

**Nunavut Court of Appeal
Civil Appeal Rules
Draft #5 2016**

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Nunavut

Judicature Act

RULES OF THE NUNAVUT COURT OF APPEAL RESPECTING CIVIL APPEALS

The judges of the Nunavut Court of Appeal make these *Rules of the Nunavut Court of Appeal Respecting Civil Appeals* under section 60 of the *Judicature Act (Nunavut)*.

Division 1 The Right to Appeal

Subdivision 1 Interpretation and Application

Definitions

A1(1) In these rules,

- (a) “appeal” means an appeal to the Court of Appeal;
- (b) “appellant” means a person who under an enactment or these rules
 - (i) files an application for permission to appeal to the Court of Appeal, or
 - (ii) files a notice of appeal;
- (c) “clerk” means the clerk of the Court of Justice;
- (d) “court appealed from” means the court, person or tribunal from which an appeal has been brought;
- (e) “Court of Justice” means the Nunavut Court of Justice;
- (f) “decision” means the whole or any part of the decision of the court, person or tribunal from which an appeal lies and includes a judgment, order, decision, verdict, direction, determination or award and, where the context requires, includes the verdict or finding of a jury;
- (g) “electronic hearing” means an application or appeal conducted, in whole or part, by electronic means in which all the participants in the hearing and the Court can hear each other, whether or not all or some of the participants and the Court can see each other or are in each other’s presence;
- (h) “file” means

- (i) to present the correct document at the office of the Registrar, or
- (ii) to send an electronic copy of the document to the Registrar in accordance with any Practice Direction for Electronic Filing adopted by the Registrar, and

to obtain an acknowledgment by the Registrar that the document is part of the Court of Appeal Record;
- (j) “judge”, when used in reference to the Court of Appeal, includes the Chief Justice of the Court of Appeal, the justices of appeal and the supernumerary judges of the Court of Appeal;
- (k) “panel” means three or more judges of the Court of Appeal;
- (l) “party” means a party to an appeal or an application under these Rules and includes an intervenor where the context requires;
- (m) “procedural order” includes an order
 - (i) granting, refusing or dismissing an application;
 - (ii) setting aside any process exercised or purportedly exercised under these rules that is
 - (i) contrary to law,
 - (ii) an abuse of process, or
 - (iii) for an improper purpose;
 - (iii) giving any direction or ruling with respect to an appeal or application or a related matter;
 - (iv) making a ruling with respect to how or if these rules apply in particular circumstances or to the operation, practice or procedure under these rules;
 - (v) imposing terms, conditions and time limits;
 - (vi) giving consent, permission or approval;

(vii) giving advice, including making proposals, providing guidance, making suggestions and making recommendations;

(viii) adjourning or staying all or any part of an appeal, action, application or proceeding, or

(ix) extending the time for doing anything in the appeal, or staying the effect of a judgment or order.

(n) “Registrar” means a person appointed as a Registrar of the Court of Appeal under the *Judicature Act* and includes a Deputy Registrar of the Court of Appeal and any person designated by a Registrar or the Chief Justice to act for a Registrar;

(o) “respondent” means, unless the context otherwise requires, the person who, under an enactment or these rules,

(i) is named as a respondent to an application for permission to appeal, or

(ii) is named as a respondent to an appeal;

(p) “restricted court access order” means an order

(a) to ban publication of court proceedings,

(b) to seal or partially seal a court file,

(c) permitting a person to give evidence in a way that prevents that person or another person from being identified,

(d) for a hearing from which the public is excluded, or

(e) for use of a pseudonym.

(2) Where a respondent files a notice of cross appeal, unless these rules otherwise provide, the rules relating to appeals apply to the cross appeal and, in particular,

(a) references to an appeal include a cross appeal;

(b) references to an appellant include a respondent who files a notice of cross appeal;

- (c) references to a respondent include an appellant who is named as a respondent in a notice of cross appeal;
- (d) references to parties to an appeal include parties to a cross appeal.

Application of general rules

A2(1) Subject to these rules, to any enactment, and to any direction by an appeal judge, if these rules do not deal with a matter, the Rules of the Court of Justice apply to appeals, with any appropriate modifications.

(2) Where a rule provides that a specific Part or rule in the Rules of the Court of Justice applies to appeals, the specific Part or rule applies with any appropriate modifications.

(3) Court of Justice R. 713(3) does not apply to a time period or deadline referred to in these rules.

(4) In these rules, “appropriate modifications” means those changes and modifications to the use and interpretation of the Rules of the Court of Justice necessary or appropriate for them to apply to and to be used in appellate practice.

**Subdivision 2
Appeals as of Right**

Right to appeal

A3(1) Except as otherwise provided, an appeal lies to the Court of Appeal from the whole or any part of a decision of a judge of the Court of Justice sitting in court or chambers, or the verdict or finding of a jury.

(2) No appeal is allowed to the Court of Appeal from the dismissal by a judge of the Court of Justice of an application made without notice.

(3) Where an application has been made to the Court of Justice without notice and has been dismissed, the applicant may reapply

- (a) on notice, if the dismissal was for lack of notice, or
- (b) by renewal of the application if the dismissal was for reasons other than the lack of notice.

(4) No appeal is allowed

- (a) from a judgment granting a divorce, on or after the date on which the divorce takes effect, or
- (b) unless an appeal judge extends the time, from an order made in a divorce proceeding, more than 30 days after the date on which the order was made.

Subdivision 3 Appeals with Permission

Appeals only with permission

A4(1) Except as provided in this rule, no appeal is allowed to the Court of Appeal from the following types of decisions unless permission to appeal has been obtained from a single appeal judge or the court giving the order:

- (a) a decision of a single appeal judge;
- (b) any pretrial decision respecting adjournments, time periods or time limits;
- (c) any ruling during trial, where the appeal is brought before the trial is concluded;
- (d) a decision made on the consent of the parties;
- (e) a decision as to costs only, but an appeal or cross appeal is not “as to costs only” if a related substantive decision is also being appealed;
- (f) any decision where permission to appeal is required by an enactment;
- (g) any decision in a matter where the controversy in the appeal can be estimated in money and does not exceed the sum of \$25 000 exclusive of costs;
- (h) any decision on security for costs;
- (i) any appeal by a person who has been declared a vexatious litigant in the court appealed from or the Court of Appeal.

(2) Permission to appeal decisions of single appeal judges under paragraph (1)(a) must be sought from the same judge who made the decision that is to be appealed.

(3) No appeal is allowed under paragraph (1)(a) from a decision of a single appeal judge granting or denying permission to appeal.

(4) No appeal is allowed under paragraph (1)(i) from an order denying the vexatious litigant leave to institute or continue proceedings.

Subdivision 4 Cross Appeals

Cross appeals

A5(1) A respondent to an appeal may cross appeal any decision on which it could have commenced an appeal, by filing a notice of cross appeal under rule A9.

