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| --- | --- |
| COVER PAGE INSTRUCTIONS (please remove table when completed)  Last Updated July 18, 2022: | |
| Step | **Action** |
| 1 | Double click on **REQUIRED** grey text fields, delete text and then enter information or enter text where there are instructions. . |
| 2 | Enter Court of Appeal case number example: CA12345  If **cases are heard together:** enter case number only applicable to the party, case and court record being filed. |
| 3 | Enter appellant and respondent’s names below in exactly the same order and format as the **Notice of Appeal** or **Notice of Application for Leave to Appeal** unless the Court of Appeal has ordered changes to the style of proceedings. |
| 4 | To remove instructions table: Right click mouse on  (top lefthand corner of this table). |
| 5 | Select **Delete Table**. |
| 6 | When filing or submitting by paper: Print cover page on **green** colour paper. |

COURT OF APPEAL FILE NO. Enter CA file number: example CA12345

Enter Name of First Appellant vs. Name of First Respondent

Enter title of court record: Appellant's Factum

**COURT OF APPEAL**

ON APPEAL FROM the order of Enter the name of the judge of the Enter the court or tribunal where the order being appealed was made, e.g. Supreme Court of B.C. pronounced on the Enter the date on which the order being appealed was made

BETWEEN:

**Enter name(s) of appellant(s) and their role in the lower court or tribunal in brackets e.g. (Plaintiff)**

AND:

**Enter name(s) of respondent(s) and their role in the lower court or tribunal in brackets e.g. (Plaintiff)**

**RESPONDENT’S FACTUM**

[Enter Name of Respondent]

|  |  |
| --- | --- |
| [Enter Name of Appellant] | [Enter Name of Respondent] |
| Enter Name of Appellant's counsel, if any | Enter Name of Respondent's counsel, if any |
| Enter Address of appellant or, if the appellant is represented, name and address of the appellant's law firm  Telephone: enter appellant's or lawyer's  E-mail: enter appellant's or lawyer's  Enter parties role e.g. Counsel for Appellant | Enter Address of respondent or, if the respondent is represented, name and address of the respondent's law firm  Telephone: enter appellant's or lawyer's  E-mail: enter appellant's or lawyer's  Enter parties role e.g. Counsel for Appellant |

|  |  |
| --- | --- |
| TABLE OF CONTENTS INSTRUCTIONS (please remove table when completed): | |
| Step | **Action** |
| 1 | This Table of Contents has been formatted as a **Word Table of Contents** and can be updated automatically. **DO NOT** enter text into Table of Contents. This MUST be updated **BEFORE** printing! |
| 2 | **Optional:** To view Table of Contents in side navigation pane: Click **View** tab, go to **Show** section and check **Navigation Pane**.  Select heading in navigation pane to navigate throughout factum.  To remove navigation pane: Click **Navigation Pane** check box to remove check mark. |
| 3 | When factum **COMPLETED:** To update the Table of Contents:  Click within the Table of Contents. |
| 4 | Select **Update Table**  (found on the left top corner of the Table of Contents) |
| 5 | Select **Update Entire Table** and click **OK**. (page numbering and any headings you created with the Styles tab will be updated automatically in the Table of Contents) |
| 6 | To remove instructions table: Right click mouse on  (top lefthand corner of this table) |
| 7 | Select **Delete Table**. |

**TABLE OF CONTENTS**

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# CHRONOLOGY

|  |  |
| --- | --- |
| CHRONOLOGY INSTRUCTIONS (please remove table when completed): | |
| Step | **Action** |
| 1 | Enter brief, point form list or table of only critical events and dates (relevant to an issue on appeal). |
| 2 | To **add** another row or **delete a row** to the chronology table: |
| 3 | Right click mouse inside chronology table. |
| 4 | Click **Insert** and select **Insert Rows Below or Above** or click **Delete Cells** and select **Delete Entire Row**. |
| 5 | To remove instructions table: Right click mouse on  (top lefthand corner of this table) |
| 6 | Select **Delete Table**. |

|  |  |
| --- | --- |
| **Date** | **Event** |
| January 1, 1974 | Appellant’s date of birth |
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# OPENING STATEMENT

|  |  |
| --- | --- |
| OPENING STATEMENT INSTRUCTIONS (please remove table when completed): | |
| Step | **Action** |
| 1 | Enter concise statement of the nature of the appeal. |
| 2 | 1 page maximum. |
| 3 | To remove instructions table:  Right click mouse on  (top lefthand corner of this table) |
| 4 | Select **Delete Table**. |

