23-3 [23-3(16)]** Recovery of land, R 13-2 [13-2(3)] "Registered user" defined, R 23-3 Recovery of property other than [23-3(1)] land, R 13-2 [13-2(4), (28)] Requisition, R 23-3 [23-3(5)] Writ of sequestration, possession or Retention of documents, R 23-3 delivery, R 13-2 [13-2(13)] [23-3(7)] Sealing of notice of civil claim, R **ESTATES** 23-3 [23-3(7)] See Administration of Estates Signed documents, **R 23-3 [23-3(6)] EVIDENCE** Transmission, **R 23-3 [23-3(4)]** See also Affidavit Evidence, Depo-ENFORCEMENT OF ORDERS sitions, Interrogatories, Wit-See also Debtor Addresses, order of, R 12-5 [12-Acknowledgment of payment, R 5(72)] 13-2 [13-2(29)] Application of rule, R 12-5 [12-Application for directions, R 13-2 5(1)] [13-2(34)] Deposition evidence Appointment of receiver, R 13-2 at trial, R 7-8 [13-2(5)] Certificate, enforcement of, R 13-3 full presentation required, R 12-5 [13-3(28)] [12-5 (40)]

EVIDENCE—Cont'd EVIDENCE—Cont'd Deposition evidence—Cont'd Production of document or object, general, R 12-5 [12-5(40)] R 12-5 [12-5(36)] proof of, R 12-5 [12-5(42) to Recording device, use by counsel, R 12-5 [12-5(70)] (44)] Submissions of counsel, R 12-5 videotape of at trial, R 12-5 [12-[12-5(73)] 5(41)] Transcript of evidence, R 12-5 [12-Discovery evidence 5(55)] person under disability, R 12-5 Transcript of other proceedings, R [12-5(50)]12-5 [12-5(54)] transcript, R 12-5 [12-5(51)] **EXAMINATION FOR** use of at trial, R 12-5 [12-5(46) to (49)] DISCOVERY Exhibit See also Interrogatories, Witnesses amendment of exhibit list, R 12-5 Appointment, R 7-2 [7-2(13), (14)] [12-5(17)] Assignor, R 7-2 [7-2(7)] destruction, R 12-5 [12-5(20)] Bankrupt, R 7-2 [7-2(10)] disposal after final disposition, R Corporate party, **R 7-2** [7-2(5)] 12-5 [12-5(14)] Director, R 7-2 [7-2(5)] disposal before final disposition, Employees and agents, R 7-2 R 12-5 [12-5(16)] [7-2(5)]inspection of, R 12-5 [12-5(10)] Fast track litigation, R 15-1 [15notice respecting disposal of 1(11) to (17)] Infant or guardian, **R 7-2 [7-2(8)]** exhibits, R 12-5 [12-5(15), Information not to be disclosed, **R** numbering of pages, R 12-5 [12-7-2 [7-2(20)] 5(9)] Insurance, R 7-2 [7-2(19) to (22)] registry to take charge, R 12-5 Leave not required, **R 7-2** [7-2(2)] [12-5(11)] Mentally incompetent person, R 7-2 return, R 12-5 [12-5(12), (13)] [7-2(9)]Nature of, **R 7-2** [7-2(4), (17)] Insufficient evidence motion, R 12-5 [12-5(6), (7)] Notice, R 7-2 [7-2(13), (15)] Interrogatories, use at trial, R 12-5 Objection to questions, **R** 7-2 [12-5(58)] [7-2(25)]Partners, **R** 7-2 [7-2(5)] Material fact, failure to prove, R 12-5 [12-5(3)] Party for whose benefit action Mode of proving fact, R 12-5 [12brought, R 7-2 [7-2(6)] 5(71)] Persons outside British Columbia, R 7-2 [7-2(27), (28)] No evidence motion, R 12-5 [12-5(4), (5)Place, **R 7-2** [7-2(11)] Production of documents, R 7-2 Notice to produce, **R 12-5** [12-5(8)] **[7-2(16)]** Objections to transcript evidence, R Recording, **R** 7-2 [7-2(26)] 12-5 [12-5(56)] Reporter, R 7-2 [7-2(12)] Pre-trial examination of witness, R 12-5 [12-5(52), (53)] Scope, R 7-2 [7-2(18) to (22)]