(2) Subject to subrule (3), where an appeal has been commenced as of right or with permission, the respondent does not need permission to file a cross appeal with respect to any decision described in subrule A4(1) if the cross appeal is only intended to vary the decision already under appeal.

(3) Where an enactment provides that an appeal may be commenced in the Court of Appeal with permission, a respondent who wishes to cross appeal must apply for permission to cross appeal.

Division 2 The Appeal Process

Subdivision 1 Starting an Appeal or Cross Appeal

How to start an appeal

A6 Appeals must be started

- (a) where an enactment or these rules give a right of appeal, by filing a notice of appeal under rule A7, or
- (b) where permission to appeal must be obtained, by applying for permission under rule A32, and if permission is granted, by then filing a notice of appeal under rule A7.

Filing a notice of appeal

A7(1) In this rule, “date of decision” means

- (a) in the case of a judgment, when the formal judgment has been signed, entered and served,
- (b) in the case of an order, when the order has been signed, issued and served,

- (c) in the case of a direction, when the judgment or order found on it has been signed, entered or issued, and served, and
- (d) in the case of a finding or verdict, when the judgment or order found on it has been signed, entered or issued, and served.

(2) An appellant must

- (a) file with the Registrar 3 copies of a notice of appeal that meets the requirements of rule A10 and Form AP-1,
 - (i) within the time for commencing an appeal stated in an enactment,
 - (ii) if the appellant is granted permission to appeal, within 10 days after the date permission is granted, or
 - (iii) if subclauses (i) and (ii) do not apply, within 30 days after the date of decision, or within a further time that the judge who made it, or a judge of the Court of Appeal, may allow,

and

- (b) for every other party to the appeal, file one additional copy of the notice of appeal within the time periods mentioned in clause (a), and serve a copy within 15 days of the time period.

(3) Where permission to appeal is required, an application for permission to appeal in accordance with rule A32 must be filed and served within the time periods mentioned in paragraph (2)(a).

(4) The appellant must serve a filed copy of the notice of appeal on every party to the decision that is the subject of the appeal and any person or body that these rules, an enactment or the direction of an appeal judge require to be served.

Appeals from several decisions

A8 A separate notice of appeal must be filed for each decision that is appealed, except where

- (a) the appeal concerns several decisions made by the court appealed from that arise out of the same hearing,

- (b) the appeal concerns a substantive decision, and a ruling on costs for the same hearing,
- (c) the appeal is of a decision that varies, confirms, explains, or provides for the enforcement of a previous decision, and the previous decision is also being appealed, or
- (d) a single appeal judge otherwise orders.

How to start a cross appeal

A9 A respondent who contends that the decision of the court appealed from should be varied must, within the time for filing an appeal or within 10 days of service of the notice of appeal, whichever is later,

- (a) file with the Registrar
 - (i) 3 copies of a notice of cross appeal in Form AP-2, or
 - (ii) where permission to cross appeal is required under subrule A5(3), an application for permission to cross appeal,

and

- (b) for every other party to the appeal and cross appeal, file and serve an additional copy of the notice of cross appeal or application.

Subdivision 2 Notices of Appeal and Cross Appeal

Contents and format of notices of appeal and cross appeal

A10(1) A notice of appeal must be in Form AP-1 and a notice of cross appeal must be in Form AP-2.

(2) A notice of appeal must contain the following information:

- (a) the parties' names, in the same order used in the style of cause in the court appealed from, with an indication of the status of each on the appeal and in the court appealed from,
- (b) the name and file number used in the court appealed from,
- (c) whether the whole or only part of the decision is appealed, and if only part is appealed, which part,

- (d) whether the action under appeal was the subject of a restricted court access order or of any statutory restriction on publication, and
- (e) the relief claimed.

(3) A notice of appeal or cross appeal must include

- (a) where permission to appeal was required, particulars of or a copy of the order granting permission to appeal, and
- (b) particulars of or a copy of the judgment, order or other decision being appealed.

**Subdivision 3
Appeal Record**

Ordering the Appeal Record

A11(1) Subject to rule A14, the appellant must

- (a) within 10 days after filing a notice of appeal, order or commence preparation of the Appeal Record,
- (b) within 10 days after filing a notice of appeal, order a transcript of
 - (i) all oral evidence,
 - (ii) subject to paragraph (iii), only such part of the argument as is necessary to dispose of the appeal,
 - (iii) all oral argument in a chambers hearing, if that hearing did not exceed one-half day, and
 - (iv) any oral reasons for the decision under appeal and for any other ruling that will be an issue on the appeal,

and

- (c) within 5 days after ordering the Appeal Record and transcripts, file a copy of the order and serve a filed copy on the respondent.

(2) Unless the Appeal Record is being prepared by the appellant, a copy of any amendment to, or countermand of, the instructions to prepare the Appeal Record or transcripts must be filed and served on the respondent within a reasonable time after the amendment is made or the countermand given.

Filing the Appeal Record

A12(1) Subject to rules A13 and A15, the appellant must file 5 copies of the Appeal Record, consisting of

- (a) Part 1 — Pleadings,
- (b) Part 2 — Final Documents, and
- (c) Part 3 — Transcripts, consisting of
 - (i) one paper and one electronic copy, if an electronic copy is available, or
 - (ii) 5 paper copies, if no electronic copy is available.

(2) In addition to the copies required under subrule (1), the appellant must serve on every other party to the appeal a copy of the Appeal Record, and an electronic copy of the Transcripts if available.

(3) The Appeal Record and Transcripts must be

- (a) prepared promptly and filed and served forthwith after they are prepared, and
- (b) filed not later than 6 months from the date on which the notice of appeal was filed,

or the appeal may be struck by a single appeal judge.

Contents of Appeal Record

A13(1) The Appeal Record must meet the requirements of rule A15 and must contain the following:

- (a) a Table of Contents at the beginning of every volume:
 - (i) listing separately each document and showing the page number where the document can be found;
 - (ii) including a copy of the Table of Contents for the Transcripts required by paragraph A13(1)(d)(i);
 - (iii) containing a list and description of all the exhibits entered in the trial court, and the page in the transcripts where the entry of the exhibit is shown.
- (b) Part 1 — Pleadings, which must contain the relevant pleadings in the action in chronological order, including

- (i) the relevant pleadings, but the last version only of any pleading that was amended before trial,
 - (ii) any amendments to pleadings made at trial, and
 - (iii) if the appeal concerns a decision arising from an application, a copy of the application;
- (c) Part 2 — Final Documents, which must include
- (i) the written or transcribed reasons
 - (A) that led to the decision being appealed, including the reasons for any decision rendered during the trial that is relevant to the disposition of the appeal, and
 - (B) of any prior decision of a judge or tribunal that led to the decision now appealed,
 - (ii) the formal judgment, order or decision appealed,
 - (iii) any restricted court access order,
 - (iv) any prior order, reference to which is required to resolve the appeal,
 - (v) the order granting permission to appeal, if any,
 - (vi) the notice of appeal,
 - (vii) the notice of cross appeal, if any,
 - (viii) when an enactment or these rules requires service on the Attorney General of Nunavut and Attorney General for Canada, or both, proof of that service, and
 - (ix) if there is no oral record that can be transcribed for Part 3, a notation to that effect in the Table of Contents.
- (d) Part 3 — Transcripts, which must contain the following information:
- (i) a table of contents at the beginning of every volume, listing separately each part of the transcript, the name of each witness and questioner and showing the page

number where the part or the testimony of the witness or questioner begins;

- (ii) all transcripts required by paragraph A11(1)(b);
- (iii) in the case of an appeal from a judgment in a jury trial, the answers given to any questions from the jury, the judge's charge to the jury and the address to the jury of each party.

