



SUPREME COURT OF BRITISH COLUMBIA

**Effective Date:** 2013/03/25

**Number:** PD - 42

**Title:**

**Practice Direction**  
**Masters' Jurisdiction**

**Summary:**

This Practice Direction has two parts. Part A of the Practice Direction sets out a direction of the Chief Justice pursuant to Section 11(7) of the *Supreme Court Act*, RSBC 1996 c. 443, as to the matters in respect of which a master is not to exercise jurisdiction. Part B of the Practice Direction sets out guidelines for the assistance of the profession and the public as to the matters in respect of which a master has jurisdiction.

**PART A- Direction:**

1. PD - 34 - *Masters' Jurisdiction* dated April 25, 2012 is rescinded.

**Restrictions on masters' jurisdiction**

2. Section 11(7) of the *Supreme Court Act* provides:

*A master has, subject to the limitations of section 96 of the Constitution Act, 1867, the same jurisdiction under any enactment or the Rules of Court as a judge in chambers unless, in respect of any matter, the Chief Justice has given a direction that a master is not to exercise that jurisdiction.*

3. Pursuant to section 11 (7) of the *Supreme Court Act*, the Chief Justice directs that a master is not to exercise jurisdiction:
  - a. to grant relief where the power to do so is conferred expressly on a judge by a statute or rule
  - b. to dispose of an appeal, or an application in the nature of an appeal, on the merits
  - c. to pronounce judgment by consent where any party in a proceedings is under a legal disability

- d. to grant court approval of a settlement, compromise, payment or acceptance of money into court on behalf of a person under a legal disability, or court approval of a sale of assets of a person under a legal disability
- e. in any matter relating to criminal proceedings or the liberty of the subject other than uncontested petitions under the *Patients Property Act*
- f. to make an order holding any person or entity in contempt
- g. to grant injunctive relief, other than as identified under paragraph 5 of this direction
- h. to make an order under the *Judicial Review Procedure Act* or for a prerogative writ
- i. to grant a stay of proceedings where there is an arbitration
- j. to make a declaration under the *Survivorship and Presumption of Death Act*
- k. to remove a suspension from the practice of a profession
- l. to set aside, vary or amend an order of a judge, other than:
  - i. to abridge or extend a time prescribed by an order where the original order was one that a master would have had the jurisdiction to make
  - ii. to vary the interim orders identified under paragraph 1 of this direction

**Part B- Guidelines:**

**Matters within a master’s jurisdiction:**

- 4. Paragraphs 4- 7 set out guidelines as to the matters that are generally considered to fall within the jurisdiction of a master. These guidelines are for the assistance of the profession and the public and are not intended to be exhaustive.

**Applications**

- 5. Subject to constitutional limitations and to the direction set out in paragraph 2, a master has jurisdiction to hear applications under the Rules of Court, including applications for approval of sale in foreclosure proceedings.

**Interim orders in family law cases**

- 6. Subject to constitutional limitations and to the direction set out in paragraph 2, a master has jurisdiction in family law cases
  - a. to make interim orders under the *Family Law Act*, including:
    - i. interim orders respecting guardianship
    - ii. interim orders respecting parenting arrangements

- iii. interim orders respecting contact
- iv. interim orders respecting child and spousal support
- v. interim protection orders
- vi. interim restraining orders
- vii. interim orders for exclusive occupation of a family residence.

b. to make orders for interim corollary relief under the *Divorce Act*.

7. A master has jurisdiction to vary any of the interim orders described in subparagraphs 5 a. and b. whether the initial order was made by a judge or a master.

#### **Final orders**

8. Subject to constitutional limitations and to the direction set out in paragraph 2, a master has jurisdiction to make the following final orders:
- a. orders by consent
  - b. orders under Supreme Court Civil Rule 22-7 and Supreme Court Family Rule 21-5
  - c. orders for summary judgment under Rule 9-6 where there is no triable issue
  - d. orders striking out pleadings under Rule 9-5(1) provided there is no determination of a question of law relating to issues in the action
  - e. orders granting judgment in default
  - f. orders under Rule 21-7(5) where no matter is contested or where there is no triable issue
  - g. orders in respect of the Administration of Estates under Rule 21-5

#### **Enforcement of orders**

9. Subject to constitutional limitations and to the direction set out in paragraph 2, a master has jurisdiction to enforce orders under Rule 13-4, the *Court Order Enforcement Act*, the *Family Maintenance Enforcement Act*, and any statute which requires an application to the court to enforce under the Rules of Court an order made by a statutory board, statutory decision maker or tribunal.



**Robert J. Bauman**  
**Chief Justice**