

COURT OF APPEAL FOR BRITISH COLUMBIA

E-Filing

Completion Instructions:

Application and Response Books for Leave to Appeal (Civil Rules 11 to 16) and/or Stay of Proceedings/Execution (Civil Rules 20 and 21)

These application and response books must contain copies of a brief written argument and the materials needed to decide an application for: (1) permission from the court to appeal an order (Leave to Appeal); and/or (2) to put a proceeding or a process of execution on hold pending the outcome of an appeal (Stay of Proceedings/Execution).

1.0 Application and Response Books

1.1 Application Book Content Requirements

Requirement	Instructions	Completed
Cover Page	Required You may use this Word template to create your cover page Include Sealing Order, Publication Ban, or Anonymity Order (if any) referencing legislative provision (or inherent jurisdiction) that authorises the order or ban and precise terms.	<input type="checkbox"/>
Table of Contents	Required	<input type="checkbox"/>
Part 1: Reasons for Judgment	Include a copy of the reasons for judgment you are seeking to appeal	<input type="checkbox"/>
Part 2: Order	Include the entered order, if available, or the form of order agreed to by counsel or the parties.	<input type="checkbox"/>
Part 3: Evidence, Exhibits or Affidavits	Include those parts of the evidence, exhibits or affidavits necessary for the application	<input type="checkbox"/>
Part 4: Written Argument	See content instructions in 2.0 Maximum 10 pages or 15 pages	<input type="checkbox"/>
Part 5: Table of Authorities	A table of the authorities, arranged alphabetically including cases and sections of enactments to be referred in the application book	<input type="checkbox"/>

1.2 Response Book Content Requirements

Requirement	Instructions	Completed
Cover Page	Required You may use this Word template to create your cover page Include Sealing Order, Publication Ban, or Anonymity order (if any) referencing legislative provision (or inherent jurisdiction) that authorises the order or ban and precise terms.	<input type="checkbox"/>
Table of Contents	Required	

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Part 1: Evidence, Exhibits or Affidavits	Include evidence, exhibits, or affidavits (if any) relevant to the application and not otherwise included in the application book or in the response book of any other respondent.	<input type="checkbox"/>
Part 2: Written Argument	See content instructions in 2.0 Maximum 5 pages or 10 pages	<input checked="" type="checkbox"/>

1.3 Application & Response Book Format and Technical Requirements

This is a checklist of all requirements for electronic application books; combining multiple files into one PDF (eBook or portfolio) requires a PDF tool. [Please see this checklist with technical instructions.](#)

Requirement	Instructions	Completed
True Copies	Must be an identical or true copy of the original document whether that original is scanned from paper or saved into PDF from another program, such as Microsoft Word.	<input type="checkbox"/>
Scanned Records: Optical Character Recognized – OCR DPI - 300	<ul style="list-style-type: none"> If scanning is necessary because the original text-based document is paper or requires a handwritten signature (ex. affidavits), the scan must be Optical Character Recognized (OCR'ed) with a minimum resolution setting of 300 DPI. <p>This allows the PDF to be copied from and pasted into another document and allows text to be searchable.</p>	<input type="checkbox"/>
Page Numbering	<ul style="list-style-type: none"> page numbered (1, 2, 3) sequentially (or Bates numbered) top centre of page can start after Table of Contents or on cover page Table of Contents <u>must</u> match page numbering (or Bates numbering) Page searching <u>must</u> match page numbering (or Bates numbering) (if page numbering starts after the table of contents this is done using the Page Labels function in Adobe otherwise page 1 will be the cover page when searching – see Technical Instructions) 	<input type="checkbox"/>
Bookmarking Bookmarks must be:	<ul style="list-style-type: none"> consistent; clear and; meaningful. <p>The combined files (documents) must also contain bookmarks, which <u>consistently, meaningfully, and clearly</u> describe the individual documents or sections of the book. For example, bookmarks should describe the contents of the Exhibit (e.g. “Exhibit 1 – June 1, 2019 - Letter from John to Jane Doe.”)</p>	<input type="checkbox"/>

