

Form 1  
(Rule 3(a))

Court of Appeal File No. ....

Supreme Court File No. ....

Supreme Court Registry Whitehorse

**COURT OF APPEAL**

BETWEEN:

Appellant/Respondent  
(Plaintiff\*)

AND:

Appellant/Respondent  
(Defendant\*)

[\* Include only those parties whose interests are affected by the order sought by the appellant(s), except that the name of Plaintiff or Applicant in the Court below should always appear first]

**NOTICE OF APPLICATION FOR LEAVE TO APPEAL**

Take notice that .....[name the party] hereby applies for leave to appeal to the Court of Appeal for Yukon Territory from the order of ..... of the ..... [name of Court or Tribunal appealed from] pronounced the ..... day of ....., 20....., at ....., Yukon Territory. [If the appeal is from a part of the judgment only, please specify the part] .....

1. The appeal is from a:

- Trial Judgment                       Summary Trial Judgment
- Order of a Statutory Body         Chambers Judgment

2. If the appeal is from an appeal under Rule 49 or 53 (6) of the Supreme Court Rules, name the maker of the original decision, direction or order:

3. Please identify which of the following is involved in the appeal:

- Constitutional/Administrative       Civil Procedure                       Commercial
- Family                       Motor Vehicle Accidents       Municipal Law
- Real Property     Torts       Equity
- Wills and Estates

And further take notice that the Court of Appeal will be moved at the hearing of this application for an order that

.....  
.....  
.....

[Here set out the order that the appellant desires the Court to make, including any special disposition with respect to costs]

The grounds of appeal are:

.....  
.....  
.....

The trial/hearing of this proceeding occupied ..... days/hours.

Dated at ....., Yukon Territory, this ..... day of ....., 20.....

.....  
Appellant/Solicitor for the Appellant

To the respondent(s): .....

And to its solicitor:.....

This Notice of Leave to Appeal is given by .....,

whose address for service is .....

.....

To the respondent(s):

IF YOU INTEND TO PARTICIPATE in this proceeding, YOU MUST GIVE NOTICE of your intention by filing a form entitled “Notice of Appearance” (Form 2 of the Court of Appeal Rules) in the Court of Appeal registry and serve the notice of appearance on the appellant WITHIN 10 DAYS of receiving this Notice of Application for Leave to Appeal.

IF YOU FAIL TO FILE A NOTICE OF APPEARANCE

- (a) you are deemed to take no position on the application, and
- (b) the parties are not obliged to serve you with any further documents related to the application.

The filing registry for the Yukon Territory Court of Appeal is:

Yukon Court of Appeal  
The Law Courts  
2134 – Second Avenue  
Whitehorse, Yukon Y1A 5H6

Inquiries should be addressed to (867) 667-3429

Fax filings: (867) 393-6212

Form 2  
(Rules 5(a), 13(a) and 17(a))

Court of Appeal File No. ....

**COURT OF APPEAL**

BETWEEN:

Appellant/Respondent  
(Plaintiff)

AND:

Appellant/Respondent  
(Defendant)

**NOTICE OF APPEARANCE**

Enter an appearance on behalf of

.....*[Respondent's name]*

.....*[Respondent's address for service]*

.....  
Respondent/Solicitor for the Respondent

Form 3  
(Rule 7(1)(a)(i))

Court of Appeal File No. ....

**COURT OF APPEAL**

BETWEEN:

Appellant/Respondent  
(Plaintiff)

AND:

Appellant/Respondent  
(Defendant)

**NOTICE OF MOTION FOR LEAVE TO APPEAL**

TO: *[List all the parties to be served]*

TAKE NOTICE THAT AN APPLICATION will be made by .....*[name the party]* to the presiding justice at .....*[address of courthouse]*, Yukon Territory at 9:30 a.m. on .....*[day of the week – Monday-Friday - and the date]*, for leave to appeal the order of ..... of the .....*[name of Court or Tribunal appealed from]* pronounced the .....day of ..... 20.....”

Dated: .....

Signed .....

*[name of signer]*.....

This application will take no more than 30 minutes to be heard.

Form 4  
(Rules 7(1)(a)(ii) and 9(3)(a)(ii))

Court of Appeal File No. ....

**COURT OF APPEAL**

BETWEEN:

Appellant/Respondent  
(Plaintiff)

AND:

Appellant/Respondent  
(Defendant)

**MOTION BOOK FOR LEAVE TO APPEAL  
AND/OR  
MOTION BOOK FOR STAY OF PROCEEDINGS/EXECUTION**

(Name of appellant)

(Name of respondent)

(Name of appellant's counsel, if any)

(Name of respondent's counsel, if any)

(Address of appellant or, if the appellant is represented, name and address of the appellant's law firm)

(Address of respondent or, if the respondent is represented, name and address of the respondent's law firm)

**COMPLETION INSTRUCTIONS**

The appellant's motion book must be bound with a buff cover and must contain an index and the following in chronological order:

1. Reasons for judgment and the final order (if entered or in the form agreed to by counsel) sought to be appealed;
2. Those parts of the evidence and exhibits to which the appellant intends to refer in argument;
3. Affidavits, if required;
4. A memorandum of argument, not exceeding 10 pages in length (exclusive of the table of authorities) or, if 2 applications are joined in accordance with Rule 9, not exceeding 15 pages in length (exclusive of the table of authorities), divided into 5 parts, namely:
  - Part I: A brief statement of facts,
  - Part II: A statement of the points in issue,
  - Part III: A brief statement setting out the reasons why leave should be granted, which statement should state the position of the party regarding the following:
    - (a) the importance of the proposed appeal generally and to the parties;
    - (b) the utility of the proposed appeal in the circumstances of the parties;
    - (c) the prospects of success of the proposed appeal;

(d) if applicable, any statutory provision granting a right to appeal with leave.

Part IV: The nature of the order requested, and

Part V: A table of the authorities to be referred to, arranged alphabetically.

Appendices: If the appellant intends to rely on an enactment, copies of the relevant sections of the enactment.

Form 5  
(Rule 8 (a))

Court of Appeal File No. ....