(2) Where any document required for the Appeal Record is not available at the time of its preparation, a note to that effect must be inserted in the Appeal Record in its place, and sufficient copies of the unavailable document must be filed as soon as possible or included in or appended to another document required to be filed.

(3) A single appeal judge may set or vary the contents or format of the Appeal Record as the nature of the appeal requires, including giving directions respecting transcripts.

Contents of Appeal Record – appeals from tribunals

A14(1) Subject to the *Judicature Act* and any other enactment, where the appeal is from the decision of a person or body other than a court, the contents, format and filing of the Appeal Record must follow the format for appeals as set out in rule A15, except that, subject to any direction of a single appeal judge,

- (a) the contents of the Appeal Record must be prepared with appropriate changes, as the circumstances require, in order to ensure that the information required to resolve the appeal is before the Court, and
- (b) the Transcripts need only consist of any existing transcripts of evidence before the person or body whose decision is being appealed.

(2) A single appeal judge may make any order required to obtain production of records from the person or body whose decision is being appealed.

Format of Appeal Record

A15(1) The Appeal Record must

- (a) be printed single-sided and bound together along the right edge of the page so that the printed text is to the left of the binding;

- (b) number the Pleadings starting with page P1, and the Final Documents with page F1;
- (c) have red cardstock covers, front and back, prepared as required by subrule A73(2);
- (d) be divided into numbered volumes of approximately 200 pages each.

(2) The Transcripts must

- (a) be prepared by a professional court reporter recognized by the Registrar;
- (b) be paginated and printed double-sided;
- (c) have grey cardstock covers, front and back;
- (d) be divided into numbered volumes of approximately 200 pages each.

(3) Subject to any Practice Direction for Electronic Filing, with the consent of all parties, or by order of a single appeal judge, an Appeal Record may be completed in electronic format.

**Division 3
Preparing Written Argument and
Scheduling Oral Argument of Appeals**

**Subdivision 1
Factums**

Filing factums

A16(1) The appellant must file 5 copies of an appellant's factum that meet the requirements of rules A17 and A18, and must file and serve one additional copy on every other party to the appeal before the earlier of

- (a) 2 months after the filing of the Appeal Record, and
- (b) 6 months after the filing of the notice of appeal

or the appeal may be struck by a single appeal judge.

(2) The respondent, within 2 months of service of the appellant's factum must

- (a) file 5 copies of

- (i) a respondent’s factum that meets the requirements of rule A17 and rule A18, or
- (ii) a letter of intention not to file a factum;

and

- (b) for every other party to the appeal file and serve an additional copy of the factum or letter of intention.

(3) A respondent that does not file a factum will not be permitted to present oral argument unless the panel orders otherwise.

(4) Where a cross appeal has been filed, the appellant must file and serve a reply factum, or a letter of intention not to file a reply factum, within 10 days of service of the respondent’s factum.

Contents of factums

A17(1) A factum must include the following:

- (a) Table of Contents, including page numbers;
- (b) Part 1 — Facts: in the appellant’s factum, a statement of facts (including, if desired, a concise introductory statement of the legal issues raised), and in the respondent’s factum, its position on the facts as stated by the appellant, and any other facts considered relevant;
- (c) Part 2 — Grounds of Appeal: in the appellant’s factum, a concise statement of the grounds for appeal, and in the respondent’s factum, its position in regards to the stated grounds, and any other points that may properly be put in issue;
- (d) Part 3 — Standard of Review: a statement on the relevant standard of review;
- (e) Part 4 — Argument: a discussion addressing the questions of law or fact raised by the appeal;
- (f) Part 5 — Relief Sought: a statement of the relief sought, including any special direction with respect to costs;
- (g) the estimated time required for the oral argument, within the limits set out in subrule A23(5);
- (h) a comprehensive Table of Authorities

- (i) listing separately each authority, and
 - (ii) providing any neutral citation assigned to the authority by the court that decided it, and at least one print citation where available,
- (i) an Appendix containing extracts from any statute, enactment or rule necessary for the disposition of the appeal, unless they are reproduced elsewhere in the materials to be filed.
- (2) Where a cross appeal has been filed, the respondent's factum must consist of 2 sections, each of 5 parts as required by subrule (1), entitled "factum on the appeal" and "factum on the cross appeal", prepared in accordance with subrule (1) with any appropriate modifications.
- (3) An intervenor's factum must be prepared in the same form as a respondent's factum, with any appropriate modifications.
- (4) A single appeal judge may vary the format or filing of, or dispense with the preparation of, a factum.

Format of factums

A18(1) Factums must be

- (a) formatted using at least 12 point font, one-inch margins and at least one and one-half line spacing, except for quotations, and
 - (b) be printed single-sided and bound together along the right hand side of the page so that the printed text is to the left of the binding.
- (2) Parts 1 to 5 of a factum must not exceed in length
- (a) 30 pages for the parties,
 - (b) 40 pages for a respondent who has filed a cross appeal,
 - (c) 10 pages for an appellant's factum in response to a cross appeal,
 - (d) 30 pages for an intervenor.
- (3) Factums must contain precise references to the location, page numbers and paragraph numbers or lines of the Appeal Record, Extracts of Key Evidence and authorities referred to.

(4) Each factum must have cardstock covers, front and back, prepared as required by subrule A73(2), in the following colours:

- (a) appellants, including appellants who are cross respondents — beige or ivory;
- (b) respondents, including respondents who are cross appellants — green;
- (c) intervenors — blue.

Subdivision 2 Extracts of Key Evidence

Filing Extracts of Key Evidence

A19(1) Where necessary to resolve the issues in the appeal, each party to an appeal must file Extracts of Key Evidence that meet the requirements of rule A21,

- (a) containing extracts of the transcripts, exhibits and other material on the record needed to resolve the issues in the appeal,
- (b) excluding any evidence, exhibits and other materials unlikely to be needed, and
- (c) not containing any comment, argument, trial briefs, legal authorities or new evidence.

(2) If any document required by rule A13 is not available at the time of preparation of the Appeal Record, a copy must be included in the Extracts of Key Evidence or appended to the factum.

(3) A party preparing Extracts of Key Evidence must file with the Registrar, when or before filing that party's factum, 5 copies of the Extracts of Key Evidence, and must file and serve one additional copy on every other party to the appeal.

