

## 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.

### Sentence Appeal<sup>1</sup> Deadlines

DOCUMENT	DEADLINE	CONSEQUENCE OF MISSING	CPD/RULE
<p><b>Notice of Appeal</b> (A Notice of Appeal must be in Form A when the appellant is not represented by counsel and in Form B when the appellant is represented by counsel. See Rule 845)</p>	<p>Must be filed and served within <b>30 days</b> from the date of sentencing.</p>		<p>Rule 843</p>
<p><b>Transcripts &amp; Appeal Record</b></p>	<p>Must be ordered or preparation commenced within <b>10 days</b> after filing the Notice of Appeal and a copy of the order must be filed and served within <b>5 days</b> after ordering.</p> <p>Must be filed and served forthwith after they are prepared and:</p> <ul style="list-style-type: none"> <li>a) in the case of a sentence only appeal, not later than <b>4 months</b> from the date on which the Notice of Appeal was filed, or</li> <li>b) in the case of a conviction and sentence appeal, not later than <b>3 months</b> from the date on which the conviction appeal was</li> </ul>		<p>CPD G.3(a) Rule 14.15</p>

<sup>1</sup> Sentence appeals are governed by Part G. of the Consolidated Practice Directions.

	<p>dismissed or abandoned.</p> <p>NOTE: On sentence appeals of six months or less, the Appeal Record and Transcripts must be filed no later than <b>six weeks</b> from the date the notice of appeal was filed.</p>	... or the appeal will be struck	<p>CPD G.3(c)</p> <p>CPD G.3(d)</p>
<b>Appellant’s Factum, Extracts of Key Evidence and Book of Authorities</b>	<p>Must be filed and served:</p> <p>a) in the case of a sentence only appeal, not later than <b>4 months</b> from the date on which the Notice of Appeal was filed, or</p> <p>b) in the case of a conviction and sentence appeal, not later than <b>3 months</b> from the date on which the conviction appeal was dismissed or abandoned.</p>	... or the appeal will be struck	CPD G.4(a)
<b>Respondent’s Factum, Extracts of Key Evidence and Book of Authorities (or letter of intention not to file a factum)</b>	<p>Must be filed and served <b>before the earlier of:</b></p> <p>a) <b>one month</b> after service of the appellant’s factum, and</p> <p>b) <b>10 days</b> prior to the opening day of the sittings at which the appeal is scheduled to be heard.</p>	... or the appeal may proceed in the absence of that factum.	CPD G.4(c)
<b>Hearing</b>	<p>Where the appellant’s sentence factum, Book of Authorities and any Extracts of Key Evidence are filed and served at least <b>20 days</b> prior to the opening day of the sittings, the appeal will be scheduled to be heard during the next sentence sittings.</p> <p>In addition, appeals which meet the conditions set out in CPD G.7(b) will be scheduled to be heard during the next sentence sittings.</p>		CPD G.4(b)

	<p><u>Adjournments:</u> The parties may, no less than <b>12 days</b> before the opening of sittings, consent to an adjournment of the sentence appeal hearing to no later than the next sitting of the Court, provided that the appeal has not previously been adjourned more than once.</p>		CPD G.12
--	--	--	----------