**COURT OF APPEAL**

BETWEEN:

Appellant/Respondent  
(Plaintiff)

AND:

Appellant/Respondent  
(Defendant)

**REPLY BOOK FOR LEAVE TO APPEAL  
AND/OR  
REPLY BOOK FOR STAY OF PROCEEDINGS/EXECUTION**

(Name of appellant)

(Name of respondent)

(Name of appellant's counsel, if any)

(Name of respondent's counsel, if any)

(Address of appellant or, if the appellant is represented, name and address of the appellant's law firm)

(Address of respondent or, if the respondent is represented, name and address of the respondent's law firm)

**COMPLETION INSTRUCTIONS**

The respondent's reply book must be bound with a green cover and must

- (a) contain evidence, exhibits, affidavits and enactments relevant to the application and not otherwise included in the appellant's motion book or in the reply book of any other respondent,
- (b) contain a memorandum of argument not exceeding 5 pages or, if 2 applications are joined in accordance with Rule 9, not exceeding 10 pages in length, and
- (c) be arranged in the same manner as the appellant's motion book.

Form 6  
(Rules 9(3)(a)(i), 33(1)(a) and 36(2)(a)(i))

Court of Appeal File No. ....

**COURT OF APPEAL**

BETWEEN:

Appellant/Respondent  
(Plaintiff)

AND:

Appellant/Respondent  
(Defendant)

**NOTICE OF MOTION**

TO: *[List all the parties to be served]*

TAKE NOTICE THAT AN APPLICATION will be made by .....*[name the party]* to the presiding justice at .....*[address of courthouse]*, Yukon Territory, at 9:30 a.m. on .....*[day of the week – Monday-Friday - and the date]*, for an order pursuant to .....*[Rule/enactment]* that .....*[set out the required order]*

AND TAKE NOTICE THAT in support of the application will be read the affidavit of .....*[name of deponent]* sworn on ..... *[date]*.

Dated: ..... Signed .....  
*[name of signer]*.....

This application will take no more than 30 minutes to be heard.

Form 7  
(Rule 11(a))

Court of Appeal File No. ....

Supreme Court File No. ....

Supreme Court Registry .....

**COURT OF APPEAL**

BETWEEN:

Appellant/Respondent  
(Plaintiff\*)

AND:

Appellant/Respondent  
(Defendant\*)

[\* Include only those parties whose interests are affected by the order sought by the appellant(s), except that the name of Plaintiff or Applicant in the Court below should always appear first]

**NOTICE OF APPEAL**

Take notice that .....[name the party] hereby appeals to the Court of Appeal for the Yukon Territory from the order of ..... of the .....[name of Court or Tribunal appealed from] pronounced the ..... day of ....., 20....., at ....., Yukon Territory. [If the appeal is from a part of the judgment only, please specify the part].....

1. The appeal is from a:

- Trial Judgment                       Summary Trial Judgment
- Order of a Statutory Body         Chambers Judgment

2. If the appeal is from an appeal under Rule 49 or 53 (6) of the Supreme Court Rules, name the maker of the original decision, direction or order:

3. Please identify which of the following is involved in the appeal:

- Constitutional/Administrative         Civil Procedure                       Commercial
- Family -  Divorce  Family Property & Support Act  Corollary Relief in a Divorce Proceeding
- Other Family
- Motor Vehicle Accidents  Municipal Law  Real Property
- Torts  Equity  Wills and Estates

(The Divorce Registry will, as applicable, be notified by the Court of Appeal Registry on filing if the appeal involves divorce, corollary relief in divorce proceeding or matters under the *Family Property & Support Act*)

And further take notice that the Court of Appeal will be moved at the hearing of this appeal for an order that

.....  
.....  
.....

[Here set out the order that the appellant desires the Court to make, including any special disposition with respect to costs]

The trial/hearing of this proceeding occupied ..... days/hours.

Dated at ....., Yukon Territory, this ..... day of ....., 20.....

.....  
Appellant/Solicitor for the Appellant

To the respondent(s): .....  
And to its solicitor: .....  
This Notice of Appeal is given by .....,  
whose address for service is .....  
.....

To the respondent(s):

IF YOU INTEND TO PARTICIPATE in this appeal, YOU MUST GIVE NOTICE of your intention by filing a form entitled “Notice of Appearance” (Form 2 of the Court of Appeal Rules) in the Court of Appeal registry and serve the notice of appearance on the appellant WITHIN 10 DAYS of receiving this Notice of Appeal.

IF YOU FAIL TO FILE A NOTICE OF APPEARANCE

- (a) you are deemed to take no position on the appeal, and
- (b) the parties are not obliged to serve any further documents on you.

The filing registry for the Yukon Territory Court of Appeal is:

Yukon Court of Appeal  
The Law Courts  
2134 – Second Avenue  
Whitehorse, Yukon Y1A 5H6

Inquiries should be addressed to (867) 667-3429

Fax filings: (867) 393-6212

Form 8  
(Rule 15(a))

Court of Appeal File No. ....

Supreme Court File No. ....

Supreme Court Registry Whitehorse

**COURT OF APPEAL**

BETWEEN:

Appellant/Respondent  
(Plaintiff)

AND:

Appellant/Respondent  
(Defendant)

**NOTICE OF CROSS APPEAL**

Take notice that .....[name the party] hereby appeals to the Court of Appeal for Yukon Territory from the order of ..... of the ..... [name of Court or Tribunal appealed from] pronounced the ..... day of ....., 20....., at ....., Yukon Territory. [If the cross appeal is from a part of the judgment only, please specify the part].....

And further take notice that the Court of Appeal will be moved at the hearing of this cross appeal for an order that.....

[Here set out the order that the respondent bringing the cross appeal desires the Court to make, including any special disposition with respect to costs]

Dated at ....., Yukon Territory, this ..... day of ....., 20.....

.....  
Respondent/Solicitor for the Respondent

To the appellants(s) and any respondent(s) not bringing a cross appeal: .....

And to their solicitor(s): .....

This Notice of Cross Appeal is given by .....,  
whose address for service is .....

IF YOU INTEND TO PARTICIPATE in this cross appeal, YOU MUST, unless you are the appellant or a respondent who has already filed a notice of appearance in this matter in the Court of Appeal registry, GIVE NOTICE of your intention by filing a form entitled "Notice of Appearance" (Form 2 of the Court of Appeal Rules) in the Court of Appeal registry and serve the notice of appearance on the other parties to the appeal and cross appeal

WITHIN 10 DAYS after receiving this Notice of Cross Appeal.

