

Appeals to BC Supreme Court

Appeals to BC Supreme Court Basics

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Appeals to BC Supreme Court Basics

The British Columbia Supreme Court is not only a trial court. It also hears some appeals from Provincial Court and from Tribunals.

Appeals from certain other decision makers can be brought to the Supreme Court. However, you can appeal to the Supreme Court only if a statute gives you that right. For example, you can appeal decisions from the Provincial Court of BC and decisions made by some administrative bodies, like the Superintendent of Motor Vehicles, because that right is set out in legislation.

If a statute does not specifically give you the right to appeal to the Supreme Court of BC, you may be able to challenge the decision in a petition for judicial review. For more information on judicial review, see [Judicial Review](#).

An appeal is not simply a new trial in the Supreme Court. Rather, the judge of the Supreme Court will review the decision to see if there was a serious error in the judge's decision. Appeals tend to focus on law rather than facts. The Supreme Court judge will not find fault with the trial judge's determination of the facts unless it was clearly wrong.

Appeals from Small Claims Court

To start an appeal of a Small Claims decision you must file a Notice of Appeal in [Form 74](#). (If for some reason you require a special procedure to apply to your appeal, which is rare, then you must file a Notice of Appeal in [Form 73](#) where you explain why you need a special procedure).

Learn More



Practice Direction 21 – Standard Directions for Appeals from Provincial Court – Small Claims Act.

Appeals After Trial [SmallClaimsBC.ca](https://www.smallclaimsbc.ca)

You must pay a deposit of \$200 with the registrar of the Supreme Court when you file your notice of appeal. This is “security” for a potential costs award if you lose your appeal (see **Costs**). If you lose your appeal and a costs award is made against you, this money will go to the other side to cover part of that award. If you win your appeal it will be returned to you.

You must file the Notice of Appeal and serve it on the other parties.

You must also order and pay for a transcript of any evidence given at the Provincial Court hearing, as well as the reasons for judgment of the provincial court. For more information on how to order a transcript, see **here**.

To oppose an appeal from a small claims court, you must file a Notice of Interest in **Form 70**, and you must also serve a copy of the filed Notice of Interest on the appellant.

Within 45 days of filing the Notice of Appeal, the appellant must file the transcripts from the Provincial Court with the Supreme Court, serve a copy of the transcripts on anyone who has filed a notice of interest, and file and serve a Statement of Argument.

At least 14 days before the hearing of the appeal, any person who filed a Notice of Interest must also file and serve a Statement of Argument.



Find the Form

Form 74 Notice of Appeal

Form 70 Notice of Interest

The form for the statement of argument can be found in ***Practice Direction 21 – Standard Directions for Appeals from Provincial Court – Small Claims Act.***

Read the Rules



Part 2 of the *Small Claims Act of BC*

Supreme Court **Rule 18-3** - Procedure for appealing a Small Claims Decision.

Appeals from Provincial Court Family Cases

Section 233 of the *Family Law Act* allows you to appeal a family court decision made in Provincial Court, as long as it was not an interim order.

The appeal is governed by a standard set of rules. You must bring the appeal within 40 days of the Provincial Court order. The procedure is set out in **Rule 18-3** of the *Supreme Court Family Rules*.



Key Terms

An **interim order** is an order that does not finally settle matters between the parties.

Read the Rules



233 *Family Law Act* - Appeals from Provincial Court Orders

Rule 18-3 Supreme Court Family Rules - Appeals

You must make and serve the following documents to the respondent:

- A notice of appeal in **Form F79** or **Form F80**
- An affidavit of service of the notice of appeal
- A complete transcript of the oral evidence given at the Provincial Court hearing and the reasons for judgment (the appellant must order and pay for these) and
- A written outline setting out
 - The grounds of the appeal
 - The order you are asking the court to make
 - The facts and law that you are relying on (including a list of authorities – case law and legislation)

You cannot bring new evidence to the appeal in Supreme Court (unless the court gives its permission to do so, which is unusual).

The Supreme Court will review the transcript of the Provincial Court hearing and hear your legal argument (your reasons why the Provincial Court did not properly apply the law to the facts of your case).

After hearing your appeal, the Supreme Court can make one of these orders:

- Confirm the order of the Provincial Court
- Set aside the order of the Provincial Court
- Make any order that the Provincial Court could have made or
- Direct the Provincial Court to have a new hearing



Learn More

You can read more about appealing Provincial Court Family orders on [wiki.clicklaw](#).

Appeals from Tribunals

You can appeal a decision of a tribunal to the Supreme Court **only if** the legislation that applies to your case gives you the right to appeal. For example, you can appeal a decision by the Superintendent to suspend your driver's licence under the provisions of the *Motor Vehicle Act*.

Once the appeal has been filed in the Supreme Court, it is governed by the Supreme Court Rules (see **Rule 18-3**). See **Appeals from Small Claims Court**.

You cannot enter new evidence at the appeal unless the court allows you to do so.

If there is no right of appeal in the legislation, you may still be able to challenge the decision you are unhappy with. You might do this by bringing an application for judicial review, which can be done even when the statute has no right of appeal. For more information on applications for judicial review in Supreme Court, see **Judicial Review**.

Key Terms



A **judicial review** is a review of a decision that has been made by an administrative tribunal or an administrative decision maker. A Supreme Court Justice decides whether the tribunal or decision maker had the authority to make the decision it did. It is not an appeal.