

CANADA / JUDGMENT

Tweedale v. British Columbia (Attorney General)

2025 BCCA 387

COURT

British Columbia Court of Appeal

DECIDED

22 October 2025

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2025 BCCA 387 Tweedale v. British Columbia (Attorney General) COURT OF APPEAL FOR BRITISH COLUMBIA Citation: Tweedale v. British Columbia (Attorney General), 2025 BCCA 387 Date: 20251022 Docket: CA50579 Between: Jonathan Dudley Tweedale Appellant (Plaintiff) And The Attorney General of British Columbia Respondent (Defendant) Before: The Honourable Madam Justice Horsman The Honourable Justice Fleming The Honourable Justice MacNaughton On appeal from: An order of the Supreme Court of British Columbia, dated March 28, 2025 (Tweedale v. British Columbia (Attorney General), 2025 BCSC 928, Abbotsford Docket 99020-1). Oral Reasons for Judgment No appearance by the Appellant Counsel for the Respondent: L.A. Ruzicka, K.C. S. Whyte Place and Date of Hearing: Vancouver, British Columbia October 22, 2025 Place and Date of Judgment: Vancouver, British Columbia October 22, 2025 Summary: The Crown applies for an order summarily dismissing this appeal due to the appellant's lack of diligence in pursuing the appeal and his failure to comply with the Criminal Appeal Rules. Held: Application allowed. The appeal is summarily dismissed. The appellant has failed to comply with the timelines for filing an appeal book and transcript. The appellant has indicated that he is not in a position to advance this appeal, and he did not appear to oppose the Crown's application.

[1] HORSMAN J.A.: These are the reasons of the Court on this application.

[2] The Crown applies for an order summarily dismissing this appeal pursuant to R. 13(1) of the British Columbia Court of Appeal Criminal Rules, 1986, B.C. Reg. 145/86 [Criminal Appeal Rules]. The appellant was provided with notice of this application and today's hearing date and has elected not to appear.

[3] On April 1, 2025, the appellant filed an appeal pursuant to s. 784 of the Criminal Code from the order of Justice Branch dismissing his application for habeus corpus and his constitutional challenge to the pre-trial detention provision in s. 515(6)(c) of the Criminal Code.

[4] The appellant is self-represented on the appeal.

- [5] On May 22, 2025, the parties appeared at a case management conference before Justice Riley to address two issues: (1) the contents and manner of filing the appeal book; and (ii) whether a transcript of the petition proceeding in the Supreme Court was required for the appeal. In relation to the latter point, the appellant maintained that a transcript was not required because no evidence was called at the petition hearing.
- [6] In oral reasons issued on May 22, 2025, Justice Riley determined that the appellant was required to provide a transcript of the proceedings in the court below, and he also gave directions regarding the content of the appeal book. The appellant subsequently applied to vary this order
- [7] On June 11, 2025, the appellant was released from custody.
- [8] At a case management conference on June 12, 2025, Justice Riley directed that once the Court released its decision on the appellant's application to cancel the May 22, 2025 order, Mr. Tweedale had three weeks to file any further applications with respect to the transcript or appeal book or to advise the Crown that he would not be filing any further applications.
- [9] On July 3, 2025, the variation application was quashed by this Court for lack of jurisdiction: *Tweedale v. British Columbia (Attorney General)*, 2025 BCCA 230.
- [10] Mr. Tweedale did not file any applications within three weeks of the release of the Court's decision or advise the Crown that he would not be filing any further applications. The Crown did not receive any correspondence from Mr. Tweedale in that time period.
- [11] The appellant did not appear at a case management conference on August 25, 2025, despite having advised the registry that this date was acceptable. Justice Riley set another case management conference for September 23, 2025. Justice Riley indicated that if Mr. Tweedale did not attend on the next date, or alternatively if Mr. Tweedale had not taken steps to advance the appeal by the time of the next case management conference, he would consider referring the appeal to a division for summary dismissal for want of prosecution.
- [12] The appellant did attend the further case management conference before Justice Riley on September 23, 2025. At this time, the appellant advised that, although he did not intend to abandon his appeal, he was not in a position to advance it because he could not obtain funding to order transcripts. In light of the appellant's position, Justice Riley referred the matter to a division so that the Crown could bring an application for summary dismissal.
- Discussion
- [13] Rule 13(1) of the Criminal Appeal Rules authorizes a respondent to bring an application for summary dismissal where an appellant has failed to diligently pursue their appeal or to comply with the Rules.

- [14] Pursuant to R. 7, an appellant is required to file transcripts and appeal books within 60 days after filing a notice of appeal. Under the more generous timeline provided in the Criminal Conviction/Acquittal Appeals Timeline (Criminal Practice Directive, 13 January 2014), an appellant has four weeks from the filing of the notice of appeal to file a transcript order confirmation, and eight weeks from that date to file transcripts and appeal books. The appellant has not complied with the deadlines under either time limit.
- [15] The appellant has no apparent intention to order a transcript, or to file the appeal book and transcript. He has advised the Court that he does not intend to apply for Legal Aid. At the case management conference on September 23, 2025, the appellant advised that while he does not abandon his appeal, he is unable to pursue it because he does not have the means to comply with Justice Riley's order that he must file transcripts. As we have noted, the appellant did not appear today to oppose the Crown's application.
- [16] Thus, the circumstances before us are that the appellant has not complied with the timelines for prosecuting this appeal, has not suggested a timeline for compliance, and, in fact, has stated that he is unable to prosecute the appeal. In these circumstances, we consider it appropriate to grant the Crown's application, and to order the summary dismissal of the appellant's appeal. "The Honourable Madam Justice Horsman" "The Honourable Justice Fleming" "The Honourable Justice MacNaughton"

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