

# Civil Appeals to the Court of Appeal

**A. Is there a right to appeal?** (*Rule 14.4* and as specified in legislation)

- No – an appeal may not be filed.
- Yes – proceed to Box B.

**B. Is permission to appeal (PTA) required?** (*Rule 14.5*)

- No – proceed to Box C.
- Yes – applicant files and serves an Application<sup>1</sup> (Form AP-3), a Memorandum of Argument, an (optional) Affidavit and any other materials at least 10 days before the application date. The respondent files a Memorandum of Argument, an (optional) Affidavit and any other materials at least 5 days before the application date.

Application for permission to appeal is heard by single judge in chambers

Application allowed

Application denied

Application reserved

Reasons for Decision filed

**C. Permission to appeal is not required or PTA granted:**

Appellant files and serves a Notice of Appeal (Form AP-1) within (*Rule 14.8*):

- 10 days after PTA granted,
- the applicable legislated appeal period, or
- one month after the date of the decision

## Standard Appeal

## Fast Track Appeal

The appellant orders transcripts within 10 days of filing the notice of appeal and files and serves a copy of the order form within 5 days of ordering the transcripts. (*Rule 14.15*)

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The appellant files the e-transcript (if applicable) and appeal record not later than 4 months after the notice of appeal was filed. (*Rule 14.16*)<sup>2</sup>

The appellant files the appeal record not later than 1 month after the notice of appeal was filed. (*Rule 14.17*)<sup>3</sup>

The appellant's factum, extracts of key evidence and book of authorities are filed not later than 2 months after the appeal record is filed or 6 months after the notice of appeal is filed, whichever comes first. (*Rules 14.23, 14.27, 14.30*)<sup>2</sup>

The appellant's factum, extracts of key evidence and book of authorities are filed not later than 20 days after the appeal record is filed or 2 months after the notice of appeal is filed, whichever comes first. (*Rules 14.24, 14.27, 14.30*)<sup>3</sup>

The respondent's factum, extracts of key evidence and book of authorities, or a letter of intention not to file a factum, are filed not later than 2 months after the appellant's factum is served. (*Rules 14.23, 14.27, 14.30*)

Attend civil UCAL, if required (*Rule 14.33*)

The respondent's factum, extracts of key evidence and book of authorities, or letter of intention not to file a factum, are filed not later than 1 month after the appellant's factum is served or 10 days before the opening day of sittings, whichever comes first. (*Rules 14.24, 14.27, 14.30*)

Appeal scheduled for hearing before a panel of three judges (*Rules 14.33*<sup>4</sup> and *14.34*<sup>5</sup>)

Appeal allowed or allowed in part

Appeal dismissed

Appeal reserved

Reasons for judgment filed

- <sup>1</sup> Applications for permission to appeal must be heard within 6 months from the date of the filing of the application failing which the application will be deemed to have been abandoned (rule 14.44(2)).
- <sup>2</sup> If the appellant misses this deadline, the standard appeal will be struck (rules 14.64(a) and (b)). Once a standard appeal is struck, it must be restored within 6 months of having been struck, failing which the appeal will be deemed to have been abandoned (rule 14.47(a)).
- <sup>3</sup> If the appellant misses this deadline, the fast track appeal will be struck (rule 14.64(a) and (b)). Once a fast track appeal is struck, it must be restored within 3 months of having been struck, failing which the appeal will be deemed to have been abandoned (rule 14.47(b)).
- <sup>4</sup> If a standard appeal is not set for hearing before the earlier of:
- 6 months after the deadline for the filing of the last factum in the appeal, and
  - 12 months after the filing of the notice of appeal
- the standard appeal will be struck (rule 14.64(c)). Once a standard appeal is struck, it must be restored within 6 months of having been struck, failing which the appeal will be deemed to have been abandoned.
- <sup>5</sup> If a fast track appeal is not set for hearing within 6 months of the filing of the notice of appeal, the appeal will be struck. Once a fast track appeal is struck (rule 14.64(d)), it must be restored within 3 months of having been struck, failing which the appeal will be deemed to have been abandoned.

In addition:

- an appeal can be discontinued at any stage of the appeal (rule 14.66(1)), and
- other than applications for permission to appeal and applications to admit new evidence, all applications must be heard within 3 months from the date of the filing of the application failing which the application will be deemed to have been abandoned (rule 14.52).