

# 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

13-Mar-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

WestJet Airlines Ltd.

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

Air Passenger Rights

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

The Law Courts  
400 – 800 Hornby Street  
Vancouver, BC V6Z 2C5

Date the application will be heard

17/03/2026

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. Rule 32 of the *Court of Appeal Act*, S.B.C. 2021, c. 6; and
2. Rule 41(b) of the *Court of Appeal Rules*, B.C. Reg. 120/2022

**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 abridging or extending the time for the Respondent WestJet to file and serve its written argument in response to the Appellant's notice of application filed on February 25, 2026, to March 13, 2026.

**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.*

Nil

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

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

[mdery@ahbl.ca](mailto:mdery@ahbl.ca), [kmcgoldrick@ahbl.ca](mailto:kmcgoldrick@ahbl.ca) and [service@ahbl.ca](mailto:service@ahbl.ca)

Date form completed

13/03/2026

DD/MM/YYYY

Name of lawyer or applicant authorizing filing of this form

Michael Dery