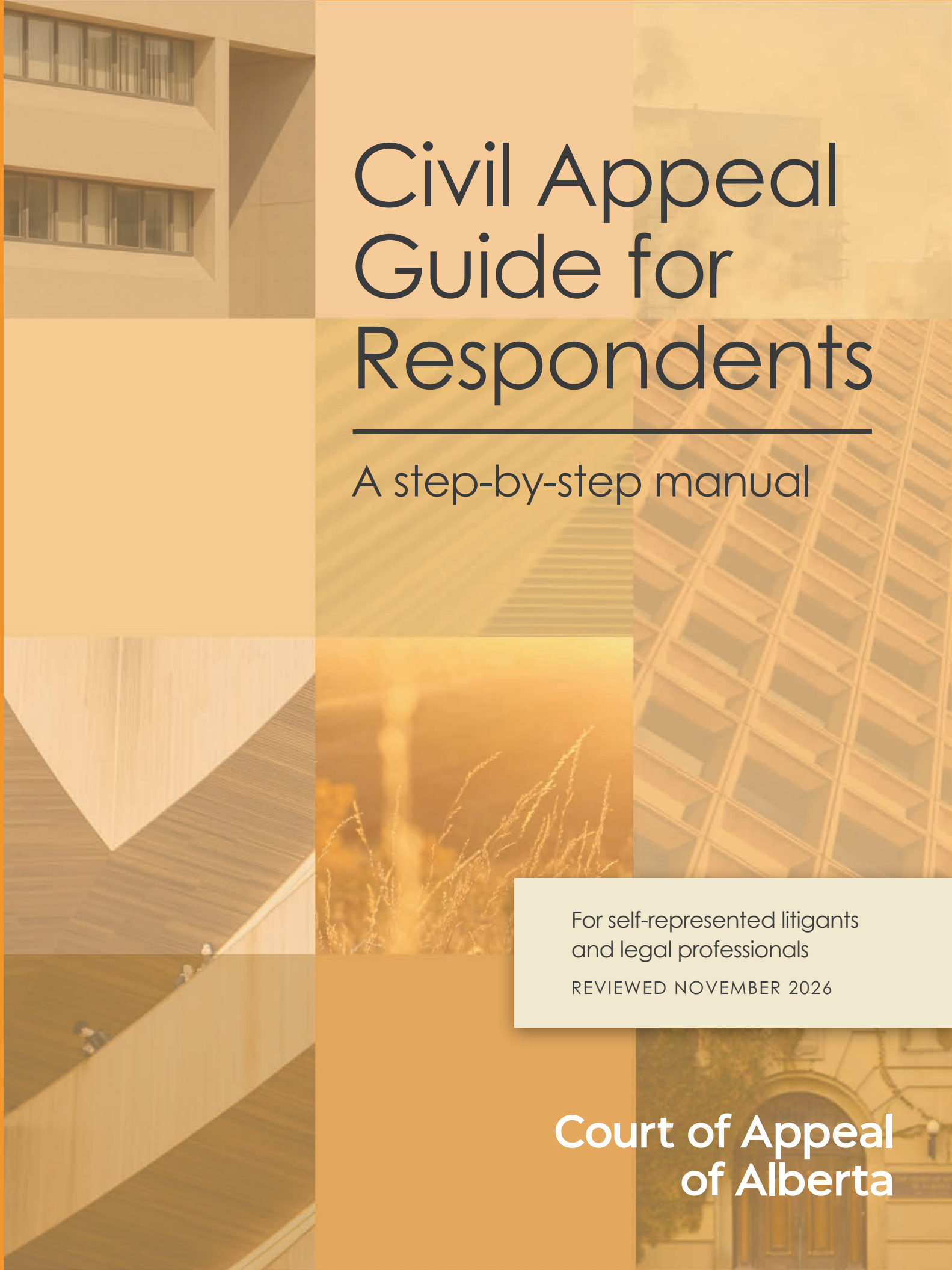


Civil Appeal Guide for Respondents

A step-by-step manual

For self-represented litigants and legal professionals

REVIEWED NOVEMBER 2026

Court of Appeal of Alberta

COMPILED BY COURT OF APPEAL STAFF

Contact information

The Court of Appeal is the highest court in Alberta with offices in Edmonton and Calgary. These offices are called the Registry. Hours of operation are Monday to Friday from 8:15 a.m. to 4 p.m. The Registry is closed on weekends, statutory holidays and between Christmas and New Year's Day.

Edmonton
Court of Appeal of Alberta
Law Courts Building
1A Sir Winston Churchill Square
Edmonton AB T5J 0R2
Edmonton.Registry@albertacourts.ca
Phone: 780-422-2416
Fax: 780-422-4127

Appeals of matters that originate north of Red Deer are filed in Edmonton.

Calgary
Court of Appeal of Alberta
2600, 450 – 1st Street SW
Calgary AB T2P 5H1
Calgary.Registry@albertacourts.ca
Phone: 403-297-2206
Fax: 403-297-5294

Appeals of matters that originate in or south of Red Deer are filed in Calgary.

The information contained in this Guidebook is an overview of the relevant legislation, the Alberta Rules of Court and Consolidated Practice Directions. It is not intended to be a substitute for the *Rules of Court* or the Consolidated Practice Directions. Nothing contained, expressed or implied in this guide is intended as, or should be understood as, legal advice. Court staff cannot provide legal advice or conduct or respond to an appeal on your behalf. To comment on this guide, email communications@albertacourts.ca.

How to use this guide

This is a guide to assist parties who are responding to an appeal of a civil decision from a lower court, board or tribunal at the Court of Appeal of Alberta. It offers step-by-step information to respond to an appeal from filing to judgment.

There are three guides on civil appeals.
In addition to this guide, there is a **Civil Appellant Guide** and a **Civil Applications Guide**.
If you are bringing an appeal, use the *Civil Appellant Guide*. All parties should refer to the *Civil Applications Guide* if they require information on preparing applications related to an appeal.
Civil appeals are governed by Part 14 of the *Alberta Rules of Court*. If there is an inconsistency between this guide and the *Rules of Court*, the *Rules of Court* apply.

If you have not yet responded to an appeal, start at Part 1, which includes general information on alternatives to an appeal.

Part 2 outlines how litigants respond to appeals, while Part 3 offers guidance in preparing and submitting the documents needed for the appeal hearing.

Consult Part 4 for information on finding and providing the authorities you will need to support/prove your legal arguments and consult Part 5 if you need to make an application to the Court that is related to your appeal or see the *Civil Applications Guide*.

Part 6 introduces the Court's alternative dispute resolution processes, while Part 7 details the scheduling of an appeal or permission to appeal hearing.

Part 8 includes information on preparing for a hearing and what to expect at a hearing. Part 9 outlines what happens after a hearing and Part 10 includes miscellaneous items.

To navigate this guide, we recommend using the table of contents and an internal search function[1] to find the specific topics and terms you need.

[1] For example, on a Windows computer use Ctrl + F.

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Part 1

Part 1 | Before responding to an appeal

Before responding to an appeal at the Court of Appeal of Alberta, it is important to understand the limits of an appeal and the appeal process.

While parts of this chapter are more relevant to the appellant, it provides background for all parties.

Consider the following preliminary questions:

Understanding Appeals

- What is an appeal? How is it different from a trial?
- Are there alternatives to appealing: varying an order, settling?
- What is the difference between a right to appeal and permission to appeal?

Time Considerations

- How long will an appeal take?

Legal Assistance

- Do I need a lawyer?
- Can I get legal assistance?

Financial Considerations

- What are the costs?

Using an Interpreter

- Do I need an interpreter? See **Part 1.5**.

1.1 Understanding appeals

A. What is an appeal?

An **appeal** is a request made to a higher court to correct errors in a decision made by a lower court or tribunal.

The person who brings the appeal is called the **appellant**. The other party is the **respondent**. There may be multiple appellants and/or respondents on a single appeal. There can be other parties, such as **intervenors**.

Important! An appeal is a limited review of what happened in the court or tribunal below. An appeal is not a re-trial or a rehearing of your case.

- Only evidence (oral or written) and exhibits provided in the lower court can be considered by the Court of Appeal; anything else is considered **new evidence**. Generally, new evidence is not allowed. (See the limited exception for an 'application to admit new evidence' in the *Civil Applications Guide*.)
- Witnesses are not called and there is no jury on an appeal.
- To succeed in an appeal, an appellant needs to show:
    - The decision-maker in the lower court or tribunal made a factual or legal error at the trial or in the decision,
    - This error affected the outcome of the case, and
    - The error must be corrected.
- The respondent responds to the appellant's arguments.

I. GROUNDS OF APPEAL

Three main types of errors, also called the grounds of appeal, can be raised at the Court of Appeal:

- **An error of law**: concerns the legal test that should be applied in a given situation.
- **An error of fact**: concerns the relevant events between the parties that affected the decision.
- **An error of mixed fact and law**: concerns the application of a legal standard or principle to the specific facts of a case.

- These alleged errors, or the appellant's reasons for appealing the decision, are also called the grounds of appeal.

II. STANDARD OF REVIEW

It is not enough for the appellant to simply show there was an error in the lower court or tribunal's decision.

- The appellant must show the error meets a minimum threshold standard or level referred to as the **standard of review**. The standard of review varies depending on the type of error alleged.

- For example, for an error of fact, the standard of "palpable and overriding" error is high. This is explained at **Part 3.2.C.V.**

B. Alternatives to appealing

There are several alternatives to an appeal. Options may include applying to vary the order at the lower court or settling with the other party.

I. APPLYING TO VARY AN ORDER

In limited situations, where there is new information or circumstances have changed, the lower court may consider varying its decision. A party may be able to apply to the lower court to vary a decision instead of appealing it.

II. WAITING FOR AN ORDER TO EXPIRE

If an order has an expiry date, consider how much time remains and whether the order may expire before the appeal is heard and decided.

III. SETTLING THE CASE WITH THE OTHER PARTY

The parties can consider settling the case if appropriate. Settling is reaching an agreement with the other party, rather than have a court deciding for you. Parties can work with a private mediator at any time.

IV. AVOID APPEALS FROM INTERIM DECISIONS

While appeals from interim decisions sometimes occur, they are discouraged. Consider allowing your matter to proceed to trial and reviewing the findings after a final decision is issued. See rule 14.71. Interim decisions are not final.

C. "Right to appeal" to the Court of Appeal explained

A right to appeal a decision to a higher court or tribunal comes from the *Rules of Court* and other legislation. If legislation provides a right to appeal, it may specify the forum, any limits to the right to appeal and any time limits.

- For example, appeals from the following decisions go to the Court of King's Bench (KB), rather than the Court of Appeal:
    - Alberta Court of Justice decisions made in a civil matter (i.e., Small Claims Court)

- Alberta Court of Justice decisions made under the *Family Law Act*.
- Alberta Court of Justice decisions under the *Child, Youth and Family Enhancement Act*.
- Decisions of an Applications Judge of the Court of King's Bench. (Note: A Court of King's Bench Applications Judge is different from a Court of King's Bench judge.)

- Mostly, the Court of Appeal hears civil appeals from decisions of judges of the Court of King's Bench, administrative boards and tribunals and professional regulatory bodies.
- For appeals from decisions made by a lower court, the relevant legislation is typically the *Alberta Rules of Court* or an Act, for example, the *Family Law Act*. For appeals from a board or tribunal, legislation will set out whether a party may appeal and the required steps. In some cases, a party can only appeal to a higher board or tribunal, not to a court.

D. "Permission to appeal" to the Court of Appeal explained

Some legislation provides an appellant with an automatic **right to appeal** to the Court of Appeal. (See box below.) If so, the appellant then files a notice of appeal See **Part 2.6.A.**

- Other times, legislation requires an appellant to first get **permission to appeal,** also called PTA or 'leave to appeal' from a Court of Appeal judge. If permission to appeal is required but denied, the appellant cannot appeal to the Court of Appeal.
- If permission to appeal is required, it affects:
  - Time limits (Section 1.2 below), and
  - Steps and forms required to start the appeal process.

Examples: When automatic right to appeal or permission to appeal applies

Generally, there is a right to appeal to the Court of Appeal from the Court of King's Bench in rule 14.4 for:

- A decision of a Court of King's Bench judge. (This does not include a decision of a Court of King's Bench Applications Judge.)
- However, there are exceptions.

Review rule 14.4(1) of the Alberta *Rules of Court* or any legislation that applies. See Appendix 5 for more examples.

- Permission to appeal is required in some cases, for example, to appeal:
  - A decision made by a single Court of Appeal judge.
  - A decision as to a costs award only.
  - Any decision made under an Act which requires permission to appeal.
  - Any decision that involves an amount that can be estimated in money and is below $25,000 not including costs.
  - Any appeal by a person who has been declared a vexatious litigant in the court appealed from.

See rule 14.5 for more.

1.2 Time considerations

A. What are the time limits to appeal?

The details in this part apply to the appellant and are included for the respondent's information only.

I. AUTOMATIC RIGHT TO APPEAL: FILING A NOTICE OF APPEAL

(a) Under the *Alberta Rules of Court*

This section generally applies to Court of King's Bench decisions, but there are exceptions. See rule 14.5(1).

- If a party has an automatic right to appeal under the *Alberta Rules of Court* and does not need permission to appeal, the time limit to file and serve a notice of appeal (rule 14.8) is generally **one month** from the "date of decision". Read rule 14.8(1) for the definition.
- The "date of the decision" is summarized as the later of:
  - the date the decision is made, or
  - if reasons for the decision are given later, the date the reasons are issued.
- Note: It is **not** the date an order or judgment is filed and served.

- **Important!** Read rule 14.8(1) carefully. Filing late is one of the most common errors made by litigants at the Court of Appeal.

(b) Under a separate Act

If the appellant's automatic right to appeal falls under a different Act, that Act will specify the time limit. Refer to the Act.

II. PERMISSION TO APPEAL: FILING AN APPLICATION

When permission to appeal is required, it is a two-stage process. First, the appellant files an application for permission to appeal. If permission is granted, the appellant then files a notice of appeal. See **Parts 1.1.D** and **2.6.B** for details.

(a) Under the *Alberta Rules of Court*

If the *Alberta Rules of Court* require a party to apply for permission to appeal, the time limit to file an application for permission to appeal (rules 14.8 and 14.44(1)) is **one month** from the "date of decision". Read rule 14.8(1) for the definition.

- The "date of the decision" is summarized as **the later of**:
  - The date the decision is made, or
  - If reasons for the decision are given later, the date the reasons are issued.
- Note: It is **not** the date an order or judgment is filed and served.
- **Important!** Read rule 14.8(1) carefully. Filing late is one of the most common errors made by litigants at the Court of Appeal.

(b) Under a separate Act

If a separate Act requires the appellant to apply for permission to appeal, that Act may specify the time limit. Refer to the Act.

Note: If permission is granted, the appellant then has **10 days** (unless otherwise stated in an Act) to file a notice of appeal (rule 14.8(2)(a)(ii)). An appellant must file **one** notice of appeal only.

Notes for calculating time limits:

- Registry staff cannot calculate time periods for the parties.
- Documents must be both filed *and* served within the time limit stated.

- If a deadline falls on a weekend or statutory holiday, or a day when the Registry is closed, the appellant may file the notice of appeal on the next business day.
- If the appellant is outside the time limit, they will need to apply to a Court of Appeal judge to extend the time limit. See the *Civil Applications Guide*.

B. How long will an appeal take?

Many factors affect the time an appeal takes to move from start to finish.

The *Alberta Rules of Court* sets out deadlines for the required steps within an appeal. However, parties can file documents early or apply to extend those deadlines. Other factors, such as the availability of hearing dates or parties, can also affect the length of an appeal.

It takes about eight months for a standard appeal to be ready to be scheduled for a hearing—if the parties file their documents within the deadlines and without extensions.

Note: The amount of time it takes for a decision to be issued generally depends on the complexity of the matter. In practice, for most appeals, a decision is issued within three to four months of a hearing.

1.3 Legal assistance

A. Do I need a lawyer?

You are not required to have a lawyer to respond to an appeal. You can represent yourself throughout the appeal and during the appeal hearing.

Note: Self-represented litigants are required to know and apply the rules under which litigation is conducted. See Ouellette v Law Society of Alberta, 2021 ABCA 99 at para 99.

- Appeals, particularly family law appeals, can be emotional. It is often difficult to separate the legal issues from the emotions. This may impair a party's ability to adequately present the legal issues. Consider this challenge before deciding to represent yourself.
- Appeals are different from trials. They typically require significant legal research to show any legal errors made by the lower court or tribunal. The standard of review, outlined in **Part 3.2.C.V**, can be challenging to identify and meet.
- Because the law and appeal process are complex, getting help is recommended. See Appendix 5 for resources to find legal information and lawyers.

B. Can I get subsidized legal assistance?

Free (pro bono) or subsidized legal assistance may be available. Some resources in Appendix 5 offer free or subsidized legal assistance.

Some lawyers provide "unbundled" services, which can reduce the cost of legal assistance. This means a lawyer assists with part of an appeal, such as providing initial legal advice or drafting a factum, rather than representing and assisting you for the whole appeal.

1.4 Financial and time considerations

Appeals are costly and time-consuming whether a party has a lawyer or not.

- Parties are responsible for all costs associated with an appeal, including legal fees.
- Before responding to an appeal, it is helpful to discuss your case with a lawyer. This step is recommended even if you plan to self-represent. The main costs a self-represented respondent faces on appeal are the appellant's legal costs (if any) if the appellant succeeds, and personal time and costs invested.
- Some costs to consider include:
    - Filing fees
        - The appellant pays the filing fee required to start the appeal. (For your information only, filing a notice of appeal or an application for permission to appeal costs the appellant $600. The fee must be paid in full before the appeal can be filed.) Refer to the fee guide at albertacourts.ca/ca or Appendix 6.
        - If you need to file an application to a single appeal judge or panel during the appeal (see **Part 5**), the cost is $100.
        - Either party may apply and qualify for a fee waiver. This allows the Court of Appeal to waive certain document filing fees. To receive a fee waiver, you need to meet eligibility requirements and submit an application form, the Court and Justice Services' fee waiver and statement of finances, to the relevant Court of Appeal Registry. A waiver covers filing fees only—not transcripts and other required fees.
    - Transcripts
        - The appellant orders and pays for required transcripts from a lower court. A respondent rarely orders transcripts. A respondent will only order

transcripts if they believe additional transcripts are required in addition to those provided by the appellant. Transcripts can cost hundreds or thousands of dollars.

- Legal costs awards
  - If the appellant is successful on appeal, the Court can order you to pay their legal fees and disbursements (filing fee, transcripts, etc.), even if you are self-represented or face financial difficulties. This can be thousands of dollars.
- Time
  - Preparing for an appeal, including learning the rules and drafting all required documents such as factums, is time-consuming. Consider the time you have available to research the law and meet your deadlines.

1.5 Using an interpreter

If required, litigants may arrange for an interpreter at a hearing. In civil appeals, the litigant is typically responsible for arranging and paying for the interpreter.

- There are several resources available to help you find an interpreter. Both the **Alberta Court Interpreters Association** and the **Association of Translators and Interpreters of Alberta** publish directories.
- If you plan to bring an interpreter to your oral hearing, advise the Court by uploading a letter to the Registrar in the Court of Appeal Management System (CAMS). CAMS is explained in **Part 2**.
- If you have trouble finding an interpreter, contact the Registry.


Part 2

Part 2 | Responding to an appeal

An appeal begins when the appellant files materials with the Court of Appeal to appeal a decision from a lower court or tribunal.

A respondent will typically learn that an appellant has started an appeal in one of two ways:

- When served with a copy of a filed notice of appeal or a filed application for permission to appeal; or
- When the appellant or their lawyer reaches out to discuss potential hearing dates for a permission to appeal hearing.

This section outlines the first steps the respondent takes to respond to an appeal.

The Respondent's Initial Steps:

- Open a CAMS account if you don't have one to get access to the new appeal. See **Part 2.2.B**.
- Request access to the new appeal. See **Part 2.2.B.**
- If the appellant required Permission to Appeal, follow the steps you must take as outlined in **Part 2.6.** Otherwise, go to **Part 3**.

This part also summarizes the steps the appellant took to start the appeal and information about the Court and appeal process.

Importantly, this section explains how to use the Court of Appeal Management System (CAMS), how to set up a CAMS account and request access to your appeal (**Part 2.2**), how to submit documents that comply with the rules (**Part 2.3**), how Court staff can help (**Part 2.4**), and preparing for an appeal hearing or permission to appeal hearing (**Part 2.6**).

2.1 Preliminary items

A. Stopping (or staying) the enforcement of a decision

An appeal from a decision made by a lower court or tribunal does not automatically stop that decision from having effect.

If a party wants to apply to stop the order from having effect, they must make a request to a judge by filing an application for a stay and paying a fee. A party can make an application for a

stay to the lower court judge or to a Court of Appeal judge. See the *Civil Applications Guide* for information on preparing an application to a Court of Appeal judge.

B. The importance of deadlines

Required: All litigants, including self-represented litigants, are required to follow the *Alberta Rules of Court*. Identify any deadlines you must meet by reviewing them. Deadlines are discussed in **Parts 2** and **3** of this guide. File and serve required documents well in advance of a deadline.

Do not wait until the final day of your deadline to upload documents. A document is not filed until it is reviewed and stamped "Filed" by the Registry.

Note: Documents uploaded after business hours (**after 4 p.m**.) are processed the next business day. If filed, they will be **stamped with the date they are reviewed**, not the date uploaded. Documents uploaded **after 4 p.m.** on the day of the deadline have missed the deadline.

I. CONSEQUENCES OF MISSING A DEADLINE

The impact of missing a deadline depends on which party missed the deadline and when.

II. WHEN THE APPELLANT IS LATE STARTING AN APPEAL

If an appellant is outside the time limit to file a notice of appeal or application for permission to appeal, the appellant will need to apply for an extension to a Court of Appeal judge. See the *Civil Applications Guide*.

III. WHEN THE APPELLANT MISSES A DEADLINE AFTER THE APPEAL STARTS

If the appellant misses a deadline after the appeal has started, the appeal will be struck. When an appeal is struck, it is stopped, and the case is closed.

- If the appeal has been struck and the appellant wants it to continue, they can apply to restore the appeal for a fee.
    - First, the appellant should ask the other parties if they consent to the request to restore. Then:
        - If the other parties consent, the appellant can apply to the Case Management Officer (CMO) asking to restore the appeal. Their letter will explain why the deadline was missed, propose a deadline for filing outstanding materias and note other parties' consent. It will copy all parties and be uploaded in CAMS. See **Part 2.4.C.II** for information on how to contact the CMO.

        - If the other parties do not consent, the appellant must apply to a Court of Appeal judge to have the appeal restored. See the *Civil Applications Guide*.
- If an appeal is struck and not restored, the appeal is deemed abandoned:
    - For fast-track appeals: Within **three months**
    - For standard appeals: Within **six months**
- The appellant may apply to restore an appeal that has been deemed abandoned.

IV. WHEN THE RESPONDENT MISSES A DEADLINE

(a) On the appeal

If the respondent misses a filing deadline and uploads materials late, the Registry will stamp those materials "Filed Late". Cost consequences may apply (rule 14.90).

If the respondent does not file a factum before the appeal hearing, they will not be allowed to present oral argument at the hearing unless the panel of judges decides otherwise (rule 14.23(3)).

(b) On a cross appeal

If a respondent files a cross appeal, additional deadlines will apply. See Appendix 9. The parties may contact the CMO for information.

2.2 CAMS accounts

A. Introduction to CAMS

The court record at the Alberta Court of Appeal is electronic. Litigants and lawyers start appeals, upload materials, access their case information and communicate with the Court electronically through the Court of Appeal Management System (CAMS). It is a secure document management and electronic filing system. When an appeal begins, an electronic file is created in CAMS prior to the official appeal number being assigned. The file contains all the appeal information.

Parties can access CAMS 24/7 outside maintenance times.

I. USING CAMS IS MANDATORY

All parties are required to upload their documents in CAMS. See the **Court of Appeal of Alberta Practice Direction on Electronic Filing** for more information. An exception may apply if a party has an e-filing exemption (see **Part 2.2.A.V** below). The Registry allows the appellant or applicant to submit their first document at the Registry counter or by email, but CAMS is preferred.

II. DEVICES TO USE WITH CAMS

Use a computer to access CAMS. If you do not have access to a computer that allows you to create and upload documents, you are welcome to use a public computer located outside the Registry offices in Edmonton and Calgary.

Note: CAMS is not suitable for mobile devices.

III. BUSINESS HOURS

You can upload documents and access your file through CAMS 24/7 apart from maintenance times. Technical assistance with CAMS is available during business hours only, from **8:15 a.m. to 4 p.m.**

Note: Documents uploaded after business hours (**after 4 p.m.**) are processed the next business day. If filed, they will be **stamped with the date they are reviewed**, not the date uploaded. Documents uploaded after 4 p.m. on the day of the deadline have missed the deadline.

Access the Manual and Tip Sheets in CAMS at any time, including 'how to' videos, a comprehensive **manual** and an FAQ section.

IV. WHEN NOT TO USE CAMS

CAMS is **not** used to:

- Pay fees
- Upload transcripts. Transcripts are only filed here: **https://www.albertacourts.ca/ca/transcriptfiling**
- Upload documents intended for the Court of Justice or Court of King's Bench

V. CAMS FILING EXEMPTION

The CMO may grant exemptions from electronic filing in rare situations. To apply for an exemption, submit a **Request for Exemption from Electronic Filing** form to the Registry. If an

exemption is granted, it will detail how you need to submit documents outside CAMS. You will still need a CAMS account to view documents and correspondence.