Record before the Court

A20(1) Subject to any enactment, all evidence or exhibits received by the court appealed from are an official part of the Appeal Record, notwithstanding that no copy is filed with the Court of Appeal.

(2) If an exhibit cannot be readily reproduced and will be referred to in argument, the Extracts of Key Evidence must be accompanied with a letter to the Registrar requesting that the original exhibit be made available at the hearing of the appeal.

(3) An appeal judge may direct, on any conditions that the judge considers to be appropriate, that any records before the court appealed from be transmitted to the Court of Appeal.

Format of Extracts of Key Evidence

A21 Extracts of Key Evidence must

- (a) have a table of contents at the beginning of every volume, listing separately each document, including each exhibit to any affidavit, and showing the page number where the document can be found;
- (b) be numbered sequentially throughout, commencing with
 - (i) page A1 for the appellant’s Extracts,
 - (ii) page R1 for the respondent’s Extracts, and
 - (iii) page I1 for the intervenor’s Extracts;
- (c) have cardstock covers, front and back, prepared as required by subrule A73(2), in the following colours:
 - (i) appellants, including appellants who are cross respondents — yellow;
 - (ii) respondents, including respondents who are cross appellants — pink;
 - (iii) intervenors — blue;
- (d) be bound in volumes of approximately 200 pages each, provided that if the Extracts of Key Evidence do not exceed 30 pages, they may be included as an appendix to the factum.

Subdivision 3 Books of Authorities

Books of Authorities

A22(1) Books of Authorities are not to be filed.

(2) If a party proposes to refer to specific passages in authorities during the oral argument, sufficient copies of the specific passages must be brought to the hearing for the use of the Court and the parties.

Subdivision 4 Scheduling Oral Argument

Oral argument

A23(1) Unless otherwise directed,

- (a) all appeals will be set down for an oral hearing, and
- (b) the appeal and any cross appeal will be argued at the same time.

(2) On agreement of all parties, but subject to any contrary direction, the Court of Appeal may hear and decide an appeal without oral argument.

(3) Unless otherwise ordered, appeals from decisions made under the Small Claims Rules will be decided without oral argument.

(4) The Court of Appeal may proceed with the hearing of an appeal when scheduled, even if

- (a) a party does not appear at the scheduled time, or
- (b) any party has failed to file its factum.

(5) Unless the panel otherwise permits, oral argument must not exceed 45 minutes for each separately represented party in the appeal, with any consolidated appeals to be treated as one appeal.

(6) The Court shall sit at such times and places as the Chief Justice of the Court appoints.

(7) If present, the Chief Justice presides at the sittings of the Court, but otherwise the senior judge not being a supernumerary judge presides.

Scheduling appeals

A24(1) The list of appeals will be called by a single judge at times scheduled for the Speaking to the List.

(2) The parties to every appeal shall appear at the Speaking to the List and provide an update as to the progress of the appeal.

(3) If the Appeal Record and factums have been filed at the time the list is spoken to, the appeal shall be scheduled for hearing at the next or a subsequent sitting of the Court.

(4) An appeal that has not been perfected at the time the list is spoken to shall not be scheduled for hearing, save in exceptional circumstances and on any terms specified by the judge.

(5) If an appeal is not spoken to or scheduled for hearing at the Speaking to the List, the judge may

- (a) order that the appeal remain on the list,
- (b) strike the appeal for delay or want of prosecution, or
- (c) make any procedural order required to advance the appeal.

(6) An appeal on the list may be adjourned indefinitely, and thereafter placed back on the list by any party, but unless extensions are obtained the deadlines in these rules continue to apply.

Rescheduling appeals

A25(1) A scheduled oral hearing may not be adjourned or rescheduled unless the appeal has been discontinued or settled or a single appeal judge permits the hearing to be adjourned or rescheduled.

(2) A single appeal judge may at any time set down or reschedule an appeal, or place any appeal on or remove any appeal from the hearing list.

Division 4 Applications

Subdivision 1 Deciding Applications

Single appeal judges

A26(1) Unless an enactment or these rules otherwise require, a single appeal judge may hear and decide any application incidental to an appeal.

(2) For greater certainty, a single appeal judge may

- (a) grant permission to appeal, unless an enactment requires that an application for permission to appeal must be heard by a panel of the Court of Appeal;
- (b) declare an appeal to be struck, dismissed or abandoned for failure to comply with a mandatory rule, prior order or direction of the Court of Appeal;

- (c) when a notice of appeal or an application for permission to appeal is not filed within the time limit, strike the appeal or application or extend the time to appeal or to seek permission to appeal;
- (d) dismiss an appeal if it has not been significantly advanced in over 6 months and significant prejudice has resulted to a party;
- (e) grant leave to intervene;
- (f) refer any application to a panel of the Court of Appeal.

Court of Appeal panels

A27(1) A panel of the Court of Appeal may decide any application, including those that could have been decided by a single appeal judge.

(2) The following applications must be heard by a panel of the Court of Appeal:

- (a) an application to allow or dismiss an appeal on the merits;
- (b) an application for new evidence, unless a panel of the Court of Appeal directs that the application be heard by a single appeal judge;
- (c) an application to reargue or reopen an appeal;
- (d) an application for directions required to give effect to any decision of the Court of Appeal, unless a panel of the Court of Appeal directs that the application be heard by a single appeal judge;
- (e) an application to reconsider a prior precedential decision of the Court.

Subdivision 2 How to Apply

Applications to single appeal judges

A28(1) Subject to Subdivision 3, an application to a single appeal judge must be made by filing 3 copies of

- (a) an application that meets the requirements of rule A41,
- (b) any accompanying affidavit, if required,
- (c) other material to be relied on, even if previously filed, and

- (d) a memorandum of argument that meets the requirements of rule A42.

(2) Unless otherwise ordered and subject to rule A32, the applicant must file and serve one additional copy of the application and other materials on every other party to the appeal at least 10 days before the application is scheduled to be heard.

Responses to applications to single appeal judges

A29 The respondent to an application to a single appeal judge must, at least 5 days before the scheduled hearing of the application,

- (a) file 3 copies of a reply memorandum of argument and any accompanying affidavit (if required) and any other materials to be relied on, prepared in compliance with Subdivision 5, and file additional copies and serve them on every other party, or
- (b) file 3 copies and serve a letter indicating that no additional materials will be filed by the respondent.

Applications to court of appeal panels

A30(1) Subject to Subdivision 3, an application to a panel of the Court of Appeal must be made by filing 5 copies of

- (a) an application that meets the requirements of rule A41,
- (b) any accompanying affidavit, if required,
- (c) other material to be relied on, even if previously filed, and
- (d) a memorandum of argument,

prepared in compliance with Subdivision 5.

(2) For every other party to the appeal, the applicant must file and serve one additional copy of the application and other materials at least 20 days before the application is scheduled to be heard.

