

**COURT OF APPEAL OF ALBERTA
CIVIL NOTICE OF APPEAL - 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. **Prescribed Form N - Notice of Appeal (Part A.8 CPD):**
Parties filing a civil appeal are directed to use Form N - Civil Notice of Appeal. This form can be found in the Court of Appeal Consolidated Practice Directions (CPD) and is also available in an interactive format on the Court's website at <http://www.albertacourts.ab.ca/ca/publication/index.htm>.
Notes:
 1. You are required to identify **which one, if any**, of the processes in questions 9 to 12 of Form N would be most helpful in advancing your appeal. A supporting letter and timetable (if applicable) must be filed with Form N or shortly thereafter depending on the selection you make (see pop-up messages on interactive Form N for information required on each).
 2. Form N may be used in place of a notice of intention to vary or a notice of cross-appeal, but must be labelled accordingly.
 3. If a notice of cross-appeal or notice of intention to vary is filed, where either the main appeal or the cross appeal falls within Part J., the party filing it must apply immediately, on notice, to the list manager, duty judge, or case management officer to set a timetable and give directions for the appeal (Part J.13 CPD).

- C. **Copies Required:**
The Registry will keep the original and 2 copies of the Notice of Appeal.

- D. **Filing Fee:**
A **\$600.00** commencement fee is required for each Notice of Appeal filed, unless this fee was paid at the time the notice of motion for leave to appeal was filed (if applicable). Payment may be made by cash, Visa, MasterCard, Interac, certified cheque or money order. Certified cheque or money order must be made payable to the "Minister of Finance".

- E. **Separate Notice of Appeal Required:**
 - (i) Except as ordered by the court in exceptional circumstances, a separate Notice of Appeal must be filed for each order being appealed, unless those orders were granted by the same judge in the

same suit (or, if applicable, consolidated suit) and arise out of the same hearing (ARC 506(3)), and

- (ii) a substantive order and a later order awarding or concerning costs of the earlier substantive order shall be deemed to arise out of the same hearing (ARC 506(4)).

- F. **Judgment/Order/Decision Particulars:**
The Notice of Appeal must indicate the name of the justice whose order is being appealed, and the date the judgment/order was pronounced, entered and served.

- G. **Appeal Period (ARC 506(1)):**
Counsel/parties are responsible for determining their own appeal deadlines, which differ between types of matters and the Acts that govern. Parties are advised to seek legal advice.

- H. **Trial Court Number:**
Provide the trial court number on the front and back of the top right corner of the Notice of Appeal. "Appeal No. _____" is to appear directly above the trial court number.

- I. **Must Indicate What is Being Appealed:**
The Notice of Appeal must state whether the whole or only a specific part of the judgment, order or decision is being appealed (ARC 511).

- J. **Signature Required:**
The Notice of Appeal must be signed by the appellant(s) or their solicitor. The name of the person signing the document must be legibly printed directly beneath the signature line (ARC 5.1).

- K. **Service:**
Directly above the signature line, indicate the name(s) of the party(ies) which must be served, or the lawyer's name and law firm representing the party(ies) (if applicable). The Notice of Appeal must be served upon all parties affected by the appeal within the time limited for filing the Notice of Appeal (ARC 510(1)).

- L. **Address for Service:**
Your address for service must be within 30 kilometres of the Registry office (ARC 5(1)(b)), or you must provide a facsimile number located in Alberta at which a document may be served (ARC 16.1).

- M. **Copy of Judgment/Order/Decision Being Appealed Required:**
A copy of the judgment, order or decision appealed from must be filed at the same time the Notice of Appeal is filed (ARC 506(2)). If it is not available at the time of filing, the appellant is responsible for providing a copy to the Registry forthwith. If you are appealing an order of a justice who heard an appeal of a

Queen's Bench Master's or Provincial Court Judge's decision, a copy of that order is also required.

N. **Leave to Appeal Required:**

If leave to appeal is required, a notice of motion and supporting documentation must be filed, returnable before one justice in chambers, along with a \$600.00 filing fee. Refer to the Notice of Motion - Justice Chambers (One Justice) - Check/Return form for further requirements. You may also wish to refer to the document entitled "Some examples of when leave to appeal is required" which is posted under Informational/Instructional forms on our website. Both of these forms are available on the website at the address set out below.

O. **Leave to Amend Required:**

Leave of the court or a judge is required to amend a Notice of Appeal (ARC 512).

P. **Matter will be moved to the General Appeal List (ARC 515.1(1)):**

The Registrar shall enter a case on the General Appeal List whenever the first of the following events occurs:

- (a) 6 months have elapsed since the notice of appeal was filed;
- (b) the Appeal Digest referred to in Rule 530(1)(c)(i) and transcripts have been filed;
- (c) a judge or case management officer directs that the case be so entered.

Note: In Calgary, the List Manager has directed the Registrar to enter all matters on the General Appeal List immediately upon the Notice of Appeal being filed.

Calgary Registry: (403) 297-2206

Edmonton Registry: (780) 422-2416

Form Revised: November 29, 2011

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