

**JUDICATURE ACT**

R-023-2011

Registered with the Registrar of Regulations

2011-11-30

**CIVIL APPEAL RULES**

The judges of the Nunavut Court of Appeal, under section 60 of the *Judicature Act* and every enabling power, make the annexed *Civil Appeal Rules*.

Definitions

1. In these Rules,

"appeal" includes a motion for a new trial or to set aside a decision, finding or verdict of a judge or jury; (*appel*)

"Chief Justice" means the Chief Justice of the Court of Appeal of Nunavut appointed pursuant to the *Judicature Act*; (*juge en chef*)

"Clerk" means the Clerk of the Nunavut Court of Justice appointed under the *Judicature Act*; (*greffier*)

"Court" and "Court of Appeal" mean the Court of Appeal of Nunavut established by subsection 31(1) of the *Nunavut Act* (Canada); (*Cour et Cour d'appel*)

"judge" means a judge of the Court or of the Nunavut Court of Justice, as the context requires; (*juge*)

"Registrar" means the Registrar of the Court of Appeal under the *Judicature Act*. (*registraire*)

Sittings

2. The Court shall sit at least twice a year at Iqaluit on such days as the Chief Justice appoints and at any other time and place that the judges of the Court consider appropriate.

Chief Justice to preside

3. The Chief Justice shall preside at the sittings of the Court at which the Chief Justice is present and shall appoint another judge of the Court to preside at any sittings of the Court at which the Chief Justice is not present.

Adjournment of sittings

4. A sitting may be adjourned from time to time and from place to place as may be necessary.

Scope of appeals

5. (1) Except as otherwise provided, an appeal lies to the Court from the whole or any part of any judgment, order, direction or finding of a judge sitting in court or the verdict or finding of a jury or from the judgment, order or direction of a judge sitting in chambers.

(2) No judgment given or order made by the consent of the parties or as to costs only is subject to appeal except by leave of a judge of the Court or of the court giving the judgment or making the order.

(3) Where the matter in controversy in the appeal can be estimated in money and does not exceed the sum of \$20 000, exclusive of costs, no appeal lies without the leave of a judge of the Court or of the court before which the matter was heard.

(4) An appeal in the case of a refusal of an *ex parte* application, when the refusal is for any other reason than the want of notice, shall be by way of renewal of the application to the Nunavut Court of Justice.

Filing notice of appeal

6. (1) Notice of appeal shall be filed in the office of the Registrar within 30 days after
- (a) in the case of a judgment, the formal judgment or order has been signed, entered and served;
  - (b) in the case of an order, the order has been signed, issued and served,

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- (c) in the case of a direction, the judgment or order founded thereon has been signed, entered or issued, as the case may be, and served,
- (d) in the case of a finding or verdict, the judgment or order founded thereon has been signed, entered or issued, as the case may be, and served.

(2) The period set out in subsection (1) may be extended by the judge who made or presided over the decision being appealed or by a judge of the Court.

### Stay of execution

**7.** An appeal does not operate as a stay of execution or of proceedings under the decision appealed from except so far as a judge of the Nunavut Court of Justice or of the Court may order and no intermediate act or proceeding is invalidated solely because an appeal has been commenced except so far as the court may direct.

### Cross appeal

**8.** A respondent intending to contend that the decision of the court below should be varied shall, within 10 days after service of the notice of appeal on the respondent, give notice of his or her intention to any parties who may be affected and the notice of intention shall have the effect of a cross appeal.

### Service

**9.** (1) Notice of an appeal shall be served on all parties affected by the appeal within the time fixed for filing the notice of appeal.

(2) The Court may direct that a notice of appeal shall be served on

- (a) all or any of the parties to the action or proceedings; and
- (b) a person not a party to the action or proceedings and, in that case, the Court may give such judgment or make such order as might have been given or made if that person had originally been a party.

