

How to Conduct an Appeal – Civil Cases

This guidebook provides general information about appeals in civil cases in the British Columbia Court of Appeal. It is a companion document to the guidebook, *Responding to an Appeal – Civil Cases*.

This guidebook does not explain the law. The Court of Appeal Registry staff (and this guidebook) can only give you legal information, not legal advice. They will tell you how to do something, but not whether you should do it or why you might want to do it. They cannot complete the documents to be filed on your appeal for you. Legal advice must come from a lawyer.

The Court of Appeal sits in review of the judgment or decision being appealed from a lower court (Supreme or Provincial Court) or an administrative tribunal. The Court of Appeal has the power to intervene only if the judge in the lower court or the administrative tribunal has made what is called an error of law or has misunderstood a critical fact which affected the outcome of the case.

The Court of Appeal is limited in its review to an examination of the reasons for judgment and the record of the proceedings (which means the pleadings and evidence before the trial judge or administrative tribunal). The Court of Appeal cannot investigate or determine issues other than those raised by the pleadings or by the submissions made in the court or administrative tribunal being appealed from.

For more detailed information about civil appeals, please see the *British Columbia Court of Appeal Act* (the *Act*), the *Court of Appeal Civil Rules 2002* (the *Rules*) and the *Civil Practice Directives*. They are available for free on the British Columbia Court of Appeal's website: www.courts.gov.bc.ca.

For more information about criminal appeals, please see the Legal Services Society's booklets *How to appeal your conviction* and *How to appeal your sentence*. These are available on the Legal Services Society website: www.lss.bc.ca.

This is one of two guidebooks prepared for people who are going to the Court of Appeal. Please see the companion booklet, *Responding to an Appeal - Civil Cases*.

These guidebooks and more information about dealing with the court system are available on the Self-Help section of the Law Courts Education Society website: www.lawcourtsed.ca/self_help/index.cfm.

Also see the Supreme Court Self-Help Information Centre series of self-help resources about going to Supreme Court. www.supremecourtselfhelp.bc.ca

Note: this guidebook is written for people who are not trained in the law. The information in this guidebook does not have any legal force or effect. In case anything said in this guidebook differs from what is said in the *Act*, the *Rules*, or the *Practice Directives*, the *Act*, *Rules* and *Practice Directives* govern.

Please Note:

There is a **Glossary of Terms** contained in this package for your reference.

Contents of this guidebook:

Introduction

1. What is the Court of Appeal for British Columbia?
2. Does the Court of Appeal rehear cases?
3. What types of cases does the Court of Appeal deal with?
4. Are there other types of cases heard by the Court of Appeal?

Filing the Appeal

5. May anyone commence an appeal?
6. Do I have to have a lawyer?
7. Do I have an automatic right of appeal to the Court of Appeal?
8. How do I apply for leave to appeal?
9. What happens after the application for leave to appeal is heard?
10. How do I begin an appeal that doesn't require leave?
11. Is it expensive to conduct an appeal?
12. What are methods of payment for fees?
13. What if I cannot afford to pay for the appeal fees?
14. What is the deadline to file the notice of appeal?
15. What if the filing deadline falls on the week-end?
16. What if the time to file an appeal or application for leave to appeal has expired?
17. If I have an automatic right of appeal or am granted leave to appeal, what other materials must I file and when do I file them?
18. Are there forms I can use as a guide for preparing my documents?
19. May I amend the notice of appeal?
20. May I introduce new evidence?

Hearing the Appeal

21. What happens to the order of the lower court when I start an appeal?
22. When is an appeal ready for hearing?
23. When will the appeal be heard?
24. When must the respondent's material be filed?
25. What happens during the appeal hearing?
26. What should I call a Court of Appeal judge?
27. What should I wear when I go to court?
28. May I observe other appeal hearings in preparation for my appeal?

Following the Appeal

29. What happens after the appeal hearing?
30. What happens after the appeal if I win/lose?
31. What are remedies?
32. What are costs?
33. When are costs payable?
34. How is a judgment enforced?
35. How do I protect my claim if there are lots of judgment creditors?
36. May I appeal a Court of Appeal decision?

