

Transmitting by Fax

Fax Filing Pilot Project

How to transmit civil court documents by fax for filing in court registries in B.C.

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For more information . . .

If you have questions about transmitting documents to the registry by fax that are not answered in this booklet, please contact one of the pilot locations (see the list on page 2).

If you have access to the Internet, information is also available on the Fax Filing Pilot Project Web site at:

www.ag.gov.bc.ca/courts/fax/fax.htm

and on Court Services' Web site at:

www.ag.gov.bc.ca/courts/index.htm

Welcome to the Fax Filing Pilot Project

The Fax Filing Pilot Project is introducing the option of transmitting certain civil court documents by fax to a number of court registries across B.C.. Documents that you can send to the registry by fax include many Supreme Court Civil, Provincial Court Small Claims and Provincial Court Family documents. Court Services Branch is offering this new service to provide another, convenient way to deliver documents to the registry.

Court Services is also testing the use of credit cards in the 14 Fax Filing Pilot Project registries (see the list of pilot locations on page 2 of this guide). You now have the convenience of using your VISA or MasterCard – and in Prince George only, your BC OnLine account – to pay applicable registry services fees such as Small Claims fees when transmitting your documents to the registry by fax.

The Fax Filing Pilot Project will run for a period of six months. After this six-month period, Court Services will evaluate the project's success and decide whether to continue or expand the service. (Users of the service may be contacted for feedback on the pilot project. The identity of individuals involved in the evaluation of the pilot will remain confidential.)

The expansion of registry services is aligned with government's goal of enhancing efficiency and effectiveness in the delivery of services to the people of British Columbia – and is the next step on the road to electronic filing of court records.

Note: Additional information about transmitting documents by fax for filing – including links to documents that cannot be summarized here – is available on the Fax Filing Pilot Project Web site:

www.ag.gov.bc.ca/courts/fax/fax.htm

Where you can transmit documents by fax for filing (the pilot locations)

Documents can be transmitted by fax to these 14 court locations:

Fax Filing Pilot	Main Telephone	Fax Filing Fax Number*
Chilliwack	(604) 795-8337	(604) 795-8397
Cranbrook	(250) 426-1234	(250) 426-1498
Dawson Creek	(250) 784-2278	(250) 784-2218
Kamloops	(250) 828-4344	(250) 828-4345
Kelowna	(250) 470-6900	(250) 979-6768
Nelson	(250) 354-6165	(250) 354-6133
Penticton	(250) 492-1231	(250) 492-1290
Prince George	(250) 614-2700	(250) 614-7923
Rosland	(250) 362-7368	(250) 362-7321
Salmon Arm	(250) 832-1610	(250) 833-7401
Smithers	(250) 847-7376	(250) 847-7344
Terrace	(250) 638-2115	(250) 638-2143
Vernon	(250) 549-5422	(250) 549-5461
Williams Lake	(250) 398-4307	(250) 398-4264

*If the telephone number is long distance, Enquiry BC will connect you free of charge. If the fax filing fax number is long distance, and the fax machine you are using has a built-in phone, Enquiry BC can also transfer your fax through to the registry free of charge. Call Enquiry BC at their toll-free number, 1-800-663-7867, from 8:00 AM to 5:00 PM, Monday through Friday, and they will assist you.

The pilot locations were chosen, in part, because many of them are “receiving” locations for court locations that are no longer fully staffed. If your local courthouse was closed or your community is served by a circuit court, call your nearest court location for information about accessing court registry services.

What documents you can and cannot fax

You may fax any Supreme or Provincial civil court documents **except** those listed below. (The documents that may be faxed is a much larger list, so only the documents that may not be faxed are listed.)

