


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

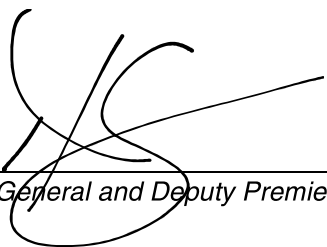
Order in Council No. 90


, Approved and Ordered March 3, 2025

  
\_\_\_\_\_  
*Lieutenant Governor*

**Executive Council Chambers, Victoria**

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the Court of Appeal Rules, B.C. Reg. 120/2022, are amended as set out in the attached Schedule.

  
\_\_\_\_\_  
*Attorney General and Deputy Premier*

  
\_\_\_\_\_  
*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, s. 1*

Other: *OIC 271/2022*

R10859119

## SCHEDULE

**1 Rule 11 of the Court of Appeal Rules, B.C. Reg. 120/2022, is amended**

**(a) in paragraph (a) by adding the following subparagraph:**

(xi) Rule 22-9 [vexatious litigants];, and

**(b) in paragraph (b) by adding the following subparagraphs:**

(iii.1) Part 7.1 [Case Planning];

(xi) Rule 21-8 [vexatious litigants];.

**2 Rule 24 (4) is repealed and the following substituted:**

(4) Transcripts that are filed in court must be prepared

(a) by a person who

(i) has entered into an agreement with the government for the provision of transcript preparation services in relation to proceedings in courts in British Columbia, or

(ii) is employed by, or is retained under an agreement with, a person referred to in subparagraph (i) to provide the services referred to in that subparagraph, and

(b) in accordance with the completion instructions.

**3 Rule 62 is amended**

**(a) by repealing subrules (2) and (3) and substituting the following:**

(2) A person who wishes to apply to have the court, under section 29 of the Act, vary or cancel an order other than an order referred to in subrule (1) must do the following:

(a) not more than 7 days after the order was made, file and serve a notice of application to vary or cancel an order of a justice in Form 8;

(b) not more than 14 days after filing the notice of application, file and serve an application book prepared in accordance with the completion instructions., and

**(b) in subrule (4) by striking out “subrule (3)” and substituting “subrule (2) (b)”.**

**4 Rule 63 (2) is repealed and the following substituted:**

(2) A person who wishes to apply to have a justice, under section 35 [varying orders of a justice or registrar] of the Act, vary or cancel an order or direction of the registrar must do the following:

(a) obtain a hearing date for the application;

(b) not more than 7 days after the order was made or direction given and at least 5 business days before the application hearing date, file and serve the following documents:

(i) a notice of application in Form 4;

- (ii) the person's supporting affidavits, if any;
- (iii) the person's written argument, if any.

**5** *Rule 85 is repealed and the following substituted:*

**Order that no fees payable**

- 85**
- (1) A person may apply to a justice for an order that no fees are payable under Rule 84 by filing an application in Form 22.
  - (2) The registrar must set criteria for the purposes of identifying financial circumstances in which the payment of court fees under Rule 84 would cause undue hardship.
  - (3) The registrar must make the criteria set under subrule (2) available to the public.
  - (4) The registrar must assess an application made under subrule (1) and do one of the following:
    - (a) if the registrar determines that the applicant meets the criteria set under subrule (2), set a date for a hearing of the application respecting whether the requirement under subrule (6) (b) is met;
    - (b) if the registrar determines that the applicant does not meet the criteria set under subrule (2), set a date for a hearing of the application respecting whether
      - (i) the applicant's payment of court fees under Rule 84 would cause undue hardship, and
      - (ii) the requirement under subrule (6) (b) is met.
  - (5) The hearing of an application under this rule is to proceed without notice.
  - (6) At the hearing of an application under this rule, a justice may order that no fees are payable if
    - (a) the registrar determines that the criteria set under subrule (2) are met or the justice finds that the person's payment of court fees under Rule 84 would cause undue hardship, and
    - (b) the justice finds that the appeal is not
      - (i) bound to fail,
      - (ii) scandalous, frivolous or vexatious, or
      - (iii) an abuse of the process of the court.
  - (7) A finding under subrule (6) (b) does not bind a justice in any other applications on the appeal.

**6** *The table in Division 1 of Schedule 2 is amended in column 1 of item 8 by repealing subparagraph (iii) and substituting the following:*

- (iii) a person who provides transcript preparation services under an agreement with the government

**7** *Schedule 3 is amended by repealing Forms 13, 14, 15 and 22 and substituting the following:*

**COURT OF APPEAL FOR BRITISH COLUMBIA**

Court of Appeal File No. ....

BETWEEN:

Appellant(s)  
[role in proceeding appealed from]

AND:

Respondent(s)  
[role in proceeding appealed from]

**CONSENT ORDER TO EXTEND TIME TO FILE A DOCUMENT**

..... [Insert date of the order] .....

WHEREAS:

- (a) all parties have consented to this order,
- (b) no person involved is under any legal disability, and
- (c) all parties have agreed to comply hereafter with the time limits set forth in the *Court of Appeal Act* and Court of Appeal Rules,

IT IS ORDERED that the time set for ..... [name of party] ....., the ..... [appellant/respondent] ....., to file and serve the ..... [appeal record/transcript/factum/appeal book/book of authorities] ..... is extended until ..... [date of the extension] .....

APPROVED AS TO FORM:

FOR THE COURT

.....  
Signature of ...[Appellant/Appellant's Lawyer].....  
.....[type or print name].....

.....  
Deputy Registrar

.....  
Signature of ..[Respondent/Respondent's Lawyer]..  
.....[type or print name].....

