

Tribunal *Practices and Procedures* 4.4(c), “Adjournments” states that if a party requests an adjournment within (1) business day prior to the hearing, the request must be made to the panel at the hearing and may be made notwithstanding that a prior request was not consented to. 4.4(d) states that “...the Panel Chair may adjourn the hearing, at the request of either party or on the Panel Chair’s own motion, where the Panel Chair determines that an adjournment is required to permit an adequate hearing to be held”

The decision on adjournment must be made by the Panel Chair. The Chair should consider overall principles of fairness; keeping in mind that one objective of the legislation is to provide a speedy appeal hearing.

The *Administrative Tribunal Act* (ATA) suggests that a tribunal may adjourn if satisfied that the adjournment is required to permit an adequate hearing to be held. While section 39 of the ATA does not apply to the Tribunal, it is instructive and provides a number of considerations a panel may weigh when determining whether an adjournment is required to permit an adequate hearing to be held. The panel may consider:

- The reasons for adjournment
- Whether the adjournment would cause unreasonable delay
- The impact of refusing the adjournment on the parties
- The impact of granting the adjournment on the parties
- The impact of the adjournment on the public interest.

Panels may take into account in exercising their discretion to grant an adjournment request, whether:

- There were previous adjournments
- The request was made at the earliest opportunity
- There are circumstances that could not have been foreseen
- If reasonable efforts were made to avoid the request for adjournment
- If the other party’s interests are prejudiced by the delay
- The need for an adjournment is caused by the party requesting it
- The request relates to a significant aspect of the hearing, such as the unavailability of a witness.

The Tribunal’s general rule is to reschedule the hearing within 15 business days of the adjournment.