

Paper Filing

Completion Instructions:

Application and Response Books for Leave to Appeal (Rules 11 to 16) and/or Stay of Proceedings/Execution (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	<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	<input type="checkbox"/>
Table of Contents	Required	<input type="checkbox"/>
Part 1: Evidence, Exhibits or Affidavits	Include those parts of the evidence, exhibits and affidavits necessary for the application	<input type="checkbox"/>
Part 2: Written Argument	See content instructions in 2.0 Maximum 5 pages or 10 pages	<input type="checkbox"/>

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1.3 Paper Format Requirements for Application and Response Books

This is a list of format requirements for creating paper application and response books.

Requirement	Instructions	Completed
True Copies	Must be an identical or true copy of the original document.	<input type="checkbox"/>
Page Numbering	<ul style="list-style-type: none"> pages numbered sequentially (or Bates numbered) may be stamped or handwritten 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) 	<input type="checkbox"/>
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 numbering (or Bates numbering) of book Page numbering in Table of Contents must align with sequential page numbering (or Bates numbering) of the book 	<input type="checkbox"/>
Cover Page	Required You may create cover page using this Word template	<input type="checkbox"/>
Cover and Back Page Colours	Application Books: Buff Response Books: Green (no clear cover)	<input type="checkbox"/>
Printed	Double sided	<input type="checkbox"/>
Binding	Cerlox plastic comb bound in booklet form	<input type="checkbox"/>
Volumes	<ul style="list-style-type: none"> Maximum 500 pages or 250 sheets of paper per volume Full Table of Contents in each volume Volume number on cover page (e.g. 1 of 3 volumes) Sequential page numbering from first volume to last volume 	<input type="checkbox"/>
Tabs	Required for each part of the book	<input type="checkbox"/>

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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		<input type="checkbox"/>
Analysis: Leave to Appeal¹	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: (a) the importance of the proposed appeal to the practice (e.g. would the appeal help settle an unsettled area of the law); (b) the importance of the proposed appeal to the action (which may include significance to the proposed parties); (c) the merits of the proposed appeal; (d) whether the proposed appeal would unduly hinder progress in the underlying action.	
Analysis: Leave and Stay	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: (e) the merits of the proposed appeal; (f) whether the applicant would suffer irreparable harm if the stay of proceedings/execution is not granted; (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.	

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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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:	The nature of the order (or orders) requested	<input type="checkbox"/>
Order Sought	Enter name of lawyer(s) or party(ies) who prepared the filing	

2.1 Written Argument Document Format Requirements

Word template is [here](#)

Format	Requirements	Completed
Font	Arial 12 (including citations)	<input type="checkbox"/>
Line Spacing	Lines spaced 1.5 lines apart	<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"/>

3.0 Copies for Filing and Service

3.1 Filing Paper Court Records

In civil appeals, e-filing is mandatory for lawyers and encouraged for self-represented parties. Registry staff will approve all paper copies by applying a filing stamp at the Registry.

Filing/Service	Requirements	Completed
Paper Copies	You will be required to file 2 copies for the Court, 1 copy for your records, 1 copy to serve on each party	<input type="checkbox"/>
Minimum Total	4 copies	

History:

Replaces Completion instructions in previous Rules and Forms

Last Updated: July 18