

SUPREME COURT APPEALS

Registry staff are trained to receive and issue court documents; they are not legally trained and cannot provide individuals with legal advice.

Supreme Court Civil Rule 18-3 and Supreme Court Family Rule 18-3 deal with an appeal to the Supreme Court from a Provincial Court or another statutory body.

An appeal from an associate judge, registrar or special referee is not subject to those rules and procedures. Those types of appeals are filed within the Supreme Court action where the order being appealed was made. Supreme Court Civil 23-6 and Supreme Court Family Rule 22-7 apply to appeals from an associate judge, registrar or special referee.

Appeals from a decision of a Provincial Court Judge in a Small Claims or Family Court proceeding are covered in **Civil Practice Direction 21** (Standard Directions for Appeals from Provincial Court – *Small Claims Act*) and **Family Practice Direction 10** (Standard Directions for Appeals from Provincial Court – *Family Law Act*).

Various other provincial enactments allow an appeal to the Supreme Court. Where there are no prescribed standard directions, a hearing is scheduled for the conduct of the appeal. Civil Form 73 or Family Form F79 are used when an application for directions is required.

The fee for filing the appeal is \$200.00 and any additional fees required by the legislation.

This package includes the following information:

- 1) Supreme Court Civil Rule 18-3 - Appeals
- 2) Civil Form 73 – Notice of Appeal if Directions Required
- 3) Civil Form 74 – Notice of Appeal – Standard Directions
- 4) Civil Form 70 – Notice of Interest
- 5) Civil Form 75 – Notice of Hearing of Appeal
- 6) Civil Form 76 – Notice of Abandonment of Appeal
- 7) PD – 21 – Standard Directions for Appeals from Provincial Court – *Small Claims Act*
- 8) Supreme Court Family Rule 18-3 – Appeals
- 9) Supreme Court Family Form F79 – Notice of Appeal if Directions Required
- 10) Supreme Court Family Form F80 – Notice of Appeal – Standard Directions
- 11) Supreme Court Family Form F77 – Notice of Interest
- 12) Supreme Court Family Form F81 – Notice of Hearing of Appeal
- 13) Supreme Court Family Form F82 – Notice of Abandonment of Appeal
- 14) FPD – 10 – Standard Directions for Appeals from Provincial Court – *Family Law Act*

Supreme Court Civil Rule 18-3 Appeals

Application

- (1) If an appeal or an application in the nature of an appeal from a decision, direction or order of any person or body, including the Provincial Court, is authorized by an enactment to be made to the court or to a judge, the appeal is governed by this rule to the extent that this rule is not inconsistent with any procedure provided for in the enactment.

Form

- (2) An appeal is to be started by filing in a registry a notice of appeal in Form 73 or 74.

Directions

- (3) A notice of appeal must include
 - (a) the standard set of directions, in the form directed by the Chief Justice, governing the conduct of the appeal, or
 - (b) an application for directions as to the conduct of the appeal.

Conduct of appeal

- (4) If the notice of appeal includes a standard set of directions under subrule (3)(a), the appeal must be conducted in accordance with those directions unless the court otherwise orders.

Applications for directions

- (5) Unless the court otherwise orders, an application for directions under subrule (3)(b) must be set for hearing on a date that is at least 7 days after the date on which the notice of appeal is served in accordance with subrule (6).

Service of notice of appeal

- (6) Unless the court otherwise orders, a notice of appeal must be served on
 - (a) the person or body that gave the decision or direction, or made the order, being appealed, and
 - (b) all other persons who may be affected by the order sought.

Powers of court

- (7) The court may give directions for the proper hearing and determination of an

appeal and, without limiting this, may make an order

- (a) that documents, transcripts or minutes be produced,
- (b) that evidence be tendered by way of affidavit, or that it be given orally,
- (c) that the appeal be determined by way of stated case or argument on a point of law,
- (d) prescribing time limits for taking steps in and for the hearing of the appeal, or
- (e) that the appeal be disposed of summarily,

and may exercise any of the powers of the court exercisable in a petition proceeding.