IF, BY THE FOREGOING, YOU ARE REQUIRED TO FILE A NOTICE OF APPEARANCE AND YOU FAIL TO FILE THAT NOTICE OF APPEARANCE,

- (a) you are deemed to take no position on the cross appeal, and
- (b) the parties are not obliged to serve any further documents on you.

The filing registry for the Yukon Territory Court of Appeal is:

Yukon Court of Appeal  
The Law Courts  
2134 – Second Avenue  
Whitehorse, Yukon Y1A 5H6

Inquiries should be addressed to (867) 667-3429

Fax filings: (867) 393-6212

Form 9  
(Rule 19(a))

Court of Appeal File No. ....

**COURT OF APPEAL**

BETWEEN:

Appellant/Respondent  
(Plaintiff)

And:

Appellant/Respondent  
(Defendant)

**APPEAL RECORD**

(Name of appellant)

(Name of respondent)

(Name of appellant's counsel, if any)

(Name of respondent's counsel, if any)

(Address of appellant or, if the appellant is represented, name and address of the appellant's law firm)

(Address of respondent or, if the respondent is represented, name and address of the respondent's law firm)

**COMPLETION INSTRUCTIONS**

The Appeal Record must be bound with a blue cover and must contain the following in the following order:

- INDEX
- Part 1 – PLEADINGS

The most current versions of the pleading that initiated the proceeding under appeal and the responding documents.

- Part 2 – ORDER

A copy of the entered order under appeal, if available, or, if no copy of the entered order is available, a blank page in which the copy of the entered order can be inserted once available. (NOTE that a Certificate of Readiness cannot be filed until the copy of the entered order is included in the Appeal Record).

- Part 3 – JUDGMENT

The reasons for judgment including the name of the judge and the date of the judgment.

- Part 4 – NOTICE OF APPEAL or NOTICE OF APPLICATION FOR LEAVE TO APPEAL and ORDER granting leave

A copy of the document that initiated the appeal and a copy of the the entered order granting leave, if available, or, if

no copy of the entered order is available, a blank page in which the copy of the entered order can be inserted once available.

- Part 5 – NOTICE UNDER THE *CONSTITUTIONAL QUESTIONS ACT*

A copy of any notice required under this Act.

In addition to the foregoing, the Appeal Record must comply with the following:

- (a) other than the index, each of the pages in the Appeal Record must be printed on the left;
- (b) each of the pages must be numbered consecutively, on the upper left hand corner of the page, beginning with the first page of Part 1.

Form 10  
(Rules 22(1)(a) and 36(4))

Court of Appeal File No. ....

**COURT OF APPEAL**

ON APPEAL FROM: [*State judge and court or tribunal from whose order the appeal is brought, together with the date that the order was pronounced*]

BETWEEN:

Appellant/Respondent  
(Plaintiff)

AND:

Appellant/Respondent  
(Defendant)

**APPELLANT'S/RESPONDENT'S FACTUM**

(Name of appellant)

(Name of respondent)

(Name of appellant's counsel, if any)

(Name of respondent's counsel, if any)

(Address of appellant or, if the appellant is represented, name and address of the appellant's law firm)

(Address of respondent or, if the respondent is represented, name and address of the respondent's law firm)

**COMPLETION INSTRUCTIONS**

The factum must

- (a) be bound
  - (i) for the appellant, with a buff cover,
  - (ii) for the respondent, with a green cover, or
  - (iii) for an intervenor, with a yellow cover, and
- (b) contain the following in the following order:

- INDEX
- CHRONOLOGY OF THE RELEVANT DATES IN THE LITIGATION
- OPENING STATEMENT

The opening paragraph of an appellant's factum must be a concise statement of the nature of the appeal.

- PART 1- STATEMENT OF FACTS

[1] In the appellant's factum, this Part must consist of a concise statement of the history of the proceedings and the facts of the case.

[2] In the respondent's factum, this Part must consist of the respondent's position with respect to the appellant's statement of facts together with a concise statement of any other facts that the respondent considers relevant.

[3] In each factum the source relied on for a statement of fact (e.g. testimony, an exhibit or the reasons for judgment) must be identified by referring to the volume and page number where it is found in the Appeal Record or Appeal Books or the volume and page and line numbers where it is found in the Transcript.

- PART 2 - ERRORS IN JUDGMENT OR ISSUES ON APPEAL

[4] In the appellant's factum, this Part must be titled "Errors in Judgment" and must consist of a concise statement that sets out clearly and particularly in what respect the judgment or order appealed from is alleged to be in error.

[5] In the respondent's factum, this part must be titled "Issues on Appeal" and must consist of a statement of the respondent's position in regard to the points put in issue by the appellant's factum and of any other points that the respondent may properly put in issue.

- PART 3 - ARGUMENT

[6] In each factum, this Part must consist of a concise outline of argument setting out

- (a) the points of law or fact to be discussed, with a reference to the volume and page numbers of the Appeal Record or Appeal Book or to the volume and page and line numbers of the Transcript, and
- (b) the authorities in support of each point.

[7] If an enactment is cited or relied on, it may be briefly reproduced in this Part, but it must be reproduced

- (a) as an appendix to the factum, or
- (b) as a separate volume having covers the same colour as the appropriate factum and filed at the same time as that factum.

- PART 4 - NATURE OF ORDER SOUGHT

[8] This Part must consist of a concise statement of the nature of the order that is sought by the party preparing the factum and it must include any special disposition that is desired with respect to costs.

- LIST OF AUTHORITIES

[9] Following any appendices, authorities referred to in the factum must be listed in alphabetical order.

[10] After each authority, the page or paragraph in the factum at which the authority is referred to must be cited.

In addition to the foregoing, the factum must comply with the following:

- (a) other than the index, each of the pages in the factum must be printed on the left;
- (b) each of the pages must be numbered consecutively, on the upper left hand corner of the page, beginning with the first page of Part 1;
- (c) each of the paragraphs must be numbered consecutively beginning with the first paragraph of Part 1;
- (d) the lines of the factum must be spaced at least one and one-half lines apart except for excerpts from an authority or a reproduction of an enactment, which excerpts must be indented and single spaced;
- (e) the margins must be no less than 2.5 cm;
- (f) format for the citation of authorities must follow the Directive concerning the Citation of Authorities;
- (g) the type must be no smaller than 12 point type;
- (h) a loose copy of the chronology must be included.



Form 11  
(Rule 24(a))

Court of Appeal File No. ....

