



Filing Deadlines Conviction, Acquittal and Decision 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
<p>Notice of Appeal (A Notice of Appeal must be in Form CRA-A when the appellant is not represented by counsel and in Form CRA-B when the appellant is represented by counsel. See Rule 16.7(1).)</p>	<p>Must be filed and served¹:</p> <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 16.5 for definition of “date of decision”) <p>¹Rule 16.7(2)</p>	<p>Appellant must bring an application to extend the time to appeal after the Notice of Appeal is filed.</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 16.12(1)</p>	<p>N/A</p>

*See also Rule 16.4(3) for the time within which an application for permission to appeal must be brought and Rule 14.44 for rules specific to applications for permission to appeal.



	Deadline	Consequence of Missing
Transcripts and Appeal Record	<p>Must be filed and served forthwith after they are available and not later than 4 months from the date on which the Notice of Appeal was filed.¹</p> <p>¹Rule 16.12(3)(d)</p>	<p>If the appellant is self-represented and is in custody, the Registrar may refer to the appeal to a single appeal judge for directions.¹</p> <p>In all other cases, the appeal will be struck.²</p> <p>¹Rule 16.12(4)(a) ²Rule 16.12(4)(b)</p>
Appellant's Factum and Extracts of Key Evidence	<p>Must be filed and served before the earlier of¹:</p> <ul style="list-style-type: none"> a) 2 months after filing the Appeal Record and b) 6 months after filing the Notice of Appeal <p>¹Rule 16.16(2)(a) – Factum Rule 16.19(3) - Extracts</p>	<p>If the appellant is self-represented and is in custody, the Registrar may refer to the appeal to a single appeal judge for directions.¹</p> <p>In all other cases, the appeal will be struck.²</p> <p>¹Rule 16.16(3)(a) ²Rule 16.16(3)(b)</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 factum¹:</p> <p>¹Rule 16.16(4)(a) – Factum Rule 16.19(3) - Extracts</p>	<p>A respondent that does not file a factum is not permitted to present oral argument unless the panel orders otherwise.</p> <p>¹Rule 16.16(5)</p>



	Deadlines	Consequence of Missing
Hearing	<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 16.20(1)</p>	<p>If a conviction appeal has not been scheduled for oral argument within 9 months of filing the Notice of Appeal¹:</p> <ul style="list-style-type: none">a) the appeal will be struck if the appellant is represented by counsel, orb) the Registrar will schedule the appeal for oral argument if the appellant is self-represented. <p>¹Rule 16.21</p>