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Requirement	Instructions	Completed
Table of Contents	<ul style="list-style-type: none"> • Must be consistent, clear and meaningful • Create Table of Contents in Word based on sequential page numbers (or Bates numbering) in eBook (PDF portfolio) and with header style applied for title “Table of Contents” <p>Page numbering (or Bates numbering) in Table of Contents must align with sequential page numbering of the eBook (PDF portfolio).</p>	<input type="checkbox"/>
Cover Page	<p>You may use this Word template to create your cover page with header style applied to document name. Example: “Application Book: Leave to Appeal”</p>	<input type="checkbox"/>
Security Settings	<p>Disable any security settings that might restrict or prevent the Court from viewing, printing, saving, annotating, or searching the electronic document.</p>	<input type="checkbox"/>
File Naming	<p>Use this file naming standard: record-title-party.pdf For example: Application-Book-Leave-to-Appeal-Smith-John.pdf</p>	<input type="checkbox"/>
E-Filing File size limit: maximum 200 megabytes (MB)	<p>Court Services On-Line e-filing will accept one (1) PDF file (including cover page and Table of Contents) with a file size maximum of 200MB.</p> <ul style="list-style-type: none"> • If the document is larger than 200MB, the material cannot be electronically filed and may be filed in paper or in volumes (see below) or; • Appeal with 4,000 pages or more: parties must seek directions from the Registrar as soon as possible, and <u>not less than 90 days</u> before the appeal hearing. 	<input type="checkbox"/>
Volumes 200 megabytes (MB) maximum per volume	<p>Files greater than 200 MB: Can be split into volumes based on file size <u>not</u> number of pages. For example: an 300MB appeal book, could be split into two 150MB volumes</p> <ul style="list-style-type: none"> • try not to split exhibits between volumes • Include cover page and table of contents with each volume • Page numbering sequential from volume 1 to subsequent volumes <p>Files less than 200 MB: one (1) file: <u>do not</u> split into separate files based on number of pages per volume.</p>	<input type="checkbox"/>

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Completion Instructions:

Application and Response Books for Leave to Appeal (Civil Rules 11 to 16) and/or Stay of Proceedings/Execution (Civil Rules 20 and 21)

2.0 Written Arguments

2.1 Written Argument Content Requirements

- Application Books: **Maximum 10 pages** of written argument for leave or stay applications. **Maximum 15 pages** of written argument for a combined application for leave and stay.
- Response Books: **Maximum 5 pages** of written argument for response to leave or stay application. **Maximum 10 pages** of written argument for combined leave and stay response books.

Requirement	Instructions	Completed
Cover Page	Required You may use this Word template including cover page.	<input type="checkbox"/>
Part 1: Facts	A brief statement of facts	<input type="checkbox"/>
Part 2: Issues	A statement of the points in issues on the application	<input type="checkbox"/>
Part 3 Analysis: Leave to Appeal ¹ Analysis: Leave and Stay	<p>On applications for leave to appeal, a brief statement setting out the reasons why leave should or should not be granted, which should include your position regarding:</p> <p>(a) the importance of the proposed appeal to the practice (e.g. would the appeal help settle an unsettled area of the law);</p> <p>(b) the importance of the proposed appeal to the action (which may include significance to the proposed parties);</p> <p>(c) the merits of the proposed appeal;</p> <p>(d) whether the proposed appeal would unduly hinder progress in the underlying action.</p> <p>AND if the application for leave to appeal is joined with an application for a stay of proceedings/execution in accordance with Rule 20(4) (stay of proceedings), a brief statement setting out the reasons why the stay should or should not be granted which should include your position regarding:</p> <p>(e) the merits of the proposed appeal;</p> <p>(f) whether the applicant would suffer irreparable harm if the stay of proceedings/execution is not granted;</p> <p>(g) whether the inconvenience to the applicant if the stay is refused would be greater than the inconvenience to the respondent if the stay is granted.</p>	<input type="checkbox"/>

¹ Note that there is a different test for leave to appeal from a special tribunal. See [Queens Plate Development Ltd. v. Vancouver Assessor, Area 09](#) (1987), 16 B.C.L.R. (2d) 104, 22 C.P.C. (2d) 265 at 109–110 (Chambers) at para. 14.

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Requirement	Instructions	Completed
Analysis: Stay	OR If you are ONLY applying for a stay of proceedings/execution and are NOT seeking leave to appeal, a brief statement setting out the reasons why the stay should or should not be granted which should include your position regarding (e) to (g) above.	
Part 4: Order Sought	The nature of the order (or orders) requested Enter name of lawyer(s) or party(ies) who prepared the filing	<input type="checkbox"/>

2.2 Written Argument Document Format Requirements

Word template is [here](#).

Requirement	Instructions	Completed
Font	Arial 12 (including citations)	<input type="checkbox"/>
Spacing	Lines spaced 1.5 lines apart with a single space between paragraphs (pre-set in template)	<input type="checkbox"/>
Margins	No less than 2.5 cm. (1 in)	<input type="checkbox"/>
Paragraph Numbering	Paragraphs numbered consecutively starting from Statement of Facts	<input type="checkbox"/>
Footnotes	Arial 12 (<i>pre-set in template</i>) Footnotes can be single spaced.	<input type="checkbox"/>

3.0 Copies for Filing and Service

3.1 E-filing

Court staff will electronically apply registry filing stamp when approved through the e-filing system.

Filing/Service	Requirements	Completed
Electronic Copies	Save 1 copy with filing stamp for your records, 1 copy with filing stamp (paper or electronic) to be served on each party	<input type="checkbox"/>

History:

Replaces Completion instructions in previous Rules and Forms

Last Updated: March 19, 2024