EXPERTS—Cont'd **EXAMINATION FOR** DISCOVERY—Cont'd Written statements—Cont'd Who may be examined, **R** 7-2 dispensing with delivery, R 11-7 [7-2(1)][11-7(6)] form, R 11-6 [11-6(1)] **EXPERTS FAST TRACK LITIGATION** Appointment by court contents of order, R 11-5 [11-Generally, R 15-1 5(8)] Application of rules, **R 15-1** [15cross-examination, R 11-5 [11-1(1)] 5(6)] Case management conferences, R directions to, R 11-5 [11-5(7)] 15-1 [15-1(7)] general, R 11-5 [11-5(1) to Conflict of laws, R 15-1 [15-1(5)] 11-5(3)] Costs, R 15-1 [15-1(15)] remuneration, R 11-5 [11-5(9), Court powers (10)] granting relief, **R 15-1 [15-1(9)]** reports, **R 11-5** [11-5(11), (12)] production, ordering, R 15-1 [15-Costs of cross-examination, R 11-7 1(14)] [11-7(4)]Document disclosure generally, **R** Demand to cross-examine, R 11-7 15-1 [15-1(12)] [11-7(2), (3)]Duration of, **R 15-1** [15-1(1)] Notice of objection, R 11-6 [11-Examination for discovery 6(10), (11)duration of, **R 15-1** [15-1(11)] Notice of trial date, R 11-6 [11extension of time for, R 15-1 6(9)[15-1(12)] Oral testimony Exceptions, R 15-1 [15-1(8)] admissibility, **R 11-7** [11-7(5)] Fast track action defined, R 1-1 Qualification, proof of, R 11-6 [11-[1-1(1)]6(2)Maximum recovery, whether, R Vehicle actions 15-1 [15-1(3)] additional experts, R 11-8 [11-Relief, R 15-1 [15-1(9)] 8(4), (5)Trial without jury, R 15-1 [15allowable reports, R 11-8 [11-1(10)] 8(6), (7)] appointment of experts on court **FAX FILING** initiative, R 11-8 [11-8(9)] Application of rule, R 23-2 [23conflict between rules, R 11-8 2(4)] [11-8(2)]Confirmation of filing, R 23-2 [23definitions, R 11-8 [11-8(1)] 2(5), (6)disbursement for reports, R 11-8 General, R 23-2 [23-2(2)] [11-8(8)]Geographical application of rule, R limitation on, **R 11-8 [11-8(3)]** 23-2 [23-2(1)] transition, **R 11-8 [11-8(11)]** Means of transmission, R 23-2 [23-Written statements 2(3)] admissibility, R 11-6, R 11-7 Original may be required, R 23-2 [11-6(3), 11-7(1)] [23-2(9)]

FAX FILING—Cont'd

When document is filed, **R 23-2** [23-2(5)]

When faxed record is an original, **R** 23-2 [23-2(8)]

FILE

Defined, COAR BCR PT 1 [CAR 1], R 1-1 [1-1(1)]

FORECLOSURE

Commencement, R 21-7 [21-7(1)]

Filing interest after certificate of pending litigation, **R 21-7 [21-7(4)]**

Final order, R 21-7 [21-7(6)]

Information must accompany petition, R 21-7 [21-7(4.1)]

Inquiry re terms of sale, **R 21-7** [21-7(8)]

Joinder of claim or party, **R 21-7** [21-7(3)]

Notice to assess costs, **R 21-7 [21-7(10)]**

Powers of court, **R 21-7 [21-7(5)]** Sale, order for, **R 21-7 [21-7(7)]**

Service on interested parties, R
21-7 [21-7(7)]

FOREIGN JUDGMENTS

"Convention" defined, **R 19-3** [19-3(1)]

Court Order Enforcement Act application

affidavit in support, R 19-3 [19-3(3)]

general, R 19-3 [19-3(2)]

notice need not be given, R 19-3 [19-3(4)]

Form of order to register, **R 19-3** [19-3(5)]

Notice of registration, **R 19-3 [19-3(6)]**

"Reciprocally enforceable judgment" defined, **R 19-3** [19-3(1)]

FOREIGN JUDGMENTS—Cont'd

Setting aside registration of judgment, **R 19-3 [19-3(7)]**

Stay of enforcement, **R 19-3** [19-3(8)]

Stay of proceeding in action on foreign judgment, **R 19-3 [19-3(9)]**

FORMS

Use, R 22-3 [22-3(1)]

GUARDIAN AD LITEM

See Persons under Disability

INJUNCTIONS

After judgment, R 10-4 [10-4(6)]

Before proceeding commences, R 10-4 [10-4(2)]

Court order, by, R 10-4 [10-4(4)]

General, R 10-4 [10-4(1)]

Interim injunctions without notice, R 10-4 [10-4(3)]

Undertaking as to damages, R 10-4 [10-4(5)]

