



Filing Deadlines Civil Fast Track Appeal

Parties to an appeal should not take the approach that they are automatically entitled to the maximum time permitted by the Rules of Court to complete each step of the appeal process.

Deadlines prescribed in the rules are merely the default outside time limit at which point consequences for failure to act in time will be imposed. It is an underlying objective of the Rules of Court to try and ensure that all appeals are dealt with as diligently as possible. See [*Fort McKay First Nation v. Alberta Energy Regulator*](#), 2013 ABCA 396.

	Deadline	Consequence of Missing
Notice of Appeal (A Notice of Appeal must be in Form AP-1. See Rule 14.12(1).)	Must be filed and served ¹ : <ul style="list-style-type: none"> a) within the time for commencing an appeal stated in an enactment, b) within 10 days after permission to appeal is granted (if applicable*), or c) if (a) and (b) do not apply, within one month after the date of decision. (See Rule 14.8(1) for definition of “date of decision”) ¹ Rule 14.8(2)	Appellant must bring an application to extend the time to appeal after the Notice of Appeal is filed.

*See also Rule 14.8(3) for the time within which an application for permission to appeal must be filed and served and Rule 14.44 for rules specific to applications for permission to appeal.



	Deadline	Consequence of Missing
<p>Notice of Cross Appeal</p> <p>(A Notice of Cross Appeal must be in Form AP-2. See Rule 14.12(1).)</p>	<p>Must be filed and served:</p> <ul style="list-style-type: none">a) within the time for filing an appeal, orb) within 10 days of service of the Notice of Appeal <p>(whichever is later)¹</p> <p>Note: A party that files a cross appeal in a fast track appeal must within 5 days of filing, apply to a case management officer for the establishment of a timetable and other necessary requirements for the appeal.²</p> <p>¹Rule 14.11</p> <p>²Rule 14.24(2)</p>	<p>Cross appellant must bring an application to extend the time to cross appeal.</p>
<p>Ordering/Preparation of Transcripts & Appeal Record</p>	<p>Must be ordered or preparation commenced within 10 days after filing the notice of appeal¹ and</p> <hr/> <p>A copy of the order must be filed and served on the respondent within 5 days after ordering¹</p> <p>¹Rule 14.15(1)</p>	<p>N/A</p>



	Deadline	Consequence of Missing
Transcripts & Appeal Record	Must be filed and served ¹ : a) forthwith after they are prepared, and b) not later than 1 month from the date on which the Notice of Appeal was filed. ¹ Rule 14.16(3)(a)	The appeal will be struck. ¹ Unless otherwise ordered, a party is not entitled to assess costs or recover disbursements in respect of a procedural step in which the party has failed to comply with a deadline. ² ¹ Rule 14.64(a) ² Rule 14.90(1)(a)(i)
Appellant's Factum and Extracts of Key Evidence	Must be filed and served: a) 20 days after the Appeal Record is filed, and b) 2 months after the Notice of Appeal is filed (whichever is earlier) ¹ ¹ Rule 14.24(1)(a) – Factum Rule 14.27(3) – Extracts	The appeal will be struck. ¹ Unless otherwise ordered, a party is not entitled to assess costs or recover disbursements in respect of a procedural step in which the party has failed to comply with a deadline. ² ¹ Rule 14.64(b)(ii) ² Rule 14.90(1)(a)(i)



	Deadlines	Consequence of Missing
<p>Respondent's Factum and Extracts of Key Evidence (or letter of intention not to file a factum)</p>	<p>Must be filed and served:</p> <ul style="list-style-type: none"> a) one month after service of the appellant's factum, and b) 10 days before the opening day of the sittings at which the appeal is scheduled to be heard. <p>(whichever is earlier)¹.</p> <p>¹Rule 14.24(1)(b) – Factum Rule 14.27(3) – Extracts</p>	<p>A respondent that does not file a factum will not be permitted to present oral argument unless the panel orders otherwise.¹</p> <p>Unless, otherwise ordered, a party is not entitled to assess costs or recover disbursements in respect of a procedural step in which the party has failed to comply with a deadline.²</p> <p>¹Rule 14.23(3) ²Rule 14.90(1)(a)(i)</p>
<p>Reply Factum* (or letter of intention not to file a reply factum)</p> <p>*Only permitted where a cross appeal has been filed</p>	<p>Must be filed and served in accordance with any deadline specified by a case management officer.¹</p> <p>¹Rule 14.24(2)</p>	<p>Unless, otherwise ordered, a party is not entitled to assess costs or recover disbursements in respect of a procedural step in which the party has failed to comply with a deadline.¹</p> <p>¹Rule 14.90(1)(a)(i)</p>



	Deadline	Consequence of Missing
Hearing	<p>A fast track appeal will be placed on the Civil Appeal Hearing List to be heard when¹:</p> <ul style="list-style-type: none"> a) the Appeal Record, appellant’s factum and Extracts of Key Evidence have been filed 20 or more days before the opening of the sittings**, or b) a case management officer directs. <p>The parties may, no less than 20 days before the opening of the sittings, consent to an adjournment of the oral hearing to no later than the next sitting of the Court, provided that the appeal has not previously been adjourned more than once.²</p> <p>¹Rule 14.34(2) ²Rule 14.34(3)</p>	<p>If a fast track appeal has not been placed on the Civil Appeal Hearing List within 6 months of the filing of the Notice of Appeal, the appeal must be struck.¹</p> <p>¹Rule 14.64(d)</p>

**The opening day of sittings can be determined by consulting the Court’s Sitting Dates located on the Alberta Courts’ website at www.albertacourts.ab.ca under Court of Appeal > Sittings, Hearing Lists & Locations.