If the Appeal Doesn't Proceed

37. What if I decide not to continue the appeal?
38. What happens if the parties reach a settlement before the appeal is heard but after documents have been filed?
39. What does it mean if the appeal is inactive?

How to Conduct an Appeal - Civil Cases

Introduction

1. What is the Court of Appeal for British Columbia?

The Court of Appeal is the province's highest court. Only a few British Columbia cases are heard each year by the Supreme Court of Canada, so for all practical purposes the Court of Appeal is the court of last resort for British Columbia. Its decisions are binding on all lower courts in British Columbia. Through its judgments, the Court of Appeal clarifies the law and develops consistent legal policy.

2. Does the Court of Appeal rehear cases?

An appeal differs significantly from a trial and is **not** a rehearing of a case. There are no witnesses or juries. In an appeal, the person whose case was not successful in the lower court argues that the trial judge made a mistake; for example, the judge may have applied the wrong law to the facts of the case. A person or party who appeals to the Court of Appeal must identify the mistake he or she believes the judge made.

The appeal court does not change the trial judge's decision just because the Court of Appeal judges disagree with it. The lower court is entitled to hear the evidence and come to its own decision. The appeal court may only change that decision if the lower court made a mistake as to the law or significantly misunderstood the evidence. It is

important to note that not all errors in law will affect or change the outcome of a case on appeal.

3. What types of cases does the Court of Appeal deal with?

The Court of Appeal hears appeals from orders made by the B.C. Provincial and Supreme Courts and by B.C. administrative tribunals (for example, the B.C. Human Rights Tribunal).

4. Are there other types of cases heard by the Court of Appeal?

The Court of Appeal also hears appeals in accordance with provincial and federal statutes (Acts) and their rules (for example, appeals under the federal *Bankruptcy and Insolvency Act* or the provincial *Labour Relations Code*). Please see those statutes for the procedure to appeal to the Court of Appeal. The appeal period for certain types of decisions or orders (such as those of provincial boards and commissions) may be shorter than 30 days so it is very important to check the appropriate statute as it applies to your case.

Filing the Appeal

5. May anyone commence an appeal?

Only people who were parties in the case in the lower court may appeal.

6. Do I have to have a lawyer?

An appeal to the Court of Appeal takes a considerable amount of time, effort and money. Paperwork must be done correctly, documents must be prepared and “served” on the relevant parties, and appearances made before the Court of Appeal. Your interests are best served by hiring a lawyer; however, you can represent yourself in almost all circumstances. A corporation must be represented by a lawyer unless the court orders otherwise.

If you are entitled to represent yourself in the Court of Appeal, remember that court staff are not permitted or trained to provide legal advice. A list of lawyers who may assist people with their appeals on a “pro bono” (free) basis is available through Pro Bono Law B.C. Contact the program to find out if you can receive assistance with your appeal or aspects of it: 604-893-8932 or www.probononet.bc.ca.

7. Do I have an automatic right of appeal to the Court of Appeal?

Not in all cases. In some instances, you must first obtain **leave to appeal** (permission to appeal) (see s. 7 of the Act). An appeal from an interim order under the *Family Relations Act*, for example, requires leave (permission) to appeal.

8. How do I apply for leave to appeal?

If your appeal requires leave to appeal, you must file a **Notice of Application for Leave to Appeal** (Form 1 in the Rules) at the Court of Appeal Registry within 30 days from the date that the trial judge stated who won the case (also known as “pronouncing the order” – please see the attached *Glossary* and s. 14 of the Act).

Note that the Court of Appeal Registry is open Monday through Friday. It is closed on holidays.

As well, you must “serve” a copy of the filed notice of application for leave to appeal on the other parties within the same 30-day period. The other parties are referred to as respondent(s) on an appeal (see Rules 3(c) and 39). Within 10 days of serving the respondent(s) with a filed copy of the notice of application for leave to appeal, you must file in the Court of Appeal Registry proof that you served a copy of the filed notice of application for leave to appeal on every respondent.

9. What happens after my application for leave to appeal is heard?

Your application for leave to appeal will be heard by a judge of the Court of Appeal “in chambers” (which means a judge of the Court of Appeal in a courtroom). If the judge allows your application for leave to appeal, your notice of application for leave to appeal becomes a notice of appeal and your appeal will continue in the same manner as an appeal where leave is not required.

