



**NOTICE TO THE PARTIES AND THE PROFESSION**

TO: Parties and the Profession

FROM: The Honourable Marc Noël,  
Chief Justice of the Federal Court of Appeal

DATE: April 21, 2021

SUBJECT: Suspension of filing deadlines and changes to filing requirements:  
COVID-19

[1] This Notice supersedes any previous notice to the contrary.

**A. Suspension of filing deadlines in certain proceedings**

[2] An initial Suspension Period was announced on March 19, 2020. The Suspension Period extended to all pending matters and applied to all time limits under the *Federal Courts Rules* as well as time limits set out in orders and directions of the Court.

[3] After a few extensions (April 2, 2020, May 12, 2020, and May 28, 2020), a decision was made to extend the Suspension Period indefinitely but to allow for the Suspension Period to be gradually lifted, as circumstances permitted, with respect to files listed on the Selected Files List (Notice to the Parties and the Profession; June 11, 2020: [Gradual Phase-Out of Suspension Period: COVID-19](#)). By the fall of 2020, all pending files had been placed on the Selected Files List.

[4] The June 2020 Notice also acknowledged that a deterioration of the public health situation and resurging limitations on the Court's resources could cause the Court, acting on its own motion, to restore the Suspension Period by deselecting files. This is done by identifying the deselected files on the Selected Files List and by indicating the date on which the deselection takes effect.

[5] Due to the deteriorating situation in some jurisdictions, the Court is now required to restore the Suspension Period by deselecting a number of files. The Suspension Period will continue to apply as the default position with respect to all newly instituted proceedings. Parties

and counsel are invited to regularly consult the weekly Selected Files List (posted every Monday on the Court's [homepage](#) under "What's New") to confirm the status of their file.

[6] As outlined in the [June 11, 2020, Notice](#), a party may bring a motion under Rule 369: (a) for a Selected File to be deselected and made subject to the Suspension Period; or (b) for a deselected file to be made a selected file subject to the time limits under the *Federal Court Rules* or set out in orders and directions of the Court. The motion may be made by informal letter sent to the Registry by email at [FCARegistry-CAFGreffe@cas-satj.gc.ca](mailto:FCARegistry-CAFGreffe@cas-satj.gc.ca). The Court will consider: (a) the age of the file; (b) the health and regulatory situation existing in the region where the file is being prosecuted; (c) the availability and capacity of court staff; (d) the urgency of the file; and (e) any other considerations under Rule 3.

[7] A deselected file remains subject to timelines set out in the *Federal Courts Act* or other federal legislation.

## **B. Filing of Court documents**

[8] Until further notice, all documents, including appeal books and application records, should be filed by email sent to [FCARegistry-CAFGreffe@cas-satj.gc.ca](mailto:FCARegistry-CAFGreffe@cas-satj.gc.ca). A party who wishes to file an electronic document exceeding 25 megabytes (MB) must request a link to access a designated internet-based storage platform. The request can be submitted to the Registry by email at [FCARegistry-CAFGreffe@cas-satj.gc.ca](mailto:FCARegistry-CAFGreffe@cas-satj.gc.ca). Please ensure that your request includes the court file number, the style of cause (name of the case) and the type of document sought to be filed.

[9] Confidential documents must not be filed electronically by email. If you need to file electronic documents containing confidential information, please contact the Registry via email at [Information@fca-caf.gc.ca](mailto:Information@fca-caf.gc.ca) or phone so that alternate arrangements may be discussed.

[10] Parties filing via email documents other than appeal books and application records are exempted from the filing of paper copies. One paper copy of appeal books and application records must be submitted no later than 5 business days after the date on which the Requisition for Hearing is filed.

[11] The Court has set requirements for electronic court documents, as well as recommendations that parties are encouraged to follow in the preparation of electronically filed court documents: [Requirements and Recommendations for Filing Electronic Court Documents in the Federal Court of Appeal](#).

## **C. Hearings**

[12] Until public health advice in a particular jurisdiction allows in-person hearings, the Court will continue to hear proceedings remotely, by online videoconference, teleconference or in writing. Parties should communicate their preference in the Requisition for Hearing or in correspondence addressed to the Judicial Administrator if a Requisition has already been filed.

[13] Parties to hearings scheduled to be heard remotely are encouraged, where feasible, to file electronic versions of court documents previously filed in paper form.

**D. Registry Operations**

[14] Onsite staffing levels will continue to be reduced for some time. Parties are encouraged to continue to communicate with the Registry via [email](#) and [telephone](#), to file electronically and to limit in-person attendance at the Registry to the extent possible.

[15] Parties are encouraged to regularly consult the Court’s website ([www.fca-caf.gc.ca](http://www.fca-caf.gc.ca)) for updates and for information regarding changes in the scope of the Court’s operations. It is also possible to receive news about changes to court process and procedure by following the Court on Twitter (@FedCourtApp\_en or @CourAppFed\_fr).

“Marc Noël”

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Chief Justice,  
Federal Court of Appeal