B. Set up a CAMS account and access an appeal

All parties require a CAMS account, even parties with an e-filing exemption. This is how the Court will send information and Court communications to you—through letters uploaded to CAMS.

- Only the person who electronically uploads the commencement document (the notice of appeal or application for permission to appeal) gets automatic access to the appeal in their CAMS account.
- If you are a respondent who is represented by a lawyer, your lawyer will get access to the appeal in CAMS on your behalf.
- Self-represented respondents and lawyers for respondents must have access to a CAMS account and then request access to the appeal file in CAMS. Follow the steps below:

I. SETTING UP A CAMS ACCOUNT

If you already have a CAMS account, use your existing account and go to **Part II** below for instructions to request access to the appeal.

If you are a self-represented respondent or lawyer without a CAMS account, go to https://cams.albertacourts.ca/public-portal/ to set one up.

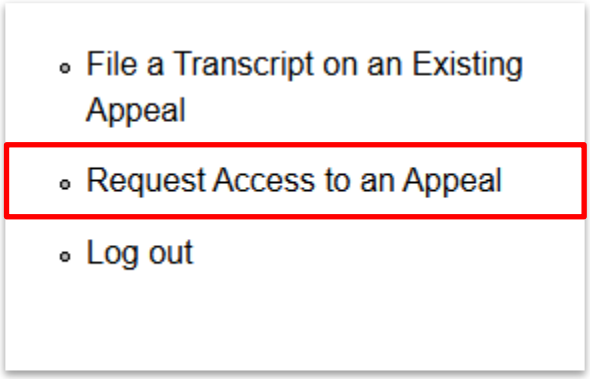
Watch the video tutorial under the Manual/Tip Sheets tab on the CAMS home page:

- Click on "To Register for an Account."
- Select the correct type of account, either law firm or self-represented litigant.
- Submit your request to register. You will receive messages by email, including that your request is pending approval. Respond to all messages.
- Once your account is approved, you will receive another email. It includes a one-time link to finish setting up your account. We **highly recommend** you clear your browsing data (cache) before clicking the link to finish setting up your account.

Once you have an account, go to **Part II** below to request access to the appeal.

II. REQUESTING ACCESS TO THE APPEAL

- Log in to your CAMS account to request access to an appeal. Click on **Request Access to an Appeal** on the left side menu.



- On the new page, click on the link to request access to an appeal. It will take you to the CAMS support online form. In the drop-down list at Question 1, select **Access to an appeal**.
- Fill out the form and specify that you are the respondent or respondent's lawyer or law firm.
- You will be notified when you are granted access to the appeal.

III. VIEWING AN APPEAL

Once you have access to the appeal, you will be able to view the appeal in your CAMS account and upload documents.

This video tutorial shows you how.

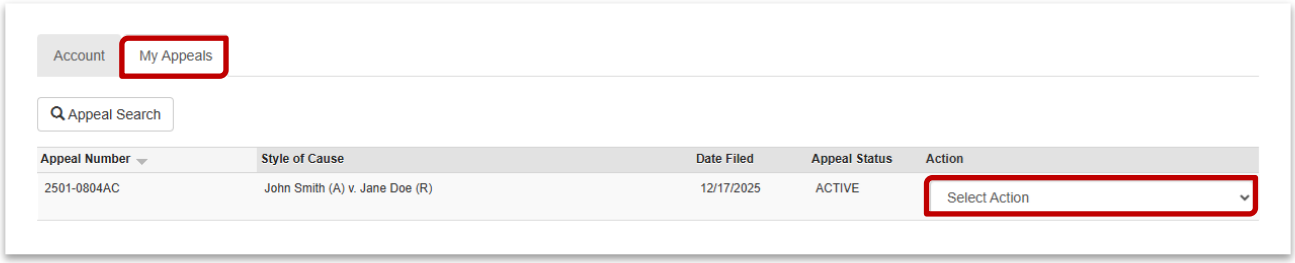
C. CAMS basics

Emails about your CAMS account or your appeal come from CAMSInquiries@albertacourts.ca. Ensure your spam filters do not block this email address. (Search how to "whitelist" an email address online.)

- You will only receive email notices about documents uploaded in CAMS if:
  - You are the person who submitted a document for filing, or
  - The Court has created or modified a document addressed to you.
- Letters and other documents from the Court will not be sent to you by mail, fax or email. Log in to your CAMS account to retrieve and review these documents. They may contain important information such as deadlines, directions or hearing dates.
- Ensure the document name of any PDF document you upload is between 25-35 characters. Do not include symbols, spaces or periods (except for the period before the

document extension, for example, .pdf) Once a document is uploaded and filed, the Registry may change the document name.

- Each time you correctly upload a document in CAMS, you will receive an email acknowledging that the document has been uploaded. If you do not receive this email, the document did not upload correctly.
- After the Registry reviews a document, you will receive another email advising whether the document was filed, filed on conditions or rejected.
- Uploaded documents will appear on the court record in CAMS when the Registry files them.
- **You must serve documents yourself. Filing in CAMS does not amount to service on other parties.** See Appendix 8: Introduction to Service for details.
- To upload documents in CAMS, use the Action column that appears in the My Appeals tab (see below.) When you are in the My Appeals tab, you should see the Action column on the far right of your screen.



- If you do not see the Action column, adjust the zoom on your browser so the full web page is showing, and the action menu is visible. To zoom out, press CTRL and the "-" (minus) sign. You should now see the Action column on the far right of your screen.

2.3 Submit documents that comply with *Rules*

After a party submits a document, the Registry stamps the document with the filing date if it complies with Court requirements. A document is "Filed" when the Registry stamps it.

- The following resources can assist in drafting documents:
  - The Manual/Tip Sheet section in CAMS:
    - Mandatory requirements and check/return forms for each document type
    - Electronic filing and formatting requirements
    - Document formatting guidelines

        - Document preparation tips
    - Information Sheets on the Court's website.
- If a document does not comply with the requirements, the Registry may reject it. If an appellant misses a deadline, the appeal will be struck. An appeal will not be struck if a respondent misses a deadline. Other consequences apply. See **2.1.B** above.
- If a document is not stamped "Filed" and is returned to you or the document is filed on conditions, you will receive an email notification. Review the relevant check/return form in CAMS. It will highlight the issue(s).
    - If the document was not filed by the Registry, correct the issue(s) and upload the document again so it can be stamped "Filed."
    - If the Registry filed a document on conditions, you will be given 24 to 48 hours to correct and resubmit it. Email the corrected document to the relevant Registry at Calgary.Registry@albertacourts.ca or Edmonton.Registry@albertacourts.ca so the Registry can replace the document.

2.4 How Court staff can help

Court of Appeal staff, including Registry clerks, case management officer and CAMS staff, can assist you with information to progress an appeal.

While staff can give information about the appeal process, they cannot give legal advice.

A. What is legal advice versus legal information?

I. LEGAL INFORMATION

Legal information explains the law and legal procedure in general terms. The information is not applied to the facts in your individual case. Someone who provides legal information can tell you about the available options, but they cannot tell you what you should do or give you an opinion about your situation.

II. LEGAL ADVICE

Providing legal advice involves applying the law—legal principles, legislation and case law—to an individual's situation. If you hire a lawyer, they can provide you with legal advice. They can give you an opinion about your case and make recommendations about what you should do.

Court staff can only provide legal information.
They cannot provide legal advice.

A range of resources are available to assist litigants with an appeal. See Appendices 1 and 5 this guide, the *Alberta Rules of Court* and the Court of Appeal website.

B. Registry clerks

Registry clerks work at the Court's Registry offices in Calgary and Edmonton.

They are responsible for maintaining the court record, clerking appeal hearings and assisting members of the public, counsel and litigants.

I. HOW REGISTRY CLERKS CAN HELP

Registry clerks can:

- Answer questions about procedure or the *Alberta Rules of Court*.
- Send details and login information for virtual hearings.
- Review and file materials that are submitted for an appeal file in compliance with the *Alberta Rules of Court* and the *Court of Appeal Practice Direction on Electronic Filing*.
- Send directions received from a judge or CMO to the parties via a letter uploaded in CAMS.

Registry clerks do not act for either party and cannot give legal advice. They can provide legal information only.

II. CORRESPONDING WITH THE REGISTRY

Lawyers and self-represented litigants can contact the Registry by submitting a letter in CAMS, by email or phone, and in person at the Registry counter.

If you are represented by a lawyer, you must communicate with the Registry through your lawyer.

Calgary	Edmonton
Email: Calgary.Registry@albertacourts.ca	**Email:** Edmonton.Registry@albertacourts.ca
Phone: 403-297-2206	**Phone:** 780-422-2416

Calgary	Edmonton
Address: 2600, 450 – 1st Street SW Calgary AB T2P 5H1	**Address:** 1A Sir Winston Churchill Square Edmonton AB T5J 0R2

C. Case management officers

The case management officer (CMO) is a senior staff lawyer who manages the progress of all matters before the Court. The CMO reviews all appeals from the start to identify and resolve issues related to an appeal's progress. The CMO can also decide a wide range of applications and issue administrative directions.

- The CMO does not act for either party and cannot provide legal advice to the parties (see **Part 2.4.A** above.)
- For information on how to request an administrative direction from the CMO, see subsection II below.
- **Please note, while you can send an email to the CMO, do not send the CMO documents attached to an email. The CMO cannot upload documents into CAMS for parties.** All documents must be uploaded electronically using CAMS unless you have an electronic filing exemption (see **Part 2.2.A** above.) In that case, submit your documents as directed in your exemption.

I. HOW THE CMO CAN HELP

CMOs can answer questions related to procedure or the *Alberta Rules of Court* and issue various administrative directions. Review the CMO Information Sheet.

- You can apply to the CMO to[2]:
  - Categorize an appeal as fast-track or standard.
  - Make a direction about whether permission to appeal or an extension of time to appeal is required.
  - Set, approve or modify timetables for filings.
  - Grant a fiat to permit the filing of deficient documents, to amend documents and to vary the contents or format of documents to be filed.

[2] This list is not exhaustive.

- Restore an appeal by consent.
- Set, adjourn or reschedule an appeal.
- Settle the terms of orders or judgments or approve an order or judgment (when it is to be filed without all signatures or after the deadline in the *Rules*.)
- Enforce, stay, shorten or extend any timeline or deadline in the *Rules* (except for the deadline to file an appeal or application for permission to appeal if permission is required.)
- Amend a filed document or file additional materials after the deadline.
- Provide an administrative direction on other procedural matters.

II. CORRESPONDING WITH THE CMO

This section outlines how lawyers and self-represented litigants can communicate with the CMO. This is done primarily by making an application by uploading a letter in CAMS. (See **Part 2.2** for information on CAMS.) If you are represented by a lawyer, you must communicate with the CMO through your lawyer.

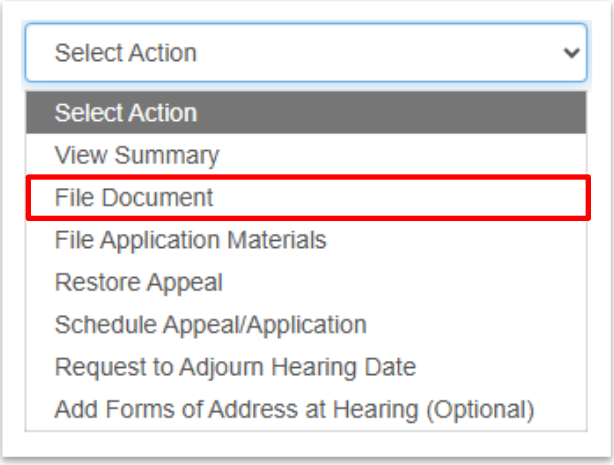
(a) Making requests for administrative directions/decisions

Requests for administrative directions from the CMO are made informally (rule 14.39), subject to any directions from the CMO.

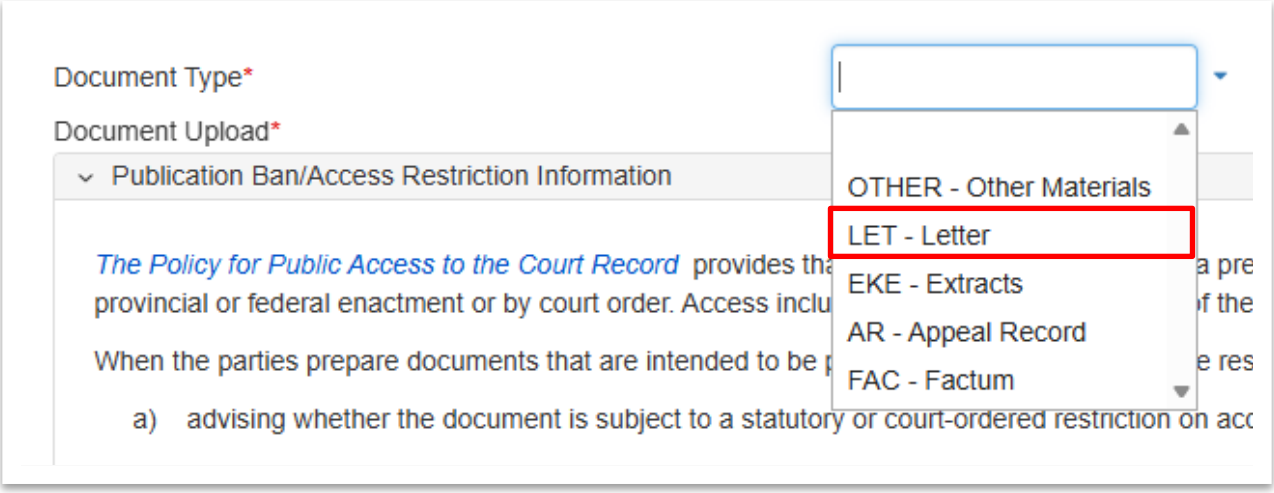
- These applications, generally in writing by letter, must:
  - Give a reason or explanation for the request, even if the other party consents to the request.
  - Provide the other party's position with respect to the request, if known.
  - Be copied (cc'd) to the other party.

Note: The following instructions **do not** apply to applications to restore an appeal by consent. Go to **Part 5** of the *Civil Applications Guide*.

- Upload the letter in CAMS
- Instructions are found in the CAMS Manual at p. 62.
  - Log in to your CAMS account and locate the My Appeals tab. **Select Action** > **File Document**.



- On the page that opens, beside Document Type, select **LET – Letter**, then Choose File to upload the letter.
  The document must not exceed 100MB.



- Answer the questions and click Proceed.
- Each time you correctly upload a document in CAMS, you will receive an email. This automatic email will include a generic link for online payment. Ignore this payment request. No payment is required to file a letter. Emails will come from CAMSInquiries@albertacourts.ca. Please ensure your spam filters do not block this email address. If you do not receive an email from CAMS, the document did not upload correctly.

- The CMO will deliver a decision in writing by uploading a new document in CAMS or by endorsing the party's original letter. You will receive an email notification from CAMSInquiries@albertacourts.ca once the decision is added to the file. Ensure your spam filters do not block this email address. The decisions can only be reviewed by logging in to your CAMS account.
- No fee is paid to make a request for direction from the CMO. Decisions from the CMO can be appealed **within one month** by filing a formal application to a single appeal judge who can rescind, confirm, amend or enforce the decision. See **Part 3** of the *Civil Applications Guide*.

(b) Request legal information

The CMOs can be contacted by email to provide legal information.

- Contact information:
  - Edmonton: Bobbi.McDevitt@albertacourts.ca
  - Calgary: Laurie.Baptiste@albertacourts.ca

D. CAMS administrators—technical support

Self-represented litigants, lawyers and legal support staff can contact the CAMS unit for technical help using the CAMS portal. The CMOs and Registry do not provide technical support.

If you experience difficulties setting up an account, logging in or accessing your appeal, use the online form to request help. Please detail the issue you are experiencing.

CAMS technical support is available between 8:15 a.m. and 4 p.m. on business days, excluding statutory holidays.

2.5 Types of civil appeals

There are two types of civil appeals—fast-track appeals and standard appeals.

The type of appeal you are responding to is important because the rules and deadlines are different.

The appellant will indicate the type of appeal they believe they are making in their notice of appeal, Form AP-1.

Once the appellant's notice of appeal is filed, the appeal type will be confirmed by letter. If a party believes their appeal fits the other category, they may apply to the CMO to change the classification. Reasons must be given. For instructions, see **Part 2.4.C** above.

A. Fast-track appeals

Fast-track appeals are outlined in rules 14.14(1) and 14.14(2) of the *Rules of Court*. They typically include appeals from 'interim' decisions or decisions involving children. If a decision is made by a lower court but the proceedings in the lower court are not finally concluded, then any appeal from that decision will likely be a fast-track appeal.

Fast-track appeals have shorter deadlines and are typically heard more quickly than standard appeals.

B. Standard appeals

Any civil appeal that is not a fast-track appeal is a standard appeal (rule 14.13(1)). See rule 14.14(3) for appeals listed as standard appeals.

Examples:

- Fast-track appeals (rule 14.14(2)):
  - An appeal from a decision made in the Court of King's Bench before a trial concludes.
  - An appeal from a decision as to custody, access, parenting time, child support, etc.

- Standard appeals (rule 14.14(3)):
  - An appeal from a decision staying an action indefinitely.
  - An appeal from a decision refusing to open a default judgment.
  - An appeal from a decision following a trial.

2.6 Responding after appellant files appeal

There are two ways an appellant may be required to start an appeal—either by a notice of appeal or an application for permission to appeal.

This determines the respondent's next steps. The appellant's process is detailed in **Part 2.6** of the *Civil Appellant Guide*.

As noted above in **Part 1.1.C**, the process required to start an appeal depends on the right that the relevant legislation provides:

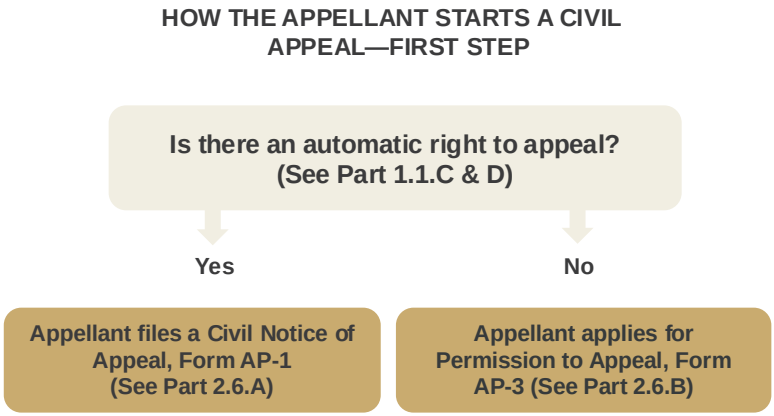


Figure 1: Appellant's first steps to start an appeal

- If there is an automatic right to appeal, the appellant will file a civil notice of appeal as their commencement document to start the appeal.
- If the appellant requires permission to appeal, they will file a civil application for permission to appeal.
- If the appellant does not file the correct document, the CMO will provide the appellant with directions.

A. When an appeal starts with a civil notice of appeal

Follow this section if the appellant has an automatic right to appeal and files a civil notice of appeal to start the appeal. The steps are shown below.

I. HOW THE APPELLANT STARTS THE APPEAL

The appellant completes the notice of appeal Form AP-1, including details of the decision being appealed and the remedy the appellant is seeking.

- The notice of appeal is filed when the Registry stamps it "Filed." The Registry will assign an appeal number ending in AC. Include this appeal number on every document you upload and on all correspondence sent to the Court and CMO.
- The appellant will then serve a copy of the filed notice of appeal on every other party to the appeal.

II. RESPONDENT'S NEXT STEPS

Ensure you have set up your CAMS account and requested access to the appeal. See **Part 2.2.B**.

- All parties will receive an **appeal commencement letter** in CAMS. It includes important information such as how the appeal was classified—as fast track or standard.
- Read the letter and follow the directions.
- If a civil notice of appeal Form AP-1 starts an appeal, the appellant is responsible for the next steps in the appeal process.
- Take time to review the *Alberta Rules of Court*. Go to **Part 3** of this guide to learn about the documents you need to file and when.

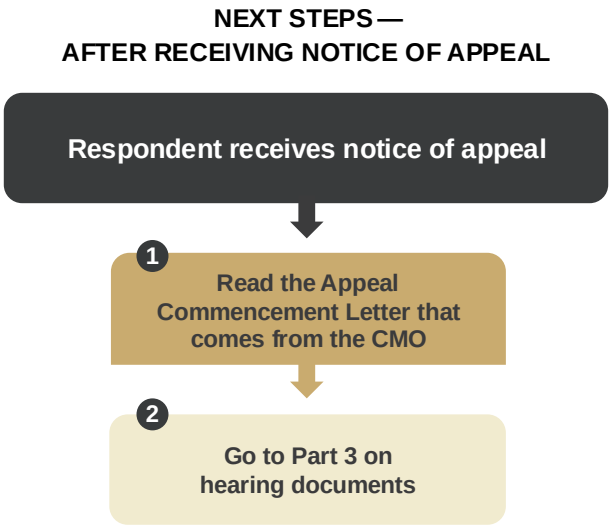


Figure 2: Respondent's steps after receiving a notice of appeal

B. When application for permission starts an appeal

Permission to appeal is explained in **Part 1.1.D**.

This section summarizes the steps an appellant takes to start an appeal—with an application for permission to appeal—and the steps a respondent must take to respond. (Skip this section if the appellant correctly started the appeal with a civil notice of appeal. Go to **Part 3** of this guide.)

I. THE APPELLANT'S FIRST STEPS APPLYING FOR PERMISSION TO APPEAL

If permission to appeal is required by legislation, an appellant must first upload an application for permission to appeal Form AP-3. The appellant will leave the date and time on the application blank at first.

- Additional materials the appellant will file (unless it is an application to preserve time[3]) are:
  - A memorandum of argument. It contains the reasons (the exact questions of law) the appellant relies on to support the request for permission to appeal.
  - A copy of the reasons for the decision from the lower court or tribunal.
  - Other documents to support the application, if required.
  - Accompanying affidavits, if required.
  - An optional chronology. This is a brief list of dates and events only.
- After the appellant provides proof the filing fee was paid (or provides evidence of a fee waiver), the Registry reviews the documents.
- If the Registry stamps the documents "Filed," it assigns an appeal number ending in AC. Include this appeal number on every document you upload and on all correspondence you send to the court and CMO.
- The appellant then serves a filed copy of the application for permission to appeal and any other materials on every other party to the appeal within the time allowed (rule 14.8(2)).
- The Registry will direct the applicant to schedule the hearing date via eScheduling in CAMS. This process is detailed in **Part 7.4**.

The diagram below highlights the respondent's next steps.

[3] If it is for an application to preserve time, the memorandum of argument must be filed at least 10 days before the hearing date to avoid delay.

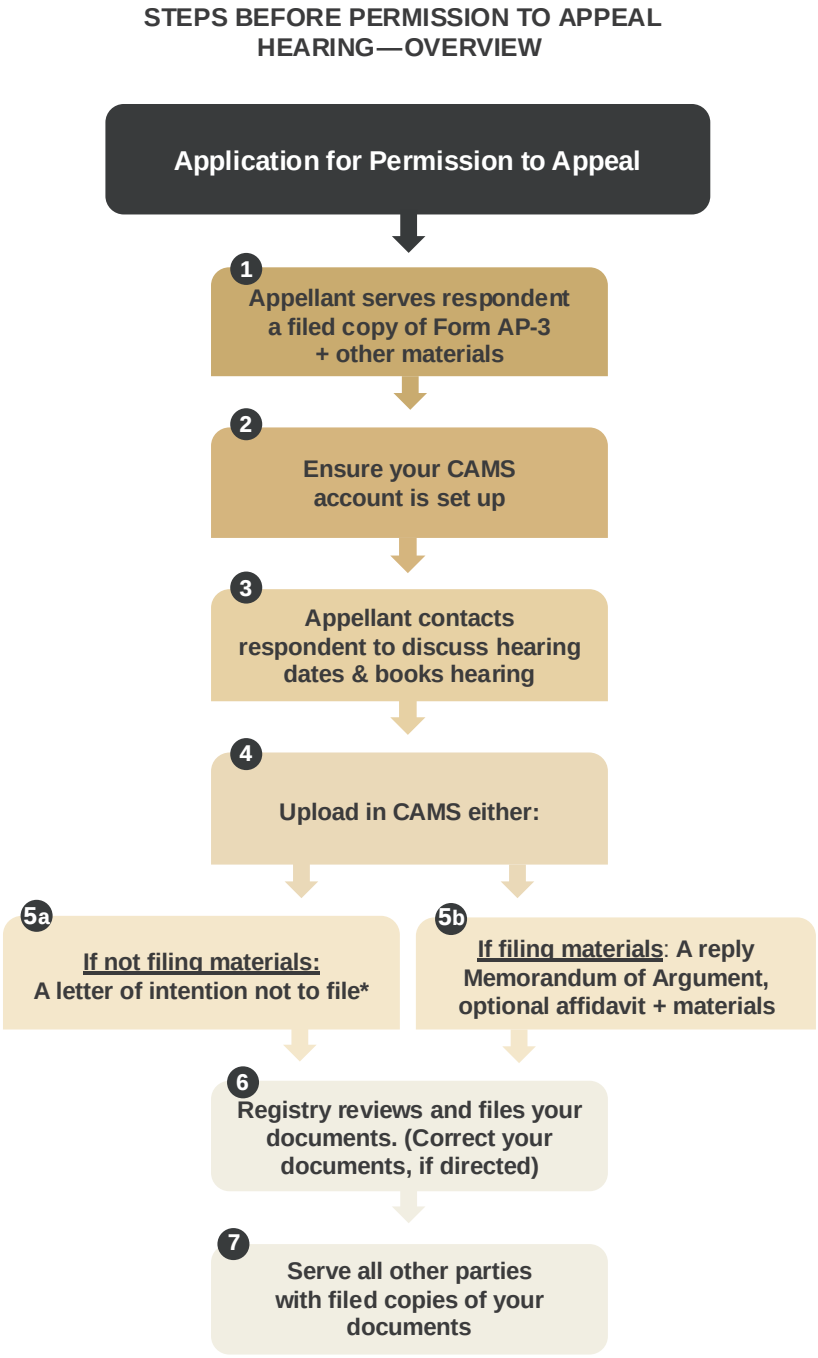


Figure 3: The parties' steps before a permission to appeal hearing

II. OVERVIEW OF RESPONDENT'S NEXT STEPS

The steps noted in the diagram above are explained in this part. Ensure your CAMS account is set up, and you have requested access to the appeal. See **Part 2.2.B** for CAMS information.