Filing notice of interest

(8) A person who intends to oppose an appeal must,

- (a) file a notice of interest in Form 70 within the following period:
 - (i) if the person was served with the notice of appeal anywhere in Canada, within 14 days after that service;
 - (ii) if the person was served with the notice of appeal anywhere in the United States of America, within 28 days after that service;
 - (iii) if the person was served with the notice of appeal anywhere else, within 42 days after that service, and
- (b) promptly after filing the notice of interest, serve a copy of the filed notice of interest on the appellant.

Notice of hearing of appeal

- (9) After obtaining from a registrar a date for the hearing of the appeal, the appellant must, if the appellant wishes to proceed with the appeal, set the appeal for hearing on that date by
- (a) filing a notice of hearing of appeal in Form 75, and
 - (b) serving a copy of the filed notice of hearing of appeal on all parties of record.

Notice of abandonment of appeal

- (10) An appellant may abandon an appeal by
- (a) filing a notice of abandonment of appeal in Form 76, and
 - (b) serving a copy of the filed notice of abandonment of appeal on all parties of record.

In the Supreme Court of British Columbia

Between

Appellant

and

[person or body appealed from]

Respondent

NOTICE OF APPEAL IF DIRECTIONS REQUIRED

To:
[name of person or body appealed from]

And to:
[name(s) of all other persons who may be affected by the order sought]

WHEREAS on,
[dd/mmm/yyyy] [name of person or body from whose

.....
decision/direction/order appeal is brought]

made the following decision direction order
[add, if applicable, in ..[Action

.....:
Number/File Number] [state concisely the decision, direction or order]

.....
.....
.....

AND WHEREAS an appeal lies to this court a judge of this court under

.....;
[name and section of enactment allowing appeal]

TAKE NOTICE that appeal(s) from
[name(s) of appellant(s)]

the decision direction order on the following grounds:
.....;
[concisely set out grounds of appeal]

AND TAKE NOTICE that on, at the courthouse at
[dd/mmm/yyyy]

.....,
[address]

an application will be made to the presiding judge at for directions as to the
[time of day]

conduct of the appeal *[or as the case may be]*.

The appellant(s) estimate(s) that the hearing of the appeal will take
[time estimate]

If you intend to oppose the appeal, you or your lawyer must

- (a) file a Notice of Interest in Form 70 in the above-named registry of this court within the time for Notice of Interest described below, and
- (b) serve a copy of the Notice of Interest on the appellant's(s') address for service set out in this Notice of Appeal.

Time for Notice of Interest

A Notice of Interest must be filed and served on the appellant(s),

- (a) if you were served with the notice of appeal anywhere in Canada, within 14 days after that service,
- (b) if you were served with the notice of appeal anywhere in the United States of America, within 28 days after that service,
- (c) if you were served with the notice of appeal anywhere else, within 42 days after that service, or

(d) if the time for Notice of Interest has been set by order of the court, within that time.

The appellant's(s') address for service is:

[Set out the street address of the address for service. One or both of a fax number and an e-mail address may be given as additional addresses for service.]

Fax number for service (if any):

E-mail address for service (if any):

Date:

.....

Signature of

appellant lawyer for appellant(s)

.....

[type or print name]

Form 74

No.
..... Registry

In the Supreme Court of British Columbia

Between

Appellant

and

[person or body appealed from]

Respondent

NOTICE OF APPEAL – STANDARD DIRECTIONS

To:
[name of person or body appealed from]

And to:
[name(s) of all other persons who may be affected by the order sought]

WHEREAS on
[dd/mmm/yyyy] *[name(s) of person or body from whose*
.....
decision/direction/order appeal is brought]

made the following decision direction order
[add, if applicable, in[Action

.....
Number/File Number] *[state concisely the decision, direction, or order]*

.....
.....
.....;

AND WHEREAS an appeal lies to this court a judge of this court under

..... ;
[name and section of enactment allowing appeal]

TAKE NOTICE that appeal(s) from
[name(s) of appellant(s)]

the decision direction order on the following grounds:
.....
[concisely set out grounds of appeal]

ATTACHED is the standard set of directions, in the form directed by the Chief Justice of the Supreme Court of British Columbia, governing the conduct of appeal.