Supreme Court of British Columbia

You may send any document for filing in the Supreme Court of B.C. via fax **except** the following:

- × Writ of Summons
- × Petition
- × Document concerning probate matter
- × Document concerning adoption matter
- × Document concerning a payment of funds into court (other than applicable registry service fees), including the provision of bonds or security to court
- × Document concerning setting down an application under Supreme Court Rule 51A, sections (3), (9) and (10)
- × Document concerning reciprocal enforcement of orders under the Court Order Enforcement Act
- × Certified copies of documents that are filed for enforcement purposes; e.g., under the Court Order Enforcement Act, section 29
- × Chambers Record
- × Trial Record
- × Proof of Marriage from a foreign jurisdiction
- × Certificate of Judgment
- × Certificate of Pending Litigation
- × Form 89 Financial Statement
- × Affidavit of service when applying for a default order

Supreme Court Trial Division

You may transmit documents by fax to the Supreme Court Trial Division only with the prior approval of the Trial Coordinator for that registry. (You can reach the Trial Coordinator through the registry's main telephone number. See the list of pilot location telephone numbers on page 2 of this guide.) Without the prior approval of the Trial Coordinator you **may not** fax Supreme Court Trial Division documents. (Trial Division documents include: Trial Certificates; Notices of Trial; Applications for Trial Date; Requests for Trial Date; Requests for Pre-trial Conference Date; Praecipes to reset hearings, trials and settlement conferences; and Praecipes and notices of Judicial Case Conferences.)

Provincial Court of British Columbia

You may send any document by fax for filing in the Provincial Court of B.C. **except** the following:

Under Rule 5.1 of the Provincial Court (Family) Rules:

- × an application for an order under Rule 2(1) or (2) if the application is filed in a family justice registry or the court file for the proceedings is transferred under Rule 19 to a family justice registry [see Rule 5(1)]
- × Statement of Finances (Family Maintenance Enforcement Act)

Under Rule 17.1 of the Small Claims Rules:

- × Certificate of service respecting an application for a default order
- × Certificate of Judgment under section 88 of the Court Order Enforcement Act
- × Order under section 76 of the Offence Act
- × Director's order under section 22(8) of the Residential Tenancy Act
- × Decision or order of an arbitrator or the director under section 57(5) of the Residential Tenancy Act
- × Restitution order under section 741 of the Criminal Code

How to transmit by fax

Transmitting documents by fax is simply another – and perhaps more convenient – option for delivering your documents to the court registry.

You still need to prepare the necessary documents for the court matter that you are involved in according to the Supreme and Provincial Civil Court Rules that apply. You will find instructions for completing Supreme and Provincial Court civil documents on Court Services' Web site. Go to:

www.ag.gov.bc.ca/courts/index.htm

and follow the appropriate link(s) under "Contents." Your local court registry or other community resource may also stock civil court forms and publications containing instructions for completing them. Contact your nearest registry to inquire.

Then, if the documents you are filing can be transmitted by fax (see page 2 of this guide), read on for instructions.

Authority for transmitting by fax

Transmitting documents by fax is relatively straightforward. Instructions are detailed below. Although you should be able to rely on these instructions, the authority for the Fax Filing Pilot Project and the procedures that must be followed come from the B.C. Supreme Court and Provincial Court Judiciaries:

- The Supreme Court enables the transmission of documents by fax for filing under the "Supreme Court of B.C. Practice Direction re: the Fax Filing Pilot Project."
- The Provincial Court enables transmitting by fax under the Provincial Court Rules (for Family matters, under Rule 5.1; for Small Claims, under Rule 17.1) and under the "Provincial Court Fax Filing Pilot Project Practice Direction."
- The Fax Filing Pilot Project Supreme Court and Provincial Court "Notices to Profession" provide guidance from the Chief Justice and Chief Judge regarding the Practice Directions and Rules.

You can link to the Court Rules, Practice Directions and Notices from the Fax Filing Pilot Project Web site:

www.ag.gov.bc.ca/courts/fax/fax.htm

Note: In the event that the instructions in this guide differ from the relevant Court Rule or Judicial Practice Direction, the Court Rules and Practice Directions should be followed. The Fax Filing Pilot Project Practice Directions are determined by the Supreme and Provincial Court Judiciaries and may be changed at any time, as necessary.

Key points to remember

- A document is filed in a registry when date stamped by the registry and a confirmation is returned to you, **not** at the time of faxing. You are responsible for ensuring that a document is filed in the registry within the required filing time. It is not advisable to use this service as a last-minute option when trying to ensure a document is processed and filed on the same day.
- Registry staff process documents as soon as practicable. Documents **will not** be processed immediately. You will receive a confirmation when the documents have been processed.
- Do not throw out the original documents. Take these original documents, along with the confirmation from the registry, every time you appear before the court on this matter. The judge may ask to see these original documents.

