



THE PROVINCIAL COURT OF BRITISH COLUMBIA

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## The Semi-Annual Time to Trial Report of the Provincial Court of British Columbia to March 31, 2015<sup>1</sup>

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<sup>1</sup> On September 14, 2010 the Provincial Court of British Columbia released its *“Justice Delayed”* Report. The Report concluded that it would be appropriate to issue regular updates to the Attorney General and the public concerning the judicial complement of the Court, caseloads and times to trial in each area of the Court’s jurisdiction.

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## 1. Introduction

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On September 14, 2010, the Provincial Court of British Columbia released its “*Justice Delayed*” Report. The Report concluded that it would be appropriate to issue regular updates to the Attorney General and the public concerning the judicial complement of the Court, as well as caseloads, and times to trial in each area of the Court’s jurisdiction.

This document provides the following updates as of March 31, 2015:

- Adult Criminal Weighted Provincial Delay;
- Child Protection Weighted Provincial Delay;
- Family Weighted Provincial Delay;
- Civil Small Claims Weighted Provincial Delay;
- Locations with the Longest Time to Trial in each area of the Court’s jurisdiction.

The next scheduled update will be based on data obtained as of September 30, 2015.

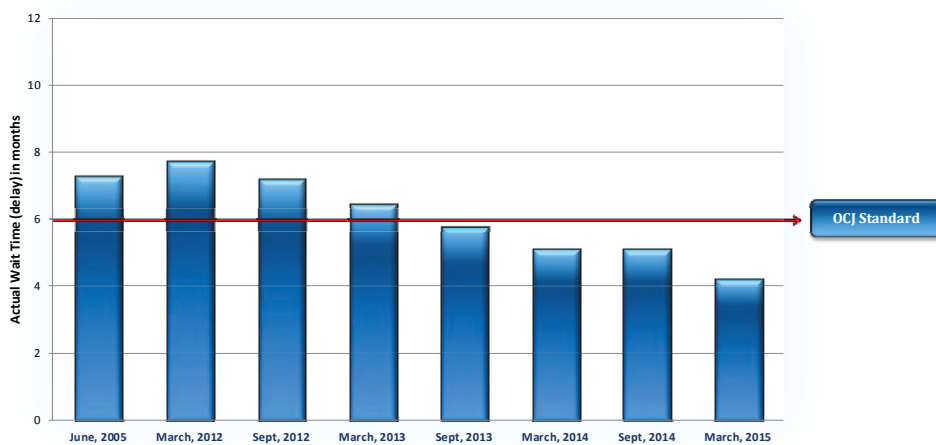
Some data previously provided by this report has been moved.

- Total Judge Complement and Judge FTE’s [number of Judges] now resides in the [Court’s monthly complement reports](#).
- Adult Criminal Cases Exceeding the Court’s Standard is reported in the [Provincial Court Annual Report](#).

## 2. Criminal<sup>2</sup>

**Figure 1** sets out the number of months between an Arraignment Hearing/Fix Date and the first available court date for a typical half day **Adult Criminal Trial**. These results do not take into account delays between a first appearance in Court and the Arraignment Hearing/Fix Date. The **OCJ standard** for adult criminal half day trials is **six months** from the arraignment hearing to the first available trial date.

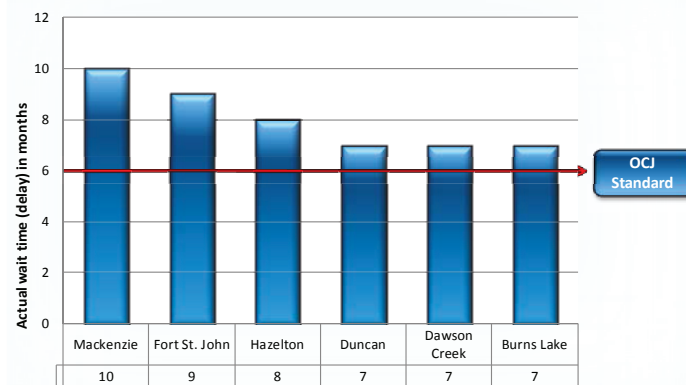
**Figure 1 - Weighted Provincial Time to Half-Day Adult Criminal Trials**



Data Source: Judicial (Quarterly) Next Available Date Surveys.

**Figure 1.1** sets out wait times for locations with the longest time to trial for **Adult Criminal Half Day Trials**.<sup>3</sup>

**Figure 1.1 - Locations with the Longest Times to Adult Half Day Trials**



Data Source: Judicial (Quarterly) Next Available Date Surveys.

<sup>2</sup> Please see Appendix 1 for a description of the charts.

<sup>3</sup> Only six locations with caseloads above the first quartile had delays exceeding the OCJ standard.

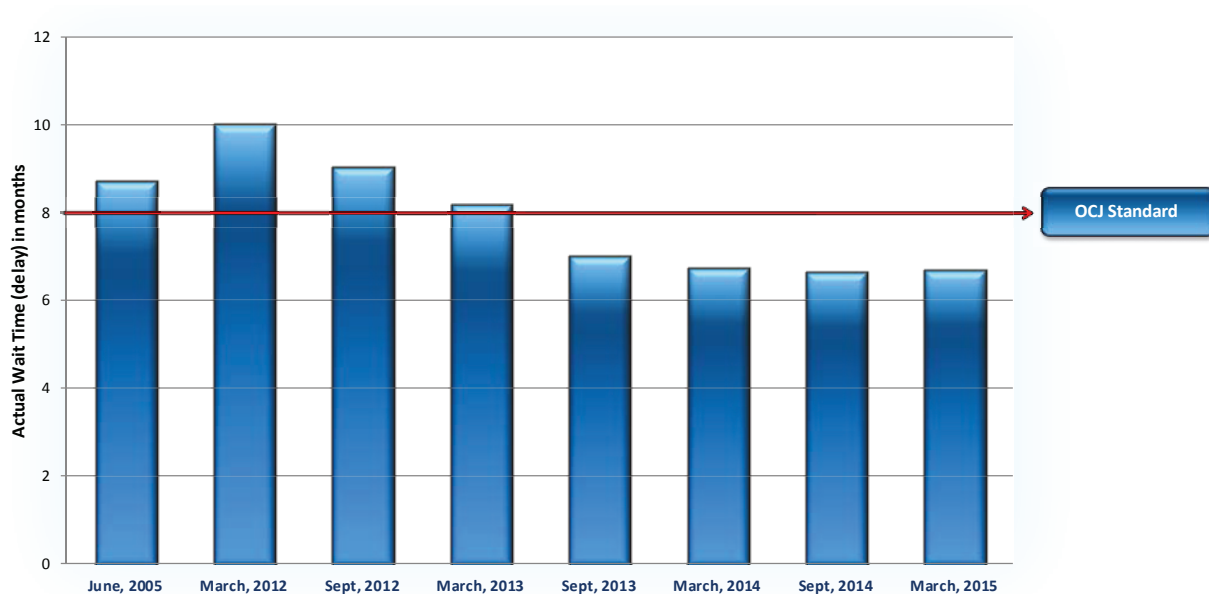
Figure 1.2 sets out the history of each location in Figure 1.1 in previous **Adult Criminal Half Day Trial** longest time to trial tables.

