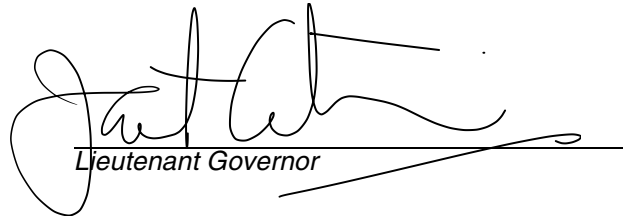


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 701

, Approved and Ordered December 13, 2021



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, effective April 4, 2022

- (a) the Supreme Court Civil Rules, B.C. Reg. 168/2009, are amended as set out in the attached Schedule 1, and
- (b) the Supreme Court Family Rules, B.C. Reg. 169/2009, are amended as set out in the attached Schedule 2.



Attorney General and Minister Responsible for Housing



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: *O.C. 302/2009; O.C. 303/2009*

R10560227

SCHEDULE 1

- 1 ***Rule 1-1 (1) of the Supreme Court Civil Rules, B.C. Reg. 168/2009, is amended in the definition of “document” by striking out “film” and substituting “video”.***
- 2 ***Rule 3-5 (4) (b) is amended by striking out “being served with the notice of civil claim or counterclaim in which the relief referred to in subrule (1) is claimed” and substituting “the filing of the response”.***
- 3 ***Rule 5-3 is amended by adding the following subrule:***

Amendments to case plan orders

- (8) Without limiting the ability of a case planning conference judge or master to amend a case plan order at a case planning conference under Rule 5-3 (1) (b), the parties may apply to amend a case plan order as follows:
 - (a) if the application is to be by consent, the parties must apply under Rule 8-1 (2) (a);
 - (b) if the application is not to be by consent, a party of record must request a subsequent case planning conference under Rule 5-1.
- 4 ***Rule 5-4 is repealed.***

- 6 ***Rule 21-7 is amended by adding the following subrule:***

Information must accompany petition

- (4.1) A petitioner under this rule who serves a petition referred to in subrule (1) must include with the petition an informational notice for foreclosure proceedings in Form 125.
- 7 ***Rule 22-2 (9) is repealed and the following substituted:***

Exhibits referred to in affidavits

- (9) The following applies to an exhibit referred to in an affidavit:
 - (a) if the exhibit is a document that complies with Rule 22-3 (2) and does not exceed 10 pages, a true reproduction of the document must be attached to the affidavit and to all copies of the affidavit that are served;
 - (b) if the exhibit is a document that complies with Rule 22-3 (2) and exceeds 10 pages, the exhibit need not be filed with the affidavit, but must be made available for the use of the court and for the prior inspection of a party to the proceeding;
 - (c) if the exhibit is not a document that complies with Rule 22-3 (2), the exhibit must not be filed with the affidavit, but must be made available for the use of the court and for the prior inspection of a party to the proceeding.
- 8 ***Rule 23-2 (1) is amended by adding “Prince Rupert,” after “Prince George,”.***
- 9 ***Appendix A is amended by adding the following form:***

FORM 125

INFORMATIONAL NOTICE FOR FORECLOSURE PROCEEDINGS

This is a foreclosure proceeding. You have been served with the enclosed materials because you appear to have an interest in the property described in the petition to the court.

Within this proceeding, the court may make orders concerning distribution of sale proceeds that impact you.

To ensure that you are informed of any court orders concerning distribution of funds, you must make the court and the petitioner aware of your contact information. This can be done by filing a response to petition or notifying the petitioner in writing of your current contact information.

If at any stage of this proceeding you wish to take a position on the relief sought in this proceeding, a response to petition and supporting affidavit must be filed and served on the petitioner within the timelines set out in the Supreme Court Civil Rules.

SCHEDULE 2

1 *Rule 4-5 (2) of the Supreme Court Family Rules, B.C. Reg. 169/2009, is amended by striking out “divorce, nullity or judicial separation” in both places and substituting “divorce or nullity”.*

2 *Rule 5-1 (1) is amended*

(a) in paragraph (e) of the definition of “applicable income documents” by striking out “social assistance” in both places and substituting “income assistance”,

(b) by adding the following definition:

“income assistance” includes

- (a) income assistance within the meaning of the *Employment and Assistance Act*, and
- (b) disability assistance within the meaning of the *Employment and Assistance for Persons with Disabilities Act*; , **and**

(c) by repealing the definition of “social assistance”.

