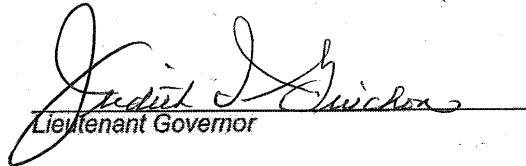


**PROVINCE OF BRITISH COLUMBIA**  
**ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL**

Order in Council No. 132

, Approved and Ordered March 27, 2014

  
Lieutenant Governor

Executive Council Chambers, Victoria

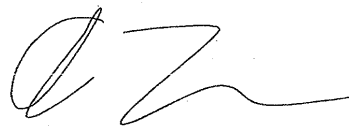
On the recommendation of the undersigned, made after consultation with the Chief Justice of the Supreme Court, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that,

- (a) effective March 30, 2014, B.C. Reg 149/2013, as it amends the Supreme Court Civil Rules, B.C. Reg. 168/2009, is amended as set out in Schedule 1, and
- (b) effective March 31, 2014, the Supreme Court Civil Rules, B.C. Reg. 168/2009, are amended as set out in Schedule 2.

**DEPOSITED**  
March 28, 2014  
B.C. REG. 44/2014



\_\_\_\_\_  
Attorney General and Minister of Justice



\_\_\_\_\_  
Presiding Member of the Executive Council

*(This part is for administrative purposes only and is not part of the Order.)*

Authority under which Order is made:

Act and section: Court Rules Act, R.S.B.C. 1996, c. 80, s. 1

Other: \_\_\_\_\_

March 26, 2014

Resub R/Log 23/2014/27

## SCHEDULE 1

- 1 *Part 25 of the Supreme Court Civil Rules, B.C. Reg. 168/2009, as it was added by section 8 of B.C. Reg. 149/2013, is amended as set out in this Schedule.*
- 2 *Rule 25-1 is amended*
  - (a) *in subrule (1) (b) in paragraph (c) of the definition of "estate grant" by adding "an ancillary grant of" after "probate or", and*
  - (b) *in subrule (4) (b) (ii) by striking out "those documents" and substituting "the documents referred to in subparagraph (i)".*
- 3 *Rule 25-2 is amended*
  - (a) *in subrule (1) (b) (ii) by adding "an ancillary grant of" after "probate or",*
  - (b) *in subrule (3) (f) (iii) by adding "of this paragraph" after "subparagraph (i) or (ii)",*
  - (c) *in subrule (11) (a) (i) by striking out "paragraph" and substituting "subparagraph", and*
  - (d) *in subrule (15) (b) by adding "," after "government or".*
- 4 *Rule 25-3 is amended*
  - (a) *in subrule (2)*
    - (i) *by striking out " , under in Rule 25-2 (1), are" and substituting "were", and*
    - (ii) *by striking out "have been delivered" and substituting "under that rule",*
  - (b) *in subrule (2) (d) by striking out "2 copies" and substituting "two copies",*
  - (c) *in subrule (2) (g)*
    - (i) *by striking out "subrule (8)" and substituting "subrule (7)", and*
    - (ii) *in subparagraph (ii) by striking out "subrule (9)" and substituting "subrule (8)",*
  - (d) *in subrule (2) (h) by striking out "subrule (11)" and substituting "subrule (10)",*
  - (e) *in subrule (6) (j) by adding "to" after "documents referred",*
  - (f) *in subrule (9) (b)*
    - (i) *by striking out "that information" and substituting "information", and*
    - (ii) *by adding "filed" before "under this subrule",*
  - (g) *in subrule (9) (c) by adding "domiciled" after "file a supplemental affidavit of assets and liabilities for",*

*(h) in subrule (20), (20) (a), (b) (i), (ii) and (iv) by striking out "interlineation or other" wherever it appears,*

*(i) in subrule (20) (a) by striking out "by the will-maker",*

*(j) by repealing subrule (20) (b) (iii) and substituting the following:*

*(iii) the alteration*

*(A) does not substantively alter the effect of the will, and*

*(B) is in respect of form, style or numbering or is a typographical error, or, and*

*(k) in subrule (21) (a) by striking out "by the will-maker".*

**5** *Rule 25-4 (1) (b) is amended by adding "once all fees payable in relation to that filing, including all applicable probate fees, have been paid" after "Form P19".*

