

Overview of Scheduling Appeals

Civil Rules 14.32 – 14.35 Criminal Rules 16.20 – 16.22

General

1. All civil appeals will be set down on the “Civil Appeal Hearing List” for an oral hearing.
2. All criminal conviction appeals will be set down on the “Criminal Appeal Hearing List”; these include:
 - any appeal from a conviction, acquittal or stay, or any decision that otherwise concludes criminal proceedings, other than a sentence appeal
 - any decision described in section 672.72, 675(3), 676, 784 and 839 of the *Criminal Code*
 - an appeal from a costs order in a criminal matter
 - an appeal or review of a decision under the *Extradition Act*
 - an appeal from a decision that a person is unfit to stand trial or is not criminally responsible on account of mental disorder under Part XX.1 of the *Criminal Code*
 - any appeal with respect to a finding that an offender is a dangerous offender or long-term offender).
3. The “General Appeal Hearing List” includes all appeals on the “Criminal Appeal Hearing List” and all appeals on the “Civil Appeal Hearing List” (so all appeals except sentence appeals).
4. Sentence appeals are scheduled and heard once per month (except for July and August) separate from the General Appeal Hearing List.
5. Requests for appeal hearings in writing only with no oral argument require the consent of all parties and are arranged through the CMO.
6. An appeal may, in the discretion of the panel, proceed when scheduled even if a party does not appear or has failed to file a factum.
7. Oral argument is limited to a maximum of 45 minutes per separately represented party, unless a panel orders otherwise.

Scheduling Standard Appeals

8. In the absence of a timetable, the Rules require the parties to contact the Registry no later than 20 days after the last factum is filed to request a hearing date. All Standard appeals are booked by the Case Management Officer.
9. If a Standard appeal has not been placed on the Civil Appeal Hearing List (i.e., scheduled for hearing) before the earlier of 6 months after the deadline for the filing of the last

factum in the appeal, and 12 months after the filing of the Notice of Appeal, the appeal will be struck.

Scheduling Fast Track Appeals

10. Fast Track appeals are scheduled for hearing once the Appellant's Factum is filed. If the Appellant's Factum is filed not less than 20 days from the opening day of the next sitting, it qualifies to be added to the next list. All Fast Track appeals are booked by the Case Management Officer.
11. If a Fast Track appeal has not been placed on the Civil Appeal Hearing List (i.e., scheduled for hearing) within 6 months of filing the Notice of Appeal, the appeal will be struck.

Scheduling Conviction Appeals

12. In the absence of a timetable, conviction appeals (includes acquittal and decision appeals) are scheduled after the Respondent's Factum is filed. These appeals are booked by the Case Management Officer.
13. If oral argument of a conviction appeal is not scheduled within 9 months of the filing of the notice of appeal, and no extension or direction has been received from a Case Management Officer:
 - the appeal will be struck if the appellant is represented by counsel, and
 - the Registrar will schedule the appeal for oral argument if the appellant is self-represented.

Scheduling Sentence Appeals

14. Subject to the direction of a Case Management Officer, sentence appeals will be scheduled for the next available sittings when:
 - the appeal record and appellant's factum have been filed,
 - the appeal record has been filed in a sentence appeal started by a self-represented appellant,
 - the appeal record has not been ordered in a sentence appeal started by a self-represented appellant who is in custody, or
 - the net sentence is 6 months or less, the appellant is in custody and judicial interim release has not been granted.
15. Unless otherwise ordered, a sentence appeal must proceed even if an appeal or application for leave to appeal as to conviction has been filed with the Supreme Court of Canada.

Rescheduling Appeals

16. Once an appeal is scheduled for hearing, it cannot be adjourned or rescheduled unless:
- the appeal has been discontinued or abandoned,
 - the appeal has been settled,
 - a CMO permits the hearing to be adjourned or rescheduled (or a panel if materials have already been distributed).

Unscheduled Appeals Lists

17. The Unscheduled Appeals Lists are comprised of the Unscheduled Civil Appeals List (formerly “Civil Speak to List”) and the Unscheduled Criminal Appeals List (formerly “Criminal Speak To List”) and are governed by Part A.3 of the Consolidated Practice Directions.
18. Placing a matter on an Unscheduled Appeal List is usually no longer necessary. However, the Case Management Officer retains the discretion to do so and will advise the parties by letter when this has been done. If an appeal is placed on an Unscheduled Appeal List, the list will be posted on the Court’s website under Court of Appeal > Registry > Court Lists, 10 days before the list is spoken to.
19. If necessary, the Unscheduled Appeals Lists will be called by a Case Management Officer at a date and time to be specified by the Chief Justice. Those dates and times can be located on the Court’s website under Court of Appeal > Registry > Court Calendar.
20. Any party whose appeal is on the List, or counsel, shall appear at the time and place specified and are expected to be fully instructed in the progress of the appeal they are speaking to. If the appellant does not appear, the appeal may be struck.

Sentence Appeal Speak To

21. Sentence appeals involving unrepresented appellants who are in custody are spoken to at the beginning of the sentence appeal hearing list, one Tuesday per month with the exception of July and August.