



Policy on Postponements of Hearings

This policy outlines the procedure for requesting the postponement of a scheduled hearing. Scheduling a time and a place for a hearing must take into account several factors, including the geographically widespread area where hearings take place, the provision of services in both official languages and the availability of its members. Our goal is to effectively and efficiently administer justice without the unnecessary loss of time or resources.

This policy replaces all previous postponement policies of the Board.

Requesting a Postponement

Ideally, a request for a postponement should be made as soon as possible once hearing dates have been provided. As proximity to the scheduled date(s) increases, so will the Board's scrutiny of any request for the postponement. Any postponement request must be supported by clear, cogent and compelling reasons.

1. If a party wishes to postpone a hearing, they must submit a request in writing to the Board. The requesting party must copy all parties identified by the Board for the hearing. Consideration of a request for a postponement does not mean that the request will automatically be granted, even where all parties give their consent.
2. The request for postponement must include the following:
 - a. The currently scheduled hearing dates, and
 - b. The reason(s) for requesting a postponement
3. Upon receipt of the request, the Board may contact the other party or parties and determine whether they agree with, or oppose, the postponement request. If there is opposition to the request, the other party or parties must provide written reasons.
4. The party asking for the postponement must set out clear, cogent and compelling reasons to support their request. The other party or parties (to the hearing) can consider the request and determine whether they wish to take a position. The Board **will** then determine whether or not to grant the postponement request.

5. If the postponement is granted, the Board will advise all parties of the postponement, including any specific direction for the rescheduling of the matter.
6. If the postponement is not granted, parties are expected to be present on the date of the hearing. If a party is not present at the hearing, the Board may proceed in their absence.

Grounds

The Board will only grant a postponement where clear, cogent and compelling reasons exist. As guidance to parties, the following will generally **NOT** be considered sufficient cause to grant a postponement:

- The parties' mutual desire for a postponement
- The fact that the matter has not previously been postponed
- That the parties indicate the case will probably settle if a postponement is granted
- If a witness, party, or counsel is unavailable (without exceptional circumstances) after being provided with due notice

Coming into effect

This policy will come into effect on June 1, 2019.