**[Enter text here]**

# PART 1 - STATEMENT OF FACTS

|  |  |
| --- | --- |
| STATEMENT OF FACTS INSTRUCTIONS (please remove table when completed): | |
| Step | **Action** |
| 1 | **Page maximum:** starting from Part 1 Statement of Facts to end of Part 4 Nature of Order Sought - **30 pages.** |
| 2 | **Respondent’s factum:** must consist of the respondent’s position with respect to the appellant’s statement of facts together with a concise statement of any other facts that respondent considers relevant. |
| 3 | **Sources relied on for a statement of fact** (e.g. testimony, an exhibit or the reasons for judgment): must be identified by referring to the volume and page number where it is found in the Appeal Record or Appeal Books, or to the volume or page number and line number where it is found in the Transcript. |
| 4 | **Consecutive paragraph numbering** begins in Part 1 - Statement of Facts. |
| 5 | To add to paragraph numbering: Enter text and press enter after each paragraph to maintain auto-numbering. |
| 6 | To delete numbering use backspace key. |
| 7 | To remove instructions table:  Right click mouse on  (top lefthand corner of this table) |
| 8 | Select **Delete Table**. |

1. **Example:** The appellant resides in Kelowna, British Columbia. They are a teacher and accepted employment with an elementary school in Kelowna, British Columbia.

Appellant’s Appeal Book, Vol. 1, page 1 at para. 3.

# PART 2 - ISSUES ON APPEAL

|  |  |
| --- | --- |
| ISSUES ON APPEAL INSTRUCTIONS (please remove table when completed): | |
| Step | **Action** |
| 1 | Enter a concise statement of the respondent’s position in regard to the points put in issue by the appellant’s factum and of any other points that the respondent may properly put in issue. |
| 2 | Continue consecutive paragraph numbering from Part 1. |
| 3 | To add to paragraph numbering: Enter text and press enter after each paragraph to maintain auto-numbering. |
| 4 | To delete numbering use backspace key. |
| 5 | To remove instructions table:  Right click mouse on  (top lefthand corner of this table) |
| 6 | Select **Delete Table**. |

1. **Example:** The chambers judge did not err by varying the initial order and first variation order.
2. The court had jurisdiction to vary the existing orders; and
3. The chambers judge did not err by varying the status quo established by a prior interim order.

# PART 3 - ARGUMENT

|  |  |
| --- | --- |
| ARGUMENT INSTRUCTIONS (please remove table when completed): | |
| Step | **Action** |
| 1 | Enter a concise outline of argument setting out the points of law to be discussed, with a reference to the volume and page numbers of the Appeal Record or Appeal Book or the volume, page and line numbers of the Transcript, and the authorities (acts, cases etc.) in support of each point. |
| 2 | **Enactments** (i.e., acts or regulations) cited or relied upon may be briefly reproduced in Part 3 or reproduced entirely as an appendix with this factum or as a separate appendix from this factum. |
| 3 | Continue consecutive paragraph numbering from Part 2. |
| 4 | To add to paragraph numbering: Enter text and press enter after each paragraph to maintain auto-numbering. |
| 5 | To delete numbering use backspace key. |
| 6 | To remove instructions table:  Right click mouse on  (top lefthand corner of this table) |
| 7 | Select **Delete Table**. |

1. **Example:** In *Housen v. Nikolaisen,* the Supreme Court of Canada provided that the standard of review from a finding of law is correctness.

