

In the Court of Appeal of Alberta

Citation: Courchesne v Mazur, 2026 ABCA 276

Date: 20260826

Docket: 2603-0148AC

Registry: Edmonton

Between:

Sarah Courchesne

Applicant

- and -

Brent Mazur

Respondent

**Reasons for Decision of
The Honourable Justice April Grosse**

Application for Permission to Appeal

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The Honourable Justice April Grosse**

[1] This is an application for permission to appeal pursuant to rule 14.5(1)(i) of the *Alberta Rules of Court*, Alta Reg 124/2010. The applicant seeks to appeal an order of the Court of King's Bench made on June 10, 2026, denying her application for an extension of time to appeal a decision of the Court of Justice pursuant to section 46(2) of the *Court of Justice Act*, RSA 2000, c C-30.5.

Background

[2] The underlying Court of Justice order the applicant sought to appeal was made January 2, 2025, in the context of family law proceedings between the parties (January 2025 Order). The January 2025 Order enforced a previous interim parenting order.

[3] The applicant promptly ordered the transcript of the January 2, 2025 hearing and received it on or about January 10, 2025. However, the applicant was of the view that the transcript did not properly reflect what occurred at the January 2, 2025 hearing. On or about January 13, 2025, the applicant requested access to the court audio file. Her request for the audio was denied on January 28, 2025.

[4] The applicant did not challenge the decision denying access to the audio file, nor did she pursue an appeal of the January 2025 Order to the Court of King's Bench until she filed an application for an extension of time to appeal on or about May 28, 2026, well over a year later. The May 28, 2026 application was heard and dismissed on June 10, 2026, giving rise to the application for permission to appeal to this Court.

The Chambers Decision

[5] The Court of King's Bench chambers justice considered the factors applicable to an application for an extension of time to appeal. The chambers justice found the applicant had an intent to appeal within the appeal period but did not demonstrate that there were special circumstances or an explanation for the delay of approximately 16 months in taking further steps to appeal the January 2025 Order. The chambers justice noted that time limits for appeals promote finality.

[6] The chambers justice also noted developments that occurred following the January 2025 Order, including a further order enforcing parenting terms and the commencement of case management in the Court of Justice. In light of subsequent events, the chambers justice held that an appeal of the January 2025 Order was largely moot, weighing against an extension of time to appeal. He denied the application for an extension.

Test for Permission to Appeal

[7] Parties may appeal as of right from the Court of Justice to the Court of King's Bench in family matters: *Court of Justice Family Law Procedure Regulation*, Alta Reg 149/2005, s 9(1). However, there is no further appeal from the Court of King's Bench to this Court, except on a question of law or jurisdiction with permission of this Court: *Rules*, r 12.71(1). Even where there is a question of law or jurisdiction, this Court has a discretion as to whether to grant permission for the further appeal: *Rules*, r 14.5(1); *Bertram Family Trust v Felesky Flynn LLP*, 2025 ABCA 54 at para 22.

[8] In considering whether to exercise that discretion, this Court generally has reference to three considerations: whether there is an important question of law or precedent; whether there is a reasonable chance of success on appeal; and whether the delay will unduly hinder the progress of the action or cause undue prejudice: *Platner v Platner*, 2010 ABCA 342 at para 6; *Wandler v Crandall*, 2017 ABCA 115 at para 13.

Analysis

[9] The application for permission to appeal is dismissed for the following reasons.

[10] Having reviewed the applicant's notice of appeal and application materials, I am not convinced the proposed appeal raises a question of law or jurisdiction. The appeal is from a discretionary decision of the Court of King's Bench denying an extension of time to appeal to that court. The proposed appeal is an attempt to have this Court re-weigh the relevant factors and come to a different decision regarding extending the time to appeal the January 2025 Order. In particular, the applicant wants this Court to put more weight on the fact that she was denied access to the Court of Justice audio file and the effect this denial may have had on her ability as a self-represented litigant to meaningfully assess and pursue appellate review. However, it is clear from the record that the chambers justice was aware that the applicant had been refused access to the Court of Justice audio file. He noted that being denied the opportunity to listen to the oral recording may be frustrating to the applicant but did not prevent her from appealing the January 2025 Order.

[11] To the extent the applicant has tried to frame a legal issue relating to the rights of self-represented litigants to access court audio files, that issue does not squarely arise in the proposed appeal. This is not an appeal from the decision denying access to the audio file. The applicant received a written document denying her request, which explicitly stated: "If this request is denied, you may make a court application on notice to the parties." She did not make any such application.

[12] Even if I could discern a question of law or jurisdiction in the applicant's proposed appeal, I would not exercise my discretion to grant permission to appeal. To the extent there is any question of law or jurisdiction, it is tied to the facts of this case and not one of general importance. The prospect of success on appeal is low, given the discretionary nature of the decision made by the

chambers justice and the deferential standard of review that would apply. There is no evident error in the reasoning.

[13] Further, events both before and after the chambers hearing on June 10, 2026 have overtaken any appeal of the January 2025 Order and by extension, the proposed appeal of the June 10, 2026 order to this Court. On or about May 7, 2026, the Court of Justice issued a further enforcement order relating to parenting, which order is under appeal at the Court of King's Bench. The parties commenced case management. There is now a trial scheduled to start on November 30, 2026 on parenting and other issues. Parenting will be revisited afresh at that time, long before any appeal to this Court of the June 10, 2026 order would be heard. In all of these circumstances, an appeal of the June 10, 2026 order to this Court, for the purpose of potentially appealing the January 2025 Order, can serve no practical purpose.

Conclusion

[14] The application for permission to appeal the June 10, 2026 order of the Court of King's Bench is dismissed.

[15] Rule 9.4(2)(c) is invoked, and the Court will prepare the resulting order.

Application heard on August 12, 2026

Reasons filed at Edmonton, Alberta
this 26th day of August, 2026

Grosse J.A.

Appearances:

Applicant S. Courchesne

M. Dupres
for the Respondent