**6** *Rule 25-6 is amended*

*(a) in subrule (2) (h) by striking out "estate grant" and substituting "resealing", and*

*(b) in subrule (7) (b) by adding "filed" before "under this subrule".*

**7** *Rule 25-7 (1) is amended by striking out "subsection (3)" and substituting "subrule (3)".*

**8** *Rule 25-10 is amended*

*(a) in subrule (5) by striking out "apply" and substituting "applies", and*

*(b) in subrule (12) (b) by striking out "subsection (6)" and substituting "subrule (6)".*

**9** *Rule 25-11 (1) is amended by striking out "Form P31" and substituting "Form P32".*

**10** *Rule 25-12 (5) is amended by adding "," after "within a specified period".*

**11** *Rule 25-13 is amended by adding the following subrule:*

**Special costs**

**(7)** *Unless the court on an application otherwise orders, if costs are payable under an application under subrule (1), those costs*

*(a) must be assessed as special costs, and*

*(b) may be assessed without an order of the court,*

*and Rules 14-1 (3) and (5) apply.*

**12** *Rule 25-14 is amended*

*(a) in subrule (1) by striking out "may apply by notice of application in accordance with Part 8, or, if nothing has been filed in relation to the estate and Rule 17-1 applies," and substituting "may apply in accordance with Part 8, or, if nothing has been filed in relation to the estate,".*

*(b) in subrule (1) (c) by striking out “, an authorization to obtain estate information” and substituting “or estate grant”,*

*(c) by repealing subrule (1) (n),*

*(d) by repealing subrule (1) (q) and substituting the following:*

*(q) subject to subrule (2), respecting any other matter concerning*

*(i) an authorization to obtain estate information,*

*(ii) an authorization to obtain resealing information,*

*(iii) a grant of probate,*

*(iv) a grant of administration with or without will annexed,*

*(v) an ancillary grant,*

*(vi) a resealing, or*

*(vii) the office of personal representative*

*other than a question or matter covered by Rule 2-1 (2) (c) or (d).,*

*(e) in subrule (2) (f) by adding “apply” after “that order,” and*

*(f) in subrule (3) by striking out “or (2)”.*

**13** *Rule 25-15 (4) is amended by striking out “Part 25” and substituting “this Part”.*

**14** *Rule 25-16 (1) (a) is by striking out “Rules of Court” and substituting “Supreme Court Rules”.*

**15** *Form P1 is amended*

*(a) by striking out “[\*In accordance with the italicized note below, set out here whichever one of the following 7 choices is correct.]” and substituting “[\*In accordance with the italicized note below, select whichever one of the following 7 choices is correct.”;*

*(b) in paragraph 6 by striking out “in Form P2 for a grant of administration” and substituting “or submission for resealing”, and*

*(c) in paragraph 9*

*(i) by striking out “intestate successors of the deceased an accounting” and substituting “intestate successors of the deceased, an accounting”, and*

*(ii) by striking out “and that if a foreign grant” and substituting “and if a foreign grant”.*

**16** *Form P2 is amended*

*(a) by striking out “Part 3: Documents Filed with the Submission for Estate Grant” and substituting “Part 3: Documents filed with this submission for estate grant”,*

*(b) in section 1 of Part 3 by striking out “sworn” wherever it appears and substituting “made”,*

*(c) in section 3 of Part 3 by striking out “common” and substituting “estate”,*

- (d) in section 2 (a) of the SCHEDULE FOR GRANT OF PROBATE OR GRANT OF ADMINISTRATION WITH WILL ANNEXED by adding “[see section 2 of the Wills, Estates and Succession Act]” after “deceased”,
- (e) in section 1 of the SCHEDULE FOR ANCILLARY GRANT OF PROBATE OR ANCILLARY GRANT OF ADMINISTRATION WITH WILL ANNEXED by striking out “under the submission” in both places and substituting “under this submission”, and
- (f) in section 1 of the SCHEDULE FOR ANCILLARY GRANT OF ADMINISTRATION WITHOUT WILL ANNEXED by striking out “applicant under the” in both places and substituting “applicant under this”.

