

## **PRACTICE DIRECTIVE**

### **Notices of Appeal and Notices of Application for Leave to Appeal**

Where the party bringing the appeal is uncertain whether leave is required, both a Notice of Appeal and a Notice of Application for Leave to Appeal may be filed and served. A Notice of Motion for an application for directions, leave to appeal if required, and any extension of time sought must be filed and served at the same time. Only one filing fee will be payable.

“The Honourable Chief Justice Finch”  
On behalf of the Court of Appeal for British Columbia

May 5, 2008

Explanatory note regarding initiation of appeals pursuant to practice direction dated May 5, 2008

The ***Court of Appeal Act***, s. 14, the *Court of Appeal Rules* (especially Rules 3, 7, 8, 11, 33), and the Practice Direction dated May 5, 2008, govern the process for initiating an appeal.

As stated in the Practice Direction: “Where the party bringing the appeal is uncertain whether leave is required, both a Notice of Appeal and a Notice of Application for Leave to Appeal may be filed and served. A Notice of Motion for an application for directions, leave to appeal if required, and any extension of time sought must be filed and served at the same time.”

Therefore, it is expected that the appellant will simultaneously file and serve:

- (a) a Notice of Appeal;
- (b) a Notice of Application for Leave to Appeal; and
- (c) a single notice of motion seeking directions, leave to appeal, and any extension of time, with a returnable date that permits compliance with the Rules.

Rule 7(1) provides that the appellant must file and serve a motion book for the application for leave to appeal within 30 days of filing the Notice of Application for Leave to Appeal.

Rule 7(2) requires that the motion book be filed and served “at least 10 days before the date of the hearing of the application”, unless a justice otherwise orders. The respondent must file any reply book “at least 5 business days before the date of the hearing” (R. 8).

J. Jordan, Registrar  
May 15, 2008  
Revised July 12, 2011