



Here's what you need to know about postponing a hearing (adjournments)

If you want to change the date of your hearing, you may ask the Board to postpone (adjourn) your hearing. After you file an appeal, you should be prepared for your hearing at any time, even on short notice. If your request to delay the hearing is denied, the hearing will go ahead as scheduled and you will be expected to attend.

How do I ask to postpone a hearing?

Step 1. Ask the other parties if they agree to a delay.

Step 2. Fill out the Request for Adjournment form (available on the OMB website).

Step 3. Send a copy of the request form to the OMB and all parties.

Step 4. Include in your request:

- The reasons you want a delay;
- A suggested new date; and
- Whether the other parties agree to the delay.

When should I request the delay?

Generally, you should submit your adjournment request to the Board as soon as you know that you need a delay. If it is less than 10 days before the hearing begins, you must notify all other parties, including the Board, and submit the necessary information **as soon as possible**. If the OMB does not allow the late request, you can ask the Board for a motion to postpone at the beginning of the hearing.

How does the OMB decide to postpone a hearing?

In deciding whether to postpone a hearing, the OMB will balance whether a delay is needed to have a fair hearing against the costs of delaying. The OMB has final discretion on whether or not to grant a postponement in any circumstances.

The OMB **may** postpone a hearing if it believes that a delay should happen. For example, if discussions are nearing a settlement, the OMB may agree to postpone the hearing. However, hiring a lawyer, representative or planner shortly before a hearing is not a good reason for delaying a hearing.

What happens after I send in my request to adjourn?

The OMB may decide to:

1. Grant the request;
2. Reschedule the hearing, unless there is a reason to leave the date open;
3. Delay the hearing for a shorter time than requested;
4. Deny the request, and the hearing will go ahead as originally scheduled;
5. Change the scheduled hearing into a mediation or prehearing conference.

If someone objects to postponing the hearing, you may have to request a date to bring a Notice of Motion for an adjournment. For information on filing a Notice of Motion, see the OMB's information sheet, **Here's What You Need to Know About Motions**.

What about in an emergency?

In an emergency, the OMB may postpone a hearing even if all parties do not agree. It may grant last minute postponements for emergencies such as sudden illness to a Board Member, representative or witness so close to the hearing that a replacement cannot be found.

Where can I get more information?

For more details about adjournments, refer to the **OMB's Rules of Practice and Procedure**. They are available at **www.elto.gov.on.ca** or by calling (416) 212-6349 or toll free 1-866-448-2248.

Please Note

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