

Civil Appeals to the Court of Appeal

A. Is there a right to appeal? (*Rule 14.4* and as specified in legislation)

- No – an appeal may not be filed.
- Yes – proceed to Box B.

B. Is permission to appeal (PTA) required? (*Rule 14.5*)

- No – proceed to Box C.
- Yes – applicant files and serves an Application¹ (Form AP-3), a Memorandum of Argument, an (optional) Affidavit and any other materials at least 10 days before the application date. The respondent files a Memorandum of Argument, an (optional) Affidavit and any other materials at least 5 days before the application date.

Application for permission to appeal is heard by single judge in chambers

Application allowed

Application denied

Application reserved

Reasons for Decision filed

C. Permission to appeal is not required or PTA granted:

Appellant files and serves a Notice of Appeal (Form AP-1) within (*Rule 14.8*):

- 10 days after PTA granted,
- the applicable legislated appeal period, or
- one month after the date of the decision

Standard Appeal

Fast Track Appeal

The appellant orders transcripts within 10 days of filing the notice of appeal and files and serves a copy of the order form within 5 days of ordering the transcripts. (*Rule 14.15*)

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The appellant files and serves the transcript (if applicable) and appeal record not later than 4 months after the notice of appeal was filed. (*Rule 14.16*)²

The appellant files and serves the appeal record not later than 1 month after the notice of appeal was filed. (*Rule 14.17*)³

The appellant's factum, extracts of key evidence and book of authorities are filed and served not later than 2 months after the appeal record is filed or 6 months after the notice of appeal is filed, whichever comes first. (*Rules 14.23, 14.27, 14.30*)²

The appellant's factum, extracts of key evidence and book of authorities are filed and served not later than 20 days after the appeal record is filed or 2 months after the notice of appeal is filed, whichever comes first. (*Rules 14.24, 14.27, 14.30*)³

The respondent's factum, extracts of key evidence and book of authorities, or a letter of intention not to file a factum, are filed and served not later than 2 months after the appellant's factum is served. (*Rules 14.23, 14.27, 14.30*)

Attend civil UCAL, if required (*Rule 14.33*)

The respondent's factum, extracts of key evidence and book of authorities, or letter of intention not to file a factum, are filed and served not later than 1 month after the appellant's factum is served or 10 days before the opening day of sittings, whichever comes first. (*Rules 14.24, 14.27, 14.30*)

Appeal scheduled for hearing before a panel of three judges (*Rules 14.33*⁴ and *14.34*⁵)

Appeal allowed or allowed in part

Appeal dismissed

Appeal reserved

Reasons for judgment filed

¹ Applications for permission to appeal must be heard within 6 months from the date of the filing of the application failing which the application will be deemed to have been abandoned (rule 14.44(2)).

² If the appellant misses this deadline, the standard appeal will be struck (rules 14.64(a) and (b)). Once a standard appeal is struck, it must be restored within 6 months of having been struck, failing which the appeal will be deemed to have been abandoned (rule 14.47(a)).

³ If the appellant misses this deadline, the fast track appeal will be struck (rule 14.64(a) and (b)). Once a fast track appeal is struck, it must be restored within 3 months of having been struck, failing which the appeal will be deemed to have been abandoned (rule 14.47(b)).

⁴ If a standard appeal is not set for hearing before the earlier of:

- 6 months after the deadline for the filing of the last factum in the appeal, and
- 12 months after the filing of the notice of appeal

the standard appeal will be struck (rule 14.64(c)). Once a standard appeal is struck, it must be restored within 6 months of having been struck, failing which the appeal will be deemed to have been abandoned.

⁵ If a fast track appeal is not set for hearing within 6 months of the filing of the notice of appeal, the appeal will be struck. Once a fast track appeal is struck (rule 14.64(d)), it must be restored within 3 months of having been struck, failing which the appeal will be deemed to have been abandoned.

In addition:

- an appeal can be discontinued at any stage of the appeal (rule 14.66(1)), and
- other than applications for permission to appeal and applications to admit new evidence, all applications must be heard within 3 months from the date of the filing of the application failing which the application will be deemed to have been abandoned (rule 14.52).