

Appellant's Checklist

Step 1: Do you have an automatic right to appeal?

Step 2: Do you need leave to appeal your case?

Step 3: Start your appeal

Within **30 days** from the date the previous order was pronounced:

- File documents to initiate your appeal:
 - a notice of appeal (Form 7); or
 - a notice of application for leave to appeal (Form 1). If you are making an application for leave to appeal, follow the procedure to make your application: file a notice of motion, file motion book, appear in chambers.
- Pay your court filing fee.
- File one copy for the court, one copy for your own use, plus one copy for each respondent.
- Serve a copy of the notice of appeal on respondent(s).
- Within 10 days of service, file proof that you served the notice of appeal on every respondent.

Step 4: Prepare the appeal record

Within **60 days** of filing your notice of appeal:

- Prepare your appeal record using Form 9, and bind it with a blue cover. It must contain:
 - pleadings from the previous proceeding;
 - a copy of the signed reasons for judgment;
 - the order from the previous proceeding;
 - the notice of appeal (or the notice of application for leave to appeal, plus the order granting the leave to appeal);
 - if applicable, a notice under the *Constitutional Questions Act*.
- File 4 copies of the appeal record for use by the court, one for your own use, plus one copy for each respondent.
- Serve a filed copy of the appeal record on every respondent.

Step 5: Get the court transcript

Within **60 days** of filing your notice of appeal:

- Order court transcript if witnesses testified at the previous proceeding.
- File one paper copy for use by the court, one for your own use, plus one for each respondent.
- File one electronic copy.
- Serve one paper copy on each respondent, plus one electronic copy if requested.

Step 6: Prepare the factum

Within **30 days** of filing the appeal record:

- Prepare a factum using Form 10, and bind it with a buff cover. It must contain:
 - An index.
 - A chronology of the relevant dates in the litigation.
 - An opening statement.
 - Part 1: Statement of facts.
 - Part 2: Errors in judgment.
 - Part 3: A legal argument.
 - Part 4: Nature of the order sought.
 - A list of authorities.
- File 4 copies of the factum for use by the court, one copy for your own use, plus one copy for each respondent.
- Serve the factum on the respondent(s).

Step 7: Prepare the appeal book

Within **30 days** of filing the appeal record:

- Prepare an appeal book, using Form 12. It must contain:
 - exhibits;
 - affidavits; and
 - other documents that relate to evidence.
- File 4 copies of the appeal book for use by the court, one copy for your own use, plus one copy for each respondent.
- Serve a filed appeal book on each respondent.

Step 8: Prepare transcript extract book

Within **30 days** of filing the appeal record:

- Prepare a transcript extract book if your factum contains a reference to oral testimony.
 - Use Form 13.
 - Bind it in a red cover.
- File 4 copies of the transcript extract book for use by the court, one copy for your own use, plus one copy for each respondent.
- Serve a filed copy of the transcript extract book on each respondent.

Step 9: Prepare certificate of readiness

- Use Form 14.
- Pay your court filing fee.
- Reserve a court date.
- File a notice of hearing (Form 34).

Step 10: Schedule the appeal for hearing

Within **2 months** of filing the certificate of readiness:

- Contact the court registry to schedule a hearing date.
- Complete the notice of hearing (Form 34).
- Serve the notice of hearing (Form 34) on every respondent.

Step 11: Attend the hearing

- Prepare for the hearing:
 - organize your documents; and
 - prepare speaking notes.

Step 12: Draft or approve the court order