**Figure 1.2 - Frequency of Locations in Fig. 1.1**

	Location	Previous Rank	Previous 'top ten' listings
1	Mackenzie	-	1
2	Fort St. John	3	7
3	Hazelton	-	4
4	Duncan	-	2
5	Dawson Creek	-	4
6	Burns Lake	-	1

Figure 2 sets out the number of months between an Arraignment Hearing/Fix Date and the first available court date for a typical two or more day **Adult Criminal Trial**. These results do not take into account delays between a first appearance in Court and the Arraignment Hearing/Fix Date. The **OCJ standard** for adult criminal two or more day trials is **eight months** from the arraignment hearing to the first available trial date.

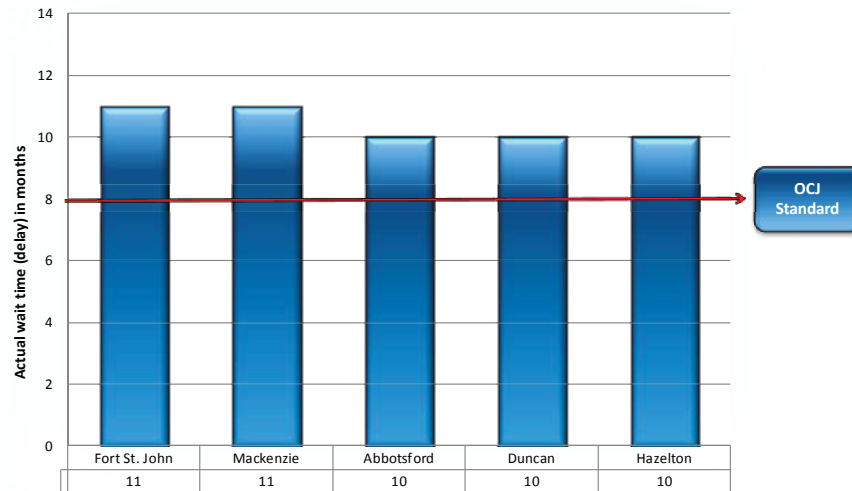
**Figure 2 - Weighted Provincial Delay to Adult Two Day (or longer) Criminal Trials**



Data Source: Judicial (Quarterly) Next Available Date Surveys.

Figure 2.1 sets out wait times for locations with the longest time to trial for **Adult Criminal Two Day (or longer) Trials**.<sup>4</sup>

**Figure 2.1 - Locations with the Longest Times to Adult Two Day (or longer) Trials**



Data Source: Judicial (Quarterly) Next Available Date Surveys

Figure 2.2 sets out the history of each location in Figure 2.1 in previous **Adult Criminal Two Day (or longer) Trial** longest time to trial tables.

**Figure 2.2 - Frequency of Locations in Fig. 2.1**

	Location	Previous Rank	Previous 'top ten' listings
1	Fort St. John	-	7
2	Mackenzie	-	1
3	Abbotsford	-	3
4	Duncan	-	6
5	Hazelton	-	1

<sup>4</sup> Only five locations with caseloads above the first quartile had delays exceeding the OCJ standard.

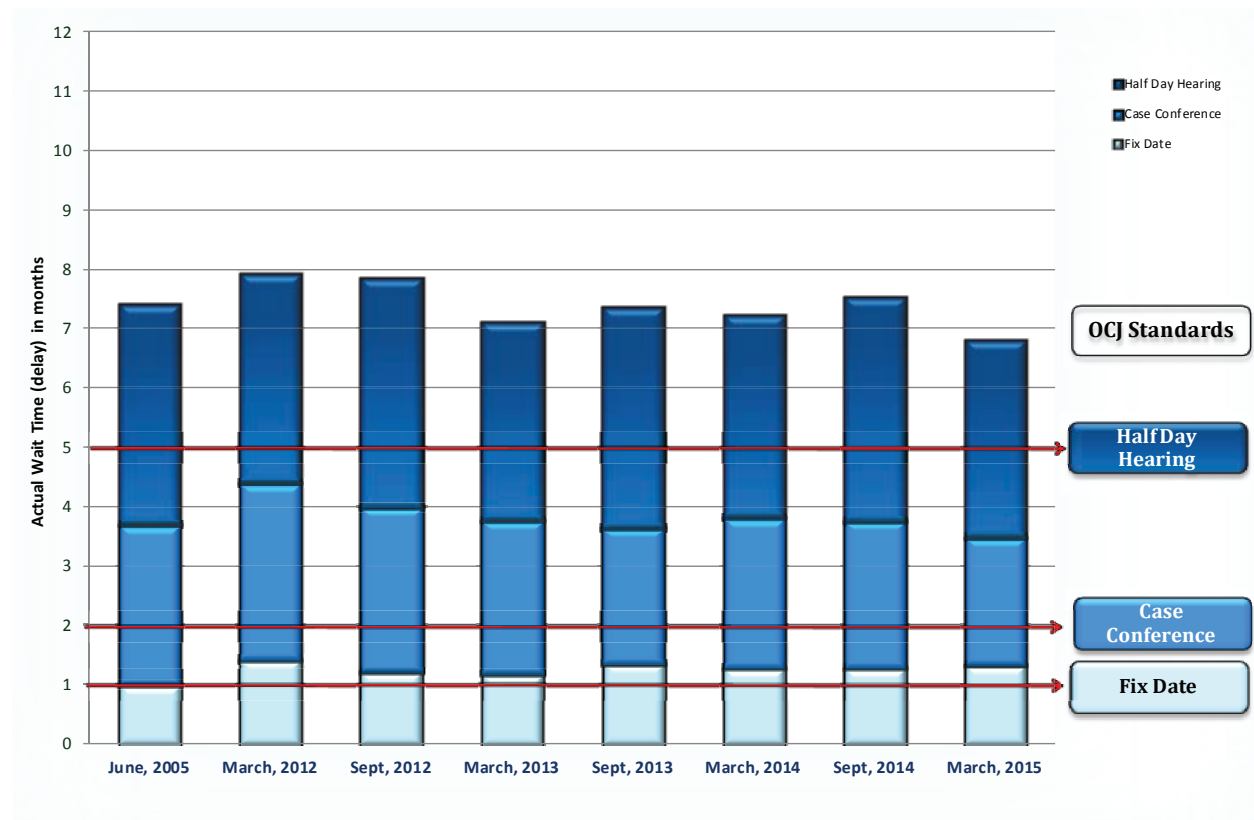
### 3. Child Protection<sup>5</sup>

**Figure 3** is a set of stacked columns depicting the average number of months between:

- An initial filing and the first available date for a typical fix date
- The fix date and the first available date for a typical case conference, and
- The case conference and the first available date for a typical half day **Child Protection Hearing**

