



Overview of Scheduling Appeals

Civil Rules 14.32 – 14.35
Criminal Rules 16.20 – 16.22

Hearing Lists

Civil Appeal	Includes all civil appeals (standard and fast track)
Criminal Appeal	<p>Includes the following conviction appeals:</p> <ul style="list-style-type: none">• any appeal from a conviction, acquittal or stay, or any decision that otherwise concludes criminal proceedings, other than a sentence appeal• any decision described in section 672.72, 675(3), 676, 784 and 839 of the <i>Criminal Code</i>• an appeal from a costs order in a criminal matter• an appeal or review of a decision under the <i>Extradition Act</i>• an appeal from a decision that a person is unfit to stand trial or is not criminally responsible on account of mental disorder under Part XX.1 of the <i>Criminal Code</i>• any appeal with respect to a finding that an offender is a dangerous offender or long- term offender).
General Appeal	Includes all appeals on the Criminal Appeal Hearing List and all appeals on the Civil Appeal Hearing List (so all appeals except sentence appeals).
Sentence Appeal	Includes all sentence appeals

General

Requests for appeal hearings in writing only with no oral argument require the consent of all parties and are arranged through the Case Management Officer.

An appeal may, in the discretion of the panel, proceed when scheduled even if a party does not appear or has failed to file a factum.

Oral argument is limited to a maximum of 45 minutes per separately represented party, unless a panel orders otherwise.



Scheduling

	When Scheduled	Who Schedules	When Heard
Standard Appeal	In the absence of a timetable, after the last respondent factum is filed	Case Management Officer	No sooner than 8 weeks after the last respondent factum is filed
Fast Track Appeal	Once the appellant's factum is filed.	Case Management Officer	On the first available date that is at least 20 days after the appellant's factum is filed
Conviction Appeal (includes acquittal and decision appeals)	In the absence of a timetable, after the last respondent factum is filed	Case Management Officer	No sooner than 8 weeks after the last respondent factum is filed
Sentence Appeal	Subject to the direction of a Case Management Officer, when: <ul style="list-style-type: none">• the appeal record and appellant's factum have been filed,• the appeal record has been filed and the appellant is self-represented• the appeal record has not been ordered and the appellant is self-represented and in custody, or• the net sentence is 6 months or less, the appellant is in custody and judicial interim release has not been granted.	Automatically scheduled by the Deputy Registrar on the next available date, subject to direction of a Case Management Officer.	On the first available date



Deadlines

Appeals must be scheduled within the following deadlines (subject to any extension provided by the Case Management Officer):

Standard Appeal	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, failing which the appeal will be struck.
Fast Track Appeal	Within 6 months of filing the Notice of Appeal, failing which the appeal will be struck.
Conviction Appeal (includes acquittal and decision appeals)	Within 9 months of the filing of the Notice of Appeal, failing which: <ul style="list-style-type: none">• the appeal will be struck if the appellant is represented by counsel, and• the Registrar will schedule the appeal for oral argument if the appellant is self-represented.
Sentence Appeal	None. Note: Unless otherwise ordered, a sentence appeal must proceed even if an appeal or application for leave to appeal as to conviction has been filed with the Supreme Court of Canada.

Rescheduling Appeals

Once an appeal is scheduled for hearing, it cannot be adjourned or rescheduled unless:

- the appeal has been discontinued or abandoned,
- the appeal has been settled,
- a CMO permits the hearing to be adjourned or rescheduled (or a panel if materials have already been distributed).

Unscheduled Appeals Lists

The Unscheduled Appeals Lists are comprised of the Unscheduled Civil Appeals List (formerly “Civil Speak to List”) and the Unscheduled Criminal Appeals List (formerly “Criminal Speak To List”) and are governed by Part A.3 of the Consolidated Practice Directions.

Placing a matter on an Unscheduled Appeal List is usually no longer necessary. However, the Case Management Officer retains the discretion to do so and will advise the parties by letter when this has been done. If an appeal is placed on an Unscheduled Appeal List, the list will be posted on the Court’s [website](#) under Court of Appeal > Registry > Court Lists, 10 days before the list is spoken to.



If necessary, the Unscheduled Appeals Lists will be called by a Case Management Officer at a date and time to be specified by the Chief Justice. Those dates and times can be located on the Court's [website](#) under Court of Appeal > Registry > Court Calendar.

Any party whose appeal is on the List, or counsel, shall appear at the time and place specified and are expected to be fully instructed in the progress of the appeal they are speaking to. If the appellant does not appear, the appeal may be struck.

Sentence Appeal Speak To

Sentence appeals involving unrepresented appellants who are in custody are spoken to at the beginning of the sentence appeal hearing list, one Tuesday per month with the exception of July and August.