

# COURT OF APPEAL FOR BRITISH COLUMBIA

## E-Filing

### Completion Instructions:

### Application and Response Books for Leave to Appeal (Civil Rules 11 to 16) and/or Stay of Proceedings/Execution (Civil Rules 20 and 21)

*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 Books

### 1.1 Application Book Content Requirements

Requirement	Instructions	Completed
<b>Cover Page</b>	Required You may use this <a href="#">Word template</a> to create your cover page Include Sealing Order, Publication Ban, or Anonymity Order (if any) referencing legislative provision (or inherent jurisdiction) that authorises the order or ban and precise terms.	<input type="checkbox"/>
<b>Table of Contents</b>	Required	<input type="checkbox"/>
<b>Part 1: Reasons for Judgment</b>	Include a copy of the reasons for judgment you are seeking to appeal	<input type="checkbox"/>
<b>Part 2: Order</b>	Include the entered order, if available, or the form of order agreed to by counsel or the parties.	<input type="checkbox"/>
<b>Part 3: Evidence, Exhibits or Affidavits</b>	Include those parts of the evidence, exhibits or affidavits necessary for the application	<input type="checkbox"/>
<b>Part 4: Written Argument</b>	See content instructions in 2.0 Maximum 10 pages or 15 pages	<input type="checkbox"/>
<b>Part 5: Table of Authorities</b>	A table of the authorities, arranged alphabetically including cases and sections of enactments to be referred in the application book	<input type="checkbox"/>

### 1.2 Response Book Content Requirements

Requirement	Instructions	Completed
<b>Cover Page</b>	Required You may use this <a href="#">Word template</a> to create your cover page Include Sealing Order, Publication Ban, or Anonymity order (if any) referencing legislative provision (or inherent jurisdiction) that authorises the order or ban and precise terms.	<input type="checkbox"/>
<b>Table of Contents</b>	Required	

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<b>Part 1: Evidence, Exhibits or Affidavits</b>	Include evidence, exhibits, or affidavits (if any) relevant to the application and not otherwise included in the application book or in the response book of any other respondent.	<input type="checkbox"/>
<b>Part 2: Written Argument</b>	See content instructions in 2.0 Maximum 5 pages or 10 pages	<input checked="" type="checkbox"/>

1.3 Application & Response Book Format and Technical Requirements

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
<b>True Copies</b>	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.	<input type="checkbox"/>
<b>Scanned Records: Optical Character Recognized – OCR DPI - 300</b>	<ul style="list-style-type: none"> <li>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) with a minimum resolution setting of 300 DPI.</li> </ul> <p>This allows the PDF to be copied from and pasted into another document and allows text to be searchable.</p>	<input type="checkbox"/>
<b>Page Numbering</b>	<ul style="list-style-type: none"> <li>page numbered (1, 2, 3) sequentially (or Bates numbered)</li> <li>top centre of page</li> <li>can start after Table of Contents or on cover page</li> <li><b>Table of Contents <u>must</u></b> match page numbering (or Bates numbering)</li> <li><b>Page searching <u>must</u></b> match page numbering (or Bates numbering) (if page numbering starts after the table of contents this is done using the <b>Page Labels</b> function in Adobe otherwise page 1 will be the cover page when searching – see <a href="#">Technical Instructions</a>)</li> </ul>	<input type="checkbox"/>
<b>Bookmarking</b> <b>Bookmarks must be:</b>	<ul style="list-style-type: none"> <li><b>consistent;</b></li> <li><b>clear and;</b></li> <li><b>meaningful.</b></li> </ul> <p>The combined files (documents) must also contain bookmarks, which <u>consistently, meaningfully, and clearly</u> 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.”)</p>	<input type="checkbox"/>