### Contents of notice

**10.** The notice of appeal shall state whether the whole or only a specified part only of the judgment, order, direction, finding, verdict or award is complained of.

### Amendment notice

**11.** The notice of appeal may be amended at any time by leave of the Court or a judge of the Court on such terms as may be considered just.

### Production of court file

**12.** In any case intended to be brought before the Court in which a party interested considers it necessary that any original papers or documents on file in the Clerk's office should be before the Court, the party may, on written request and on payment of the necessary expenses, require the Clerk to transmit them either by express or registered post to the Registrar.

### Place of entry of appeal

**13.** (1) Unless otherwise ordered by a judge of the Court, appeals arising in Nunavut shall be entered for hearing at a sitting of the Court to be held at Iqaluit.

(2) An appeal book, factum, document or any other paper required to be filed or deposited in connection with an appeal or motion shall be filed in the office of the Registrar at Iqaluit.

### Preparing appeal book

**14.** (1) Within 15 days after a notice of appeal is filed, the appellant shall serve on all parties affected by the appeal a proposed agreement as to contents of the appeal book.

(2) On receipt of the proposed agreement, every recipient shall

- (a) signify approval of the proposed agreement to the appellant; or

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- (b) specify to the appellant the part or parts of the proposed agreement that the recipient approves or does not approve and, in the case of disapproval, provide the reasons therefor.

(3) If the parties are unable to agree on the contents of the appeal book, a judge of the Court on notice shall, by order, fix the contents.

(4) If a party does not respond to the proposed agreement as to the contents of the appeal book within 15 days after being served with it, that party shall be deemed to have accepted it and the solicitor of the party serving the document shall endorse the agreement to the effect that service of the proposed agreement was made and no response was received within the required time.

(5) The endorsement under subsection (4) shall be printed with the document in the appeal book.

(6) It is the duty of all counsel on an appeal to ensure, so far as possible, that only the material needed for the disposition of the appeal is included in the appeal book and to eliminate any evidence, exhibit or other material unlikely to be needed.

(7) An appeal book shall be prepared promptly and filed and served immediately after it is prepared, and in any event, unless otherwise ordered by a judge of the Court, it must be filed no later than 12 weeks from the date on which the notice of appeal was filed, or the appeal will be struck by the Registrar.

### General appeal list

**15.** (1) When the appeal books have been filed or when six months have elapsed since a notice of appeal was filed, whichever first occurs, the Registrar shall enter the case on the general appeal list.

(2) The Registrar will set a date for counsel for the parties to speak to the General Appeal list approximately six weeks in advance of a scheduled sitting of the Court.

(3) Counsel for each party to an appeal shall appear at the time and place specified and signify whether or not the case is ready for hearing.

(4) When the general appeal list is called, the judge in chambers shall transfer those cases ready for hearing to the appeal hearing list for a specified sitting of the Court.

(5) Any case may be placed directly on the appeal hearing list without first appearing on the general appeal list, or may be transferred from the general appeal list to the appeal hearing list by fiat of a judge.

(6) If counsel for all the parties concur in a written request, signed by at least one of them, to the Registrar, a case may be put over to the next occasion when the general appeal list is to be called without the attendance of counsel.

(7) If counsel do not appear when a case is called on the general appeal list, or if no written request for adjournment is made to the Registrar, the case shall be struck from the general appeal list and may not thereafter be restored except by the order of the Court or on consent of all the parties.

(8) At any time, before or after six months from the date when a notice of appeal was filed, the Court may, on the application of a party or on its own motion, dismiss an appeal for want of prosecution.

### Dispensing with oral argument

**16.** The Court may, on such terms as it considers just, direct that argument on an appeal be presented in writing without oral argument if the following conditions are met:

- (a) the appeal does not raise complex issues of fact or law;
- (b) the issues on the appeal require the application of established law or procedure; and
- (c) all the parties to the appeal consent.