INQUIRIES, ASSESSMENTS AND ACCOUNTS

Accounts

executor's, **R 18-1 [18-1(11)]**

form, **R 18-1 [18-1(15), (16)]**

particulars of errors, **R 18-1** [18-1(17)]

Certificate of result, **R 18-1** [18-1(2)]

Direction for, R 18-1 [18-1(1)]

Hearing

appearance of person served with notice, **R 18-1** [18-1(22)]

appointment, R 18-1 [18-1(6)]

general, R 18-1 [18-1(5)]

opinion of court, **R 18-1** [18-

1(10)]

special directions of court, **R** 18-1 [18-1(12) to (14)]

witnesses, R 18-1 [18-1(7)]

INQUIRIES, ASSESSMENTS AND ACCOUNTS-Cont'd Order notice of, R 18-1 [18-1(18), (19)] service, dispensing with, R 18-1 [18-1(20)]variation, **R 18-1 [18-1(14)]** Report and recommendation, R 18-1 [18-1(3), (4)] **INTERPLEADER** Affidavit in support, R 10-3 [10-3(7)] Application without notice, **R 10-3** [10-3(8)] Claim to property taken by sheriff claim admitted, **R 10-3 [10-3(4)]** written notice, R 10-3 [10-3(2), Entitlement, **R 10-3** [10-3(1)] INTERROGATORIES

Application to strike out, R 7-3
[7-3(8)]
Body of persons as party, R 7-3
[7-3(2)]
Continuing obligation to answer, R
7-3 [7-3(11)]
Insufficient answer, R 7-3 [7-3(7)]
More than one person to answer, R
7-3 [7-3(5)]
Objections to answering, R 7-3
[7-3(6)]
Service and answer, R 7-3 [7-3(1),
(4)]
Solicitor, delivery to, R 7-3 [7-3(9),

(10)] IRREGULARITY

See also Non-compliance
Application to set aside proceeding
for, R 22-7 [22-7(2) to
22-7(4)]

JUDGE

Incapacity before judgment given, R 23-1 [23-1(10) to (12)]

JUDGMENT

Filing, COAA PT 6 [CAA 41(1)] Proceeding on, COAA PT 6 [CAA 41(2)]

JUSTICE

Chief, COAA PT 2 [CAA 6, 6(3)]
Defined, COAA PT 1 [CAA 1]
Powers of, COAA PT 5 [CAA 26,
COAR BCR PT 11 [CAR 69,
30 to 36], 70, 78]

LAWYER

Change of notice of withdrawal, R 22-6 [22-6(4), (6) to (8)] notice to other parties, R 22-6 [22-6(1)] objection, R 22-6 [22-6(5), (9)] order, R 22-6 [22-6(2), (3), (11)] procedure where no objection, R 22-6 [22-6(6)]

LIMITATION PERIOD

Demonstration of prejudice, R 6-2

LITIGATION GUARDIAN

See Persons under Disability

LITIGATION REPRESENTATIVE

See Persons under Disability

MANDAMUS, PROHIBITION, CERTIORARI

Generally, R 21-3

MARRIAGE CERTIFICATE

See Family Law Proceedings

MASTER

Appeal from, R 23-6 [23-6(8) to (11)]

Powers, R 23-6 [23-6(1), (3)]

Registrar, as, R 23-6 [23-6(2)]

MONEY IN COURT

Funds, R 23-4 [23-4(1), (2)] Infant, R 23-4 [23-4(16), (17)] Interest, R 23-4 [23-4(6) to 23-4(8)]