The appellant(s) estimate(s) that the hearing of the appeal will take
[time estimate]

If you intend to oppose the appeal, you or your lawyer must

- (a) file a Notice of Interest in Form 70 in the above-named registry of this court within the time for Notice of Interest described below, and
- (b) serve a copy of the Notice of Interest on the appellant's(s') address for service set out in this Notice of Appeal.

Time for Notice of Interest

A Notice of Interest must be filed and served on the appellant(s),

- (a) if you were served with the notice of appeal anywhere in Canada, within 14 days after that service,
- (b) if you were served with the notice of appeal anywhere in the United States of America, within 28 days after that service,
- (c) if you were served with the notice of appeal anywhere else, within 42 days after that service, or
- (d) if the time for Notice of Interest has been set by order of the court, within that time.

The appellant's(s') address for service is:

[Set out the street address of the address for service. One or both of a fax number and an e-mail address may be given as additional addresses for service.]

Fax number address for service (if any):

E-mail address for service (if any):

Date:

Signature of

appellant lawyer for appellant(s)

.....
[type or print name]

Form 70

No.

..... Registry

In the Supreme Court of British Columbia

Between

Appellant

and

Respondent

NOTICE OF INTEREST

TAKE NOTICE that I have an interest in this proceeding.

Name:

Address for service:

[Set out the street address of the address for service. One or both of a fax number and an e-mail address may be given as additional addresses for service.]

Fax number address for service (if any):

E-mail address for service (if any):

Date:

Signature of
 filing person lawyer for filing person(s)

.....
[type or print name]

Form 75

No.

..... Registry

In the Supreme Court of British Columbia

Between

Appellant

and

Respondent

NOTICE OF HEARING OF APPEAL

TAKE NOTICE that this appeal will be heard at on,
[time of day] [dd/mmm/yyyy]

at
[address]

.....
Registrar

Time estimate:

.....
Signature of
 appellant lawyer for appellant(s)

.....
[type or print name]

Form 76

No.
..... Registry

In the Supreme Court of British Columbia

Between

Appellant

and

Respondent

NOTICE OF ABANDONMENT OF APPEAL

TAKE NOTICE that the appellant,,
[name]

abandons this appeal.

[Check the correct box and complete any required information.]

- This appeal has not yet been set for hearing.
- The date scheduled for the hearing of this appeal is

Date:

.....
Signature of

appellant lawyer for appellant(s)

.....
[type or print name]



Effective Date: 2010/07/01

Number: PD -21

Title:

Practice Direction

Standard Directions for Appeals from Provincial Court - *Small Claims Act*

Summary:

Section 5 of the *Small Claims Act* provides for an appeal to the Supreme Court from an order of the Provincial Court. Supreme Court Civil Rule 18-3 provides that a notice of appeal must include the standard set of directions in the form directed by the Chief Justice governing the conduct of the appeal. These are the standard directions governing the conduct of an appeal from the Provincial Court under section 5 of the *Small Claims Act*.

Direction:

Deposit

1. The appellant must deposit \$200 as security for costs as required under section 8(1) of the *Small Claims Act* before or at the time the Notice of Appeal is filed with the court, along with any amounts required under section 8(2), unless the court otherwise orders.

Documents to be filed and served

2. A Notice of Appeal in Form 74 must be filed with a copy of these directions attached.
3. After filing the Notice of Appeal, the appellant must:
 - a. serve the Notice of Appeal on the respondent(s) by personal service
 - b. order and pay for a copy of the transcript of:
 - i. the oral evidence given at the hearing in the Provincial Court
 - ii. the reasons for judgment of the Provincial Court.
4. It is not necessary for the appellant to serve the Notice of Appeal on the Provincial Court.