The prescribed fax cover sheet

You must use the fax cover sheet when transmitting documents to a registry by fax. Documents faxed to the registry without the prescribed fax cover **cannot** be accepted for filing. (A fax cover sheet can be found at the end of this guide. You can print it for use in transmitting documents by fax.)

In the Small Claims Rules, the fax cover sheet is referred to as form number 20; in the Provincial Court (Family) Rules, it is referred to as form number 32; and it is in the schedule to the Supreme Court Practice Direction. These are all the same form and the registry will accept them all.

Completing the fax cover

Fill out the fax cover sheet carefully, making sure that every required field is completed. Consider the following:

- Print legibly to avoid having your documents rejected because they cannot be read.
- Be sure to list all documents you are faxing on the fax cover.

- You are responsible for any risks associated with including your credit card information and other private or personal information in the documents that you fax to the court and that the court may fax back to you. Because of this, you should carefully consider whether you want the registry to respond to you at the fax number you sent the documents from, at a different fax number, or by mail. Be sure to clearly indicate your preference in the area provided for this purpose on the fax cover sheet.
- Documents cannot be filed until all applicable registry service fees are paid. Make sure your credit card information is correct and complete. (In Prince George, you also have the option of using your BC OnLine account.)

Fees

There is a registry service fee (or “statutory fee”) for filing most civil court documents. You will find information about registry service fees under “Information about B.C. Courts” on Court Services’ Web site:

www.ag.gov.bc.ca/courts/index.htm

Follow the appropriate link(s) under “Fees” to get to the fee schedules and information. Or call your nearest court registry.

There is a \$10.00 confirmation fee for the registry to process your fax and confirm that your documents have been filed or rejected for filing. This fee does not apply to documents filed in the Provincial Court on Family matters.

Items in a single fax

All items in a fax must relate to a single court file but you can send different documents relating to that file in the same fax.

Limit on number of pages in each fax

You may fax up to 20 letter-sized (8½ x 11 inch) pages (including the fax cover sheet) at one time. If you are transmitting an affidavit to the Supreme Court by fax, note that Rule 51(8) provides that exhibits exceeding five pages in length do not need to be filed with the affidavit.

In limited situations, you may be able to send more than 20 pages in a single fax if the Court Registrar or, in Provincial Court Family, the Clerk, gives prior permission. You can reach the Court Registrar or Clerk through the registry's main telephone number. (See the list on page 2 of this guide.)

Only one copy is required

When you send a document to the registry by fax, only one copy needs to be filed even though multiple copies may be required when filing by mail, courier or in person. For example, in Provincial Court Family and Small Claims, you may be filing a document that is in a multi-page, carbonless format. In this instance only the first page (or "Court" copy) of the document should be faxed to the registry for filing.

Dedicated fax numbers

Documents transmitted to the registry by fax must be sent to the dedicated fax number for that registry. The Fax Filing Pilot Project fax numbers are listed on page 2 of this guide.

Keep your copies!

You must keep:

- ✓ all of the pages that you fax to the registry
- ✓ a copy of the transmission report
(You can print a transmission report from the fax machine from which you send your documents. The report will show the fax number the documents were sent to, the number of pages sent, the date of transmission, and whether the transmission was successful.), and
- ✓ all of the pages that come back from the registry.

If asked, you must be prepared to present these pages in court. You will also need all these pages if you are required to serve documents on another party who is involved in your case.

(See "How to serve documents that have been filed by fax," on page 6 of this guide.)

What to expect back from the registry

The registry processes documents as soon as practicable. This means that the registry is not likely to process your documents immediately upon receipt and you may not receive confirmation from the registry for a number of days. If you do not hear back within one week, you should call the registry to confirm that your fax was received.

The registry will return the confirmation of filing to the fax number or mailing address you provide on the fax cover sheet. When deciding where to have the confirmation sent, consider whether your documents contain personal information and whether the confirmation will be received in a public or private location. If there is sensitive information in your documents, you may want to provide a return mail address or a fax number different from the sending location to ensure that personal information is received privately.

If you are transmitting documents to the registry from outside North America, you should always provide a return address as the registrar may choose to send the confirmation by mail.

The confirmation from the registry will tell you if your documents have been filed or if the registry has rejected one or more documents and the reason for the rejection.