Sometimes a judge will grant leave to appeal only on certain grounds (or

issues). In that case, you must limit your grounds of appeal to those allowed by the Court of Appeal judge.

If a judge denies your application for leave to appeal, you may bring a further application to vary the order of the judge denying the leave application. The “Application to Vary” will be heard by a panel (three judges) of the Court of Appeal.

10. How do I begin an appeal that doesn’t require leave?

You begin by filing a **Notice of Appeal** (Form 7 in the Rules) within 30 days from the date of the “pronouncement” of the order under appeal (see s. 14 of the Act). You must serve every respondent with a copy of the filed notice of appeal (Rules 11(c) and 39) within the same 30-day period. Within 10 days of serving the respondent(s), you must file in the Court of Appeal Registry proof that copies of the filed notice of appeal were served on the respondent(s).

11. Is it expensive to conduct an appeal?

Yes, it can be. In addition to legal fees, there are filing fees, the cost of transcripts, and hearing room costs. (See the attached schedule of fees.) Fees are payable at the time of filing your notice of application for leave to appeal, notice of appeal, and other documents at the Court of Appeal Registry. If you file your notice of application for leave to appeal by fax, the Court of Appeal Registry will automatically invoice you and you have one week to pay the filing fee.

12. What are the methods of payment for fees?

You can pay by cash, cheque, or money order.

13. What if I cannot afford to pay for the appeal fees?

If you cannot afford to pay for the appeal fees, you can apply for “indigent status.” (“Indigent” means poor or needy). If a judge of the Court of Appeal declares that you are indigent, you will be exempt from paying the filing fees at the Court of Appeal Registry.

You apply for indigent status by filing a notice of motion, (Form 6 of the Rules) and an affidavit which the Court of Appeal Registry staff will give you to complete.

In the affidavit, you must provide information about your current household income and expenses, your education level and your workplace skills. The judge must find that you are indigent and that your appeal has some chance of success before you will be granted indigent status.

If the judge allows the application and grants you indigent status, you will not have to pay the filing fees. If the judge does not grant you indigent status, you will have to pay the filing fees when you file your documents.

Even if you are found to be indigent, you will still have to pay the transcription company for the preparation of a transcript.

If you apply for indigent status at the time you file your notice of application for leave to appeal (meaning you want a judge to agree that you cannot afford to pay the filing fees and the judge agrees

your appeal has some chance of success), you will not have to pay the filing fee until your application for indigent status is heard.

14. What is the deadline to file the notice of appeal?

You must file the notice of appeal in the Court of Appeal Registry within 30 days from the date of the “pronouncement” of the order under appeal (s. 14 of the Act).

15. What if the filing deadline falls on the week-end?

You must file your document no later than the next business day.

16. What if the time to file an appeal or application for leave has expired?

You may apply for an order extending the time for filing the notice of appeal or application for leave to appeal. Your application is heard by a judge of the Court of Appeal in chambers. You must file a **Notice of Motion** (Form 6 of the Rules) at the Court of Appeal Registry and serve a copy of the filed notice upon the respondent(s). You will have to pay a fee for filing the notice of motion (unless you are applying for “indigent status”).

17. If I have an automatic right of appeal or I am granted leave to appeal, what other materials must I file and when do I file them?

An appellant must provide many documents to the Court and the other party(ies).

The Rules and the forms set out the required documents. They specify the time limits for filing, the types of documents required, the correct colour of covers, as well as spacing, margins, binding of materials and restrictions on size. Note: if your materials do not comply with the Rules, the Registry may not accept them and you may have to redo the documents.

Within 60 days of filing the notice of appeal, you are required to file the following:

A. Appeal Record (Rule 19, Form 9)

The appeal record is bound with a blue cover and it must be printed only on the left side of the page and contains an index and the following relevant materials from the earlier case in the following order:

1. Pleadings;
2. Order from the court below;
3. Judgment (a copy of the reasons of the court or tribunal including the name of the judge and the date of judgment); and
4. Notice of Appeal (or Notice of Application for Leave to Appeal plus the Order granting the leave to appeal).
5. If applicable, the Appeal Record will also contain a Notice under the ***Constitutional Questions Act*** (see *Glossary*).