5. If the respondent wishes to oppose the appeal and to receive notice of the hearing date, he or she must:
 - a. file a Notice of Interest in Form 70 within 7 days after service of the Notice of Appeal
 - b. promptly serve a copy of the filed Notice of Interest on the appellant by ordinary service.
6. Within 14 days after filing the Notice of Appeal, the appellant must:
 - a. file proof, satisfactory to the registrar, that
 - i. the Notice of Appeal has been served on the respondent(s)
 - ii. the required transcript has been ordered
 - b. request a date for the hearing of the appeal from the Registrar
 - c. file a Notice of Hearing in Form 75
 - d. serve, by ordinary service, a Notice of Hearing on any person who has filed a Notice of Interest.
7. Within 45 days after filing the Notice of Appeal, the appellant must:
 - a. file the original transcript with the court
 - b. serve, by ordinary service, a copy of the original transcript on any person who has filed a Notice of Interest
 - c. file a statement of argument in Schedule A , and
 - d. serve, by ordinary service, a copy of the statement of argument on any person who has filed a Notice of Interest.
8. Within 14 days before the hearing of the appeal, a person(s) who has filed a Notice of Interest must:
 - a. file a statement of argument in Schedule B , and
 - b. serve, by ordinary service, a copy on the appellant.

Appeal disposed of summarily

9. If the appellant fails to file the deposit or any proof or documents required under this direction, within the time limits prescribed by this direction, the respondent may apply for an order:
 - a. to dispose of the appeal summarily pursuant to Supreme Court Civil Rule 18-3(7), or
 - b. that the order under appeal is no longer suspended pursuant to section 9(2) of the *Small Claims Act*.

10. No new evidence may be adduced at the appeal without leave of the court.

A handwritten signature in black ink, appearing to read "Bauman", with a stylized flourish at the beginning.

Robert J. Bauman
Chief Justice

Schedule A

No. _____
Registry _____

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

APPELLANT

AND:

RESPONDENT

APPELLANT'S STATEMENT OF ARGUMENT

STATEMENT OF FACTS: The facts of this case are as follows:

(This section must consist of a clear statement, in numbered paragraphs, of the relevant facts of the case making reference for each fact to the reasons for judgment or to the page and line numbers of the transcript.)

ISSUES ON APPEAL: The appellant agrees with the order appealed from except as follows:

(This section must consist of a clear statement, in numbered paragraphs, that sets out in what respect the order appealed from is in error.)

ARGUMENT: The order appealed from is in error because:

(This section must set out, in numbered paragraphs, the argument why the order is alleged to be in error including the points of law or fact with a reference to the exhibit or page and line numbers of the transcript and the authorities in support of each point.)

NATURE OF ORDER SOUGHT:

*(This section must set out the order the appellant wishes the court to make including any special order as to costs and payment out of monies paid into court pursuant to section 8 of the **Small Claims Act**).*

Date: [dd/mmm/yyyy]

.....
Signature of filing part(ies) or counsel

..... [type or print name]

Schedule B

No. _____
Registry _____

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

APPELLANT

AND:

RESPONDENT

RESPONDENT'S STATEMENT OF ARGUMENT

STATEMENT OF FACTS: The respondent's position with respect to the appellant's statement of facts is as follows:

(This section must consist of a clear statement, in numbered paragraphs, of the respondent's position with respect to the appellant's statement of facts together with a clear statement of any other facts that the respondent considers relevant making reference for each fact to the reasons for judgment or to the page and line numbers of the transcript.)

ISSUES ON APPEAL: The respondent's position with respect to the appellant's statement of the issues on the appeal is as follows:

(This section must consist of a statement, in numbered paragraphs, of the respondent's position with respect to the issues as stated by the appellant.)

ARGUMENT: The respondent disagrees with the appellant's argument because:

(This section must set out, in numbered paragraphs, the respondent's argument as to why the order sought by the appellant should not be made including the points of law or fact with a reference to the exhibit or page and lines of the transcript and the authorities in support of each point.)

NATURE OF ORDER SOUGHT:

(This section must set out the order the respondent wishes the court to make including any special order as to costs and payment out of monies paid into court pursuant to section 8 of the Small Claims Act.

Date: [dd/mmm/yyyy]

.....
Signature of filing part(ies) or counsel

.....[type or print name].....

