



Effective Date: 2017/05/01

Number: PD -54

Title:

Practice Direction

Standard Directions for Appeals from Decisions of Masters, Registrars or Special Referees pursuant to Civil Rule 23-6(8) and Family Rule 22-7(8)

Summary:

This Practice Direction sets out standard directions governing the conduct of appeals from decisions of masters, registrars or special referees. If the circumstances of an appeal require, the timelines and document filing requirements set out in this Practice Direction may be abridged, extended or modified by order of a justice of the court pursuant to Supreme Court Civil Rule 22-4(2) and Supreme Court Family Rule 21-2(2).

Direction:

Notice of Appeal

1. An appeal from a decision of a master, registrar or special referee must be brought by filing a Notice of Appeal in Form 121 or Form F98 within 14 days after the order or decision.

Service of Notice of Appeal and Appellant's Statement of Argument

2. A copy of the Notice of Appeal and of the appellant's Statement of Argument in the form set out in Schedule A must be served on the respondent(s) within 7 days of filing the Notice of Appeal.

Notice of Interest

3. A respondent who wishes to oppose the appeal must file a Notice of Interest in Form 70 or Form F77.

Service of Notice of Interest and Respondent's Statement of Argument

4. A copy of the Notice of Interest and of the respondent's Statement of Argument in the form set out in Schedule B must be delivered to the appellant within 14 days of service of the Notice of Appeal and Appellant's Statement of Argument.

Transcript of Reasons for judgment or decision

5. If the order or decision from which the appeal is taken was pronounced orally rather than issued in writing, the appellant must order a transcript of the presider's reasons for judgment or decision within 14 days after the order or decision is issued.

Transcript of Oral Evidence

6. If the appeal is taken from an order or decision following a hearing in which oral evidence is taken, in addition to a transcript of the reasons for judgment or decision, the appellant must order a transcript of the oral evidence within 14 days after the order or decision is issued. The transcript should not include the submissions.

Date and time of hearing of Appeal

7. If the hearing of an appeal will require more than 2 hours, the date and time of the hearing must be fixed by Supreme Court Scheduling. If the hearing of the appeal will require less than 2 hours, it may be set on the chambers list on a date not before the expiry of the time for delivery of the respondent's Notice of Interest and Statement of Argument.
8. The appellant must provide to the registry where the hearing of the appeal is to take place, no earlier than 9 a.m. and no later than 4 p.m. on the business day that is one full business day before the date set for the hearing, an appeal record as follows:
 - a. the appeal record must be in a ring binder or in some other form of secure binding
 - b. the appeal record must contain
 - i. a title page
 - ii. an index
 - iii. a copy of the Notice of Appeal
 - iv. a copy of the order of the master or decision of the registrar or special referee

- v. a copy of the written reasons for judgment of the master, or reasons for decision of the registrar or special referee, or if the reasons were given orally, a transcript of the reasons
- vi. a copy of the Notice of Application and Application Response, and for registrars' appeals, a copy of the Appointment
- vii. copies of any affidavits that were before the master, registrar or special referee which will be relied upon on the appeal
- viii. a transcript of any oral evidence heard by the master, registrar or special referee to be relied upon on the appeal
- ix. the appellant's Statement of Argument in Schedule A not to exceed 10 pages
- x. the respondent's Statement of Argument in Schedule B not to exceed 10 pages.

Appeal record to be returned

9. Unless the court otherwise orders, the appellant must retrieve the appeal record at the conclusion of the hearing, or if the appeal is adjourned to a date later than the following business day, after the hearing is adjourned.

Abridgement or modification of timelines and documents required on appeal

10. If the circumstances of an appeal require, the timelines and document filing requirements set out in this Practice Direction may be abridged, extended or modified by order pursuant to Supreme Court Civil Rule 22-4(2) and Supreme Court Family Rule 21-2(2).

Chief Justice C. E. Hinkson

Schedule A

No. _____
Registry _____

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

APPELLANT

AND:

RESPONDENT

APPELLANT’S STATEMENT OF ARGUMENT

(Not to exceed 10 pages)

STATEMENT OF FACTS: The facts of this case are as follows:

(This section must set out in numbered paragraphs a clear statement of the relevant facts.)

ISSUES ON APPEAL: The appellant agrees with the order appealed from except as follows:

(This section must set out in numbered paragraphs as clear statement of in what respect the order or decision appealed from is in error.)

STANDARD OF REVIEW

(This section must set out the standard of review which the appellant says governs the appeal)

ARGUMENT: The order appealed from is in error because:

(This section must set out in numbered paragraphs the appellant’s argument as to why the order or decision is in error).

NATURE OF ORDER SOUGHT:

(This section must set out the order the appellant wishes the court to make).

Date:[dd/mmm/yyyy].....

.....
Signature of filing part(ies) or counsel

.....[type or print name].....

Schedule B

No. _____
Registry _____

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

APPELLANT

AND:

RESPONDENT

RESPONDENT’S STATEMENT OF ARGUMENT

(Not to exceed 10 pages)

STATEMENT OF FACTS: The respondent’s position with respect to the appellant’s statement of facts is as follows:

(This section must set out in numbered paragraphs a clear statement of the respondent’s position with respect to the appellant’s statement of facts together with a clear statement of any other facts that the respondent considered to be relevant.)

ISSUES ON APPEAL: The respondent’s position with respect to the appellant’s statement of issues on appeal is as follows:

(This section must set out in numbered paragraphs a clear statement of in what respect the order or decision appealed from is in error.)

STANDARD OF REVIEW

(This section must set out the standard of review which the respondent says governs the appeal)

ARGUMENT: The respondent disagrees with the appellant’s argument because:

(This section must set out in numbered paragraphs the respondent’s argument as to why the order sought by the appellant should not be made)

NATURE OF ORDER SOUGHT:

(This section must set out the order the respondent wishes the court to make.)

Date:[dd/mmm/yyyy].....

.....
Signature of filing part(ies) or counsel

.....[type or print name].....