



# FEDERAL COURT E-FILING GUIDE

Updated May 2020

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## 1 OVERVIEW

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The Federal Court has a system where parties can file documents electronically, known as **e-filing**, by using its online user portal [**e-filing portal**]. You are highly encouraged to use e-filing as it has several benefits, including increased efficiency; reduction of overhead costs; enhanced ability to provide legal services to under-represented communities; enhanced work/life balance opportunities (ability to file Court materials remotely, enhanced ability to telecommute for litigation counsel); and a reduced environmental footprint.

As this e-filing guide will explain, the Federal Court's e-filing procedure is simple and user-friendly and does not require any specialized technical knowledge.

It is important to understand that the e-filing system does *not* alter legislative or judicial guidelines. It simply allows you to submit your documents for filing online, rather than appearing in person at a Registry Office. You should always follow the [Federal Courts Rules](#) [**Rules**] when e-filing — unless the Court has issued specific directions otherwise. For citizenship, refugee, and immigration proceedings, please also consult the [Federal Courts Citizenship, Immigration and Refugee Protection Rules](#) [**IMM Rules**]. Most of the *Rules* and *IMM Rules* are format neutral — meaning they apply equally to all methods of submission and document format.

This e-filing guide is organized in five sections to provide guidance on e-filing from start to finish.

The [first section](#), “Formatting Rules and Guidelines”, details proper formatting requirements under the *Rules* and the Court's established standards.

The [second section](#), “Preparing your Documents for E-filing”, discusses how to create and prepare your documents to meet the *Rules* and standards discussed in the first section.

The [third section](#), “E-service and Proof of Service” outlines how to serve your documents electronically on the other party [**e- service**]. It includes some commentary and guidance about the need to prove service, and how proof of service relates to e-service.

The [fourth section](#), “The E-filing Process” explains how to use the e-filing portal. It highlights specific Registry procedures associated with e-filing.

Finally, the [fifth section](#) answers several Frequently Asked Questions (FAQs) about e-filing.

## PROCEDURAL CHANGES DUE TO COVID-19

The Court has introduced **temporary process changes** and a **Suspension Period** for most proceedings due to the COVID-19 pandemic (effective April 4, 2020). The full notice is found at the [Federal Court's website](#). Please note that it was [updated and amended](#) on April 29, 2020.

Below is a summary of procedural changes that will be in effect during the Suspension Period (until May 29, 2020). These are also reproduced in the relevant sections of this e-filing guide.

### A. E-service during the COVID-19 Suspension Period

During the [COVID-19 Suspension Period](#), a party is deemed to have consented to e-service if that party included their e-mail address on a document already filed in Court. This deemed consent is valid for the duration of the Suspension Period (until May 29, 2020).

If there is an issue with a party receiving notice of an e-served document, they can ask the Court to set aside the consequences of default or grant an extension of time or an adjournment.

### B. E-filing during the COVID-19 Suspension Period

- 1. Originating Documents:** If you file an originating document, the Registry will serve the Respondent (the Crown). Per [Rule 133](#), this means that all originating documents **need not be personally served on the Crown**. The following applies to proceedings not included in the COVID-19 suspension period.
- 2. Urgent Documents:** During the Suspension Period, parties should use the Court's e-filing portal to file all documents that do not contain confidential information. On an exceptional basis, where parties cannot access the e-filing portal and **the filing of documents is urgent**, parties may file by e-mail (max 25 MB) at [FC\\_Reception\\_CF@cas-satj.gc.ca](mailto:FC_Reception_CF@cas-satj.gc.ca).
- 3. Paper Copies:** You are not required to provide paper copies during the Suspension Period even if you meet the special circumstances that would otherwise require filing paper copies.

Due to ongoing developments in the COVID-19 pandemic, check the [Federal Court website](#) for the latest guidance.

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## 2 FORMATTING RULES AND GUIDELINES

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You must follow the [Federal Courts Rules](#) [**Rules**] when formatting your materials for e-filing.

If you do not follow the *Rules*, the Registry can refuse your filing. This could mean that you miss your deadline for filing. If you miss the deadline, you will need to request an extension of time.

Some key formatting rules include:

- Every document must be legible ([Rule 65](#)).
- All type (including footnotes and in-text citations) must be 12-point font ([Rule 65](#)).
- All type must be in Times New Roman, Arial, or Tahoma font ([Rule 65](#)).  
(**Note:** the Microsoft Office default Calibri font is not an acceptable font under the *Rules*)
- All printed documents must have top and bottom margins no smaller than 2.5 cm and left and right margins no smaller than 3.5 cm ([Rule 65](#)).
- All printed documents must not exceed 30 lines per page (not including headings) ([Rule 65](#)).
- All documents must contain ([Rule 66](#)):
  - The proper heading on the first page — see [Form 66](#).
  - The title of document.
  - The date of the document.
  - The name, address, telephone number, and fax number of the party or their representative.
  - Where there is a consent to e-service, the e-mail address of the party or their representative.
  - A signature ([Rule 66\(3\)](#)).
- Regular page limits apply to the document you are drafting.

## 2.1 SIGNATURES

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Here is how to meet the signature requirement for different document types.

### 2.1.1 Signatures in an affidavit or a statutory declaration

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When you e-file your materials, you must ensure all affidavits and statutory declarations are signed and executed according to the applicable rules. For the purposes of e-filing, you can meet the signature requirement by either:

- Scanning the paper version of the document with the handwritten signature; or
- Filing a digital copy of the document with a typed signature.

Either way, **you must keep the original** document until the end of your proceeding *and* for at least 30 days after all the appeal periods have expired, per [Rule 72.3](#).

### 2.1.2 Signatures in all other typed documents

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For typed documents other than affidavits and statutory declarations, you can meet the signature requirement in [Rule 66\(3\)](#) by e-filing the document with a typed signature.

## 2.2 PAGE NUMBERS

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Most documents submitted to the Court already have a page- or paragraph-numbering scheme as required by the *Rules*. Where the *Rules* prescribe a specific page- or paragraph-numbering scheme, you must follow this scheme when e-filing.

There are exceptions, however. Some documents do not require a numbering scheme under the *Rules*. Some documents include tabs to organize document groups and allow cross-referencing between documents. It may be unclear what to do in these situations.

Where you are not required to follow a particular numbering scheme, you may do one or several of the following to help make your document easy to navigate:

- Number all documents in the submission package (*e.g.* an application record) using a single, continuous numbering scheme (the numbers do not restart in each tab).
- Numbers should always appear in the lower right hand corner of the page.
- Always include a table of contents.
- Number all “lead” documents in the group (*e.g.* the affidavit) and any related documents (*e.g.* exhibits) using a multi-level numbering scheme (*e.g.*, A-1 to A-7, B-1 to B-44, C-1 to C-5, *etc.*), along with a table of contents for the entire group.

If you submit a paper copy to the Court, the numbering on the e-filed electronic version and the paper version should be always identical.



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### 3 PREPARING YOUR DOCUMENTS FOR E-FILING

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The Court has established a set of formatting guidelines for electronic documents. These standards are not laid out in the *Rules*, but the Court expects you to follow them to ensure a smooth and efficient e-filing process.

Additionally, the Court has established a set of recommendations or best practices so that your documents are as user-friendly as possible.

#### 3.1 HARDWARE AND SOFTWARE SUGGESTIONS

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Besides a computer and a web browser (e.g. Chrome, Explorer, Edge, Firefox, etc.), you do not need to use any particular hardware or software platform to access the e-filing portal.