**COURT OF APPEAL**

BETWEEN:

Appellant/Respondent  
(Plaintiff)

AND:

Appellant/Respondent  
(Defendant)

**APPELLANT'S REPLY**

(Name of appellant)

(Name of respondent)

(Name of appellant's counsel, if any)

(Name of respondent's counsel, if any)

(Address of appellant or, if the appellant is represented, name and address of the appellant's law firm)

(Address of respondent or, if the respondent is represented, name and address of the respondent's law firm)

**COMPLETION INSTRUCTIONS**

The appellant's reply

- (a) must be bound with a buff cover, and
- (b) must not exceed 5 pages in length.

In addition to the foregoing, the appellant's reply must comply with the following:

- (a) each of the pages in the appellant's reply must be printed on the left;
- (b) each of the pages must be numbered consecutively, on the upper left hand corner of the page;
- (c) each of the paragraphs must be numbered consecutively;
- (d) the lines of the appellant's reply must be spaced at least one and one-half lines apart except for excerpts from an authority or a reproduction of an enactment, which excerpts must be indented and single-spaced;
- (e) the margins must be no less than 2.5 cm;
- (f) format for the citation of authorities must follow the Directive concerning the Citation of Authorities;
- (g) the type must be no smaller than 12 point type.

Form 12  
(Rule 26(1)(a), (2)(a) and (4)(a))

Court of Appeal File No. ....

**COURT OF APPEAL**

BETWEEN:

Appellant/Respondent  
(Plaintiff)

AND:

Appellant/Respondent  
(Defendant)

**APPELLANT'S/RESPONDENT'S/JOINT/APPEAL BOOK**

(Name of appellant)

(Name of respondent)

(Name of appellant's counsel, if any)

(Name of respondent's counsel, if any)

(Address of appellant or, if the appellant is represented, name and address of the appellant's law firm)

(Address of respondent or, if the respondent is represented, name and address of the respondent's law firm)

**COMPLETION INSTRUCTIONS**

Each volume of an Appeal Book must

- (a) be bound with a blue cover, and
- (b) if there is more than one volume of the Appeal Book, be labelled with the volume number on its spine.

The Appeal Books must contain only so much of the evidence, including exhibits, affidavits and other documents, as is necessary to resolve the issues raised on appeal, as follows:

**If the appeal is from a hearing at which some or all of the evidence was adduced by oral testimony:**

- Exhibits must be included in the Appeal Books in the order in which they were filed.
- The index must describe each exhibit by exhibit number, a full description of the document and its date.
- If an exhibit is a document with small print or is a faded copy of a document, the document must not form part of the Appeal Books unless it has been legibly reproduced.
- If an exhibit cannot form part of the Appeal Books because it cannot be legibly reproduced, the original exhibit may be ordered from the trial court registry to be available to the court at the hearing of the appeal.
- Only filed copies of the exhibits or affidavits referred to at the hearing should be included.
- If an exhibit is a photograph, it must be legibly reproduced on a colour photocopier or by other current

technology that can accurately reproduce photographs.

*OR*

**If the appeal is from a hearing at which all of the evidence was adduced by affidavit:**

- The party preparing an Appeal Book must include in that Appeal Book only filed copies of those affidavits and exhibits that are necessary to resolve the issues raised on the appeal.
- Affidavits must be included in the Appeal Books in the order in which they were filed.
- The index must describe each affidavit by including the name of the deponent, the date the affidavit was filed and a description of any attached exhibits.

**In addition to the foregoing:**

- If the material to be included in an Appeal Book consists of 300 pages or less, that material may be included in an Appeal Book consisting of a single volume.
- If the material to be included in an Appeal Book consists of more than 300 pages, that material must be included in an Appeal Book consisting of 2 or more volumes and each volume
  - (a) must be limited to 200 pages,
  - (b) must be sequentially numbered, and
  - (c) must contain at the beginning an index of all the evidence contained in the volume.
- If practicable, a party's Appeal Book must not include any documents included in another party's Appeal Book.
- Each page in the Appeal Books must be printed on the left.
- Each page must be numbered consecutively, on the upper left hand corner of the page.

Form 13  
(Rule 27(1)(a) and (2)(a))

Court of Appeal File No. ....

**COURT OF APPEAL**

BETWEEN:

Appellant/Respondent  
(Plaintiff)

AND:

Appellant/Respondent  
(Defendant)

**TRANSCRIPT EXTRACT BOOK**

(Name of appellant)

(Name of respondent)

(Name of appellant's counsel, if any)

(Name of respondent's counsel, if any)

(Address of appellant or, if the appellant is represented, name and address of the appellant's law firm)

(Address of respondent or, if the respondent is represented, name and address of the respondent's law firm)

**COMPLETION INSTRUCTIONS**

Each volume of the Transcript Extract Book must

- (a) be bound with a red cover,
- (b) contain an index, and
- (c) if there is more than one volume of the Transcript Extract Book, be labelled with the volume number on its spine.

In addition to the foregoing,

- (a) other than the index, each of the pages in the Transcript Extract Book must be printed only on the left side of the page, and
- (b) if practicable, each portion of the transcript comprising 5 or more sequentially numbered pages must be tabbed as appropriate.

Form 14  
(Rule 28(3) and (4))

Court of Appeal File No. ....

**COURT OF APPEAL**

BETWEEN:

Appellant/Respondent  
(Plaintiff)

AND:

Appellant/Respondent  
(Defendant)

**CERTIFICATE OF READINESS**

I, ....., [*appellant/counsel for the appellant, respondent/counsel for the respondent*],  
certify:

The parties have agreed that not more than .....[*time estimate*] is reasonable for the hearing of  
the appeal.

It has also been agreed that this appeal is to be set for hearing in .....[*location*]

*OR*

The parties to this appeal are not in agreement as to their estimate of a reasonable time for the hearing of the appeal.  
The estimates of each are as follows:

Estimate of the Appellant(s) .....

Estimate of the Respondents(s).....

I undertake to pay all hearing fees payable under Appendix C, Schedule 1, Item 6 of the Supreme Court  
Rules.

.....

Party/Solicitor for [party]

Form 15  
(Rule 34(1)(a))

Court of Appeal File No. ....

