COURT OF APPEAL FOR BRITISH COLUMBIA – OVERVIEW OF THE PROCESS FOR RESPONDENTS

START

The Appearance:

File a Notice of Appearance (Form 2) not more than 10 days after you are served with a notice of appeal. The appellant will indicate on Form 1 whether they need leave to appeal or have the right to appeal

If the appellant needs Leave to Appeal

If the appellant does **not** need Leave to Appeal

Hearing Documents:

- You will be served with the appellant's notice of application for leave to appeal and application book
- If you wish to respond, file a Response Book for Leave to Appeal at least 5 business days before the application hearing date (Rule 14)
- Serve a filed copy of the response book on every other party

The Hearing:

- The application will be heard by a single judge sitting in chambers who will grant or refuse leave to appeal

Leave Refused

Leave Granted

Application for Review:

- If leave is refused, the appellant *may* ask a division of three judges of the Court to review the decision of the single judge who heard the application (Rule 62)
- If you wish to respond, you must file a Response Book not more than 7 days after being served with the application book
- Serve a filed copy of the response book on every other party
- Attend the hearing – the division of the Court will either allow the application or end the appeal

Refused

END

Allowed

The Factum:

File your Factum* not more than 30 days after being served the appellant's factum (Rule 25)

- Serve a filed copy of your factum on every other party

The Appeal Book:

- If your factum refers to evidence that is not included in the appellant's appeal book you must file a respondent's appeal book when you file your factum, or you may file a joint appeal book together with the appellant, not more than 30 days after you file your factum (Rule 26)
- Serve a filed copy on every other party

The Appeal:

- The appellant will obtain a hearing date for the appeal and serve a Notice of Hearing (Rule 33)
- If the appellant does not obtain a hearing date as required you may take that step after you have filed your factum (Rule 34)
- You may provide a condensed book of authorities and/or a condensed book of evidence at the hearing of your appeal (Rule 37)
- The appeal will be heard by a division of three judges who will either allow or dismiss the appeal
- After the hearing, you may need to draft or approve the Court Order

END

* All forms and completion instructions are available at **www.bccourts.ca**.

Please follow the paper or e-filing instructions for preparing any documents referred to in this chart.