



Overview of Applications Before a Single Appeal Judge or Case Management Officer (CMO)

Electronic Filing

On March 1, 2021, e-filing became mandatory. All documents must be formatted in accordance with the [Alberta Rules of Court](#) and the [Practice Direction on Electronic Filing](#) and filed via the Court of Appeal Management System ([CAMS](#)). Unless an exemption from e-filing is granted, paper documents at the counter and documents via email will not be accepted.

For more information about CAMS, including how to register for an account and how to format and file documents, view the [CAMS Manual](#) and [FAQs](#). To visit the CAMS e-filing website, click [here](#).

Who Will Decide the Application?

Many applications will be heard by the Case Management Officer (CMO). CMOs assist the Court with respect to the management of matters before it and have authority to consider a wide range of applications in procedural matters and may make directions to facilitate an appeal.

A single appeal judge may hear any application incidental to an appeal. Applications that can be decided by a CMO should be made to the CMO and not to a single appeal judge.

The following chart depicts the types of applications that will be heard by a single appeal judge and a CMO. The list is not exhaustive.

Single Appeal Judge	Case Management Officer (CMO)
<ul style="list-style-type: none"> grant permission to appeal (formerly “leave to appeal”) declare an appeal to be struck, dismissed or abandoned for failure to comply with a mandatory rule, prior order or direction of the Court when a Notice of Appeal or application for permission to appeal has been filed out of time, strike the appeal or application or extend the time to appeal or to seek permission to appeal dismiss an appeal if it has not been significantly advanced in over 6 months and significant prejudice has resulted to a party grant leave to intervene 	<ul style="list-style-type: none"> categorize or re-categorize an appeal as a fast track appeal or a standard appeal stipulate when permission to appeal or an extension of time to appeal is required enforce, stay, shorten or extend times and deadlines grant fiats to permit the filing of deficient documents, to amend documents and to vary the contents or format of documents to be filed set, approve and modify filing timetables



Single Appeal Judge	Case Management Officer (CMO)
<ul style="list-style-type: none"> • order a party to provide security for costs • refer any application to a panel of the Court of Appeal. 	<ul style="list-style-type: none"> • set, adjourn and re-schedule matters • restore appeals by consent • settle the terms of orders or judgments or approve an order/judgment to be filed without all signatures

NOTE: There are some applications that are heard by a three-judge panel. For more information, see the Information Sheet entitled “Overview of Applications Before a Court of Appeal Panel” which can be found on the Court’s [website](#) under Court of Appeal > Registry > Filing Information > Information Sheets.

Documents Required

Single Appeal Judge	Case Management Officer (CMO)
<p>Applications to a single appeal judge require the filing of a:</p> <ul style="list-style-type: none"> • Application; and • Memorandum of Argument <p>If the application is for permission to appeal, the applicant must also file a copy of the reasons for decision proposed to be appealed. If those reasons were given orally, a transcript is required.</p> <p>The respondent to an application must file either a Memorandum of Argument or a letter advising that they do not intend to file any response.</p> <p>IMPORTANT: If the respondent does not file a Memorandum of Argument, they will not be permitted to give oral submissions at the hearing of the application unless the single appeal judge otherwise permits.</p> <p>For both parties, affidavits and authorities are optional. If a party wishes to rely on previously filed material (including material filed in the Court of King’s Bench), a separate copy of those materials must be filed.</p>	<p>A request for administrative directions from a CMO may be made informally, subject to any directions of the CMO.</p> <p>The application can be made by filing a letter which sets out the nature of the request, the reason for it, and (if possible) the position of the respondent.</p> <p>The respondent may file a letter providing their position on the request.</p> <p>All other parties must be copied on the communication.</p> <p>For both parties, affidavits and authorities are optional.</p> <p>Applications before a CMO are heard in writing only. The CMO will not consider verbal requests.</p> <p>The CMO will deliver a decision in writing.</p> <p>Further information about the CMO and how to request an administrative direction can be found on the Court’s website under Court of Appeal > Registry > Case Management Officer.</p>



Document Templates – Applications to Single Appeal Judges

Templates for an Application, a Memorandum of Argument and an Affidavit are available on the Court's [website](#) under Court of Appeal > Registry > Filing Information > Filing, Fees and Forms. The forms for civil matters and criminal matters are grouped separately on the website. Ensure that you use the correct one.

There is a prescribed form for the Application:

- Use Form AP-3 for all applications in civil matters,
- Use Form CRA-C for an application for permission to appeal in criminal matters, and
- Use Form CRA-F for all other types of applications in criminal matters.

