

# After the Judge Makes a Decision

**The judge's decision is not the end of the road.** There are other things to think about:

- Should the less successful party pay **costs** to the more successful party?
- What steps do you need to take to **enforce your rights** under the judgment or court order? Is the other party supposed to pay you money? Is the other party supposed to do something for you?
- If you are not happy with the judge's decision, can you **appeal** (challenge) the decision?

## Costs

The more successful party can ask the judge to order the less successful party to pay costs. Costs reimburse the more successful party for having to go through the court process to get a resolution. Costs that the judge might allow are set out in a schedule to the *Alberta Rules of Court*. They include court fees and out-of-pocket expenses (called "disbursements"). Costs can sometimes include the successful party's legal fees. The less successful party does not automatically pay costs to the more successful party. The judge decides what costs will be.

Sometimes, the more successful party has to pay costs to the less successful party:

- In the **Court of Queen's Bench**, one party can present the other party with a formal settlement offer. A formal settlement offer can be shown to a judge at a trial. Other types of offers cannot, such as offers made during mediation or marked "without prejudice". If the formal offer is reasonable but not accepted and the case goes to trial, the rejecting party may have to pay

the other party's costs (and sometimes double costs) in some situations.

- In **Provincial Court**, the defendant can offer to settle by paying money into court. If the plaintiff rejects the offer, goes to trial and is awarded less than the amount paid into court, the plaintiff may have to pay the costs of the defendant (from the time they paid money into court).

**EXAMPLE** Two parties have an issue in Provincial Court. The defendant pays \$5,000 into court to settle the issue. The plaintiff rejects the offer, so the issue goes to a trial. At the trial, the judge awards the plaintiff \$3,000. While the plaintiff was successful overall in proving their case, they may have to pay the defendant's costs for not accepting the offer of \$5,000. Had the plaintiff accepted the offer, everyone would have saved time and money by not having to go to court.

## Enforcing a Judgment or Court Order

If the judge issues a court order or judgment in your favour, you may have to take steps to enforce it (get what you are legally entitled). Is the other party supposed to pay you money? Did you get a restraining order and the other party is supposed to stay away from you?

The judgment or court order might say how it can be enforced. For example, if you have a restraining order, the court order might say you should call the police if the other party disobeys the order. If it is a family dispute and the court order sets out a parenting plan, the order might say what happens if the other party does not follow the plan. If you have a

civil judgment and the other party owes you money, the judgment might say how long they have to pay you.

If the other party owes you money, they might not pay you right away if they do not have enough cash. You may have to take steps to collect, such as hiring a civil enforcement agency to seize or lien property. **You cannot seize property yourself.** For more information on enforcing a judgment in civil court, see the Alberta Courts' booklet called *Getting and Enforcing Your Judgment in Alberta*. <https://bit.ly/3clfqWo>

## Appealing the Decision

**What is an appeal?** An appeal is a challenge to a judge or decision-maker's decision. There are legal rules that say whether you can appeal the decision and what you have to convince the appeal court of. These rules depend on what court or **administrative tribunal** you are appealing from. In many cases, you must show that the judge made a factual or legal error. It is not enough to say you do not like the judge's decision.

Sometimes an appeal judge will hear new evidence. Other times they will only review the evidence before the previous decision-maker along with the decision-maker's reasons. It depends on the type of appeal. For example, if you are appealing the decision of a judge in Provincial Court to the Court of Queen's Bench, the reviewing Court of Queen's Bench justice usually only reviews the evidence presented in Provincial Court. If you want to introduce new evidence, you must ask permission to do so from the Court of Queen's Bench justice. Contact Resolution and Court Administration Services or review the Alberta Courts' website for more information.

An **administrative tribunal** is a government agency with authority to make decisions and that is not a court. Examples include the Human Rights Commission, the Subdivision and Development Appeal Board, the Labour Relations Board, Employment Standards, the Immigration and Refugee Board, and the Alberta Securities Commission.

## Where to File an Appeal

The following chart summarizes to which court you can file an appeal:

Court	Types of appeals the court can hear:
<b>Court of Queen's Bench</b>	<ul style="list-style-type: none"> <li>• Decisions made in Provincial Court about civil issues, family issues under the <i>Family Law Act</i> and issues under the <i>Child Youth and Family Enhancement Act</i></li> <li>• Decisions made by a Master of the Court of Queen's Bench (usually about procedural issues such as substitutional service)</li> <li>• Conviction offences heard in the Provincial Court, including traffic offences</li> </ul>
<b>Court of Appeal</b>	<ul style="list-style-type: none"> <li>• Decisions made in the Court of Queen's Bench</li> <li>• Decisions made by administrative tribunals (such as the Criminal Injuries Review Board) where the law that creates the administrative tribunal gives a right of appeal</li> </ul>
<b>Federal Court of Appeal</b>	<ul style="list-style-type: none"> <li>• Decisions made by the Federal Court of Canada</li> <li>• Decisions made by the Tax Court of Canada</li> <li>• Decisions made by federal boards, commissions, tribunals and administrative decision-makers where the law that creates the administrative body gives a right of appeal</li> </ul>
<b>Supreme Court of Canada</b>	<ul style="list-style-type: none"> <li>• Decisions made by any provincial appeal court in Canada (such as the Alberta Court of Appeal) and the Federal Court of Appeal</li> </ul>

## How to File an Appeal

Sometimes you need permission to appeal a decision. To get permission, you must file an application with the court to which you are appealing the decision. A judge in that court will review your application and decide if your appeal should go ahead.

Other times you automatically have a right to appeal the decision.

You should talk to a lawyer to figure out if you need permission to appeal or not.

## When to File an Appeal

There are very short timelines for filing an appeal with the court after the judge has made a decision.

1. Check the law that applies to your case. It may give a time limit to file an appeal.
2. Otherwise, you have one month from the date of the decision or sentencing to file an appeal.

**You should talk to a lawyer immediately after the judge makes their decision if you want to appeal it.** The appeal process is complicated and can be very expensive.

For more information about appeals, visit the Government of Alberta website: <https://bit.ly/3whmroJ>

## Resources

### CPLEA

Information booklets, FAQs and videos on many areas of the law and court process in Alberta.

[cplea.ca/resources](https://cplea.ca/resources)

### LawCentral Alberta (a CPLEA website)

List of legal clinics and organizations in Alberta providing free or low-cost legal services.

[lawcentralalberta.ca/clinics](https://lawcentralalberta.ca/clinics)

List of more resources for preparing for court.

[lawcentralalberta.ca/preparing-court](https://lawcentralalberta.ca/preparing-court)

### Alberta Courts

Information about the courts in Alberta, including forms and court processes.

[www.albertacourts.ca](https://www.albertacourts.ca)

### Resolution and Court Administration Services (RCAS)

Government service providing resolution and court support for Albertans.

[www.alberta.ca/rcas.aspx](https://www.alberta.ca/rcas.aspx)

### Alberta Law Libraries

Access to legal information and resources.

[lawlibrary.ab.ca](https://lawlibrary.ab.ca)