

Section 4: The Justice System

Lesson Plan 9: Provincial Court of BC

SNAPSHOT

Grade Level	8-10
Duration	2 periods

Introduction

The Provincial Court of BC hears the majority of BC's court cases. Approximately 145 Provincial Court judges hear 130,000 civil and criminal cases each year in 88 locations around BC. The Provincial Court has four divisions: Criminal, Family and Youth, Traffic and By-Law, and Small Claims. Students will become knowledgeable about the Provincial Court of BC and the types of cases it hears. There is a particular focus on Small Claims in this lesson.

Objectives

Upon completion of this lesson, students will:

- Understand what the purpose of the Provincial Court of BC is and what happens there
- Learn that there are four divisions of the Provincial Court of BC: Criminal and Youth, Family, Traffic and By-Law, and Small Claims
- Become knowledgeable about the different court proceedings for small claims cases

Focus Questions

1. What is the purpose of the Provincial Court of BC?
2. What are the four divisions of the Provincial Court of BC and what are some examples of cases that might be heard there?
3. What are some of the different court proceedings for Small Claims cases?

Teaching Summary

Topics 1, 2, 3 & 4: Jurisdiction of the Court, Criminal and Youth, Family & Traffic and By-Law.

Students will complete Activity 1, which involves watching an online video about the Provincial Court of BC. They will then complete Activity 2, in which students are asked to read *Handout 1: Provincial Court of BC* and use the information to answer ten questions on *Handout 2: Which Division of Provincial Court?*

Topic 5: Small Claims

Students will look at *Handout 3: Small Claims Processes* in groups and become familiar with one of the processes and then using a jigsaw activity they will go back to their home groups to teach the other students about their process.

CONTENT

Topic 1: Jurisdiction of the Court

The majority of BC's court cases are heard in the Provincial Court of BC. Approximately 145 Provincial Court judges hear 130,000 civil and criminal cases each year in 88 locations around BC. The Provincial Court only hears certain types of cases as permitted by federal legislation (such as the Criminal Code) and by provincial legislation. These include:

- Criminal and youth
- Family
- Traffic and by-law
- Small claims

Topic 2: Criminal and Youth

About 99% of all criminal cases in BC begin and end in Provincial Court. A much smaller number of criminal cases are heard in the Supreme Court. It is the Supreme Court that hears all the jury trials. Provincial Court judges sit alone, never with a jury. The Provincial Court hears *all* criminal matters, except murder committed by adults, and a few obscure offences, such as "alarming her majesty" and treason.

Adults

The court hears trials of crimes such as theft under \$5000 which is the formal name for shoplifting. It also hear trials for mischief, possession of small amounts of drugs, simple assaults and more serious crimes like aggravated sexual assault or kidnapping where the accused chooses to have his or her trial in this court. If the accused is proven guilty or pleads guilty, then the court does sentencing hearings

If the accused person is charged with a more serious crime such as manslaughter, break and enter or kidnapping, the accused has the right to choose to have a trial in Provincial Court or Supreme Court.

This is called an election. If the accused elects to have a trial in Supreme Court, then the Provincial Court conducts the preliminary inquiry to see if the Crown has enough evidence to hold a full trial.

In murder cases involving adult accused, the judge conducts a preliminary inquiry to decide if there is enough evidence to justify holding the full trial in Supreme Court.

The accused may want to have a trial in Supreme Court because they want a jury to hear their case, or they may believe the chance to have a preliminary inquiry will help them learn more about the case against them.

Youth

The Provincial Court hears virtually all criminal cases involving youth from ages 12 to 17, and that includes a charge of murder. Children under 12 cannot be charged with a criminal offence. However, if it is believed that a child under 12 may have committed a serious crime, the Family Court in Provincial Court can conduct a hearing to consider the child's safety and well-being and whether they are being cared for appropriately.

Topic 3: Family

The Provincial Court of BC hears about half of all family matters in the province. Family Court helps families solve problems when children have been neglected or abused or when there are issues arising from a family breakup.

If a case deals with divorce, adoptions or the division of family property it would be heard in Supreme Court.

If a case involves the custody and guardianship of, or access to, or child support of children of separated parents, the case can be heard in either trial court.

If it involves child protection – where the state alleges children have been neglected or abused - then the case is only heard in Provincial Court.

Very few family cases go to trial. The large majority of family disputes get resolved by an agreement between the parties that is developed with the help of lawyers and encouraged by court resources such as parenting education courses, meetings with Family Justice Counsellors and mediation services.

