


**PROVINCE OF BRITISH COLUMBIA**  
**ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL**

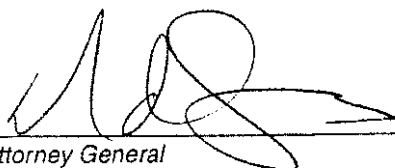
Order in Council No. **512** , Approved and Ordered **JUL 29 2010**

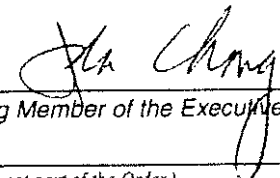
  
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~~Lieutenant Governor~~  
Administrator

**Executive Council Chambers, Victoria**

On the recommendation of the undersigned, the ~~Lieutenant Governor~~ <sup>Administrator</sup>, by and with the advice and consent of the Executive Council, orders that

- (a) the Supreme Court Civil Rules, B.C. Reg. 168/2009, are amended as set out in the attached Schedule A, and
- (b) the Supreme Court Family Rules, B.C. Reg. 169/2009, are amended as set out in the attached Schedule B.

  
\_\_\_\_\_  
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, section 1

Other (specify):- O.C. 302/2009 and 303/2009

June 29, 2010

## SCHEDULE A

*1 Rule 8-1 of the Supreme Court Civil Rules, B.C. Reg. 168/2009, is amended*

*(a) by repealing subrule (1) and substituting the following:*

### Definitions

(1) In this rule:

“**application respondent**” means a person who files an application response under subrule (9);

“**business day**” means a day on which the court registries are open for business. ,

*(b) by repealing subrule (4) and substituting the following:*

### Contents of notice of application

(4) A notice of application must be in Form 32 and must

(a) set out the orders sought or attach a draft of the order sought,

(b) briefly summarize the factual basis for the application,

(c) set out the rule, enactment or other jurisdictional authority relied on for the orders sought and any other legal arguments on which the orders sought should be granted,

(d) list the affidavits and other documents on which the applicant intends to rely at the hearing of the application,

(e) set out the applicant's estimate of the time the application will take for hearing,

(f) subject to subrules (5) and (6), set out the date and time of the hearing of the application,

(g) set out the place for the hearing of the application in accordance with Rule 8-2, and

(h) provide the data collection information required in the appendix to the form, and the notice of application, other than any draft order attached to it under paragraph (a), must not exceed 10 pages in length. ,

*(c) in subrule (8) (a) by striking out “7 days” and substituting “8 business days”,*

*(d) in subrule (8) (b) by striking out “14 days” and substituting “12 business days”,*

*(e) by repealing subrule (9) and substituting the following:*

### Application response

(9) A person who is served with documents referred to in subrule (7) of this rule and who wishes to respond to the notice of application (in this subrule called the “responding person”) must do the following within 5 business days after service or, in the case of an application under Rule 9-7, within 8 business days after service:

(a) file an application response;

(b) file the original of every affidavit, and of every other document, that

- (i) is to be referred to by the responding person at the hearing, and
  - (ii) has not already been filed in the proceeding;
- (c) serve on the applicant 2 copies of the following, and on every other party of record one copy of the following:
- (i) a copy of the filed application response;
  - (ii) a copy of each of the filed affidavits and documents, referred to in the application response under subrule (10) (b) (ii), that has not already been served on that person;
  - (iii) if the application is brought under Rule 9-7, any notice that the application respondent is required to give under Rule 9-7 (9).
- (f) *in subrule (10) (b) (ii) by striking out* “on which the application respondent intends to rely at” *and substituting* “to which the application respondent intends to refer at”,
- (g) *by repealing subrule (12),*
- (h) *in subrules (13) and (14) by striking out* “(12)” *and substituting* “(9)”,
- (i) *in subrules (13) and (15) by adding* “business” *before* “day” *wherever it appears,*
- (j) *in subrule (17) by striking out* “noon of the court day” *and substituting* “4 p.m. on the business day that is one full business day”,
- (k) *in subrule (19) (b) by striking out* “court” *and substituting* “business”,
- (l) *in subrule (20) by striking out* “on the second court day before, and 4 p.m. on the day that is one full day before,” *and substituting* “and 4 p.m. on the business day that is one full business day before”,
- (m) *in subrule (21.1) (b) by adding* “business” *before* “days”, *and*
- (n) *in subrule (22) by adding* “business” *before* “days”.
- 2 *Rule 9-7 (10) (b) is amended by striking out* “Rule 8-1 (12).” *and substituting* “Rule 8-1 (9).”.
- 3 *Form 32 is amended by striking out the following:*

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to the application, you must

- (a) file an application response in Form 33 within 5 days after the date of service of this notice of application or, if the application is brought under Rule 9-7 of the Supreme Court Civil Rules, within 11 days after the date of service of this notice of application, and
- (b) at least 2 days before the date set for the hearing of the application, serve on the applicant 2 copies, and on every other party one copy, of a filed copy of the application response and the other documents referred to in Rule 9-7 (12) of the Supreme Court Civil Rules.

*and substituting the following:*

**TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION:** If you wish to respond to this notice of application, you must, within 5 business days after service of this notice of application or, if this application is brought under Rule 9-7, within 8 business days after service of this notice of application,

- (a) file an application response in Form 33,
- (b) file the original of every affidavit, and of every other document, that
  - (i) you intend to refer to at the hearing of this application, and
  - (ii) has not already been filed in the proceeding, and
- (c) serve on the applicant 2 copies of the following, and on every other party of record one copy of the following:
  - (i) a copy of the filed application response;
  - (ii) a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;
  - (iii) if this application is brought under Rule 9-7, any notice that you are required to give under Rule 9-7 (9).

