

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 Standard 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 the 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>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>14.11</p> <p>14.90(1)(a)(i)</p>
<p>Transcripts & Appeal Record</p>	<p>Must be ordered or preparation commenced 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>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>a) forthwith after they are prepared, and b) not later than 4 months 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>14.16(3), 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) 2 months after the Appeal Record is filed, and b) 6 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>14.23(1) – Factum 14.27(3) – Extracts 14.30(2) – Authorities 14.64(b)(i)</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 within 2 months of service of the appellant’s factum</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 procedural step in which the party has failed to comply with a deadline.</p>	<p>14.23(2) – Factum 14.27(3) – Extracts 14.30(2) – Authorities</p> <p>14.23(3)</p> <p>14.90(1)(a)(i)</p>
<p>Reply Factum (or letter of intention not to file a reply factum) (only permitted where a cross appeal has been filed)</p>	<p>Must be filed and served within 10 days of service of the respondent’s factum.</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</p>	<p>14.23(4)</p> <p>14.90(1)(a)(i)</p>

		failed to comply with a deadline.	
Hearing	<p>No later than 20 days after the deadline for the filing of the last factum, the parties must contact the Registrar (in practice, the contact is with the Case Management Officer) to schedule the oral hearing.</p> <p>Note: The earliest an appeal can be set is 6 weeks from the date that the last factum was filed.</p> <p>See Rule 14.35 which addresses the rescheduling of appeals.</p>	<p>If a standard appeal has not been placed on the Civil Appeal Hearing List before the earlier of:</p> <p>a) 6 months after the deadline for the filing of the last factum in the appeal, and</p> <p>b) 12 months after the filing of the Notice of Appeal</p> <p>the appeal must be struck.</p>	<p>14.33(1)</p> <p>14.64(c)</p>
Unscheduled Civil Appeals List	<p>Any standard appeal that has not been scheduled for an oral hearing before the earlier of:</p> <p>a) 2 months after the deadline for the filing of the last factum in the appeal, and</p> <p>b) 9 months after the filing of the Notice of Appeal</p> <p>or any deadline stipulated by a case management officer or a single appeal judge, will be placed on the Unscheduled Civil Appeals List and be spoken to by the parties at the next calling of the List.</p>	<p>If the appellant does not appear at the time scheduled for the calling of the List, the appeal may be struck.</p>	<p>14.33(2)</p> <p>14.33(4)</p>