*Housen v. Nikolaisen,* 2002 SCC 33 at para. 8



# PART 4 - NATURE OF ORDER SOUGHT

|  |  |
| --- | --- |
| ORDER INSTRUCTIONS (please remove table when completed): | |
| Step | **Action** |
| 1 | Enter a concise statement of the nature of the order that is sought by the party preparing the factum. |
| 2 | It must include a special disposition that is desired with respect to costs. |
| 3 | Double click on **REQUIRED grey** text fields to enter and delete information. |
| 4 | Enter in location, month, day and year of factum. |
| 5 | Enter in name of person submitting factum (lawyer or party). |
| 6 | When factum complete, print and sign Part 4 Nature of Order Sought. |
| 7 | To remove instructions table: Right click mouse on  (top lefthand corner of this table) |
| 8 | Select **Delete Table**. |

1. The respondent seeks an Order:

**[Enter text here Example: that the appeal be dismissed.]**

1. All of which is respectfully submitted.

Dated at the City of Enter location, Province of British Columbia, this Enter month Enter day of Enter year.

Name of lawyer or party authorizing filing of this Factum

**Respondent**

# APPENDICES: LIST OF AUTHORITIES

|  |  |
| --- | --- |
| AUTHORITIES INSTRUCTIONS (please remove table when completed): | |
| Step | **Action** |
| 1 | Authorities (case law, legal textbooks etc.) referred to in the factum must be listed in alphabetical order. |
| 2 | Authorities must be cited. Please follow [**Citation of Authorities (Civil & Criminal Practice Directive, 30 May 2013**](http://www.courts.gov.bc.ca/Court_of_Appeal/practice_and_procedure/civil_and_criminal_practice_directives/PDF/(CandC)Citation_of_Authorities.pdf). |
| 3 | Add the page or paragraph number of the authority where it is located in the factum. |
| 4 | Please use the factum COMPLETION INSTRUCTIONS to ensure the factum (paper and electronic) is filed or submitted in the correct format. |
| 5 | To remove instructions table: Right click mouse on ­ (top lefthand corner of this table) |
| 6 | Select **Delete Table**. |

|  |  |  |
| --- | --- | --- |
| **Authorities** | **Page # in factum** | **Para # in factum** |
| *Alexander v. Bertram and Ford Credit Canada Ltd. (2000), 72 B.C.L.R. 3(d) 66 (S.C.)* | 2 | 3 |
| *D.R. Fraser & Co. v. M.N.R.,* [1949] A.C. 24 | 10 | 13 |
|  |  |  |
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# APPENDICES: ENACTMENTS

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| ENACTMENTS INSTRUCTIONS (please remove table when completed): | |
| Step | **Action** |
| 1 | The appendix is used for **enactments** (i.e., acts or regulations) **only.** No other documents may be added. |
| 2 | Copy and paste any enactments which you rely on in “Part 3 - Argument” of the factum or; |
| 3 | **Optional:** Create a **separate volume** with the same cover (including colour) and same formatting as the factum. File with the Registry with the factum at the same time. (include with electronic factum). |
| 4 | To remove instructions table: Right click mouse on ­ (top lefthand corner of this table) |
| 5 | Select **Delete Table**. |

Example:

**LIMITATION ACT**

**[SBC 2012] CHAPTER 13**

**Non-judicial remedies**

**27**  (1) In this section, **"non-judicial remedy"** means a remedy that a person is entitled, by law or by contract, to exercise in respect of a claim without court proceedings.

(2) If a claimant is prevented from commencing a court proceeding in relation to a claim as a result of the expiry of a limitation period under this Act, the claimant is not entitled to exercise against the person against whom the claim is or may be made, or against any other person, any non-j udicial remedy that the claimant would, but for this section, be entitled to exercise in relation to the claim.

**Adverse possession**

**28**  (1) Except as specifically provided by this or any other Act, no right or title in or to land may be acquired by adverse possession.

(2) Nothing in this Act interferes with any right or title to land acquired by adverse possession before July 1, 1975.