*Note: This form of order is to be submitted at the same time as the document(s) referred to in this order.*

**COURT OF APPEAL FOR BRITISH COLUMBIA**

Court of Appeal File No. ....

BETWEEN:

Appellant(s)  
[role in proceeding appealed from]

AND:

Respondent(s)  
[role in proceeding appealed from]

**CONSENT ORDER TO REMOVE AN APPEAL FROM THE INACTIVE LIST**

BEFORE THE HONOURABLE

[registrar will insert name of justice]

[registrar will insert date of order]

WHEREAS:

- (a) all parties have consented to this order,
- (b) no person involved is under any legal disability, and
- (c) all parties have agreed to comply hereafter with the time limits set forth in the *Court of Appeal Act* and Court of Appeal Rules,

IT IS ORDERED that this ..... [*appeal/application for leave to appeal*] ..... be removed from the inactive list and that the time limit for taking the next step required by the *Court of Appeal Act* or Court of Appeal Rules must begin to run as of the date of this order.

IT IS FURTHER ORDERED that the notice of hearing be filed within 180 days of the date of this order, failing which the ..... [*appeal/application for leave to appeal*] ..... must be returned to the inactive list.

APPROVED AS TO FORM:

.....  
Signature of ....[*Appellant/Appellant's Lawyer*].....  
.....[*type or print name*].....

.....  
A Justice of the Court of Appeal

.....  
Signature of ..[*Respondent/Respondent's Lawyer*]..  
.....[*type or print name*].....

*Note: This form of order may not be used to reinstate appeals that have been dismissed as abandoned under Rule 51.*

*Note: This form of order may be used only if there is no prior order to remove the appeal or application for leave to appeal from the inactive list.*

COURT OF APPEAL FOR BRITISH COLUMBIA

Court of Appeal File No. ....

BETWEEN:

Appellant(s)
[role in proceeding appealed from]

AND:

Respondent(s)
[role in proceeding appealed from]

CONSENT ORDER – GENERAL

BEFORE THE HONOURABLE
[registrar will insert name of justice]

[registrar will insert date of order]

IN CHAMBERS

ON application of ..... [appellant/respondent] ..... herein; AND BY CONSENT;

IT IS ORDERED that .....

IT IS FURTHER ORDERED that .....

APPROVED AS TO FORM:

Signature of ....[Appellant/Appellant's Lawyer].....
[type or print name]

A Justice of the Court of Appeal

Signature of ..[Respondent/Respondent's Lawyer]..
[type or print name]

# COURT OF APPEAL FOR BRITISH COLUMBIA

## FORM 22

### APPLICATION FOR ORDER THAT NO FEES ARE PAYABLE (RULE 85)

[STAMP]	Court of Appeal File No.	<input type="text"/>	
		<i>The file number can be found on the upper right corner of the Notice of Appeal.</i>	
	<input type="text"/>	v.	<input type="text"/>
	<i>Name of the first appellant named on Form 1: Notice of Appeal.</i>		<i>Name of the first respondent named on Form 1: Notice of Appeal.</i>

#### To the person(s) filing the application (the *applicant*):

To obtain an order that no court fees are payable, you must show that: (1) your appeal is not bound to fail; scandalous, frivolous or vexatious; or an abuse of court process; and (2) payment of court fees would cause you undue hardship.

The criteria set by the registrar under Rule 85 (2) are on the main page of the Court of Appeal's website. Complete Part B to determine if you meet the income and assets criteria. If you do not meet the criteria, you can also complete Part C and argue at the hearing that there are special financial circumstances that establish undue hardship, or you can abandon your application. **You must provide complete and accurate financial information.**

This is a "without notice" application. You do not need to serve this form on any other parties and they do not need to attend the application hearing.

Name(s) of person(s) bringing the application

## PART A: BASIS FOR BRINGING THE APPEAL

**Order(s) you are seeking on appeal**  
*Briefly list the order(s) you will ask this court to make on appeal.*

**Grounds of appeal**  
*Be as specific as possible. For example, if you believe the trial judge used an incorrect legal test or otherwise misapplied the law, note that here.*

## PART B: INCOME AND ASSETS

**Household income and assets**  
*Check the applicable boxes and indicate the household income and value of all household assets. **Provide complete and accurate financial information.***

*If you do not meet the income or assets criteria set by the registrar under Rule 85 (2), you must also complete Part C or abandon your application.*

### Income

- 1-3 household members - Household gross income is \$.....
- 4 or more household members - Household gross income is \$.....

### Assets

- The value of household assets, after subtracting any outstanding debt owing on them, is \$.....

## PART C: FINANCIAL CIRCUMSTANCES

**Special financial circumstances**  
*Complete this Part if you do not meet the income or assets criteria set under Rule 85 (2). Be as specific as possible about your financial circumstances. For example, if you have recently lost employment or have a large number of dependants, note that here.*



**Location of hearing**  
*Enter the address of the courthouse.*

**Date hearing will take place**

*Chambers applications begin at 9:30 a.m.*

*DD/MM/YYYY*

**Date form completed**

*DD/MM/YYYY*

**Name of person authorizing filing of this form**

The form consists of several input fields and labels. At the top, a grey arrow labeled 'Location of hearing' points to a large empty rectangular box. Below this, another grey arrow labeled 'Date hearing will take place' points to a smaller empty rectangular box. To the right of this box is a grey box containing the text 'Chambers applications begin at 9:30 a.m.'. Below the date box is a grey box containing the text 'DD/MM/YYYY'. Further down, a grey arrow labeled 'Date form completed' points to another empty rectangular box, with a grey box containing 'DD/MM/YYYY' below it. To the right of this box, a grey arrow labeled 'Name of person authorizing filing of this form' points to a final empty rectangular box.