Overview of the respondent's next steps on an application for permission to appeal
At least five days before the scheduled hearing of the application (rule 14.41):

- If you plan to file materials in response:
  - File a reply **memorandum of argument**, an optional affidavit and any other materials to be relied on, and
  - Serve a filed copy on every other party.

- If you do not plan to file materials:
  - File and serve a letter indicating that no materials will be filed by the respondent.
  - In this case, you will not be permitted to make oral submissions at the hearing, unless you obtain permission under rule 14.49.
  - Skip steps III and IV below and go to V.

III. DRAFT A MEMORANDUM OF ARGUMENT

A respondent can decide not to file a memorandum of argument. However, without a memorandum of argument, you will not be allowed to present oral argument at the application hearing unless the judge directs otherwise. Filing a memorandum of argument allows the judge to take your counterarguments into consideration.

- Your memorandum of argument will contain your legal argument in response to the appellant's memorandum of argument. For information on drafting a memorandum of argument, see Appendix 12.
- The respondent's memorandum of argument addresses the appellant's reasons (the exact questions of law put forward) for requesting permission to appeal.
- Do not include evidence in a memorandum. Use an affidavit instead.
- Include the appeal number.
- A chronology is optional. It is a brief list of dates and events only.
- If you plan not to file a memorandum of argument, skip to V below.

IV. GATHER AND CREATE OTHER DOCUMENTS YOU PLAN TO FILE

Gather, save and keep any other documents you plan to submit to respond to the application, for example, an affidavit filed in the lower court. You must upload in CAMS any documents to be relied upon. **The Court of Appeal does not have access to lower court files.**

- Supporting documents you can file include:
  - Any other documents you plan to rely on, even if previously filed. These must be attached to an affidavit or a cover letter or combined in a single PDF called "Other Materials".
  - You do not need to upload documents the appellant has already filed.
  - Affidavits, if applicable. See Appendix 12 on drafting affidavits for guidelines. Include the appeal number. Include an affidavit if you are providing evidence. Do not include argument in an affidavit.

V. OR WRITE LETTER OF INTENTION NOT TO FILE—SKIP III, IV ABOVE

Alternatively, if you decide not to file documents for the application for permission to appeal, send a letter of intention not to file any documents. Address it to the Registrar.

Include the appeal number. Copy the other parties.

VI. HOW TO UPLOAD DOCUMENTS IN CAMS

Before you upload documents in CAMS, watch this **video tutorial** that outlines the steps.

Instructions are also found in the **CAMS Manual** at p.66-69 and below.

This **diagram** also outlines the process.

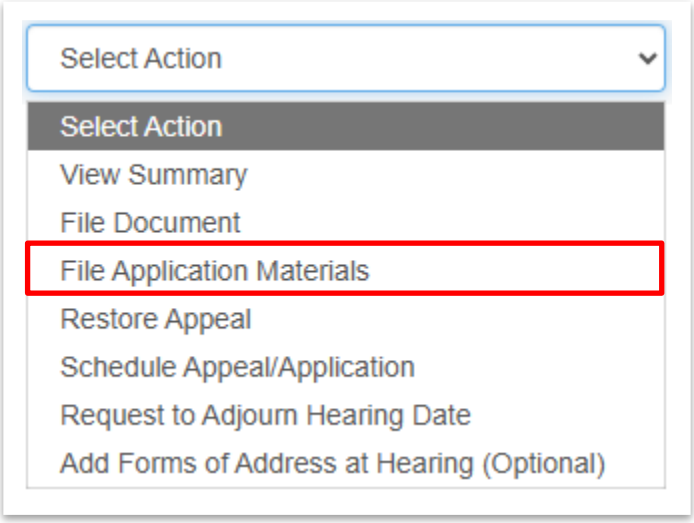
(a) How to upload your documents in CAMS

To file documents in response to an application for permission to appeal in CAMS, log in here: **https://cams.albertacourts.ca/public-portal/**

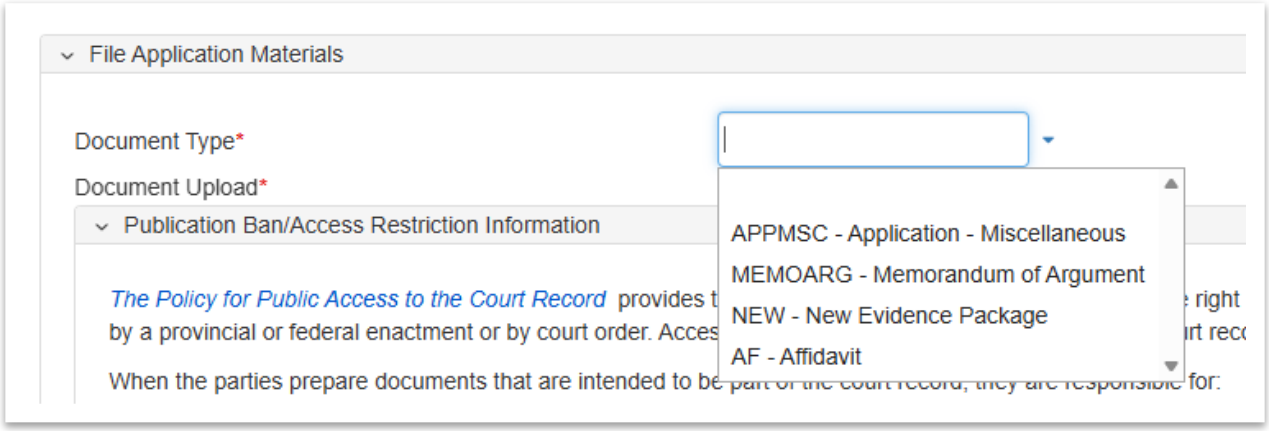
- In the menu on the left of the page, click on: File a Document or Application Materials on an Existing Appeal.



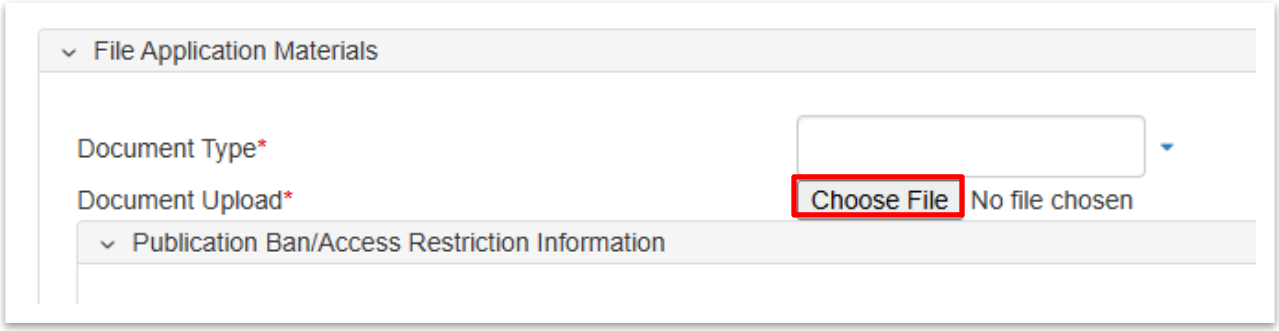
- This takes you to your My Appeals page. If you can't see the appeal, request access to it. See **Part 2.2.B**.
- Your next steps depend on whether you are filing application materials or a letter of intention not to file application materials. See the appropriate section below.
- How to upload application materials (including the memorandum):
  - Locate your appeal and from **Select Action** > **File Application Materials**.



  - After clicking on **File Application Materials**, the page below will open. From the **Select Action** drop-down menu, select the document type you want to upload: **Affidavit**, **Memorandum of Argument** or **Application – Miscellaneous**.

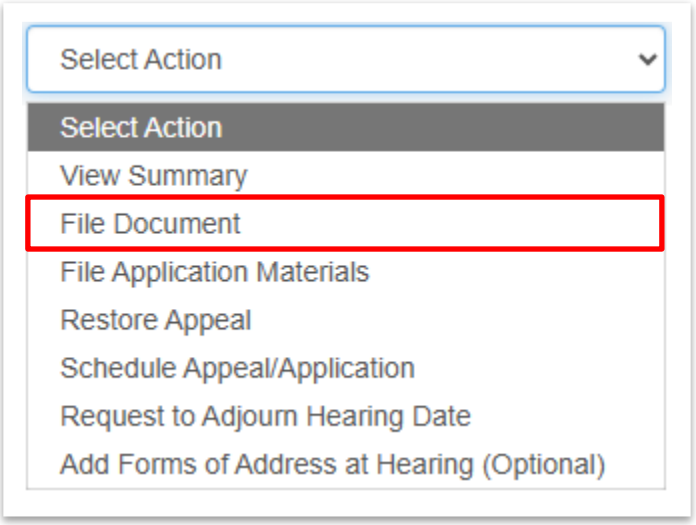


- Beside Document Upload (see below), select **Choose File**.

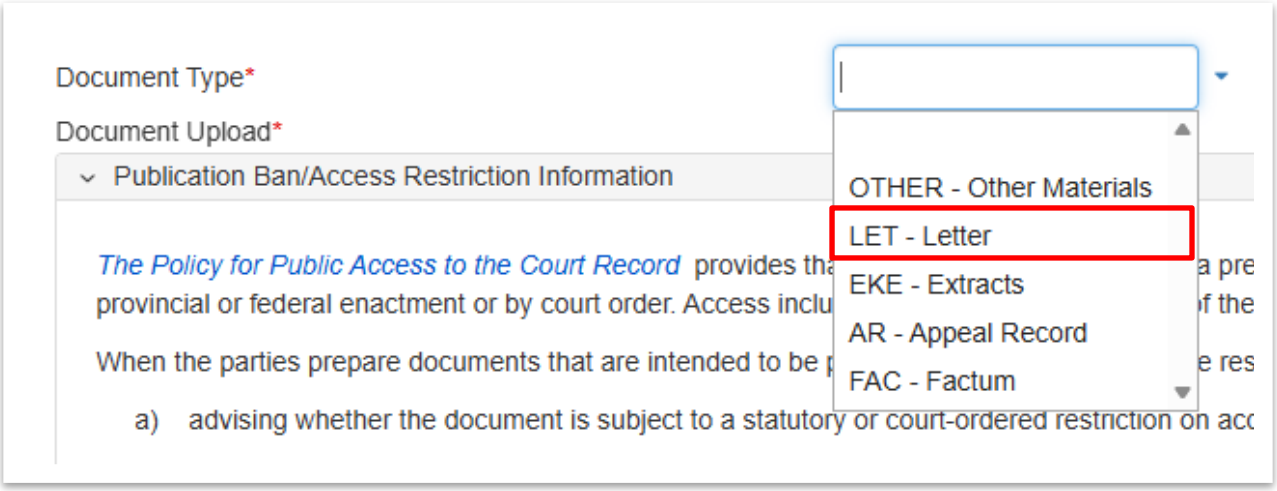


- When the dialogue box opens, choose the file from your computer and upload it. The document must not exceed 100MB.
- Answer the questions about publication bans/access restrictions and click Proceed.

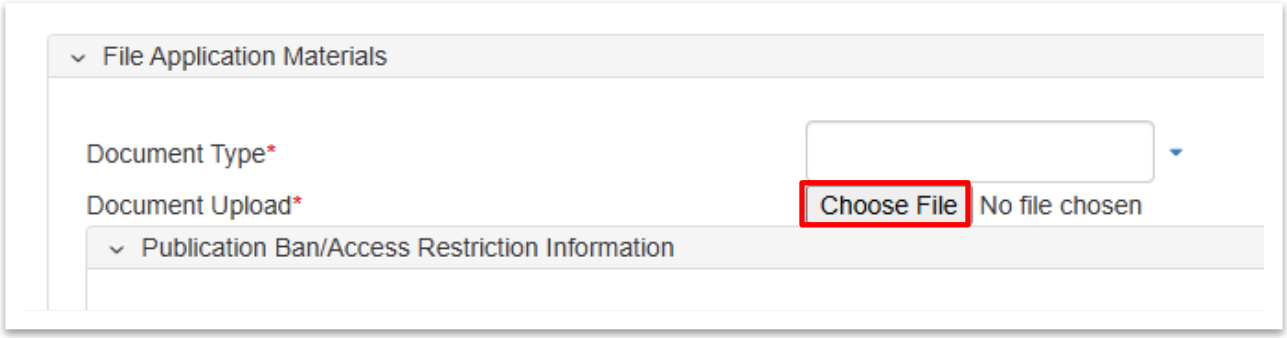
- How to upload a Letter of Intention Not to File:
  - Locate your appeal on the My Appeals page, and from the **Select Action** menu, click on **File Document**.



- From the drop-down menu, select **LET – LETTER**.



- Beside Document Upload, select **Choose File**.



- When the dialogue box opens, choose the file from your computer and upload it. The document must not exceed 100MB.
- Answer the questions about publication bans/access restrictions and click Proceed.

(b) Email confirmation

Each time you correctly upload a document in CAMS, you will receive an email. This automatic email will include a generic link for online payment. Ignore this payment request. No payment is required to upload these documents.

Emails come from CAMSInquiries@albertacourts.ca. Please ensure your spam filters do not block this email address. If you do not receive an email from CAMS, the document did not upload correctly.

Repeat this process to upload each document.

VII. CORRECT DOCUMENT ISSUES IDENTIFIED BY THE REGISTRY

Your documents will be reviewed by the Registry. You will receive an email advising whether the document was filed or rejected. Emails come from CAMSInquiries@albertacourts.ca. Please ensure your spam filters do not block this email address.

If you receive a check/return form, the Registry has found issues with a document that need to be fixed. Correct the documents. Refer to **Part 2.3**.

VIII. SERVE THE OTHER PARTIES

Whether you uploaded application materials or a letter of intention not to file, you must serve the documents on all other parties. Do this after the Registry has filed your documents.

- Download and print your filed documents from CAMS—for example, your memorandum of argument and any other document filed. They show the Registry's filing stamp and filing date.
- Serve the documents on all other parties to the appeal within the time allowed in rule 14.41—at least **five days** before the scheduled hearing.
- See Appendix 8, an introduction to service, for more.

IX. APPELLANT SCHEDULES A PERMISSION TO APPEAL HEARING

The Registry advises the appellant to schedule the hearing date for the permission to appeal application. The appellant should reach out to you to discuss hearing dates.

The steps the appellant will follow to schedule a hearing date are detailed in **Part 7.4**.

X. HEARING DEADLINES

An application for permission to appeal must be heard within **six months** from the date it is filed.

- If not, the application will be deemed abandoned, and the file will be closed unless the CMO directs otherwise (rule 14.44(2)).
- Evidence filed for an application for permission to appeal is used for the permission to appeal application only. It does not become part of the court record for the appeal. The judges who later hear the appeal will not receive it.

XI. THE "PERMISSION TO APPEAL" HEARING

Applications for permission to appeal are heard by a single judge on Wednesdays and Thursdays.

- At the hearing, subject to the judge hearing the matter, you will have a **maximum of 30 minutes** to present your case. Each of the other parties will also have a **maximum of 30 minutes**.
- For more information about the hearing and receiving a decision, see the *Civil Applications Guide*.

XII. AFTER A PERMISSION TO APPEAL HEARING

The respondent's next steps after a permission to appeal hearing depend on the outcome of the application.

(a) Application is granted

If the application is granted, the appellant has **10 days to file** a notice of appeal. This time limit begins on the day permission is granted (rule 14.8(2)(a)(ii)). An appellant can file only one notice of appeal on a matter.

- The appellant will complete Form AP-1. The notice of appeal must include details of the decision being appealed and the remedy the appellant seeks.
- Both parties must include the appeal number on every document they upload and on all correspondence sent to the Court and CMO.
- The appellant will serve a filed copy of the notice of appeal on every other party to the appeal.
- **Appeal Commencement Letter**: Once the appellant's notice of appeal is filed, the CMO will send all parties an appeal commencement letter in CAMS. It includes important information such as how the appeal was classified—fast track or standard—and highlights any issues. Read the letter and follow the directions.
- Go to **Part 3** to view the appeal documents that need to be prepared and filed.

(b) Application is denied

If permission to appeal is denied, there is no appeal and the file is closed.

- Single judge decisions on applications for permission to appeal cannot be further appealed to the Court of Appeal of Alberta (rule 14.5(3)).
- If a party wants to appeal a decision that denied or granted permission to appeal, they can seek leave to appeal to the Supreme Court of Canada (SCC).

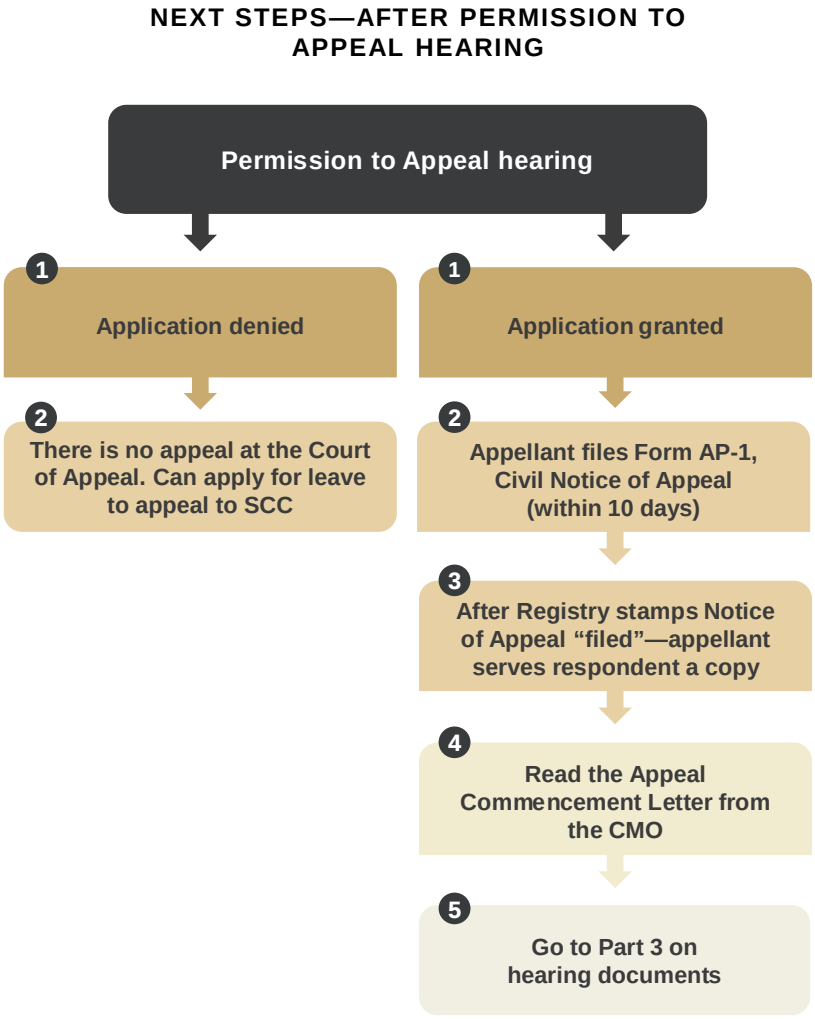


Figure 4: Next steps depend on whether application is granted or denied

2.7 Filing a cross appeal

A respondent may file a cross appeal on the decision that the appellant has appealed. If you believe the decision of the court or tribunal currently under appeal should be varied **in a different way** to the appellant, you may file a cross appeal.

- To file a cross appeal, you must:
  - Within the time limit for filing an appeal; or
  - Within **10 days of being served** with the notice of appeal by the appellant,

whichever is **later**,

- File and then serve on every other party (rule 14.11):
  - A notice of cross appeal, or
  - An application for permission to appeal, if permission to cross appeal is required under rule 14.6(3).
- Appendix 9 provides information about filing a cross appeal.



Part 3

Part 3 | Preparing appeal documents

This section summarizes the documents the appellant will prepare and serve on you before the appeal hearing—the appeal record, factum, and the optional extracts of key evidence.

It also outlines the deadlines, content, formatting and filing requirements for the documents you may prepare, file and serve before the hearing. Your deadlines are not triggered until the appellant's factum is filed and served.

ORDER OF APPEAL DOCUMENTS FILED AND SERVED

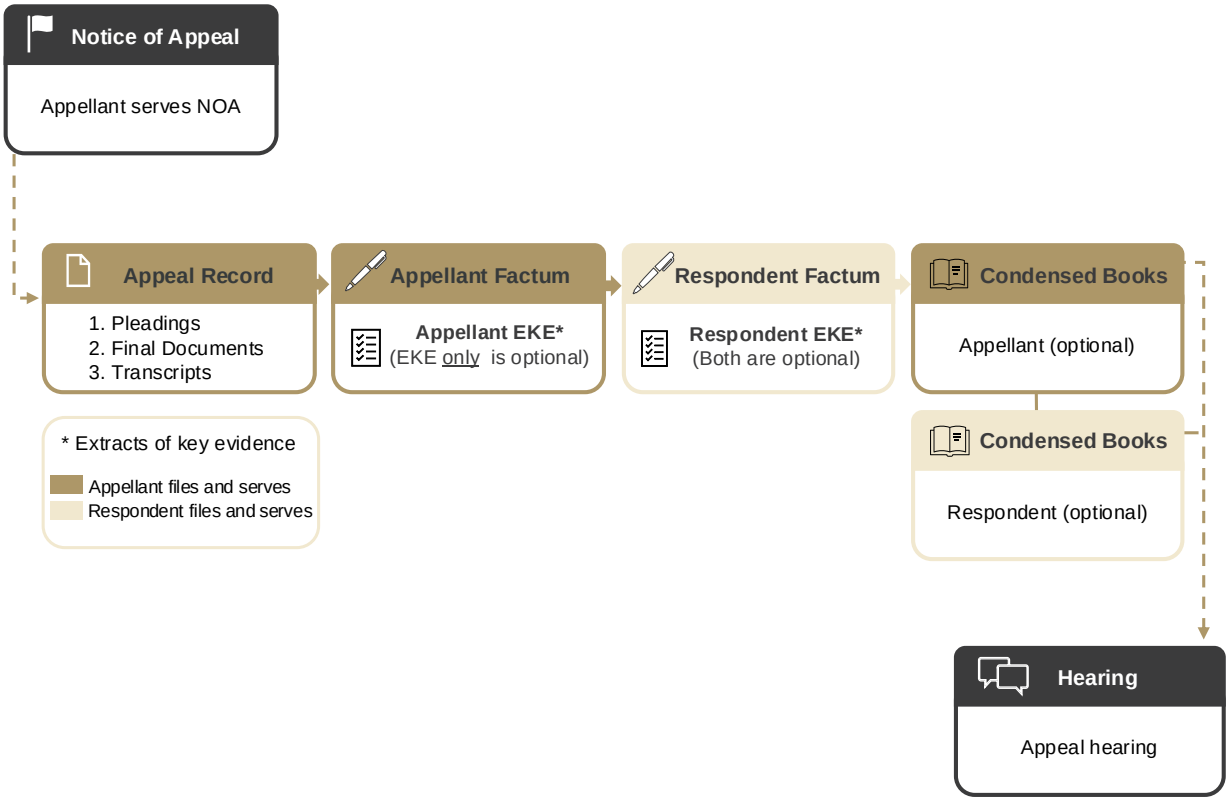


Figure 5: Appeal hearing documents

To avoid delay and ensure the best outcome, read each section and note the requirements and deadlines.

