

In the Court of Appeal of Alberta

Citation: Botar v Mainstreet Equity Corp., 2013 ABCA 270

Date: 20130725

Docket: 1003-0346-AC

1203-0202-AC

Registry: Edmonton

Between:

Andrew S. Botar

Applicant (Appellant)

- and -

Mainstreet Equity Corp.

Respondent (Respondent)

**Reasons for Decision of
The Honourable Mr. Justice Frans Slatter**

Application to Extend Time

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[1] This is an application to extend the time for filing the appellant's factum. The appellant has launched appeals from decisions arising out of a long-standing dispute with his landlord: see *Botar v Mainstreet Equity Corp.*, 2010 ABQB 710 and 2012 ABQB 417.

[2] One of the judgments under appeal grants judgment against the appellant for over \$20,000. The appellant has obtained a stay of that judgment, and against the order for possession, until his appeals are heard.

[3] One notice of appeal was filed in 2010 and the other on September 10, 2012. The deadline for filing the factum on the first has long since passed, and the deadline on the second was in April. The appellant obtained an extension to November 4, 2013. The appellant wants that extended again until January 6, 2014. While the appellant is not employed he alleges that absences from Edmonton as well as other court proceedings he has scheduled will prevent him meeting the deadline.

[4] There is no basis for extending the deadlines, except that the respondent has not opposed it. These matters have dragged on too long, especially the 2010 appeal. An appellant who launches an appeal must arrange his affairs so that he can meet all the applicable deadlines. The court system and the respondent cannot simply wait around to accommodate his personal schedule. That is particularly so when the appellant has managed to obtain a stay of the judgments under appeal, for in those cases the appellant is under a particular duty to prosecute the appeal.

[5] The application is allowed, but the new deadline is peremptory on the appellant. The appellant's factum must be filed before January 6, 2014, or both appeals will be deemed abandoned, and the stays will be automatically lifted. These appeals are to be prosecuted expeditiously notwithstanding the outcome of the further proceedings that are scheduled for September of 2013.

[6] The applicant also wishes to amend his Notice of Appeal No. 1203-0202-AC to add an appeal of an order of November 28, 2012. That amendment is granted because it is unopposed. The applicant must file a supplemental Appeal Record including that order, the amended Notice of Appeal, any required transcripts, and any other relevant material by September 27, 2013.

Application heard on July 23, 2013

Reasons filed at Edmonton, Alberta
this 25th day of July, 2013

Slatter J.A.

Appearances:

Applicant Andrew S. Botar on his own behalf

Respondent Mainstreet Equity Corp. (no appearance)