This section outlines some of the possible hardware/software combinations that will allow you to use the e-filing portal effectively.

**Note regarding examples in this e-filing guide:** The Federal Court does not endorse any specific hardware or software platforms. The examples provided in this e-filing guide are offered only to illustrate hardware and software combinations that allow users to create materials meeting e-filing criteria. Nothing in guide should be construed as an endorsement, recommendation, or review of any products.

##### 3.1.1 Hardware suggestions

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You do not need to use any particular hardware to create documents for e-filing in Federal Court. You can use a variety of options to convert a physical document into a PDF file. These options include:

- Smartphones (via apps)
- Multifunction printer/scanners
- Dedicated scanners (desktop and portable)

The chart below briefly outlines some of the pros and cons of each category of scanning device.

Device	Pros	Cons
<b>Smartphone</b>	<ul style="list-style-type: none"> <li>• Lowest cost (apps can be free)</li> <li>• Portable</li> <li>• Most accessible option</li> </ul>	<ul style="list-style-type: none"> <li>• Scanning numerous documents is time consuming (you have to take a photo of each page and then edit the borders)</li> <li>• Quality is variable (depends on camera quality), and tends to be lower than dedicated scanner</li> </ul>
<b>Multifunction printer/scanner</b>	<ul style="list-style-type: none"> <li>• A single device may suffice for all office tasks</li> <li>• Cheaper to buy one multifunction device than a dedicated device for each task (printer, copier, scanner)</li> </ul>	<ul style="list-style-type: none"> <li>• High-quality models can be expensive</li> <li>• High-quality models have larger footprint than a dedicated scanner</li> <li>• Lower-cost models often cannot handle a heavy scanning load (short life-span or 'overloading' failures)</li> <li>• On lower-cost models, quality of scanner is comparatively low (as compared to a stand-alone scanner)</li> <li>• On lower-cost models, automated document feeders tend to have trouble separating pages (leading to jams and needing to re-scan pages)</li> </ul>
<b>Dedicated scanner (desktop)</b>	<ul style="list-style-type: none"> <li>• Often have an Automatic Document Feeder (ADF)</li> <li>• Dedicated scanners tend to produce higher quality scans faster and with less jams</li> <li>• Dedicated scanning software has useful features (e.g. double-sided scanning, blank page detection, OCR, etc.)</li> <li>• More reliable and efficient at scanning</li> </ul>	<ul style="list-style-type: none"> <li>• High cost (it is an extra expense if you already own a multifunction machine)</li> </ul>
<b>Dedicated scanner (portable)</b>	<ul style="list-style-type: none"> <li>• Very portable (can fit in a laptop bag or briefcase)</li> </ul>	<ul style="list-style-type: none"> <li>• Often lack an Automated Document Feeder (ADF), you may have to scan a page at a time</li> <li>• Typically slower than a desktop scanner</li> </ul>

Adobe (Adobe Scan) and Microsoft (Microsoft Office Lens) offer free smartphone apps on both Android and iOS that will create PDF scans using the onboard mobile camera. There are also multiple other third-party apps in this category.

### 3.1.2 Software suggestions

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You are not required to purchase or use any particular software to use the Federal Court e-filing portal.

However, to meet the formatting requirements effectively and efficiently, you need software that allows you to edit PDF files and perform Optical Character Recognition [OCR].

A variety of software is available on a “per license” or “subscription” basis:

- On a per license plan, you pay a single, up-front fee to license the software. Generally speaking, a license allows you to install the software on one computer only.
- On a subscription plan, you pay a lower monthly or annual fee to use the product. A subscription may allow you to use the same software on a number of devices.
- Licensing and subscriptions options might be limited, depending on the product.

Some software vendors offer limited-time free trials so you can test the product and see if it meets your needs.

The pricing estimates below were obtained online as of March 2020. These prices will likely change, and this list is provided for information purposes only. The Court does not provide support or any guarantee for any of these software suites. It is your responsibility to research these tools and determine which best meets your needs. Should you wish to learn about using any of these particular software, use the links below to access the “how-to” guides.

Software	PC (Windows) or Mac	License or Subscription	Pricing	Link to “How-to” Guides
Adobe Acrobat Pro	Both	Both	<i>License:</i> USD \$449 <i>Subscription:</i> US\$25/month; or USD \$15/month with an annual commitment	<a href="#">Guide</a>

Software	PC (Windows) or Mac	License or Subscription	Pricing	Link to "How-to" Guides
<b>Foxit Phantom PDF Standard</b>	Both	Both	<i>License:</i> CAD \$197.58 <i>Subscription:</i> CAD \$95.88/year	<a href="#">Guide</a>
<b>Nitro Productivity Suite</b>	Both	License only	CAD \$220	<a href="#">Guide</a>
<b>Kofax Power PDF (formerly Nuance Power PDF)</b>	Both	License only	USD \$129	<a href="#">Guide</a>
<b>PDF-XChange Editor</b>	PC only (Windows)	License	USD \$43.50; or \$54.50 for Plus version	<a href="#">Guide</a>

### 3.2 FORMATTING STANDARDS

You must follow a set of additional formatting standards for electronic documents, in addition to the requirements of the *Rules*. If you do not follow these standards, the Registry may ask you to correct and resubmit your filing.

There are three basic formatting standards, described in more detail below:

1. Your document must be a Portable Document Format [PDF] file.
2. Any typed text in your PDF file must be searchable.
3. You should insert bookmarks anywhere where you would include a physical tab in a paper filing.

### 3.2.1 Standard 1: Document must be a PDF file (.pdf file extension)

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Documents must be converted to PDF before e-filing, with a filename ending with the .pdf file extension.

#### 3.2.1.1 *How to convert your document into a PDF file*

This guide presents four common methods for generating a PDF file:

1. Scan a physical document (using hardware) into a PDF file;
2. Create a PDF from an existing digital file (image or text) using software;
3. Convert a digital image file to PDF using “Print to PDF”; or
4. Convert a Microsoft Word Document to PDF.

#### **OPTION 1: Scan a physical document (using hardware) into a PDF file**

You can use a scanner to digitize your physical documents. Please consult your scanner manual for instructions on how to scan your documents to PDF.

When scanning a physical document, you should consider the following:

- Resolution of the scanned digital file;
- Size of the scanned digital file; and
- OCR (for documents with text).

**IMPORTANT NOTE:** Current software provides powerful tools for editing documents after they are scanned. It is crucial that you ensure that the document appears digitally as it does in the original, although you are permitted to use text enhancing tools. In all cases, the text, background, and margins of your original document should not be altered after scanning.

### *Resolution and document size*

A digital document's resolution — an indication of its quality — is usually expressed in “pixels per inch” (ppi). Most scanners generate documents with resolutions ranging between 75 and 1200 ppi (and even higher for high-end scanners used for digital photography). Generally, the higher the resolution, the greater the file size of the digital document.

There is no minimum resolution requirement for Federal Court documents. The only rule is that all documents must be *legible*. Because there is a file size limit for uploads to the e-filing portal (currently 100 megabytes [**MB**]), we recommend using the lowest resolution that produces clear, legible documents. Consider your audience. Making a document as clear and legible as possible (while maintaining a manageable file size) will help your readers use it more effectively.