The columns as a whole provide the average cumulative delay in this process. The **OCJ Standard** for child protection hearings is **one month** from initial filing to the fix date, **one month** from the fix date to the case conference, and **three months** from the case conference to the first available half day hearing.

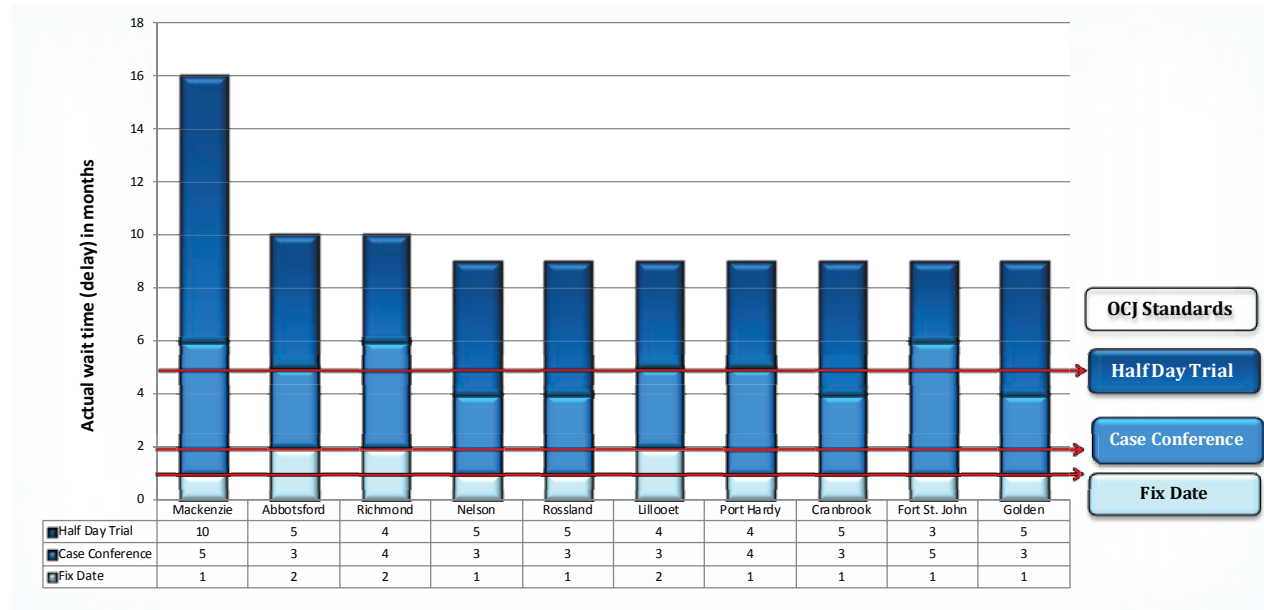
**Figure 3 - Weighted Provincial Delay to Half Day Child Protection Hearings**



Data Source: Judicial (Quarterly) Next Available Date Surveys.

<sup>5</sup> Please see Appendix 1 for a description of the charts.

**Figure 3.1 - Locations with the Longest Times to Trial for Half Day Child Protection Hearings**



Data Source: Judicial (Quarterly) Next Available Date Surveys.

Figure 3.2 sets out the history of each location in Figure 3.1 in previous **Child Protection** longest time to trial tables.

**Figure 3.2 - Frequency of Locations in Fig. 3.1**

	Location	Previous Rank	Previous 'top ten' listings
1	Mackenzie	2	2
2	Abbotsford	4	<b>8</b>
3	Richmond	-	3
4	Nelson	-	4
5	Rosland	-	4
6	Lillooet	1	2
7	Port Hardy	-	1
8	Cranbrook	5	4
9	Fort St. John	-	<b>5</b>
10	Golden	6	4

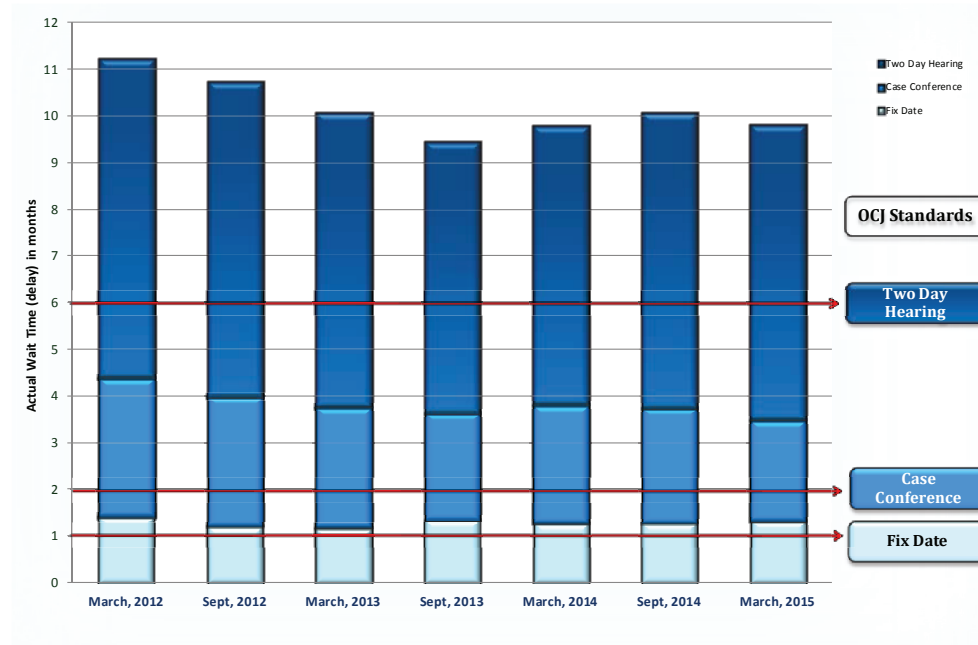
Figure 4 is a set of stacked columns depicting the average number of months between:

- An initial filing and the first available date for a typical fix date
- The fix date and the first available date for a typical case conference, and
- The case conference and the first available date for a typical two or more day **Child Protection Hearing**



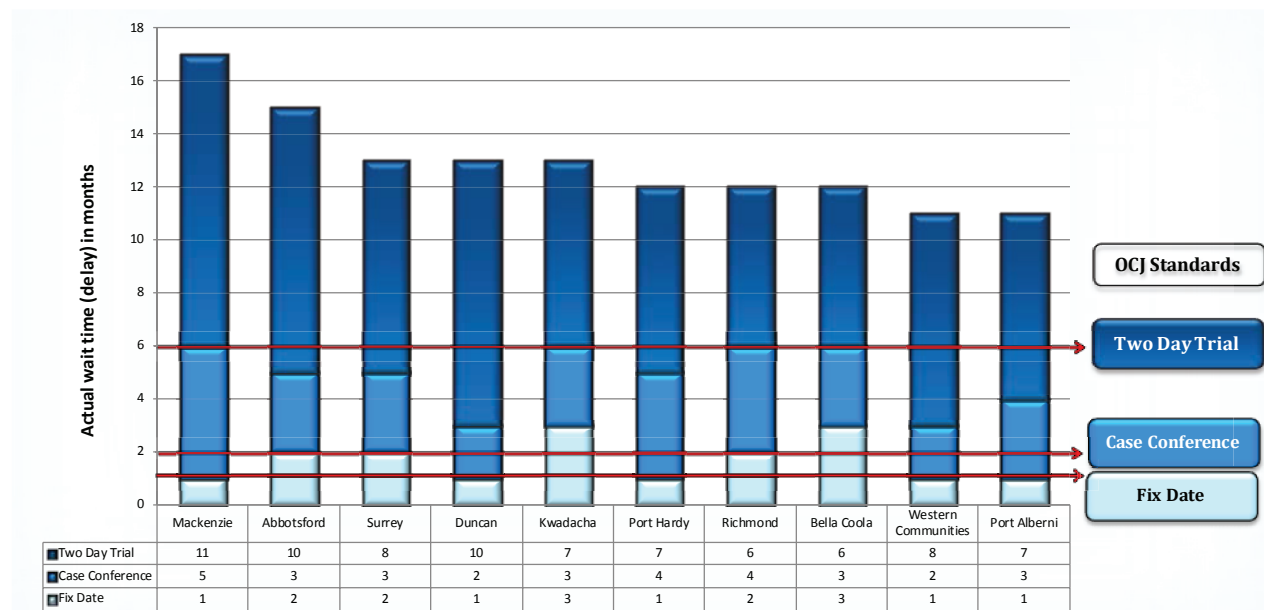
The columns as a whole provide the average cumulative delay in this process. The **OCJ Standard** for child protection hearings is **one month** from initial filing to the fix date, **one month** from the fix date to the case conference, and **four months** from the case conference to the first available two day hearing.

**Figure 4 - Weighted Provincial Delay to Two Day (or longer) Child Protection Hearings**



Data Source: Judicial (Quarterly) Next Available Date Surveys

**Figure 4.1 - Locations with the Longest Times to Trial for Two Day (or longer) Child Protection Hearings**



Data Source: Judicial (Quarterly) Next Available Date Surveys.

Because figure 4.1 is new as of the September, 2014 report, there is no figure 4.2.

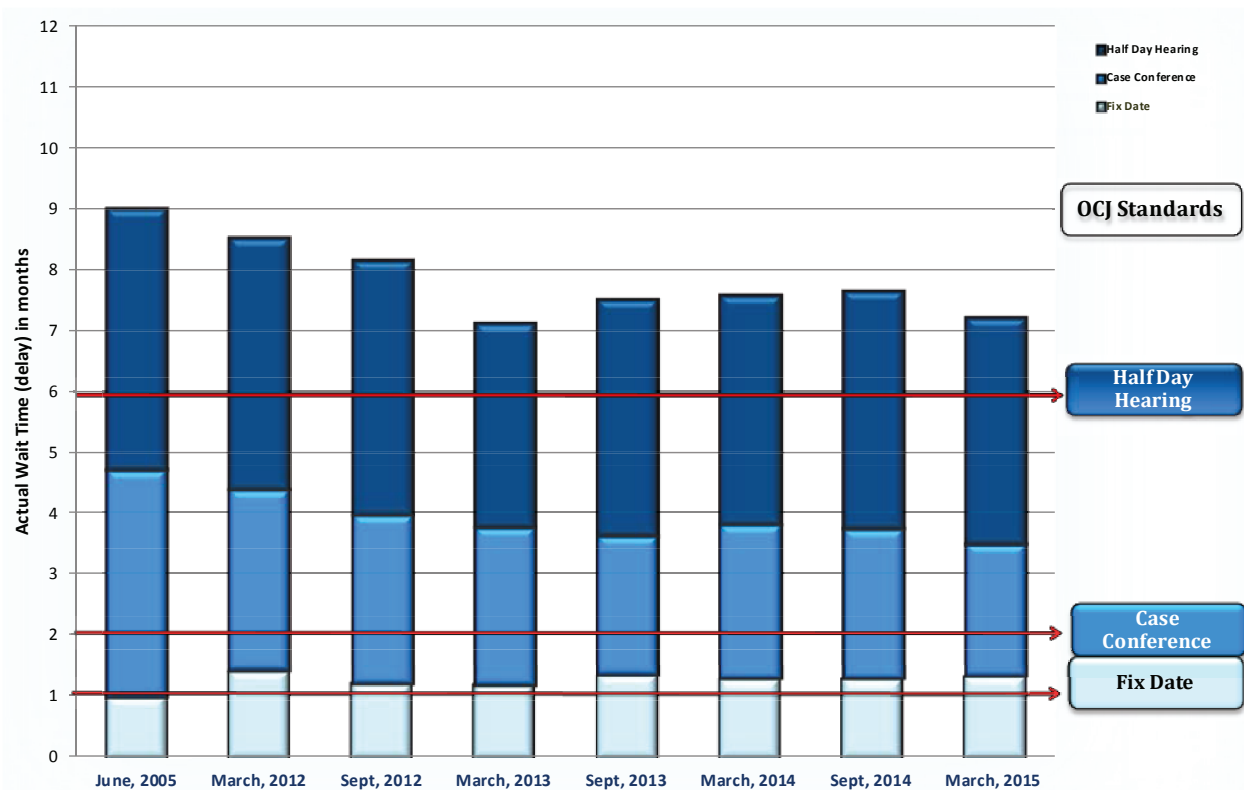
## 4. Family<sup>6</sup>

Figure 5 is a set of stacked columns depicting the average number of months between:

- An initial filing and the first available date for a typical fix date
- The fix date and the first available date for a typical case conference, and
- The case conference and the first available date for the typical half day **Family Trial**

The columns provide the average cumulative delay in this process. The **OCJ standard** for Family Trials is **one month** from initial filing to the fix date, **one month** from the fix date to the case conference, and **four months** from the case conference to the first available half-day hearing.