3 *Rule 8-1 (1) is amended by striking out “a pleading filed by the party” and substituting “a pleading filed by the party, other than by adding or changing parties or withdrawing an admission,”.*

4 *Rule 10-4 (9) is repealed and the following substituted:*

Exhibits referred to in affidavits

(9) The following applies to an exhibit referred to in an affidavit:

- (a) if the exhibit is a document that complies with Rule 21-1 (2) and does not exceed 10 pages, a true reproduction of the document must be attached to the affidavit and to all copies of the affidavit that are served;

- (b) if the exhibit is a document that complies with Rule 21-1 (2) and exceeds 10 pages, the exhibit need not be filed with the affidavit, but must be made available for the use of the court and for the prior inspection of a party to the proceeding;
- (c) if the exhibit is not a document that complies with Rule 21-1 (2), the exhibit must not be filed with the affidavit, but must be made available for the use of the court and for the prior inspection of a party to the proceeding.

5 *Rule 14-4 (5) is amended by striking out “divorce, nullity or judicial separation” and substituting “divorce or nullity”.*

6 *The title of Rule 15-3 is repealed and the following substituted:*

RULE 15-3 – EXTRA-PROVINCIAL ORDERS .

7 *Rule 22-3 (1) is amended by adding “Prince Rupert,” after “Prince George,”.*

8 *Form F1 in Appendix A is amended*

(a) in section 1 by striking out “[] were married on[dd/mmm/yyyy].....” and substituting “[] were married on[dd/mmm/yyyy]..... at[city or town; province or state; country]”,

(b) in section 2 by striking out “[] Other grounds, under section 8 (2) (b) of the Divorce Act (Canada):[state the grounds].....” and substituting “[] Other grounds, under section 8 (2) (b) of the Divorce Act (Canada):

[] Adultery (the respondent has committed adultery)

[] Cruelty (the respondent has treated the applicant with physical or mental cruelty of such a kind as to make continued cohabitation intolerable)”, and

(c) in section 2 by striking out “[] There has been no collusion, as defined in section 11 (4) of the Divorce Act (Canada), in relation to this claim for divorce.” and substituting “[] I do not know about and I am not involved in any arrangement to make up or to hide evidence or to deceive the court to obtain a divorce.”.

9 *Form F3 in Appendix A is amended in section 3 of Schedule 3*

(a) by striking out “[] The claimant does not know what the claimant's spouse's income is” and substituting “[] The claimant does not know what the respondent’s income is”, and

(b) by striking out “[] The claimant believes that the claimants spouse’s gross annual income is \$....., based on these facts:” and substituting “[] The claimant believes that the respondent’s gross annual income is \$....., based on these facts:”.

10 *Form F8 in Appendix A is amended in Part 3 by striking out everything before “ASSETS” and substituting the following:*

PART 3 – PROPERTY

You **must** complete Part 3 if

- (a) there is a claim, either by you or against you, for spousal support
OR
- (b) there is a claim, either by you or against you, for child support and one or more of the following conditions applies:
 - one or more of the children is a stepchild;
 - one or more of the children for whom child support is claimed is 19 years of age or older;
 - there is an application for an order under section 9 of the child support guidelines;
 - the income of the party being asked to pay child support is more than \$150 000 per year**OR**
- (c) there is a claim against you for child support and you intend to make a hardship claim under the child support guidelines
OR
- (d) there is a claim by you for child support and the opposite party has made a hardship claim under the child support guidelines
OR
- (e) there is a claim, either by you or against you, for child support and there is a claim for special expenses under section 7 of the child support guidelines
OR
- (f) there is a property claim, either by you or against you, under Part 5 or 6 of the *Family Law Act*.

11 Form F15 in Appendix A is amended by striking out “[] the person I served produced the following identification containing a photograph that was a true likeness of the person I served:[specify form of identification produced – e.g. "B.C. Drivers License No. XXX"].....” **and substituting** “[] the person I served produced the following identification containing a photograph that was a true likeness of the person I served:[specify form of identification produced – e.g. "B.C. Drivers License No. XXX"]....., bearing the name of”.

12 The Appendix to Form F31 in Appendix A is amended

(a) by adding “[] none of the above” **after** “[] other matters concerning experts”, **and**

(b) by striking out everything after “[] none of the above”.

13 Form F32 in Appendix A is amended by striking out everything after “.....[type or print name].....”

14 Form F34 in Appendix A is amended by adding the following before “By the Court.”:

THE FOLLOWING PARTY[IES] APPROVE THE FORM OF THIS ORDER:

.....
Signature of
[] party [] lawyer for[name of party(ies)].....
.....[type or print name].....

15 Form F35 is amended by adding the following after “[] affidavit in Form F38.”:

[If proof that this is an undefended family law case is being provided, check whichever one of the 3 following applies, file the document with this requisition and remove the boxes that have not been checked so that they do not appear in the form when the form is filed.]

- signed consent order
- notice of withdrawal
- other *[please provide details]*.....

16 Forms F74 and F75 in Appendix A are amended by striking out “Claimant:” and substituting “Petitioner:”.

17 Form F77 in Appendix A is amended by striking out everything after “.....*[type or print name]*.....”.

18 Form F98 in Appendix A is amended by striking out everything after “.....*[type or print name]*.....”.