**17 Form P3 is amended**

- (a) in section 1 by striking out “(the “will”).” and substituting “(the “will”), and am applying for:
  - [Check whichever one of the following 2 boxes is correct.]
  - a grant of probate.
  - a grant of administration with will annexed.”; and
- (b) in the first section 4 by striking out “one of the following boxes” and substituting “one of the immediately following 2 boxes”.

**18 Form P4 is amended**

- (a) in the first section 3 by striking out “one of the following boxes” and substituting “one of the immediately following 2 boxes”;
- (b) in section 5 by striking out “one or more testamentary documents dated later than the will has been found.” and substituting “one or more testamentary documents dated later than the will have been found.”;
- (c) in section 6 (a) by striking out “[If the immediately preceding box is checked, check whichever one of the immediately following 4 boxes is correct and provide any required information.]” and substituting “[If you checked the second of the immediately preceding 2 boxes, check whichever one of the immediately following 5 boxes is correct and provide any required information.]”;
- (d) in section 6 (c) by striking out “[If you checked the immediately preceding box” and substituting “[If you checked the second of the immediately preceding 2 boxes”;
- (e) in section 7 by striking out the italicized text following the second tick box and the 6 sub tick boxes and substituting the following:
  - [If you checked the second of the immediately preceding 2 boxes, complete the immediately following paragraph (a) if there are one or more interlineations in the will, paragraph (b) if there are one or more erasures or obliterations in the will, and paragraph (c) if there are one or more alterations in the will.],

- (f) in section 7 (a) by striking out "Rule 25-3 (20) (d)" and substituting "Rule 25-3 (20) (a)",
- (g) in section 7 (b) by striking out "Rule 25-3 (21) (d)" and substituting "Rule 25-3 (21) (a)",
- (h) in section 7 (c) by striking out "5 boxes is" and substituting "5 boxes are", and
- (i) in section 9 by striking out "I believe that that/those grant(s) is/are" and substituting "I believe that that grant is/those grants are".
- 19 Form P5 is amended by adding "[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]" immediately after "AFFIDAVIT OF APPLICANT FOR GRANT OF ADMINISTRATION WITHOUT WILL ANNEXED".
- 20 Form P6 is amended in the second tick box of section 5 by striking out "documents other than the will has" and substituting "documents other than the will have".
- 21 Form P7 is amended in the second tick box of section 5 by striking out "documents has" and substituting "documents have".
- 22 Form P8 is amended in section 2 by striking out "[select]" and substituting "[Set out".
- 23 Form P9 is amended in section 2
- (a) by striking out "[Check whichever one or more of the immediately following 3 boxes is correct" and substituting "[Check whichever one or more of the immediately following 3 boxes are correct",
- (b) by striking out "[If the third of the immediately preceding 3 boxes was checked, check both of the following boxes. If you cannot check the following 2 boxes in relation to any person to whom the notice was sent by e-mail" and substituting "[If you checked the third of the immediately preceding 3 boxes, check both of the immediately following boxes. If you cannot check both of the immediately following boxes in relation to any person to whom the notice was sent by e-mail, fax or other electronic means", and
- (c) in section 4 by adding "[Check whichever one or more of the immediately following 3 boxes are correct]" after "as follows:".
- 24 Form P10 is amended in section 3 (a) by striking out "in accordance with section 138 of the Wills, Estates and Succession Act".
- 25 Form P11 is amended in section 6 by adding "for non-domiciled estate grant" after "assets and liabilities".
- 26 Form P13 is amended by striking out "be sealed in the manner and for the period referred to in Rule 25-3 (14)" and substituting "be sealed in the manner and for the period referred to in section 125 of the Wills, Estate and Succession Act".

27 *Form P14 is amended in section 4 by adding "for domiciled estate grant" after "supplemental affidavit of assets and liabilities".*

28 *Form P15 is amended*

*(a) in section 1 by striking out "[Select" and substituting "[Set out",*

*(b) by repealing section 4 and substituting the following:*

4 Attached to this affidavit as Exhibit A is a Supplemental Statement of Assets, Liabilities and Distribution that discloses

(a) all of the property of the deceased within British Columbia that was not disclosed or was inaccurately disclosed in any earlier affidavit of assets and liabilities filed in this proceeding