Responses to applications to court of appeal panels

A31 The respondent to an application to a panel of the Court of Appeal must, at least 10 days before the scheduled hearing of the application,

- (a) file 5 copies of a reply memorandum of argument and any accompanying affidavit (if required), prepared in

compliance with Subdivision 5, and file and serve additional copies on every other party to the appeal, or

- (b) file 5 copies and serve a letter indicating that no additional materials will be filed by the respondent.

Subdivision 3 Rules for Specific Applications

Application for permission to appeal

A32(1) An application for permission to appeal must comply with rules A4(2) and A28 and

- (a) must be filed and served within the period specified in any enactment or these rules, or
- (b) if there is no time for filing permission to appeal specified in any enactment or these rules, must be filed and served within the time for filing appeals set out in rule A7.
- (c) in an application for permission to appeal, must
 - (i) include a copy of the reasons for the decision proposed to be appealed, and
 - (ii) state the exact questions of law on which permission to appeal is requested.

(2) An application for permission to appeal that has not been heard within 6 months from the date of the filing of the application is deemed to have been abandoned unless a single appeal judge otherwise directs.

(3) Applications to preserve a time limitation may be brought on the notice a single appeal judge directs.

Application to admit new evidence

A33(1) An application to admit new evidence must be filed and served prior to the filing of, and prior to the deadline for filing, the applicant's factum.

(2) In addition to the documents required by subrule A30(1), the applicant must file

- (a) 5 copies of the proposed new evidence, and

- (b) 5 envelopes large enough to contain a copy of the new evidence, marked “New Evidence” and with the appeal number and style of cause.

Application to reconsider a previous decision

A34 An application to reconsider a precedential decision of the Court of Appeal must be filed and served and must be returnable prior to the filing of, and prior to the deadline for filing, the applicant’s factum.

Application to restore an appeal

A35 An application to restore an appeal that has been struck out or deemed abandoned or deemed dismissed must be filed and served and must be returnable within 6 months after having been struck, deemed abandoned or deemed dismissed.

Stay pending appeal

A36 An application to stay proceedings or enforcement of a decision pending appeal may be made

- (a) to the judge who made that decision, or
- (b) to a single appeal judge, whether or not the application was made to the judge who made the decision, and whether or not that application was granted or dismissed.

**Subdivision 4
Deciding Applications**

Failure to respond

A37 A respondent who fails to respond to an application or who elects not to file a memorandum in response to an application may not present oral argument at the hearing of the application unless the single appeal judge or the panel of the Court of Appeal otherwise permits.

Time limits for oral argument

A38 Unless otherwise permitted,

- (a) subject to clause (b), oral argument on an application, including a reply, before a single appeal judge or a panel of the Court of Appeal may not exceed 15 minutes for each party to the application,
- (b) oral argument on an application for permission to appeal, including a reply, may not exceed 30 minutes for each party to the application, and

- (c) consolidated applications are to be treated as one application for the purposes of this rule.

Applications without oral argument

A39(1) On agreement of all parties, but subject to any contrary direction, a single appeal judge or a panel of the Court of Appeal may hear and decide applications without oral argument.

(2) Unless otherwise ordered, applications respecting decisions made under the Small Claims Rules, including applications for permission to appeal will be decided without oral argument.

Applications not heard within 3 months

A40 Subject to subrule A32(2), if an application is not heard within 3 months after the date the application is filed, the application is deemed to be abandoned unless a single appeal judge otherwise directs.

Subdivision 5 Format of Applications and Responses

Format of applications

A41 An application to a single appeal judge or a panel of the Court of Appeal must be in Form AP-3 and must

- (a) state briefly the grounds for filing the application,
- (b) identify the material or evidence intended to be relied on,
- (c) refer precisely to any applicable provision of an enactment or rule, and
- (d) state the remedy sought.

Format of memoranda

A42 Memoranda filed on an application

- (a) must not be longer than 10 double-spaced pages on an application for permission to appeal and 5 double-spaced pages for any other application,
- (b) may in addition attach a chronology, where that is relevant to the application, and

- (c) in an application for permission to appeal, must include a copy of the reasons for the decision proposed to be appealed.

Division 5 Managing the Appeal Process

Subdivision 1 Responsibilities of the Parties and Court Assistance

Responsibility of parties to manage an appeal

A43(1) The parties to an appeal are responsible for managing the appeal and for planning its resolution in a timely and cost-effective way.

(2) The parties may seek advice and direction for managing the appeal from a single appeal judge.

Orders to facilitate appeal

A44 If an appeal is not being managed in an appropriate way, a single appeal judge may make a procedural order, an order expediting the appeal, or any other appropriate order.

Subdivision 2 Parties to an Appeal

Adding, removing or substituting parties to an appeal

A45 A party or person may be added, removed or substituted as a party to an appeal in accordance with Part 7 of the Court of Justice rules.

Intervenor status on appeal

A46(1) In addition to persons having a right to intervene in law, a single appeal judge may grant status to a person to intervene in an appeal, subject to any terms and conditions and with the rights and privileges specified by the judge.

(2) A person granted intervenor status in the court appealed from must apply again to obtain intervenor status on an appeal.

(3) Unless otherwise ordered, an intervenor may not raise or argue issues not raised by the other parties to the appeal.

Subdivision 3 Settlement Using Court Process

Formal offers to settle

A47(1) No later than 10 days before an appeal is scheduled to be heard, a party may serve on the party to whom the offer is made a formal offer to settle the appeal or any part of the appeal in accordance with Part 13 of the Rules of the Court of Justice.

(2) A valid formal offer to settle an appeal may be accepted in accordance with Part 13 of the Rules of the Court of Justice.

(3) Unless a valid formal offer to settle an appeal is withdrawn under Part 13 of the Rules of the Court of Justice, the valid formal offer to settle an appeal remains open for acceptance until the earlier of

- (a) the expiry of 2 months after the date of the offer or any longer period specified in the offer, and
- (b) the start of the oral hearing of the appeal.

(4) Where a formal offer to settle an appeal is made, costs of the appeal must be awarded in accordance with Part 13 of the Rules of the Court of Justice.

Subdivision 4 Delay in Advancing Appeals

Dismissal for delay

A48 A panel of the Court of Appeal may dismiss an appeal if it is satisfied that delay in advancing the appeal has resulted in significant prejudice to a party.

Powers of a single appeal judge

A49 If delay occurs in the advancement of an appeal, a single appeal judge may

- (a) make a procedural order or otherwise give directions to expedite the appeal, or
- (b) dismiss the appeal, if it has not been significantly advanced for over 6 months and significant prejudice has resulted to a party.

Failure to meet deadlines

A50 An appeal may be struck by a single appeal judge if

- (a) the appellant has failed to file the Appeal Record within the time period set out in these rules,
- (b) the appellant has failed to file its factum before the expiry of the deadline for filing the factum, or
- (c) an appeal has not been scheduled for oral argument before the earlier of
 - (i) 6 months after the deadline for the filing of the last factum in the appeal, and
 - (ii) 12 months after the filing of the notice of appeal,

Restoring appeals

A51(1) An appeal or application for permission to appeal that has been struck, dismissed or deemed abandoned by operation of these rules or the provisions of any order, or by failure of any party to appear when required, may be restored with the filed written consent of the parties or by order of a single appeal judge on application under rule A35.

