*Appeal records contain copies of initiating documents, orders, judgments/decisions and the notice of appeal or leave.*

# 1.0 Appeal Record Content Requirements

|  |  |  |
| --- | --- | --- |
| Content | Requirements | Completed |
| Cover Page | Required  You may use this Word template to create your cover page |  |
| Table of Contents | Required |  |
| PART 1: Initiating Documents  Trial  Chambers  Tribunal (by judicial review)  Tribunal (direct appeal) | Please include the following initiating documents based on where appeal is being initiated from:  If the appeal is from a trial, include the most recently amended:   * notice of civil claim * response to civil claim * counterclaim (if any)   If the appeal is from a chambers order (excluding Judicial Review of a Tribunal), include the most recently amended:   * notice of civil claim * response to civil claim * counterclaim (if any) * notice of application * application response   If the appeal is from a chambers order judicially reviewing a tribunal decision, include the most recently amended:   * the petition and petition response relating to the order under appeal   If the appeal is directly from a tribunal, provide the most recently amended record that initiated and responded to the proceeding before the Tribunal |  |

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| --- | --- | --- |
| Content | Requirements | Completed |
| PART 2: Order Under Appeal | A copy of the entered order under appeal,  If the **order** under appeal is **not yet entered:**   * Create a page stating that the “order will be submitted when available. * Indicate in Table of Contents: order to be submitted at a later date.   In the case of an appeal or judicial review from a tribunal, a copy of that tribunal’s order if separate from the reasons.  **NOTE:** an appeal cannot be scheduled for hearing until the copy of the entered order is provided. |  |
| PART 3: Reasons for Judgment or Decision Under Appeal | If you have appealed a decision from a tribunal to the Supreme Court include a copy of that tribunal’s decision and the Supreme Court’s decision. |  |
| PART 4: Notice of Appeal or Leave | A copy of the notice of appeal and a copy of the entered order granting leave to appeal if applicable.  If the **order granting leave** has not yet been entered:   * Create a page stating the “order will be submitted when available.” * Indicate in the Table of Contents: the order will be submitted at a later date |  |
| PART 5: Notice Under the Constitutional Questions Act | A copy of any notice required under this Act. |  |

# 2.0 Format and Technical Requirements

## 2.1 Format Requirements for Appeal Record eBook

This is a checklist of all requirements for electronic books; combining multiple files into one PDF (eBook or portfolio) requires a PDF tool. Please see this checklist with technical instructions.

|  |  |  |
| --- | --- | --- |
| Requirement | Instructions | Completed |
| True Copies | Must be an identical or true copy of the original document, whether that original is scanned from paper or saved into PDF from another program, such as Microsoft Word. |  |
| Scanned Records: Optical Character Recognized - OCR | * If scanning is necessary because the original text-based document is paper or requires a handwritten signature (ex. affidavits), the scan must be Optical Character Recognized (OCR’ed) * This allows the PDF to be copied from and pasted into another document and text to be searchable. |  |
| Page Numbering  (or [Bates Numbering](https://ca.practicallaw.thomsonreuters.com/9-621-2336?transitionType=Default&contextData=(sc.Default)&firstPage=true#:~:text=A%20unique%20numeric%20or%20alphanumeric,page%20easily%20identifiable%20and%20retrievable.)) | * page numbered sequentially (or Bates numbered) * top centre of page * can start after Table of Contents * page numbering (or Bates numbering) must match the Table of Contents * page numbering (or Bates numbering) must be updated in PDFs for searching (otherwise page 1 will be the cover page when searching) |  |
| Bookmarking  Bookmarks must be:   * consistent; * clear and; * meaningful. | The combined files (documents) must also contain bookmarks, which consistently, meaningfully, and clearly describe the individual documents or sections of the book.  For example, Bookmarks should describe the contents of the Exhibit (e.g. “Exhibit 1 – June 1, 2019 Letter from John to Jane Doe.”) |  |
| Table of Contents | * Create table of contents in **Word** based on Bates page numbering in eBook (PDF portfolio) and with header style applied for title “Table of Contents” * Bates page numbering must match the table of contents |  |
| Cover Page | You may use this Word template to create your cover page with header style applied to document name.  Example: “Appeal Record” |  |
| Security Settings | Disable any security settings that might restrict or prevent the Court from viewing, printing, saving, annotating, or searching the electronic document. |  |
| E-Filing File size limit:  maximum 100 megabytes (MB) | Court Services On-Line e-filing will accept one (1) PDF file (including cover page and table of contents) with a file size maximum of 100MB.  If the document is larger than 100MB, the material cannot be electronically filed and **must be filed in paper** (or see volumes below) |  |

|  |  |  |
| --- | --- | --- |
| Requirement | Instructions | Completed |
| E-Filing File size limit:  maximum 100 megabytes (MB) | Court Services On-Line e-filing will accept one (1) PDF file (including cover page and table of contents) with a file size maximum of 100MB.  If the document is larger than 100MB, the material cannot be electronically filed and **may be filed in paper** (or see volumes below) |  |
| Volumes  100 megabytes (MB) maximum per volume | **Files greater than 100 MB:**   * Can be split into volumes based on file size **not** number of pages.   For example: an 150MB appeal book, could be split into two 75MB volumes   * try not to split exhibits between volumes   **Files less than 100 MB:** one (1) file:   * **do not** spilt into separate files based on number of pages per volume. |  |

# 3.0 Copies for Filing and Service

## 3.1 E-filing Courts Records

Court staff will electronically apply registry filing stamp when approved through the e-filing system.

|  |  |  |
| --- | --- | --- |
| Filing/Service | Requirements | Completed |
| Electronic Copies  Paper Copies for the Court | Save 1 copy with filing stamp for your records, 1 copy with filing stamp (paper or electronic) to be served on each party  You are required to provide the Court with three (3) paper copies of the stamped e-filed appeal record.  You must do this no more than two (2) weeks after e-filing |  |

## 3.2 Submission of Paper Appeal Records

This is a list of format requirements for creating paper appeal record books.

|  |  |  |
| --- | --- | --- |
| Requirement | Instructions | Completed |
| True Copies | Must be an identical or true copy of the original document. |  |
| Page Numbering  (or [Bates Numbering](https://ca.practicallaw.thomsonreuters.com/9-621-2336?transitionType=Default&contextData=(sc.Default)&firstPage=true#:~:text=Bates%20numbers%20are%20used%20in,other%20parties%20in%20the%20case.)) | * pages numbered sequentially (or Bates numbered) * may be stamped or handwritten * top centre of page * can start after Table of Contents * page numbering (or Bates numbering) must match the Table of Contents |  |
| Table of Contents | * Must be consistent, clear and meaningful * Create Table of Contents in **Word** based on sequential page numbering (or Bates numbering) of book * Page numbering in Table of Contents must align with sequential page numbering (or Bates numbering) of the book. |  |
| Cover Page | You may use this Word template to create your cover page |  |
| Cover and Back Page Colours | Blue |  |
| Printed | Double sided |  |
| Binding | Cerlox plastic comb bound in booklet form |  |
| Volumes | * Maximum 500 pages (250 sheets of paper) per volume * Full Table of Contents in each volume * Volume number on cover page (e.g. 1 of 3 volumes) * Sequential page numbering from first volume to last volume |  |

History:

Replaces Completion instructions in previous Rules and Forms

Last Updated: July 18th, 2022