MONEY IN COURT—Cont'd NOTICE OF CIVIL CLAIM Investment of funds, R 23-4 [23-—Cont'd 4(10)] Representative action, R 3-1 Minister's account, R 23-4 [23-[3-1(2)] 4(9)] Sealing, R 23-3 [23-3(15)] Other money paid into court, R Service 23-4 [23-4(12)] agent, upon, R 4-3 [4-3(3)] Payment out, R 23-4 [23-4(5), (11), Attorney General, upon, R 4-3 (15)[4-3(6)] Person under disability, for, R 23-4 deemed, R 4-2 [4-2(3), R 4-3 [23-4(14)][4-3(7), (4)], (8)]Securities, R 23-4 [23-4(3), (4)] general, R 4-3 [4-3(1)] how effected, R 4-3 [4-3 2)] NON-COMPLIANCE WITH party giving address for delivery, **RULES** R 4-1 [4-1(1)] Court options proof, **R 4-6 [4-6(1)]** exceptions, R 22-7 [22-7(3)] Transferred proceedings, R 19-1 general, R 22-7 [22-7(2)] [19-1(4), (5)]limits upon, R 22-7 [22-7(4)] Wills Variation Act proceedings, Effect generally, R 22-7 [22-7(1)] applicability in, R 21-6 [21-6(1)] to (4)] Particular non-compliance refusal to be sworn or answer NOTICE OF EXAMINATION question, R 22-7 [22-Address for delivery, **R 4-1 [4-1(1)** 7(5)(b)to 4-1(3)] refusal to comply with direction **OFFER TO SETTLE** of court, R 22-7 [22-7(6)] Costs for settlement in small claims refusal to make discovery of documents, R 22-7 [22cases, **R 9-1 [9-1(7)]** 7(5)(d)Counter offer, **R 9-1 [9-1(8)]** Definitions, **R 9-1 [9-1(1)]** refusal to obey subpoena, R 22-7 [22-7(5)(a)]May be taken into account in awarding costs, **R 9-1 [9-1(4)]** refusal to produce documents, R 22-7 [22-7(5)(c)] considerations of court. R 9-1 [9-1(6)] refusal to submit to medical examination, R 22-7 [22cost options, **R 9-1 [9-1(6)]** Non-disclosure to court, R 9-1 7(5)(e)] [9-1(2)]want of prosecution, R 22-7 [22-Not constituting admission, R 9-1 7(7)[9-1(3)] NOTICE OF CIVIL CLAIM OPINIONS, ADVICE AND Commencement of proceeding by, DIRECTIONS OF COURT R 3-1 [3-1(1)] Generally, **R 13-1** [13-1(18)] Form, **R 3-1 [3-1(2)]**

ORDER

Orders

See also Judgment, Enforcement of

Place of trial, **R 3-1 [3-1(2)]**

Relief sought, **R 3-1 [3-1(2)]**

Renewal, **R 3-2 [3-2(1)]**

PARTIES—Cont'd ORDER-Cont'd Application where notice not Changes—Cont'd required, R 8-4, 17-1(4)], 17-1 death or bankruptcy, R 6-2 [8-4(1) [6-2(1), (6), 6-2(5), (9)]Conditional on document to be removing, adding or substituting, filed, R 13-1 [13-1(5), (6)] R 6-2 [6-2(7), (9), (9.1)] Consent order requirements, R 13-1 Misjoinder or nonjoinder, R 22-5 [13-1(10)] [22-5(9)] Correction, R 13-1 [13-1(17)] Multiple joint defendants, R 22-5 [22-Date, R 13-1 [13-1(8)] 5(4)1 Declaratory, R 20-4 [20-4(1)] joint plaintiffs, R 22-5 [22-5(3)] Defined, COAA PT 5 [CAA 1], R relief from attendance, R 22-5 1-1 [1-1(1)] [22-5(5)]Drawing and approving, R 13-1 when inappropriate, R 22-5 [13-1(1), (1.1) to (1.4)] [22(6), (7)]Endorsement on application, R 13-1 when permitted, R 22-5 [22-5(2)] [13-1(4)] Naming of respondents, COAR Entry, R 13-1 [13-1(1.4)] BCR PT 2 [CAR 6(1), 18] Form, **R 13-1** [13-1(3), (7), (9)] Partnership, as, R 20-1 Opinions, advice and directions of Person carrying on business in court, R 13-1 [13-1(18)] name other than own, R 20-1 Registrar may draw, R 13-1 [13-[20-1(10)]1(15)] **PARTNERSHIP** Settlement, R 41 [41(19) to (21)] Affidavit naming partners, R 20-1 Special directions, **R 13-1** [13(12)] [20-1(4), (5)]to (14)] Appearance by partnership, R 20-1 Terms and conditions, R 13-1 [13-[20-1(3)]1(19)] Execution against, **R 20-1 [20-1(7)** Transfer order, **R 19-1** [19-1(1)] to (9)] ORIGINATING PLEADING Party to action, as, **R 20-1 [20-1(1)]** Address for delivery, **R 4-1 [4-1(1)** Service on firm, **R 20-1 [20-1(2)]** to (3)PARTY OF RECORD Defined, R 1-1 [1-1(1)] See also Parties **PARTICULARS** Defined, **R 1-1** [1-1(1)] See Pleadings PERSONAL REPRESENTATIVE Death of, R 25-14 [25-14(1.2)] **PARTIES** Carriage of Air Act, R 21-2 [21-PERSONS UNDER DISABILITY 2(1)] Commencement of proceeding by, Changes R 20-2 [20-2(2)] assignment or conveyance of Litigation guardian interest, R 6-2 [6-2(3)] acting on behalf of person under change of interest or liability, R disability, **R 20-2 [20-2(2)** 6-2 [6-2(4)] to 20-2(4)]

