



BRITISH  
COLUMBIA

Ministry  
of Justice

Court Services Branch

**FAX***file*

**court services**

# Transmitting by Fax

How to Transmit

Civil Court Documents

by Fax for Filing in

Court Registries in B.C.

**Note:** This booklet is specifically designed for those who do not have access to the Internet. Additional information about transmitting documents by fax for filing – including links to documents that cannot be summarized here – is listed on the provincial government website at:

<http://www.ag.gov.bc.ca/courts/fax/index.htm>

## Fax Filing

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# Welcome to Fax Filing

The Fax Filing Pilot Project, which began Feb. 1, 2003, permits the faxing of most Supreme and Provincial Court civil case documents to 14 court registries across the province.

In Provincial Court, fax filing is still deemed a pilot and the rules are set out in the Provincial Court Fax Filing Project Practice Direction. Fax filing in Supreme Court has been adopted permanently and Supreme Court civil Rule 23-2 and Supreme Court family Rule 22-3 govern fax filing in Supreme Court. A list of Supreme Court registries that accept fax filing and their fax numbers is in Practice Direction 9.

Court Services Branch is offering this service to provide another, convenient way to deliver documents to the registry. Documents that you can send to a fax filing location (see the list of locations on page 2 of this booklet) by fax include many Supreme Court civil, Provincial Court small claims and Provincial Court family documents. Supreme Court writs and petitions may be transmitted to a registry by fax for filing.

The use of VISA and MasterCard for payment of registry service fees (such as small claims fees or the fee for commencing a proceeding) when faxing documents to a registry also continues to be tested. In Prince George, the option of paying fees for documents delivered to the registry by fax or in person with a BC OnLine account is also available.

Court Services Branch will be evaluating the project's success to decide whether to continue or further expand the service. Users of the service may be contacted for feedback on the project. The identity of these individuals 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.

# Where You Can Transmit Documents by Fax for Filing

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

Fax Filing Pilot Location	Main Telephone Number*	Fax Filing Fax Number*
Chilliwack	604 795-8350	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
Rossland	250 362-7368	250 362-7321
Salmon Arm	250 832-1610	250 833-7401
Smithers	250 847-7376	250 847-7344
Terrace	250 638-2111	250 638-2143
Vernon	250 549-5422	250 549-5461
Williams Lake	250 398-4301	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 a.m. to 5 p.m., Monday through Friday, and they will assist you.

The locations were chosen, in part, because many of them are “receiving” locations for court locations that are not regularly staffed. If you do not have a local court registry 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 Court or Provincial Court civil 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:

- × Document concerning a probate matter
- × Document concerning an adoption matter
- × 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
- × An application record or petition record
- × Chambers record
- × Trial record
- × Proof of marriage from a foreign jurisdiction
- × Certificate of judgment
- × Certificate of pending litigation
- × Affidavit of service when applying for a default order
  - (i) a trial certificate;
  - (ii) a notice of trial;
  - (iii) a requisition to reset a hearing or trial;
  - (iv) a notice of case planning conference in form 19;
  - (v) a requisition requesting a judicial case conference;
  - (vi) a document that, with the fax cover sheet, exceeds 30 pages in length, unless its submission by fax is authorized by a registrar.

## Supreme Court Trial Division

You may transmit documents by fax to the Supreme Court trial division **only** with the prior approval of the Supreme Court scheduler for that registry. (You can reach the Supreme Court scheduler through the registry's main telephone number. See the list of location telephone numbers on page 2 of this booklet.)

Without the prior approval of the Supreme Court scheduler, you **may not** fax Supreme Court trial division documents.

## 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
- × 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 these rules, as well as forms and procedural guides for filing, on the provincial government website at:

[www.ag.gov.bc.ca/courts/fax/index.htm](http://www.ag.gov.bc.ca/courts/fax/index.htm)

and follow the appropriate link(s) (Family, Small Claims, Supreme Court, etc.). 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 3 of this booklet), 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 fax filing and the procedures that must be followed come from the B.C. Supreme Court and Provincial Court judiciaries:

- The rules for fax filing in Supreme Court are in Supreme Court civil Rule 23-2 and Supreme Court family Rule 22-3. A list of registries and their fax numbers is in Practice Direction 9.
- 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 (Amended). The Provincial Court Notice to Profession (Amended) re: the Fax Filing Pilot Project provides guidance from the Chief Judge regarding the Provincial Court practice direction and rules.

You can link to the court rules, practice directions and notice to profession from the provincial government website:

[www.ag.gov.bc.ca/courts/fax/index.htm](http://www.ag.gov.bc.ca/courts/fax/index.htm)

**Note:** In the event that the instructions in this booklet differ from the relevant court rule or judicial practice direction, the court rules and practice directions should be followed. The 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.
- Registry staff process documents as soon as practicable. You will not receive immediate confirmation. A confirmation will be sent to you 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 Sheets

You must use the appropriate prescribed fax cover sheet when transmitting documents to a registry by fax. Documents faxed to the registry without the appropriate fax cover **cannot** be accepted for filing.

When transmitting documents to a Supreme Court registry by fax, you must use fax cover sheet form 118 - Supreme Court civil rules or form F95 - Supreme Court family rules.

When transmitting documents to a Provincial Court registry by fax, you must use fax cover sheet form 20 - small claims rules/form32 - Provincial Court (family) rules.

Copies of both the Supreme Court and Provincial Court prescribed fax cover sheets are available online from the provincial government website at: [www.ag.gov.bc.ca/courts/fax/index.htm](http://www.ag.gov.bc.ca/courts/fax/index.htm)

## Completing the Fax Cover

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

- Download the appropriate form found on the provincial government website at [www.gov.bc.ca/ag/courts/fax/index.htm](http://www.gov.bc.ca/ag/courts/fax/index.htm). You may also print off the form and fill it out by hand. 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 on the provincial government website:

[www.ag.gov.bc.ca/courts/fax/index.htm](http://www.ag.gov.bc.ca/courts/fax/index.htm)

Follow the appropriate link(s) (Small Claims Fees or Supreme Court Fees) 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 in Provincial Court. The page limit in Supreme Court is 30 pages.

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 booklet.)

## **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 numbers are listed on page 2 of this booklet.

## Keep Your Copies!

You must keep:

- ✓ all of the pages that you fax to the registry;
- ✓ all of the pages that come back from the registry; and
- ✓ 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.)

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 11 of this booklet.)

## What to Expect Back from the Registry

The registry processes documents as soon as practicable. This means that the registry may not process your documents immediately upon receipt and you may not immediately receive confirmation. If you do not hear back within three business days, 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 fax filing (See What Documents You Can and Cannot Fax, on page 3 of this booklet.);
- × 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 on the provincial government website:

[www.ag.gov.bc.ca/courts/fax/index.htm](http://www.ag.gov.bc.ca/courts/fax/index.htm)

Follow the appropriate link(s) (Family, Small Claims, Supreme Court, etc.). Your local court registry or other community resource may also stock publications containing civil court information. Contact your nearest registry to inquire.



## 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 court locations (see the list on page 2).

If you have access to the Internet, information is also available on the provincial government website:

[www.ag.gov.bc.ca/courts/fax/index.htm](http://www.ag.gov.bc.ca/courts/fax/index.htm)