The Application must:

- state the nature of the application
- state briefly the grounds for filing the application
- identify the material or evidence intended to be relied on
- refer precisely to any applicable provision of an enactment or rule
- state the remedy or relief sought.

The Application for Permission to Appeal in criminal matters (CRA-C) requires some additional information; refer to the form for specific details.

Every application for permission to appeal must state the exact questions of law on which permission to appeal is requested.

Formatting Documents

All documents must be formatted in accordance with the [Alberta Rules of Court](#) and the [Practice Direction on Electronic Filing](#)

The minimum formatting requirements are set out in the Mandatory Requirements & Check/Return Forms. There are separate Check/Return forms for an Application, a Memorandum of Argument and an Affidavit. You should not submit a document for filing unless you have verified that it complies with all of the requirements in the relevant Check/Return form. Registry staff will compare your document to the requirements set out in these forms, and if the documents do not comply, they will be returned to you for correction or filed on the condition that you make any necessary corrections. These forms are located on the CAMS e-filing [website](#) under Manual/Tip Sheets > Mandatory Requirements & Check Return Forms.

Page Limits

Page limits for a Memorandum of Argument apply. The Memorandum of Argument must not exceed:

- 10 double-spaced pages for applications for permission to appeal
- 5 double-spaced pages for all other types of applications.



In addition to the page limits, the Memorandum or Argument may also attach a chronology where that is relevant to the application. A chronology should be brief and include only relevant dates and a short description of events. A chronology should not contain any commentary or argument.

The cover page, any Table of Authorities and any chronology are not included in the page count.

Filing Documents and Service

All documents must be filed via the Court of Appeal Management System ([CAMS](#)). Unless an exemption from e-filing is granted, paper documents at the counter and documents via email will not be accepted.

IMPORTANT: Any document uploaded to CAMS after 4:00 p.m. will not be reviewed or filed until the next business day.

All documents must be served on all other parties. Filing a document in CAMS does not replace a party's obligation to serve the document on the other parties.

Filing Deadlines

There are no filing deadlines for applications to a Case Management Officer. However, applications should be made on sufficient notice to give the respondent a reasonable opportunity to file a response and to give the Case Management Officer sufficient time to provide a decision.

The following deadlines apply to applications to a single appeal judge.

Applicants

The deadline for filing an Application, a Memorandum of Argument and any Affidavit and supporting materials is at least 10 days before the application is scheduled to be heard.

If the deadline for filing an application is missed, the hearing date will be canceled and a new date will need to be selected to provide the requisite 10 days' notice. A late application will not be permitted to be filed unless the single appeal judge scheduled to hear it grants permission for it to be filed.

All of the materials should be filed simultaneously, unless the application must be filed first to preserve a time limit. If in urgent matters, the Applicant wishes to abridge the time limits, then along with the application materials, the Applicant must file a letter explaining the nature of the urgency, how quickly or what date the Applicant is hoping to have the application heard and provide the position of the opposing party/parties if possible.

Respondents

The deadline for responding to an Application is at least 5 days before the application is scheduled to be heard. A response is given by filing either a Memorandum of Argument and any Affidavit and supporting materials or a letter indicating that no materials will be filed.

If the respondent submits materials after their deadline but before the hearing, they will be marked as "Filed Late".

If the respondent does not file a Memorandum of Argument, they will not be permitted to give oral argument at the hearing of the application unless the single appeal judge otherwise permits.



Fees

The following fees are payable in the respective matters:

Civil Applications	Application for Permission to Appeal that is a commencement document	\$600
	Any other type of application	\$100
	Applications to restore an appeal in a civil matter are subject to the following fees:	
	1 st restoration	\$200
	2 nd restoration	\$500
	3 rd and subsequent restorations	\$1000
Criminal Applications	No filing fee payable	
CMO Request for Administrative Direction	No filing fee payable	

Filing and restoration fees are payable online at: <https://eservices.alberta.ca/courtofappeal-filing-fees-civil.html>.

Getting a Hearing Date

Applications made to a Case Management Officer do not require a hearing date since they are considered in writing only.

Applications before a single appeal judge may be heard in writing with no oral argument either upon request or at the discretion of the single appeal judge. Requests for an application to be heard in writing only with no oral argument can be made to the Case Management Officer.

Otherwise, applications before a single appeal judge are heard virtually on Wednesdays and Thursdays at 9:30 a.m.

Applications before a single appeal judge are scheduled electronically via the [CAMS](#) eScheduling portal. An application will be scheduled for hearing when one of the parties submits a hearing request via the CAMS eScheduling portal, and the request is approved. A request for a hearing date should not be made unless the party wanting to file the application has first confirmed the availability of all parties.