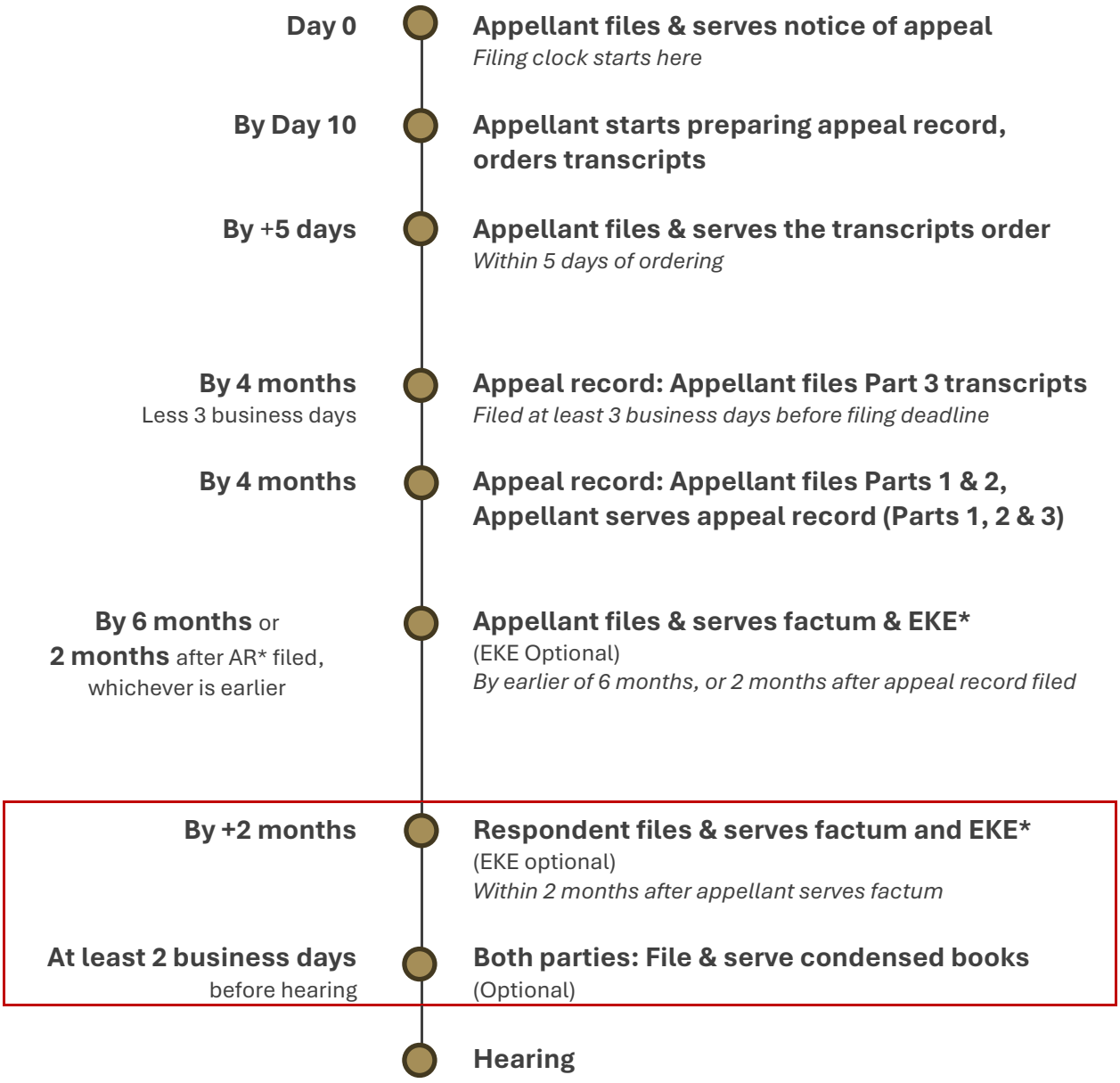
Recommended! File and serve documents well in advance of a deadline. **Do not wait until the final day of your deadline to upload documents.**

The filing process: The filing process begins with a party submitting a document, usually by uploading it in CAMS. The process ends when the Registry stamps the document "Filed". A document is not filed until it is stamped "Filed".

Deadlines for active appeals are displayed in a party's CAMS account under Deadlines. If an appellant misses a filing deadline the appeal will be struck. The appeal will not be struck if a respondent misses a filing deadline. Other consequences apply. See **Part 2.1.B**.

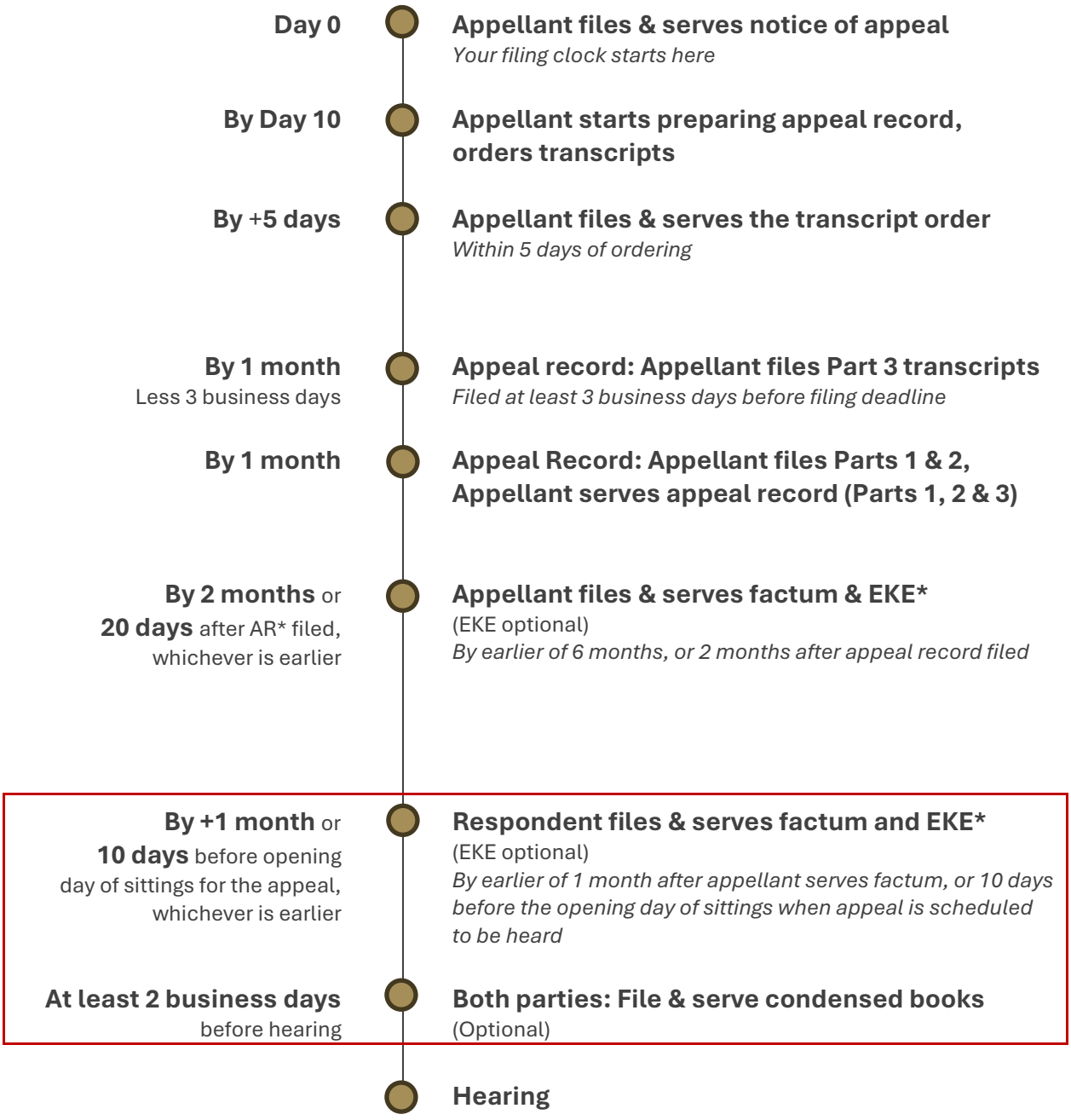
- The parties must identify and meet all deadlines relevant to their appeal or application.
- This section outlines requirements and deadlines for appeal documents. For information about applications (other than permission to appeal applications that start an appeal), see the *Civil Applications Guide*.

RESPONDENT'S FILING DEADLINES
STANDARD APPEAL



* **EKE:** Extracts of key evidence
AR: Appeal record

RESPONDENT'S FILING DEADLINES
FAST-TRACK APPEAL



* **EKE:** Extracts of key evidence
AR: Appeal record

3.1 Appeal record

The appeal record brings together key existing documents and information about the decision under appeal. (For example, the pleadings and decision from the lower court or tribunal, transcripts from that court or tribunal, the notice of appeal.)

- The appellant is responsible for preparing and filing the appeal record, before serving it on the respondent. The process is summarized here for the respondent's information only. The respondent does not file an appeal record. For more detailed information on the appellant's process to prepare and file an appeal record, see **Part 3.1** of the *Civil Appellant Guide*, Overview of Appeal Records & Transcripts and the *Alberta Rules of Court*.
- Note: In limited circumstances, the respondent may order and file transcripts or other relevant documents that the respondent believes are missing from the appeal record. (See **Part 3.1.B**) Include these documents in the respondent's Extracts of Key Evidence.
- The appeal record consists of three parts—Part 1: Pleadings, Part 2: Final Documents and Part 3: Transcripts.

A. The appellant's deadlines

The appellant must begin preparing the appeal record and ordering transcripts **within 10 days** of filing the notice of appeal.

Then, **within five days** of ordering the transcripts, the appellant must file and serve a filed copy of the transcript order on the respondent.

The deadline for filing and serving the appeal record is **within one month** of filing the notice of appeal on a fast-track appeal (rule 14.16), and **within four months** of filing the notice of appeal on a standard appeal (rule 14.16).

B. Ordering transcripts

For information on the steps the appellant takes to order transcripts from a lower court or tribunal, go to **Part 3.1.B** of the *Civil Appellant Guide*.

In rare situations, a respondent may decide to order transcripts. Only do this if you believe the appellant did not provide all the relevant oral evidence, oral argument or oral reasons **necessary to decide the appeal**.

C. Appeal record contents

The contents of the appeal record are explained in detail here to help you navigate this document. The appellant serves all three parts of the appeal record on every other party to the appeal. The three distinct parts are:

I. PART 1: PLEADINGS

The **pleadings** from a lower court or tribunal are presented in chronological order (rule 14.18(1)(b)) including:

- The last version (only) of any pleading that was amended before trial.
- Any amendments to pleadings made at trial.
- If the appeal relates to a decision arising from an application, a copy of the application.

II. PART 2: FINAL DOCUMENTS

Documents for this part (rule 14.18(1)(c)) include:

- The lower court judge's or tribunal's **reasons for the decision** that is being appealed. The reasons may be written or oral. (If applicable, this part should include any decisions made during the trial that are relevant to the issues on appeal.)
- Any **prior decision(s)** of a judge, Applications Judge and/or tribunal that led to the decision now being appealed.
- The **filed judgment or order** for the decision being appealed. (This is usually filed by the successful party in the court below.) The judgment or order is a brief, formal document that records the outcome of a hearing. This is different from the judge's written or oral reasons, called the decision. The decision provides both the outcome and the judge's reasoning/explanation for the outcome.
    - If the judgment or order has not been filed yet, the appellant must include a note in the Table of Contents to explain its absence. The appellant will need to provide a copy before the appeal can be scheduled for hearing.
- Any **restricted court access orders**. Examples of restricted court access orders include publication bans or sealing orders. For information about these orders, see chapters 2, 3, 4 and 8 of the **Court Information Access Guide for Alberta**.

- Any **prior orders**, if required to resolve the appeal.
- The court order granting permission to appeal, if any.
- The notice of appeal.
- The notice of cross appeal, if any.
- Proof of service on the Minister of Justice and Attorney General, if service on them was required.[4]
- If there was no oral record that could be transcribed for Part 3 of the appeal record below (for example, there was no oral evidence, no oral argument or no oral decision), the appellant must include a note to that effect in the Table of Contents for Parts 1 and 2.

III. PART 3: TRANSCRIPTS

This section must include:

- The transcripts outlined in **Part 3.1.B.I** of the *Civil Appellant Guide*
- Part 3 Table of Contents, and
- A list and description of all exhibits that were entered at the trial court and the page in the transcripts where the exhibit was entered

IV. ITEMS NOT TO INCLUDE IN THE APPEAL RECORD

These items must **not** appear:

- Exhibits and other evidence[5]
- New evidence[6]
- Affidavits[7]
- Comment or argument[8]

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[4] For example, if the appellant is arguing that a law is unconstitutional, the Minister of Justice or Attorney General must be advised.
[5] Only provided in extracts of key evidence.
[6] Only provided in an application to admit new evidence.
[7] Can only be provided in extracts of key evidence—if necessary for the appeal.
[8] Can only be provided in the factum.

- Trial briefs[9]
- Legal authorities (Hyperlinks must be provided in the factum or memorandum. Only provide copies if there is no hyperlink.)

D. The appellant serves the appeal record

The appellant will serve a filed copy of the appeal record, including Parts 1, 2 and 3 on every other party to the appeal (rule 14.23(1)).

See Appendix 8 about service.

3.2 Factum

Once the appeal record is filed, the appellant's next step is to file and serve a factum. The factum is a party's written argument. It is probably the most important document they will file.

- After the appellant files their factum, read it and thoroughly review the legislation and case law they rely on. Then prepare, file and serve your factum in response.
  - The respondent's factum should:
    - Respond to the appellant's factum, and
    - Summarize the facts, why you believe the previous decision maker did not make a mistake and why the Court should agree with your position.
- Judges read all factums prior to the hearing, so make your factum thorough yet brief. It is probably the most important document you will file.
- A respondent can choose not to file a factum. However, if you do not file a factum, you will not be allowed to present oral argument at the hearing, unless the panel gives permission.
- If you file a factum, the panel of judges receives your arguments and can take them into consideration.

A. Appellant's factum filing deadlines

The appellant must first file a factum and serve a filed copy on every other party to the appeal.

[9] Can only be included with permission of CMO.

If the appellant's factum is not filed in time, the appeal will be struck.

The deadlines for the appellant's factum are:

I. FAST-TRACK APPEAL

The appellant's factum must be filed and served (rule 14.24(1)) either:

- **20 days after** the appeal record is filed, or
- **Two months after** the notice of appeal is filed,

whichever comes **first**.

- Only if the respondent files a **cross appeal**, can the appellant file a second factum to respond to the cross appeal. This is called a reply factum. See Appendix 9 on cross appeals and rule 14.24(2).
- If the appellant chooses not to prepare a reply factum, they must file and serve a letter of intention not to file a reply (rule 14.23(4)).

II. STANDARD APPEAL

The appellant's factum must be filed and served (rule 14.23(1)) either:

- **Two months after** the appeal record is filed, or
- **Six months after** the notice of appeal is filed,

whichever comes **first**.

- Only if the respondent files a **cross appeal**, can the appellant file a second factum to respond to the cross appeal. This is called a reply factum**.** See Appendix 9 about cross appeals.

B. Respondent's factum filing deadlines

Deadlines for filing and serving a respondent's factum depend on whether the appeal is fast track or standard. If you decide not to file a factum by the deadline noted below, you must instead file a letter of intention not to file a factum.

I. FAST-TRACK APPEAL

The respondent's factum must be filed and served either (rule 14.24):

- **One month after** being served with the appellant's factum, or

- **10 days before** the opening day of the sittings when the appeal is scheduled to be heard,

whichever comes **first**.

II. STANDARD APPEAL

The respondent's factum must be filed and served within **two months** of being served with the appellant's factum (rule 14.23.)

C. Factum contents

The respondent's factum follows the same format as the appellant's factum. A factum must include (rule 14.25(1)):

I. FACTUM COVER

The cover of the respondent's factum uses Form AP-5. It must be coloured green.

II. TABLE OF CONTENTS

The Table of Contents should include all required sections and correct page numbers, starting from the cover page as page 1. See the sample listed in **Part 3.2.E** below.

III. PART 1: FACTS

State your position on the **facts** that the appellant raised in their factum. Raise any other relevant facts as found by the lower court or tribunal.

- Where necessary to decide the appeal, identify the source relied on for each statement of fact (e.g., testimony, an exhibit, reasons for decision) by referring to the page, paragraph or line number where it can be found in the transcript, appeal record or extracts of key evidence.
- No new evidence can be introduced without a formal application. See New Evidence in the *Civil Applications Guide*.

IV. PART 2: GROUNDS OF APPEAL

In this section, state:

- Your position on the appellant's stated grounds of appeal. The grounds of appeal are the errors the appellant says the lower court or tribunal made in their decision. You will find this information in the appellant's factum.

- Any other points you want to raise in response to the appellant's grounds of appeal.

- Keep this section simple and brief. You will write a more detailed explanation of your arguments in Part 4 of the factum below.
- For example: "The appellant has appealed the decision of the lower court (or tribunal) on the following grounds: x, y, etc. On ground x, (state your position) … On ground y, (state your position) … And so on."

V. PART 3: STANDARD OF REVIEW

Include a statement in this section about the **standard of review** proposed by the appellant, whether you agree and why. Which standard of review should apply for each ground of appeal?

- The Court of Appeal will not vary or overturn a decision simply because the appeal judges disagree with it.
- Before the Court of Appeal will vary or overturn a decision, the appellant must show that the lower court or tribunal made an error which meets the required threshold standard. This threshold level varies depending on the type of error alleged and is referred to as the standard of review.
- Different grounds of appeal may attract a different standard of review. The information below is not comprehensive and is **not provided as legal advice**. Consider speaking with a lawyer about the standards of review that apply. They may change over time.

(a) Pure questions of fact

The standard of review for pure questions of fact is "palpable and overriding error". See **Housen v Nikolaisen**, 2002 SCC 33.

- The Court of Appeal will only allow an appeal on a question of fact if it concludes there was a palpable and overriding error.
- According to **Housen v Nikolaisen**, palpable means "plain to see," which sets a high bar for appellants. If there is some evidence to support the decision maker's fact finding or inference of fact, it will be hard to show there was palpable error.
- The respondent should note any evidence the decision maker used to support a fact finding or inference of fact, if this has been called into question.
    - For **inferences of fact**, the error may be with the underlying finding of fact the judge relied on or with the process of making the inference.

- To succeed, the appellant needs to show the fact finding was plainly wrong. The error must have affected the outcome of the case—be "overriding". The respondent will provide evidence to counter this argument.

(b) Pure questions of law

The standard of review for pure questions of law is correctness. See Housen v Nikolaisen, 2002 SCC 33.

For pure questions of law, if the Court of Appeal finds the lower court or tribunal incorrectly decided a question of law, it will substitute its own view on the question of law.

See the discussion of rule 14.75 in the *Alberta Civil Procedure Handbook 2025* (Vol. 2) for more information. See Alberta Law Libraries' information below.

(c) Mixed questions of fact and law

The standard of review for mixed questions of fact and law falls along a "spectrum" which will determine whether the standard of review is correctness or palpable and overriding error. See Housen v Nikolaisen, 2002 SCC 33.

Mixed questions of fact and law ask: Did the facts in question satisfy the legal test?

Applying a legal test to a set of facts is a mixed question of fact and law. An example would be applying the *Rules of Court* to the facts of a case.

VI. PART 4: ARGUMENT

Provide your position on the questions of law or fact (grounds of appeal) that the appellant raised in their factum, and

- Provide your position on whether the appellant meets the relevant standard of review in Part 3 and why.
- If the appellant has more than one ground of appeal, address each one separately.

VII. PART 5: RELIEF SOUGHT

You must tell the Court what you want the Court to do, including any special directions related to costs.

The relief sought must be something the Court has the power to do. For example, the Court of Appeal cannot make a person "tell the truth" but it can set aside, uphold or vary a decision.

VIII. ESTIMATED TIME FOR ORAL ARGUMENT

Include in your factum the estimated time for oral argument at the hearing. The maximum time allowed is 45 minutes, subject to the panel's discretion. Even if you intend to use the full 45 minutes, it must be stated in the factum.

IX. TABLE OF AUTHORITIES

If you have relied on a case, Act, regulation or other authority to support your argument, list it in a Table of Authorities.

- Each authority must have a neutral citation, and at least one print citation, if available.
- If the authority is available online through a free service—such as CanLII.org, hyperlink it in your Table of Authorities.
- Only if a hyperlink is not available, provide a copy of the authority, attached to the factum (rule 14.25(1)(h)).

A neutral citation is the citation given to the authority by the court or tribunal that decided it, for example, *Sherman Estate v. Donovan,* 2021 SCC 25.

A print citation is the citation for the version of an authority found in a book, for example, *Sherman Estate v. Donovan,* [2021] 2 S.C.R. 75.

X. PAGE LIMITS—PARTS 1 TO 5 OF FACTUM ONLY

(a) Fast-track appeal

The page limit for each party in a fast-track appeal is **12 pages**.

(b) Standard appeal

The page limit for each party in a standard appeal is **30 pages**.

(c) Cross appeal in fast-track and standard appeals

See Appendix 9 about cross appeals.

D. How to format the factum

The factum must be submitted as a PDF with Optical Character Recognition (OCR). This makes the PDF searchable.

- A factum must:

- Start with the prescribed Civil appeals cover page form, Form AP-5. Respondents use green covers. Appellants use beige or ivory covers. Intervenors use blue covers.
- Use an 8.5" x 11" document size with 1-inch margins.
- Be typed using at least 12-point font with 1.5 line spacing, except for quotations. Quotations may use single line spacing.
- Have continuously numbered pages, starting with the cover as page 1. Include paragraphs numbered continuously in a single series from start to end. Do not restart numbering for each section.
- Include electronic bookmarks for:
  - the cover page,
  - each heading and subheading, and
  - the first page of each document that is attached to the factum along with a description of that document.

See rules 14.26 and 14.87.

E. Factum resources

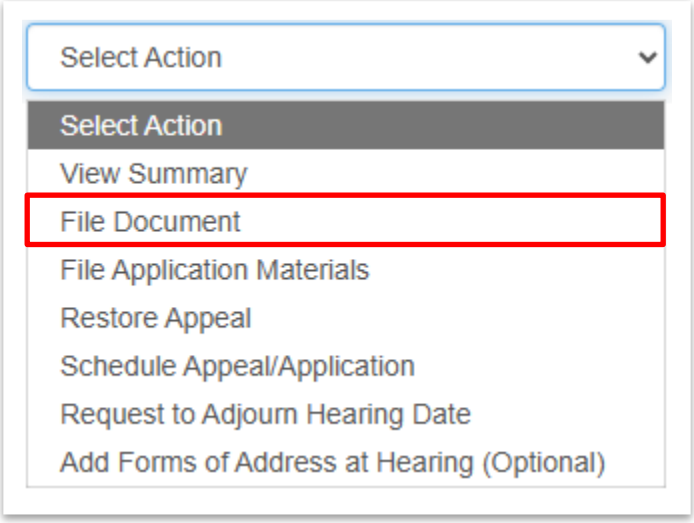
Consult the following resources when drafting and formatting your factum:

- Sample: Formatted factum
- Form: Cover page, Form AP-5
- Video Tutorial: Steps to prepare a factum
- Information Sheet: Overview of the factum
- Checklist: Factum—mandatory requirements and check/return form
- Manual: PDF skills detailed (CAMS Manual pp. 79-129)
- Information Sheet: Finding and providing authorities

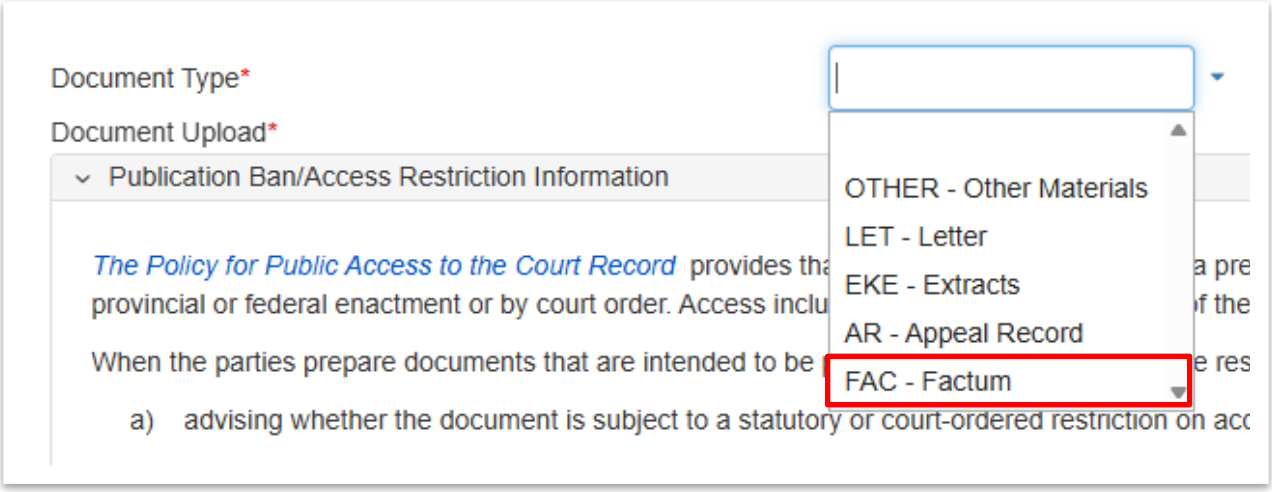
F. How to upload the factum

The factum is uploaded in CAMS.

- Instructions are in the CAMS Manual at p. 62.
- Log in to your CAMS account, locate the appeal under the My Appeals tab and **Select Action > File Document**.



- On the page that opens, beside Document Type, select **FAC – Factum**, then **Choose File** to upload the factum. The document must not exceed 100MB.



- Answer the questions and click Proceed.
- If you correctly upload a document in CAMS, you will receive an email. This automatic email will include a generic link for online payment. Ignore this payment request. No payment is required to file a factum.
- Emails come from CAMSInquiries@albertacourts.ca. Ensure your spam filters do not block this email address. If you do not receive an email, the document did not upload correctly.

- The Registry will review the factum. If no issues are identified, the document will appear in the court record after the Registry stamps it "Filed".

G. Serving the factum

A filed copy of the factum must be served on every other party to the appeal (rule 14.23(1)).

See Appendix 8 about service.

3.3 Extracts of key evidence (optional)

Extracts of key evidence are a limited collection of excerpts from materials that:

- were filed in the lower court or tribunal, and
- are required by the Court of Appeal to resolve the issues on appeal.