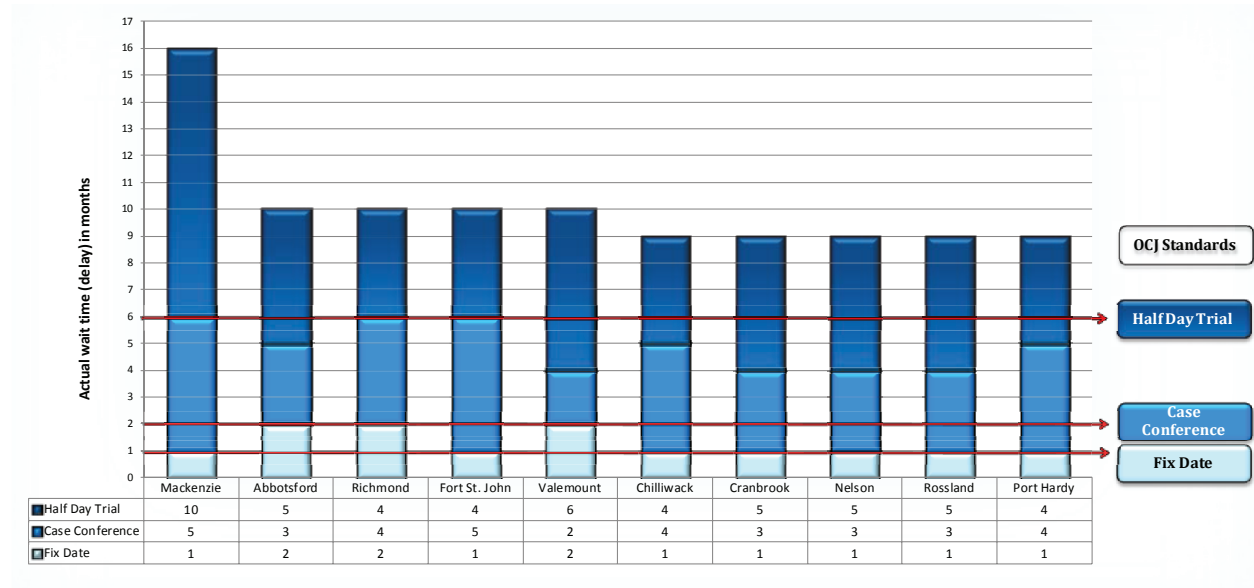
**Figure 5 - Weighted Provincial Delay to Half Day Family Trials**



Data Source: Judicial (Quarterly) Next Available Date Surveys.

<sup>6</sup> Please see Appendix 1 for a description of the charts.

**Figure 5.1 - Locations with the Longest Times to Half Day Family Trials**



Data Source: Judicial (Quarterly) Next Available Date Surveys.

**Figure 5.2** sets out the history of each location in **Figure 5.1** in previous **Family** longest time to trial tables.

**Figure 5.2 - Frequency of Locations in Fig. 5.1**

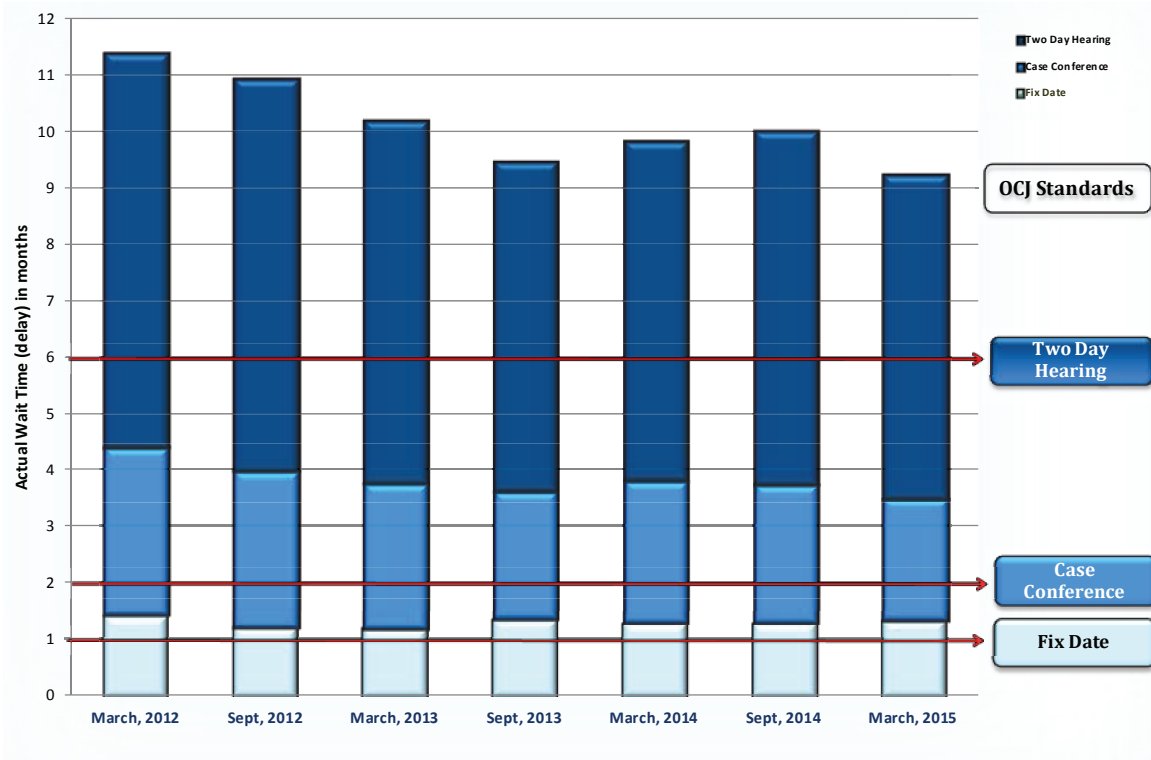
	Location	Previous Rank	Previous 'top ten' listings
1	Mackenzie	3	2
2	Abbotsford	2	6
3	Richmond	-	2
4	Fort St. John	-	4
5	Valemount	-	1
6	Chilliwack	-	8
7	Cranbrook	5	2
8	Nelson	-	3
9	Rossland	-	4
10	Port Hardy	-	2