### *File size*

Here are some basic principles to help you manage the resolution and size of PDF documents:

- Most scanners have settings for adjusting the resolution, either on the device itself or in the user software. We recommend experimenting to find the lowest resolution that produces clear, legible documents.
- Colour documents and photos are much larger than black-and-white documents and photos. Consider if using colour is necessary.
- Text documents can usually be scanned at much lower resolutions than photographs.
- Not all pages in a document are the same size. Pages with images, graphics, and chart are often much larger than pages containing only text.
- The lower the resolution, the smaller the overall document size.
- The smaller the digital file, the easier it is to navigate on a computer or mobile device (larger PDF files use more system resources to open, navigate, and edit).

If your digital files are too large for submission via the e-filing portal, try either of the following:

- Lower the resolution on your scanner and re-scan the documents. You should focus on re-scanning pages with graphics and photographs; these are the most likely culprits in increasing your file size.

- Use your PDF software to compress the digital file. In most software, you can do this by clicking on “*File*” → “*Save As*” and selecting the option to “compress” or “reduce file size”. Depending on your software, you can search the online help materials for one of the following terms:
  - “compress file size”; or
  - “save as reduced size”.

If you still cannot reduce your file size below 100 MB, you may need to split your submission into *multiple volumes*. If you are doing this, please ensure that you:

- include a covering letter that informs the Court that you are splitting your submissions into multiple volumes, including the number of volumes;
- if you are splitting a Record into multiple volumes, clearly mark the volume number (e.g. “Volume X of Y”) on both the Front and Back covers; and
- include a complete table of contents in each volume.

### **OPTION 2: Create a PDF from an existing digital file (image or text) using software**

If you already have a document in digital form (e.g. an image or a Microsoft Word document), you can convert it to PDF using various software solutions. This eliminates the need to print and scan files through various software solutions.

The exact process will depend on your specific software. We recommend that you search for “convert to PDF” in your software’s online help resources.

### **OPTION 3: Convert a digital image file to PDF using “Print to PDF”**

We recommend that you use a “Print to PDF” function to create a PDF file. The reason is that you can set the output to be the same size as a “Letter” sheet of paper: 21.5 cm by 28 cm (8½ inches by 11 inches).

Be cautious when dealing with digital image files (generally files ending in .jpg or .png). By default, the standard “create” a PDF function in your software will simply convert your digital image into a new PDF document as-is. As a result, the dimension of the PDF page will be the

same as the original image file. Therefore, you will need to use advanced page modification techniques to change the dimensions to match the size of a standard page in a Federal Court submission.

Instead, we recommend you use a **“Print to PDF”** function. This is a process where a virtual printer generates a digital PDF file, as opposed to a printed page from a physical printer. Most PDF software installs a virtual PDF printer add-in to your operating system. This means that when you use the standard “Print” tool in any program, you will be able to select an option to Print to PDF. Please consult the online help materials for your specific software for details.

Some versions of both Windows and Mac operating systems also include pre-installed “Print to PDF” options.

This means that most users will be able to generate a PDF from a digital image file by:

1. Opening the digital image file;
2. Launching the “Print” function from the program menu;
3. Selecting the relevant “print to PDF” from the drop-down list of printers;
4. Checking the printer settings to ensure that the output is Letter size; and
5. Selecting a location to save the file.

#### **OPTION 4: Convert a Microsoft Word Document to PDF**

Whenever possible, you should always convert a Microsoft Word document directly into PDF format using Word itself, rather than printing and scanning. For more details on e-signatures, please see [section 2.1](#) in this e-filing guide.

This method ensures that the resulting document is fully searchable and yields the highest quality and accuracy in text recognition.

Most versions of Microsoft Word include a built-in “Save as PDF” functionality. This means that you do not need any special software or plug-ins to create PDF versions of your typed documents.



To access this feature, select “File” → “Save As...”. Then, under the box where you can input your desired file name, a drop-down menu will appear where you can choose the file format. The default will be set to either “.doc” or “.docx”. Open the drop-down menu and select “.pdf”.

Software such as Adobe Acrobat Pro may include special plug-ins that add advanced features within Microsoft Word. Please consult the online help materials for your software for details.

You must *not* include any security features in your PDF documents that restrict the viewing, printing, or searching of your documents unless they are required under a confidentiality order.

### **3.2.1.2 Combining multiple PDFs into a single PDF**

Once you have converted your documents into PDF files, you should then **compile these documents into a single PDF file for submission**, as you would assemble a paper document.

Some submissions (e.g. Applicant’s Records and Motion Records) must be divided into tabs when submitted on paper. When e-filing these types of documents, you should use [bookmarks](#) to replace physical tabs.

There are various methods to compile multiple PDF files into a single PDF. You should consult the online help materials for your particular software for details. Here are links to the how-to guides for the software suites mentioned in this e-filing guide:

- [Adobe Acrobat Pro](#)
- [Foxit Phantom PDF Standard](#)
- [Nitro Productivity Suite](#)
- [Kofax Power PDF](#)
- [PDF-XChange Editor](#)

If you are preparing a document with multiple tabs, consider the following method:

1. For each tab, compile the contents into one PDF document;
2. Give each PDF document a descriptive name starting with “Tab 1...”, “Tab 2...”, etc.;
3. Compile these PDF documents into one single PDF document.

The advantage of this method is that most software will automatically insert a bookmark at the beginning of each tab. If you have named each tab, the software will automatically name the bookmark according to the tab name. This will save you the time required to insert and name bookmarks manually.

### ***3.2.1.3 Adding page numbers to your PDF document***

We recommend that you add page numbers to your PDF document using software rather than paginating documents by hand and then scanning them. The main advantage of digital pagination is that it is very easy to re-paginate if you have to add, remove, or modify the order of your documents. It usually takes a few clicks.

Each PDF software suite has its own unique method for adding page numbers to a document. You should consult the online help materials for your particular software for details.

In most software, you add page numbers using “Header” or “Footer” editing tools. Usually, you will find the page number options in the menu that allows you to modify the document’s headers and footers. In Microsoft Word, for example, it is under the “insert” toolbar.

## **3.2.2 Standard 2: Create a searchable PDF using Optical Character Recognition (OCR)**

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Digital files submitted to the Federal Court must be searchable. This means that text can be selected with a cursor; and that users can search for keywords within the document using the “search” or “find” tools in their PDF software. To do this, you can convert your documents using technology called Optical Character Recognition [**OCR**].

There are two ways to use OCR to create searchable PDF documents:

1. Using OCR capabilities on your physical scanner; or
2. Using OCR capabilities in your PDF software.

Many scanners feature an internal OCR function to create a searchable PDF. However, the quality and reliability of the OCR scan will vary depending on the scanner’s hardware and software limitations.

For this reason, we recommend that you instead use a software program to make your PDF files searchable. The OCR features in leading PDF software generally produce more consistent results compared to the OCR functions in a physical scanner. You should take time to experiment to see what produces the best results using your technology configuration.

Also, please read the help materials provided with your particular model of scanner, hardware, and/or software for detailed instructions as needed.

For best results with OCR, you should use original documents. For instance, this means:

- Reducing the number of times a document is photocopied, because the text degrades with each photocopy, which interferes with the technology's ability to recognize text.
- Whenever possible, convert a typed document to PDF using the software with which you created that document. For instructions on how to do this using Microsoft Word, see the following methods in [section 3.2.1.1](#) of this e-filing guide:
  - [OPTION 3: Convert a digital image file to PDF using "Print to PDF"](#);
  - [OPTION 4: Convert a Microsoft Word Document to PDF](#).