- Either or both parties can file extracts of key evidence. While extracts of key evidence are optional, note that the Court of Appeal does not have access to lower court records. All records necessary to decide the appeal must be filed in the extracts of key evidence.
- Typically brief, extracts of key evidence should contain only documents needed to resolve the issues in the appeal (rule 14.27). Review rules 14.27 to 14.29, Part F of the Consolidated Practice Directions and **Part 3.3.B** below.

A. Extracts of key evidence deadline

If you decide to file extracts of key evidence, they must be filed either before or at the same time as your factum (rule 14.27(3)).

B. Extracts of key evidence content

Extracts of key evidence can include (rule 14.27(1)):

- Excerpts from transcripts, affidavits, exhibits, transcripts of questioning and other material that was submitted to the lower court or tribunal that is needed to resolve the issues in the appeal.
  - If a video or audio file was submitted to the lower court judge or tribunal and you plan to include it in your extracts of key evidence, provide it on a USB or CD to the Registry. Ensure it can be easily viewed or played on a standard Windows Media Player. Provide five copies.
  - Do not upload video or audio files in CAMS.

- Any document required for the appeal record that was not available at the time the appeal record was prepared (for example, the filed order or judgment under appeal).
- A Table of Contents that separately describes each document, including each exhibit to any affidavit, along with the page number where the document can be found.

- If the appellant has filed and served extracts of key evidence, you may refer to it during your argument. Your extracts of key evidence should not include those documents.
- Where only part of a document is needed to resolve the appeal, include only that portion. For example, if you only need a few exhibits from an affidavit, only include those exhibits and not the whole affidavit.
- Any records subject to a restricted court access order (i.e., documents that are sealed or confidential because a court order or Act requires it) must be filed in a separate extracts of key evidence document and labeled accordingly. See chapters 2, 3, 4 and 8 of the **Court Information Access Guide for Alberta** for information on restricted access.

I. ITEMS TO EXCLUDE FROM EXTRACTS OF KEY EVIDENCE

These items **must not** appear in the extracts of key evidence:

- The entire record from the lower court or tribunal
- Evidence that is unlikely to be needed during the hearing
- Comment or argument
- **Trial briefs**[10]
- Legal authorities
- New evidence (see **Part 7** of the *Civil Applications Guide*)

II. AVOID AN EXTRACTS OF KEY EVIDENCE DATA DUMP

Include **only** those extracts of documents needed to resolve the issues on appeal (rule 14.27). There is no reason to file materials out of an "abundance of caution."

- While the Court of Appeal does not have automatic access to lower court or tribunal records, you will not be penalized if you forget to include a document. See rule 14.28.

[10] Can only be included with permission of the CMO.

- If you include additional documents that are not needed or do not comply with the rules, you may be directed to resubmit the extracts or be subject to other directions, including additional costs. Avoid an extracts of key evidence data dump of unnecessary documents from the lower court or tribunal. Review rules 14.27 to 14.29.
- For exhibits that cannot be readily reproduced, see rule 14.28(2).

C. How to format extracts of key evidence

Extracts of key evidence must be submitted as a PDF with optical character recognition (OCR). This makes the PDF searchable.

- Extracts of key evidence must (rules 14.29 and 14.87):
    - Start with the prescribed Civil Appeals Cover Page, Form AP-5. Respondents, including those who are cross appellants, use pink covers. Appellants use yellow covers. Intervenors use blue covers.
    - A table of contents (as detailed in the section above).
    - Use an 8.5" x 11" document size with one-inch margins.
    - Have continuously numbered pages, starting with the cover as page 1.
    - Include electronic bookmarks for:
        - The cover page, and
        - The first page of each document listed in the Table of Contents, along with a description of that document. If you are including an affidavit with exhibits, include a bookmark to the first page of the affidavit and the first page of each of the exhibits.
- The document description should help a user to quickly identify and locate the document. Instead of describing a document as "Exhibit A," describe it as, for example, "Construction contract between the parties [date], Exhibit A to the affidavit of John Doe sworn on [date]."

D. Extracts of key evidence resources

Consult the following resources to help you format your extracts of key evidence:

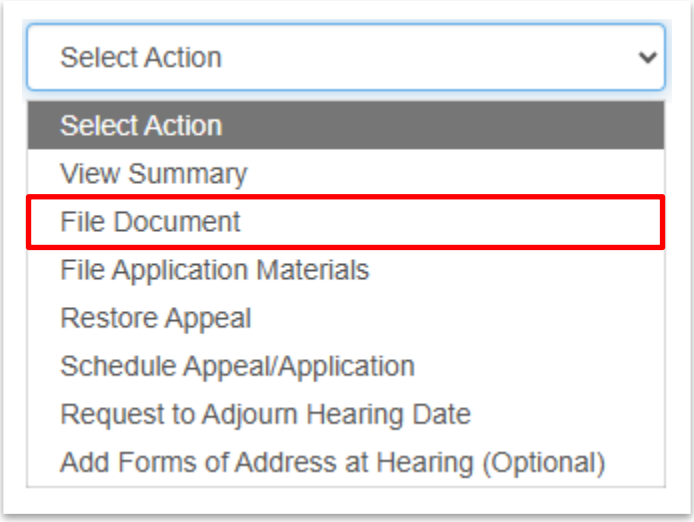
- Sample: Formatted extracts of key evidence
- Sample: Table of contents for extracts of key evidence
- Form: Cover page, Form AP-5
- Video Tutorial: Steps to prepare extracts of key evidence

- Information Sheet: Overview of extracts of key evidence
- Checklist: Extracts of key evidence—mandatory requirements and check/return form
- Manual: PDF skills detailed (CAMS Manual, pp. 79-129.)

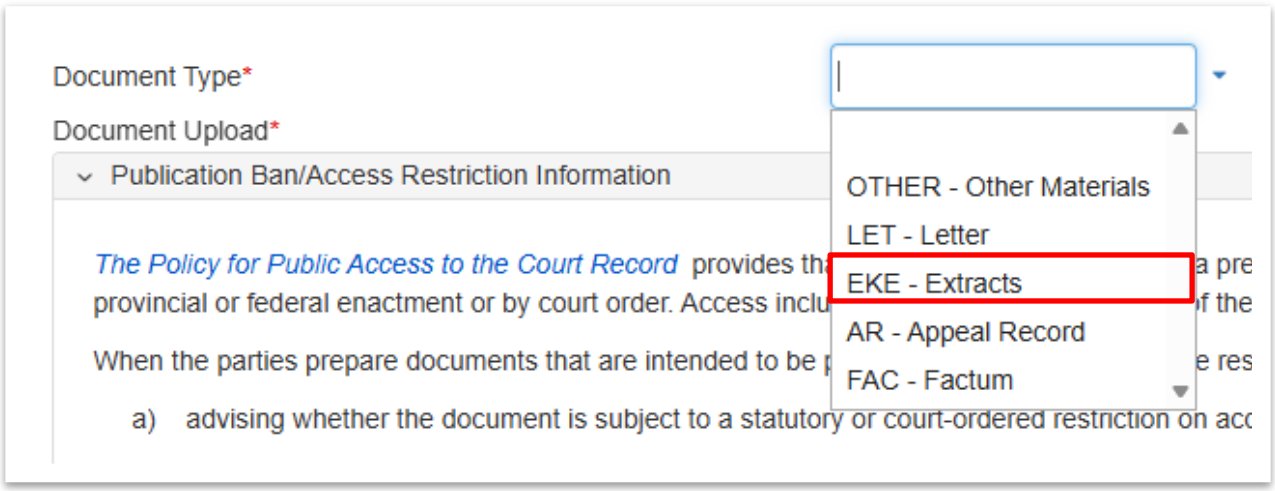
E. Filing extracts of key evidence

Extracts of key evidence must be uploaded in CAMS.

- Instructions can be found in the CAMS Manual at p.62.
    - Log in to your CAMS account and locate the appeal under the My Appeals tab. **Select Action** > **File Document.**



    - On the page that opens, beside Document Type, select **EKE – Extracts**, choose file to upload the extracts of key evidence.
      The document must not exceed 100MB.



- Answer the questions and click Proceed.
- If your document is correctly uploaded in CAMS, you will receive an email. This automatic email will include a generic link for online payment. Ignore this request. No payment is required to file extracts of key evidence.
- Emails come from CAMSInquiries@albertacourts.ca. Ensure your spam filters do not block this email address. If you do not receive an email, the document did not upload correctly.

F. Serving extracts of key evidence

A filed copy of extracts of key evidence must be served on every other party to the appeal (rule 14.27(3)).

Extracts of key evidence are a non-commencement document. See Appendix 8 on Introduction to service for information.

3.4 Condensed books (optional)

Condensed books are optional for both parties (rule 14.30). Small in size, they provide easy access to the parts of filed materials that the party will specifically refer to during the oral hearing. Typically, condensed books are used in complex matters where many pages have been filed by the parties.

Review the condensed books information sheet.

Condensed books must comply with Part G of the Consolidated Practice Directions of the Court of Appeal of Alberta and be filed two or more business days before the scheduled hearing date.



Part 4

Part 4 | Finding and providing authorities

Legal research is strongly advised for appeals and applications where questions of law are at issue. The Court advises litigants to exercise caution using artificial intelligence.

Alberta Law Libraries provides 30-minute legal research instruction sessions on finding, managing and researching legal information. You can access legal research materials online or in-person at libraries in 10 locations across Alberta. See Appendix 10 for more information.

Authorities are used to support your legal argument on an application or appeal. Authorities include legislation, statutes, rules, regulations and decisions of courts or tribunals. Decisions of courts or tribunals are sometimes called "cases," "case authorities" or "case law".

A legal argument is a specific way of presenting information to the Court.

Legal arguments are presented in the factum for an appeal (**Part 3.2**), in the memorandum of argument for applications, in submissions to the Case Management Officer (CMO) and during oral submissions at the appeal or application hearing. See Appendix 12 or the *Civil Applications Guide* where relevant.

A legal argument follows this basic formula: "Applying the law (state the authority) to the facts of my case (state the relevant evidence), the decision I want the Court to make is _____."

For information on finding relevant authorities, reading legal cases and formatting authorities for documents, see the Finding & Providing Authorities information sheet, Appendix 10 on learning about legal research and Appendix 11 on researching with CanLII.

Part 5



Part 5 | Introduction to applications

Before starting an application, review the *Civil Applications Guide* and the *Alberta Rules of Court* rules 14.36(1) to 14.54.

Applications are made to the Court to resolve any issues that arise related to the appeal. Either party can start an application to seek an order from the Court to settle an issue.

The party who makes an **application** is called the **applicant**. The party who responds to the application is called the **respondent**.[11]

- The **type of issue** you are seeking to resolve determines:
  - Who will hear and decide your application—a single judge, a panel of three judges or the Case Management Officer (CMO), and
  - The documents and process you need to follow. (See the *Civil Applications Guide* for details.)

There are many types of applications, for example, applications to extend time to appeal, for permission to appeal, for a stay pending appeal, to admit new evidence and to restore an appeal. Information on starting an application for permission to appeal is included in **Part 2.6.B** of the *Civil Appellant Guide*.

For information on making an application for directions from the CMO, see **Part 2.4.C** of this guide.

What is "chambers"?

Chambers refers to an application to a single Court of Appeal judge in open court where the proceedings are recorded.

[11] Note: The "respondent" on the appeal may also be the "applicant" in an application. The appellant in the appeal would then be the "respondent" in the application.

Part 6



Part 6 | Judicial dispute resolution

Note: Judicial dispute resolution and appeal conferences are on hold until further notice. See the Court's **Notice to the Profession and Public**.

The Court of Appeal offers confidential dispute resolution services to help parties resolve appeal matters early. The aim is to increase access to justice and decrease expense for the parties. To participate, all parties must agree to the judicial dispute resolution (JDR) process.

(a) Judicial dispute resolution (on hold)

Judicial dispute resolution is a different way to settle issues on appeal. In judicial dispute resolution, the parties and their lawyers meet with a Court of Appeal judge in person or virtually. Meetings do not take place in a courtroom.

- The purpose of judicial dispute resolution is to reach a settlement on all issues or to resolve as many issues as possible with the help of a Court of Appeal judge (rule 14.60) outside a hearing.
- Judicial dispute resolution is optional, and the parties can choose a judicial dispute resolution with either a binding or non-binding outcome.
- Once the parties agree to participate in a judicial dispute resolution, write a letter that confirms that agreement and upload it to CAMS. The Court of Appeal website lists judges who participate in judicial dispute resolution.
- Although most common in family matters, a judicial dispute resolution can be scheduled for any civil appeal, including commercial matters.
- Once a date has been scheduled for a judicial dispute resolution, the appeal's time limits are suspended (rule 14.61(1)) until an order or direction is made under rule 14.61(2).
- See Part D of the **Consolidated Practice Directions** for details.

(b) Appeal conference (on hold)

An **appeal conference** (AC) is another alternative dispute resolution method. It is mandatory for most family law appeals that are categorized as **fast-track appeals**.

- After a **notice of appeal** is filed for a family law fast-track appeal, an appeal conference is scheduled, and a letter is sent to lawyers and self-represented litigants. The letter includes a date for the appeal conference and other details.
- The purpose of an appeal conference is to encourage resolution of the appeal and to reduce family conflict and expense.

- Appeal conferences are scheduled at least two weeks after the notice of appeal is filed—on the 2nd and 4th Tuesdays of each month.
- Appeal conferences are generally conducted virtually.
- See the **Appeal Conferences Guide** details.

Part 7



Part 7 | Scheduling a hearing

Scheduling is the process of setting a hearing date for oral argument.
Note: The appellant or applicant typically requests dates to schedule the appeal or permission to appeal hearing.

7.1 Introduction

The Court of Appeal sits in Calgary and Edmonton and hears:

- **Appeals**—one week in each month from September to June.
  See the Court Calendar for more information.
- **Permission to appeal applications**—heard virtually on Wednesdays and Thursdays at **9:30 a.m.**

- Hearing dates are requested and appeals are scheduled through the eScheduling feature in CAMS. **Part 7.4** below explains how to use eScheduling.

Note: The Court can hear and decide an appeal without oral argument. This can only happen if the parties agree, or a single appeal judge or panel has directed.

7.2 When to request a hearing date

To set an **appeal** hearing date, the appellant should only make a request using the eScheduling feature if:

- There is an approved timetable, or
- They have received a letter in CAMS advising them to request a hearing date.

- For a **permission to appeal** hearing date (to start an appeal)—make a request after you receive an email from the Registry advising you to do so.

7.3 Deadlines for scheduling appeal hearings

A. Appeals

I. FAST-TRACK APPEALS

Fast-track appeals will be scheduled for an oral hearing once the appellant's appeal record and factum are filed, and the filed order from the lower court has been provided to the Court of Appeal.

- There can be as few as **20 days** between the filing of the appellant's factum and the first sitting week when the appeal can be heard (rule 14.34).
- If a fast-track appeal is not scheduled for hearing **within six months** after the notice of appeal is filed, the appeal will be struck subject to any direction from the CMO.

II. STANDARD APPEALS

For standard appeals, an oral hearing must be scheduled **no later than 20 days** after the deadline for the last factum to be filed (rule 14.33).

- In practice, the appeal is scheduled for an oral hearing once the respondent's factum is filed and the filed order, judgment or decision from the lower court has been provided to the Court of Appeal.
- The hearing date will be **at least eight weeks** after the last factum is filed subject to any direction from the CMO.
- If the appeal has not been scheduled for hearing **within six months** after the deadline for the last factum or **12 months after** filing the notice of appeal, whichever happens **earlier**, the appeal will be struck subject to any direction from the CMO (rule 14.64).

B. Applications for permission to appeal

An application for permission to appeal must be heard within **six months** from the date it is filed. If not, the application will be deemed abandoned, and the file will be closed unless the CMO directs otherwise (rule 14.44(2)).

If a memorandum of argument was not included in an application to preserve a time limitation, you must file your memorandum at least **10 days** before the hearing date to ensure your hearing is not delayed.

7.4 How to book a hearing in CAMS

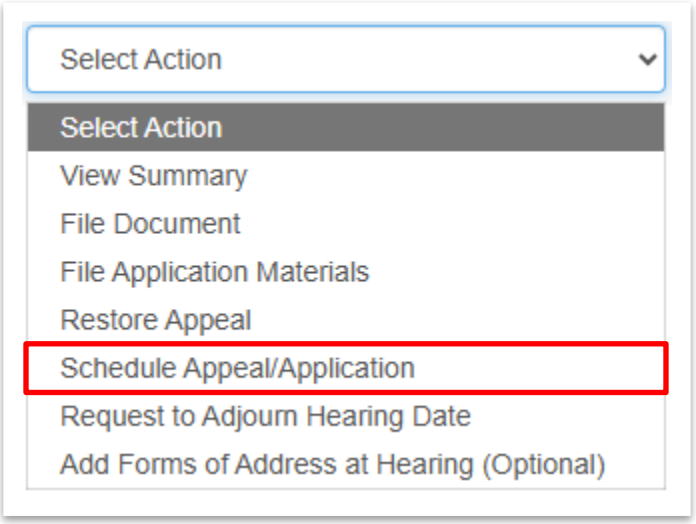
Appeal and application hearings are scheduled in CAMS, typically by the appellant or applicant.

See the Manual/Tip Sheets on the CAMS website for guides and video tutorials on eScheduling, the information sheet Scheduling Appeals and rules 14.33 to 14.35.

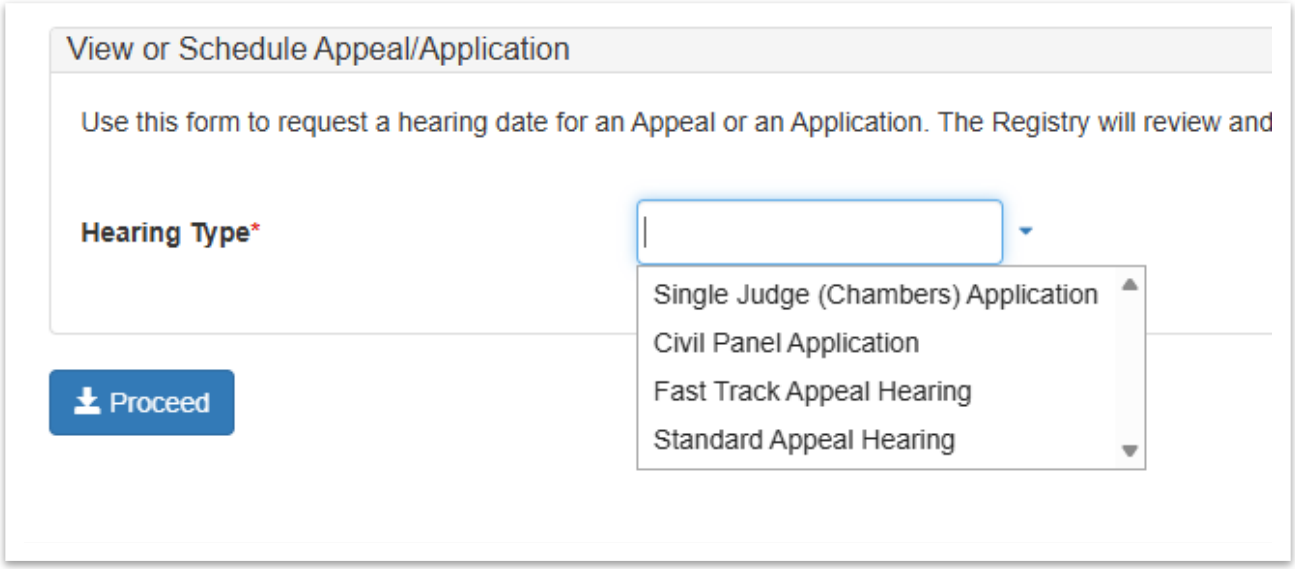
A. Go to eScheduling in CAMS

Log in to your CAMS account.

- On the My Appeals page, select **Schedule Appeal/Application** from the **Select Action** drop-down menu.



- On the page that opens:
  - For **appeal** hearings, on the next page select the appropriate appeal type: Fast-Track Appeal Hearing or Standard Appeal Hearing.
  - For **application for permission to appeal** hearings, select single judge application. See **Part 3** of the *Civil Applications Guide* for more information.

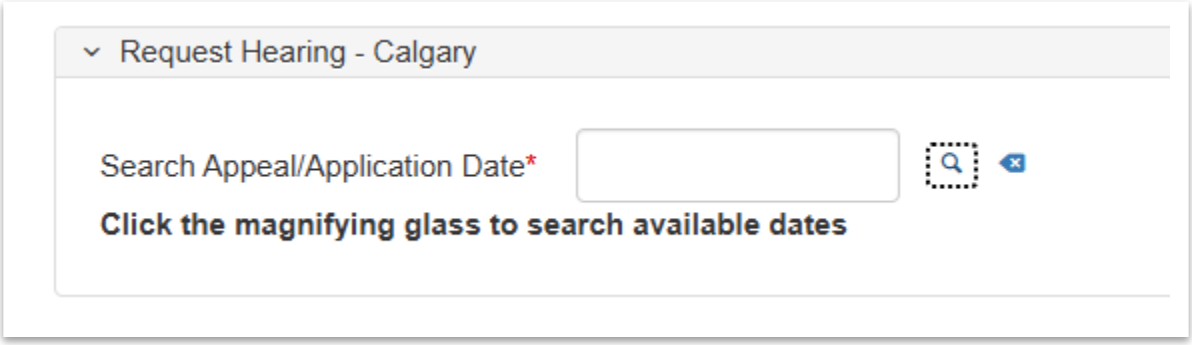


- Read all the information on the new page.

B. Check available hearing dates and discuss

For **appeal** hearings, all parties must agree on a potential hearing date before formally requesting a date through the portal.

- For **application** for permission to appeal hearings, all parties should discuss and agree.
- To check available hearing dates, go to the bottom of the page. Click on the magnifying glass and then proceed to search available dates.
  (If checking appeal dates, you will see questions listed above the image shown below. You do not need to answer the questions to simply check dates.)



- The appellant or applicant should:

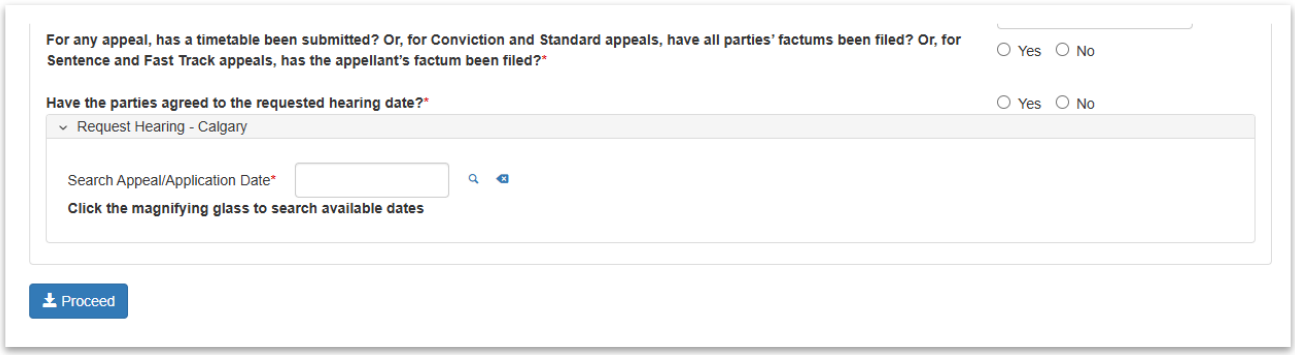
- Note the available dates to discuss with the other party, and
- Contact the other party and agree on a preferred hearing date to request.

- Dates are first-come, first-served.

C. Request the preferred hearing date

A party must answer the mandatory questions before requesting the preferred hearing date. If the answer to either question is no, the request cannot proceed.

- The questions do not appear when a hearing date for an application is requested.



- To send a request, a party clicks on the magnifying glass to locate the preferred date. Click on the date. It will appear in the Request Hearing box. Click Proceed.
- The request is sent for approval, and the system will return to the My Appeals page.
- The party that requested the hearing date will receive an automated email that confirms receipt of the request. At this stage, the request has not been reviewed.

D. Court of Appeal responds to hearing date request

A second email goes to all parties and will either:

- Confirm the hearing date and provide hearing details, or
- Notify the parties that the request was not approved.

- If the request is approved, the hearing date will appear in the Appeal Summary in CAMS under Hearings. (Under My Appeals, click the **Select Action** drop-down menu and choose **View Summary**.)
- If the request is not approved, there may be a number of reasons. For example, the selected date may no longer be available.

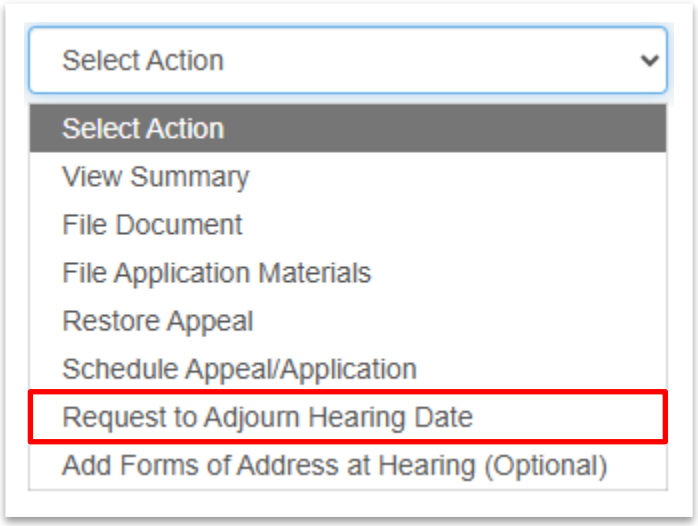
- If you are unsure which steps to take next, contact the Registry.

