

**Paper 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
<b>Cover Page</b>	Required You may use this <a href="#">Word template</a> 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"/>
<b>Table of Contents</b>	Required	<input type="checkbox"/>
<b>Part 1: Reasons for Judgment</b>	Include a copy of the reasons for judgment you are seeking to appeal	<input type="checkbox"/>
<b>Part 2: Order</b>	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"/>
<b>Part 3: Evidence, Exhibits or Affidavits</b>	Include those parts of the evidence, exhibits or affidavits necessary for the application	<input type="checkbox"/>
<b>Part 4: Written Argument</b>	See content instructions in 2.0 Maximum 10 pages or 15 pages	<input type="checkbox"/>
<b>Part 5: Table of Authorities</b>	A table of the authorities, arranged alphabetically including cases and sections of enactments to be referred in the application book	<input type="checkbox"/>

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## 1.2 Response Book Content Requirements

Requirement	Instructions	Completed
<b>Cover Page</b>	Required You may use this <a href="#">Word template</a> 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"/>
<b>Table of Contents</b>	Required	<input type="checkbox"/>
<b>Part 1: Evidence, Exhibits or Affidavits</b>	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"/>
<b>Part 2: Written Argument</b>	See content instructions in 2.0 Maximum 5 pages or 10 pages	<input type="checkbox"/>

## 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
<b>True Copies</b>	Must be an identical or true copy of the original document.	<input type="checkbox"/>
<b>Page Numbering</b>	<ul style="list-style-type: none"> <li>pages numbered sequentially (or Bates numbered)</li> <li>may be stamped or handwritten</li> <li>top centre of page</li> <li>can start after Table of Contents or on cover page</li> <li><b>Table of Contents <u>must</u></b> match page numbering (or Bates numbering)</li> </ul>	<input type="checkbox"/>
<b>Table of Contents</b>	<ul style="list-style-type: none"> <li>Must be consistent, clear and meaningful</li> <li>Create Table of Contents in Word based on sequential page numbering (or Bates numbering) of book</li> <li>Page numbering in Table of Contents must align with sequential page numbering (or Bates numbering) of the book</li> </ul>	<input type="checkbox"/>
<b>Cover Page</b>	Required You may create cover page using this <a href="#">Word template</a> 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"/>

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<b>Cover and Back Page Colours (clear plastic cover not required)</b>	Application Books: <b>Buff</b> Response Books: <b>Green</b>	<input type="checkbox"/>
<b>Printed</b>	Double sided	<input type="checkbox"/>
<b>Binding</b>	Cerlox plastic comb bound in booklet form	<input type="checkbox"/>
<b>Volumes</b>	<ul style="list-style-type: none"> <li>• Maximum 500 pages or 250 sheets of paper per volume</li> <li>• Full Table of Contents in each volume</li> <li>• Volume number on cover page (e.g. 1 of 3 volumes)</li> <li>• Sequential page numbering from first volume to last volume</li> </ul>	<input type="checkbox"/>
<b>Tabs</b>	Required for each part of the book	<input type="checkbox"/>

## 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
<b>Cover page</b>	Required You may use this <a href="#">Word template</a> including cover page.	<input type="checkbox"/>
<b>Part 1: Facts</b>	A brief statement of facts	<input type="checkbox"/>
<b>Part 2: Issues</b>	A statement of the points in issues on the application	<input type="checkbox"/>
<b>Part 3 Analysis: Leave to Appeal<sup>1</sup></b>	<p><b>On applications for leave to appeal</b>, 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>	<input type="checkbox"/>

<sup>1</sup> 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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<b>Analysis: Leave and Stay</b>	<p>(c) the merits of the proposed appeal;                  (d) whether the proposed appeal would unduly hinder progress in the underlying action.</p> <p><b>AND if the application for leave to appeal is joined with an application for a stay of proceedings/execution</b> 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;                  (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.</p>	
<b>Analysis: Stay</b>	<p><b>OR If you are ONLY applying for a stay of proceedings/execution and are NOT seeking leave to appeal,</b> 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.</p>	
<b>Part 4: Order Sought</b>	<p>The nature of the order (or orders) requested</p> <p>Enter name of lawyer(s) or party(ies) who prepared the filing</p>	<input type="checkbox"/>

**2.1 Written Argument Document Format Requirements**

Word template is [here](#)

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

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**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
<b>Paper Copies</b>	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"/>
<b>Minimum Total</b>	4 copies	

History:

Replaces Completion instructions in previous Rules and Forms

Last Updated: March 19, 2024