(2) An order or written consent restoring an appeal must set deadlines and directions for the filing of any outstanding materials, and if the appellant fails to comply with any of those deadlines or directions, the appeal is deemed to have been struck again.

(3) An appeal or application is deemed to have been abandoned if no application to restore an appeal or application for permission to appeal has been filed, served and granted within 6 months after having been struck, deemed abandoned or deemed dismissed.

Subdivision 5 Discontinuing an Appeal

Discontinuance

A52(1) The appellant may discontinue the appeal by filing and serving a notice to discontinue in Form AP-4, and the respondent is entitled to a costs award for having responded to the appeal.

(2) The discontinuance of an appeal does not operate as a discontinuance of a cross appeal.

Subdivision 6 Security for Costs

Security for costs

A53(1) A single appeal judge may order a party to provide security for payment of a costs award.

(2) Where a party does not provide security as ordered, the appeal is deemed to have been abandoned and the other party is entitled to a costs award.

Division 6 Deciding Appeals and Applications

Subdivision 1 Effect of Filing an Appeal

No stay of enforcement

A54 Unless otherwise ordered under rule A36 or provided by law, the filing of an appeal or an application for permission to appeal does not operate as a stay of proceedings or enforcement of the decision under appeal.

Intermediate acts valid

A55 Unless otherwise ordered by the court appealed from, an appeal does not invalidate any intermediate act or proceeding taken.

Subdivision 2 Basis on Which Appeals Are Decided

No new evidence without order

A56 Unless an order is granted under rule A33 permitting the reliance on new evidence, appeals will be decided on the record before the court appealed from.

Interlocutory decisions

A57 An interlocutory order of the court appealed from does not restrict the ability of the Court of Appeal to decide an appeal, despite there having been no appeal from the interlocutory order.

Binding precedents

A58 Unless permission has been granted under rule A34 by a panel of the Court of Appeal, no party may argue that a prior precedential decision of the Court should be reconsidered.

Subdivision 3 Powers of the Court

Procedural powers

A59 In addition to the powers otherwise provided for in these rules, a single appeal judge or a panel of the Court of Appeal may

- (a) adjourn any appeal or matter, with or without conditions,
- (b) cure any contravention, non-compliance or irregularity in procedure, or permit or direct any amendment or any deviation from the requirements of these rules with respect to the form or filing of any document,
- (c) render judgment at any time,
- (d) render or sign judgment on behalf of another judge or a panel when authorized to do so,
- (e) inspect any property in accordance with an order made under Court of Justice rule 338,
- (f) hear any appeal or application electronically, and
- (g) enlarge or abridge the time specified by these rules or an order on such terms as are considered just, either before or after the expiry of the time.

Application to dismiss an appeal

A60 On application, a panel of the Court of Appeal may dismiss all or part of an appeal and may make any order that the circumstances require, including a costs award, if

- (a) the Court of Appeal has no jurisdiction,
- (b) the appeal is moot,
- (c) the appeal is frivolous, vexatious, without merit or improper, or
- (d) the appeal or any step in the appeal is an abuse of process.

Disposing of appeals

A61(1) Unless an enactment otherwise provides, when deciding an appeal, the Court of Appeal may

- (a) receive further evidence,
- (b) draw inferences of fact,

- (c) give any judgment or order that ought to have been made by the court appealed from,
- (d) direct the resumption or continuation of any proceeding before the court appealed from,
- (e) vary or reverse a finding on any question, without interfering with the finding or decision on any other question,
- (f) direct a new trial on the whole or any part of the decision under appeal, or with respect to some or all of the parties, and
- (g) give any other decision or direction required to resolve the appeal.

(2) The Court of Appeal may dismiss an appeal despite an error of law or fact, a misdirection or an erroneous ruling on the evidence where

- (a) no substantial wrong or miscarriage of justice has resulted,
- (b) the decision would have been the same despite the error, or
- (c) despite any irregularity, no significant prejudice has been experienced by any party.

Judgment by consent

A62 A respondent may consent to the reversal or variation of the decision under appeal in accordance with Court of Justice rule 404.

Subdivision 4 Judgments and Orders

Preparation and signature of judgments and orders

A63(1) Unless otherwise ordered, within 10 days of pronouncement the successful party shall prepare the draft order or judgment and serve it on the other parties, and the other parties must approve or provide objections to the draft within 10 days after service.

(2) The Court of Appeal may authorize a single appeal judge to settle the form of any order or judgment.

(3) A judgment or order may be signed by the judge or the panel who granted it or by the Registrar.

Entry of judgments and orders

A64(1) The Registrar must enter all judgments and orders on the court file, showing the date of entry, and unless otherwise ordered the judgment is effective as if it were a judgment or order of the court appealed from.

(2) Any interested person may file a copy of the Court's judgment in the court appealed from.

Supreme Court of Canada judgments

A65 The Registrar must

- (a) enter any judgment granted by the Supreme Court of Canada on the file of the Court of Appeal, showing the date of entry, and
- (b) send a copy of the judgment of the Supreme Court of Canada to the clerk of the court appealed from for filing in that court, and the judgment may be acted on as if it were a judgment of that court.

Interest on judgments

A66 If a decision awarding a sum of money is reversed or varied, interest is payable on the amount of the appeal judgment from the date that the decision under appeal was pronounced.

Division 7 General Rules for Appeals

Subdivision 1 Service of Appeal Documents and Representation

Service of appeal documents

A67(1) A notice of appeal and an application for permission to appeal may be served

- (a) at the address for service provided in the court appealed from as referred to in Court of Justice rule 41, or
- (b) otherwise as an originating document under the Rules of the Court of Justice.

(2) All other materials required or authorized to be served under this Part may be served in accordance with Part 5 of the Rules of the Court of Justice.

Lawyer of record and litigation representative

A68(1) Unless otherwise ordered,

- (a) the lawyer of record in the court appealed from continues as the lawyer of record on the appeal until ceasing to be so in accordance with Part 51 of the Rules of the Court of Justice, and
- (b) a litigation representative in the court appealed from continues in that capacity in the appeal.

(2) Legal Aid duty counsel is not the lawyer of record for the purposes of this rule.

**Subdivision 2
Restricted Access Orders**

Orders restricting access to appeal proceedings

A69(1) A restricted court access order made by the court appealed from continues in force and applies to the appeal or an application for permission to appeal until otherwise ordered by a single appeal judge.

(2) A single appeal judge may make a restricted court access order with respect to an appeal or an application for permission to appeal.

**Subdivision 3
Rules for All Filed Materials**

Place of filing

A70 Unless otherwise directed, an appeal must be carried on, and all material must be filed, at the office of the Registrar in Iqaluit.

Method of filing

A71 The Registrar must assign an appeal number to each appeal and endorse that number and the date of filing on any document filed in the appeal.