- Note: Once an appeal is scheduled for hearing, the date cannot be adjourned or rescheduled unless a judge or CMO allows.

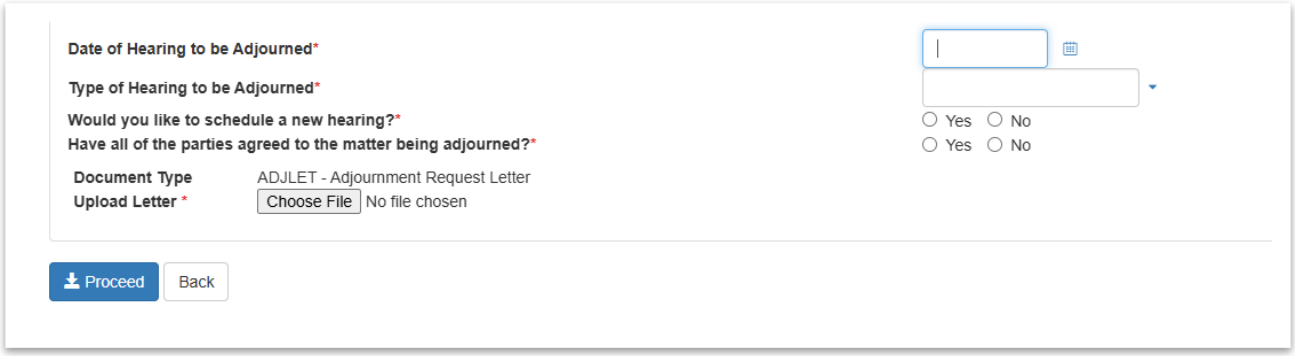
7.5 Adjourning or cancelling a hearing date

If you have a hearing date and want to adjourn or cancel it, follow the steps below. Do not use the eScheduling feature. Speak with the other party first. You must include the position of the other party regarding the proposed change.

- To request that an existing hearing date **be adjourned to a new date, cancelled or adjourned sine die** (with no return date), make an application to the CMO.
  - Log in to CAMS.
  - Go to the My Appeals page.
  - Choose the appeal.
  - From the **Select Action** drop-down menu, select **Request to Adjourn Hearing Date**. Follow the instructions.



  - Answer the questions shown below.



- In the application, the party must upload an adjournment request letter which provides the details and reasons for the request.
- The adjournment request letter should include:
  - The reasons for the request.
  - The length of the requested adjournment (or indicate there is no return date).
  - Information about contact: Have you contacted the other party? What is their position, if known?
  - Information about consent: If you have consulted all parties, indicate whether they consent to the request. If they do not consent, explain why.
  - The position of the other party is required before any decision can be made on a request to adjourn.
- Click Proceed.
- The party requesting the change will be taken to the Scheduling Appeal/Application page.

- If the party needs to request a new hearing date, they will stay on the page to view and note hearing dates to discuss with the other party.
  - Follow the steps in **Part 7.4** above to request a new hearing date.

Part 8



Part 8 | Appeal hearings

This section includes information on hearing methods, preparing for a hearing, what to expect in court and how to argue your case. See **Part 6** of the *Civil Applications Guide* for information about virtual hearings.

8.1 Preparing

It may help to attend an appeal hearing before your own. Hearing dates and times can be found on the website. Watching an appeal can help you better understand court procedure and how to present your argument.

- Organize your presentation. Make notes about how you want to present the details about your case. This includes, for example, the law you are relying on, the transcript paragraphs you will refer to and so on.
- Try to anticipate questions the judges may ask.
- Oral argument at the hearing is a maximum of 45 minutes for each party, subject to the panel's discretion. Prepare with that time limit in mind.
- The judges will read all documents before the hearing, so do not use your time to simply read from your factum. Explain your arguments instead.
- You may wish to consult with a lawyer about how to present and argue your appeal at the hearing.

8.2 Methods of hearing

A. Standard civil hearing methods

The standard method for a hearing before a panel of three or more judges is **in person**.

This includes any **appeal hearing** or **application to a panel** of three judges.

The standard method of hearing for an application to a single judge, an appeal conference or judicial dispute resolution is **virtual**.

Refer to **Part 6** of the *Civil Applications Guide* for information on virtual hearings.

- The Registry will confirm which method of hearing applies to your matter. Hearing details will be added to CAMS after the hearing is scheduled.

- For virtual matters, a hearing link will be provided to the parties. Closer to the hearing date, hearing lists are posted on the Court's website under Court Lists. A public "view hearing" link is typically included for virtual hearings.

B. Applying to change the hearing method

Parties can make an application to change the hearing method for civil proceedings.

- Applications can be made to:
  - Change a hearing from in-person to virtual,
  - Change a hearing from virtual to in-person, or
  - Request a hybrid hearing, where some participants appear in person and others virtually.

I. WHEN TO MAKE AN APPLICATION

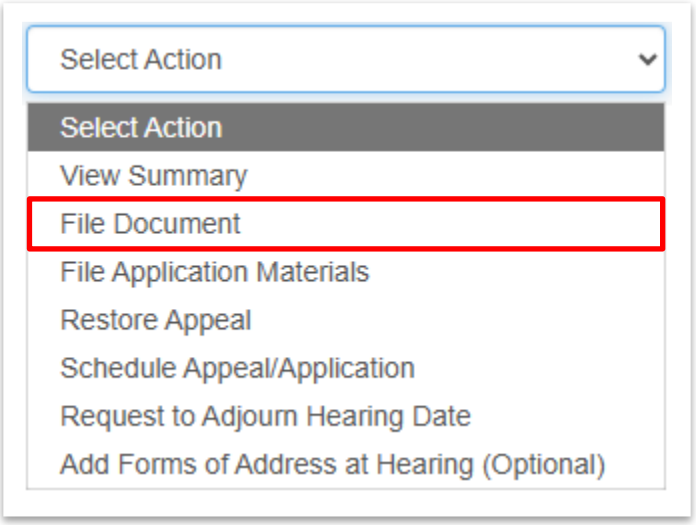
- An application to change the hearing method can be made:
  - after a proceeding has been scheduled for hearing, and
  - no later than:

Civil proceeding	Timing ahead of scheduled hearings
Appeal Hearings	1 week
Applications (three judge panels)	1 week
Single Judge Applications	At least 48 hours

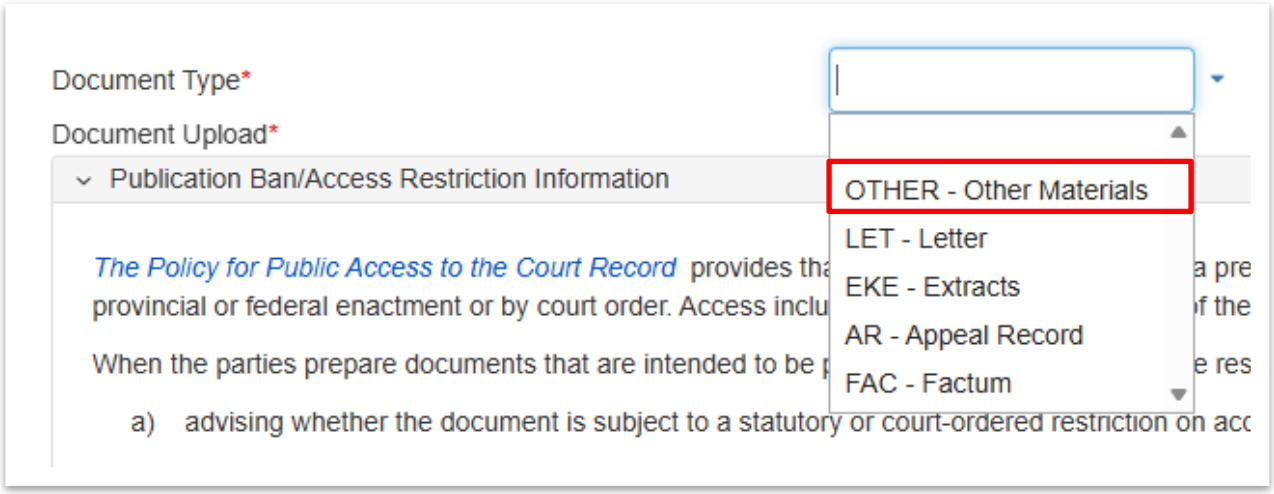
II. HOW TO MAKE AN APPLICATION

Apply using the **Application to Change Hearing Method** form (on the Court of Appeal website under Filing, Fees and Forms and in Appendix 7).

- Log in to CAMS and click on the My Appeals tab to locate your appeal.
  Choose **Select Action** > **File Document**.



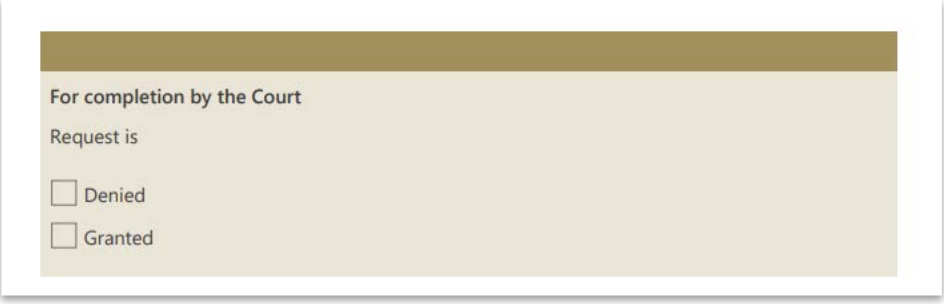
- On the page that opens, beside Document Type, select **OTHER – Other Materials**. Choose File and upload the completed the **Application to Change Hearing Method** form.



- Answer the questions about privacy and access restrictions and click Proceed.
- If you correctly upload a document in CAMS, you will receive an email. This automatic email will include a generic link for online payment. Ignore this payment request. Emails come from CAMSInquiries@albertacourts.ca. Please ensure your spam filters do not block this email address. If you do not receive an email, the document did not upload correctly.

III. RECEIVING THE DECISION

After your application is reviewed, the form will be endorsed with the Court's decision—granted or denied.



You will receive an email from CAMSInquiries@albertacourts.ca advising that the application has been endorsed. Log in to CAMS to see the Court's decision.

8.3 In-person hearings

This section provides information about in-person hearings. For virtual hearings, see **Part 6.B** in the *Civil Applications Guide*.

If you are participating in a hybrid hearing, read this section and **Part 6.B** in the *Civil Applications Guide* to understand both the in-person and virtual aspects of the hearing.

If you are attending the courthouse for an in-person hearing, check your hearing letter in CAMS to confirm the date and time. Note the courtroom number and court location before going to the courthouse. Court hearing lists are also posted in the courthouse.

A. In Calgary

Civil appeals are typically heard at the Court of Appeal in Calgary. The address is 26th floor, 450 1st Street SW.

- Sometimes, a civil appeal may be heard at the Calgary Courts Centre (601 5th Street SW, Calgary). Review your letter to confirm the hearing location.
- Arriving at 450, 1st Street SW:
    - In the lobby, go to the security desk and ask for a security pass to the 26th floor, where courtrooms are located.
    - Sheriffs on the 26th floor will assist you through security screening.

- Two courtrooms—Courtroom 1 and Courtroom 2—are located to your right after you clear security. The Registry is to your left.
- Keep your security pass. You will need it to leave the elevator bank on the ground floor on your way out of the building. Return your pass to the security desk in the lobby.

- Arriving at Calgary Courts Centre (CCC):
  - Sheriffs stationed in the CCC lobby will assist you through security screening.
  - Appeals are usually heard in courtroom 1404 on the 14th floor. Review your hearing letter in CAMS to confirm the hearing location. Court hearing lists are also posted in the courthouse.

B. In Edmonton

All civil appeals are heard by the Court of Appeal in Edmonton at the Edmonton Law Courts (ELC), 1A Sir Winston Churchill Square.

- There are three entrances (east, west and underground) each with security screening stations.
- After you clear security, follow the noticeboards and yellow screens located throughout the courthouse. They display the courtroom details for matters listed for hearing that day. An information booth is located by the east entrance in the North Tower.
- The Court of Appeal is in the South Tower at Edmonton Law Courts. Typically, Court of Appeal matters are heard in courtrooms 512 and 514. Check if your matter will be heard in one of these courtrooms. If so, take the elevator to the 5th floor.
- The Court of Appeal Registry counter is located in the South Tower on the main floor near the west entrance.

C. Arrive early

Arrive at least half an hour before the hearing is scheduled to start so you have time to make your way through security and find the courtroom.

- Going through security at the courthouse is very similar to going through security at an airport. Parties will be asked to empty their pockets and step through a metal detector. Bags, briefcases and other materials will pass through an x-ray machine.
- Items deemed to be a security concern can not be brought into the court. These include, but are not limited to:

- Illegal drugs or drug paraphernalia
- Weapons of any kind, including bear spray
- Alcohol
- Knives, including utility knives and pocketknives
- Scissors or any other instrument with a cutting edge
- Sharp objects such as knitting needles, metal forks and corkscrews
- Tools such as screwdrivers, hammers, nails, and screws.

D. What to wear

Lawyers representing parties always gown (wear formal robes) when appearing before a panel of three or more Court of Appeal judges either in person or virtually. If appearing before a single judge, lawyers do not gown.

All litigants are encouraged to wear business-like clothing including footwear. All hats and sunglasses must be removed.

E. Information to provide before the hearing

Provide the following information to the Court via CAMS **at least 10 days before** the scheduled hearing date:

- Hearings Confidentiality or Privacy Concerns Form
  The parties are asked to discuss this form together and file a single coordinated response when possible.
- Optional Form of Address Information
  - Lawyers and self-represented parties can provide information such as their preferred names, titles (e.g., Ms, Mrs, Mr, Mx, Counsel, Dr.)
  - Submit this information through CAMS. For more information, click on the link above.

F. Courts are typically open to the public

Court of Appeal hearings are open to the public, with rare exceptions.

- If a closed court is required, a Private Hearing sign will be posted on the courtroom door. Only the parties and their lawyers can enter the courtroom.

- Hearing dates and times are posted publicly in Court Hearing Lists on the website

G. Electronics policy and documents

Electronic devices may be used in the courtroom for limited purposes by self-represented litigants, lawyers and approved media only. See the Court's Policy on the Use of Electronic Devices in Courtrooms for details.

- Phones should not be used or accessed by anyone in the courtroom—in the gallery or at counsel tables. A narrow exception allows self-represented litigants or counsel to access speaking notes or a document. Litigants who are represented by counsel should not access their phones at all.
- Members of the public are not permitted to use any electronic devices including smartphones and tablets in the courtroom. Turn them off and keep them out of sight.
- Taking photos and recording are not permitted.
- If you are relying on electronic documents (including documents filed by the other party), download them before you come to court to avoid relying on Wi-Fi. Alternatively, print the documents in advance and bring paper copies.
- The court has Wi-Fi. Connection instructions are located inside the courtroom.
- Bring pen and paper.

H. In the courtroom

The courtroom is a formal setting, whether the hearing is in person or virtual. All parties must be polite and respectful towards each other, visitors, staff and judges.

I. BEFORE THE HEARING

When you arrive, check in with the court clerk.

Note: All documents must be filed in advance, unless permission is sought and provided.

- If more than one hearing is listed for the courtroom, take a seat on one of the benches at the back. If only one hearing is listed, take a seat at the tables at the front on either side of the lectern. The appellant (or applicant) sits to the left of the lectern facing the judges, and the respondent sits to the right.
- All hearings are recorded by the clerk.
- Only water is permitted in the courtroom. Do not bring in food or other beverages and do not chew gum.

- Keep cellphones turned off. See **Part 8.3.G** above. You cannot take photos or videos or use a cellphone.

II. DURING THE HEARING

When the hearing begins, the court clerk will announce court is in order. Everyone in the courtroom is required to stand, and the judges enter. After the judges sit, everyone in the courtroom will sit.

- First, the judge will advise the order in which matters will be heard. If there is more than one matter and your matter is not first, wait in the courtroom unless a judge directs otherwise. Listen to all instructions.
- Before each matter, a judge will introduce the parties and the case number.
- If your appeal is called and you are seated at the back of the court, move to the tables at the front on either side of the lectern.

III. ORAL ARGUMENT

(a) Time allocation

Unless the panel allows more time, oral argument is limited to 45 minutes for each separately represented party, subject to the panel's discretion (rule 14.32(4)). This also applies to consolidated appeals—related appeals that are treated as one appeal.

A timer light on the lectern monitors the length of oral argument. It turns yellow when the speaker has five minutes left. It turns red when the speaker has reached the time limit.

(b) Order of submissions

A judge will indicate when it is your turn to speak or ask you a question. Remain seated until then.

- Usually, the appellant speaks first, although sometimes the judges will ask the respondent to speak first. Each party moves to the lectern in the centre to speak when called.
- The respondent typically speaks second.
    - Orally summarize your argument. Provide your position on the grounds advanced by the appellant.

- Once the respondent finishes addressing the Court, the appellant is often given an opportunity to reply. In this case, the appellant is encouraged to address only new items raised by the respondent. It is not necessary to use a reply.

(c) Tips when presenting

The judges read all materials filed, including every factum prior to the hearing. Do not read your factum to the Court. Use it as a presentation guide to summarize the key points in your factum—for example, how you believe the lower court judge or tribunal made or did not make errors on questions of fact, law or mixed fact and law.

- Alternatively, a party can advise the Court that it will rely on its written factum and not make any oral argument.
- The judges may ask questions during oral argument to clarify what the parties have said. Listen carefully to their questions and do your best to answer them.

(d) Decorum

If you are able, stand when addressing the Court. Remain seated when you are not speaking.

- When addressing a judge, address them by "Justice" or "Justice [last name]," rather than "your Honour." If the Chief Justice is a member of the panel, the Chief Justice is addressed as "Chief Justice" or "Chief Justice [last name]."
- The names of the judges assigned to hear your appeal will be posted a week before the hearing on the Court's website and on the hearing list posted on the bulletin board outside of the Registry office. A panel of three judges can also be addressed as "the Court."
- Do not interrupt when another party is speaking to the judges unless you are called upon by a judge.
- Do not interrupt when a judge is speaking.

(e) Microphone and sound

Microphones in the courtroom record. They do not amplify voices. Speak as clearly as possible so everyone can hear.

(f) Conclusion

A judge will indicate when your matter has finished. The Court may orally provide a decision before you leave the courtroom, or they may "reserve" the decision and issue it later. See **Part 9.1** for details.

- If there is another matter scheduled to follow your hearing, collect your things and move to the benches at the back or leave the courtroom.
- When the judges leave the courtroom, stand if you are able.

I. Support in court: McKenzie friend

A self-represented litigant may seek permission from the court to have a support person sit beside them in court. This person is called a McKenzie friend. They can take notes and offer emotional support, but they cannot speak on your behalf.

- To seek permission for a McKenzie friend, upload a letter in CAMS to make the request about a week before the hearing.
- Locate the appeal under the My Appeals tab and **Select Action** > **File Document**. Select **Document Type = LET – Letter**.
- For more information about McKenzie friends, view the Canadian Bar Association's The McKenzie Friend guide.

8.4 Virtual hearings

For information on virtual hearings, see the *Civil Applications Guide*.

Part 9



Part 9 | After an appeal hearing

This part covers how parties receive a decision, judgments and orders.

9.1 Getting a decision

Once the hearing is complete, the Court may:

- Dismiss the appeal (confirm the previous decision).
- Allow the appeal and order a new trial or hearing.
- Allow the appeal (in full or in part) and change the previous decision.

- As noted above, judges occasionally give their decision orally at a hearing.
- At other times, they will reserve their decision and provide a written decision later.
- If the decision is reserved, the Registry will send you notice the day before the decision is filed. A copy of the decision will be emailed to you the day the decision is filed.

9.2 Judgments and orders

After a decision is issued, a formal judgment or order is filed to record the outcome of the appeal or application. Judgments generally record the result of an appeal. Orders generally record the result of an application.

Under rule 9.2, the Court may direct which party will prepare a draft of the judgment or order given by the Court. Typically, if the Court does not provide direction, the successful party is responsible for preparing the draft and sending it to the other party for review. Note the exception below for appeals involving at least one self-represented litigant.

A. Prepared by the Court

In civil matters involving at least one self-represented litigant, Court of Appeal staff will prepare the judgment or order on the parties' behalf. It will be filed and sent to the parties.

Read the overview of **Judgments, orders and costs** for more information.

B. Prepared by Counsel

When both parties are represented by counsel, the party preparing a draft of the judgment or order must serve it on every party who attended the application or appeal **within 10 days** of the date of decision.

This part **does not apply** to appeals involving **self-represented litigants**. Continue reading below at **Part 9.3,** Costs.

(a) Format

Use the relevant judgment or order template on the website.

Refer to the Judgment/Order mandatory requirements checklist form for a list of the minimum requirements.

(b) Content

The purpose of the judgment is to record the ultimate result of the appeal—not to summarize the written reasons, restate the law or the standard of review.

- Appropriate examples are:
  - "The appeal is dismissed."
  - "The appeal is allowed, the judgment is set aside, and a new trial is ordered."
  - "The appeal is allowed in part, the judgment for general damages is reduced to $20,000, but the appeal is otherwise dismissed."

(c) Approvals

See page 2 of the Judgments, orders and costs overview, an information sheet, regarding approvals required of the parties.

(d) Time limit for filing

The judgment must be filed within **three months** of the date of the decision, otherwise you will need to apply to the Case Management Officer (CMO) for a fiat permitting the filing of the judgment.

9.3 Costs

By default, the successful party to an appeal is entitled to a costs award against the unsuccessful party subject to any order of the Court (rule 14.88(1)).

- Parties should settle the amount of costs between themselves. If the parties cannot agree on the amount of costs that flows from rule 14.88, including which column of Schedule C applies, they must seek an appointment with an assessment officer at the Court of King's Bench (*Alberta Rules of Court*, Part 10). Form 44 and Form 45 will be required.
- A party should only seek a specific costs direction from a single appeal judge or panel if the party wants to argue the default rule should not apply (rule 14.88(1)). For example, a party may wish to argue that the default rule should not apply because some grounds of appeal were accepted, and others were dismissed. A party may ask for an enhanced or lower amount of costs.
- For information on how to proceed, contact the CMO.
- Upload written submissions on costs, if required, in CAMS. The deadline for submissions on costs is **two months** after a decision is issued. The judge or panel will consider and decide the issue on the written materials. There is no oral hearing.

9.4 Further appeals

Appeals from decisions made by a Court of Appeal panel are made to the **Supreme Court of Canada** (SCC). For information on seeking leave to appeal to the SCC, visit their **website**.

Part 10



Part 10 | Miscellaneous matters

This part covers change of counsel and discontinuing an appeal.

A. Change of counsel

If a self-represented litigant retains a lawyer or a litigant changes legal representation or decides to self-represent, upload in CAMS:

- Form 3: Notice of Change of Representation, and
- An affidavit of service (see forms on the Court website).

- If counsel withdraws in a civil matter before the appeal has been set for hearing, they must (rule 2.29(1)):
  - Serve Form 4 (Notice of Withdrawal of Lawyer of Record) on the client and each of the other parties, and
  - Upload an affidavit of service in CAMS showing service on the client and other parties.
- Withdrawal by the lawyer of record takes effect **10 days after** the affidavit of service is stamped "Filed" by the Registry.
- If the appeal has been set for hearing, counsel cannot simply withdraw. Instead, counsel must make an application to a single judge to withdraw. See applications to a single judge in the *Civil Applications Guide*.
- To upload these documents in CAMS, locate the appeal under the My Appeals tab and **Select Action** > **File Document** and **Document Type** > **OTHER – Other Materials**.

B. Discontinuing an appeal

The appellant can discontinue an appeal at any time by filing and serving a discontinuance of appeal (rule 14.66) in Form AP-4. The respondent is entitled to a costs award for having responded to the appeal unless they consent to a discontinuance without costs. If the respondent consents to a discontinuance without costs, they should sign the discontinuance before it is submitted.

If a cross appeal has been filed, the discontinuance of an appeal does not discontinue a cross appeal.

Appendices



Appendix 1 | Key resources for the parties

Key resources for litigants and counsel before the Court of Appeal include:

- Court of Appeal of Alberta website
- Alberta Rules of Court
  - Civil Appeal Rules: Part 14 of the Alberta Rules of Court
- CAMS Manual and videos
- Frequently Asked Questions—Court of Appeal of Alberta
- Consolidated Practice Directions
- Practice Direction—Electronic Filing

Appendix 2 | Glossary of terms

The descriptions in this glossary are a plain language explanation of terms used in the guide. They apply specifically to the Court of Appeal context. They are not legal definitions. For legal definitions review the *Alberta Rules of Court*, the *Court of Appeal of Alberta Practice Directions* and Court of Appeal policies. *Rules* is used as an abbreviation for *Alberta Rules of Court*.

- **Adjourned**: When a court proceeding is postponed for a later date. If a matter is Adjourned *sine die*, it is postponed, and no specific date is given to return.
- **Administrative Direction:** At the Court of Appeal, this is an administrative decision made by the Case Management Officer (CMO).
- **Affidavit**: A written statement of facts that is sworn or affirmed to be true before a person who has authority to administer the oath or affirmation.
- **Affirm or affirmation:** To affirm is one of two ways parties promise to tell the truth when testifying in court or completing an affidavit. It does not involve a religious commitment. See also: **swear** or **sworn**.
- **Appeal**: A request to a higher court to vary or reverse the judgment of a lower court, board, or tribunal. See rule 14.1(1)(a).
- **Appeal Conferences (ACs)**: A mandatory alternative dispute resolution method for fast-track family law appeals. ACs are conducted informally by a single appeal judge in a manner similar to mediation or judicial dispute resolution.
- **Appellant**: The party who commences an appeal with the filing of a Notice of Appeal.
- **Applicant**: The party who files an application at the Court of Appeal.
- **Application**: Applications are made to the Court to resolve issues that arise in relation to an appeal. Examples include an application to extend time or for security for costs. Either party can file an application.
- **Applications Judge**: In the Court of King's Bench, an Applications Judge is an officer of the Court who has some of the same powers as a judge. See Section 9 of the *Court of King's Bench Act*.