PERSONS UNDER DISABILITY PETITION—Cont'd -Cont'd Procedure, R 1-2 [1-2(4)] Litigation guardian—Cont'd Service, deemed, **R 4-3 [4-3(8)]** certificate for a litigation guard-Service of, **R 16-1 [16-1(6.2)]** ian, R 20-2 [20-2(9)] PHYSICAL EXAMINATION certificate of fitness, R 20-2 [20-Inspection and preservation of prop-2(8)] erty committee as, **R 20-2 [20-2(6)]** entry upon land or building, R consent required, R 20-2 [20-7-6 [7-6(5)] 2(7)order for, **R** 7-6 [7-6(4)] removal, R 20-2 [20-2(10)] Medical examination who may act, R 20-2 [20-2(5)] order for, **R 7-6 [7-6(1)]** Litigation representative questions by examiner, R 7-6 application of rule, R 20-6 [20-[7-6(3)]6(2)subsequent examination, R 7-6 as party to proceeding, R 20-6 $[\bar{7}-6(2)]$ [20-6(7)]Persons outside British Columbia, definition, **R 20-6 [20-6(1)]** R 7-6 [7-6(6)] distribution of proceeds, R 20-6 **PLAINTIFF** [20-6(7)]Defined, R 1-1 [1-1(1)] when personal representative is appointed, R 20-6 [20-6(8)] **PLEADINGS** where no personal representative See also Amendment, Default, for deceased's estate, R 20-6 Notice of Civil Claim, [20-6(3)]Response to a Civil Claim, applications, R 20-6 [20-6(4), Counterclaim, Reply (5)Allegations Party attaining age of majority, R alternative, **R 3-7 [3-7(7)]** 20-2 [20-2(12), (13)] denial Party becoming incompetent, R contract, R 3-7 [3-7(16)] 20-2 [20-2(10)] nature of, R 3-7 [3-7(15)] Settlement requiring court approval, inconsistent, **R 3-7 [3-7(6)]** R 20-2 [20-2(17), (18)] malice, R 3-7 [3-7(17)] Step in default against, R 20-2 [20-Amendments of, R 6-1 2(14) to (16)] Contents generally, **R 3-7 [3-7(1), (4)] PETITION** conclusions of law, R 3-7 Affidavit of respondent, **R 16-1** [3-7(9)] [16-1(4)]objection in point of law, R 3-7 Application of writ of summons [3-7(8)]procedure to, R 16-1 [16-1(20) status of party deemed admitted, to (23)] R 3-7 [3-7(10)] Expert opinion evidence, R 16-1 [16-1(6.1)] Defined, R 1-1 [1-1(1)] Originating application by, R 16-1 Delivered after statement of claim, [16-1(2), (3)]R 3-7 [3-7(12)]

PLEADINGS—Cont'd

General damages, **R 3-7 [3-7(14)]**Matters arising since start of proceeding, **R 3-7 [3-7(5)]**

Particulars

demand for, R 3-7 [3-7(23), (24)] further particulars, R 3-7 [3-7(20)]

libel or slander, R 3-7 [3-7(21)] order for, R 3-7 [3-7(22)]

where necessary, **R 3-7 [3-7(18)**, (19)]

Relief sought, R 3-7 [3-7(13)]

Scandalous, frivolous or vexatious striking or amending, **R 9-5** [9-5(1)]

Set-off or counterclaim, **R 3-7** [3-7(11)]

Transferred proceedings, **R 19-1** [19-1(4), (6)]

POINT OF LAW

Proceedings on, R 9-4

PRE-TRIAL EXAMINATION

See Witnesses

PROBATE

See Administration of Estates

PROCEEDING

Conduct of, R 20-3 [20-3(15)] Consolidation, R 22-5 [22-5(6)] Defined, R 1-1 [1-1(1)] Relator, person used as, R 20-3 [20-3(14)]

PROPERTY

See Detention, Preservation and Recovery of Property

PROPORTIONALITY

Generally, **R 1-3 [1-3(2)]**

RECEIVER

Accounts, filing, **R 10-2 [10-2(4)]** Appointment, **R 10-2 [10-2(1)]** Defined, **R 1-1 [1-1(1)]**

RECEIVER—Cont'd

Remuneration, **R 10-2** [10-2(3)] Security, provision of, **R 10-2** [10-2(2)]

REGISTRAR

Appeal from, R 23-6 [23-6(8), (11)]
Defined, COAA PT 1 [CAA 1], R
1-1 [1-1(1)]
Master, as, R 23-6 [23-6(2)]
Powers, R 23-6 [23-6(4)]
Pre-trial conference, R 23-6 [23-6(5)]