(b) the value of that property, and

(c) the liabilities that charge or encumber that property. , and

*(c) in section 5 by adding "for domiciled estate grant" after "supplemental affidavit of assets and liabilities".*

29 *Form P16 is amended in section 2 by striking out "by the will-maker" in both places.*

30 *Form P18 is amended*

*(a) by adding "[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]" immediately after the heading "AUTHORIZATION TO OBTAIN ESTATE INFORMATION",*

*(b) in section 1 by striking out "[select" and substituting "[Set out", and*

*(c) by striking out everything after "Rule 25-8 (2) of the Supreme Court Civil Rules states:" and substituting the following:*

**Order to provide information**

(2) A person to whom a copy of an authorization to obtain estate information or an authorization to obtain resealing information is delivered under subrule (1) must, within 30 days after the date of delivery,

(a) deliver to the applicant information as to the nature and value of those assets of the deceased's estate that are in the person's possession or control, or

(b) if the person

(i) has possession or control of a safety deposit box, a safe, a storage locker or any other thing or place where the deceased kept or may have kept records or assets, and

(ii) does not have a document that itemizes the contents of that thing or place,

allow the holder of the authorization to obtain estate information or authorization to obtain resealing information to have access to that thing or place for the purposes of listing its contents.

- 31 *Form P19 is amended by adding “[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]” immediately after the heading “In Probate”.*
- 32 *Form P21 is amended*
- (a) *by striking out “This application submitted by:” and substituting “This submission for resealing is submitted by:”;*
  - (b) *by striking out “an affidavit of assets and liabilities in Form P25 for resealing” and substituting “an affidavit of assets and liabilities for resealing in Form P25”;*
  - (c) *by striking out “information so that I can secure” and substituting “information so that I/we can secure”;*
  - (d) *in Part 1 by striking out “[Check whichever one of the following” and substituting “[Check whichever one of the immediately following”;*
  - (e) *in section 6 of Part 3 by striking out “The foreign grant was” and substituting “The foreign grant is”;*
  - (f) *section 2 of the SCHEDULE FOR RESEALING OF GRANT OF PROBATE OR GRANT OF ADMINISTRATION WITH WILL ANNEXED is amended*
    - (i) *by striking out “[Provide under each of the following paragraph” and substituting “[Provide under each of the following paragraphs”;*
    - (ii) *in paragraph (a) by striking out “[see section 2 of ” and substituting “[see section 2 of the”, and*
    - (iii) *in paragraph (c) by adding “who” after “will and”, and*
  - (g) *in section 2 of the SCHEDULE FOR RESEALING OF GRANT OF ADMINISTRATION WITHOUT WILL ANNEXED,*
    - (i) *by striking out “[Provide under each of the following paragraph” and substituting “[Provide under each of the following paragraphs”, and*
    - (ii) *in paragraph (a) by striking out “[see section 2 of ” and substituting “[see section 2 of the”.*
- 33 *Form P22 is amended in section 5 by striking out “one or more testamentary documents other than the will has” and substituting “one or more testamentary documents other than the will have”.*
- 34 *Form P23 is amended in section 5 by striking out “one or more testamentary documents has” and substituting “one or more testamentary documents have”.*
- 35 *Form P25 is amended*
- (a) *in section 3 by striking out “Any property of the deceased situated outside British Columbia has been,” and substituting “All property of the deceased situated outside British Columbia, if any, has been,”;*



- (b) *in section 5 (a) by striking out "in accordance with section 138 of the Wills, Estates and Succession Act",*
- (c) *in section 6 by striking out "file a supplemental affidavit of assets and liabilities in Form P25" and substituting "file a supplemental affidavit of assets and liabilities for resealing in Form P26", and*
- (d) *by adding the following before the Statement of Assets, Liabilities and Distribution:*

This is Exhibit A referred to in the affidavit of  
 ....., sworn (or affirmed)  
 before me on .....[dd/mmm/yyyy].....

.....  
 A commissioner for taking affidavits for  
 British Columbia

**36 Form P26 is amended**

- (a) *in section 4 by striking out "file a supplemental affidavit of assets and liabilities in Form P25" and substituting "file a supplemental affidavit of assets and liabilities for resealing in Form P26", and*
- (b) *by adding the following before the Supplemental Statement of Assets, Liabilities and Distribution:*

This is Exhibit A referred to in the affidavit of  
 ....., sworn (or affirmed)  
 before me on .....[dd/mmm/yyyy].....