- **Application to preserve a time limitation:** If it is necessary to meet the filing deadline, an application for permission to appeal may be filed without the supporting documents. This exception applies in limited situations, and supporting materials must be filed at least 10 days before the application is scheduled to be heard.
- **(An) Authority**: An authority is an existing law. It includes legislation, rules, regulations and decisions of courts and tribunals. Parties use authorities to support their legal arguments on an application or appeal.
- **Binding**: See **precedent** or **judicial dispute resolution**.
- **Case Management Officer**: The CMO is a senior staff lawyer who manages the progress of all matters before the Court and decides various applications. The CMO is appointed under the *Court of Appeal Act*. See rule 14.36.
- **CAMS**: The Court of Appeal Management System (CAMS) is the secure document management and electronic filing system where litigants and lawyers start appeals, upload materials and access their case information. See rule 14.1(1)(e.1).
- **Case authorities, case law:** Decisions of courts or tribunals are sometimes called cases, case authorities or case law.
- **Chambers:** At the Court of Appeal, chambers is a type of hearing where applications to a single judge are heard to resolve issues that come up in an appeal.
- **Check/return forms:** Check/return forms set out the requirements for documents submitted for filing. If a document does not meet the requirements or is otherwise deficient, the Registry will note the deficiency in a check/return form. Review the form and correct your document before resubmitting it.
- **Civil appeal:** Civil appeals include all appeals except criminal appeals. See Part 14 of the *Rules*.
- **Commencement Document**: In the Court of Appeal, a commencement document is the document that starts an appeal. It includes a notice of appeal and an application for permission to appeal.
- **Counsel:** The lawyer for a party before a court is typically referred to as counsel.
- **Court order:** An order issued by a court. It is a formal direction that must be complied with.
- **Cross Appeal** (incl **cross appellant, cross respondent**): A cross appeal occurs when a respondent to an appeal wants to raise issues about the decision under appeal that have not been raised by the appellant. See rule 14.6(1).

- The **cross appellant** is the party who files the cross appeal (and the respondent in the original appeal).
- The **cross respondent** is the party who responds to the cross appeal (and the appellant in the original appeal).

- **Decision**: A judge or panel's decision includes both the outcome of an appeal, application or trial and the reasons they came to that conclusion.
- **Discontinuance/Notice of Discontinuance**: The appellant may end their appeal by filing and serving a notice of discontinuance to end an appeal.
- **Electronic filing exemption (e-filing exemption)**: A person may apply to the CMO and be granted an exemption from the requirement to file documents electronically in exceptional cases.
- **Error of fact**: An error of fact is an error that concerns the relevant events between the parties that affected the decision.
- **Error of law**: An error of law is an error regarding the law or legal test that should be applied in a given situation.
- **Error of mixed fact and law**: An error of mixed fact and law is an error in the application of a legal standard or principle to the specific facts of a case.
- **Evidence**: Proof of facts presented at a court proceeding.
- **Exhibit**: A document or object entered as evidence on the court record or appended to an affidavit.
- **Factum**: The written argument filed by a party in support of or in response to an appeal. It is provided to a panel of judges in advance of a hearing.
- **Fast-track appeal:** Fast-track appeals (rule 14.14) are appeals that are dealt with on shorter deadlines. Specific categories of appeals are dealt with as fast-track appeals, for example, appeals from interim decisions or decisions involving children. See rules 14.14 and 14.1(1)(n). Appeals that are not fast-track appeals are standard appeals.
- **Fee waiver**: A party may apply for a fee waiver to cover the cost of filing fees, including filing a commencement document and applications. This fee waiver does not apply to photocopying or search fees, fees to restore an appeal or transcripts.
- **Fiat**: A fiat is a permission from the Court that allows a document to be filed even if it does not meet all the requirements. At the Court of Appeal, fiats are granted by the CMO.
- **File (filing, filed)**: Filing means that a document submitted to the Court—typically by uploading through CAMS or otherwise as permitted by the *Court of Appeal of Alberta*

Practice Direction-Electronic Filing—has been reviewed by the Registry and accepted for filing. This is evidenced by the "Filed" stamp on the front of the document. To be filed on time, documents must be stamped "Filed" by the date of the deadline. See rule 14.1(1)(h).

- **Hearing**: At the Court of Appeal, a hearing is an application or an appeal that involves the presentation of oral argument in court.
- **Hybrid hearing**: Proceedings where some participants appear in person and others participate virtually.
- **In-person hearing**: All parties, counsel, the clerk and judge(s) are physically in the courtroom for the hearing.
- **Intervenor**: While not a party, an intervenor is a person or organization who has been granted permission to make oral and/or written submissions in the appeal. This permission is subject to any terms and conditions and with the rights and privileges specified by the Court. See rule 2.10.
- **Judicial Dispute Resolution**: Judicial Dispute Resolution (JDR) is an alternative method of settling issues on appeal where the parties work with a judge to resolve as many issues as possible. A party can request a JDR at any time during an appeal by contacting the CMO. All parties must consent. The parties can choose between a binding and non-binding JDR. See Part D, *Consolidated Practice Directions*.
    - Binding JDR: If the parties cannot reach an agreement, the judge will make a decision and grant an order that the parties must abide by.
    - Non-binding JDR: The judge assists the parties with the goal of reaching a resolution, which may include giving recommendations. The parties are not required to accept recommendations.
- **Lectern**: In a courtroom, the lectern is located between the appellant's table (to the left when facing the judges) and the respondent's table (to the right). When it is your turn to speak, move to the lectern to speak.
- **Legislation:** Legislation is written law passed by the provincial legislature or Parliament.
- **Litigant**: A litigant is a person who is a party to a court case.
- **McKenzie Friend**: A McKenzie Friend is a support person who may sit beside a self-represented litigant during an application or appeal hearing if permission is given. A McKenzie Friend cannot represent the self-represented litigant or speak in court, but they may take notes.

- **Memorandum of argument**: A memorandum of argument is a written argument for an application to a judge or panel. An application cannot proceed if the appellant does not file a memorandum of argument. See rules 14.40 to 14.43.
- **Neutral citation**: A neutral citation is the citation given to the authority by the court or tribunal that decided it, for example, *Sherman Estate v. Donovan, 2021 SCC 25*. The neutral citation indicates this case was decided by the Supreme Court of Canada and was the 25th case decided by the court in the year 2021.
- **New evidence**: New evidence includes any facts, evidence or other information that was not before or considered by the lower court or tribunal, including information that was created or discovered after the decision of the lower court or tribunal. See rule 14.45.
- **Non-commencement document**: A non-commencement document is any document that is not a commencement document. See **commencement document**.
- **Notice of appeal**: The document that starts an appeal. If permission to appeal is required, then typically the notice of appeal is filed after permission to appeal is granted by the Court. See rule 14.7.
- **Oral argument**: Oral argument refers to the spoken presentations by each party in front of a single judge or panel during a hearing. During oral argument, a single judge or panel of judges can ask the parties questions.
- **Oral evidence:** See **evidence**
- **Oral reasons:** See **reasons**
- **Order**: See **court order**
- **Panel**: A panel refers to the group of Court of Appeal judges who sit to hear a particular appeal or application. Panels are typically composed of three judges. See rule 14.1(1)(j).
- **Party**: The parties to a proceeding or action. See rule 14.1(1)(k).
- **Permission to appeal**: If an enactment or the *Rules* requires a party to obtain permission to appeal from a Court of Appeal judge, the party must file an application for permission to appeal. The party can then appeal to the Court of Appeal if permission is granted. See rules 14.3, 14.5 and 14.7.
- **Pleadings**: Pleadings from the lower court include filed documents such as a statement of claim, a statement of defence, a counterclaim, a defence to a counterclaim, a reply to a statement of counterclaim, a third-party claim and more. See *Rules,* Appendix Definitions.

- **Precedent, precedential decision**: A precedent is a principle or rule established in a legal case that becomes authoritative to courts or tribunals in its jurisdiction when deciding subsequent cases.
    - A persuasive source of law can influence a court's decision, but the court is not required to follow it. This includes decisions of courts of other provinces.
    - Binding law must be followed by a court in their decision-making process. This includes the decisions of a higher court.
- **Print citation**: A print citation is the way you write a case found in a printed legal reporter, for example, *Sherman Estate v. Donovan* [2021] 2 S.C.R. 75. This case is found at the 75th page of the 2nd volume of the Supreme Court Reports issued in 2021.
- **Pro bono:** Pro bono work is legal services provided at no cost.
- **Proceeding:** See **hearing**.
- **Publication ban**: A law or judge's order that prohibits publishing any information that is protected by the ban. A publication ban does not limit viewing of information or receiving copies of court documents. It only affects publishing, broadcasting or transmitting the protected information. See the Court Information Access Guide for Alberta. See also **sealing order** and **restricted court access order**.
- **Reasons**: Reasons are the judge's reasoning/explanation for the outcome of an appeal. Reasons are provided in an oral or written decision.
- **Reply:** In an appeal hearing, the appellant may be allowed to speak in reply after the respondent has spoken but should only address new issues raised by the respondent.
- **Reply factum:** If the respondent to the appeal files a cross appeal, the factum that is filed by the original appellant in response is called a reply factum.
- **Reserved decision**: When a judge or panel of judges does not give a decision immediately at the end of a hearing, they "reserve" the decision. The judge or panel will further consider their decision and provide it at a later date, usually in the form of written reasons.
- **Respondent**: A respondent is a person who is named as a respondent in a notice of appeal, an application for permission to appeal or in any application. See rule 14.1(1)(m).

  Note: Because an application may be started by either party, the respondent to an application may not be the same party as the respondent in the appeal. See Part 1 of the *Civil Applications Guide* for more information.
- **Restricted court access order:** The public has a presumed right to access the entire court record unless access is restricted or prohibited by a provincial or federal law or by court

order. See Policy for Public Access to the Court Record. See also: **publication ban** and **sealing order**.

- **Right to appeal**: A party can only appeal to the Court of Appeal if an enactment or the *Alberta Rules of Court* provide a right to appeal. Legislation may provide an automatic right to appeal or require permission to appeal. See rules 14.3 and 14.4.
- **Sealing orders, sealed**: This is a judge's order directing that a document, exhibit, or file be sealed from public access. A statute may also require a document, exhibit, or file to be sealed. See the Court Information Access Guide for Alberta, p. 21 and 131. See also **publication ban** and **restricted court access order**.
- **Self-represented litigant (SRL):** A party to a case who represents themselves on an appeal and is not represented by a lawyer.
- **Serving, service**: Serving documents means providing filed documents to the other parties in a way that meets the legal requirements and can be proven to the Court. Filing in CAMS is not service.
- **Standard appeal**: Every civil appeal that is not a fast-track appeal is a standard appeal.
- **Standard of Review**: Appellants must show that the error alleged in the lower court, board or tribunal meets the minimum threshold standard or level required before it can be reviewed on appeal. The standard of review varies depending on the type of error alleged—for example, an error of fact, an error of law or an error of mixed fact and law.
- **Stay**: A stay is a court order directing that a court order or proceeding in a lower court, which is subject to an appeal, not be enforced or continued until a future time. See rule 14.48.
- **Struck**: When an appeal is struck, the appeal is stopped, and the case is closed. A party can apply to restore the appeal.
- **Style of cause**: A complete listing of the full name of each party to a case and that party's role in the case. It includes a letter v between the names of the appellant(s) and the respondent(s) and must match the names of the parties in the lower court or tribunal. See rule 14.12(2) and Form AP-6.
- **Swear, sworn:** Swearing an oath is one of two ways parties promise to tell the truth when testifying in court or completing an affidavit. It is a religious commitment. See also **affirm**.
- **Testimony**: The oral evidence of a witness in a court proceeding, such as a trial. Testimony does not typically occur in a hearing at the Court of Appeal.
- **Transcripts:** A certified written record of what was said in a trial, hearing or questioning.

- **Trial brief:** A trial brief is a legal document that contains written facts, arguments and evidence presented to the lower court. It includes written briefs filed for applications.
- **Vexatious litigant**: A vexatious litigant is a litigant who is subject to a vexatious litigant order. See **vexatious litigant order**.
- **Vexatious litigant order**: A court order that prevents a litigant from commencing or continuing proceedings in court unless the litigant obtains permission from the Court.
- **Virtual hearing**: All parties, counsel, the clerk and judge(s) connect for the hearing through audio and visual means using a platform such as Webex.

Appendix 3 | Appeals heard by Court of Appeal and Court of King's Bench

Examples of appeals that are heard by the Court of Appeal and Court of King's Bench are listed in Appendix 3 of the *Civil Appellant Guide*.

Appendix 4 | Issues that affect respondents

This FAQ covers issues that may affect respondents at the Court of Appeal.

A. Improperly added as a party

If you were improperly added as a respondent to an appeal or application at the Court of Appeal, follow the steps in this section.

a. If you:

- Were not a party to the matter in the lower court,
- Were named as a respondent in a notice of appeal or application for permission to appeal, and
- Seek to be removed as a respondent,

b. Then:

- Seek directions. Follow the instructions in **Part 2.4.C.II** to make an application for directions to the CMO and submit the required letter in CAMS.

B. Not added as a party

If you should have been named as a respondent but were not, follow the steps in this section.

a. If you:

- Were a party to the matter in the lower court,
- Were not named as a respondent in a notice of appeal or application for permission to appeal, and
- Seek to be added as a respondent,

b. Then:

- Contact the appellant/applicant and ask if they will add you as a respondent.
    - If they agree or do not oppose, ask them to upload to CAMS:
        - An amended notice of appeal or amended application for permission to appeal, underlining any changes in the document, and
        - A letter, copied to all parties, that explains why the notice of appeal or application for permission to appeal was amended.

The letter must also confirm that the existing parties consent or are not opposed to adding the party.

- If the parties do not agree, request access to the appeal (see **Part 2.2.B** above) so you can upload:
  - An application to a single judge to be added as a party, and
  - The required application materials. See **Part 3** of the *Civil Applications Guide*.

- If you are still unsure how to proceed, email your query to the CMO. As always, copy all other parties on your email.

C. A procedural error exists

If there is a procedural issue with the appeal or application, review the following information.

- Procedural issues may include, but are not limited to:
  - The appeal was made to the wrong court.
  - The Court of Appeal lacks jurisdiction over the appeal.
  - An appeal was filed, but permission to appeal is required.
  - The appeal or application was filed, but an extension of time is required.
- To question a procedural issue with a notice of appeal or application for permission to appeal that names you as a party:
  - Seek directions.
    - Follow the instructions in **Part 2.4.C.II** to make an application for directions to the CMO and submit the required letter in CAMS.
    - Detail the issue and, if relevant, the relief you seek.

D. Decision does not mention costs

If you were the successful party and the Court's decision does not mention costs:

- Rule 14.88—the default rule on costs—automatically applies.
  - No formal application or request for direction from the panel or judge is required.
  - The parties must settle the amount of costs between themselves in a bill of costs. If you cannot agree on the amount of costs, including the Schedule C

column that should apply, seek an appointment with an assessment officer at the Court of King's Bench. See Part 10 of the *Alberta Rules of Court*. Court of Appeal judges do not assess costs.

- A party should only seek direction on costs from the judge or panel if they believe the default rule should not apply—for example, if a party wants to ask for a greater or lesser amount of costs.
    - Seek directions within **two months** after a decision is issued. Follow the same process outlined in **Part 2.4.C.II** to make an application for directions to the CMO. Address your submission letter to the judge or panel (instead of the CMO) and upload it to CAMS.
    - The matter will be considered **in writing only** by the judge or panel.

E. Not served with commencement document

You were not served with the notice of appeal or application for permission to appeal:

- Contact the appellant or the appellant's lawyer to discuss.

F. Documents are missing

If you believe documents are missing from the appeal record or appellant's extracts of key evidence, review the following.

- Some documents are not required in an appeal record. See **Part 3.1.C** above, which outlines the contents of an appeal record.
- If you believe relevant documents are missing from the appeal record or the appellant's extracts of key evidence, you can include them in your own extracts of key evidence.

G. Documents are included improperly

If you believe documents were improperly included in the appeal record or appellant's extracts of key evidence:

- Seek directions. Follow the instructions in **Part 2.4.C.II** to make an application for directions to the CMO and submit the required letter in CAMS.

Appendix 5 | Legal information and resources

Organizations listed below provide help—from legal advice or legal representation to legal information only. Some offer free or discounted legal services.

Contact the appropriate resource for more information and eligibility criteria.

These organizations are independent of the Alberta Court of Appeal. Information is provided as a starting point to assist litigants. Court staff cannot provide additional information.

A. Alberta-wide resources

- **Alberta Law Libraries:** Provides library tours, 30-minute legal research instruction sessions and access to legal research materials both online and in-person at 10 locations throughout Alberta. Computers and free Wi-Fi are available.

  www.lawlibrary.ab.ca

- **Alberta Legal Coaches & Limited Services:** Provides a directory to connect people with lawyers who offer a range of services.

  www.albertalegal.org

- **Alberta Legal Information Centre:** With offices in Calgary and Edmonton, ALIC provides free legal information in French.

  www.infojuri.ca/en/

- **Centre for Public Legal Education Alberta:** Provides legal information resources on a wide variety of topics from abuse, condominium law, and family, to wills and estates.

  www.cplea.ca

- **Dial-a-Law:** Provides basic information about the law and the legal system. Topics covered include criminal law, employment law, real estate law, wills and estates law, youth and the law, consumer law and family law.

  1-800-332-1091

- **LawCentral Alberta resources page:** Provides resources for specific groups of litigants, including immigrants, lower-income Albertans and youth.

  www.lawcentralalberta.ca/en/resources

- **Law Society of Alberta Membership Directory:** Search for a lawyer using specific criteria, including location, practice area, languages spoken and more.

www.lawsociety.ab.ca/public/findalawyer

- **Legal Aid Alberta:** Provides some legal services subject to income thresholds. Practice areas include family law, domestic violence, child welfare, immigration, youth and adult criminal defence.

  1-866-845-3425 or www.legalaidab.ca

B. Canada-wide resources

- **National Self-Represented Litigants Project (NSRLP) Resources:** Provides information, multiple guides and checklists for self-represented litigants.

  https://representingyourselfcanada.com/our-srl-resources/

- **Canadian Judicial Council**: Provides handbooks to assist self-represented litigants across Canada. Three handbooks are available: civil law, criminal law and family law.

  https://cjc-ccm.ca/en/what-we-do/initiatives/representing-yourself-court

C. Edmonton-specific resources

- **Edmonton Community Legal Centre:** Provides free legal services for vulnerable people.

  1-780-702-1725

D. Calgary-specific resources

- **Calgary Legal Guidance:** Provides free legal guidance for vulnerable people.

  1-403-234-9266 or clg.ab.ca

- **Women's Centre of Calgary**: Volunteer lawyers offer 30 minutes' free legal support. Issues may range from family law to civil litigation and immigration. This service is available to women and gender diverse litigants in Calgary.

  www.womenscentrecalgary.org

E. Regional Alberta-specific resources

- **Community Legal Clinic:** Offers free legal advice and services to individuals who qualify in Central Alberta, Lloydminster, Medicine Hat and Fort McMurray and surrounding areas.

  https://communitylegalclinic.net/

Appendix 6 | Civil appeal fees

Civil matter	Fee
Notice of Appeal	$600
Application for Permission to Appeal-Commencement Document	$600
Application for Permission to Appeal-Non Commencement Document	$100
Application to Restore an Appeal (including consent orders/letters)	$200-first restoration
	$500-second restoration
	$1000-third and subsequent restorations
All other applications	$100

The relevant fee must be paid before a document can be processed for filing.

- There are two ways to pay fees:
  - (i) **Electronically via eServices Alberta**: https://eservices.alberta.ca/courtofappeal-filing-fees-civil.html. This is the most common method.
  - (ii) **In-person at the Registry counter**: Payments can be made by cash, Visa, MasterCard, American Express, Interac Debit, certified cheque or money order. Certified cheques and money orders are payable to the Government of Alberta. In compliance with Credit Card Industry Standards, credit card payments over the phone or via fax or email cannot be accepted.
- In case of a discrepancy between the fee information in this guide and Schedule B, Division 6 in the *Alberta Rules of Court*, the information in the *Rules* applies.

Appendix 7 | Civil appeal forms

Civil forms
Affidavit (Generic)-Form 49
Affidavit (in Support of an Application)-Form 49
Affidavit of Service
Application-Form AP-3
Application for Exemption from Electronic Filing
Application to Change Hearing Method
Appointment for Assessment of Costs-Form 45
Bill of Costs-Form 44
Civil Notice of Appeal-Form AP-1
Civil Notice of Cross Appeal-Form AP-2
Cover Page (For Use with an Appeal Record, Factum, Extracts of Key Evidence)-Form AP-5
Discontinuance of Appeal-Form AP-4
Electronic Hearings Confidentiality or Privacy Concerns Form
Extracts of Key Evidence-Table of Contents
Factum
Form of Address for Parties or Counsel at Hearings
Judgment (Civil)
Memorandum of Argument
Notice of Change of Representation-Form 3
Notice of Withdrawal of Lawyer of Record-Form 4
Order (Single Judge Chambers) (Civil)
Order (Three Judges-Panel Applications) (Civil)
Order for Restoration of Appeal (Civil)
Search Request (Civil)
Style of Cause (Civil)-Form AP-6
Terms and Conditions for Access to the Court Record or Case File

Appendix 8 | Introduction to service

It is each party's responsibility to serve documents on all other parties:

- As required by the *Alberta Rules of Court*, and
- Using the correct method. Review the relevant legislation. This is often Part 14 of the *Alberta Rules of Court* or a separate Act.

- Note the following:
  - The Court of Appeal Registry and the Case Management Officer (CMO) do not facilitate service between the parties.
  - Filing a document in CAMS is not service.
  - This appendix is a starting point to help you find the information you need. Court of Appeal staff cannot assist parties with information on service.

Commencement documents

Service requirements are different for commencement versus non-commencement documents.

- **Commencement documents**—a notice of appeal, an application for permission to appeal or a notice of cross appeal.
- **Non-commencement documents**—all documents filed after the commencement document.

A. What to serve

The parties must serve a copy of every filed document. A filed document bears the Registry's "Filed" stamp. You can locate the filed document under Documents in CAMS.

B. Who to serve

Serve every other party to the appeal.

C. How to serve

Read the *Alberta Rules of Court* or relevant legislation carefully!

- Every party can validly serve documents on the other parties by following the steps outlined in the relevant legislation.

- This is often rules 14.81 and 14.82 and, to a lesser extent Part 11, including 11.17 and 11.20(a) of the *Alberta Rules of Court*.
    - The appellant can serve commencement documents on the address for service used in the trial court (rule 14.81). Subsequent documents can be served on that address until the respondent changes the address.
    - The lawyer of record in the trial court stays as lawyer of record until a change is made. The lawyer of record can also be served (rule 14.82).
- However, if a separate enactment outlines the steps required for valid service in your matter, follow those rules.
- If an existing valid agreement outlines service between the parties, documents can also be served according to this agreement (rule 11.3). For example, a contract may set out the place of service, mode of service and person on whom service may be affected (rule 11.3(1)).

General information: Parts 11 and 14

If service is governed by the *Rules*, 14.81 and 14.82 prevail. What is considered valid service will vary according to the type of party to be served. For information see, for example, individuals (rule 11.5), lawyers (rule 11.16), lawyers of record (rule 11.17), self-represented litigants (rule 11.18), trustees or personal representatives (rule 11.6) and elsewhere in Part 11 for parties such as corporations.

- If the *Alberta Rules of Court* applies, two additional methods of service are permitted for non-commencement documents:
    - Electronic Method (email) according to rule 11.21 and definitions, and
    - Recorded Mail Service according to rule 11.22 and definitions.

Affidavit of service typically not required

The Court does not typically require an affidavit of service, but there are exceptions.

- **Exception: In Alberta Rules of Court**
    - Read the rules carefully to determine when an affidavit of service is required.
    - e.g., a Notice of Withdrawal of Lawyer of Record requires an affidavit of service.
- **Exception: At the Court's direction**
    - At times, the Court may direct a party to file an affidavit of service.

Appendix 9 | Filing a cross appeal

(*Alberta Rules of Court*, rules 14.6 to 14.12.)

(a) Introduction to cross appeals

A respondent may file a cross appeal on the decision that the appellant has appealed. If you believe the decision of the court or tribunal currently under appeal should be varied **in a different way** to the appellant, you may file a cross appeal.

- A cross appeal is only required when the respondent wants the decision under appeal varied. It is not necessary if the respondent simply wants to support the decision under appeal for different reasons.
- An appeal and cross appeal are heard together.
- The appeal and cross appeal, form AP-2, are filed using the same appeal number.
- A respondent who files a notice of cross appeal is also known as the **cross appellant,** and the appellant in the existing appeal is also known as the **cross respondent**.
- If a respondent accepts the lower court or tribunal decision, there is no need to file a cross appeal.

(b) Deadline for filing a cross appeal

The deadline to cross appeal is either:

  - the appeal filing deadline (see **Part 1.2** above), or
  - **10 days after** the notice of appeal has been served,

  whichever happens **later** (rule 14.11).