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(2) Where the parties seek to have an appeal considered solely on the basis of written submissions, they shall jointly apply, in writing, to the Registrar, setting out the reasons why the appeal is suitable for this procedure and acknowledging their agreement to it.

(3) The Registrar shall direct the application to the panel assigned to the appeal and the panel shall decide whether or not to grant the application.

(4) The panel hearing the appeal may, at any time, direct that there be full or partial oral argument, with the personal attendance of the parties or their counsel, or direct further written submissions.

### Chamber order

**17.** A judge of the Court may make any order in chambers in respect to any matter incidental to an appeal which the Court could make, either *ex parte* or on such notice as the judge may direct, and any such order may be set aside or varied by a judge of the Court if the order was obtained *ex parte*, or in any other case, by the Court.

### View by Court

**18.** In an appeal from a judgment in an action in which an inspection of property was made by the trial judge or a view had by the jury, the Court may make a similar view or inspection.

### Powers of Court

**19.** The Court may

- (a) direct amendment of any proceeding before it;
- (b) receive further evidence either by oral examination, by affidavit, on commission or otherwise;
- (c) draw inferences of fact;
- (d) direct a new trial;
- (e) give any judgment and make any order which ought to have been made and make such further or other order as the case may require; and
- (f) make such order as to costs as it considers just, but where the Court is equally divided, the costs shall follow the event of the appeal.

### New trial

**20.** (1) A new trial shall not be directed based on any of the following, unless, in the opinion of the Court, some substantial wrong or a miscarriage of justice occurred:

- (a) a misdirection;
- (b) the improper admission or rejection of evidence; or
- (c) the verdict of the jury was not taken on a question which the judge at the trial was not asked to leave to them.

(2) Where it appears to the Court that the wrong or miscarriage of justice affects part only of the matter in controversy, the Court may give final judgment on part of the matter and direct a new trial of any other part.

(3) Where it appears to the Court that the wrong or miscarriage of justice does not affect all the parties, the Court may give final judgment to any party and direct a new trial for any other party.

(4) A new trial may be ordered on any question without interfering with the finding or decision upon any other question.

### Interest on judgment reversed

**21.** If the judgment of the court below is reversed or varied and the judgment which is directed to be entered is one for a sum of money, it shall bear interest from the date of the judgment at trial.

### Delivery of judgment

**22.** (1) Judgment may be delivered at any time, whether at a sitting or otherwise.

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(2) Any judge of the Court may deliver the judgment of the Court when authorized to do so by the judges who heard the matter and may deliver the judgment of any other judge of the Court when authorized to do so by that other judge, despite the absence of the judge or judges who heard or adjudged the matter, as the case may be.

### Adjournment of hearing

**23.** The Court may postpone or adjourn the hearing of an appeal on such terms as it considers just.

### Effect of interlocutory order

**24.** An interlocutory order from which there has been no appeal does not operate so as to bar or prejudice the Court from giving such decision on appeal as it considers just.

### Security for costs

**25.** (1) Security for costs shall not be required in appeals, unless a judge of the Court orders it by reason of special circumstances.

(2) Unless the Court otherwise orders, an appellant who fails to give security for costs when ordered shall be deemed to have abandoned his or her appeal and, where that occurs, the respondent is entitled to his or her costs of the appeal.

### Appellant discontinuing appeal

**26.** (1) An appellant may discontinue his or her appeal by filing with the Registrar and serving on the respondent a notice signed by the appellant or the appellant's solicitor stating that the appellant has so discontinued it and, thereupon, the appeal is at an end and the respondent is entitled to his or her costs of the appeal.

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

(3) Where an appeal is discontinued, the Rules relating to appeals apply to the cross appeal as if it were an appeal.

### Costs relating to deemed abandonment or discontinuance

**27.** (1) Costs to which a party has become entitled under Rule 25(2) or 26 may be taxed without an order on the production of

- (a) a notice of discontinuance; or
- (b) a certificate of the proper officer that security for costs has been ordered but not given.

