

What Are My Filing Deadlines?

Parties to an appeal should not take the approach that they are automatically entitled to the maximum time permitted by the Rules of Court to complete each step of the appeal process. Deadlines prescribed in the rules are merely the default outside time limit at which point consequences for failure to act in time will be imposed. It is an underlying objective of the Rules of Court to try and ensure that all appeals are dealt with as diligently as possible. See *Fort McKay First Nation v. Alberta Energy Regulator*, 2013 ABCA 396.

Civil Fast Track Appeal Deadlines

DOCUMENT	DEADLINE	CONSEQUENCE OF MISSING	RULE
<p>Notice of Appeal (A Notice of Appeal must be in Form AP-1. See Rule 14.12(1).)</p>	<p>Must be filed and served:</p> <ul style="list-style-type: none"> a) within the time for commencing an appeal stated in an enactment, b) within 10 days after permission to appeal is granted (if applicable¹), or c) if (a) and (b) do not apply, within one month after the date of decision. (See Rule 14.8(1) for definition of “date of decision”) 	<p>Unless otherwise ordered, a party is not entitled to assess costs or recover disbursements in respect of a procedural step in which the party has failed to comply with a deadline.</p>	<p>14.8(2)</p> <p>14.90(1)(a)(i)</p>
<p>Notice of Cross Appeal (A Notice of Cross Appeal must be in Form AP-2. See Rule 14.12(1).)</p>	<p>Must be filed and served:</p> <ul style="list-style-type: none"> a) within the time for filing an appeal, or b) within 10 days of service of the Notice of Appeal <p>whichever is later.</p> <p>Note: A party that files a cross appeal in a fast track appeal must within 5 days of filing apply to a case management officer for the establishment of a timetable and other necessary requirements for the appeal.</p>		<p>14.11</p> <p>14.24(2)</p>
<p>Transcripts & Appeal</p>	<p>Must be ordered or preparation commenced</p>		<p>14.15(1)</p>

¹ See also Rule 14.8(3) for the time within which an application for permission to appeal must be made and Rule 14.44 for rules specific to applications for permission to appeal.

<p>Record</p>	<p>within 10 days after filing the Notice of Appeal and a copy of the order must be filed and served on the respondent within 5 days after ordering.</p> <p>Must be filed and served:</p> <p>a) immediately after they are prepared, and b) not later than 1 month from the date on which the Notice of Appeal was filed.</p>	<p>... or the appeal will be struck</p> <p>Unless otherwise ordered, a party is not entitled to assess costs or recover disbursements in respect of a procedural step in which the party has failed to comply with a deadline.</p>	<p>14.17(1), 14.64(a)</p> <p>14.90(1)(a)(i)</p>
<p>Appellant’s Factum, Extracts of Key Evidence and Book of Authorities</p>	<p>Must be filed and served before the earlier of:</p> <p>a) 20 days after the Appeal Record is filed, and b) 2 months after the Notice of Appeal is filed.</p>	<p>... or the appeal will be struck</p> <p>Unless otherwise ordered, a party is not entitled to assess costs or recover disbursements in respect of a procedural step in which the party has failed to comply with a deadline.</p>	<p>14.24(1)(a) – Factum 14.27(3) – Extracts 14.30(2) – Authorities</p> <p>14.64(b)(ii)</p> <p>14.90(1)(a)(i)</p>
<p>Respondent’s Factum, Extracts of Key Evidence and Book of Authorities (or letter of intention not to file a factum)</p>	<p>Must be filed and served before the earlier of:</p> <p>a) one month after service of the appellant’s factum, and b) 10 days before the opening day of the sittings at which the appeal is scheduled to be heard.</p>	<p>... or the respondent will not be permitted to present oral argument unless the panel orders otherwise.</p> <p>Unless otherwise ordered, a party is not entitled to assess costs or recover disbursements in respect of a</p>	<p>14.24(1)(b) – Factum 14.27(3) – Extracts 14.30(2) – Authorities</p> <p>14.23(3)</p> <p>14.90(1)(a)(i)</p>

		procedural step in which the party has failed to comply with a deadline.	
Reply Factum (or letter of intention not to file a reply factum) (only permitted where a cross appeal has been filed)	Must be filed and served in accordance with any deadline specified by a case management officer.	Unless otherwise ordered, a party is not entitled to assess costs or recover disbursements in respect of a procedural step in which the party has failed to comply with a deadline.	14.24(2) 14.90(1)(a)(i)
Hearing	<p>A fast track appeal will be placed on the Civil Appeal Hearing List to be heard when:</p> <p>a) the Appeal Record, appellant’s factum and Extracts of Key Evidence have been filed 20 or more days before the opening of the sittings², or</p> <p>b) a case management officer directs.</p> <p>The parties may, no less than 20 days before the opening of the sittings, consent to an adjournment of the oral hearing to no later than the next sitting of the Court, provided that the appeal has not previously been adjourned more than once.</p>	<p>If a fast track appeal has not been placed on the Civil Appeal Hearing List within 6 months of the filing of the Notice of Appeal, the appeal must be struck.</p>	14.34(2) 14.34(3) 14.64(d)

² The opening day of sittings can be determined by consulting the Court’s Sitting Dates located on the Alberta Courts’ website at www.albertacourts.ab.ca under Court of Appeal > Sittings, Hearing Lists & Locations.