.....  
 A commissioner for taking affidavits for  
 British Columbia

**37 Form P27 is amended**

- (a) *by adding "[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]" immediately after the heading "AUTHORIZATION TO OBTAIN RESEALING INFORMATION",*
- (b) *by striking out "AND TAKE NOTICE THAT, unless you provide to the applicant(s), within 30 days after the date on which this authorization to obtain estate information" and by substituting "AND TAKE NOTICE THAT, unless you provide to the applicant(s), within 30 days after the date on which this authorization to obtain resealing information", and*
- (c) *by striking out everything after "Rule 25-8 (2) of the Supreme Court Civil Rules states:" and substituting the following:*

**Order to provide information**

- (2) A person to whom a copy of an authorization to obtain estate information or an authorization to obtain resealing information is delivered under subrule (1) must, within 30 days after the date of delivery,
- (a) deliver to the applicant information as to the nature and value of those assets of the deceased's estate that are in the person's possession or control, or
  - (b) if the person
    - (i) has possession or control of a safety deposit box, a safe, a storage locker or any other thing or place where the deceased kept or may have kept records or assets, and
    - (ii) does not have a document that itemizes the contents of that thing or place,
- Allow the holder of the authorization to obtain estate information or authorization to obtain resealing information to have access to that thing or place for the purposes of listing its contents.

- 38 *Form P28 is amended by adding "[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]" immediately after the heading "IN PROBATE".*
- 39 *Form P30 is amended by adding "as the style of proceeding" after "[OR use the following title".*
- 40 *Form P31 is amended*
- (a) *by striking out "[dd/mm/yyyy]" and substituting "[dd/mmm/yyyy]", and*
  - (b) *by striking out "[Select whichever one of the 3 following provisions" and substituting "[Set out whichever one of the immediately following 3 provisions".*
- 41 *Form P32 is amended in paragraph (d) by striking out "Form P32" and substituting "Form P33".*
- 42 *Form P34 is amended in the third section 3 by striking out "[Select whichever one of the following is correct" and substituting "[Set out whichever one of the following 3 choices is correct".*
- 43 *Form P35 is amended*
- (a) *in the title by striking out "25-12 (1)" and substituting "25-12 (2)",*
  - (b) *by repealing section 1 and substituting the following:*
    - 1 This requisition for subpoena is filed under Rule 25-12 (2).,
  - (c) *in section 2 by adding "for subpoena" after "this requisition", and*
  - (d) *by striking out "This requisition is filed by" and substituting "This requisition for subpoena is filed by".*

44 *Form P40 is amended in section 2 (d) by striking out "[effective date]" and substituting "[effective date of this statement of account]".*

45 *Form P41 is amended by striking out the heading "REQUISITION" and substituting "REQUISITION - ESTATES".*

46 *Form P42 is amended*

*(a) by striking out the following:*

To: .....[name(s)]..... (the "application respondents")

*and substituting the following:*

To: .....[name(s)].....

*(b) in Part 1 by striking out "[Check whichever one or more of the immediately following 4 boxes is]" and substituting "[Check whichever one or more of the immediately following 4 boxes are]", and*

*(c) in paragraph (c) (ii) of Part 4 by striking out "that has not already been served" and substituting "that have not already been served".*

47 *Form P43 is amended*

*(a) in the title by striking out "25-14 (1)" and substituting "25-14 (2)",*

*(b) by striking out "The applicant seeks the following order(s):" and substituting "The applicant(s) seek(s) the following order(s):", and*

*(c) in section 1 by striking out "[Check whichever one or more of the immediately following 4 boxes is]" and substituting "[Check whichever one or more of the immediately following 4 boxes are".*

## SCHEDULE 2

- 1 *Rule 1-1 (1) of the Supreme Court Civil Rules, B.C. Reg. 168/2009, is amended in the definition of "party of record" in paragraph (a) by striking out ", and" and substituting "." and by repealing paragraph (b).*
- 2 *Rule 14-1 (6) is repealed.*
- 3 *Section 3 of Schedule 1 of Appendix C is amended in item 12 of the table by striking out "caveat" and substituting "notice of dispute".*