**COURT OF APPEAL**

BETWEEN:

Appellant/Respondent  
(Plaintiff)

AND:

Appellant/Respondent  
(Defendant)

**NOTICE OF APPLICATION TO VARY  
AN ORDER OF A JUSTICE**

TAKE NOTICE that an application under Rule 34 (1) (a) of the *Court of Appeal Rules* will be made by .....[*name the party*] to the Court of Appeal at .....[*address of courthouse*] in Yukon Territory, at such time and date as may be determined by the Registrar, for an order to discharge or vary the order of the Honourable Mr./Madam Justice .....[*name of Justice*] made on .....[*date of order*].

Date:.....

Solicitor for the Applicant

Form 16  
(Rule 34(2)(a))

Court of Appeal File No. ....

**COURT OF APPEAL**

BETWEEN:

Appellant/Respondent  
(Plaintiff)

AND:

Appellant/Respondent  
(Defendant)

**MOTION BOOK  
APPLICATION TO VARY AN ORDER OF A JUSTICE**

(Name of appellant)

(Name of respondent)

(Name of appellant's counsel, if any)

(Name of respondent's counsel, if any)

(Address of appellant or, if the appellant is represented, name and address of the appellant's law firm)

(Address of respondent or, if the respondent is represented, name and address of the respondent's law firm)

**COMPLETION INSTRUCTIONS**

A motion book must be bound with a buff cover and must contain the following material in chronological order:

1. Reasons for judgment of the justice and a copy of the order under review, if available, or if no copy of the entered order is available, in the form agreed to by counsel;
2. Those parts of the reasons for judgment in the originating court that are relevant to this review application and the final order that is the subject of the appeal;
3. Those parts of the evidence filed before the justice that the applicant intends to refer to in argument;
4. Subsequent affidavits, if any;
5. A brief memorandum of argument, not exceeding 10 pages in length (exclusive of the table of authorities) divided into 5 parts, namely

Part I: A brief statement of facts,

Part II: A statement of the points in issue,

Part III: A brief argument setting out why the justice erred in making the decision under review,

Part IV: The nature of the order requested, and

Part V: A table of the authorities to be referred to, arranged alphabetically.

Appendices: If the applicant intends to rely on an enactment, a copy of the relevant sections of the enactment must be included.

Form 17  
(Rule 34(4)(a))

Court of Appeal File No. ....

**COURT OF APPEAL**

BETWEEN:

Appellant/Respondent  
(Plaintiff)

AND:

Appellant/Respondent  
(Defendant)

**REPLY BOOK ON AN  
APPLICATION TO VARY AN ORDER OF A JUSTICE**

(Name of appellant)

(Name of respondent)

(Name of appellant's counsel, if any)

(Name of respondent's counsel, if any)

(Address of appellant or, if the appellant is represented, name and address of the appellant's law firm)

(Address of respondent or, if the respondent is represented, name and address of the respondent's law firm)

**COMPLETION INSTRUCTIONS**

A reply book must be bound with a green cover and must

- (a) contain any evidence, exhibits, affidavits and enactments relevant to the application and not otherwise included in the applicant's motion book or in the reply book of any other respondent,
- (b) contain a brief memorandum of argument not exceeding 5 pages, and
- (c) be arranged in the same manner as the applicant's motion book.

Form 18  
(Rule 36(2)(a)(ii))

Court of Appeal File No. ....

**COURT OF APPEAL**

BETWEEN:

Appellant/Respondent  
(Plaintiff)

AND:

Appellant/Respondent  
(Defendant)

**MEMORANDUM OF ARGUMENT ON AN APPLICATION  
FOR LEAVE TO INTERVENE**

(Name of appellant)

(Name of respondent)

(Name of appellant's counsel, if any)

(Name of respondent's counsel, if any)

(Address of appellant or, if the appellant is  
represented, name and address of the appellant's  
law firm)

(Address of respondent or, if the respondent is  
represented, name and address of the respondent's  
law firm)

**COMPLETION INSTRUCTIONS**

A memorandum of argument on an application for leave to intervene must

- (a) briefly describe the intervenor and the intervenor's interest in the appeal,
- (b) identify the position to be taken by the intervenor on the appeal,
- (c) set out a summary of submissions to be advanced by the intervenor and their relevance to the appeal,  
and
- (d) set out the reasons for believing that the submissions will be
  - (i) useful to the court, and
  - (ii) different from those of other parties.

Form 19  
(Rule 38)

Court of Appeal File No. ....

**COURT OF APPEAL**

BETWEEN:

Appellant/Respondent  
(Plaintiff)

AND:

Appellant/Respondent  
(Defendant)

**AFFIDAVIT IN SUPPORT OF INDIGENT APPLICATION**

I, .....[state your name] of .....[your address] in the  
City of .....[city of residence], Yukon Territory, MAKE OATH AND SAY AS FOLLOWS:

- 1 I am the appellant/respondent in this proceeding.
- 2 I make this affidavit in support of my application for an order that I be declared indigent with respect to the payment of fees set out in the *Supreme Court Rules*, Appendix C, Schedule 1.
- 3 I am ..... years old.
- 4 I have the following dependants:

.....  
.....  
.....

[list all of the dependants in the household]

- 5 The following persons contribute to my household expenses:

.....  
[list all in household who contribute to expenses]

- 6 I am .....  
[state whether employed or unemployed]

- 7 Attached as Exhibit "A" is a financial statement that accurately sets out the monthly income, expenses and assets of my household.
- 8 Attached as Exhibit "B" is an accurate description of my educational and employment history.
- 9 Attached as Exhibit "C" is an accurate description of my workplace skills.
- 10 Attached as Exhibit "D" is a copy of the process I wish to file or proceed with.
- 11 Attached as Exhibit "E" is a copy of the reasons for judgment appealed from (if available).

SWORN BEFORE ME at..... )  
Yukon Territory, this ..... ) .....  
day of ....., 20..... )

.....  
A Commissioner for taking Affidavits  
in Yukon Territory

**Exhibit "A"**

Exhibit "A" of the Affidavit of  
.....sworn this  
..... day of....., 20.....

