



Practice Direction on Rescheduling and Adjournment Requests

(Disponible en français)

The Human Rights Tribunal of Ontario (HRTO) has a mandate to ensure the fair, just and expeditious resolution of the matters before it. The HRTO expects that parties promptly take all steps necessary to ensure their matter moves through the HRTO's processes in a timely way. The HRTO also expects the parties to comply with the timeframes set out in the [HRTO's Rules of Procedure](#) (the "Rules"), directions, and orders, and to be prepared for the adjudicative events when they are scheduled.

The HRTO has developed a procedure for addressing rescheduling and adjournment requests, and will apply this Practice Direction when addressing these requests.

The procedure outlined in this document provides general information only. The HRTO may vary its approach to rescheduling and adjournment requests where appropriate or when a completed [Accommodation Request Form](#) is filed and approved by the HRTO.

Scheduling of Events

The HRTO's approach to scheduling events is designed to give the parties a fair opportunity to obtain suitable dates.

When an event is scheduled, the HRTO will issue a Notice setting the date(s) and start time(s) for the event.

Rescheduling within 14 Days of Notice Issuance

If, upon receipt of the Notice, rescheduling is required by a party, the party making the request must attempt to contact the other parties to obtain five mutually available dates (or groups of dates if the event is scheduled for multiple days) within six weeks of the originally scheduled date(s). If the parties agree on alternative dates, the requesting party must advise the HRTO Registrar in writing by filing a Request for an Order During Proceedings (Form 10), copied to the other parties, within 14 days of the date the Notice was issued. The HRTO will make every effort to reschedule the event for dates provided by the parties.

If the parties are unable to agree on alternative dates, the party asking that the event be rescheduled must contact the HRT0 Registrar in writing by filing a Request for an Order During Proceedings (Form 10), copied to the other parties, and provide five alternative dates (or groups of dates if the event is scheduled for multiple days) that are within six weeks of the originally scheduled date(s). This must be done within 14 days of the date the Notice was issued.

If the request is granted and, after reasonable efforts, the HRT0 is not able to find dates agreeable to the parties, the HRT0 will set the dates for the event without the agreement of the parties.

If the HRT0 denies or does not respond to a party's rescheduling request, all parties are expected to attend the day(s) of the event. The event will proceed as scheduled unless the HRT0 notifies the parties that a request has been granted.

Adjournment Requests

Any request to reschedule an event made more than 14 days after the Notice was issued is considered an adjournment request.

Approach on Adjournment Requests

The HRT0 recognizes that in certain compelling circumstances, an adjournment of an event may be necessary to ensure the fairness of the proceeding. Each adjournment request will be decided on its individual merits but generally, adjournment requests for expected and avoidable reasons are unlikely to be granted.

When requesting an adjournment, parties are expected to provide all the information they would like the HRT0 to consider with their request. Where an adjournment request is denied by the HRT0, the HRT0 will not consider subsequent requests that are made for the same reasons as the first request, or due to circumstances that would have been known at the time of the first request. The HRT0 will only consider properly filed adjournment requests.

Where an adjournment is needed due to medical reasons, the requesting party must include information from a licensed medical professional supporting the reasons for the request. Parties are not required to include personal diagnostic details.

Requesting an Adjournment of a Scheduled Event

Parties may request the adjournment of an event by filing a Request for an Order During Proceedings (Form 10), copied to the other parties. The Form 10 must include the following information:

1. specific details of the circumstances giving rise to the request including any documentary evidence relevant to the request;
2. the length of the adjournment being sought; and
3. five alternative dates (or groups of dates if the event is scheduled for multiple days).

Incomplete adjournment requests will not be considered by the HRTO. A request is incomplete if the party:

1. fails to use the Form 10 and complete all required fields, or
2. fails to copy the other parties as required under the Rules, /or
3. provides no reasons for the request.

Adjournment requests received less than seven days before the start of the scheduled event will not be granted unless there are exceptional circumstances.

Responding to a Request to Adjourn a Scheduled Event

A party may respond to an adjournment request by filing a Response to a Request for an Order (Form 11), copied to the other parties, **within seven days** of receiving the adjournment request.

For adjournment requests made **less than seven days** before the start of the scheduled event, the Tribunal may dismiss the request, set an expedited schedule for responding to the request, or consider the request at the start of the scheduled event.

Adjudication of the Request to Adjourn a Scheduled Event

The HRTO will only consider properly filed adjournment requests and will do so by applying the **Factors Relevant to an Adjournment Request** outlined below.

The HRTO expects the parties to be ready to proceed with a scheduled event. For example, the HRTO will rarely grant an adjournment request on the basis that (1) a party is not prepared for a scheduled event, (2) a party has recently retained new counsel where counsel could have been retained earlier, (3) a party wants to submit additional evidence not disclosed in accordance with the Rules or directions of the HRTO, or (4) the parties are in settlement discussions.

If the HRTTO denies or does not respond to a party's adjournment request, all parties are expected to attend the day(s) of the event. The event will proceed as scheduled unless the HRTTO notifies the parties that a request has been granted.

Factors Relevant to an Adjournment Request

While each request is decided based on the specific facts of the case and no one factor is determinative, when deciding an adjournment request the HRTTO may consider:

1. The age of the file;
2. Whether any previous adjournment requests have been granted and, if so, whether they were granted on a peremptory basis;
3. Prejudice to any party;
4. The timeliness of the request;
5. The length of the requested adjournment and whether it would unduly delay the proceedings;
6. The specific reasons for being unable to meet the stated deadline or proceed on the scheduled date;
7. Whether the reason for the adjournment request was foreseeable and avoidable, and what efforts, if any, were made to avoid requesting an adjournment;
8. The type of event;
9. The length of notice the HRTTO provided to the parties of the scheduled event;
10. Whether the HRTTO scheduled the date(s) based on availability provided by the requesting party;
11. Whether the parties can proceed on an earlier date than the current date scheduled;
12. The public interest in the fair, just and expeditious resolution of applications;
13. Legislative requirements;
14. The principles of natural justice and procedural fairness;
15. Operational considerations and
16. Any other factors considered relevant in deciding the request.