



Overview of the Factum

Civil Rules 14.23 – 14.26
Criminal Rules 16.16 – 16.18

Electronic Filing

On March 1, 2021, e-filing became mandatory. All documents must be formatted in accordance with the [Practice Direction on Electronic Filing](#) and filed via the Court of Appeal Management System ([CAMS](#)). Unless an exemption from e-filing is granted, paper documents at the counter and documents via email will not be accepted.

For more information about CAMS, including how to register for an account and how to format and file documents, view the [CAMS Manual](#) and [FAQs](#). To visit the CAMS e-filing website, click [here](#).

General

Factums do not need to be signed.

A sample Factum is available on the Court’s [website](#) under Court of Appeal > Registry > Filing Information > Filing, Fees and Forms.

See also the Mandatory Requirements & Check/Return Form for a Factum for a list of the minimum requirements that Registry staff will watch for when documents are filed. This form is located on the CAMS e-filing [website](#) under Manual/Tip Sheets > Mandatory Requirements & Check Return Forms.

Deadlines – Appellant Factum

Standard Appeal	<p>Whichever comes first (in most cases, the 2 months will come first):</p> <ul style="list-style-type: none"> • 2 months after the Appeal Record is filed • 6 months after the Notice of Appeal is filed
Fast Track Appeal	<p>Whichever comes first (in most cases, the 20 days will come first):</p> <ul style="list-style-type: none"> • 20 days after the Appeal Record is filed • 2 months after the Notice of Appeal is filed



<p>Conviction Appeal (includes Acquittal and Decision Appeals)</p>	<p>Whichever comes first (in most cases, the 2 months will come first):</p> <ul style="list-style-type: none"> • 2 months after the Appeal Record is filed • 6 months after the Notice of Appeal is filed
<p>Sentence Appeal</p>	<p><i>Where the appeal is as to Sentence only</i></p> <p>Whichever comes first (in most cases, the 2 months will come first):</p> <ul style="list-style-type: none"> • 2 months after the Appeal Record is filed • 4 months after the Notice of Appeal is filed <p><i>Where the appeal is as to Conviction and Sentence</i></p> <ul style="list-style-type: none"> • where a sentence appeal record has been previously filed, 2 months after the date on which the conviction appeal was dismissed struck or abandoned; or • where a sentence appeal record has not been previously filed, 3 months after the date on which the conviction appeal was dismissed, struck or abandoned.

If a cross appeal has been filed (civil only), the Appellant’s Reply Factum must be filed within 10 days of service of the Respondent Factum. If a cross appeal has not been filed, there is no right of written reply for the Appellant.

Missed Deadlines

If the deadline for filing an Appellant Factum in a Standard or Fast Track appeal is missed, the appeal will be struck.

If the deadline for filing the Appellant Factum in a Conviction or Sentence appeal is missed:

- the appeal will be struck if the appellant is represented by counsel or is self- represented and not in custody, or
- the Registrar may refer the appeal to a single appeal judge for directions if the appellant is self-represented and in custody.



Deadlines – Respondent Factum

The following are deadlines for filing a Respondent Factum (or letter of intention not to file a factum):

Standard Appeal	2 months after service of the Appellant’s Factum
Fast Track Appeal	<p>Whichever comes first:</p> <ul style="list-style-type: none"> • 1 month after service of the Appellant’s Factum • 10 days before the opening day of the sittings at which the appeal is scheduled to be heard
Conviction Appeal (includes Acquittal and Decision Appeals)	2 months after service of the Appellant’s Factum
Sentence Appeal	<p>Whichever comes first:</p> <ul style="list-style-type: none"> • 1 month after service of the Appellant’s Factum • 10 days before the opening day of the sittings at which the appeal is scheduled to be heard

Missed Deadlines

If the deadline for filing the Respondent Factum is missed, but a Factum is sent to be filed, the Factum will be marked as “Filed Late” (see rule 14.90).

If the Respondent fails to file a Factum, the Respondent will not be permitted to present oral argument unless the panel otherwise orders, and the appeal may proceed in the absence of the Respondent or their Factum.



