



Filing Deadlines Civil Standard Appeal

Parties to an appeal should not take the approach that they are automatically entitled to the maximum time permitted by the Rules of Court to complete each step of the appeal process.

Deadlines prescribed in the rules are merely the default outside time limit at which point consequences for failure to act in time will be imposed. It is an underlying objective of the Rules of Court to try and ensure that all appeals are dealt with as diligently as possible. See [*Fort McKay First Nation v. Alberta Energy Regulator*](#), 2013 ABCA 396.

	Deadline	Consequence of Missing
Notice of Appeal (A Notice of Appeal must be in Form AP-1. See Rule 14.12(1).)	Must be filed and served ¹ : <ul style="list-style-type: none"> a) within the time for commencing an appeal stated in an enactment, b) within 10 days after permission to appeal is granted (if applicable*), or c) if (a) and (b) do not apply, within one month after the date of decision. (See Rule 14.8(1) for definition of “date of decision”) ¹ Rule 14.8(2)	Appellant must bring an application to extend the time to appeal after the Notice of Appeal is filed.

*See also Rule 14.8(3) for the time within which an application for permission to appeal must be filed and served and Rule 14.44 for rules specific to applications for permission to appeal.



	Deadline	Consequence of Missing
<p>Notice of Cross Appeal</p> <p>(A Notice of Cross Appeal must be in Form AP-2. See Rule 14.12(1).)</p>	<p>Must be filed and served:</p> <ul style="list-style-type: none"> a) within the time for filing an appeal, or b) within 10 days of service of the Notice of Appeal <p>(whichever is later)¹</p> <p>¹Rule 14.11</p>	<p>Cross appellant must bring an application to extend the time to cross appeal.</p>
<p>Ordering/Preparation of Transcripts & Appeal Record</p>	<p>Must be ordered or preparation commenced within 10 days after filing the notice of appeal¹ and</p> <hr/> <p>A copy of the order must be filed and served on the respondent within 5 days after ordering¹</p> <p>¹Rule 14.15(1)</p>	<p>N/A</p>
<p>Transcripts & Appeal Record</p>	<p>Must be filed and served¹:</p> <ul style="list-style-type: none"> a) forthwith after they are prepared, and b) not later than 4 months from the date on which the Notice of Appeal was filed. <p>¹Rule 14.16(3)(b)</p>	<p>The appeal will be struck.¹</p> <p>Unless otherwise ordered, a party is not entitled to assess costs or recover disbursements in respect of a procedural step in which the party has failed to comply with a deadline.²</p> <p>¹Rule 14.64(a) ²Rule 14.90(1)(a)(i)</p>



	Deadline	Consequence of Missing
Appellant's Factum and Extracts of Key Evidence	<p>Must be filed and served:</p> <ul style="list-style-type: none">a) 2 months after filing the Appeal Record, orb) 6 months after filing the Notice of Appeal <p>(whichever is earlier)¹</p> <p>¹Rule 14.23(1) – Factum Rule 14.27(3) – Extracts</p>	<p>The appeal will be struck.¹</p> <p>Unless otherwise ordered, a party is not entitled to assess costs or recover disbursements in respect of a procedural step in which the party has failed to comply with a deadline.²</p> <p>¹Rule 14.64(b)(i) ²Rule 14.90(1)(a)(i)</p>
Respondent's Factum and Extracts of Key Evidence (or letter of intention not to file a factum)	<p>Must be filed and served within 2 months of service of the appellant's factum.¹</p> <p>¹Rule 14.23(2) – Factum Rule 14.27(3) – Extracts</p>	<p>A respondent that does not file a factum will not be permitted to present oral argument unless the panel orders otherwise.¹</p> <p>Unless otherwise ordered, a party is not entitled to assess costs or recover disbursements in respect of a procedural step in which the party has failed to comply with a deadline.²</p> <p>¹Rule 14.23(3) ²Rule 14.90(1)(a)(i)</p>



	Deadline	Consequence of Missing
<p>Reply Factum* (or letter of intention not to file a reply factum)</p> <p>*Only permitted where a cross appeal has been filed</p>	<p>Must be filed and served within 10 days of service of the respondent’s factum.¹</p> <p>¹Rule 14.23(4)</p>	<p>Unless otherwise ordered, a party is not entitled to access costs or recover disbursements in respect of a procedural step in which the party has failed to comply with a deadline.¹</p> <p>¹Rule 14.90(1)(a)(i)</p>
<p>Hearing</p>	<p>No later than 20 days after the deadline for the filing of the last factum, the parties must contact the Registrar (in practice, the contact is with the Case Management Officer) to schedule the oral hearing.¹</p> <p>Note: The earliest an appeal can be set is 6 weeks from the date that the last factum was filed.</p> <p>See Rule 14.35 which addresses the rescheduling of appeals.</p> <p>¹Rule 14.33(1)</p>	<p>If a standard appeal has not been placed on the Civil Appeal Hearing List before the earlier of¹:</p> <ul style="list-style-type: none"> a) 6 months after the deadline for the filing of the last factum in the appeal, and b) 12 months after filing the Notice of Appeal <p>the appeal must be struck.¹</p> <p>¹Rule 14.64(c)</p>