In the Court of Appeal of Alberta

Citation: Penlap v Rauf, 2026 ABCA 354

Date: 20261103
Docket: 2603-0211AC
Registry: Edmonton

Between:

Boris Anrel Taka Penlap and Jeannette P. Mouaffo

Applicants

- and -

M. Naeem Rauf

Respondent

Reasons for Decision of
The Honourable Justice Jane Fagnan

Application for Permission to Appeal

Reasons for Decision of
The Honourable Justice Jane Fagnan

[1] The applicants seek permission to appeal under Rule 14.5(1)(b) of the *Alberta Rules of Court*, Alta Reg 124/2010. They appeal a final determination that their claim is time barred by the *Limitations Act*, RSA 2000, c L-12.

[2] Rule 14.5(1)(b) requires permission to appeal "any pre-trial decision respecting adjournments, time periods or time limits". While that Rule might be interpreted broadly, it does not capture every pre-trial decision made by a Court of King's Bench judge that relates to litigation management: ***Alston v Foothills No 31 (District of)***, 2021 ABCA 150 at para 5. But it is necessarily focused on pre-trial procedural and litigation management orders, not final determinations of claims based on limitation periods created by enactment: ***DAKA Holdings Ltd v Boyle (Village)***, 2026 ABCA 127 at paras 10-26; ***Farm Credit Canada v Wiebe***, 2026 ABCA 235 at para 30.

[3] In the circumstances, permission to appeal is not required.

[4] Rule 9.4(2)(c) is invoked. The Court will prepare the resulting order.

[5] No costs are payable.

Application heard on October 29, 2026

Reasons filed at Edmonton, Alberta
this 3rd day of November, 2026

Fagnan J.A.

Appearances:

Applicant J.P. Mouaffo

Applicant B.A.T. Penlap (no appearance)

S.J. Weatherill
for the Respondent