(2) On taxation, the respondent shall be deemed to have judgment for the amount taxed.

### Entry of judgment by Clerk

**28.** (1) When the judgment of the Supreme Court of Canada in an appeal has been certified by the registrar of that court to the clerk of the court with whom the judgment or order appealed from was entered, the Clerk shall thereupon cause it to be entered in the proper book and all subsequent proceedings may be taken thereupon as if the judgment had been given in the latter court.

(2) Every decision of the Court shall be certified by the Registrar to the clerk of the court with whom the judgment or order appealed from was entered, who shall thereupon cause it to be entered in the proper judgment or order book and all subsequent proceedings may be taken thereupon as if the decision had been given by the judge appealed from.

### Consent judgment

**29.** A respondent may consent to the reversal or variation of the judgment, order or proceeding being appealed from by giving to the appellant a notice of consent signed by the respondent or the respondent's solicitor and, thereupon, the Court may pronounce judgment of reversal or variation accordingly.

## Appeal Books

### Contents of appeal books

**30.** (1) The appeal book shall be printed on white paper of good quality on one side of the paper only, with the printed pages to the left. Printing under this Rule includes offsetting and mimeographing and any other process approved by the Court.

(2) The size of the appeal book shall be 11" by 8 1/2" and every tenth line shall be numbered in the margin. The number of lines on each page shall be about 47, exclusive of headings which shall not be counted in the marginal numbering, and there shall be at least 500 words on every printed page.

(3) The appeal book shall be bound in the following order and shall consist of a grey-coloured cover, title page, index, the following four parts and a certificate from the Clerk in Form 1, as set out in Schedule A:

- PART I - Pleadings (including any amendments made at trial) or any other documents by which proceedings are commenced or by which the issues in the action are defined, in chronological order;
- PART II - So much of the evidence, and no more, as is needed for the determination of the points in issue on the appeal as agreed by counsel in the agreement as to contents of the appeal book or as fixed by a judge;
- PART III - The reasons for judgment, the formal judgment or order appealed from, the notice of appeal and agreement as to contents of appeal book;
- PART IV - Any of the exhibits or parts of them, and no more, that are needed for the determination of the points in issue on the appeal as agreed by counsel in the agreement as to contents of the appeal book or as fixed by a judge.

(4) Every page, except the title page and facsimile reproduced exhibits shall have a headline stating the nature of the immediately following material, and

- (a) in the case of pleadings, the description of the pleadings and the name of the party on whose behalf the same was filed;
- (b) in the case of affidavits, their relationship to the action or any motion related thereto, the name of the deponent, the date of the affidavit and the name of the party on whose behalf it was submitted;
- (c) in the case of Rules, orders or other proceedings, their nature, the name of the authority for issuance and their date;
- (d) in the case of evidence, the name of the witness, the name of the party for whom the witness was called and whether examination-in-chief, cross-examination, re-examination or as the case may be;
- (e) in the case of judgments, the words "Judgment of" followed by the name of the court;
- (f) in the case of reasons for judgment, the words "Reasons for Judgment of" followed by the name of the judge;
- (g) in the case of exhibits, the number and date of the exhibit; and
- (h) in the case of exhibits to affidavits, the letter or number of the exhibit, the name of the deponent and the date of the exhibit.

(5) Where evidence is printed or typewritten, the question shall be preceded by the letter "Q" and the answer shall be preceded by the letter "A"; the answer shall commence on the line following the line on which the question concludes. There shall be double spacing between an answer and the following question to the same witness by the same person. The transcript of evidence shall commence at page 100 and at the foot of or after the preceding printed page there shall appear a note "page 100 follows".