**Figure 6** is a set of stacked columns depicting the average number of months between:

- An initial filing and the first available date for a typical fix date
- The fix date and the first available date for a typical case conference, and
- The case conference and the first available date for the typical two day **Family Trial**

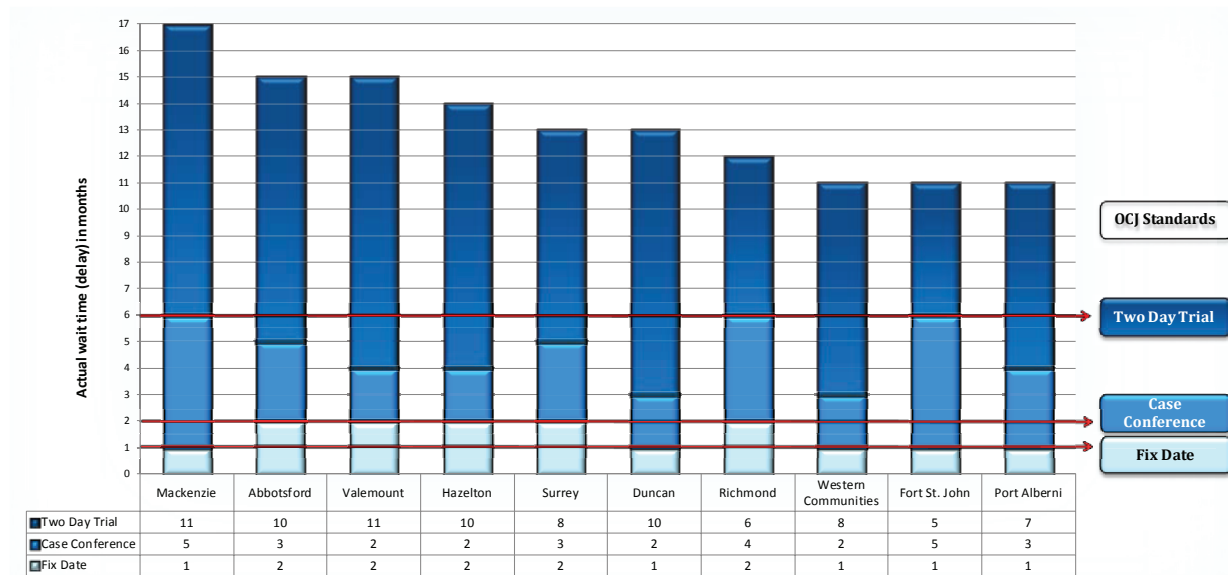
The columns provide the average cumulative delay in this process. The **OJ standard** for Family Trials is **one month** from initial filing to the fix date, **one month** from the fix date to the case conference, and **four months** from the case conference to the first available half-day hearing.

**Figure 6 - Weighted Provincial Delay to Two Day Family Trials**



Data Source: Judicial (Quarterly) Next Available Date Surveys.

**Figure 6.1 - Locations with the Longest Times to Two Day Family Trials**



Data Source: Judicial (Quarterly) Next Available Date Surveys.

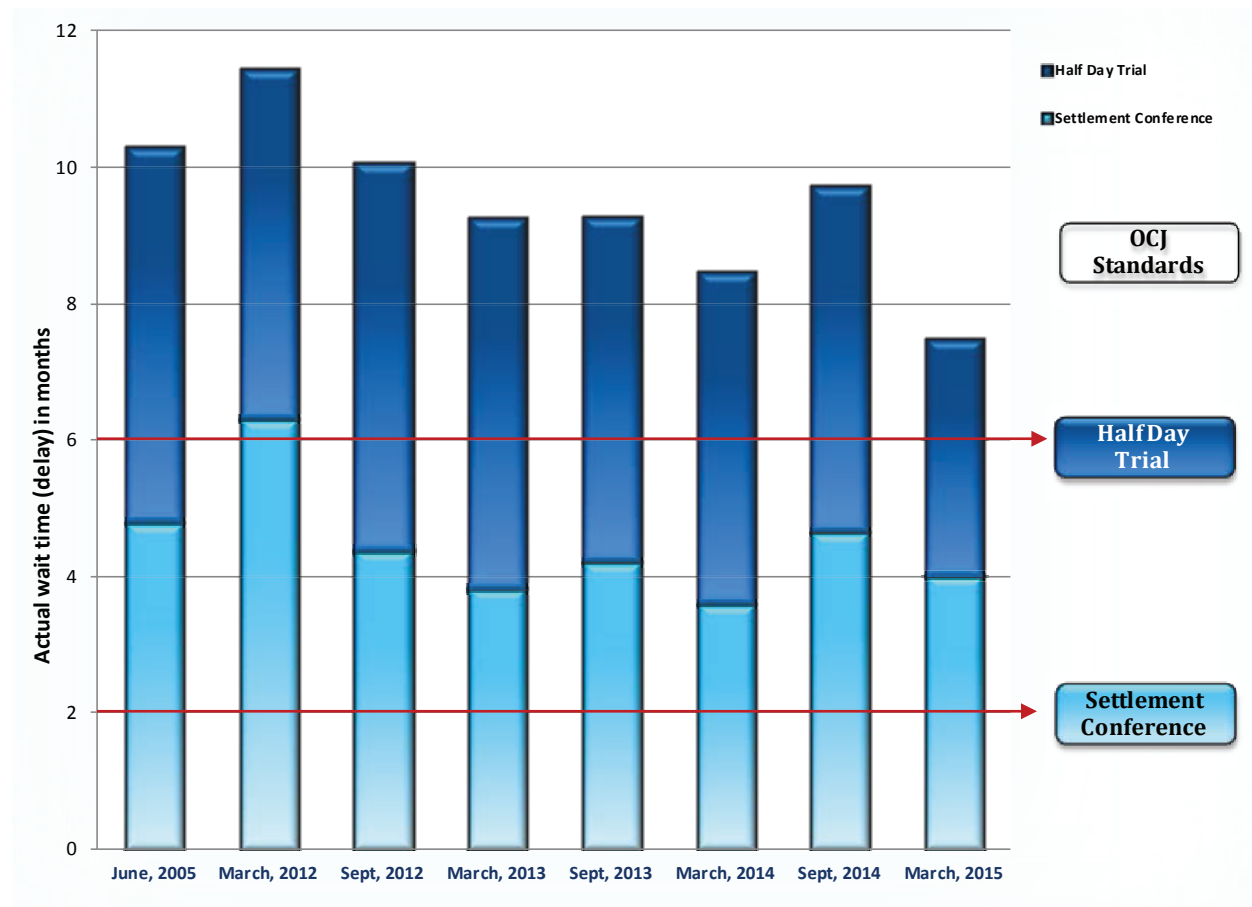
Because figure 6.1 is new as of the September, 2014 report, there is no figure 6.2.

