

SUPREME COURT OF NOVA SCOTIA
EXTENSION OF TIME TO FILE A NOTICE OF APPEAL

1. If you are unable to file your Notice of Appeal to the Supreme Court within the prescribed filing times as set out in the Civil Procedure Rules, you may file a Notice of Motion to Extend the Time to file a Notice of Appeal. The Motion will be heard in Chambers.
2. Read the attached Notice of Motion (Form 23.03) carefully and retype the Notice of Motion with your own information.
3. You must file an Affidavit in support of your motion to extend the time. You must attach as an Exhibit a DRAFT Notice of Appeal that you propose to file with the court, if you are granted an extension of time to file the Notice of Appeal. Your affidavit must set out all the reasons why you were unable to file the Notice of Appeal within the required time frame to appeal.
4. The Court filing fee for the Notice of Motion to Extend the Time to File a Notice of Appeal is \$133.77. If your application is granted you will be required to pay a law stamp fee of \$28.75.
5. You must select the time and date for the hearing of your motion. It must be on either a Tuesday, Wednesday or Thursday at 9:30 a.m.
6. You must file and serve your Notice of Motion and supporting affidavit on the opposing party no less than five (5) days before the motion is heard.
7. You must file the following with the court:
 - a) an original and at least two copies (one for each person named as parties to the action) of the Notice of Motion
 - b) supporting affidavit
 - c) three Draft Orders
8. Time is calculated in accordance with Rule 94. You do not count the day you file your document nor the day of the hearing but rather you count five (5) days between the two events excluding Saturday, Sunday or a day on which the Prothonotary's Office is closed.
9. It is recommended that you seek legal advice before filing documentation to start a court proceeding and attached is a resource list to assist you in this regard.
10. The "Court Data Information Sheet" is to be completed by a self-represented appellant(s) and filed with the Court.