Supreme Court Family Rule 18-3 Appeals

Application

- 1) If an appeal or an application in the nature of an appeal from a decision, direction or order of any person or body, including the Provincial Court, is authorized by an enactment to be made to the court or to a judge, the appeal is governed by this rule to the extent that this rule is not inconsistent with any procedure provided for in the enactment.

Form

- 2) An appeal is to be started by filing in a registry a notice of appeal in Form F79 or Form F80.

Directions

- 3) A notice of appeal must include
 - a) the standard set of directions, in the form directed by the Chief Justice, governing the conduct of the appeal, or
 - b) an application for directions as to the conduct of the appeal.

Conduct of appeal

- 4) If the notice of appeal includes a standard set of directions under subrule (3)(a), the appeal must be conducted in accordance with those directions unless the court otherwise orders.

Application for directions

- 5) Unless the court otherwise directs, an application for directions under subrule (3)(b) must be set for hearing on a date that is at least 7 days after the date on which the notice of appeal is served in accordance with subrule (6).

Service of notice of appeal

- 6) Unless the court otherwise orders, a notice of appeal must be served on
 - a) the person or body that gave the decision or direction, or made the order being appealed, and
 - b) all other persons who may be affected by the order sought.

Powers of court

- 7) The court may give directions for the proper hearing and determination of an

appeal and, without limiting this, may make an order

- a) that documents, transcripts or minutes be produced,
- b) that evidence be introduced by way of affidavit, or that it be given orally,
- c) that the appeal be determined by way of stated case or argument on a point of law,
- d) prescribing time limits for taking steps in and for the hearing of the appeal, or
- e) that the appeal be disposed of summarily,

and may exercise any of the powers of the court exercisable in a petition proceeding.

Filing notice of interest

(8) A person who intends to oppose an appeal must

(a) file a notice of interest in Form F77 within the following period:

- (i) if the person was served with the notice of appeal anywhere in Canada, within 7 days after that service;
- (ii) if the person was served with the notice of appeal anywhere in the United States of America, within 14 days after that service;
- (iii) if the person was served with the notice of appeal anywhere else, within 28 days after that service, and

(b) promptly after filing the notice of interest, serve a copy of the filed notice of interest on the appellant.

Notice of hearing of appeal

9) After obtaining from a registrar a date for the hearing of the appeal, if the appellant wishes to proceed with the appeal, the appellant must set the appeal for hearing on that date by

- a) filing a notice of hearing of appeal in Form F81, and
- b) serving a copy of the filed notice of hearing of appeal on all parties.

Notice of abandonment of appeal

10) An appellant may abandon an appeal by

- a) filing a notice of abandonment of appeal in Form F82, and
- b) serving a copy of the filed notice of abandonment of appeal on all parties.

Court File No.:
Court Registry:

In the Supreme Court of British Columbia

Appellant:

Respondent:

NOTICE OF APPEAL IF DIRECTIONS REQUIRED

To:
[name of person or body appealed from]

And to:
[name(s) of all other persons who may be affected by the order sought]

WHEREAS on,
[dd/mmm/yyyy] [name of person or body from whose

.....
decision/direction/order appeal is brought]

made the following decision direction order
[add, if applicable, in ..[Action

.....;
Number/File Number] [state concisely the decision, direction or order]

.....
.....
.....

AND WHEREAS an appeal lies to this court a judge of this court under

.....;
[name and section of enactment allowing appeal]

TAKE NOTICE that appeal(s) from
[name(s) of appellant(s)]

the decision direction order on the following grounds:

.....;
[concisely set out grounds of appeal]

AND TAKE NOTICE that on, at the courthouse at

[dd/mmm/yyyy]

.....
[address]

an application will be made to the presiding judge at for directions as to the
[time of day]

conduct of the appeal *[or as the case may be]*.

The appellant(s) estimate(s) that the hearing of the appeal will take
[time estimate]

IF YOU INTEND to oppose the appeal, YOU MUST GIVE NOTICE of your intention by filing in the above registry of this court a form entitled Notice of Interest and YOU MUST ALSO SERVE a copy of the Notice of Interest on the appellant's(s') address for service set out in this Notice of Appeal.

