

COURT OF APPEAL FOR BRITISH COLUMBIA

FORM 4

NOTICE OF APPLICATION (RULES 13(a), 18(4), 20(3) and (4), 54(a), 58(1), 59(1), 60(2), 61(2), 63(2))

VANCOUVER
25-Feb-26
COURT OF APPEAL
REGISTRY

Court of Appeal File No.

CA51094

The file number can be found on the upper right corner of the Notice of Appeal.

PARTIES TO THE APPEAL

Appellant(s)

List the name(s) of the appellant(s) named on Form 1: Notice of Appeal.

AIR PASSENGER RIGHTS

Respondent(s)

List the name(s) of the respondent(s) named on Form 1: Notice of Appeal.

WESTJET AIRLINES LTD.
CIVIL RESOLUTION TRIBUNAL

This application is in the jurisdiction of:

- The Court (3 Justices) A Chambers Justice The Registrar

To the person(s) filing the application (the applicant):

If your application is before a chambers justice, check the [available chambers dates](#) on the court website and the timelines for bringing your application under the rules.

If your application is before the court or the registrar, contact the appropriate scheduler before completing this form.

Communicate with the other person(s) to ensure they are available on the requested date. Chambers applications are to be no more than 30 minutes.

Name(s) of person(s) bringing the application

AIR PASSENGER RIGHTS

Name(s) of responding person(s) to be served with the application

WESTJET AIRLINES LTD.
CIVIL RESOLUTION TRIBUNAL

Location where the application will be heard
Enter the address of the courthouse.

BC Court of Appeal
The Law Courts
400-800 Hornby Street
Vancouver, BC
V6Z 2C5

Date the application will be heard

17/03/2026 at 10:00 a.m.
alongside the appeal

Chambers applications begin at 9:30 a.m.

DD/MM/YYYY

The applicant anticipates that this application will be...
Check only one.

Contested Uncontested

Enter the section(s) or rule(s) that you are relying on for your application

E.g., If you are applying for leave to appeal, enter "Section 31 of the Court of Appeal Act." If you are applying for a stay of proceedings, enter "Section 33 of the Court of Appeal Act."

1. Rules 8-9 and 60 of the *Court of Appeal Rules*.
2. Sections 13-15, and 18 of the *Court of Appeal Act*.
3. Pursuant to Section 18(2)(b) of the *Court of Appeal Act*, applying Rule 9-5 of the *Supreme Court Civil Rules* by analogy.
4. Any other grounds this Honourable Court may permit.

Enter the order(s) that you are seeking

E.g., "stay of proceedings" or "extension of time to file an appeal book" and any request with respect to costs. If you are seeking leave to appeal, enter "leave to appeal the order of _____."

1. An Order striking paragraphs 65-68 and 72-97 from the Respondent WestJet Airlines Ltd.'s factum for failure to file a cross-appeal and/or the relief WestJet seeks is beyond this Court's jurisdiction.
2. An Order strike, as an abuse of process, paragraphs 44-60 from the Respondent WestJet Airlines Ltd.'s factum to the extent WestJet is seeking to advance the position that the underlying claim before the Civil Resolution Tribunal was not a claim in "debt."
3. Any other relief this Honourable Court deems just.

Is an application book required?

See Rule 13 for leave applications and Division 2 of Part 9 of the Rules for other applications.

Yes

No

If you are not required to file an application book, list the affidavit(s) in support of this application

Enter the name of each person whose affidavit is being filed and the date each affidavit was sworn.

Affidavit #1 of Brittany Connelly made on February 25, 2026

Email address(es) for service of applicant(s)

If you provide an email address, you consent to have documents served on you by email.

service@evolinklaw.com

Date form completed

25/02/2026

DD/MM/YYYY

Name of lawyer or applicant authorizing filing of this form

Simon Lin