COURT OF APPEAL FOR BRITISH COLUMBIA – OVERVIEW OF THE PROCESS FOR RESPONDENTS

START

Determine whether the appellant needs Leave to Appeal and served you with a Notice of Application for Leave to Appeal *or* has the Right to Appeal and served you with a Notice of Appeal

Notice of Application for Leave to Appeal

Notice of Appeal

The Appearance:

- File a Notice of Appearance (Form 2) within 10 days of receiving the Notice of Application for Leave to Appeal
- Serve a filed copy on the appellant

Hearing Documents:

- File a Reply Book (Form 5) at least 5 business days before the hearing
- Serve a filed copy on every other party

The Hearing:

- The application will be heard by a single judge sitting in Chambers who will grant or refuse leave to appeal

Leave Refused

Leave Granted

Application for Review:

- If leave is refused, the appellant *may* ask a division of three judges of the Court to review the decision of the single judge who heard the application
- You must file and serve a Reply Book (Form 17) within 7 days of receiving the Motion Book from the appellant
- Serve a copy on every other party
- Attend the hearing – the division of the Court will either allow the application or end the appeal

Refused

Allowed

END

The Appearance:

- File a Notice of Appearance (Form 2) within 10 days of receiving the Notice of Appeal
- Serve a filed copy on the appellant

Cross Appeal (if applicable):

- If applicable, within 15 days of receiving the Notice of Appeal or the order granting leave to appeal, whichever is later, file your Notice of Cross Appeal (Form 8)
- Serve a filed copy on the appellant and the other respondents
- The rules applicable to an appeal apply generally to a cross-appeal (see Overview of the Process for Appellants)

If applicable

The Factum:

- File your Factum* (Form 10) within 30 days of receiving the appellant's Factum
- If your Factum refers to testimony from witnesses at trial, file a Transcript Extract Book* (Form 13) at the same time as your Factum
- Serve a filed copy of your Factum and (if applicable) the Transcript Extract Book on every other party

The Appeal Book:

- If you think that the Appeal Book you receive from the appellant is incomplete, you *may* file your own Appeal Book* (Form 12) within 30 days of receiving the appellant's Appeal Book
- Serve a filed copy on every other party

The Appeal:

- The appeal will be heard by a division of three judges who will either allow or dismiss the appeal
- After the hearing, you may need to draft or approve the Court Order

END

* You will usually need to file 5 or more copies. The Registry will keep 4 copies and you will serve a filed copy on every other party. All forms are available at **www.bccourts.ca**