

COURT OF APPEAL FOR BRITISH COLUMBIA

COVID-19 OVERVIEW OF THE PROCESS FOR APPELLANTS

NOTE: This process is **ONLY** applicable during the COVID-19 crisis and **is to be used TOGETHER with the attached footnotes.**

START



Determine whether you have the right to appeal or whether you need leave to appeal

Leave to appeal

Right to appeal

Initial Documents:

- File¹ your [Notice of Application for Leave to Appeal \(Form 1\)](#) within **30 days** of the decision you want to appeal
- Serve a filed copy on each respondent
- File¹ proof of service within **10 days** of serving all respondents

Hearing Documents:

- File¹ your [Notice of Motion for Leave to Appeal \(Form 3\)](#) and your [Motion Book \(Form 4\)](#) within **30 days** of filing your Notice of Application for Leave to Appeal
- Serve a filed copy on each respondent at least **10 business days** before the hearing

The Hearing:

- Your application will be heard² by a single judge sitting in [Chambers](#) who will grant or refuse leave to appeal
- If **leave is granted** you must serve a copy of the order granting leave on each respondent who did not file a Notice of Appearance

Leave Refused

Leave Granted

Application for Review:

- You *may* ask a division of three judges of the Court to review the decision of the single judge who heard your application
- You must file¹ and serve a [Notice of Application to Vary an Order of a Justice \(Form 15\)](#) and if necessary, an [Affidavit](#) to support your case within **7 days** of the day leave was refused
- You must file¹ and serve [Motion Book \(Form 16\)](#) within **14 days** of the Notice of Application to Vary an Order of a Justice. If you wish to appear by videoconference, you must complete and submit a [Request to Appear Remotely](#) at least 10 business days before the hearing
- Attend the hearing³ – the division of the Court will either allow your application or end your appeal

END

Refused

Allowed

Initial documents:

- File¹ your [Notice of Appeal \(Form 7\)](#) within **30 days** of the decision you want to appeal
- Serve a filed copy on each respondent
- File¹ proof of service within **10 days** of serving all respondents

The Appeal Record and Transcript:

- File¹ your [Appeal Record \(Form 9\)](#) within **60 days** of the date of your Notice of Appeal or the date when leave to appeal was granted
- If witnesses testified at your trial, file a [Transcript](#) at the **same time**
- Serve a filed copy of the Appeal Record and (if applicable) the Transcript on each respondent

The Factum and Appeal Book:

- File¹ your [Factum \(Form 10\)](#) within **30 days** of filing your Appeal Record
- File¹ your [Appeal Book \(Form 12\)](#) at the **same time** as your Factum
- Serve a filed copy of your Factum and the Appeal Book on each respondent
- If applicable, file¹ your [Reply \(Form 11\)](#) within **7 days** of being served with the respondent's Factum

The Certificate of Readiness:

- File¹ a [Certificate of Readiness \(Form 14\)](#) **immediately** after your factum has been filed (must be filed within 365 days of the Notice of Appeal or Notice of Application for Leave to Appeal)
- Contact the [Registry](#) and reserve a time and date for your appeal
- File¹ a [Notice of Hearing \(Form 34\)](#) within **2 months** of your Certificate of Readiness
- Serve a filed copy on each respondent
- If you wish to appear by videoconference, you must complete and submit a [Request to Appear Remotely](#) at least 10 business days before the hearing

The Appeal:

- Your appeal will be heard³ by a division of three judges who will either allow or dismiss your appeal
- After the hearing, you may need to draft or approve the [Court Order](#)

END

Appeal Process Chart - Covid-19 Edition - Footnotes

1. Filing of Documents During COVID-19

All documents must be filed in the way described in the [Notice Regarding Modified Filing directions for Civil and Criminal Appeals](#). Parties must use electronic filing through [Court Services Online](#) (CSO) for most documents.

2. Chambers Proceedings During COVID-19

Effective February 14, 2022, chambers proceedings (applications) will take place in the courtroom, unless parties elect to appear remotely by Zoom video conference. If a party wishes to appear by video conference they must file a [request to appear remotely](#) with the notice of motion, or, in the case of a responding party, together with any response to the application, at least two (2) business days before the chambers proceeding takes place. Parties do not require the Court's permission, they simply check a box on the request form to elect to appear by video conference.

Please see section 2 of the [Notice Regarding Court of Appeal Procedures and Access to Court Proceedings during the COVID-19 Pandemic](#) and the [Notice to the Public Regarding Appearing by Video](#) for more information.

3. Appeal Hearings During COVID-19

Effective February 14, 2022, appeal hearings will take place in the courtroom, unless parties request to appear remotely by Zoom video conference. If a party wishes to appear by video conference they must apply for permission to do so by filing the [Request to Appear Remotely](#) at least ten (10) business days before the appeal hearing takes place. If the request is not received on these timelines, the Court will presume the party wishes to appear in person.

Please see section 2 of the [Notice Regarding Court of Appeal Procedures and Access to Court Proceedings during the COVID-19 Pandemic](#) and the [Notice to the Public Regarding Appearing by Video](#) for more information.