Non-compliant appeal materials

A72 Appeal materials may by order of a single appeal judge be dispensed with, varied as to form, or amended in accordance with Part 8 of the Rules of the Court of Justice.

Requirements for all documents

A73(1) All materials prepared for an appeal must

- (a) be succinct, legible and divided into a single series of consecutively numbered paragraphs,

- (b) include the names of the parties in a style of cause in Form AP-6,
 - (i) as set out in the notice of appeal, unless amended,
 - (ii) listed in the same order in which they were listed in the style of cause in the court appealed from, and
 - (iii) including the status of the party in the appeal and in the court appealed from,
- (c) identify the nature of the material, the name of the party filing it, and that party's status on the appeal,
- (d) provide an address for service,
- (e) provide the name, address and contact information of the person who prepared the material,
- (f) be divided into volumes of approximately 200 pages each, and
- (g) be 11" x 8.5" in size.

(2) The Appeal Record, factums, and Extracts of Key Evidence must have a cover page in Form AP-5 that includes the name of the Court of Appeal and the appeal number assigned by the Registrar.

Subdivision 4 Costs of Appeals

Cost awards

A74(1) Unless otherwise ordered, the successful party in an appeal or an application is entitled to a costs award against the unsuccessful party, calculated with reference to Schedule 2 of these rules, including reasonable disbursements, fees and GST.

(2) The provisions of Part 50 of the Rules of the Court of Justice apply to appeals provided that the Registrar shall act as the taxing officer.

(3) Unless otherwise ordered, the scale of costs in an appeal shall be the same as the scale that applies to the order or judgment appealed from.

Subdivision 5 Fees on Appeal

Fees and allowances

A75 In every appeal there must be paid to the Registrar or other appropriate person, at the time of filing, the fees specified in Schedule B, unless the Registrar waives the fee, in whole or in part, in accordance with guidelines, if any, established or adopted by the Attorney General for persons unable to pay fees.

Subdivision 6 Sanctions

Sanctions

A76(1) In addition to the sanctions set out in Part 52 of the Rules of the Court of Justice,

- (a) 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
 - (i) failed to comply with a deadline set out in these rules,
 - (ii) filed a document that fails to comply in a substantial respect with the requirements of these rules, or
 - (iii) filed a document that is carelessly or inadequately prepared or that contains illegible material or text;
- (b) in the case of any non-compliance with a rule or a direction or order, a single appeal judge or a panel of the Court of Appeal may strike from the record any document, including a notice of appeal or cross appeal, or provide directions for the management of the appeal.

(2) Where an appeal has been struck by operation of these rules or the provisions of any order or because of the failure of any party to appear when required, or has been deemed to have been struck or abandoned, the respondent is entitled to a costs award for having responded to the appeal.

(3) A single appeal judge may order the interim release of the appellant pending the appeal of any order for the imprisonment or other restraint of the liberty of the appellant arising from a civil sanction imposed by the court appealed from.

Subdivision 7 The Registrar

Duties of a Registrar

A77 A Registrar must perform the duties required by these rules and the Court of Appeal, including, subject to any direction of the Court,

- (a) establishing and maintaining a court file for each appeal,
- (b) establishing and maintaining the list of pending appeals,
- (c) receiving and filing all appeal materials, having control and custody of them, and distributing them to the judges as required,
- (d) attending in court as required and keeping a record of all proceedings before the Court and its judges, including
 - (i) keeping records of particulars of the appeals heard and the judges in attendance,
 - (ii) identifying the appearing parties and their counsel,
 - (iii) keeping records of the result of the appeal, and
 - (iv) noting the time occupied in hearing,
- (e) keeping proper accounts of money and property received or dispersed,
- (f) settling and signing judgments and orders in accordance with these rules, and
- (g) at the conclusion of an appeal, returning to the court appealed from any records of that court.

Authority of the Registrar

A78 The Registrar may, with or without consulting with a judge,

- (a) where any document presented for filing is irregular, not readily legible or otherwise carelessly or inadequately prepared,
 - (i) accept the document for filing, with or without advising the party presenting the document of the deficiency,

- (ii) accept the document for filing and note the deficiency on the face of the document,
 - (iii) accept the document for filing on terms, directions or undertakings to be agreed to by the filing party, or
 - (iv) in the case of a significant deficiency that prevents the Registrar from filing the document, or that is likely to prejudice a party or interfere with the disposition of the appeal, reject the document;
- (b) refuse to accept a document for filing, or to perform any other official act, where the instructions to the Registrar are not clear;
 - (c) endorse a document as having been filed on the date when the document was first tendered for filing;
 - (d) subject to any conditions that the Registrar may specify, require personal attendance in an office of the Registrar of the Court of Appeal by a party filing any appeal materials, or accept documents for filing by mail or electronically;
 - (e) publish Practice Directions for Electronic Filing, which may specify
 - (i) the type of document that the Registrar will accept for electronic filing, and the procedure for electronic filing,
 - (ii) the format in which the Registrar will accept documents electronically,
 - (iii) the number of paper copies of documents required when electronic filing is utilized, and the distribution of those copies,
 - (iv) any other matter that is necessary or convenient to permit electronic filing of documents;
 - (f) bring to the attention of the Court for summary determination any appeal that the Registrar determines is frivolous or vexatious or significantly irregular, or that can otherwise be determined on a summary basis.

Schedule 1 Forms

	Rule #	Form #
Civil Notice of Appeal	A7 & A10	AP-1
Civil Notice of Cross Appeal	A9 & A10	AP-2
Application	A41	AP-3
Discontinuance of Appeal	A52	AP-4
Cover Page	A73	AP-5
Style of Cause	A73	AP-6

NUNAVUT COURT OF APPEAL

Form AP-1

[Rules A7 & A10]

Registrar's stamp:

COURT OF APPEAL FILE NUMBER:

TRIAL COURT FILE NUMBER:

PLAINTIFF/APPLICANT:

STATUS ON APPEAL:

DEFENDANT/RESPONDENT:

STATUS ON APPEAL:

DOCUMENT

CIVIL NOTICE OF APPEAL

APPELLANT'S ADDRESS FOR SERVICE AND CONTACT INFORMATION:

<p>WARNING To The Respondent: If you do not respond to this appeal as provided for in the Rules, the appeal will be decided in your absence and without your input.</p>

1 Particulars of Judgment, Order or Decision Appealed from:

Date pronounced: _____

Date entered: _____

Date served: _____

Official neutral citation of reasons for decision if any:
(do not attach copy) _____

(Attach a copy of order or judgment: Rule A10(3). If a copy is not attached, indicate under item 11 and file a copy as soon as possible: Rule A13(2).)

2 Indicate where the matter originated:

Nunavut Court of Justice

Justice: _____

Board, Tribunal or Professional Discipline Body

Specify Body: _____

3 Details of Permission to Appeal, if required (Rules A4 and A10(3)(a)).

Permission not required, or Granted:

Date: _____

Justice: _____

(Attach a copy of order, but not reasons for decision.)