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Requirement	Instructions	Completed
<b>Table of Contents</b>	<ul style="list-style-type: none"> <li>• Must be consistent, clear and meaningful</li> <li>• 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”</li> </ul> <p>Page numbering (or Bates numbering) in Table of Contents must align with sequential page numbering of the eBook (PDF portfolio).</p>	<input type="checkbox"/>
<b>Cover Page</b>	<p>You may use this <a href="#">Word template</a> to create your cover page with header style applied to document name. Example: “Application Book: Leave to Appeal”</p>	<input type="checkbox"/>
<b>Security Settings</b>	<p>Disable any security settings that might restrict or prevent the Court from viewing, printing, saving, annotating, or searching the electronic document.</p>	<input type="checkbox"/>
<b>File Naming</b>	<p>Use this file naming standard: record-title-party.pdf For example: Application-Book-Leave-to-Appeal-Smith-John.pdf</p>	<input type="checkbox"/>
<b>E-Filing File size limit: maximum 200 megabytes (MB)</b>	<p>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 200MB.</p> <ul style="list-style-type: none"> <li>• If the document is larger than 200MB, the material cannot be electronically filed and <b>may be filed in paper</b> or in volumes (see below) or;</li> <li>• Appeal with <b>4,000 pages or more</b>: parties must seek directions from the Registrar as soon as possible, and <u>not less than 90 days</u> before the appeal hearing.</li> </ul>	<input type="checkbox"/>
<b>Volumes 200 megabytes (MB) maximum per volume</b>	<p><b>Files greater than 200 MB:</b> Can be split into volumes based on file size <b>not</b> number of pages. For example: an 300MB appeal book, could be split into two 150MB volumes</p> <ul style="list-style-type: none"> <li>• try not to split exhibits between volumes</li> <li>• Include cover page and table of contents with each volume</li> <li>• Page numbering sequential from volume 1 to subsequent volumes</li> </ul> <p><b>Files less than 200 MB:</b> one (1) file: <b>do not</b> split into separate files based on number of pages per volume.</p>	<input type="checkbox"/>

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Completion Instructions:

Application and Response Books for Leave to Appeal (Civil Rules 11 to 16) and/or Stay of Proceedings/Execution (Civil Rules 20 and 21)

2.0 Written Arguments

2.1 Written Argument Content Requirements

- Application Books: **Maximum 10 pages** of written argument for leave or stay applications. **Maximum 15 pages** of written argument for a combined application for leave and stay.
- Response Books: **Maximum 5 pages** of written argument for response to leave or stay application. **Maximum 10 pages** of written argument for combined leave and stay response books.

Requirement	Instructions	Completed
Cover Page	Required You may use this <a href="#">Word template</a> including cover page.	<input type="checkbox"/>
Part 1: Facts	A brief statement of facts	<input type="checkbox"/>
Part 2: Issues	A statement of the points in issues on the application	<input type="checkbox"/>
Part 3 Analysis: Leave to Appeal <sup>1</sup>  Analysis: Leave and Stay	<p><b>On applications for leave to appeal</b>, a brief statement setting out the reasons why leave should or should not be granted, which should include your position regarding:</p> <p>(a) the importance of the proposed appeal to the practice (e.g. would the appeal help settle an unsettled area of the law);</p> <p>(b) the importance of the proposed appeal to the action (which may include significance to the proposed parties);</p> <p>(c) the merits of the proposed appeal;</p> <p>(d) whether the proposed appeal would unduly hinder progress in the underlying action.</p> <p><b>AND if the application for leave to appeal is joined with an application for a stay of proceedings/execution</b> 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:</p> <p>(e) the merits of the proposed appeal;</p> <p>(f) whether the applicant would suffer irreparable harm if the stay of proceedings/execution is not granted;</p> <p>(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.</p>	<input type="checkbox"/>

<sup>1</sup> 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](#) (1987), 16 B.C.L.R. (2d) 104, 22 C.P.C. (2d) 265 at 109–110 (Chambers) at para. 14.

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Requirement	Instructions	Completed
<b>Analysis: Stay</b>	<b>OR</b> If you are <b>ONLY</b> applying for a stay of proceedings/execution and are <b>NOT</b> 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.	
<b>Part 4: Order Sought</b>	The nature of the order (or orders) requested Enter name of lawyer(s) or party(ies) who prepared the filing	<input type="checkbox"/>

### 2.2 Written Argument Document Format Requirements

Word template is [here](#).

Requirement	Instructions	Completed
<b>Font</b>	Arial 12 (including citations)	<input type="checkbox"/>
<b>Spacing</b>	Lines spaced 1.5 lines apart with a single space between paragraphs (pre-set in template)	<input type="checkbox"/>
<b>Margins</b>	No less than 2.5 cm. (1 in)	<input type="checkbox"/>
<b>Paragraph Numbering</b>	Paragraphs numbered consecutively starting from Statement of Facts	<input type="checkbox"/>
<b>Footnotes</b>	Arial 12 ( <i>pre-set in template</i> ) Footnotes can be single spaced.	<input type="checkbox"/>

### 3.0 Copies for Filing and Service

#### 3.1 E-filing

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

Filing/Service	Requirements	Completed
<b>Electronic Copies</b>	Save 1 copy with filing stamp for your records, 1 copy with filing stamp (paper or electronic) to be served on each party	<input type="checkbox"/>

History:

Replaces Completion instructions in previous Rules and Forms

Last Updated: March 19, 2024