

CANADA / JUDGMENT

Tsapararas v. Clark

2020 BCSC 955

COURT

Supreme Court of British Columbia

DECIDED

26 June 2020

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2020 BCSC 955 Tsapararas v. Clark IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: Tsapararas v. Clark, 2020 BCSC 955 Date: 20200626 Docket: M195624 Registry: Vancouver Between: Cristina Sylvia Tsapararas Plaintiff And Faith Alexandra Clark Defendant Before: The Honourable Mr. Justice A. Ross Reasons for Judgment Counsel for the Plaintiff: A. Spence Written Submissions Received: June 18, 2020 Place and Date of Judgment: Vancouver, B.C. June 26, 2020

- [1] The plaintiff seeks an order renewing the notice of civil claim for the purpose of extending the time available to serve the defendant.
- [2] The claim arises from a motor vehicle accident occurred on September 21, 2017. The plaintiff alleges that the defendant's negligence caused the accident and that she was injured therein.
- [3] The notice of civil claim was filed on May 15, 2019.
- [4] The plaintiff attempted to obtain an address for the defendant in order to effect service. The Insurance Corporation of British Columbia ("ICBC") provided an address for the defendant on Skeena Drive, Kamloops, British Columbia. The plaintiff attempted to serve the defendant at the Skeena Drive address.
- [5] The plaintiff's process server spoke to Heather Clark, the defendant's former landlord, at the Skeena Drive address. Ms. Clark advised that the defendant had moved.
- [6] In September 2019, the plaintiff's process server communicated with the defendant through email. The defendant responded to the emails, but did not attend any of the meetings scheduled. It is evident from those emails that the defendant is aware of the litigation.
- [7] Attempts to locate an address for the defendant have been unsuccessful.
- [8] The plaintiff was precluded from making an application to renew the notice of civil claim prior to the one-year anniversary of its filing due to the shutdown of regular court operations as a result of the COVID-19 situation.
- [9] Service deadlines under the Supreme Court Civil Rules were suspended from March 18, 2020, to May 29, 2020.

- [10] Pursuant to the suspension of filing and service deadlines as set out in the COVID-19 Notice No.8, the 12-month period for service has not yet expired, and the notice of civil claim ought be renewed for a further period of time in order to permit service of the defendant.
- [11] Based on the facts set out above, I grant the order renewing the notice of civil claim in this action for a further 12 months commencing May 15, 2019. "A. Ross J."
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