Accepted documents

If your documents are accepted for filing by the registry, you will receive:

- the fax cover sheet with the receipt for the registry service fees (or "statutory fees") and the \$10.00 confirmation fee,
- the first page of each document with the registry date stamp showing the date your document was accepted for filing, and
- any other pages the registry altered when processing your documents for filing.

Rejected documents

If one or more documents are not accepted for filing by the registry, you will receive:

- the fax cover sheet with the receipt for the \$10.00 confirmation fee, and
- a rejection letter stating the reason for the rejection. Documents may be rejected for a number of reasons including:

- × a document is exempt from the Fax Filing Pilot Project (See “What documents you can and cannot fax,” on page 2 of this guide.)
- × your payment could not be processed
- × a document is not legible, or
- × a document is incomplete.

The registry does **not** keep copies of documents transmitted by fax that have been rejected for filing. To resubmit your documents:

- if resubmitting by fax, make any changes to the documents noted by the registry in the rejection letter and transmit the documents with a new fax cover sheet, or
- if documents have been rejected because they are exempt from the service, resubmit your documents by mail or in person.

How to serve documents that have been filed by fax

Many documents need to be served on other parties involved in your case once they have been accepted for filing. Where this is required, the other parties should receive a complete copy of:

- the documents you originally faxed to the registry to be filed,
- the first page of each document with the registry date stamp showing the date your document was accepted for filing, and
- any other pages the registry altered when processing your documents for filing.

Remember that there may be other requirements for serving documents in the Court Rules that apply to the matter you are involved in. In Small Claims, for example, a blank copy of the reply form must be served along with the notice of claim. In Family Court, a blank reply form must be served with an application to obtain, or to change or cancel an order. It is important to remember that these requirements, which are set out in the Court Rules, still apply. (You can access the rules and filing information that apply to your case from Court Services' Web site. Go to:

www.ag.gov.bc.ca/courts/index.htm

and follow the appropriate link(s) under “Contents.” Your local court registry or other community resource may also stock publications containing civil court information. Contact your nearest registry to inquire.)



Fax Cover Sheet

Canada: Province of British Columbia
Ministry of Attorney General
Court Services Branch

This form must be used when transmitting documents to the court registry by fax for filing.

This is a pilot project, not available at all Court locations, and is subject to limitations set out in Court Rules, Practice Directives and at the Court Services website at www.ag.gov.bc.ca/courts/fax/fax.htm.

It is the responsibility of the person transmitting a document to ensure that the document is filed in the registry within the required filing time. The registry takes no responsibility for difficulty experienced when transmitting a document by fax to the registry. The registry cannot guarantee that any document will be filed on the day it is received in the registry.

Documents transmitted to the registry will be processed in the order they are received. Confirmation of acceptance or refusal will be forwarded as soon as possible to you at the return fax number set out below or by mail if indicated.

To: _____
 Court Location

 Fax Number

Fax numbers for transmitting documents to registries are available through the Court Services website at www.ag.gov.bc.ca/courts/fax/fax.htm or through Enquiry BC at 1-800-663-7867

From: _____
 Name - Firm or Individual

 Contact Name

 Phone Number

 Address

 City

 Province _____ Postal Code _____

This is the fax number your confirmation of acceptance or refusal will be sent to unless you indicate otherwise. If you require it to be mailed to the address you have given please check the "return by mail" box.

Return Fax Number _____

Return by mail

Attached:

File Number or Name (style of cause) e.g. - 013654 or "Steward vs. Parakeet" _____

Comments _____

Type of Document: (e.g. Notice of Motion, Notice of Claim, Reply)	No. of Pages in Document	Statutory Fee Amount

Payment Information:

I authorize you to bill to my credit card or BC OnLine Account the total amount of the statutory fee for filing and the confirmation fee. I include the payment information for that purpose.

Credit Card Account Number (Visa or MasterCard) _____

Expiry Date on Card _____

Name as it appears on the Card _____

OR (Note: BC OnLine is available only in the Prince George Registry)

BC OnLine Account Number: _____

Authorizing Signature _____

Print Name _____

Registry Use Only

Registry Clerk

Manager

Accounting Clerk

Total No. of Pages in Submission (Maximum 20 including the Cover Sheet) ▶

Plus Confirmation Fee ▶

Total statutory fees due ▶

\$	Fee Total
\$	10.00

Registry Use Only - Imprint - Authorization number