

**COURT OF APPEAL OF ALBERTA
BILL OF COSTS - CHECK/RETURN FORM**

This checklist return form provides an itemized summary of the most common problems when filing documents in the Court of Appeal. However, this form does not include each requirement of the Alberta Rules of Court and Practice Directions. Accordingly, you should rely on the appropriate authority when preparing a document for filing in the Court of Appeal.

- A. General Format of Document:**
Refer to the General Format - Check/Return form for formal requirements of all documents.

- B. Copies Required:**
The Registry will keep the original bill of costs and return one certified copy.

PARTICULARS FOR PARTY/PARTY BILL OF COSTS:

- C. Prepared in Accordance with Schedule C:**
The bill of costs must be prepared in accordance with Schedule C of the Alberta Rules of Court.

- D. Signatures Required:**
Where a party:
 - (i) against whom costs are to be taxed has not appeared in proceedings, costs may be taxed *ex parte* (ARC 639), and

 - (ii) did appear at the hearing, their signature or counsel's signature on their behalf is required on the bill of costs. The name of the person signing the document must be legibly printed directly beneath the signature (ARC 5.1).

- E. Taxed and Allowed Without Alterations:**
If consented to by a barrister and solicitor on behalf of the party responsible for payment, the bill of costs shall be taxed and allowed without alteration or further consideration (ARC 629.1).

- F. Separate Columns and Totals Required:**
The charges of barrister and solicitor shall be distinguished from disbursements, and every column shall be totaled before the bill is submitted for taxation (ARC 633).

- G. Costs Cannot be Taxed until Order/Judgment Has Been Filed:**
No costs shall be taxed until after the judgment or order allowing the costs has been signed, entered or otherwise perfected, and the costs may be taxed notwithstanding any stay of proceedings, unless the stay expressly applies to the taxation (ARC 640).

- H. **Not Entitled to Costs:**
 - (i) When a factum or extracts of key evidence is not filed within the time fixed by the Rules, the party in default shall not be entitled to costs for preparation of the factum or extracts of key evidence unless the Court otherwise orders (ARC 538(4) and 537.1(5)).
 - (ii) When motion materials are not filed within the time fixed by Part F of the Consolidated Practice Directions, the party in default shall not be entitled to costs of the application unless the Court otherwise orders (CPD F.7(a)).
- I. **Scale of Costs:**

On any appeal the scale of costs of the appeal, and if so stated in the judgment, also of the proceedings in the court below, shall be as directed by the judgment in appeal, or in default of direction shall be the same as that applicable under the order or judgment appealed from (ARC 608).
- J. **Costs for Speaking to the List:**

Schedule C, Item 13, multiple speaking to the list; due to the specific wording of this item “all steps taken”, this item will be allowed only once in the absence of a direction from the Court.
- K. **Costs for Appeal Record and Extracts of Key Evidence:**

Each party shall bear the initial expense of preparing and filing the appeal record and Extracts of Key Evidence which that party orders or files, but unless otherwise ordered and subject to Rule 537.1(5), the reasonable costs of preparation shall be a taxable disbursement in the appeal.

Note: For further information on taxation, refer to the Alberta Courts’ website at www.albertacourts.ab.ca under Court Services > Taxation Office.

Calgary Registry: (403) 297-2206
Edmonton Registry: (780) 422-2416

Form Revised: November 10, 2008

Access this form on the Alberta Court’s website at www.albertacourts.ab.ca under Court of Appeal > Publications & Forms > Check/Return Forms > Bill of Costs