



Practice Direction on Extension 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.

The HRTO receives numerous requests to extend a deadline (extension requests) for the filing of documents and submissions. The HRTO 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 extension requests where appropriate or when a completed Accommodation Request Form is filed and approved by the HRTO.

Approach on Extension Requests

The HRTO recognizes that in certain compelling circumstances, an extension request may be necessary to ensure the fairness of the proceeding. The HRTO decides every request on its individual merits.

The HRTO will only decide properly filed extension requests and will do so by applying the **Factors Relevant to an Extension Request** (the "Factors") outlined below.

When requesting an extension, the HRTO expects parties to provide all the information they would like the HRTO to consider with their request. Absent of exceptional circumstances, extension requests will not be granted.

For example, each extension request will be decided on its individual merits, but generally will not be granted for a party: (1) to retain counsel or because counsel was just recently retained where counsel could have been obtained earlier; (2) to obtain additional information that could have been obtained sooner; or (3) where a request to extend a deadline is needed due to medical reasons, the request is not substantiated with appropriate documentation (i.e. information from a licensed medical professional supporting the reasons for the request; note that parties are not required to include

personal diagnostic details). Where a request to extend a deadline is denied, the HRT0 will not consider subsequent extension 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.

Notwithstanding the Factors, absent exceptional circumstances, including a *Code*-based need for accommodation, an extension of the deadline for the filing of a response to a Notice of Incomplete Application will not be granted.

Requesting an Extension of a Deadline

To request an extension of a deadline for the filing of a pleading, submission, or other document, a party must file a Request for an Order During Proceedings (Form 10), copied to the other parties, and provide specific details of the circumstances giving rise to the request, including why the deadline cannot be met and the length of the extension being sought.

Incomplete requests for an extension of a deadline will not be considered by the HRT0.

A request is incomplete if it:

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

Extension requests received less than seven days before the deadline will not be granted unless there are exceptional circumstances.

If the HRT0 denies or does not respond to an extension request, the requesting party must act with diligence to file the pleading, submission or document by the original deadline. Where an extension request is denied and the filing is late, the HRT0 may decline to accept the late filing.

Responding to a Request to an Extension of a Deadline

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

For extension requests **made less than seven days** before the deadline, the Tribunal will either dismiss the request or set an expedited schedule for responding to the request.

Factors Relevant to an Extension Request

While each request is decided based on the specific facts of the case and no one factor is determinative, when deciding a request to extend a deadline, the HRTO may consider:

1. The age of the file;
2. Whether a previous extension request has been granted and, if so, whether it was granted on a peremptory basis;
3. Prejudice to any party;
4. The timeliness of the request;
5. The length of the requested extension and whether it would unduly delay the proceedings;
6. The specific reasons for being unable to meet the stated deadline;
7. Whether the reason for the request was foreseeable and avoidable, and what efforts, if any, were made to avoid requesting the extension;
8. The public interest in the fair, just and expeditious resolution of applications;
9. Legislative requirements;
10. The principles of natural justice and procedural fairness;
11. Operational considerations; and,
12. Any other factors considered relevant in deciding the request.