You can test the quality of the OCR conversion by doing the following:

- Try using the search function to find a set of keywords in your document. Can you find these words? If you can, your OCR scan likely succeeded.
- Try selecting a portion of text, copying it, and pasting it into a blank document. If the pasted text is legible and accurate, your OCR scan succeeded.

There are various methods to perform an OCR scan in a PDF document. You should consult the online help materials for your particular software for details.

### **3.2.3 Standard 3: Add bookmarks**

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You must insert digital bookmarks in your PDF document wherever you would place a physical tab if filing on paper.

When creating bookmarks, try navigating through your document and ask yourself whether it would be helpful to have bookmarks to certain sections for quick reference.

In most PDF software, bookmarks are displayed as a clickable outline in a side-bar next to the page being displayed. This allows users to quickly navigate to other pages.

Each software has its own method for adding and modifying bookmarks. Consult the online help materials for your particular software for details. While bookmarks are not required, the Court encourages you to use additional digital bookmarks that may help the reader easily navigate to key sections of your e-filed documents.

Here are links to the how-to guides for the software suites mentioned in this e-filing guide:

- [Adobe Acrobat Pro](#)
- [Foxit Phantom PDF Standard](#)
- [Nitro Productivity Suite](#)
- [Kofax Power PDF](#)
- [PDF-XChange Editor](#)

### **3.2.3.1 Naming your bookmarks**

Where bookmarks are required (where you would be required to insert a tab in a paper submission), you should name the bookmarks as follows:

*Tab [number or letter] – [a brief descriptive title]*

For additional bookmarks, you should add brief, descriptive titles that will allow the reader to navigate your PDF document easily.

### **3.2.3.2 Automate bookmarks using software**

If you use the Styles function in Microsoft Word to manage your document's headings (located under the "Home" tab of the ribbon), you can automatically convert these headings into bookmarks in the PDF document.

There are two ways to automate bookmarks:

1. Some software plug-ins (e.g. Adobe Acrobat Pro) will automatically convert your document's headings into bookmarks in the resulting PDF.

Please refer to the help materials for your version of Microsoft Word or software for more details.

2. You can use the built-in “Save As Type (PDF)” option in Microsoft Word (Windows only) to generate bookmarks in the PDF file based on the document headings.

To access this feature in Microsoft Word (Windows only), proceed as follows:

- a. Select “File”, followed by “Save As...”.
- b. Choose where you would like to save your document.
- c. Once the panel appears prompting you to choose a file name, open the drop-down menu labelled “save as type”. Select “PDF”.
- d. Once you select “PDF”, a button labelled “Options...” will appear below the drop-down menu. Click “Options...” to open the Options dialog box.
- e. Check the box next to “Create bookmarks using”, and ensure that “Headings” is selected.
- f. Click “OK” to close the Options dialog box, and click “Save”.

For more details, consult the online help materials for your version of Microsoft Word or word processor and your PDF software.

### **3.3 BEST PRACTICES (RECOMMENDED)**

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The following are some “best practices” that you are encouraged to follow. These are not requirements. Rather, they are suggestions to assist the Court in navigating and reading your documents.

#### **3.3.1 Bookmarks in written submissions/memoranda**

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If you use Microsoft Word’s “Styles” function to create your document’s headings, you can choose to convert these headings automatically into bookmarks in the PDF file. There are two ways to do this:

1. Some software plug-ins (such as Adobe Acrobat Pro) will automatically convert your document headings into bookmarks in the resulting PDF file. Please see the online help materials for your version of Microsoft Word and your software suite for more details.
2. You can use the built-in “Save As” PDF option in Microsoft Word (Windows only) to generate bookmarks in the PDF file based on the document headings (see below).

[Section 3.2.3.2](#) of this e-filing guide explains how to use software like Microsoft Word to create bookmarks automatically.

### **3.3.2 Inserting hyperlinks (links)**

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A hyperlink (also simply called a “link”) is text that, when clicked, will take your reader to:

- Another section within your document;
- Another file, if contained in a folder that the Court can access; or
- An online resource (e.g. a website or an email address).

You are also not required to use hyperlinks in your Federal Court submissions, but you are encouraged to do so wherever possible. Including hyperlinks will help readers, including parties and the Court, to navigate the document more effectively before, during, and after a hearing.

Each software has its own unique method for adding and modifying hyperlinks. You should consult the online help materials for your particular software for details. Here are links to the how-to guides for the software suites mentioned in this e-filing guide:

- [Adobe Acrobat Pro](#)
- [Foxit Phantom PDF Standard](#)
- [Nitro Productivity Suite](#)
- [Kofax Power PDF](#)
- [PDF-XChange Editor](#)

### **3.3.2.1 Create internal hyperlinks within your PDF document**

When clicked, an internal hyperlink brings a reader to another location within your document.

Consider two common uses for internal hyperlinks:

- Including hyperlinks in a table of contents so that readers can jump to a specific section with one click.
- Including hyperlinks in a citation (e.g. a footnote or in-text reference) so that readers can navigate to the referenced document with one click.

### **3.3.2.2 Hyperlink to authorities cited in written submissions**

At this time, you are not required to include hyperlinks to online copies of the authorities cited within your Federal Court memoranda, but you are encouraged to do so. By linking to authorities, your document will be more usable for readers, including parties and the Court.

When creating hyperlinks to online versions of your cited authorities, please *only* use the following free public databases (available in both official languages):

- The Federal Court database of published [Federal Court decisions](#).
- The Federal Court of Appeal database of published [Federal Court of Appeal decisions](#).
- The Supreme Court of Canada database of published [Supreme Court decisions](#).
- The Canadian Legal Information Institute (CanLII) database of [Canadian court decisions](#).
- The Justice Laws Website for [Federal statutes and regulations](#).
- The official provincial online publications for provincial statutes and regulations.

Do not include hyperlinks to paid databases (e.g. Westlaw, LexisNexis, CAIJ).

If you are including hyperlinks, you must still follow proper legal citation formatting, including the formal legal citation that will allow parties and the Court to reference the case in any database (print or online) they choose. The hyperlink should supplement the proper legal citation.

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## 4 E-SERVICE AND PROOF OF SERVICE

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For most documents under the *Rules*, you must provide a copy to **serve** the other party of your document *before* filing it with the Court. The requirement to serve applies to e-filing.

The party seeking to serve a document always has the responsibility to ensure a document is served according to the *Rules*. You are encouraged to consult the rules on service, including [Rules 127 to 148](#).

When filing in Federal Court, *you must provide [proof](#)* that you have served the other party.

The *Rules* allow you to serve another party by e-service. [Rule 139\(1\)\(e\)](#) allows all documents not requiring personal service to be transmitted “to the electronic address set out by the party in Form 141A”.

Before you can e-serve a document, the other party *must* have given you their consent by way of [Form 141A](#) (“Notice of consent to electronic service”). **Do not try to e-serve a party without their consent.**

The e-filing portal requires [proof of service](#) by any acceptable method of service set out in the *Rules*. You may opt to use e-service on consent, but this is not a requirement to use the e-filing portal.

### E-service during the COVID-19 Suspension Period

During the Court’s [COVID-19 Suspension Period](#), a party is deemed to have consented to e-service if that party included their e-mail address on a document already filed in Court. This deemed consent is valid **for the duration of the Suspension Period**.

If there is an issue with a party receiving notice of a document served electronically, they can ask the Court to set aside the consequences of default or grant an extension of time or an adjournment ([Rule 148](#)). This exception also applies **during the Suspension Period only**.