.....  
A Notary Public in and for  
the Yukon Territory

**FINANCIAL STATEMENT**

*ESTIMATED NET MONTHLY INCOME*

*[Attach proof – i.e. most recent pay stubs or payment advice, etc., if available]*

Estimated net monthly income from all sources:

Employment	.....
Pension	.....
Dividends	.....
Interest	.....
Other	.....
<b>TOTAL</b>	<b>\$ .....</b>

**ESTIMATED MONTHLY EXPENSES**

*[Attach receipts for the following, if available]*

Estimated monthly expenses related to housing	.....
Estimated monthly expenses related to transportation	.....
Estimated monthly expenses related to household expenses	.....
Estimated monthly expenses related to medical and dental expenses	.....
Estimated monthly expenses, not included in above, related to dependant children	.....
Estimated monthly debt payments ( <i>specify</i> )	.....
.....	.....
.....	.....
<b>TOTAL (Estimated monthly expenses)</b>	<b>\$ .....</b>

**ASSETS**

*[Specify assets and set out their estimated value]*

.....	
.....	
.....	
.....	
.....	
<b>TOTAL (Estimated asset values)</b>	<b>\$ .....</b>

**EXHIBIT "B"**

Exhibit "B" to the Affidavit of  
....., sworn this  
..... day of ....., 20 .....

.....  
A Notary Public in and for  
the Yukon Territory

*[Set out details of education and employment history]*

1. Highest level of education attained and date completed:

.....  
.....  
.....

2. Employment History:

Employer	Dates	Position
.....	.....	.....
.....	.....	.....
.....	.....	.....

**EXHIBIT “C”**

Exhibit “C” to the Affidavit of  
....., sworn this  
..... day of.....20.....

.....  
A Notary Public in and for  
the Yukon Territory

**WORKPLACE SKILLS**

*[Specify]*

.....  
.....  
.....  
.....  
.....  
.....  
.....

Form 20  
(Rule 39(4)(c))

Court of Appeal File No. ....

**COURT OF APPEAL**

BETWEEN:

Appellant/Respondent  
(Plaintiff)

AND:

Appellant/Respondent  
(Defendant)

**COVER MEMORANDUM**

To: *[name the party to be served and the party's solicitor, if any]*

From: *[fax number from which document was transmitted as well as name, address and telephone number of sender]*

Date: *[date and approximate time of transmission]*

Re: *[name of case, Court File #]*

Message: *[brief description of document being served]*

Name and telephone number of person to contact in the event of problems:

Number of pages, including cover memo:

Form 21  
(Rule 40(1)(a))

Court of Appeal File No. ....

**COURT OF APPEAL**

BETWEEN:

Appellant/Respondent  
(Plaintiff)

AND:

Appellant/Respondent  
(Defendant)

**BOOK OF AUTHORITIES**

(Name of appellant)

(Name of respondent)

(Name of appellant's counsel, if any)

(Name of respondent's counsel, if any)

(Address of appellant or, if the appellant is represented, name and address of the appellant's law firm)

(Address of respondent or, if the respondent is represented, name and address of the respondent's law firm)

**COMPLETION INSTRUCTIONS**

Each volume of a book of authorities must be bound with

- (a) a grey cover in the case of a joint book of authorities, or
- (b) if it is not practicable for the parties to file a joint book of authorities,
  - (i) a buff cover, in the case of an appellant's book of authorities, or
  - (ii) a green cover, in the case of an respondent's book of authorities.

If the book of authorities consists of 2 or more volumes, each volume must be labelled with the volume number on its spine number and each of the pages in the book of authorities may be printed on both sides of the page.

The authorities contained in the book of authorities must be separated by divider tabs.

Form 22  
(Rule 46(a))

Court of Appeal File No. ....

**COURT OF APPEAL**

BETWEEN:

Appellant/Respondent  
(Plaintiff)

AND:

Appellant/Respondent  
(Defendant)

**NOTICE OF SETTLEMENT OR ABANDONMENT**

In the matter of the appeal commenced by (Notice of Appeal/Notice of Application for Leave to Appeal) filed on .....[*date of filing*], from the order of the Honourable Mr./Madam Justice .....[*insert name of trial or chambers judge*] pronounced .....[*insert date of Supreme Court order*].

Take Notice that I, .....[*insert your name*], appellant in the above-noted matter, hereby abandon this Appeal.

.....  
Date Appellant/Solicitor for the Appellant

This NOTICE OF SETTLEMENT OR ABANDONMENT is filed by: .....[*insert name*]  
whose address is: .....[*insert address*]

Telephone number is: .....[*insert telephone number*]

Form 23  
(Rule 47(3)(a))

Court of Appeal File No. ....

**COURT OF APPEAL**

BETWEEN:

Appellant/Respondent  
(Plaintiff)

AND:

Appellant/Respondent  
(Defendant)

**ORDER**

BEFORE:

The Honourable Mr./Madam Justice .....

The Honourable Mr./Madam Justice .....

The Honourable Mr./Madam Justice .....

*[Justices' names must be set out in the same order as in the reasons for judgment]*

Whitehorse, Yukon Territory, .....*[date reserve judgment was released]*

THE APPEAL from the judgment/determination of .....*[state name of judge and court/tribunal appealed from]* at .....*[state location of court/tribunal]* dated .....*[insert date of judgment/determination appealed from]* coming on for hearing on .....*[insert date(s) of the hearing in the Court of Appeal]*, AND ON HEARING .....*[insert name of counsel for the appellant or state "the appellant appearing in person"]* and .....*[insert name of counsel for the respondent or state "the respondent appearing in person"]*, AND ON READING the materials filed herein, AND ON JUDGMENT BEING RESERVED TO THIS DATE;

THIS COURT ORDERS (that the appeal is dismissed/allowed etc.)

AND THIS COURT FURTHER ORDERS that.....

AND THIS COURT FURTHER ORDERS that the .....*[insert name of successful party on the appeal]* do recover the costs of the appeal from .....*[insert name of unsuccessful party]* forthwith after assessment.

APPROVED AS TO FORM:

BY THE COURT

.....

.....

Counsel for the Appellant

Registrar

.....

Counsel for the Respondent

Form 24  
(Rule 47(3)(b))

Court of Appeal File No. ....

**COURT OF APPEAL**

BETWEEN:

Appellant/Respondent  
(Plaintiff)

AND:

Appellant/Respondent  
(Defendant)

**ORDER**

BEFORE:

The Honourable Mr./Madam Justice .....

The Honourable Mr./Madam Justice .....

The Honourable Mr./Madam Justice .....