REGISTRAR'S HEARING

Defined, R 1-1 [1-1(1)] Powers at, R 23-6 [23-6(4)]

REGISTRY

Defined, COAA PT 1 [CAA 1], R 1-1 [1-1(1)]

RELIEF

Defined, R 1-1 [1-1(1)]

RENEWAL APPLICATION

Limitations defence and, R 3-1

REPLY

Delivery, R 3-6 [3-6(1)]
Failure to reply, R 3-6 [3-6(3)]
Form, R 3-6 [3-6(1)]
Joinder of issue not permitted, R
3-6 [3-6(4)]
Response to counterclaim, R 3-4
[3-4(5)]
Subsequent pleadings, R 3-6
[3-6(2)]

REPRESENTATIVE PROCEEDING

Appointment of defendant or respondent, R 20-3 [20-3(2)]
Beneficiary represented by trustee, R 20-3 [20-3(10), (11)]
Commencement, R 20-3 [20-3(1)]
Deceased person interested in proceeding, R 20-3 [20-3(12), (13)]

REPRESENTATIVE

PROCEEDING—Cont'd

Deceased person's estate, **R 20-6**Enforcement of order made in proceeding, **R 20-3 [20-3(3) to 20-3(5)]**

Interested person who cannot be ascertained, R 20-3 [20-3(6)]

RESPONDENT

Defined, APP B [CAA 1]

RESPONSE TO A CIVIL CLAIM

See also Counterclaim
Damages disputed, R 3-3 [3-3(2)]
Form, R 3-3 [3-3(2)]
Transferred proceedings, R 19-1
[19-1(6)]

SALE BY COURT

Certificate of sale, R 13-5 [13-5(6)] Conduct, R 13-5 [13-5(3)] Debenture holder's proceeding, R 13-5 [13-5(2)] Directions, R 13-5 [13(4), (5)] General, R 13-5 [13-5(1)] Vesting order, R 13-5 [13-5(7)]

SERVICE

Abroad

manner, R 4-5 [4-5(10), (13)] proof, R 4-5 [4-5(11)] Agent, upon, R 4-3 [4-3(3) to (5)] Application for leave to appeal, COAR BCR PT 3 [CAR

13(a)] Attorney General, upon, R 4-3

[4-3(6)] Contractual terms regarding, R 4-5 [4-5(7), (8)]

Deemed, R 4-3 [4-3(8)]

General, R 4-5 [4-5(1)]

How effected, R 4-3 [4-3(2)]

Lawyer, upon, R 4-2 [4-2(7)]

Member of armed forces, upon, R
4-6 [4-6(3)]

SERVICE—Cont'd

Notice of appeal, **COAR BCR PT** 3 [CAR 6], R 18-3 [18-3(6)]

Notice of cross appeal, COAR
BCR PT 3 [CAR 9]

Outside British Columbia

time for appearance, R 3-3, R 16-1 [3-3(3), 16-1(4)]

with leave, R 4-5 [4-5(3), (5)]

without notice, **R 4-5 [4-5(4)]**

without order, R 4-5 [4-5(1), (2), (6)]

Party giving address for delivery, **R** 4-2 [4-2(2)]

Proof

general, R 4-2, R 4-6 [4-6(1)]

sheriff, by, R 4-6 [4-6(2)]

Substituted

how effected, **R 4-4 [4-4(2), (3)]** service of order for substituted service, **R 4-4 [4-4(2)]** solicitor's notice of intention to

withdraw, **R 22-6 [22-6(10)]** when ordered, **R 4-4 [4-4(1)]**

SETTLEMENT CONFERENCES
Generally, R 9-2

SHORT NOTICE APPLICATIONS

In case of urgency generally, **R 8-5 [8-5(1)]** form applications, **R 8-5 [8-5(2)]** time limits, **R 8-5 [8-5(3)]**

SITTINGS AND HEARINGS

Direction of Chief Justice, **R 23-5** [23-5(1)]