Parties can view available dates in the eScheduling portal before submitting a request. Requests for available hearing dates should **not** be made to the Case Management Officer or the Registry.

For information on how to submit a hearing request, see the eScheduling Quick Reference Guides and Video Tutorials available on the CAMS eFiling website under [Manuals/Tip Sheets](#).

Time Limits for Oral Argument

Time limits for oral argument are: 30 minutes for applications for permission to appeal and 15 minutes for every other type of application.

Appealing a Decision

Any person affected by a decision of a CMO can apply to a single appeal judge to have it rescinded, confirmed, amended or enforced. The application must be filed within one month of the date of the CMO's decision.

Other than a decision which grants or denies permission to appeal, any person may appeal a decision of a single appeal judge by filing an application for permission to appeal it. The application is heard in writing only by the same judge that granted the initial decision.

Any decision which grants or denies permission to appeal is a final decision and cannot be further appealed at the Court of Appeal. Any further appeal would need to be brought to the Supreme Court of Canada. That court should be contacted for information about their procedure and requirements. Registry staff and CMOs cannot provide that information.

Deemed Abandoned

If any application (other than an application for permission to appeal) is not heard within 3 months after the date that the application is filed, it will be deemed to have been abandoned unless a Case Management Officer otherwise directs.

If an application for permission to appeal has not been heard within 6 months from the date that it was filed, it will be deemed to have been abandoned unless a Case Management Officer otherwise directs.



Rules for Specific Types of Applications

Permission to Appeal

Applications for permission to appeal must be filed, served and made returnable within the period specified in any enactment or the rules, and if there is no specified period, then within the time for filing a Notice of Appeal.

Permission to appeal a decision of a single appeal judge must be heard by the same judge who made the decision provided that there is no appeal from a decision of a single appeal judge granting or denying permission to appeal.

Permission to appeal is required for any appeal by a person who has been declared a vexatious litigant in the court appealed from. However, no appeal is allowed from an order denying the vexatious litigant leave to institute or continue proceedings.

Restore an Appeal

Applications to restore an appeal must be filed, served and granted:

Standard/Criminal Appeal

Within 6 months of having been struck, dismissed or deemed abandoned

Fast Track Appeal

Within 3 months of having been struck, dismissed or deemed abandoned

If no application to restore an appeal is granted within the timelines set out above, the appeal will be deemed to have been abandoned.

Applications to restore a civil appeal (including those restored by consent) must be accompanied by the requisite restoration fee (see above).

A Case Management Officer can restore any appeal by consent. The restoration fee is still payable (except in criminal appeals).

Any order or consent to restore an appeal must include deadlines and directions for the filing of any outstanding materials, and if the appellant fails to comply with any of those deadlines or directions, the appeal will be struck again.

For more information, see the Information Sheet entitled “Applications to Restore an Appeal FAQs” which can be found on the Court’s [website](#) under Court of Appeal > Registry > Filing Information > Information Sheets.



Judicial Interim Release

An application for judicial interim release may not be brought until a notice of appeal or application for permission to appeal has been filed and the appeal record has been ordered (or counsel undertakes to order the appeal record within 10 days of the filing of the application).

In addition to an Application and Memorandum of Argument, an application for judicial interim release must be based on an affidavit of the applicant deposing to any facts relevant and material to the application and must include:

- particulars of the applicant’s criminal record and any pending criminal charges (including any pending criminal charges outside Canada), and
- an undertaking to surrender into custody in accordance with the terms of any order granted.

Unless otherwise ordered, an order granting judicial interim release must be in form CRA- G. A templates for an order for judicial interim release is available on the Court’s [website](#) under Court of Appeal > Registry > Filing Information > Filing, Fees and Forms.

Applications to Admit New Evidence

Applications to admit new evidence are never heard by a single appeal judge. These applications are always heard at the same time that the appeal is heard. For more information, see the Information Sheet entitled “Applications to Admit New Evidence FAQs” which can be found on the Court’s [website](#) under Court of Appeal > Registry > Filing Information > Information Sheets.

Questions

For general inquiries about formatting or uploading documents or questions about the payment of filing fees, contact the applicable Registry as follows:

- Calgary Registry – Calgary.Registry@albertacourts.ca or 403-297-2206
- Edmonton Registry – Edmonton.Registry@albertacourts.ca or 780-422-2416

For inquiries about CAMS accounts, access to appeals or technical assistance, complete the online support form [here](#).