4 Portion being appealed (Rule A10(2)(c)):

Whole, or

Only specific parts (if specific part, indicate which part):

(Where parts only of a family law order are appealed, describe the issues being appealed, e.g. property, child support, parenting, etc.)

5 Provide a brief description of the issues:

6 Provide a brief description of the relief claimed:

7 Will an application be made to expedite this appeal?

Yes No

8 Could this matter be decided without oral argument?

(Rule A23(2))

Yes No

9 Are there any restricted court access orders or statutory provisions that affect the privacy status of this file? (Rules

A10(2)(d), A69)

Yes No

If yes, provide details: _____

(Attach a copy of any order.)

10 List respondent(s) or counsel for the respondent(s), with contact information.

If specified constitutional issues are raised, service on the Attorney General is required under s. 58 of the Judicature Act: Rule A13(1)(c)(viii).

11 Attachments (as applicable)

Order or judgment under appeal if available (not reasons for decision) (Rule A10(3))

Order granting permission to appeal (Rule A10(3)(a))

Copy of any restricted access order (Rule A10(2)(d))

If any document is not available, it should be appended to the factum, or included elsewhere in the appeal record.

NUNAVUT COURT OF APPEAL

Form AP-2
[Rule A9 & A10]

Registrar's stamp:

COURT OF APPEAL FILE NUMBER:

TRIAL COURT FILE NUMBER:

PLAINTIFF/APPLICANT:

STATUS ON APPEAL:

DEFENDANT/RESPONDENT:

STATUS ON APPEAL:

DOCUMENT

CIVIL NOTICE OF CROSS APPEAL

ADDRESS FOR SERVICE AND CONTACT
INFORMATION OF RESPONDENT/CROSS APPELLANT
FILING THIS DOCUMENT:

and CONTACT INFORMATION OF ALL OTHER PARTIES:

TAKE NOTICE THAT ON THE APPEAL the Respondent/Cross
Appellant intends to argue that the decision under appeal be varied.

1. Particulars of portions of decision to be varied:

2. Relief Requested:

NUNAVUT COURT OF APPEAL

Form AP-3

[Rule A41]

Registrar's stamp:

COURT OF APPEAL FILE NUMBER:

TRIAL COURT FILE NUMBER:

PLAINTIFF/APPLICANT:

STATUS ON APPEAL:

DEFENDANT/RESPONDENT:

STATUS ON APPEAL:

DOCUMENT

APPLICATION OF

(name of party and status on appeal)

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS DOCUMENT:

and CONTACT INFORMATION OF ALL OTHER PARTIES:

NOTICE TO RESPONDENT(S)

(Indicate name(s) of respondent(s) to this application, and their status on appeal.)

WARNING

If you do not come to Court on the date and time shown below either in person or by your lawyer, the Court may give the applicant what it wants in your absence. You will be bound by any order that the Court makes. If you intend to rely on other evidence or a memorandum in support of your position when the application is heard or considered, you must file and serve those documents in compliance with the Rules. (Rules A29 and A31)

NOTICE TO RESPONDENT(S)

You have the right to state your side of this matter before the Court.

To do so, you must be in court when the application is heard as shown below.

Date _____

Time _____

Where _____

Before single judge of the court (Rule A26)

panel of the court (Rule A27)

Nature of Application and Relief Sought:

1.

Grounds for making this application:

2.

Material or evidence to be relied on:

3.

Applicable Acts, regulations and rules:

4.

NUNAVUT COURT OF APPEAL
Form AP-4
[Rule A52]

Registrar's stamp:

COURT OF APPEAL FILE NUMBER:

TRIAL COURT FILE NUMBER:

PLAINTIFF/APPLICANT:

STATUS ON APPEAL:

DEFENDANT/RESPONDENT:

STATUS ON APPEAL:

DOCUMENT

DISCONTINUANCE OF APPEAL

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS DOCUMENT:

and CONTACT INFORMATION OF ALL OTHER PARTIES:

The Appellant(s) discontinues this appeal [*specify whole, or parts discontinued*] against the Respondent(s) [*or name applicable Respondent(s)*].

Dated this ____ day of _____, 20__.

NOTE

If you discontinue the appeal, the other party is entitled to costs (Rule A52) unless the other party has consented to a discontinuance without costs.

NUNAVUT COURT OF APPEAL

Form AP-5
[Rule A73]

Registrar's stamp:

COURT OF APPEAL FILE NUMBER:

TRIAL COURT FILE NUMBER:

PLAINTIFF/APPLICANT:

STATUS ON APPEAL:

DEFENDANT/RESPONDENT:

STATUS ON APPEAL:

DOCUMENT

COVER PAGE

Appeal from the Decision of

The Honourable Mr./Madam Justice _____

Dated the _____ day of _____, 20____

Filed the _____ day of _____, 20____

*Title of Book (including name and status on appeal of filing party),
volume number, and page numbers and/or tabs included in volume*

Party's name, counsel's name,
address, telephone and fax number
of party filing this document.

Contact information of all
other parties to the appeal

*For Appeal Record add name, address and telephone and fax
numbers of the individual or organization that prepared the appeal
record, and include:*

The appeal record has been prepared in electronic format
 document format

NUNAVUT COURT OF APPEAL

Form AP-6
[Rule A73]

Registrar's stamp:

COURT OF APPEAL FILE NUMBER:

TRIAL COURT FILE NUMBER:

PLAINTIFF/APPLICANT:

STATUS ON APPEAL:

DEFENDANT/RESPONDENT:

STATUS ON APPEAL:

DOCUMENT

(type of document)

(name of party and status on appeal)

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS DOCUMENT:

and CONTACT INFORMATION OF ALL OTHER PARTIES:

**Schedule 2
Costs of Appeal**

Item and Item Number	Column 1 Over \$20,000 up to and including \$75,000	Column 2 Over \$75,000 up to and including \$200,000	Column 3 Over \$200,000 up to and including \$675,000	Column 4 Over \$675,000 up to and including \$2 million	Column 5 Over \$2 million
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Unless the Court otherwise orders, matters which have no monetary amounts, for example, injunctions, will be dealt with under Column 1

2.1 All steps taken to file Notice of Appeal and speak to the list	270	400	540	675	800
2.2 Preparation for appeal					
Preparation of factum	1,350	2,700	5,400	8,100	10,800
All other preparation	675	1,350	2,700	4,050	5,400
2.3 Appearance to argue before Appeal Court for first 1/2 day or part of it.					
First counsel	1,350	2,025	2,700	3,375	4,050
Second counsel (when allowed by the Court)	675	1000	1,350	1,685	2,025
2.4 Appearance to argue before Appeal Court for each full 1/2 day occupied after the first 1/2 day.					
First counsel	675	1000	1,485	1,755	2,160
Second counsel (when allowed by the Court)		500	675	875	1080
2.5 Appearance on contested application before Appeal Court, including brief.	1000	1,685	2,360	2,700	3,375