## 4.1 PERSONAL SERVICE

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Where the *Rules* require that a document be served by “personal service”, these requirements apply to e-filing that document.

## 4.2 NON-ELECTRONIC SERVICE AND E-FILING

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It may not always be possible to obtain the other party’s consent to receive e-service of a document before e-filing.

In cases where consent cannot be obtained for e-service, you remain obligated to serve the document offline, using one of the other methods allowed by the *Rules*. You can then provide [proof of service](#) when you e-file the document.

Please see below for a more detailed discussion of how to prove service when e-filing.

## 4.3 ELECTRONIC SERVICE (E-SERVICE)

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If you are willing to receive e-service, you are encouraged to file a [consent to e-service](#) as soon as possible.

If you wish to e-serve other parties, you should communicate with them and request their consent to e-service as soon as possible. If you wait too long and allow the deadline to approach, you may leave the other party (or parties) with insufficient time to respond.

### 4.3.1 Consent to e-service and withdrawal of consent

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You cannot e-serve documents on another party without that party’s consent to e-service. Conversely, other parties cannot e-serve you without your consent. If a party has provided consent to e-service, that consent is limited to that particular proceeding only. As such, for any new proceedings involving the same party, you must request new consent every time.

To consent to e-service, a party must serve and file [Form 141A](#) (“Notice of consent to electronic service”). The electronic address(es) that a party provides in this form become an acceptable method with which the other party (or parties) can e-serve documents that need not be served

by personal service. To change the method and electronic address(es) for receiving e-service, a party must serve and file a new Form 141A.

For more details on what an “electronic address” is, see [section 4.3.3](#) of this e-filing guide.

The Court offers a [template](#) to help you prepare your own Form 141A.

Form 141A must be **served** on the other parties and then **filed** with the Court **within ten (10) days of service**.

Any party can withdraw their consent to e-service **at any time** by serving and filing [Form 141B](#).

An electronic address in a served and filed Form 141A is considered valid unless and until the Court and all parties are notified of its amendment or cancellation through a new Form 141A or Form 141B. Formal notice of change of counsel constitutes withdrawal of consent until a new Form 141A is provided.

The Court offers a [template](#) to help you prepare your own Form 141B.

**IMPORTANT NOTE:** Unless the Court directs otherwise, there is no such thing as “implied consent” to e-service. Even if another party has provided their e-mail address in their letterhead or in correspondence, this does not mean that that party consents to e-service. A party can only consent using Form 141A.

#### 4.3.2 Date and timing of e-service

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[Rule 141](#) provides that consent to e-service becomes effective **on the day** on which the notice is served (Rules 141(1) and (2)).

As noted above in [section 4.3.1](#), a party who consented to e-service can withdraw that consent when they serve a notice of withdrawal of consent in Form 141B. The withdrawal of consent is also effective on the day on which the notice is served (Rules 141(3) and (4)). You cannot e-serve a party after they withdraw their consent.

[Rule 142](#) also applies to e-service. This Rule allows service to be effected “at any time”.

However, if you e-serve another party **on a holiday** or **after 5 pm** at the recipient’s local time

(based on the civic address set out in the address for service, pursuant to [Rule 2](#)), [Rule 143\(1\)](#) provides that the document is **deemed served the next business day that is not a holiday**. However, Rule 143(1) does not apply when serving an [originating document](#).

For the purposes of the *Rules*, “holiday” means a Saturday, Sunday or any other day defined as a holiday in [subsection 35\(1\)](#) of the *Interpretation Act*.

### 4.3.3 What is an “electronic address”?

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The *Rules* do not limit the type of “electronic address” that can be used. This term includes an e-mail address. However, given known issues with e-mail transmission of PDF documents, like size limits and failures to send, you should also consider other means of effecting e-service. All e-mail providers have size limits.

Accordingly, e-service can be supplemented by means of other “electronic addresses”, including but not limited to:

- Third-party secure document exchange platforms; and
- Secure cloud-based services (e.g. Dropbox, One Drive) that allow users to share online documents via links.

Please note that each opposing party may have different security restrictions and capabilities related to receiving electronic documents. Parties are encouraged to discuss the issue of electronic document exchange as early as possible in the proceeding to find a mutually acceptable solution.

When you are seeking to e-serve a document, it is your responsibility to determine the size of your email attachments and ensure their proper transmission to the other party in accordance with the *Rules*.

### 4.3.4 Confirming receipt of e-service

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Some e-mail providers do not immediately inform the sender of an e-mail’s rejection or failure to be received via a notification e-mail. This also means that a party attempting to send you an attachment that is too large may not be informed that their message has been rejected.

When e-serving (or receiving e-service) via e-mail, the serving party should communicate with the other party by a secondary means (such as telephone) to advise of e-service; the receiving party should similarly communicate to confirm receipt.

#### 4.4 PROOF OF SERVICE

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When you upload your documents to the e-filing portal, you will be required to upload a document containing **proof of service**.

[Rule 146](#) applies to e-filing. It explains that service of a document is proven by:

- (a) an **affidavit of service** in [Form 146A](#) or, if the service is effected in the Province of Quebec, a certificate of service of a sheriff, bailiff or other authorized person in accordance with the *Code of Civil Procedure* of that Province;
- (b) if the document is not an originating document, a **solicitor's certificate of service** in [Form 146B](#);
- (c) if the service is effected by leaving a copy of the document at a solicitor's office, by an **acknowledgement of service** that is signed and dated by the solicitor or another person on behalf of the solicitor; or
- (d) if the service is accepted by a party's lawyer ([Rule 134](#)), an **acceptance of service** that is signed and dated by that lawyer.

##### 4.4.1 Proof of non-electronic service

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If you served the other party by [non-electronic means](#), you will simply **scan and upload** the same paper document you would otherwise physically file with the Court. This includes:

- A scan of a signed affidavit of service or a signed solicitor's certificate of service.

You can file a digital version of these documents with typed signatures so long as you retain the original signed document until the end of your proceeding and at least 30 days after the expiry of all appeal periods. You must keep the original paper document.

- A scan of the **acknowledgement of service** or **acceptance of service** signed by the other party's solicitor or another person on their behalf (e.g. the page stamped and signed by the office of the Department of Justice).

#### 4.4.2 Proof of e-service

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If you e-served served the other party, you should prepare either:

- An Affidavit of Service in [Form 146A](#) (template available [online](#)); or
- A Solicitor's Certificate of Service in [Form 146B](#) (template available [online](#)).

Your Affidavit of Service or Solicitor's Certificate must include all of the following information:

- Confirmation that service was effected electronically;
- The "electronic address" to which you sent the document; and
- The manner in which you validated electronic service (see below) — with proof attached.

#### 4.4.3 Confirming e-service

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When you file proof of e-service with the Court, you should also include proof that you confirmed that e-service. Such proof includes:

- E-mail delivery or read receipt (*i.e.* similar to the fax confirmation receipt included when proving service by fax);
- Confirmation from a process server or company offering litigation support services that the document was delivered successfully;
- Confirmation that the other party accessed a document via a hyperlink;
- Verbal confirmation by the recipient party, counsel, or paralegal (you should note the date and time of the phone call, and the name of the person with which you spoke); or
- Any other means of confirming the other party received and accessed the document.