## 5. Civil<sup>7</sup>

**Figure 7** is a set of stacked columns depicting the average number of months between the filing of a reply and the first available settlement conference date, as well as between the date of the settlement conference and the first available date for a typical half day **Small Claims Trial**.

Taken as a whole, these columns indicate the total average delay between the filing of a reply and the trial date. This measure does not take into account the time between the filing of the initial claim and the date when all pleadings are closed (replies and other documentation filed). The **OCJ Standard** for small claims is **two months** from final document filing to the settlement conference and **four months** from the settlement conference to the first available half day trial.

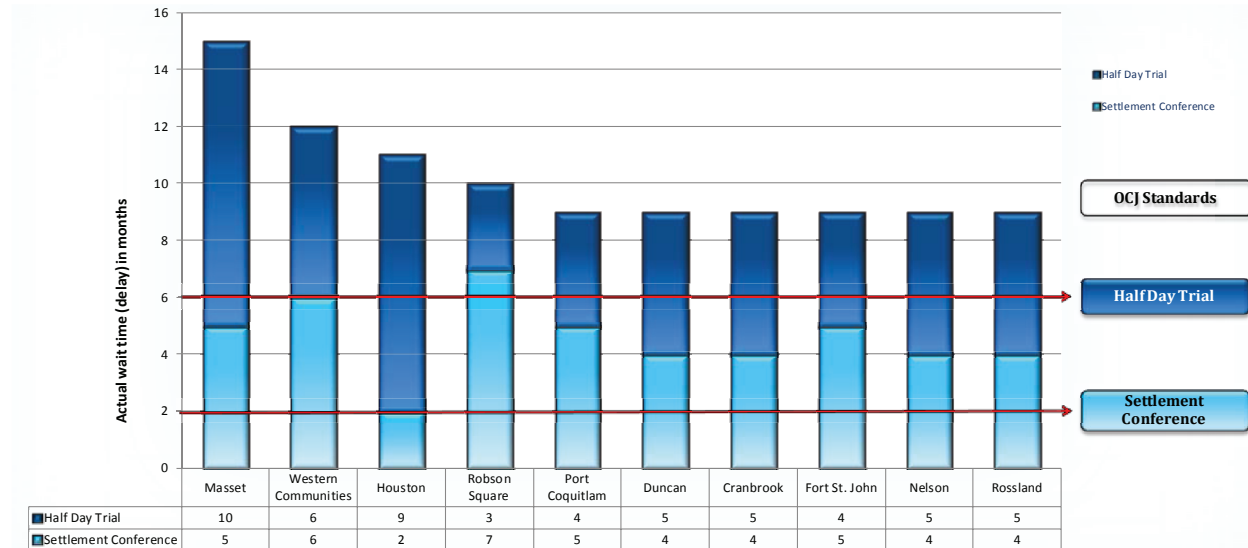
**Figure 7 - Weighted Provincial Delay to Half Day Small Claims Trials**



Data Source: Judicial (Quarterly) Next Available Date Surveys.

<sup>7</sup> Please see Appendix 1 for a description of the charts.

**Figure 7.1 Locations with the Longest Times to Half Day Trials**



Data Source: Judicial (Quarterly) Next Available Date Surveys.

Figure 7.2 sets out the history of each location in Figure 7.1 in previous **Small Claims Half Day Trials** longest time to trial tables.

**Figure 7.2 - Frequency of Locations in Fig. 7.1**

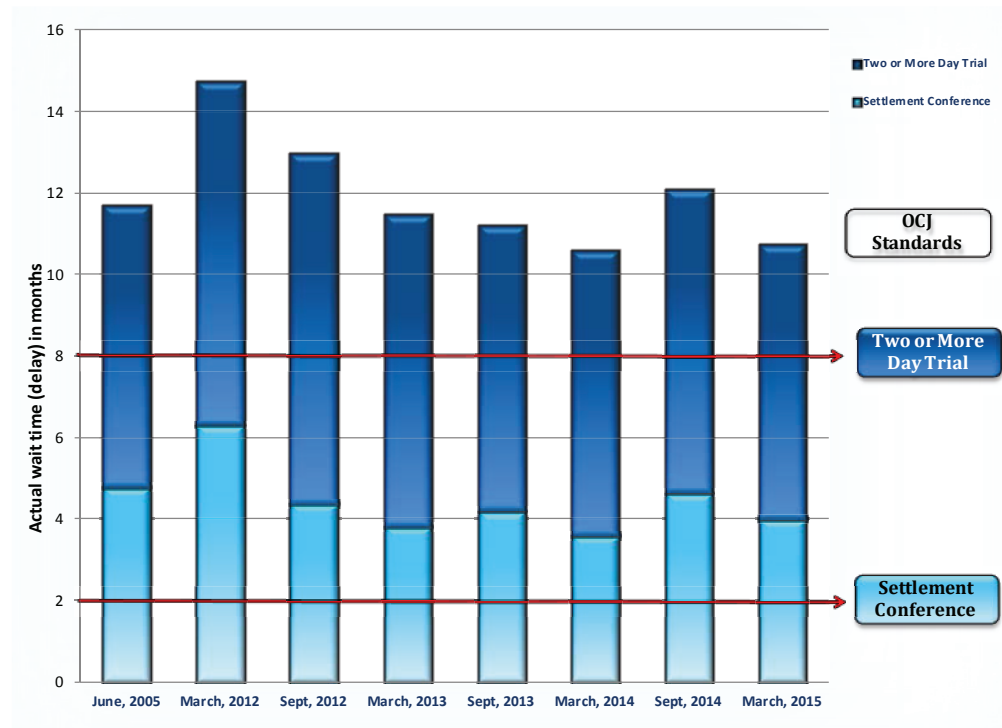
	Location	Previous Rank	Previous 'top ten' listings
1	Masset	-	1
2	Western Communities	-	1
3	Houston	-	1
4	Robson Square	1	5
5	Port Coquitlam	-	6
6	Duncan	-	4
7	Cranbrook	10	5
8	Fort St. John	-	4
9	Nelson	-	4
10	Rossland	-	2

Figure 8 is a set of stacked columns depicting the average number of months between the filing of a reply and the first available settlement conference date, as well as between the date of the settlement conference and the first available date for a typical two or more day **Small Claims Trial**.