YOU OR YOUR LAWYER may file the Notice of Interest. You may obtain a form of Notice of Interest at the registry.

Time for Notice of Interest

A Notice of Interest must be filed and served on the appellant(s),

- a) if you were served with the notice of appeal anywhere in Canada, within 7 days after that service,
- b) if you were served with the notice of appeal anywhere in the United States of America, within 14 days after that service,
- c) if you were served with the notice of appeal anywhere else, within 28 days after that service, or
- d) if the time for Notice of Interest has been set by order of the court, within that time.

The appellant's(s') address for service is:

[Set out the street address of the address for service. One or both of a fax number and an e-mail address may be given as additional addresses for service.]

Fax number for service (if any):

E-mail address for service (if any):

Date:

Signature of appellant lawyer for appellant(s)

.....
type or print name

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Appellant:

Respondent:

NOTICE OF APPEAL – STANDARD DIRECTIONS

To:
[name of person or body appealed from]

And to:
[name(s) of all other persons who may be affected by the order sought]

WHEREAS on,
[dd/mmm/yyyy] *[name(s) of person or body from whose*
.....
decision/direction/order appeal is brought]

made the following decision direction order
[add, if applicable, in[Action

.....:
Number/File Number] *[state concisely the decision, direction, or order]*

.....
.....
.....;

AND WHEREAS an appeal lies to this court a judge of this court under
.....;
[name and section of enactment allowing appeal]

TAKE NOTICE that appeal(s) from
[name(s) of appellant(s)]

the decision direction order on the following grounds:

.....
[concisely set out grounds of appeal]
.....
.....

ATTACHED is the standard set of directions, in the form directed by the Chief Justice of the Supreme Court of British Columbia, governing the conduct of appeal.

The appellant(s) estimate(s) that the hearing of the appeal will take
[time estimate]

IF YOU INTEND to oppose the appeal, YOU MUST GIVE NOTICE of your intention by filing in the above registry of this court a form entitled Notice of Interest and YOU MUST ALSO SERVE a copy of the Notice of Interest on the appellant's(s') address for service set out in this Notice of Appeal.

YOU OR YOUR LAWYER may file the Notice of Interest. You may obtain a form of Notice of Interest at the registry.

Time for Notice of Interest

A Notice of Interest must be filed and served on the appellant(s),

- a) if you were served with the notice of appeal anywhere in Canada, within 7 days after that service,
- b) if you were served with the notice of appeal anywhere in the United States of America, within 14 days after that service,
- c) if you were served with the notice of appeal anywhere else, within 28 days after that service, or
- d) if the time for Notice of Interest has been set by order of the court, within that time.

The appellant's(s') address for service is:

[Set out the street address of the address for service. One or both of a fax number and an e-mail address may be given as additional addresses for service.]

Fax number address for service (if any):

E-mail address for service (if any):

Date:

Signature of appellant lawyer for appellant(s)

.....

[type or print name]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Appellant:

Respondent:

NOTICE OF INTEREST

TAKE NOTICE that I have an interest in this family law case.

Name:

Address for service:

[Set out the street address of the address for service. One or both of a fax number and an e-mail address may be given as additional addresses for service.]

Fax number address for service (if any):

E-mail address for service (if any):

Date:

Signature of filing person lawyer for filing person(s)

.....
[type or print name]

Court File No.:
Court Registry:

In the Supreme Court of British Columbia

Appellant:

Respondent:

NOTICE OF HEARING OF APPEAL

TAKE NOTICE that this appeal will be heard at on, at
[time of day] [dd/mmm/yyyy]

.....
[address]

.....
Registrar

Time estimate:
Signature of appellant lawyer for appellant(s)

.....
[type or print name]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Appellant:

Respondent:

NOTICE OF ABANDONMENT OF APPEAL

TAKE NOTICE that the appellant,, abandons this appeal.
[name]

[Check the correct box and complete any required information.]