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## 5 THE E-FILING PROCESS

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As noted in the overview, the [e-filing portal](#) allows parties to file documents online, rather than filing physical documents at a Registry Office. The *Rules* apply to e-filing as they would if you were filing by paper.

You should always follow the [Rules](#) and the [IMM Rules](#) when e-filing — unless the Court has issued specific directions otherwise. Most of these rules are **format neutral** — meaning they apply equally to all methods of submission and document format. The Court encourages parties to consider this format neutrality to help guide them on how to proceed electronically to ensure their materials comply with the *Rules*.

The e-filing portal will not accept any file that exceeds 100 megabytes (MB), and the combined size of all the documents added to a submission must not exceed 100 MB. For tips on managing the file size of your documents, see [“File size” in Section 3.2.1.1](#) of this e-filing guide.

### E-filing during the COVID-19 Suspension Period

For full details about the COVID-19 Suspension Period and the resulting procedural changes, consult the [Updated Practice Direction and Order \(COVID-19\) dated April 4, 2020](#) and the [Practice Direction and Order \(COVID-19\): Update #2 \(April 29, 2020\)](#).

During the Suspension Period, parties should use the Court’s e-filing portal to file all documents that do not contain confidential information. On an exceptional basis, where parties cannot access the e-filing portal and **the filing of documents is urgent**, parties may file by e-mail (maximum 25 MB) at the following address: [FC Reception CF@cas-satj.gc.ca](mailto:FC_Reception_CF@cas-satj.gc.ca).

Please visit the [Federal Court website](#) for the latest details.

## 5.1 GETTING STARTED WITH USING THE E-FILING PORTAL

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Uploading your documents to the e-filing portal is simple and only requires a few easy steps. Each page contains easy-to-follow instructions. Each page also has a “Help” button that will take you to additional tips and instructions.

To launch the e-filing portal, you can visit [efiling.fct-cf.gc.ca](https://efiling.fct-cf.gc.ca) or, from the Federal Court website ([fct-cf.gc.ca](https://fct-cf.gc.ca)), select “Online Access” in the top menu bar, then select “E-Filing”.

The e-filing portal offers two functions:

1. You can e-file documents that, if correctly [served](#) and prepared according to the *Rules*, will [initiate a new proceeding](#).
2. You can e-file documents that, if correctly served and prepared according to the *Rules*, [relate to a proceeding that was already initiated](#) and is ongoing at the Federal Court.

## 5.2 E-FILING AN ORIGINATING DOCUMENT

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An “originating document” is a document you file with the Court to initiate your proceeding (see [Rules 62 to 63](#)).

You can file an originating document electronically. Here are the procedures you must follow.

### 5.2.1 Originating documents where personal service is required

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The *Rules* require that some originating documents be served by personal service on the other party (or parties). See [Rule 127](#) for details on the service of originating documents.

#### 5.2.1.1 E-filing the originating document: parties other than the Crown

To initiate a proceeding against a party that is **not** the Crown (e.g. a private individual or corporation), proceed as follows:

1. Submit the originating document via the e-filing portal.

2. Contact the Registry to pay the applicable fee.
3. Provide the Registry with sufficient paper copies as required by the *Rules*. The Registry will apply the seal of the Court and tell you when you can pick up your copies.
4. Pick up the copies of your originating document and serve the other party or parties in accordance with the *Rules*.

There are **deadlines** for completing service on other parties and requirements to provide **proof of service** after the originating notice has been issued by the Court. Therefore, you should provide the paper copies as soon as possible to avoid missing these deadlines.

Consult the *Rules* that apply to your proceedings. There are strict deadlines to complete this step.

#### ***5.2.1.2 E-filing the originating document: where other party is the Crown (not a citizenship, immigration, or refugee protection proceeding)***

[Section 48](#) of the *Federal Courts Act* states that proceedings against the Crown are initiated by filing an original and two (2) copies of the originating document with the Registry.

Although you can file the originating document electronically, you must provide two (2) paper copies to the Registry **within seven (7) days** to meet the requirements of section 48.

The Registry will then serve the Crown as per [Rule 133](#).

#### ***5.2.1.3 E-filing the originating document: citizenship, immigration, or refugee protection proceedings where other party is the Crown***

For specific procedural guidance, see the following practice guides:

- [How to file an Application for Leave and for Judicial review \(Immigration\)](#)
- [How to file an Application for Leave and for Judicial review \(Citizenship\)](#)

Please note that Rule 133 does *not* apply to proceedings under the [Immigration and Refugee Protection Act](#) or the [Citizenship Act](#) (see [subsection 4\(2\)](#) of the *IMM Rules*). Therefore, the Registry will *not* serve the Crown in these proceedings. It is *your* responsibility to serve the



Crown with the originating document. In such proceedings, you will be serving the document to the Department of Justice office in your region.

### Exception during the COVID-19 Suspension Period

**During the COVID-19 Suspension Period**, if you file an originating document in a citizenship, immigration, or refugee protection proceeding where the other party is the Crown, the Registry **will** serve that party in accordance with the practice under [Rule 133](#). This means that, for all originating documents filed during the COVID-19 suspension period, you **do not need to make personal service on the Crown**.

For instructions on serving the Crown, please see [Service on the Crown](#) on the Department of Justice Canada website.

To e-file the originating document in these proceedings, proceed as follows:

1. Submit the originating document via the e-filing portal.
2. Contact the Registry to pay the applicable fee.
3. Provide the Registry with sufficient paper copies as required by the *Rules*. The Registry will apply the seal of the Court and tell you when you can pick up your copies.
4. Pick up the copies of your originating document and serve them on the Crown by delivering the copies or having them delivered to the Department of Justice.

There are **deadlines** for completing service on the Crown and for providing **proof of service** after the originating notice has been issued by the Court.

In citizenship, immigration, and refugee protection proceedings, you must **file** the originating document (an Application for Leave under [section 5](#) of the *IMM Rules*) **and serve** the originating document on the Crown within the timelines set out in [section 72](#) of the *Immigration and Refugee Protection Act* and [section 22.1](#) of the *Citizenship Act*. You then have to provide the Court with **proof of service within ten (10) days** of serving the Crown. Please note that you can **file proof of service electronically** in the e-filing portal.

[Section 4.4](#) of this e-filing guide explains proof of service when e-filing.

### 5.3 URGENT MATTERS

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You can use the e-filing portal for all proceedings, but you are strongly advised to contact the Registry **before** e-filing materials on urgent matters. If your filing will be received outside of regular business hours, it is particularly important for you to advise the Registry. Otherwise, your document may not be received in a timely manner.

The e-filing portal allows you to mark documents as “Urgent”. Please follow the steps indicated on the [e-filing portal](#) and, where the option becomes available, identify that your filing is urgent.

Submitting a document for e-filing does **not** guarantee that it will be processed immediately. Parties with urgent matters are responsible for contacting the Court to make special arrangements.

### 5.4 PAYING FEES WHEN E-FILING

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The e-filing portal is free to use, but parties must still pay fees (also called “tariffs”) when filing certain documents (e.g. originating documents set out in [Rule 63](#), including a statement of claim or a notice of application).

When [Tariff A](#) specifies a fee for the issuance or filing of a document, the document is only submitted for filing **after** the fee is received ([Rule 71.1\(1\)\(b\)](#)).

#### Filing fees during the COVID-19 Suspension Period

Effective April 6, 2020, for the duration of the Suspension Period, all fees payable on filing or issuance under item 1 of [Tariff A](#) of the *Rules* are waived.

