



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: March 19, 2020

SUBJECT: Temporary suspension of deadlines: COVID-19

This Notice is a complement to the Court's Notice to the Parties and the Profession dated March 16, 2020 and titled "Update on Court Operations in light of COVID-19". In light of the current exceptional circumstances, the following additional measures are announced and are effective immediately:

1. In accordance with Rule 55 of the *Federal Courts Rules*, S.O.R./98-106 and the plenary power of the Court to regulate proceedings before it, rule 6 is varied in all proceedings so that for the purposes of the calculating time under the Rules or under any direction or court order, the period March 16, 2020 to April 17, 2020 inclusive ("the suspension period") shall not be included in the calculation of time. In other words, time will not run during the suspension period.
2. Documents may still be filed during the suspension period. However, because of the reduced Registry staff onsite during this period, this is not encouraged.
3. Those commencing appeals and applications under sections 27 and 28 of the *Federal Courts Act* are governed by mandatory deadlines. Parties are invited to file appeals and applications within those deadlines. If circumstances prevent timely filing, under the terms of these provisions, parties may seek an extension of the deadlines after they expire. Judges seized of these requests will have to take into account this Notice and the suspension period in exercising their discretion.
4. The deadlines for commencing appeals or applications under other statutes apply and cannot be extended or varied unless permitted under the terms of and in the manner prescribed by those statutes.

5. When, by reason of a statutory deadline, service of a document is required to be made during the suspension period, proof of service may be filed after the end of the suspension period.

6. In cases of genuine urgency, the Judicial Administrator may be contacted by letter sent by email to Information@fca-caf.gc.ca.

7. Parties and members of the legal community are encouraged to file by e-mail to Information@fca-caf.gc.ca instead of going to the Registry to file paper documents. Doing so will reduce the administrative burden of the reduced onsite Registry staff. Parties are reminded that they are exempted from the filing of paper copies if they proceed in this manner.

Parties and members of the legal community are encouraged to regularly consult the website and Twitter account of the Federal Court of Appeal (www.fca-caf.gc.ca; @FedCourtApp_en) as this Notice is subject to ongoing modification as required.

“Marc Noël”

Chief Justice,
Federal Court of Appeal