Content

Civil rule 14.25(1) and criminal rule 16.17(1) lists what a Factum must include. A Factum must include:

Table of Contents	Including page numbers
Sentence Appeal Questionnaire	<p>A Factum in a sentence appeal must include a Sentence Appeal Questionnaire in Form CRA-E immediately following the table of contents:</p> <ul style="list-style-type: none"> • in the appellant’s sentence factum, or • in the respondent’s sentence factum if the appellant is self-represented and has not included the questionnaire in his or her factum. <p>This form is located on the Court’s website under Court of Appeal > Registry > Filing Information > Filing, Fees and Forms.</p>
Part 1 Facts	<p>In the Appellant’s Factum:</p> <ul style="list-style-type: none"> • A statement of facts (including, if desired, a concise introductory statement of the legal issues raised) <p>In the Respondent’s Factum:</p> <ul style="list-style-type: none"> • Its position on the facts as stated by the Appellant • Any other facts considered relevant
Part 2 Grounds of Appeal	<p>In the Appellant’s Factum:</p> <ul style="list-style-type: none"> • A concise statement of the grounds for appeal <p>In the Respondent’s Factum:</p> <ul style="list-style-type: none"> • Its position in regards to the stated grounds • Any other points that may properly be put in issue
Part 3 Standard of Review	A statement on the relevant standard of review
Part 4 Argument	A discussion addressing the questions of law or fact raised by the appeal



Part 5 Relief Sought	A statement of the relief sought (including for civil appeals any special direction with respect to costs)
Estimated Time Required for the Oral Argument	Maximum 45 minutes
Table of Authorities	A list of the legal authorities referred to in the factum (Each authority must include a hyperlink to a publicly accessible electronic version of that authority if available.)
Appendix	Containing extracts from any statute, enactment or rule necessary for the disposition of the appeal (unless they are reproduced elsewhere).

A Factum can also include any document that should have been included in the Appeal Record but was not (e.g., the order under appeal).

Where a Cross Appeal has been filed (civil only), the Respondent’s Factum must consist of two sections, each with the five parts listed above, entitled “Factum on the Appeal” and “Factum on the Cross Appeal”.

Format

The Factum has a prescribed cover page (Form AP-5 for **civil** appeals and Form CRA-K for **criminal** appeals). These forms are available on the Court’s [website](#) under Court of Appeal > Registry > Filing Information > Filing, Fees and Forms. The forms for civil matters and criminal matters are grouped separately on the website. Ensure that you use the correct one.

Factums must be formatted in accordance with the [Practice Direction on Electronic Filing](#). This includes such things as coloured covers, bookmarks, pagination, hyperlinking and so on. For complete information, see the Formatting section of the [CAMS Manual](#) and the section entitled Electronic Filing Formatting Requirements Overview.

Factums must have coloured covers as follows:

- Appellant (including appellants who are cross respondents): beige or ivory
- Respondent (including respondents who are cross appellants): green
- Intervenors: blue

Factums must be formatted using at least 12-point font, one-inch margins and at least 1.5 line spacing, except for quotations (which should ordinarily be no less than 10-point font). A sample formatted Factum is available on the on the CAMS e-filing [website](#) under Manual/Tip Sheets > Sample Formatted Documents.



NOTE

If an exemption from the requirement to file documents electronically is granted, the content, format, filing and other requirements of the [Alberta Rules of Court](#) apply except that only one paper copy is required to be filed, and it must be an unbound copy containing no staples or binding other than easily removable clips or rubber bands.

Page Limits

Parts 1 to 5 of a Factum (i.e., excluding the Table of Contents, Table of Authorities and any appendices) must not exceed:

- 30 pages for the parties in a standard, conviction or sentence appeal
- 40 pages for a respondent who has filed a cross appeal in a standard appeal (if a cross appeal has been filed in a fast track appeal, the case management officer will set page limits)
- 10 pages for an appellant's factum in response to a cross appeal
- 30 pages for an intervenor
- 12 pages for the parties in a fast track appeal