For fees relating to a proceeding against the Crown, the statutory filing fee contemplated by [section 48](#) of the *Federal Courts Act* is to be paid within 30 days following the last day of the Suspension Period, as extended.

In the meantime, the Registry will accept the documents for filing.

Currently, the e-filing portal does *not* accept online payments, as the Registry needs to review your documents before they are accepted for filing. You must contact the Registry Office to confirm that your documents have been accepted, after which you will be asked to pay any fees associated with e-filing. Fees can be paid over the telephone by using a major credit card. The Courts Administration Service maintains a list of [registry phone numbers](#).

## 5.5 FILING DEADLINES (AND WHAT HAPPENS AFTER A DOCUMENT IS SUBMITTED)

All filing deadlines apply to e-filing. If you miss a filing deadline due to technical problems, you need to request an extension of time. There is no guarantee that an extension will be granted.

E-filing a document does not change the filing deadline set out in the *Rules*.

When you submit a document to the e-filing portal, a Registry Officer will review it. If your document meets the requirements of the *Rules* and the required formatting standards, it will be **accepted for filing (filed)**. The document is deemed to have been filed **on the date and time that it was submitted for filing**, in the Eastern time zone (EST).

**Example:** You submit your document to the e-filing portal on Monday at 6 pm EST. The Registry Officer reviews it and approves it on Tuesday at 11 am EST. Your document is deemed filed on Monday at 6 pm EST.

If you e-file a document on a holiday, it will be deemed filed the next day that is not a holiday. For the purposes of the *Rules*, “holiday” means a Saturday, Sunday or any other day defined as a holiday in [subsection 35\(1\)](#) of the *Interpretation Act*.

However, if your document does *not* comply with the *Rules* or the required standards, the Registry Officer can **refuse it for filing (not filed)**. If this happens, you will need to resubmit the document or, if the deadline has passed, request an extension of time. If your resubmitted document is accepted, it will be deemed filed **on the date that you resubmit**.

Because of this, it is very important that you allow sufficient time to modify your document. The same advice applies to a paper filing. If you bring your paper filing to a Registry Office on the date the document is due, and there is an issue, you may not be able to file that document in time to meet the deadline.

It is your responsibility as the party filing a document to make sure that you are following the *Rules* and required formatting standards.

### Deadlines during the COVID-19 Suspension Period

The Court's [Practice Directions regarding COVID-19](#) affect many deadlines. Review those documents carefully.

#### 5.5.1 How will I know if my document was accepted and filed?

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After you submit your documents, you will receive an **initial e-mail confirmation** of your submission. This initial e-mail does *not* mean your document has been accepted for filing. It just means the Court **received** your document.

Once a Registry Officer has reviewed your filing, you will receive another e-mail either:

- Confirming that your document has been filed; or
- Rejecting your document for filing and providing the reasons for the rejection.

#### 5.6 CONFIDENTIAL DOCUMENTS

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If there is a confidentiality order or direction in your proceeding, you should *not* file your documents using the e-filing portal.

Instead, you can contact the Registry to arrange and submit a confidential document at 1-800-663-2096. (Alternatively, consult the list of [registry phone numbers](#) maintained by the Courts Administration Service.) You may only e-file confidential documents if your proceeding is case managed — see [Part 9 of the Rules](#) — and a Registry representative is assigned to your file.

In such case-managed proceedings, it is an acceptable procedure to submit a password-protected PDF or a secure electronic file transfer to the email address(es) of the case management team assigned to your case. You can then provide the password or instructions to the assigned Registry representative by email or telephone as appropriate.

Password-protected files must be clearly identified as confidential and broken down into documents not exceeding 25 MB, or by such other means as may be directed by the Court or, where proceedings are case managed, by the Case Management Judge.

## 5.7 PROVIDING PAPER COPIES OF E-FILED DOCUMENTS

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When you e-file, the Court may still require you to provide paper copies in certain circumstances.

### Exemption during the COVID-19 Suspension Period

If you e-file a document during the COVID-19 Suspension Period, you are **exempted** from any requirement to file paper copies. For more details, see the [Updated Practice Direction and Order \(COVID-19\) dated April 4, 2020](#).

When you are required to provide paper copies, you must provide the Court with the **same number of copies** you would have been required to produce under the *Rules* if filing on paper.

When filing paper copies of e-filed documents, please be sure to indicate clearly (ideally in a cover letter) that the documents have already been filed electronically.

### 5.7.1 When are paper copies required?

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You must provide paper copies to the Court if any of the following apply:

- Your document (including attachments) **exceeds 500 pages**;
- Your document is **between 100 and 500 pages** and you are filing it **less than five (5) clear business days** before any scheduled hearing; or
- Your document lacks a clear page numbering or pagination scheme.

### 5.7.2 How much time do I have to file paper copies?

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The deadline to provide paper copies depends on the type of proceeding. The default deadline is **within seven (7) days** of e-filing.

However, the following deadlines apply to materials filed for motions:

- For “general sittings” motions, you should file paper copies as soon as possible to the Registry Office where the Court will hear the motion. Paper copies must be received **no later than 2 pm** on the business day before the hearing.
- For “special sittings” motions, you should follow the directions by the Court (if issued). If no directions are given, you should file paper copies as soon as possible to the Registry Office where the Court will hear the motion. Paper copies must be received **no later than 2 pm** on the business day before the hearing.

For urgent matters, you should contact the local Registry Office to obtain directions from the Court.

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## 6 FREQUENTLY ASKED QUESTIONS (FAQ)

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### 6.1 HOW DO I ACCESS THE E-FILING PORTAL?

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To launch the e-filing portal, you can visit [efiling.fct-cf.gc.ca](https://efiling.fct-cf.gc.ca). Alternatively, from the Federal Court website ([fct-cf.gc.ca](https://fct-cf.gc.ca)), select “Online Access” in the top menu bar, then select “E-Filing”.

### 6.2 WHAT DO I NEED TO ACCESS THE E-FILING PORTAL?

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You do not need any special software to access the e-filing portal. You only need a computer running a major operating system (e.g. Windows, MacOS, Linux) and a functioning web browser. The Federal Court does not require any specific browser. If you have issues with your web browser, we recommend you try an alternate browser, though we have not heard of browser issues to date.

### 6.3 WHAT IS THE DIFFERENCE BETWEEN E-FILING AND THE E-PROCESS PILOT?

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**E-filing** is a process available to any party or the party’s legal representative to file documents electronically with the Federal Court via a secure internet-based system, in all areas of the Court’s jurisdiction.

The **IMM e-Process Pilot** is a pilot immigration program run out of the Federal Court’s Toronto office for certain judicial reviews. In this pilot program, a party in an immigration proceeding that meets the [requirements](#) can opt-in to a fully electronic process for that given proceeding.

### 6.4 WHAT DOCUMENTS CAN I FILE ELECTRONICALLY USING THE E-FILING PORTAL?

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You can e-file any document in any proceeding.

However, you should *not* file documents subject to a confidentiality order using the e-filing portal. See [Section 5.7](#) of this e-filing guide for instructions on e-filing confidential documents.

As noted above, you should always communicate with the Court Registry before filing urgent documents using the e-filing portal. See [Section 5.4](#) of this e-filing guide for instructions on e-filing urgent documents.

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**6.5 DO I NEED SPECIFIC HARDWARE OR SOFTWARE TO USE THE E-FILING PORTAL?**

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Besides a computer and a web browser (e.g. Chrome, Explorer, Edge, Firefox, Safari), you do not need any specific hardware or software to use the e-filing portal.