(6) Every printed or written document filed as an exhibit shall be grouped together and printed in chronological order, subject to the following:

- (a) documents having common characteristics shall be arranged in separate groups in order of their dates if any;
- (b) documents, letters, memoranda, photographs, sketches, plans and similar exhibits shall be reproduced in facsimile, provided that

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- (i) if counsel are agreed that any exhibit will not be referred to in argument and that it is not material to the appeal, it need not be reproduced, and
- (ii) if, because of size, shape or for any other reason an exhibit cannot conveniently be reproduced, a judge of the Court may give a fiat dispensing with the reproduction of that exhibit; and
- (c) exhibits that had been read into the evidence at trial need not be reproduced as part of the evidence, and instead a note "Exhibit ....., page ....., was read to the court" may be inserted.

(7) The style of cause shall not be reproduced except, where two or more actions are the basis of the appeal, an abbreviated style of cause shall be inserted.

(8) The title page shall read as follows:

"In the Court of Appeal of Nunavut

Between

A.B., Plaintiff (Respondent)

and

C.D., Defendant (Appellant)  
*(or as the case may be)".*

(9) The cover shall be printed on grey stock and shall be printed as required for the title page except the style of cause may be abbreviated in any proper manner.

(10) The entire index shall be printed at the beginning of each volume of the appeal book and shall set out in detail the entire contents of the appeal book.

(11) Where, in an appeal, the reasons for judgment or decision of the tribunal being appealed from are available in a typed or printed form that does not comply with this Rule, the reasons for judgment or decision may, without order, be reproduced in the appeal book in the form in which it is available.

Supreme Court of Canada format

**31.** If requested by the solicitor for any party, the appeal book may be printed so as to comply with the rules of the Supreme Court of Canada.

Registrar's examination of appeal books

**32.** The Registrar shall examine each appeal book before it is filed and may refuse to accept it for filing if the appeal book does not comply with these Rules or is not readily legible or is slovenly or for any good and sufficient reason.

Depositing six copies of appeal books

**33.** (1) The appellant shall, at the time of filing the appeal book, deposit six copies thereof with the Registrar for the use of the judges of the Court, unless otherwise ordered by a judge of the Court.

(2) The appellant shall, at or before the time of filing, deliver to the opposite party one copy of the appeal book for each counsel engaged at the trial.

Notices of motion

**34.** When a motion is returnable before the Court, six copies of the notice of motion, affidavits and all other documents proposed to be referred to on the motion shall be filed for the use of the Court at the time of filing of the notice of motion, and one copy thereof shall be served on the counsel for the opposite party.

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Judge may vary compliance

**35.** Where compliance with these Rules as to appeal books would cause undue expense or delay, a judge of the Court may give special directions.

### Factums

Filing factums

**36.** (1) The appellant shall, within the earlier of the following periods, file six copies of the factum with the Registrar and serve on each respondent one copy of the factum:

- (a) 60 days after the date that the appeal book was filed; or
- (b) 7 months after the date the notice of appeal was first filed.

(2) Unless otherwise ordered, within 30 days after service on the respondent of the appellant's factum, the respondent shall file six copies of his or her factum with the Registrar and serve a copy upon the appellant.

(3) Where the respondent gave notice a notice of intention to vary or notice of cross appeal, the appellant may, within 10 days after service on him or her of the respondent's factum, file and serve a further factum in reply.

(4) When a factum is not filed within the time fixed by these Rules, the party in default is not entitled to costs for preparation of the factum, unless the Court orders otherwise.

Judge may dispense with factums

**37.** On application by either party, a judge of the Court, where the judge considers it just, may dispense with the delivery of factums by either or both parties or vary the time for such delivery to the Registrar.

Contents of factums

**38.** (1) The factum shall consist of the following four parts:

#### PART I — Statement of Facts

In the appellant's factum, this part shall be a concise statement of the facts. In the respondent's factum, this part shall be a concise statement of the respondent's position with respect to the appellant's statement of facts, as well as a concise statement of any other facts that the respondent considers relevant.