- This appeal has not yet been set for hearing.
- The date scheduled for the hearing of this appeal is

Date:

.....
Signature of appellant lawyer for appellant(s)

.....
[type or print name]



Effective Date: 2013/03/18

Number: FPD - 10

Title:

Practice Direction

Standard Directions for Appeals from Provincial Court - *Family Law Act*

Summary:

Section 233 of the *Family Law Act* provides for an appeal to this court from an order of the Provincial Court. The Supreme Court Family Rules apply to such an appeal to the extent that they are consistent with section 233. Supreme Court Family Rule 18-3 provides that a notice of appeal must include the standard set of directions in the form directed by the Chief Justice governing the conduct of the appeal.

These are the standard directions governing the conduct of an appeal under Section 233 of the *Family Law Act*.

Direction:

Documents to be filed and served

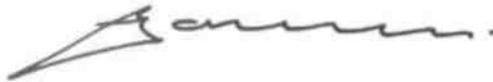
1. This Practice Direction replaces FPD - 7 which is rescinded.
2. A Notice of Appeal in Form F80, with a copy of these standards directions attached, must be filed within 40 days after the order of the Provincial Court is made.
3. If an application for the extension of time to file an appeal is made under section 233(4) of the *Family Law Act*:
 - a. a Supreme Court file must be opened, and
 - b. notice of the application must be given to all parties in the proceeding in which the order of the Provincial Court was made.
4. After filing the Notice of Appeal, the appellant must:
 - a. personally serve the Notice of Appeal on all parties to the proceedings in which the order of the Provincial Court was made, unless a judge of the Supreme Court orders otherwise

- b. order and pay for a copy of the transcript of:
 - i. oral evidence given at the hearing in the Provincial Court, and
 - ii. reasons for judgment of the Provincial Court
 - c. file a copy of the Notice of Appeal in the registry of the Provincial Court at the location where the order was made.
5. If a party to the proceeding in which the order of the Provincial Court was made wishes to oppose the appeal and to receive a notice of the hearing date, he or she must:
 - a. file a Notice of Interest in Form F77 within 7 days after service of the Notice of Appeal
 - b. promptly serve, by ordinary service, a copy of the filed Notice of Interest on the appellant.
6. Within 30 days after filing the Notice of Appeal, the appellant must:
 - a. file an affidavit of service indicating that:
 - i. the Notice of Appeal has been served on the respondent(s)
 - ii. the required transcript has been ordered.
 - b. request a date for hearing of the Appeal from the Registrar
 - c. file a Notice of hearing of Appeal in Form F81
 - d. serve, by ordinary service, the Notice of Hearing on any person who has filed a Notice of Interest.
7. If the appellant has not filed the affidavit required under paragraph 6a within 30 days of filing the Notice of Appeal, the appellant must apply to the court for an order extending the time for filing the affidavit. No date for hearing of the appeal may be set or any further step in the appeal may be taken until the order is granted extending the time for filing the affidavit. Once the affidavit is filed, the appellant may request a date for the hearing of the appeal from the Registrar and may proceed as set out in subparagraphs 5(c) and 5(d).
8. Within 45 days after filing the Notice of Appeal or such longer period as may be ordered by the court as provided for in paragraph 7, the appellant must:
 - a. file the original transcript with the court
 - b. serve, by ordinary service, a copy of the transcript on any person who has filed a Notice of Interest
 - c. file a written outline as described in paragraph 9.

9. The written outline must set out:
 - a. the grounds of appeal
 - b. the relief sought
 - c. the factual and legal basis on which the relief is sought (including a list of any authorities to be relied upon).
10. The written outline must be served, by ordinary service, on any person who has filed a Notice of Interest, not less than 21 clear days, before the date set for hearing the appeal.
11. A person who has filed a Notice of Interest must file and serve on the appellant by ordinary service not less than 14 clear days before the date set for hearing of the appeal, a response setting out the factual and legal basis upon which the appeal is opposed.
12. Any reply prepared by the appellant must be filed and served on a person who has filed a response under paragraph 11, at least 3 clear days before the date set for the hearing of the appeal

New evidence

13. No new evidence may be adduced at the hearing of the appeal without leave of the court.



Robert J. Bauman
Chief Justice