Electronic transmission of application record, **R 23.1-2**

Method of attendance (Pilot Project), **R 23.1-1**

application by requisition, R 23.1-1 [23.1-1(4)]

application to change method of application, **R 23.1-1 [23.1-1(3)]**

SUMMARY TRIAL

-Cont'd Ancillary orders and directions Method of attendance (Pilot Projgenerally, R 9-7 [9-7(13)] ect), **R 23.1-1**—Cont'd judge not seized, **R 9-7 [9-7(14)]** directions may be different, R when may be made, R 9-7 23.1-1 [23.1-1(2)] [9-7(13)] Telephone, by, **R 23-5** [23-5(3)] Application Urgent cases, R 23-5 [23-5(2)] adjournment, **R 9-7 [9-7(11)]** Video conference, by, R 23-5 [23directions, **R 9-7 [9-7(17)]** 5(4)] evidence form, R 9-7 [9-7(5)] SPECIAL CASE notice of evidence to be used, Court order for, **R 9-3 [9-3(2)]** R 9-7 [9-7(9), (10)] Form, R 9-3 [9-3(3)] filings, **R 9-7 [9-7(8)]** Hearing, R 9-3 [9-3(4)] preliminary directions, R 9-7 Order after hearing, **R 9-3 [9-3(5)]** [9-7(12)] Statement, **R 9-3 [9-3(1)]** set for hearing, **R 9-7 [9-7(4)]** SPECIAL REFEREE timing of, **R 9-7 [9-7(3)]** Defined, R 1-1 [1-1(1)] when appropriate, \mathbf{R} 9-7 [9-7(2)] Judgment, R 9-7 [9-7(15)] STATED CASES Order Generally, **R 18-2** setting aside, **R 9-7 [9-7(18)]** Appearance, requirement of, R 18-2 where jury notice filed, R 9-7 [18-2(8)][9-7(19)] Application, **R 18-2 [18-2(2)]** Rule 11-6 application, R 9-7 Contents, R 18-2 [18-2(5)] [9-7(7)]Court powers, R 18-2 [18-2(7)] Rule 12-5 application, R 9-7 Definitions, R 18-2 [18-2(1)] [9-7(7)]Delivery of notice, R 18-2 [18-2(6)] Filing materials, **R 18-2** [18-2(3)] SUPREME COURT RULES Hearing of, R 18-2 [18-2(9)] Application, **R 1-2 [1-2(2)]** Materials to be filed, R 18-2 [18-Citation, R 1-2 [1-2(1)] 2(3)Definitions generally, R 1-1 [1-1(1)] Notice Interpretation, **R 1-1 [1-1(2)]** delivery of, **R 18-2 [18-2(6)]** Object, **R 1-3** [1-3(1)] hearing, of, **R 18-2 [18-2(9)]** THIRD PARTY PROCEDURE Parties, identification of, R 18-2 Application for directions, **R** 3-5 [18-2(4)][3-5(13)] Powers of court, **R 18-2** [18-2(7)] Negligence Act SUMMARY JUDGMENT apportionment of liability, R 21-9 Answering party, for, **R 9-6 [9-6(4)]** [21-9(2)]Application, **R 9-6 [9-6(2)]** contribution or indemnity, R 21-9 Continuing proceedings after, R 9-6 [21-9(1)][9-6(6)]Prejudice to plaintiff, avoidance, R Order, **R 9-6 [9-6(5)]** 3-5 [3-5(14)]

SITTINGS AND HEARINGS

THIRD PARTY PROCEDURE TRANSFER OF PROCEEDINGS -Cont'd FROM FOREIGN COURTS Relief claimed, **R 3-5** [3-5(17)] —Cont'd Response to third party notice Security as condition to entry, R 19-4 [19default, R 3-5 [3-5(16)] 4(2)] general, R 3-5 [3-5(9), (12)] expenses, R 19-4 [19-4(3)] when not required, R 3-5 Translation [3-5(10)]court may require, R 19-4 [19-Third party notice filing, R 3-5 [3-5(1) to 3-5(3)] expenses, R 19-4 [19-4(3)] leave application, R 3-5 [3-5(6)] TRANSFER ORDER when required, R 3-5 [3-5(4)] Defined, **R 19-1** [19-1(1)] pleading, as, **R 1-1 [1-1(1)]** TRIAL service and delivery, **R 3-5** See also Case Management, Evi-[3-5(7)]dence, Pre-trial Conference setting aside, R 3-5 [3-5(8)] Adjournment, **R 12-1 [12-1(9)]** Trial, R 3-5 [3-5(15)] Application of rule, R 12-1 [12summary trial, **R 9-7 [9-7(2)]** 1(1)] Assessor, use of, **R 12-5** [12-5(66)] TIME Calculation of amount recovered, R Attendance at appointment before 12-5 [12-5(69)] official reporter, R 22-4 [22-Different modes of, R 12-5 [12-4(6)] 5(68)] Computation, R 4-2, R 22-4 Failure to attend, R 12-5 [12-5(75), [4-2(3), 22-4(1)] (76)] Delay of one year, notice of inten-Fast track litigation, R 15-1 [15tion to proceed, R 22-4 [22-1(13), (14)4(4)] period between September 28, Extending or shortening, R 22-4 2020 and October 7 2022 [22-4(2), (3)]Notice of trial Short notice applications, **R 8-5** delivery, R 12-1 [12-1(6)] [8-5(1), (2), (4)]issuance, R 12-1 [12-1(4)] **TRANSCRIPTS** One question tried before others, R 12-5 [12-5(67)] Form and style required, R 22-3 Place of trial, **R 12-1 [12-1(5)]** [22-3(2), (3), (4)]Registry, duty to inform, R 12-1 TRANSFER OF PROCEEDINGS [12-1(10)] FROM FOREIGN COURTS Setting down action, R 12-1 [12-Generally, R 19-4 1(3)] Disbursements, **R 19-4 [19-4(3)]** Time of trial, R 12-1 [12-1(9)] Entry, need for security before, R Trial certificate 19-4 [19-4(2)] contents, R 12-4 [12-4(3)]