B. Transcript (Rule 20; no form)

The transcript is bound with red covers and is a typed record of the court proceedings from which you are appealing. A transcript is required only if witnesses testified at the trial or other proceedings and the parties

believe all or part of the testimony will be relevant to the appeal.

The appellant is responsible for the costs of having the proceedings transcribed by a certified court reporter. Depending on the length of the previous proceedings, it can take several weeks for the transcripts to be completed. The fees charged by the transcription company are not court fees, so even if you have indigent status, you will have to pay the transcription fees.

You must file one paper copy plus one electronic copy with the Court and you must provide one filed paper copy to each of the other parties. The other parties are entitled to an electronic copy if they request it.

Within 30 days of filing the appeal record and transcript, you must file the following:

A. Factum

(Rules 21 – 25, Forms 10 & 11)

The appellant's factum must be bound with buff (light beige) covers and cannot exceed 30 pages in length unless a judge of the Court of Appeal makes an order. Other than the index, each of the pages in the factum must be printed only on the left side of the page. You must file five copies of the appellant's factum. Four copies are for use by the court and one copy is for the respondent. (You need to file more than five copies if there is more than one respondent.)

A factum contains the following:

1. Index;
2. Chronology of the relevant dates in the litigation;
3. Opening statement (a concise

statement identifying yourself as the appellant, the court or tribunal appealed from and the result in that court or tribunal);

4. Part 1 - Statement of Facts (a concise statement of the history of the proceedings and the facts of the case);
5. Part 2 – Errors in Judgment (a concise statement that sets out clearly and particularly why you claim the judgment or order appealed from is wrong);
6. Part 3 – Argument (concise outline setting out the points of law or facts to be discussed, with reference to the volume and page numbers of the appeal record or the appeal book or to the volume and page and line numbers of the transcript, and the authorities in support of each point. If a statute is referred to, it may be briefly reproduced in this part, but it must be reproduced as an appendix to the factum or as a separate volume having covers the same colour as the factum and filed at the same time as the factum);
7. Part 4 – Nature of Order Sought (concise statement of the nature of the order that is sought which must include any special order with respect to costs); and
8. List of Authorities – (following any appendices, authorities referred to in the factum must be listed in alphabetical order and, after each authority, the page or paragraph in the factum at which the authority is referred to must be cited).

B. Appeal Book (Form 12, Rule 26)

The appeal book must be bound with a blue cover. If you have more than one volume of the appeal book, you should label the volume number on the spine of the appeal book. The appeal book must contain only the evidence – including exhibits, affidavits and other documents – necessary to resolve the issues raised on appeal. See the directions on Form 12 of the Rules.

C. Transcript Extracts (Form 13, Rule 27)

The transcript extracts (like the transcript) must be bound with a red cover and contain an index. If you have more than one volume, you should label the volume number on the spine of the transcript extracts. Other than the index, each of the pages in the transcript extract book must be printed only on the left side of the page and each portion of the transcript comprising 5 or more sequentially numbered pages must be tabbed.

You must serve a copy of the filed factum, appeal book and book of transcript extracts on the respondent(s).

18. Are there forms that I can use as a guide when preparing my documents?

The Court of Appeal forms are available on the Court's website at www.courts.gov.bc.ca. Click on the Court of Appeal tab and then the link to *Court of Appeal, Act, Rules & Practice Directives*. The forms are under Appendix A and indicate specific

requirements of each document. The forms are updated as requirements change.

19. May I amend a notice of appeal?

You may amend a notice of appeal at any time if you and the respondent(s) agree, or if a judge gives leave (permission) to amend. A notice of appeal may also be amended at any time up to 14 days before an appeal is set to be heard, if the factum is not yet filed.

20. May I introduce new evidence?

If you want to rely on additional or new evidence, you must file an application to admit new evidence and an affidavit setting out the new evidence and why it should be considered on appeal. The respondent may object and will be given an opportunity to explain why. The panel will decide if new evidence will be considered.

21. What happens to the order of the lower court when I start an appeal?

The order remains in effect, unless a judge grants a "stay" (or postponement) of its effect. Only judges of the B.C. Supreme Court may grant a stay of an order made in that court under the *Family Relations Act*. For other orders, you may apply to a judge of the Court of Appeal in chambers who may order that all or part of the proceedings from the lower court be "stayed" until the appeal is decided.

