*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 Requirements

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

|  |  |  |
| --- | --- | --- |
| 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 Requirements

## 4.1 Format Requirements for Application and Response Books

This is a list of format requirements for creating paper application and response books.

|  |  |  |
| --- | --- | --- |
| Requirement | Instructions | Completed |
| True Copies | Must be an identical or true copy of the original document. |  |
| Page Numbering  (or Bates Numbering) | * 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 | Required  You may create cover page using this Word template |  |
| Cover and Back Page Colours | Application Books: **Buff**  Response Books: **Green** |  |
| Printed | Double sided |  |
| Binding | Cerlox plastic comb bound in booklet form |  |
| Volumes | * Maximum 500 pages or 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 |  |
| Tabs | Required for each part of the book |  |

# 5.0 Copies for Filing and Service

## 5.1 Filing Paper Court Records

In Civil appeals, e-filing is mandatory for lawyers and encouraged for self-represented parties. Registry staff will approve all paper copies by applying a filing stamp at the Registry.

|  |  |  |
| --- | --- | --- |
| Filing/Service | Requirements | Completed |
| Paper Copies  Minimum Total | You will be required to file 2 copies for the Court, 1 copy for your records, 1 copy to serve on each party  4 copies |  |

History:

Replaces Completion instructions in previous Rules and Forms

Last Updated: July 18th, 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)