failure to file, **R 12-4** [12-4(5)]

Expenses, R 19-4 [19-4(3)]

TRIAL—Cont'd	TRIBUNAL AWARDS
Trial certificate—Cont'd	Definition, R 2-2 [2-2(1)]
filing by each party, R 12-4 [12-	Filing of award, R 2-2 [2-2(2), (3)]
4(1), (2)]	WAIVER
service, R 12-4 [12-4(4)]	Provision of rule, by agreement, R
Trial date, obtaining, R 12-1 [12-1(3)]	1-2 [1-2(3)]
Trial record	WILLS VARIATION ACT
amended, R 12-3 [12-3(4)]	PROCEEDING
contents, R 12-3 [12-3(1)]	Governed by rules, R 21-6 [21-
direction as to, R 12-3 [12-3(5)]	6(4)]
filing and delivery, R 12-3 [12-	Parties, R 21-6 [21-6(2)]
3(3)]	Statement of defence, R 21-6 [21-
powers of registrar, R 12-3 [12-	6(3)]
3(3)]	Writ of summons, R 21-6 [21-6(1)]
Without jury	WITNESSES
fast track litigation, R 15-1 [15-1(10)]	See also Evidence
1(10)]	Adverse party
TRIAL MANAGEMENT	cross-examination, R 12-5 [12-
CONFERENCE	5(26)]
Absent parties, R 12-2 [12-2(5)]	defined, R 12-5 [12-5(19)]
Application for, R 12-2 [12-2(6)]	general, R 12-5 [12-5(20)]
Attendance at, R 12-2 [12-2(4)]	notice to call, R 12-5 [12-5(21)]
Consent order dispensing with	refusal to comply with notice, R
application for, R 12-2 [12-	12-5 [12-5(25)]
2(3.4)]	Contradiction of testimony, R 12-5
application materials, R 12-2	[12-5(30)]
[12-2(3.5)]	Deposition evidence, R 12-5 [12-
consent order, R 12-2 [12-2(3.6)]	5(40)]
Date of, R 12-2 [12-2(1)] Judge required, R 12-2 [12-2(2)]	Examination generally, R 12-5 [12-5(29)]
Non-attendance at, R 12-2 [12-2(7)]	Failure to attend, R 12-5 [12-5(38)]
Orders, R 12-2 [12-2(9)]	Oral testimony unless otherwise
prohibited order, R 12-2 [12-	agreed, Ř 12-5 [12-5(27)]
2(11)]	Pre-trial examination
Recording of, R 12-2 [12-2(8)]	affidavit supporting application,
Trial brief required, R 12-2 [12-	R 7-5 [7-5(3)]
2(3), (3.1)	discovery rules, application of, R
failure to serve, R 12-2 [12-	7-5 [7-5(10)]
2(3.2)]	experts, R 7-5 [7-5(2)]
trial removed from trial list, R 12-2 [12-2(3.3)]	mode of examination, R 7-5 [7-5(8)]
Written approval of lawyer, when not required, R 12-2 [12-2(10)]	notice of application, R 7-5 [7-5(4)]

WITNESSES—Cont'd

Pre-trial examination—Cont'd notice of examination, R 7-5 [7-5(7)] order, R 7-5 [7-5(1)] subpoena, R 7-5 [7-5(5)] Subpoena fees, R 12-5 [12-5(35)]

form, R 12-5 [12-5(32)]

service, R 12-5 [12-5(34)]

WITNESSES—Cont'd

Subpoena—Cont'd setting aside, R 12-5 [12-5(39)] who may be subpoenaed, R 12-5 [12-5(31)] Witness in custody, R 12-5 [12-5(37)]

WRIT OF EXECUTION

See also Debtor Defined, R 1-1 [1-1(1)]