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**6.6 WHAT ARE THE FORMATTING REQUIREMENTS FOR E-FILING?**

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You must have the tools to create Portable Document Format [**PDF**] documents that are searchable. Certain documents require tabs, and, where that is the case, the digital equivalent must contain bookmarks.

See [Section 3.2](#) of this e-filing guide for more details on the formatting standards for Federal Court documents. See [Section 3.1](#) of this guide for more details on hardware and software requirements.

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**6.7 WHEN E-FILING EVIDENCE, DO THESE DOCUMENTS HAVE TO BE OCR SEARCHABLE? SOME DOCUMENTS PROVIDED BY CLIENTS ARE SCANNED AND NOT SEARCHABLE.**

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All documents submitted for e-filing should be formatted using optical character recognition (OCR). The Court understands that some parts of the documents may still not be entirely searchable or lack text altogether and are images.

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**6.8 WHAT IS THE FILE SIZE LIMIT OF A PDF DOCUMENT? WHAT DO I DO IF MY SUBMISSION EXCEEDS THE LIMIT?**

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The combined size of all documents added to a single e-filing submission must not exceed 100 MB. For tips to reduce your file size, see [“File size” in Section 3.2.1.1](#) of this e-filing guide.



If you cannot reduce the file size below 100 MB, you may have to file multiple “volumes”. If you are doing so, please be sure to follow the guidance outlined in [“File size” in Section 3.2.1.1](#) of this e-filing guide.

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**6.9 WHAT IF MY BOOK OF AUTHORITIES IS REJECTED FOR FILING BECAUSE IT WAS NOT PAGINATED THROUGHOUT?**

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You should politely advise the Registry Officer that the Court's [Notice to the Parties and the Profession dated May 7, 2013 regarding books of authorities](#) specifically mentions that it is not necessary to number the pages in a book of authorities, so long as the photocopies show the page or paragraph numbers of each authority.

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**6.10 WHERE PARTIES DO NOT AGREE TO E-SERVICE, CAN I STILL USE E-FILING? HOW CAN I USE E-FILING TO PROVE THAT THE DOCUMENT WAS SERVED?**

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See [Section 4](#) of this guide for a more detailed response on e-service and proof of service.

In short, you may e-file even if the other party does not agree to e-service. You must serve the other party by non-electronic means. Then, you can e-file the same set of documents that you would otherwise physically file with the Court: the document you served on the other party, along with proof of service. E-file the same document you would otherwise use to prove service, in accordance with [Rule 146](#).

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**6.11 CAN THE DEPARTMENT OF JUSTICE BE SERVED AS A RESPONDENT VIA E-FILING (SPECIFICALLY FOR APPLICATION RECORDS)?**

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E-service and e-filing are separate processes, subject to different procedural rules.

The requirement to serve the other party continues to apply, and any party may choose to not accept e-service.

No matter the form of service, you must include proof of service with your e-filing. You are encouraged to consult the *Federal Courts Rules* on service, including [Rules 127 to 148](#).

**6.12 IS THERE A NAMING CONVENTION FOR THE DOCUMENT BEING E-FILED?**

There is no naming convention when e-filing a document. The document merely must be in the correct file format, but can take any name so long as it has the correct file extension. The e-filing portal only shows a description of the document contents without using original filenames; as such, be sure to select an accurate document type from the drop-down list. You may, however, find it helpful to ensure your document is clearly and accurately labelled for your own records. Otherwise, please follow the instructions as you interact with the e-filing portal.

**6.13 WHAT HAPPENS IF I MAKE A MISTAKE WHILE E-FILING (E.G. THE FILE IS WRONG) AND I DID NOT NOTICE BEFORE PRESSING SUBMIT? HOW DO I CORRECT IT?**

Depending on the situation, the document may have already been accepted for filing, and a motion or informal request to amend may be required.

If you have already served your document on another party, this will complicate matters, as a new version must be served on that party.

If you notice a mistake immediately after e-filing a document, you may attempt to re-file the document while immediately notifying the Registry by telephone of the error. There is no guarantee it can be rectified, so ensure your documents are properly prepared before e-filing.

**6.14 WHOSE CONTACT INFORMATION SHOULD BE PROVIDED? THE LEGAL ASSISTANT DOING THE FILING, OR THE NAME OF COUNSEL ON WHOSE BEHALF THE DOCUMENT IS BEING FILED?**

Please list the name of whomever can provide prompt responses if the Registry calls with questions about the e-filed document.

**6.15 WILL THE PARTIES RECEIVE A “STAMPED FILED” COPY, AS THEY WOULD AT A REGISTRY OFFICE?**

The e-filing portal will notify the filer by email once a document is accepted for filing. This email will contain a link to the e-filed document, which will have an electronic filing stamp affixed to it.

**Exception during the COVID-19 Suspension Period**

During the COVID-19 Suspension Period, the Registry will serve originating documents upon the Attorney General of Canada or other Minister, as indicated in the [Updated Practice Direction and Order \(COVID-19\) dated April 4, 2020](#).

That Practice Direction and Order also states the following: “During the Suspension Period, the Registry may issue an originating document electronically, which shall be deemed to meet the requirements for issuance under the *Rules*.”

**6.16 IF A DOCUMENT IS E-FILED, DOES THE JUDICIAL OFFICER (JUDGE OR PROTHONOTARY) RECEIVE IT ELECTRONICALLY?**

The judicial officer will receive the electronic copy. Whether and how a document is printed depends on the preference of the decision maker. Please note that the Registry does not add tabs when it prints e-filed documents.

Parties are welcome to bring physical trial compendiums if they wish, but this is not required. If you plan to provide a supplemental paper copy later, please indicate this in the comments field when e-filing.

**6.17 CURRENTLY THE FILING TIME IS EST. WILL THAT CHANGE IN THE FUTURE TO ACCOUNT FOR TIME DIFFERENCES IN OTHER PROVINCES?**

Pursuant to [Rule 71.1\(2\)](#), for an e-filed document, “the time of its receipt by the Registry is that time in the Eastern time zone” (EST). Any amendments for regions will require amendment of the *Federal Courts Rules*.

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**6.18 IF WE HAVE FOUR VOLUMES, CAN WE E-FILE THE FOUR VOLUMES AT ONCE, OR SHOULD WE E-FILE EACH VOLUME SEPARATELY?**

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You can e-file multiple volumes in a single submission. It is helpful if you indicate in the comments how many volumes you are submitting. Please note the e-filing portal can accept multiple files in a single submission, with a combined limit of 100 MB.

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**6.19 CAN YOU E-FILE IF YOU ARE OUTSIDE CANADA?**

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The e-filing portal is accessible worldwide, so long as there is an internet connection. However, you should review the *Rules* governing the service of documents outside Canada to ensure you meet the standards for service and proving such service.

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**6.20 HOW CAN I E-FILE CONFIDENTIAL MATERIALS?**

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Confidential materials cannot be e-filed at this time.

Documents subject to a confidentiality order should not be filed using the e-filing portal. Contact the Registry to arrange for the submission of a confidential document. If your case is case-managed, you may be able to email a secure version of the document (e.g. a password-protected PDF, a secure electronic file) to your assigned case management team email address(es) and provide the assigned Registry officer with appropriate instructions over email or phone. For further instructions about e-filing confidential documents, see [Section 5.7](#) of this e-filing guide or [contact the Registry](#).