Hearing the Appeal

22. When is an appeal ready for hearing?

An appeal is ready for hearing once you have filed the appeal record, appellant's factum and appeal book (Rule 28). The appellant must file a **Certificate of Readiness** (Form 14 of the Rules) immediately after these documents are filed. You must pay a filing fee when the certificate of readiness is filed, unless you have been granted indigent status. If you do not file a certificate of readiness, a respondent may file the certificate of readiness after filing the respondent's factum.

23. When will the appeal be heard?

Once a certificate of readiness is filed, the party filing the certificate (the "filing party" – either the appellant or respondent) must contact the Court of Appeal Registry to obtain a hearing date. Once the hearing date is fixed, the filing party must file with the Court of Appeal Registry a confirmation letter setting out the date. The filing party must serve the confirmation letter on all other parties.

24. When must the respondent's material be filed?

The respondent's factum, appeal book and transcript extracts (if any) must be filed and served within 30 days after service of the appellant's factum, appeal book and transcript extracts (if any). Please see "**Responding to an Appeal Civil Cases**"

25. What happens during the appeal hearing?

A panel of three judges hears most appeals. An appeal hearing is not a new trial; there are no witnesses or juries in the Court of Appeal. The Court of Appeal will consider new evidence only in rare cases.

Before the hearing, the appeal judges review the reasons for the decision of the judge or tribunal appealed from, some or all of the evidence presented in the lower court and the written arguments set out in the factums.

At the hearing, the judges hear oral arguments from the parties. These arguments are about the law and how it is to be applied to the evidence in the case (as outlined in the factums). You go first, then the respondent. You have the right to reply, but not to repeat anything already said. The purpose of reply is only to address issues raised by the respondent that were not addressed during your initial submissions.

The judges will usually ask questions as the appeal is presented.

26. What should I call a Court of Appeal judge?

Their title is "Justice" (the Honourable Madam Justice Smith or the Honourable Mr. Justice Smith). In court, they are addressed as "My Lord" or "My Lady."

27. What should I wear when I go to court?

The justices, lawyers and court clerks wear black gowns for appeals. Other

people should wear a suit or proper business attire. In chambers hearings, business attire is appropriate for everyone.

28. May I observe other appeal hearings in preparation of my appeal?

Court proceedings are open to the public, except in rare cases where matters are heard “in camera.” In those cases, no member of the public is allowed to attend and the courtroom doors are locked.

Following the Appeal

29. What happens after the appeal hearing?

Sometimes judges will give the decision without hearing the respondent’s oral argument. Other times, the judges will give the decision orally after both sides have argued. Quite often the judges will “reserve” their decision. This means that they will take time to think about the arguments and provide written reasons later, in the form of a judgment.

The Registry will contact you before the judgment is released so that you will know where and when you can pick it up.

Once the judgment is given, the parties must prepare an order. This order is filed with the Court of Appeal Registry.

Sometimes the judges will give directions about who should prepare the order.

30. What happens after the appeal if I win/lose?

The Court of Appeal may dismiss the appeal (which means that it confirms the decision of the lower court); allow the appeal and order a new trial; or allow the appeal and change the order of the lower court. The decision is final unless the Supreme Court of Canada agrees to hear your case.

31. What are remedies?

The remedy (relief) is what you want the court to do. The notice of appeal must clearly state whether all or only specified parts of the order appealed from are in issue in the appeal, and whether you want the court to allow the appeal and overturn or vary (change) the decision.

32. What are costs?

It is common for the successful party to recover a portion of the expenses incurred. If the appeal is dismissed, you will usually have to pay the respondent’s costs. Whether to award costs is in the discretion of the judges. Usually, although not always, the scale of costs will be as set out in the *Court of Appeal Tariff*, which is part of the *Rules*.

33. When are costs payable?

Generally, costs become payable following the judgment. The guidebook, *Costs in the Supreme Court*, has useful information about paying costs. It is online at www.supremecourtselfhelp.bc.ca.

34. How is a judgment enforced?

Once a final judgment is obtained, different steps can be taken, including investigation, seizure and sale of the debtor's real and personal property, and garnishment of wages.

