

**NOVA SCOTIA COURT OF APPEAL**  
**EXTENSION OF TIME TO COMMENCE AN APPEAL**

1. When you are outside the time frames for starting an appeal as set out at Civil Procedure Rule 90.13, you may file a Notice of Motion to Extend the Time to File a Notice of Appeal.
2. Read the attached Notice of Motion 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 and 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. You must also set out all the reasons why you were unable to file the Notice of Appeal within the required time frame to appeal.
4. You must file an original and as many copies as there are Respondents. The court filing fee is on the court website under Costs & Fees. Copies will be returned to you for service on the Respondents.
5. Civil Procedure Rule 90.37 applies to a motion heard before a Chambers judge of the Court of Appeal. Review the rule on the courts website at:  
[www.courts.ns.ca](http://www.courts.ns.ca)
3. This motion is heard in regular in person Chambers on a Thursday at 10:00 a.m.
7. Your Notice of Motion and your supporting Affidavit must be filed with the court and must be served on the Respondents no later than four (4) days before the date of the hearing of the motion.
8. As the Appellant you are required to file an Affidavit of Service to establish that these documents were provided to the Respondents within the required time frames.
9. Please remember all time is calculated in accordance with Civil Procedure Rule 94 - this means you do not count the date you file your Notice of Motion and you do not count the day the motion is heard. You count the days in between and you omit any Saturday or Sunday or day when the Prothonotary's office is closed.
10. For more information:  
Registrar, Nova Scotia Court of Appeal  
1815 Upper Water Street  
Halifax, NS  
Telephone: 424-8962  
Fax: 424-0524

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