*[Justices' names must be set out in the same order as in the reasons for judgment]*

Whitehorse *[or other location of hearing]*, Yukon Territory, .....*[date of oral judgment]*

THE APPEAL from the judgment/determination of .....*[state name of judge and court/tribunal appealed from]* at .....*[state location of court/tribunal]* dated .....*[insert date of judgment/determination appealed from]* coming on for hearing on .....*[insert date(s) of the hearing in the Court of Appeal]*, AND ON HEARING .....*[insert name of counsel for the appellant or state "the appellant appearing in person"]* and .....*[insert name of counsel for the respondent or state "the respondent appearing in person"]*; AND ON READING the materials filed herein;

THIS COURT ORDERS that (the appeal is dismissed/allowed etc.)

AND THIS COURT FURTHER ORDERS that.....

AND THIS COURT FURTHER ORDERS that the .....*[insert name of successful party on the appeal]* do recover the costs of the appeal from .....*[insert name of unsuccessful party]* promptly after assessment.

APPROVED AS TO FORM:

BY THE COURT

.....  
Counsel for the Appellant

.....  
Registrar

.....  
Counsel for the Respondent

Form 25  
(Rule 47(3)(c))

Court of Appeal File No. ....

**COURT OF APPEAL**

BETWEEN:

Appellant/Respondent  
(Plaintiff)

AND:

Appellant/Respondent  
(Defendant)

**ORDER OF A JUSTICE**

BEFORE THE HONOURABLE MR./MADAM JUSTICE .....[insert name of chambers justice]

IN CHAMBERS ON .....[insert date of chambers hearing]

THE APPLICATION OF .....[appellant/respondent] for .....[insert type of application] coming on for hearing this day at ....., Yukon Territory; AND ON HEARING .....[insert name of counsel for the appellant or state "the appellant in person"] and .....[insert name of counsel for the respondent or state "the respondent in person"]; AND ON READING the materials filed herein;

IT IS ORDERED that .....

IT IS FURTHER ORDERED that.....

APPROVED AS TO FORM:

.....  
Counsel for the Appellant

.....  
Counsel for the Respondent

Form 25.1  
(Rule 47(3)(D))

Court of Appeal File No. ....

**COURT OF APPEAL**

BETWEEN:

Appellant/Respondent  
(Plaintiff)

AND:

Appellant/Respondent  
(Defendant)

**ORDER**

BEFORE

The Honourable Mr./Madam Justice .....

The Honourable Mr./Madam Justice .....

The Honourable Mr./Madam Justice .....

*[Justices names must be set out in the same order as in the reasons for judgment]*

Whitehorse *[or other location of hearing]*, Yukon Territory, .....*[date of judgment]*

The application of the .....*[appellant(s)/respondent(s)]* to vary the order of Mr./Madam Justice ..... dated the ..... day of ....., 20... coming on for hearing on .....*[insert date(s) of the hearing in the Court of Appeal]*

AND ON HEARING ..... *[insert name of counsel for the appellant/respondent or state appellant/respondent or state "the appellant/respondent appearing in person"]*

AND ON READING the materials filed herein;

THIS COURT ORDERS that the application to vary the order of Mr./ Madam Justice ..... is ..... *[insert either dismissed or allowed]*

THIS COURT FURTHER ORDERS that .....

APPROVED AS TO FORM

BY THE COURT

\_\_\_\_\_  
Counsel for the Appellant

\_\_\_\_\_  
Registrar

\_\_\_\_\_  
Counsel for the Respondent

Form 26  
(Rule 48(2)(a))

Court of Appeal File No. ....

**COURT OF APPEAL**

BETWEEN:

Appellant/Respondent  
(Plaintiff)

AND:

Appellant/Respondent  
(Defendant)

**CONSENT ORDER**

[Insert date of the order]

WHEREAS:

- (a) all parties have consented to this order,
- (b) no person involved is under any legal disability, and
- (c) all parties have agreed to comply hereafter with the time limits set forth in the *Court of Appeal Act* and *Court of Appeal Rules*,

IT IS ORDERED that the time set for ....., the [appellant/respondent], to file and serve the appeal record/ the transcript/ its factum/ the appeal book/ its book of authorities is extended until .....[insert the date of the extension]

APPROVED AS TO FORM:

FOR THE COURT

.....  
Counsel for the Appellant

.....  
Registrar

.....  
Counsel for the Respondent



Form 28  
(Rule 48(2)(c))

Court of Appeal File No. ....

**COURT OF APPEAL**

BETWEEN:

Appellant/Respondent  
(Plaintiff)

AND:

Appellant/Respondent  
(Defendant)

BEFORE THE HONOURABLE

*[registrar will insert name of justice]*

*[registrar will insert date of order]*

IN CHAMBERS

ON application of ..... *[appellant/respondent]* herein; AND BY CONSENT;

IT IS ORDERED that .....

IT IS FURTHER ORDERED that.....

APPROVED AS TO FORM:

.....  
Counsel for the Appellant

.....  
Counsel for the Respondent

Form 29  
(Rules 49(2)(b) and 68(1)(c))

Court of Appeal File No. ....

**COURT OF APPEAL**

BETWEEN:

Appellant/Respondent  
(Plaintiff)

AND:

Appellant/Respondent  
(Defendant)

**APPOINTMENT**

I appoint:

Time: .....

Date: .....

Place:  Court of Appeal, 2134 Second Ave, Whitehorse, Yukon

OR

by telephone conference

as the time and place [*check one or more*]:

for the assessment of the bill of costs of ..... [*party*]

to settle contents of transcript

to settle order of [*list all justices making the order as Mr. Justice or Madam Justice*] made  
.....[*date*]

Attached to this Appointment is the bill of costs or proposed order that is the subject of the Appointment.

.....  
Date

.....  
Registrar

Full name, address and telephone number of party or party's solicitor

Name: .....

Address: .....

.....  
Telephone: .....

[*Indicate whether the application will be of a time consuming or contentious nature, and estimate the amount of time required.*]

Form 30  
(Rule 68(1)(b))

Court of Appeal File No. ....

**COURT OF APPEAL**

BETWEEN:

Appellant/Respondent  
(Plaintiff)

AND:

Appellant/Respondent  
(Defendant)

**BILL OF COSTS OF .....**

**Tariff Scale .....Unit Value \$.....**

<b>Item</b>	<b>Description</b>	<b>Number of Units</b>	
		Claimed:	Allowed:
	Total Number of Units	.....	.....
	Multiply by unit value	\$ ..... \$	\$ ..... \$
	Subtotal	.....	.....
	Tax	.....	.....
	Tax	.....	.....
	Total	\$ ..... \$	\$ ..... \$

<b>Disbursements</b>	<b>Description</b>	<b>Number of Units</b>	
		Claimed:	Allowed:
	Subtotal	.....	.....
	Tax	.....	.....
	Tax	.....	.....
	Total	\$ ..... \$	\$ ..... \$

TOTAL ALLOWED: \$ .....

