



Overview of Applications Before a Court of Appeal Panel

Civil Rules 14.38, 14.42 – 14.43 and 14.53 – 14.54
Criminal Rules 16.23

Electronic Filing

On March 1, 2021, e-filing became mandatory. All documents must be formatted in accordance with the Practice Direction on Electronic Filing and filed via the Court of Appeal Management System (CAMS). Unless an exemption from e-filing is granted, paper documents at the counter and documents via email will not be accepted.

For more information about CAMS, including how to register for an account and how to format and file documents, view the [CAMS Manual](#) and [FAQs](#). To visit the CAMS e-filing website, click [here](#).

Application Types

A Court of Appeal panel may hear any application (including those that could have been decided by a single appeal judge). The following applications must be heard by a panel:

- an application to allow or dismiss an appeal on its merits
- an application for new evidence (heard by the same panel that hears the appeal), unless the panel directs that the application be heard by a single appeal judge (See the separate Information Sheet on Applications for New Evidence)
- an application to reargue or reopen an appeal
- an application for directions required to give effect to any decision of the Court of Appeal, unless the panel directs that the application be heard by a single appeal judge
- an application to reconsider a prior precedential decision of the Court.

Applications to dismiss an appeal for want of prosecution are also heard by a Court of Appeal panel.

General

There is a prescribed form for the Application – in **civil** matters, form AP-3 and, in **criminal** matters, form CRA-F. These forms, along with a sample Memorandum of Argument and Affidavit (in Support of an Application) (Form 49), are available on the Court's [website](#) under Court of Appeal > Registry > Filing Information > Filing, Fees and Forms. The forms for civil matters and criminal matters are grouped separately on the website. Ensure that you use the correct one.



See also the Mandatory Requirements & Check/Return Form for an Application, Memorandum of Argument and Affidavit for a list of the minimum requirements that Registry staff will watch for when documents are filed. These forms are located on the CAMS e-filing [website](#) under Manual/Tip Sheets > Mandatory Requirements & Check Return Forms.

Fees

The filing fee for an application before a Court of Appeal Panel in a civil matter is \$50. There is no filing fee for an application before a Court of Appeal Panel in a criminal matter. Filing fees are payable online at: <https://eservices.alberta.ca/courtofappeal-filing-fees-civil.html>.

Scheduling

Applications before a Court of Appeal Panel in civil matters are heard at 10:00 a.m. one Thursday per month with the exception of July and August.

Applications before a Court of Appeal Panel in criminal matters are heard at 10:00 a.m. one Tuesday per month (on the same day that sentence appeals are scheduled to be heard) with the exception of July and August.

Panel Application dates are available on the Court's [website](#) under Court of Appeal > Registry > Court Calendar.

There is no limit to the number of applications that may be scheduled to be heard in Panel Applications Court.

If all parties consent, applications may be heard in writing only with no oral argument and are arranged through the Case Management Officer.

Deadlines

Applicants

The deadline for filing an Application, a Memorandum of Argument and any Affidavit and supporting materials is at least 20 days before the application is scheduled to be heard.

If the deadline for filing an application is missed, a new date must be selected to provide the requisite 20 days' notice. A late application will not be permitted to be filed unless the panel scheduled to hear it grants permission for it to be filed.

Applications to admit new evidence and to reconsider a prior precedential decision must be filed prior to (or at the same time) that the Applicant files its Factum.

Respondents

The deadline for responding to an Application is at least 10 days before the application is scheduled to be heard. A response is given by filing either a Memorandum of Argument and any Affidavit and supporting materials or a letter indicating that no materials will be filed. If the deadline for filing a response is missed, the Respondent may not present oral argument at the hearing of the application unless the panel otherwise permits.



Format

The prescribed form for an Application in **civil** matters (AP-3) and **criminal** matters (CRA-F) requires that the application:

- state the nature of the application
- state briefly the grounds for filing the application
- identify the material or evidence intended to be relied on
- refer precisely to any applicable provision of an enactment or rule
- state the remedy or relief sought.

Page Limits

Page limits for a Memorandum of Argument apply. The Memorandum of Argument must not exceed:

- 10 double-spaced pages for applications for permission to appeal (rare to be heard by a panel)
- 5 double-spaced pages for all other types of applications.

In addition to the page limits, the Memorandum of Argument may also attach a chronology where that is relevant to the application. A chronology should be brief and include only relevant dates and a short description of events. A chronology should not contain any commentary or argument.

Time Limits for Oral Argument

Time limits for oral argument (both civil and criminal matters) are: 30 minutes for applications for permission to appeal and 15 minutes for every other type of application. (Applications for permission to appeal heard by a panel will be rare, if ever.)

Deemed Abandoned

If any application (other than an application for permission to appeal) is not heard within 3 months after the date that the application is filed, it will be deemed to have been abandoned unless a Case Management Officer otherwise directs. (If an application for permission to appeal, normally heard by a single appeal judge, has not been heard within 6 months from the date that it was filed, it will be deemed to have been abandoned unless a Case Management Officer otherwise directs.)