35. How do I protect my claim if there are lots of judgment creditors?

A judgment creditor has no priority status. If the person who owes you money has few or no assets, you may find it impossible to collect the money owing under the judgment.

36. May I appeal a Court of Appeal decision?

In some cases an appeal may be taken to the Supreme Court of Canada in Ottawa. The rules for appealing to the Supreme Court of Canada may be found through the Internet. The Supreme Court of Canada website is <http://www.scc-csc.gc.ca>.

38. What happens if the parties reach a settlement before the appeal is heard but after documents have been filed?

A **Notice of Settlement** (Form 22) must be signed by all parties and filed with the Registry.

39. What does it mean if the appeal is inactive?

If a certificate of readiness is not filed within one year of filing the appeal, the appeal will become inactive.

The appellant and respondent may sign a consent order removing the appeal from the inactive list (Form 27). If a consent order is not filed, an application may be brought before a judge in chambers for an order removing the appeal from the inactive list.

The appeal will be dismissed for want of prosecution if 180 days pass after it becomes inactive.

If the Appeal Doesn't Proceed

37. What if I decide not to continue the appeal?

If you choose to abandon your appeal, you must file a **Notice of Abandonment** (Form 22 of the Rules) in the Court of Appeal Registry. Where an appeal is abandoned, the appeal is at an end. However, the respondent is entitled to the costs of the abandoned appeal unless a judge of the Court of Appeal orders otherwise.

For more information contact the British Columbia Court of Appeal

The Law Courts
800 Smithe Street
Vancouver, British Columbia
V6Z 2E1

Telephone number: (604) 660-2468
Facsimile number: (604) 660-1951

Hours Open to the Public:

Monday to Friday
Open at 9:00 a.m.
Closed at 4:00 p.m.

Glossary of Some Commonly Used Terms

Affidavit:

A statement written down and sworn or affirmed to be true. An affidavit must be signed before a notary public or commissioner of oaths.

Appeal:

Examination by a higher court of the decision of a lower court or tribunal. The higher court may affirm, vary or reverse the original decision.

Appellant:

The person or party bringing the appeal to court.

Appeal Book:

Filed copies of the lower court exhibits and affidavits, bound in a volume.

Appeal Record:

Filed copies of the pleadings, order and reasons for judgment of the lower court, and the notice of appeal, bound in a volume.

Appeal allowed:

The Court has decided in favour of the appellant (the party bringing the appeal).

Appeal dismissed:

The Court has decided in favour of the respondent (the party against whom the appeal is brought) and against the appellant.

Application:

See Motion (or vice versa – we generally used “application”).

Application (Motion) for Leave to Appeal:

The procedure for requesting the Court’s permission to hear an appeal.

Book of Authorities:

A list and photocopies of past legal cases that are relevant to the issues and are referred to in the factum.

Chambers:

A matter heard in a courtroom before a single judge of the Court of Appeal.

Civil Suit:

A “civil” suit (case) is a court proceeding which involves legal issues between individuals, corporations or governments. (These are non-criminal issues.) A civil case is started when there is disagreement on a legal matter.

Civil Rules:

Rules governing practices or procedures before the court that involve individuals, organizations or governments. Generally the Rules do not refer to criminal cases.

Constitutional Questions Act:

If an appeal relates to the constitutional validity of any statute, this Act provides that the party contesting the validity of the statute must notify the Attorney General of Canada or the province of the appeal hearing so that the Attorney General (or a representative) may present argument to the Court of Appeal about the case.

Costs:

Money spent to carry out or defend an appeal which a party is allowed to recover. The unsuccessful party is usually ordered to pay part of the expenses associated with the successful party's litigation.

Cross-Appeal:

An appeal filed by a respondent where the respondent wants to appeal something from the judgment of the lower court and the appellant has already commenced an appeal.

Entering an Order:

Once an order has been pronounced, a document (order) is prepared that sets out the decision of the court or judge. This order must be filed with the Registry and distributed in accordance with the Rules.

Exhibits:

Evidence that was relied upon by the lower court or tribunal.

Factum:

A bound volume filed with the Court that is made up of the following parts: index, chronology, opening statement, statement of facts, issues on appeal, argument, and nature of the order sought.