Topic 4: Traffic and By-Law

The most informal proceedings in Provincial Court involve traffic and bylaw matters. You can act as your own lawyer to dispute a traffic ticket for infractions like running a red light, speeding, or for parking violations. You can also dispute by-law offences such as walking a dog without a leash.

Judicial Justices of the Peace will hear those cases. They are judicial officers of the court who also hear applications for search warrants and for bail.

Topic 5: Small Claims

The Small Claims Court deals with civil cases that have a claim for \$25,000 or less in damages.

The name “Small Claims” fits for some of the cases, but can be kind of misleading in others. It applies to all Provincial Court civil cases, whether for minor amounts like \$200 or claims where the plaintiff is claiming up to \$25,000 in damages which isn’t exactly a small claim for most people.

Civil Cases

With a few exceptions, the Provincial Court hears most kinds of civil disputes, such as claims for debt or damages, construction disputes, personal injury claims, recovery of personal property or enforcement of agreements or contracts involving personal property or services.

You can sue for damages regarding the purchase or sale of a piece of land in Provincial Court if the dispute is about aspects of the sale which you claim to be a breach of the sale contract. But, you would need to go to the Supreme Court if you were seeking a change in the title to the land.

Claims such as builders’ liens, bankruptcy, wills and estates, libel or slander, or suing the federal government all have to be heard by a Supreme Court judge.

Citizens can sue the provincial government in either the Provincial Court of BC or the Supreme Court of BC.

Procedures

A large majority of cases settle without a trial, and can be settled at any time during the proceedings.

In every case that is disputed by the respondent, Small Claims Court holds a settlement conference with a judge or a mediation session with a court appointed mediator who is not a judge. If the parties are unable to agree on a resolution, and the case has to go to trial, then there may be a pre-trial conference so that everyone is clear in advance about the legal issues and how the trial will proceed.

New Streams

In Vancouver and Richmond, for all cases filed after November 26, 2007, settlement conferences have been replaced with four new streams: summary hearing, simplified trial, mediation, trial, and trial conference.

ACTIVITIES

Activity 1: Introduction to the Provincial Court of BC

Introduce students to the Provincial Court of BC by showing them a video. It is 11 minutes in length. Go to www.CourtsofBC.com, an online guide to BC's court system and click on the "Provincial Court" tab. Click on "Play the Full Length Video" to watch all six segments: Introduction, Criminal Cases, Election and Burden of Proof, Family Cases, Small Claims Cases and Traffic and Bylaw Cases.

Activity 2: Testing Knowledge on the Provincial Court of BC

Provide students with *Handout 1: Provincial Court of BC* as well as *Handout 2: Which Division of Provincial Court?* Students will use the information in *Handout 1* to answer the questions in *Handout 2*.

To see the answer key for *Handout 2*, see the Assessment section.

Activity 3: Court Processes for Small Claims

Divide students into groups of five to participate in a Jigsaw. This will be the students' home group. In their home group, each student chooses one of the court processes – Summary Trial, Simplified Trials, Mediation, Trial Conference, or Trial.

Have students move into their expert groups and give students *Handout 3: Small Claims Processes*. Have students go to www.SmallClaimsBC.ca/court-processes, an online help guide for Small Claims processes. Each of these expert groups will watch the video and read the information on the type of court process they have chosen. They will fill in the section on *Handout 3: Small Claims Processes* for their particular process.

Have students return to their home group. Each expert will teach their home group what they learned in their expert groups about their court. Each individual student will complete the chart on *Handout 3* with the help of each expert.

You may want to go over the charts at the end of the activity, to ensure that students have all the correct information.

To see the answer key for *Handout 3*, see the Assessment section.

RESOURCES

Topics 1, 2, 3 & 4: Jurisdiction of the Court, Criminal and Youth, Family & Traffic and By-Law

Handout 1: Provincial Court of BC

Handout 2: Which Division of Provincial Court?

www.CourtsOfBC.com, a guide to the BC Court System

Topic 5: Small Claims

Handout 3: Small Claims Processes

www.SmallClaimsBC.ca/court-processes, an online help guide for Small Claims

ASSESSMENT

Activity 1: Introduction to the Provincial Court of BC

Students are only required to watch a video, so no assessment is required unless you want them to take notes and hand those in for marks.

