

PRACTICE DIRECTIVE

Use of the Facsimile in the Court of Appeal

Documents to be Filed

The Court of Appeal registry will accept for filing any facsimile copy of a Court of Appeal document, **except** for documents requiring binding and multiple copies (such as appeal books & transcripts; factums; books of authorities). For lengthy documents which may or may not be bound (such as motion books and memorandum of argument), they will be accepted if they **do not exceed 20 pages** in length. Any document in excess of 20 pages will be accepted **only if** prior permission has been obtained from the registrar. The Court, however, may refuse to accept a facsimile copy as an original document. In such cases, the original document must be available for production to the Court.

It is understood that the facsimile machine is to be used for **filing of documents only**. The registry will not become a message service for lawyers. Requests for copies of documents will not be filled by sending copies by facsimile. The facsimile is to be used to assist parties in **filing documents where there is a time factor involved**.

Filing Fees

On any document where a filing fee is required - ie. Notice of Appeal, Notice of Motion, Certificate of Readiness - any document filed by facsimile will be filed on the implied undertaking that the fee will be sent **immediately** to the registry. If the fee is not paid within **one week** of the filing, or before an appearance (in the case of a notice of motion), the document will be rejected.

The registry will not be responsible for invoicing past fees due. If fees are not paid, no further documents will be accepted from the law firm or individual.

If more than one copy is required for filing, (ie. a Notice of Motion before the Court) the staff will photocopy the document **and charge the sender for photocopying fees** at \$1.00/page.

Proof of Filing

Documents will be accepted for filing by facsimile only when sent to the Court of Appeal facsimile number **(604) 660-1951**.

On receipt of a document, the Court of Appeal staff will process it as if it had been received over the counter. The document will be date-stamped, given a Court of Appeal number and entered in the index (for Notices of Appeal), entered in the diary for an appearance in chambers and otherwise dealt with as a regular filing.

Registry hours are from 9:00 a.m. to 4:00 p.m. Documents received after business hours will be deemed to be received on the following day. In deciding the date of receipt, the registry staff will be guided by the transmission time appearing on the face of the facsimile. All documents will be processed in the order that they are received.

The staff will return to the sender, by facsimile, a confirmation that the document has been received. This confirmation will consist of a cover sheet, stating the fees due (if any) and any comments about the filing and **the first page of each document** filed by facsimile, showing the date stamp, appeal file number etc.

There is no charge to file by facsimile for out-of-town clients. For all others, the charge is \$16, plus \$1.00 per page.

In order to avoid confusion, **do not mail the original document!** The original document should be kept by the sender and attached as minutes to the pages received back as confirmation. The sender must be able to produce the original, if called upon to do so.

Service of Documents

The registrar will accept as proof of service any acknowledgement of a document which has been forwarded by facsimile machine.

Any objection to service of a document which has been filed by facsimile is to be made to a judge in chambers.

Proviso

These guidelines are subject to judicial determination. Every accommodation will be made to see that this project is successful. However, if problems evolve in administering these guidelines, they may be changed or modified.

If any of this procedure is not followed, the registrar may refuse to transmit or accept Court of Appeal documents by facsimile.

“The Honourable Chief Justice Finch”
On behalf of the Court of Appeal for British Columbia

December 12, 2005