- This timeline applies both when an automatic right to appeal applies to a lower court or tribunal decision or when permission to appeal is required.
- A cross appeal is started in one of two ways:
  - By filing a notice of cross appeal under rule 14.11, or
  - By filing an application for permission to cross appeal.
- For information on which option applies, see rules 14.5 and 14.6.

(c) Filing a factum on a cross appeal

With both standard and fast-track appeals, when a cross appeal is filed, the respondent (cross appellant) will prepare their factum in two sections:

  - The respondent's general factum that responds to the appeal, and
  - The respondent's factum as cross-appellant on the cross appeal.

- Each section will follow the format required for factums outlined in **Part 3.2** above.

(d) Factum requirements on a cross appeal in a standard appeal

The respondent

The deadline for the respondent's factum for both the appeal and cross appeal is **within two months** of service of the appellant's factum (rule 14.23(2)).

The page limit for the respondent's factum, which includes the factum sections for both the appeal and cross appeal, is 40 pages (rule 14.26(2)(b)).

The appellant

If the respondent files a **cross appeal on a standard appeal**, then the appellant can file a second factum which responds to the cross appeal.

This is called a **reply factum**. The appellant must file and serve the reply factum or a letter of intention not to file a reply factum **within 10 days** of being served with the respondent's factum (rule 14.23(4)). It cannot exceed 10 pages.

(e) Factum requirements on a cross appeal in a fast-track appeal

The respondent

For a fast-track cross appeal, the respondent's factum must be filed and served:

  - **One month** after service of the appellant's factum, or
  - **10 days before opening day** of the sittings where the appeal is scheduled to be heard,

whichever happens **earlier** (rule14.24(1)(b)).

- Contact the Case Management Officer (CMO) within **five days** of filing a cross appeal regarding a timetable and other requirements (rule 14.24(2)).
- The CMO will set the page limit for the respondent's factum.

The appellant

When the respondent files a cross appeal on a fast-track appeal, the appellant is entitled to file a second factum which responds to the cross appeal.

This is called a **reply factum**. The appellant's reply factum (or a letter of intention not to file a reply factum) must be filed and served no later than **10 days** after being served with the respondent's factum. See rules 14.23(4) and 14.24(1). The CMO will set page limits for the reply factum.

Appendix 10 | Learn about legal research with Alberta Law Libraries

Information in this Appendix can be found on the Alberta Law Libraries' website.

Researching the law is an important aspect of your appeal and Alberta Law Libraries is an excellent resource for self-represented litigants and lawyers who need help.

How Alberta Law Libraries can help

Alberta Law Libraries provides research support and information services to self-represented litigants, the legal community and the public.

> *"We are actively engaged in* **educating** *clients to identify and use authoritative legal* **sources**." – *Alberta Law Libraries*

- The libraries are open to all Albertans. They are located in courthouses and other buildings across Alberta—in Calgary, Edmonton, Fort McMurray, Grande Prairie, Lethbridge, Medicine Hat, Peace River, Red Deer, St Paul and Wetaskiwin.
- Alberta Law Libraries centres in Calgary and Edmonton offer a vast print collection. A wide selection of electronic legal research tools is also available online.
- Although staff are not lawyers and cannot provide legal advice, they are experts in teaching people how to find appropriate sources.
- Computers are available to use and there is free Wi-Fi.
- Services are available in person and online.

Training and tours

Visit the Alberta Law Libraries' website for information on available training and library orientation tours.

The three main options are:

- **Library Tours**

  30 to 60-minute sessions to learn where information is located in the library and about the resources and services available.

- **Legal Research Instruction**

  30-minute sessions learning how to find, manage and research legal information.

- **Book a Librarian**

  Hands-on legal research learning sessions by appointment. These lessons can be tailored to learn how to research a specific legal topic.

General legal research skills

Authorities are used to support legal arguments. As noted above in **Part 4**, authorities include legislation, statutes, rules, regulations and decisions of courts or tribunals. Decisions of courts or tribunals are sometimes called cases, case authorities or case law. Decisions often provide interpretation and application of legislation. They may be published online and in print.

Under Navigating Legal Information, the Alberta Law Libraries' website offers information on topics such as **legal research basics**, **finding and researching case law** and **finding legislation**. Look for pointers such as "tips when looking at cases".

Researching by legal topic

Alberta Law Libraries provides resources and guides to help you research specific legal topics and points you to other reputable sources.

Legal resource	Topics
Alberta Law Libraries' Research Guides	Bankruptcy; Business; Civil Procedure; Constitutional Law & Charter of Rights & Freedoms; Dispute Resolution & Mediation; Droit de la famille: Ressources en français; Employment; Family Law; Immigration; Indigenous Law; Intellectual Property; Labour; Landlord & Tenant; Personal Injury; Privacy & Access to Information; Wills, Estates and Trusts
Canadian Legal FAQs	Adult Interdependent Relationships (Alberta); Ban on Conversion Therapy in Canada; Charter of Rights & Freedoms; Constitution of Canada; Cryptocurrency; Divorce (national); E-scooters (Alberta); Employment Standards (Alberta); Families & Relationships (Alberta); Gambling; Travel
Center for Public Legal Education (CPLEA)	Browse various topics including: Abuse & Protection; Consumer, Money & Debt; Family & Relationships; Housing; Non-Profit; Planning for Future Care; Recreation; Resolving Disputes; Wills & Estates; Work; Ressources en français

Legal resource	Topics
Student Legal Services of Edmonton (SLS)	Civil law topics including small claims, wills, permanent residency, citizenship and more Family law topics Human rights law topics

Contact Alberta Law Libraries

Visit the Alberta Law Libraries' website for the address, opening hours and contact phone number of each location in Calgary, Edmonton, Fort McMurray, Grande Prairie, Lethbridge, Medicine Hat, Peace River, Red Deer, St Paul and Wetaskiwin.

The two largest libraries are:

Calgary	Edmonton
Hours: 8:15 a.m. to 4 p.m. (Closed statutory holidays.)	Hours: 8:15 a.m. to 4 p.m. (Closed statutory holidays.)
Phone: 403-297-2206 Toll free: 866-448-6148	Phone: 780-422-2342 Toll free: 866-230-8068
E-mail: LawLibrary@just.gov.ab.ca	E-mail: LawLibrary@just.gov.ab.ca
Address: Calgary Courts Centre Suite 501-N 601 – 5 Street SW Calgary, AB	Address: 2nd Floor, Law Courts Building 1A Sir Winston Churchill Square NW Edmonton, AB

Appendix 11 | Researching with CanLII

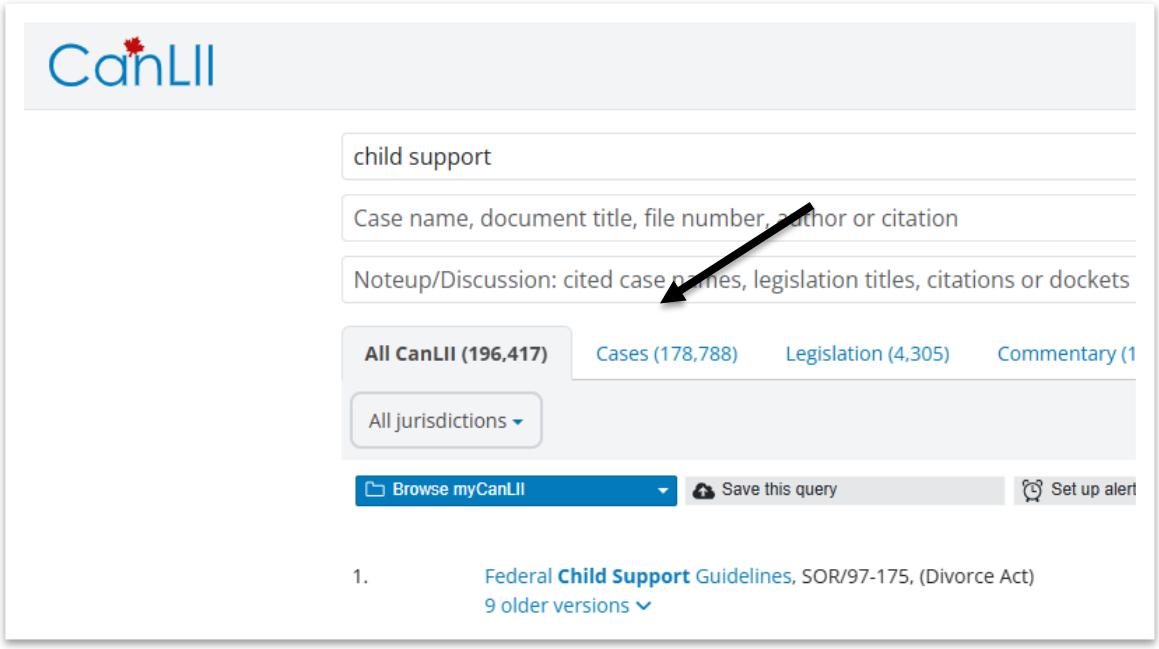
CanLII (www.canLII.org) is a free platform that offers access to legislation and court decisions from across Canada. It is commonly used by the legal community to research case law and legislation.

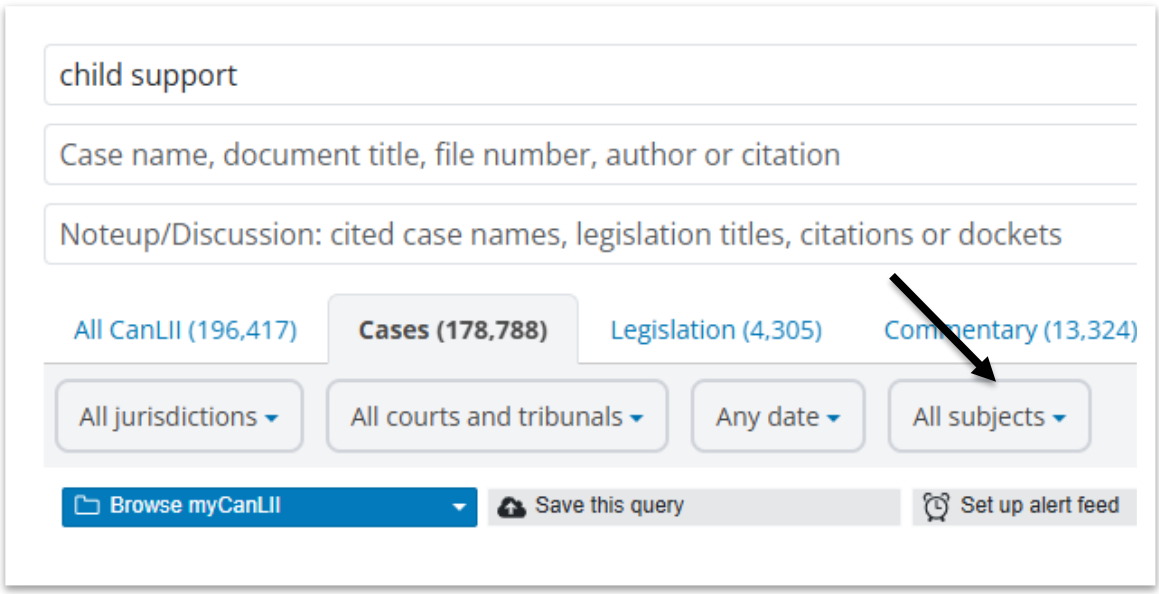
This appendix explains how to use CanLII for legal research. The CanLII Primer by the National Self-Represented Litigants' Project provides additional information on navigating CanLII and explains legal research principles for self-represented litigants.

A. Using CanLII to research case law

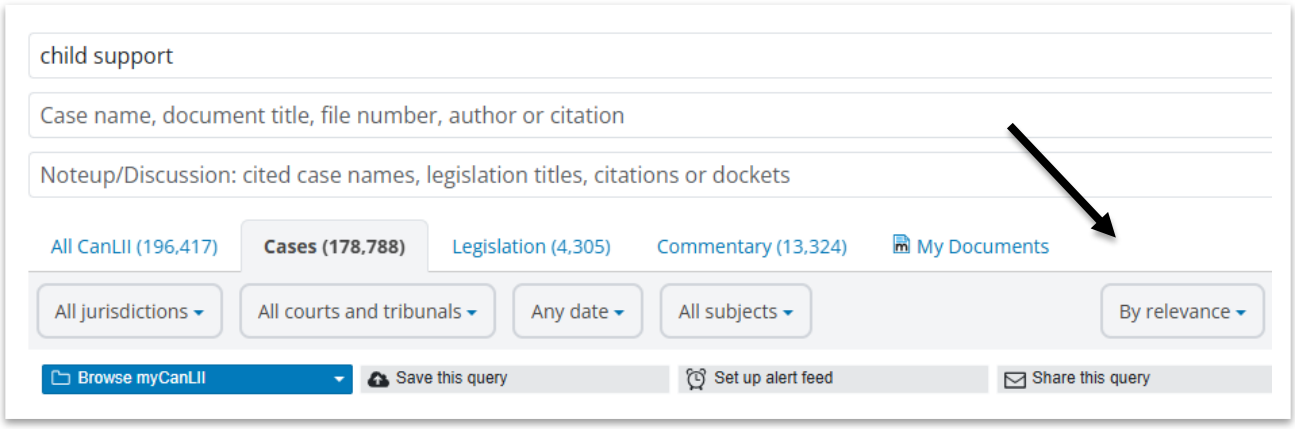
Case law is important in preparing your legal arguments in response to an appeal. Cases can provide interpretation and application of legislation and show how cases similar to yours were decided in the past.

- Search for case law on CanLII under Cases as seen below. There is a drop-down list titled "All subjects". Select from the list of topics.





- You can apply filters to help narrow your search. These include:
  - Jurisdiction—for example, if you only want to see cases from Alberta or specific courts, or
  - Relevance, decision date, citations, court level or "has the most pages". See the image below.



- When reading a case, look for the judges' reasoning and note any tests applied.

B. Evaluating whether the case law applies

With the amount of case law available on CanLII, it can be difficult to know where to start. Consider these factors:

- **Relevance**: Are the facts of the case similar? What are the differences?
- **Date**: When was this case decided?
  - Older cases may have been overturned or modified.
- **Jurisdiction**: What court was the case decided in?
  - The Supreme Court of Canada (SCC) is the highest court in Canada. SCC decisions are binding. All other courts must follow them.
  - The highest court in Alberta is the Court of Appeal of Alberta (ABCA). The decisions of this court are binding on the Court of King's Bench of Alberta (ABKB) and the Alberta Court of Justice (ABCJ). The Court of Appeal of Alberta is typically bound by its previous decisions (rule 14.72).
  - The decisions of courts in other provinces or territories may be persuasive. Alberta courts can consider them, but they are not bound to.

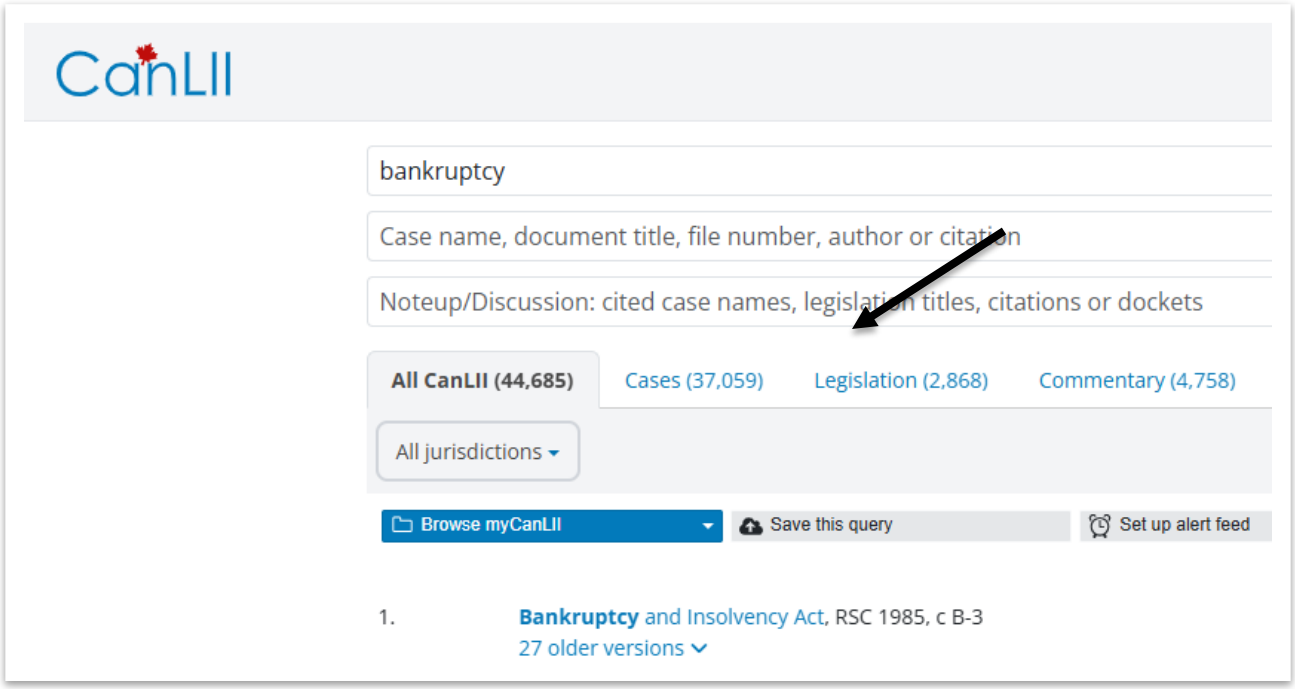
Court abbreviations

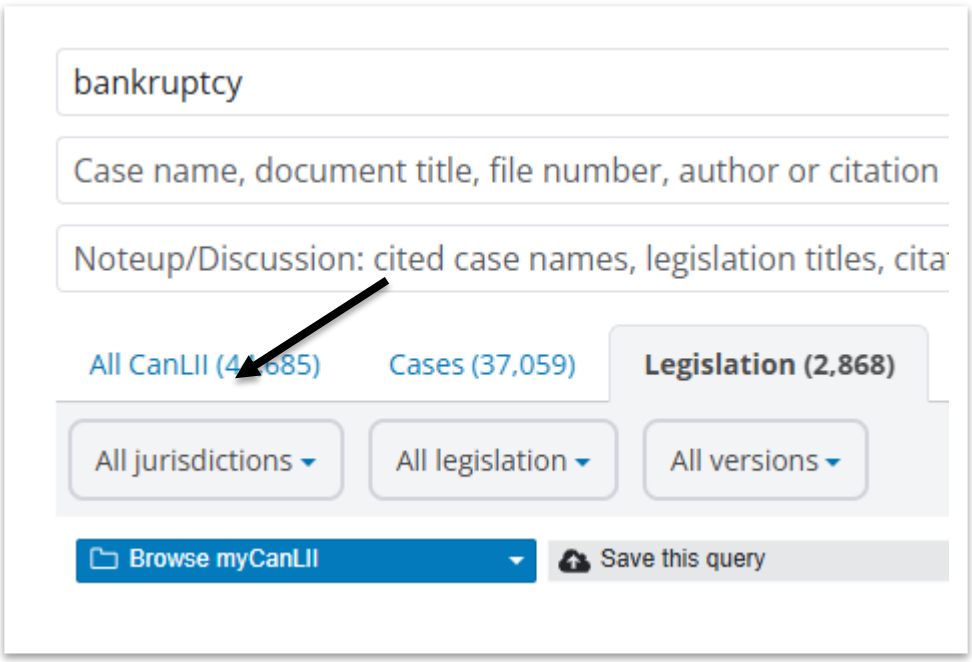
This table lists the abbreviations for courts you may find during your research.

Court Abbreviation	Court Name
ABCJ	Alberta Court of Justice
ABKB	Court of King's Bench of Alberta
ABCA	Court of Appeal of Alberta
SCC	Supreme Court of Canada
ONSC	Superior Court of Justice (Ontario)
ONCA	Court of Appeal for Ontario
BCSC	Supreme Court of British Columbia
BCCA	Court of Appeal for British Columbia

C. Using CanLII to research legislation

CanLII also provides access to legislation from across Canada. If you know which legislation applies to your appeal, it can be helpful to start there. Under the Legislation tab (see image below), you can narrow down the jurisdiction and sort by relevance or citations. Both federal and provincial legislation apply in Alberta.




bankruptcy
Case name, document title, file number, author or citation
Noteup/Discussion: cited case names, legislation titles, cita
All CanLII (4
685)
Cases (37,059)
Legislation (2,868)
All jurisdictions
All legislation
All versions
Browse myCanLII
Save this query

Appendix 12 | Preparing memorandums and affidavits for applications

Memorandums are required to support applications at the Court of Appeal. An affidavit is optional but is strongly encouraged for certain applications. This appendix is included here to assist with applications for permission to appeal. The information can also be found in the *Civil Applications Guide*.

A. Memorandum of argument

A memorandum of argument is the written argument for an application. Parties must file and serve a memorandum of argument.

- If an applicant does not file a memorandum of argument, their application cannot proceed.
- If a respondent does not file a memorandum of argument, they cannot make oral argument at the hearing of an application (unless they obtain permission from an appeal judge or panel of judges).
- Do not include evidence in a memorandum. Use an affidavit instead.

I. MEMORANDUM OF ARGUMENT CONTENT

The memorandum of argument must include an overview, a description of the relevant facts, the points at issue, the parties' submissions (including addressing any applicable legal tests), the order you are asking the court to make and a list of authorities relied on.

- A list of authorities must be included in a table of authorities at the end of the memorandum of argument with hyperlinks. If an authority is not available online, provide a copy attached to the memorandum.
- A memorandum of argument for a permission to appeal application must (rule 14.54):
    - Include a copy of the reasons for the decision being appealed, and
    - State the exact questions of law that form the basis for the application.

II. MEMORANDUM OF ARGUMENT FORMAT

A memorandum of argument must be formatted in the same way as a factum (rule 14.54 and 14.26(1)):

- Submit as a PDF with optical character recognition (OCR), which makes the PDF searchable.
- Use the sample memorandum of argument form.
- Use an 8.5" x 11" document size with 1-inch margins.
- Use at least 12-point font with at least 1.5 line spacing, except for quotations. Quotations may use single line spacing.
- Number pages continuously starting at the first page.
- Include paragraphs numbered continuously in a single series from beginning to end. Do not restart numbering at the start of each section.
- If the memorandum exceeds five pages, include electronic bookmarks for:
    - The cover page.
    - Each heading and subheading.
    - The first page of each document that is attached to the memorandum of argument, along with a description of that document.
        - The file must not be larger than 100MB.
- The page limits for a memorandum of argument apply to the argument portion of the document, not to the cover page, the table of contents, etc. The page limits are:
    - For an application for permission to appeal: 10 pages.
    - For all other applications: Five pages.

III. MEMORANDUM OF ARGUMENT RESOURCES

- Sample formatted memorandum of argument (to come)
- Form: Memorandum of argument
- Checklist: Memorandum of argument—mandatory requirements and check/return form
- Manual: PDF skills detailed (CAMS Manual pp. 79-129)

B. Affidavit

An affidavit is a written statement of facts that you voluntarily swear or affirm to be true.

- The facts must be based on:

- personal knowledge and you must explain how you have this personal knowledge, or
- information and belief where the source of the information is given.

- An affidavit is evidence in court and can be used by the judges or CMO to decide the issues.
- Do not include argument in an affidavit.
- If you are providing evidence to the Court—for example, a document or material object—attach it to the affidavit as an exhibit.
- Sign the affidavit and any exhibits attached before a Commissioner for Oaths or Notary Public.
- Write in first person, for example, use "I", "me," "my."

I. AFFIDAVIT CONTENT

An affidavit includes statements about the facts in the case. It can also include exhibits to support your case.

- Exhibits are records that can be personally identified by the person swearing the affidavit and are attached to it. For example, exhibits can be documents, photos or emails. If an appellant chooses to attach exhibits, those exhibits must be labelled consecutively as either letters or numbers, for example, "Exhibit A," "Exhibit B," and so on.
- Describe how the exhibits support the statements contained in the affidavit.
- Each exhibit must be sworn correctly and signed before a Commissioner for Oaths or Notary Public.

II. ITEMS NOT TO INCLUDE IN AN AFFIDAVIT

Do not include the following in an affidavit:

- Opinions or assumptions
- Accusations
- Inflammatory or offensive language
- Irrelevant information
- Legal argument (include in the memorandum)

III. AFFIDAVIT FORMAT

There are three affidavit templates on the Court of Appeal website:

- An affidavit in support of an application, Form 49, which includes a statement, "I make this affidavit in support of an application for…",
- A generic affidavit, also Form 49, and
- An affidavit of service.

- If you are filing an affidavit for an application, use Form 49—affidavit in support of an application.
- An affidavit must be formatted in the same way as other documents:
  - Submit as a PDF with optical character recognition (OCR), which makes the PDF searchable.
  - Use an 8.5" x 11" document size with 1-inch margins.
  - Use at least 12-point font with at least 1.5 line spacing.
  - Include paragraphs numbered continously in a single series from beginning to end. (If the affidavit is divided into sections, do not restart numbering at the start of each section.)
  - Number pages continuously starting from the first page.
  - If the affidavit exceeds five pages, include electronic bookmarks to the first page of each exhibit, along with a description of that exhibit rather than naming them "Exhibit A," etc.
  - The file must not be larger than 100MB.

IV. AFFIDAVIT RESOURCES

- Sample formatted affidavit (to come)
- Form: Generic affidavit, Form 49
- Checklist: Affidavit—mandatory requirements and check/return form
- Manual: PDF skills detailed (CAMS Manual pp. 79-129)