Each party may, at the start of the Statement of Facts, state concisely what that party considers to be the legal issue or issues raised by the appeal, as for example:

*"The issue on this appeal is whether land may be obtained by adverse possession when unknown to both parties a fence is not on the surveyed boundary.*

*The issue on this appeal is whether the Registrar of Land Titles may file a Registrar's caveat claiming error in title."*

#### PART II — Grounds of Appeal

In the appellant's factum, this part shall be a concise statement setting out clearly and particularly the grounds of appeal. The appellant shall be confined to these grounds during the argument of the appeal unless the Court orders otherwise.

In the respondent's factum, this part shall be a statement of the respondent's position regarding the grounds of appeal and any other points the respondent may properly put in issue.

#### PART III — Points of Law

Each factum shall contain a brief of the argument setting out concisely the facts or points of law



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intended to be discussed, with particular reference to pages and lines of the appeal book and the authorities intended to be cited in support of each point.

### PART IV — Nature of Relief Desired

Each factum shall contain a concise statement of the nature of the relief or order that the party desires the Court to make or grant, including any special direction requested with respect to costs.

(2) At the end of each factum and on a separate page, the authorities referred to in the factum shall be set out together with the citations, in the order in which they are likely to be referred to.

(3) Where a notice of intention to vary or notice of cross appeal has been given, the respondent's factum shall consist of two main headings each of four parts, the first of which shall be entitled "Factum on the Appeal" and the second of which shall be entitled "Factum on the Cross Appeal".

(4) Where a statute, regulation, rule, ordinance or by-law is relied on, so much thereof as may be necessary to the decision of the case shall be printed at length as an appendix to the factum, or, failing that, eight copies of the statute, regulation, rule, ordinance or by-law shall be filed with the Registrar for the use of the Court

(5) The factum shall be printed on white paper of good quality, 11" by 8 1/2" in size, on one side of the paper only, with the printed pages to the left.

(6) For the purpose of this Rule, "printing" includes offsetting and mimeographing and any other process approved by the Court.

(7) The cover of the appellant's factum shall be buff-coloured and the cover of the respondent's factum, including those respondents who are cross-appellants, shall be green-coloured.

(8) A factum shall not contain any irrelevant matter, nor reproduce any matter that appears in the appeal book if a reference to it would reasonably suffice.

(9) The Registrar shall not accept any factum or copy which is not in accordance with these Rules or which is not readily legible or is slovenly.

#### Length and specifications of factum

**39.** (1) A factum shall consist of no more than 30 pages, exclusive of case tables or statutes, unless a judge directs otherwise.

(2) The presentation of the factum shall comply with the following specifications:

- (a) font size at a minimum of 12 points;
- (b) line spacing at a minimum of one and a half lines, except for quotations inserted in the text of the factum;
- (c) margins at a minimum of one inch each.

#### Failure to comply with Rules

**40.** (1) Where a party fails to comply with these Rules as to factums, the Court may impose such terms upon the party in default as it considers just.

(2) On the opening of the Court, the Registrar shall report any default to the Court.

#### Costs

#### Costs

**41.** The costs of an appeal are in the discretion of the Court of Appeal.

#### Successful party entitled to costs

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**42.** Unless otherwise ordered, the party who is successful on an appeal shall receive costs equal to the total of all reasonable disbursements, plus a fee calculated under Rules 43 to 49.

### Scale of fees on appeal

**43.** On an appeal, the scale of fees of the appeal and, where the order or judgment so provides, of the proceedings in the court below, shall be as directed by the judgment in the appeal or, in default of direction, shall be the same as that applicable to the order or judgment appealed from.

### Solicitor's fees set out in Schedule B

**44.** Unless otherwise ordered, the fees of a solicitor shall not exceed the applicable amounts set out in Schedule B.

### Taxing officer to determine fees

**45.** (1) Unless otherwise ordered, the fees of a solicitor shall be determined by the taxing officer.

(2) The Registrar or a deputy registrar of the Court may act as the taxing officer.