## SCHEDULE B

*1 Rule 10-6 of the Supreme Court Family Rules, B.C. Reg. 169/2009, is amended*

*(a) by repealing subrule (1) and substituting the following:*

### Definitions

(1) In this rule:

“**application respondent**” means a person who files an application response under subrule (8);

“**business day**” means a day on which the court registries are open for business. ,

*(b) by repealing subrule (3) and substituting the following:*

### Contents of notice of application

(3) A notice of application must be in Form F31 and must

(a) set out the orders sought or attach a draft of the order sought,

(b) briefly summarize the factual basis for the application,

(c) set out the rule, enactment or other jurisdictional authority relied on for the orders sought and any other legal arguments on which the orders sought should be granted,

(d) list the affidavits and other documents on which the applicant intends to rely at the hearing of the application,

(e) set out the applicant’s estimate of the time the application will take for hearing,

(f) subject to subrules (4) and (5), set out the date and time of the hearing of the application,

(g) set out the place for the hearing of the application in accordance with Rule 10-2, and

(h) provide the data collection information required in the appendix to the form, and the notice of application, other than any draft order attached to it under paragraph (a), must not exceed 10 pages in length. ,

*(c) in subrule (7) (a) by striking out “7 days” and substituting “8 business days”,*

*(d) in subrule (7) (b) by striking out “14 days” and substituting “12 business days”,*

*(e) in subrule (7) (c) (ii) by striking out “28 days” and substituting “21 business days”,*

*(f) by repealing subrule (8) and substituting the following:*

### Application response

(8) A person who is served with documents referred to in subrule (6) of this rule and who wishes to respond to the notice of application (in this subrule called the “responding person”) must do the following within the applicable period referred to in subrule (8.1):

- (a) file an application response that complies with subrule (9) and, if applicable, subrule (10);
- (b) file the original of every affidavit, and of every other document, that
  - (i) is to be referred to by the responding person at the hearing, and
  - (ii) has not already been filed in the family law case;
- (c) serve on the applicant 2 copies of the following, and on every other party one copy of the following:
  - (i) a copy of the filed application response;
  - (ii) a copy of each of the filed affidavits and documents, referred to in the application response under subrule (9) (b) (ii), that has not already been served on that person;
  - (iii) if the application is brought under Rule 11-3, any notice that the application respondent is required to give under Rule 11-3 (9).

**Time for filing and service**

- (8.1) The responding person must file the documents referred to in subrule (8) (a) and (b) and serve the documents referred to in subrule (8) (c) within whichever of the following periods applies to the application:
- (a) subject to paragraphs (b) and (c) of this subrule, within 5 business days after service of the documents referred to in subrule (6);
  - (b) in the case of an application under Rule 11-3, within 8 business days after service of the documents referred to in subrule (6) of this rule;
  - (c) in the case of an application to rescind, change or suspend a final order, within 14 business days after service of the documents referred to in subrule (6).
- (g) *in subrule (9) (b) (ii) by striking out "on which the application respondent intends to rely at" and substituting "to which the application respondent intends to refer at",*
  - (h) *by repealing subrule (11),*
  - (i) *in subrules (12) and (13) by striking out "(11)" and substituting "(8)",*
  - (j) *in subrules (12) and (14) by adding "business" before "day" wherever it appears,*
  - (k) *in subrule (15) by striking out "noon of the court day" and substituting "4 p.m. on the business day that is one full business day",*
  - (l) *in subrule (17) (b) by striking out "court" and substituting "business",*
  - (m) *in subrule (18) by striking out "on the second court day before, and 4 p.m. on the day that is one full day before," and substituting "and 4 p.m. on the business day that is one full business day before",*
  - (n) *in subrule (19.1) (b) by adding "business" before "days", and*
  - (o) *in subrule (20) by adding "business" before "days".*

2 *Rule 11-3 (10) (b) is amended by striking out "Rule 10-6 (11)." and substituting "Rule 10-6 (8)."*

3 *Form F31 is amended by striking out the following:*

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to the application, you must

- (a) file an application response in Form F32 within 5 days after the date of service of this notice of application or, if the application is brought under Rule 11-3 of the Supreme Court Family Rules, within 11 days after the date of service of this notice of application, and
- (b) at least 2 days before the date set for the hearing of the application, serve on the applicant 2 copies, and on every other party one copy, of a filed copy of the application response and the other documents referred to in Rule 10 6 (11) of the Supreme Court Family Rules.

*and substituting the following:*

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this notice of application, you must, within the time for response to application described below,

- (a) file an application response in Form F32,
- (b) file the original of every affidavit, and of every other document, that
  - (i) you intend to refer to at the hearing of this application, and
  - (ii) has not already been filed in the family law case, and
- (c) serve on the applicant 2 copies of the following, and on every other party one copy of the following:
  - (i) a copy of the filed application response;
  - (ii) a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;
  - (iii) if this application is brought under Rule 11-3, any notice that you are required to give under Rule 11-3 (9).

**Time for response to application**

The documents referred to in paragraph (c) above must be served in accordance with that paragraph,

- (a) unless one of the following paragraphs applies, within 5 business days after service of this notice of application,
- (b) if this application is brought under Rule 11-3, within 8 business days after service of this notice of application, and
- (c) if this application is brought to rescind, change or suspend a final order, within 14 business days after service of this notice of application.