



Overview of Applications Before a Court of Appeal Panel

Civil Rules 14.38, 14.42 – 14.43 and 14.53 – 14.54
Criminal Rules 16.23

Electronic Filing

On March 1, 2021, e-filing became mandatory. All documents must be formatted in accordance with 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](#).

Application Types

A Court of Appeal panel may hear any application (including those that could have been decided by a single appeal judge). The following applications must be heard by a panel:

- an application to allow or dismiss an appeal on its merits
- an application for new evidence (heard by the same panel that hears the appeal), unless the panel directs that the application be heard by a single appeal judge (See the separate Information Sheet on Applications for New Evidence)
- an application to reargue or reopen an appeal
- an application for directions required to give effect to any decision of the Court of Appeal, unless the panel directs that the application be heard by a single appeal judge
- an application to reconsider a prior precedential decision of the Court.

Applications to dismiss an appeal for want of prosecution are also heard by a Court of Appeal panel.

Documents Required

Applications made to a Court of Appeal panel require the filing of a:

- Application, and
- Memorandum of Argument

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.

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.

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.

Document Templates

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 civil matters, and
- Use Form CRA-F for 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.

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

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

Applicants

The deadline for filing an Application, a Memorandum of Argument and any Affidavit and supporting materials is at least 20 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 20 days' notice. A late application will not be permitted to be filed unless the panel scheduled to hear it grants permission for it to be filed.

Applications to admit new evidence and to reconsider a prior precedential decision must be filed prior to (or at the same time) that the Applicant files its Factum.

Respondents

The deadline for responding to an Application is at least 10 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 a respondent misses their deadline to file, they can still submit their materials before the hearing date, but they will be stamped 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 panel otherwise permits.

Fees

The filing fee for an application before a Court of Appeal Panel in a civil matter is \$100. There is no filing fee for an application before a Court of Appeal Panel in a criminal matter. Filing fees are payable online at: <https://eservices.alberta.ca/courtofappeal-filing-fees-civil.html>.



Getting a Hearing Date

Some applications that are heard by a Court of Appeal panel are heard in writing only. These include applications to reargue or reopen an appeal, applications for directions required to give effect to any decision of the Court of Appeal and any other application that the panel directs be heard in writing. Parties may also request that an application be heard in writing. Those requests can be made to the Case Management Officer.

Applications to admit new evidence are heard at the same time as the appeal so it is never necessary to schedule a hearing date for the application. The Registry will automatically ensure that it is scheduled to be heard at the same time as the appeal. 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.

Otherwise, applications before a Court of Appeal Panel in civil matters are heard at 10:00 a.m. one Thursday per month with the exception of July and August.

Applications before a Court of Appeal Panel in criminal matters are heard at 10:00 a.m. one Tuesday per month (on the same day that sentence appeals are scheduled to be heard) with the exception of July and August.

Except for an application to admit new evidence, applications before a Court of Appeal panel 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 only be made after the party wanting to schedule a hearing has consulted with all other parties/counsel and confirmed a date that works for 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 (both civil and criminal matters) are: 30 minutes for applications for permission to appeal and 15 minutes for every other type of application. (Applications for permission to appeal heard by a panel will be rare, if ever.)

Appealing a Decision

Any appeal from a decision of a Court of Appeal panel must 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, normally heard by a single appeal judge, 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.)

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](#).