### Fees to be taxed

**46.** Unless otherwise ordered, where by a judgment or order, relief other than or in addition to the payment of money is given, or where judgment is given in an action in which relief other than or in addition to the payment of money is sought, the fees shall be taxed according to the higher of

- (a) Column 2 of Schedule B; and
- (b) the scale that would apply if the other relief had not been given or sought.

### GST and bill of costs

**47.** A party entitled to costs may calculate and add to his or her bill of costs the applicable goods and services tax under the *Excise Tax Act* (Canada) or any similar value added tax imposed by any authority applicable to a solicitor's account.

### Where costs of appeal are higher than taxed costs

**48.** In any case where the taxed costs of a solicitor are less than 50% of that solicitor's own bill to his or her client, the solicitor may tax his or her reasonable solicitor-and-client costs and, in such case, the costs of the appeal shall be the higher of the costs taxed pursuant to Schedule B or 50% of the taxed solicitor-and-client costs.

### Rules of Nunavut Court of Justice apply

**49.** The Rules relating to taxation set out in Part 50 of the Rules of the Nunavut Court of Justice shall apply to the taxation of costs under these Rules.

## Repeal

**50.** **The *Rules of the Court of Appeal Respecting Civil Appeals*, registered under the *Statutory Instruments Act* (Northwest Territories) as regulation numbered R-142-91, as duplicated for Nunavut by section 29 of the *Nunavut Act* (Canada), are repealed.**

## Coming into force

**51.** **These Rules come into force on the later of January 1, 2012 and the day on which they are registered with the Registrar of Regulations.**

**SCHEDULE A**

FORM 1

*(SubRule 30(3))*

CLERK'S CERTIFICATE

I, the undersigned Clerk of the Nunavut Court of Justice, do hereby certify to the Registrar of the Court of Appeal of Nunavut that the foregoing appeal book contains true copies of all material, set forth in the agreement as to contents of the appeal book (*or as fixed by a judge*), as taken from the court files (*or furnished to me by counsel for the parties or the court reporter, as the case may be*).

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Clerk of the Nunavut Court of Justice

**SCHEDULE B****BARRISTER AND SOLICITOR COSTS IN CIVIL APPEALS (Rule 44)**

<u>ITEM</u>	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>	<u>COLUMN 4</u>	<u>COLUMN 5</u>
	Up to but not exceeding \$15,000	Over \$15,000 but not exceeding \$35,000	Over \$35,000 but not exceeding \$75,000	Over \$75,000 but not exceeding \$150,000	Over \$150,000
	\$	\$	\$	\$	\$
1. All steps taken to file and serve notice of appeal (including all steps necessary for appellate counsel to review the case and receive instructions)	500	600	750	1 000	1 250
2. Motion for a stay of execution (contested)	200	300	500	600	750
3. Appearance on any contested application (including brief)	200	300	500	600	750
4. Agreement as to contents of appeal book	50	100	200	250	300
5. Appeal books (including instructions on preparation and attendances to filing and service)	100	150	250	350	500
6. Preparation for appeal (including preparation, filing and service of factum)	1,000	2,500	4,000	6,000	8,000
7. Appearance to argue before appeal court (For the first one-half day or portion thereof.)					
(a) first counsel	500	800	1,200	1,600	2,000
(b) second counsel (where allowed by the Court)	-----	-----	500	750	1,000
8. Appearance to argue before appeal court (For each full one-half day occupied after the first half day or, a proportionate allowance to be made to the extent that a full half day period is not occupied.)					
(a) first counsel	250	400	600	800	1,000
(b) second counsel (where allowed by the Court)	-----	-----	250	375	500
9. Preparation, entry and service of formal judgment	50	100	200	250	300
10. Preparation of bill of costs	50	100	200	250	300
Attendance on contested taxation	100	200	300	400	500

11.

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