Taken as a whole, these columns indicate the total average delay between the filing of a reply and the trial date. This measure does not take into account the time between filing the initial claim and the date

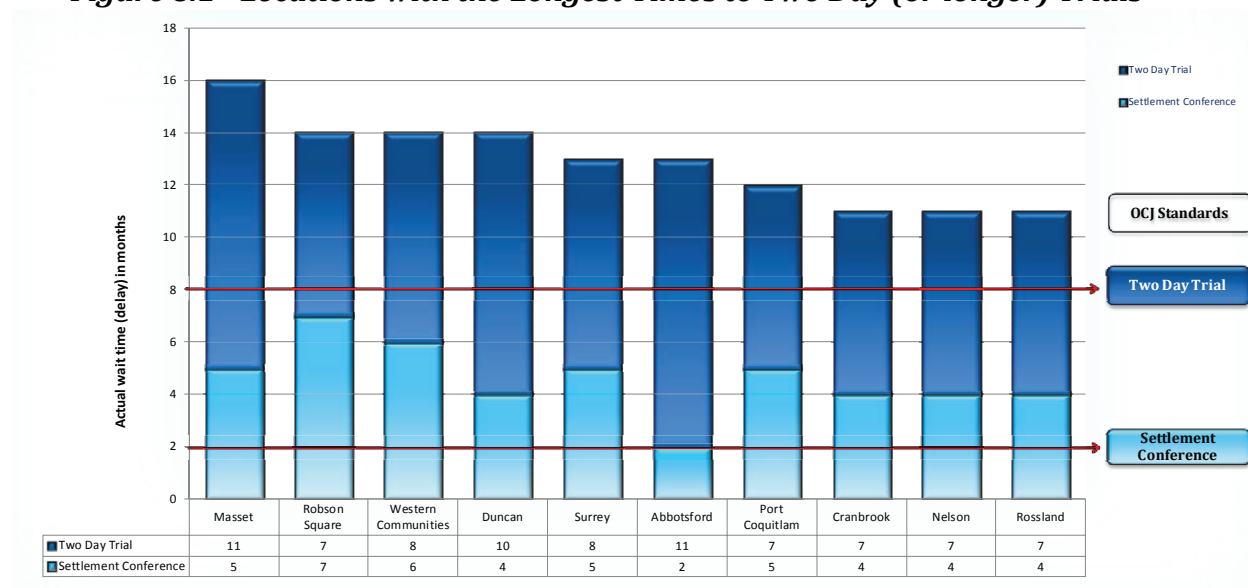
when all pleadings are closed (replies and other documentation filed). The **OCJ Standard** for small claims is **two months** from final document filing to the settlement conference and **six months** from the settlement conference to the first available two or more day trial.

**Figure 8 - Weighted Provincial Delay to Small Claims Two Day (or longer) Trials**



Data Source: Judicial (Quarterly) Next Available Date Surveys.

**Figure 8.1 - Locations with the Longest Times to Two Day (or longer) Trials**



Data Source: Judicial (Quarterly) Next Available Date Surveys.

**Figure 8.2** sets out the history of each location in Figure 8.1 in previous **Small Claims Two Day Trial** longest time to trial tables.

***Figure 8.2 - Frequency of Locations in Fig. 8.1***

	Location	Previous Rank	Previous 'top ten' listings
1	Masset	7	2
2	Robson Square	1	5
3	Western Communities	-	2
4	Duncan	-	3
5	Surrey	3	5
6	Abbotsford	10	3
7	Port Coquitlam	-	3
8	Cranbrook	-	2
9	Nelson	-	2
10	Rossland	-	2



## Appendix 1: Notes for Delay Reports

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**Figures 1 to 8** are weighted<sup>8</sup> province-wide delays for each area of the Court’s jurisdiction. They set out the average provincial wait time (weighted by case load), in months, from the time a request is made to the ‘first available date’ for various types of proceedings. These tables compare results for June, 2005<sup>9</sup> to the three-year period from March, 2012 to March, 2015. ‘First available dates’ do not include those that have opened up due to cancellations, since that is not when the court would normally schedule the matter. Wait times also take into account any cases currently waiting to be scheduled, factoring them into the delay estimates. Each figure also includes the Office of the Chief Judge (OCJ) Standard for wait times. In order to meet the OCJ standard, 90% of cases must meet the listed time to trial. The standards are set out in the descriptions of each figure and are visually represented as an arrow.

**Figures 1.1 to 8.1** represent the ten locations with the longest time to trial in each area of the Court’s jurisdiction. Results for Adult Criminal and Civil proceedings are broken down into time to trial for different expected durations (‘half day’ and ‘two or more day’ trials). Smaller locations - i.e. those falling below the first quartile of caseloads - are screened out of these calculations, as they experience more volatility (and thus, a long wait time in any given quarter is less likely to be indicative of a concerning trend). These tables also contain the OCJ standard.

**Figures 1.2 to 8.2** examine the history of each location included in Figures 1.1 to 8.1<sup>10</sup> with respect to previous ‘longest time to trial’ tables.<sup>11</sup> These tables compare the location’s current rank with its rank in the immediately previous report (if any – those locations that weren’t ranked in the last report are marked with a dash). They also track the number of times a location has been included in any ‘longest time to trial’ table of the kind. There have been a total of nine reports since the publication of the Justice Delayed report (including this one), so a score of ‘9’ in the third column of Figures 1.2 to 7.2 indicates that a location has been in every report. Figure 8.1 was added in the March, 2013 update - as such, Figure 8.2 contains data for five reporting periods.

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<sup>8</sup> All locations in the province were weighted based on the following caseload time periods:

- 2004/05 new caseloads for the June, 2005 delays
- Calendar year 2011 new caseloads for the March, 2012 delays
- 2011/2012 new caseloads for the September, 2012 delays
- Calendar year 2012 new caseloads for the March, 2013 delays
- 2012/13 new caseloads for September, 2013 delays
- Calendar year 2013 new caseloads for March, 2014 delays
- 2013/14 new caseloads for September, 2014 delays
- Calendar year 2014 new caseloads for March, 2015 delays

<sup>9</sup> Results for June, 2005 are not available for two-day CFCSA and FLA trials. Thus, these results have been omitted from figures 4 and 6.

<sup>10</sup> Figures 4.1 and 6.1 are new as of the September, 2014 report, and so do not have these tables.

<sup>11</sup> Results for these tables may not be consistent with previous reports as the filtering criteria changed as of the March, 2014 report from using locations above the median caseload to including locations above the first quartile of caseloads.