

Rescheduling or Adjourning Hearings

The Residential Tenancies Act:

- is silent with respect to all matters that relate to a hearing by Residential Tenancy Officers and is consequently also silent with respect to procedures for granting adjournments.

Reference:

Residential Tenancies Act not applicable.

Details:

- On occasion, parties request in advance that a hearing be rescheduled. Also on occasion, parties request an adjournment once the actual hearing has been convened.
- Any advance request to reschedule a hearing must be in writing. Any such request that also contains written consent from the opposing party should be given more favourable consideration than one that does not include such consent.
- Once a hearing commences, a request for adjournment can be oral or in writing. Any request for adjournment that is supported by the opposing party should be given more favourable consideration than one that does not include such consent.
- A Residential Tenancy Officer may reschedule or adjourn a hearing at any time on their own initiative.
- Any request to reschedule or adjourn a hearing must be evaluated using the criteria outlined in the procedure section.

Procedure:

Any time before the start of a hearing, a party may request that the hearing be rescheduled. Such a request must be in writing and explain the reason for the request. The Residential Tenancy Officer may request verification of the reason for the request (i.e. physician's note, travel documents, etc.). Where possible, the person making the request should obtain the written consent of the opposing party. A written request may be submitted via fax, mail or other method acceptable to the Residential Tenancy Officer.

If the request is consented to by the opposing party (either verbally or in writing), the Residential Tenancy Officer should evaluate the request against the criteria outlined below and, where possible, give the request favourable consideration.

If the request to reschedule is not consented to by the opposing party, the Officer shall evaluate the request against the criteria outlined below. If the Officer decides to reschedule the hearing, the Officer may require that the party requesting the adjournment notify the opposing party of the new date and time, and provide proof of such notification. Although not recommended, an Officer may take responsibility for notifying the opposing part of the rescheduled date and time.

At a hearing, a party may request an adjournment either in writing or orally. The Officer shall consider the criteria identified below when deciding whether to grant the adjournment.

Criteria to consider when rescheduling or adjourning a hearing at the request of a party:

Without restricting the authority of the Residential Tenancy Officer to consider other factors, the Officer must apply the following criteria when considering a party's request to reschedule or adjourn a hearing:

- the views of the parties;
- whether the adjournment is necessary to provide a fair opportunity to be heard;
- the degree to which the need for the adjournment or rescheduling arises out of the intentional actions or the neglect of the party making the request;
- the possible prejudice or harm to each party; and
- whether the party received sufficient notice of the hearing.