Indigent Status:

Status granted by a judge in chambers to individuals who cannot afford to pay the fees required to file court documents, where the judge determines the appeal has some merit. Individuals who cannot afford to pay court fees may apply to the court for this status.

Judgment:

Final decision by the Court in a legal proceeding. The terms "judgment" and "decision" are interchangeable. A judgment may be written or given orally in court.

Leave:

Permission of a judge in chambers or a panel of judges to take a step, in certain types of cases, to proceed with the appeal (for example, "leave of the court" must be obtained to commence an appeal).

Motion:

An application (request) to the Court for an order or judgment which occurs during the course of a court proceeding. Motions are very common occurrences and can be made for many purposes, including asking for extensions of time to file an appeal and seeking permission to argue an appeal. A motion must be brought by notice and include an affidavit giving details of the motion.

Motion (Application) for Leave to Appeal:

The procedure for requesting the Court's permission to hear an appeal.

Notice of Appeal:

The form completed by the appellant to start the appeal process.

Notice of Motion:

The form completed by the appellant or respondent to begin a process in chambers.

Order:

A decision of a Court or other decision-making body. It may or may not be the final outcome of the matter.

Panel:

The panel of three or five judges of the Court who will hear the appeal.

Party or Parties:

The party who brings the proceeding to the Court of Appeal is called the appellant. The appellant appeals the decision of a lower court or tribunal. The party against whom an appeal is brought and who must respond to the appellant's case is called the respondent.

Pronouncement of an Order:

When the Court gives a judgment (decision), it is referred to as being pronounced and becomes binding at that time. An appeal must be launched within 30 days of the date of pronouncement, whether an order has been filed with the Registry or not.

Quorum:

The panel of appeal judges before whom a case is/was heard.

Record of Proceedings:

The recording by the court staff of all appearances and/or proceedings and their outcomes before the Court.

Remedy:

Remedies can be monetary, declaratory or injunctions. Monetary remedies (damages) are most common. The Court of Appeal "remedies" include affirming or reversing the original decision, varying in total or in part the judgment of the lower court, and in some cases, ordering a new trial.

Reserved Judgment:

When a judge or judges do not immediately give their decision, but issue a written decision at a later date.

Respondent:

The person who is in response to, or in opposition to the proceeding, following specific rules set out in the Rules (or any other applicable statute).

Serve or Service:

The delivery of a document, which has been filed with the court, to another party to the proceeding. The Rules set out procedures that must be followed when serving documents, for example, the manner of the service (e.g. priority mail, personal by hand) and the time frame within which service should occur.

Statute:

A law or Act enacted or passed into law by Parliament or a legislature.

Stay:

To postpone the judgment or order pending a decision.

Transcript:

A typed record of the oral proceedings before the court or tribunal under appeal, including the evidence given by the witnesses who testified at the trial.

Tribunal:

The name given to a decision-making body that has been established by statute which is not a court; for example the Labour Relations Board or the Workers' Compensation Board.

Schedule of Fees

It costs money to conduct an appeal and the fees change periodically. For example, as of July 2006 the following fees were in place as set out in items 1-6 of *Appendix C, Schedule 1* of the *Supreme Court Rules*, B.C. Reg. 10/96 as amended.

You should check Appendix C to determine the current fees.

- 1 For filing a notice of appeal or a notice of an application for leave to appeal
\$291
- 2 For filing an application to be heard by a Justice of the Court of Appeal excluding an application for leave to appeal
\$104
- 3 For filing an application to be heard by 3 or more justices if the application is not returnable to the hearing of the appeal
\$208
- 4 For filing a certificate of readiness
\$291
- 5 For filing a book of authorities, other than a book of authorities filed jointly by 2 or more counsel of record
\$52
- 6 For each half day spent in whole or in part on the hearing of an appeal, unless the hearing is for judgment only, payable by the party who files the certificate of readiness, unless the court orders payment by another party
\$156

In addition, fees are payable for taking or swearing an affidavit for use in court, for searching a record, for photocopying and faxes or obtaining certification of documents and for a Registrar's hearing (see items 18, 19, and 25-30 of *Appendix C, Schedule 1*).

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