Date of Assessment: .....

Registrar:.....

Form 31  
(Rule 69(1))

Court of Appeal File No. ....

**COURT OF APPEAL**

BETWEEN:

Appellant/Respondent  
(Plaintiff)

AND:

Appellant/Respondent  
(Defendant)

**CERTIFICATE OF COSTS**

I CERTIFY that on .....[*date*], the costs of the .....  
[*description and name of party*] have been allowed against the ..... [*description and name of party*] at \$.....

.....  
Date

.....  
Registrar

Form 32  
(Appendix B, section 7(1))

Court of Appeal File No. ....

**COURT OF APPEAL**

BETWEEN:

Appellant/Respondent  
(Plaintiff)

AND:

Appellant/Respondent  
(Defendant)

**OFFER TO SETTLE**

To: [*party*]

The .....[*name the party*] offers to settle costs in accordance with section 7 of Appendix B of the Court of Appeal Rules.

.....  
Dated

.....  
Party/Party's Solicitor

## Appendix B – Party and Party Costs

### Application

- 1 Unless a special tariff is provided for in an enactment, this Appendix applies to the assessment of costs that are payable as between party and party in all appeals, applications for leave to appeal and all other proceedings in the Court of Appeal commenced after September 5, 1995.

### Scale of costs

- 2 (1) If a party is entitled to costs, the costs must be assessed under Scale 1 unless the court or a justice otherwise orders.
- (2) In fixing the scale of costs, the court or a justice must have regard to the following principles:
  - (a) Scale 1 is for matters of ordinary difficulty;
  - (b) Scale 2 is for matters of more than ordinary difficulty or importance;
  - (c) Scale 3 is for matters of unusual difficulty or importance.
- (3) In fixing the appropriate scale under which costs will be assessed, the court or a justice may take into account the following:
  - (a) whether a difficult issue of law, fact or construction is involved;
  - (b) whether an issue is of importance to a class or body of persons, or is of general interest;
  - (c) whether the result of the proceeding effectively determines the rights and obligations as between the parties beyond the relief that was actually granted or denied.

### Value of units

- 3 (1) The value for each unit allowed on an assessment is as follows:
  - (a) Scale 1 - \$60 for each unit;
  - (b) Scale 2 - \$80 for each unit;
  - (c) Scale 3 - \$100 for each unit.
- (2) If maximum and minimum numbers of units are provided for in an Item in the Tariff of Costs, the registrar has the discretion to allow a number within that range of units.
- (3) If the Tariff of Costs indicates a range of units in relation to costs to be assessed, the registrar must have regard to the following principles:
  - (a) the fewest number of units is for matters on which little time should ordinarily have been spent;
  - (b) the maximum number of units is for matters on which a great deal of time should ordinarily have been spent.

### Discretion as to costs

- 4 (1) The court or a justice may order, under section 2 (1), that
  - (a) costs be awarded in an amount fixed by the court or justice, or
  - (b) no costs be awarded against a party.

- (2) Without limiting subsection (1), the court or a justice may,
  - (a) with the consent of the parties, fix a lump sum as the costs of the whole proceeding, either inclusive or exclusive of disbursements and expenses, and
  - (b) on application by a party, or by consent, fix a lump sum as the costs of an application within the proceeding, either inclusive or exclusive of disbursements and expenses.
- (3) Without limiting subsection (1), if anything is done or omitted improperly or unnecessarily by or on behalf of a party, the court or a justice may order
  - (a) that any costs arising from the act or omission not be allowed to the party, or
  - (b) that the party pay the costs incurred by any other party by reason of the act or omission.

#### **Apportionment if appeals heard together**

- 5 If 2 or more appeals have, by order, been heard at the same time or heard one after the other and no order has been made to apportion costs, the registrar may
  - (a) assess 2 or more bills as one bill,
  - (b) allow an item once or more than once, or
  - (c) apportion the costs of an item or of the whole bill between the appeals.

#### **Preparation if activity does not take place**

- 6 If, in the Tariff of Costs, units may be allowed for preparation of a record or for preparation for an application, conference or hearing, the registrar may allow units, up to the maximum number allowable, for that preparation even though the record is not ultimately required or the application, conference or hearing does not take place or is adjourned.

#### **Offer to settle bill of costs**

- 7 (1) A party to an assessment may deliver to another party an offer to settle the amount of the bill of costs in Form 32 and, after the assessment has been completed, may produce the offer to the registrar.
- (2) If an offer is produced to the registrar under subsection (1), the registrar must determine whether the offer should have been accepted and, if so, may do one or more of the following as appropriate:
  - (a) disallow, to the party presenting the bill, items of the tariff that relate to the assessment;
  - (b) allow the party making the offer, by way of set off, items of the tariff that relate to the assessment;
  - (c) allow to the party presenting the bill and making the offer double the value of items of the tariff that relate to the assessment.

## TARIFF OF COSTS

Item	Description	Units
1	Advising appellant or respondent on appeal, application for leave to appeal or cross-appeal.	Minimum 5 Maximum 20
2	Preparation and settlement of appeal book and transcript.	5
3	Preparation of motion book including written argument.	5
4	Preparation of factum.	Minimum 10 Maximum 50
5	Preparation of written argument if specifically ordered by the court or a justice or directed by the registrar.	5
6	Preparation for a pre-hearing conference and for each application, including leave to appeal applications, and each review under section 9 (6) of the Act.	5
7	Attendance at a pre-hearing conference and for each application, including leave to appeal applications, and each review under section 9 (6) of the Act.	5
8	Preparation for cross-examination on affidavits under Rule 37, per 1/2 day for the party conducting the cross-examination for the party being examined.	2 1
9	Attendance at cross-examination on affidavits under Rule 37, per 1/2 day for the party conducting the cross-examination for the party being examined.	4 2
10	Preparation for hearing of appeal, per 1/2 day.	Minimum 10 Maximum 30
11	Attendance at hearing of appeal, per 1/2 day.	10
12	Preparation and settlement of judgment.	2
13	Preparation and assessment of bill of costs.	Minimum 1 Maximum 3