*These application and response books must contain copies of a brief written argument and the materials needed to decide an application for: (1) permission from the court to appeal an order (Leave to Appeal); and/or (2) to put a proceeding or a process of execution on hold pending the outcome of an appeal (Stay of Proceedings/Execution).*

# 1.0 Application and Response Book Content Requirements

## 1.1 Application Books

|  |  |  |
| --- | --- | --- |
| Content | Requirements | Completed |
| Cover Page | Required  You may use this Word template to create your cover page |  |
| Table of Contents | Required |  |
| Part 1: Reasons for Judgment | Include a copy of the reasons for judgment you are seeking to appeal |  |
| Part 2: Order | Include the entered order, if available, or the form of order agreed to by counsel or the parties. |  |
| Part 3: Evidence, Exhibits or Affidavits | Include those parts of the evidence, exhibits or affidavits necessary for the application |  |
| Part 4: Written Argument | See content instructions in 2.0  Maximum 10 pages or 15 pages |  |
| Part 5: Table of Authorities | A table of the authorities, arranged alphabetically including cases and sections of enactments to be referred in the application book |  |

## 1.2 Response Books

|  |  |  |
| --- | --- | --- |
| Content | Requirements | Completed |
| Cover Page | Required  You may use this Word template to create your cover page |  |
| Table of Contents | Required |  |
| Part 1: Evidence, Exhibits or Affidavits | Include those parts of the evidence, exhibits and affidavits necessary for the application |  |
| Part 2: Written Argument | See content instructions in 2.0  Maximum 5 pages or 10 pages |  |

# 2.0 Written Argument Content Instructions

* Application Books: **Maximum 10 pages** or for combined leave and stay application books, **maximum 15 pages**
* Response Books: **Maximum 5 pages** or for combined leave and stay response books, **maximum 10 pages**

|  |  |  |
| --- | --- | --- |
| Content | Requirements | Completed |
| Facts | A brief statement of facts |  |
| Issues | A statement of the points in issues on the application |  |
| Analysis: Leave to Appeal[[1]](#footnote-1)  Analysis: Leave and Stay  Analysis: Stay | **On applications for leave to appeal**, a brief statement setting out the reasons why leave should or should not be granted, which should include your position regarding:  (a) the importance of the proposed appeal to the practice (e.g. would the appeal help settle an unsettled area of the law);  (b) the importance of the proposed appeal to the action (which may include significance to the proposed parties);  (c) the merits of the proposed appeal;  (d) whether the proposed appeal would unduly hinder progress in the underlying action.  **AND if the application for leave to appeal is joined with an application for a stay of proceedings/execution** in accordance with Rule 20(4) (stay of proceedings), a brief statement setting out the reasons why the stay should or should not be granted which should include your position regarding:  (e) the merits of the proposed appeal;  (f) whether the applicant would suffer irreparable harm if the stay of proceedings/execution is not granted;  (g) whether the inconvenience to the applicant if the stay is refused would be greater than the inconvenience to the respondent if the stay is granted.  **OR If you are ONLY applying for a stay of proceedings/execution and are NOT seeking leave to appeal**, a brief statement setting out the reasons why the stay should or should not be granted which should include your position regarding (e) to (g) above. |  |
| Order Sought | The nature of the order (or orders) requested  Enter name of lawyer(s) or party(ies) who prepared the filing |  |

## 3.1 Written Argument Document Format Requirements

Word template is here

|  |  |  |
| --- | --- | --- |
| Format | Requirements | Completed |
| Font | Arial 12 (including citations) |  |
| Line Spacing | Lines spaced 1.5 lines apart |  |
| Margins | No less than 2.5 cm. (1 in) |  |
| Paragraph Numbering | Paragraphs numbered consecutively starting from Statement of Facts |  |

# 4.0 Format and Technical Requirements

## 4.1 Format Requirements for Application eBook

This is a checklist of all requirements for electronic application 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 allows text to be searchable. |  |
| Page Numbering  (or Bates Numbering) | * 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) |  |

|  |  |  |
| --- | --- | --- |
| Requirement | Instructions | Completed |
| 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 | * Must be consistent, clear and meaningful * Create Table of Contents in **Word** based on sequential page numbers (or Bates numbering) in eBook (PDF portfolio) and with header style applied for title “Table of Contents” * Page numbering (or Bates numbering) in Table of Contents must align with sequential Bates page numbering of the eBook (PDF portfolio). |  |
| Cover Page | You may use this Word template to create your cover page with header style applied to document name.  Example: “Application Book: Leave to Appeal” |  |
| 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 **may be filed in paper** (or see volumes below) |  |
| Volumes  100 megabytes (MB) maximum | **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. |  |

# 5.0 Copies for Filing and Service

## 5.1 E-filing

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

|  |  |  |
| --- | --- | --- |
| Filing/Service | Requirements | Completed |
| Electronic Copies | Save 1 copy with filing stamp for your records, 1 copy with filing stamp (paper or electronic) to be served on each party |  |

History:

Replaces Completion instructions in previous Rules and Forms

Last Updated: July 18, 2022

1. Note that there is a different test for leave to appeal from a special tribunal. See [*Queens Plate Development Ltd. v. Vancouver Assessor, Area 09*](https://www.canlii.org/en/bc/bcca/doc/1987/1987canlii2626/1987canlii2626.html) (1987), 16 B.C.L.R. (2d) 104, 22 C.P.C. (2d) 265 at 109−110 (Chambers) at para. 14. [↑](#footnote-ref-1)