Activity 2: Testing Knowledge on the Provincial Court of BC

Once students have completed Handout 2: Which Division of Provincial Court? it can be submitted for marks. The answer key is below.

Answer Key: Handout 2: Which Division of Provincial Court?

1. Anne is caught shoplifting CDs.
Criminal Division
2. Mark is 17 years old and is charged with break and enter.
Family and Youth division
3. Sheryl would like to dispute the fine she received for walking her dog without a leash.
Traffic and By-Law Division
4. Sienna's fence was damaged by two kids. The damage amounted to \$1,500.00.
Small Claims division
5. A 14-year-old Sarah Jones is charged with assault.
Family and Youth Division
6. Mr. and Mrs. Thompson take the contractor of their home renovation to court for the loss of \$9,000 because the contractor did not complete the renovation.
Small Claims Division
7. Jason's neighbor, Mr. Lee, damaged his fence. It cost \$1200.00 to repair.
Small Claims Division
8. Philip received a ticket for speeding and would like to dispute it
Traffic and By-Law
9. Maki was caught smoking marijuana at the park and was charged with possession.
Criminal
10. John and Mary are arguing over their separation agreement and who is to have custody of the children.
Family and Youth

Activity 3: Court Processes for Small Claims

Students can submit Handout 3: Small Claims Processes for marking once it is complete. The answer key is below.

Answer Key: Handout 3: Small Claims Processes

	What is it?	Who Decides the Case?	What Happens?
<p>Summary Trial</p> <p>Length of process: 30 minutes</p>	<p><i>Deals with legal matters involving loaning money or extending credit (i.e. credit card debt, overdue loans and overdraft). The claim must be under \$25,000. This type of trial is only available at the Robson Square Registry.</i></p>	<p><i>Judges</i></p>	<p><i>The judge may ask you to explain your case, respond to the other party and call witnesses. You will be asked to take an oath or to affirm that you will tell the truth before giving your evidence.</i></p> <p><i>At the end of the trial, the judge will make a payment order, dismiss the claim or order that the claim be sent to mediation or a trial conference.</i></p>
<p>Simplified Trial</p> <p>Length of process: 1 hour</p>	<p><i>All claims up to \$5,000 – except financial debt claims under Rule 9.2 and personal injury claims – go to a simplified trial.</i></p>	<p><i>A justice of the peace (an experienced lawyer), who can also be called an adjudicator</i></p>	<p><i>At the beginning of the simplified trial, the adjudicator will ask you to take an oath or affirm that you will tell the truth. You or your lawyer will be asked to state the facts related to the claim, file any documents on which you rely, and respond to the other party. The adjudicator may ask you questions, ask you to swear to the truth of your trial statement, permit witnesses, and allow you or your lawyer to ask the other party questions.</i></p>
<p>Mediation</p> <p>Length of process: About 2 hours</p>	<p><i>Mediation is alternative to court, where a third party assists the parties to settle their dispute.</i></p>	<p><i>The two parties make a decision together, with the help of a mediator</i></p>	<p><i>At the mediation, the mediator and the parties sit around a table in a mediation room. During the meeting, the mediator will review the agreement to mediate and answer any questions about</i></p>

			<p><i>the process.</i></p> <p><i>The mediator helps to guide the discussion so everyone has a chance to speak. If the mediation does not work, the next step will be to go to a settlement conference.</i></p>
<p>Trial Conference</p> <p>Length of process: 30 minutes</p>	<p><i>All cases in Small Claims Court must be heard in a trial conference if they have not already been resolved in a previous step in the court process.</i></p>	<p>Judges</p>	<p><i>The judge reviews the claim, determines the amount of time needed for trial, and may make other orders for the hearing of the trial.</i></p>
<p>Trial</p> <p>Length of process: Less than 2 hours (usually)</p>	<p><i>A trial is where the judge makes a binding decision after hearing from both parties. All Small Claims Court cases go to trial if they have not already been resolved earlier in the court process.</i></p>	<p>Judges</p>	<p><i>Both parties tell their versions of events to the judge. The judge may ask you questions, permit witnesses and allow you or your lawyer to ask questions of the other parties and their witnesses. The other party may also ask questions of you and your witnesses.</i></p>

ENRICHMENT

1. Students create a one-act play that revolves around one of the court processes.
2. Students create a scenario that could end up in Provincial Court. They will research the court proceedings for the type of case that they chose for their scenario. To simplify this activity, you may ask students to pick a small claims case and use the Small Claims of BC website that was used in Activity 3.