

SUPREME COURT CRIMINAL MATTERS (HALIFAX)

Extension of time to file a Notice of Appeal from a Provincial Court Summary Conviction or Summary Offence

1. If you are outside of the twenty-five (25) (clear, business) day appeal period to file a Notice of Appeal with the Supreme Court from a Provincial Court Summary Conviction, you may file a Notice of Motion to appear before a Crownside judge to seek an extension of time to file the Notice of Appeal.
2. You must file an Affidavit in support of your application to extend the time to file the Notice of Appeal setting out the reasons why you were unable to file your appeal within the required twenty-five (25) day appeal period. You must attach as an Exhibit to your Affidavit a DRAFT Notice of Summary Conviction Appeal that you propose to file with the court if the judge grants your extension.
3. Read the attached Notice of Motion carefully and add in your own information. You must choose the time and date for the hearing of your motion in Crownside (before a judge) and write it into your Notice of Application. Crownside is generally held every Thursday at 9:00 a.m.
4. You will require at least three (3) copies of your Notice of Motion, your Affidavit and your draft Order. We will keep the original copy of the Notice and the Affidavit and the three (3) copies of the draft Order for the court file. You must serve the other parties named in the application with a copy of the Notice of Motion and the Affidavit.
5. Your documents must be filed no later than 10:00 a.m. on the Wednesday preceding the Thursday you intend to appear in Crownside to have your application heard.
6. You must serve a copy of the documents you file with the court on the applicable Crown office – either the Provincial, the Federal or the Municipal Crown. The addresses for service are as follows:

Municipal Crown
5251 Duke Tower, 3rd Floor
-or-
Provincial Crown
Maritime Centre, 13th Floor
-or-
Federal Crown
Duke Tower, 14th Floor
7. The Court filing fee for the Notice of Motion to Extend the Time to File a Notice of Appeal is \$145.80. If your application is granted you will be required to pay a

law stamp fee of \$25.00 + HST.

8. We recommend you seek legal advice before filing documentation to start a court proceeding. Attached is a resource list to assist you in this regard.

September 2017