



CAT Practice Direction: Scheduling Requests and Adjournments

Effective: April 11, 2024

Practice directions help parties understand the rules. They provide guidance about what the Tribunal expects of the parties and what the parties can expect of the Tribunal.

1. Introduction

Unlike many other tribunals, mediations and hearings in CAT proceedings generally do not take place on a single specific date and time but rather over a defined period of time.

The CAT Member assigned to the mediation or hearing will provide reasonable and realistic timelines for your participation, usually after inquiring about the parties' availability.

It is crucial that all parties advise the Member of any availability, timing, or other barriers you may have at the beginning of your mediation or hearing.

2. Requests to Change the Schedule

If you require additional time to respond after an event or deadline is scheduled or established in your hearing or mediation, you may request an extension of time." The decision to change the schedule is within the Member's discretion. When you are making this request, you must provide a reason. It is also important to make the request as early as possible.

Examples of reasons that might support an extension of time:

- You require a specific person to provide a witness statement but they will not return from a holiday until a few days after the event deadline;
- The condominium management office where records are kept is closed for a week over the holiday season.
- The party or their legal representative have a previously scheduled holiday, or a medical issue arose.

You may not be granted an extension of time:

- If, as the condominium manager and agent for the corporation, you assert that are simply too busy to respond to the member's messages.
- If a live event has been scheduled, and a request is made at the last minute.
- If you have shown a pattern of unresponsiveness in the case.

Note: The CAT has the authority under its Rules of Practice to close a case if an applicant stops participating, whether during a negotiation, a mediation or hearing. See Rules 34.3(d) and 43.1 (e).

This means that if you, as an applicant, are unresponsive on the CAT-ODR platform and fail to participate without having requested an extension (or if your request for extension was refused), your case may be closed.

3. Request for an Adjournment

If a party requires more than a brief extension of time for responding to a scheduled event and wishes to put the mediation or hearing on hold for a period of time, the party must request an adjournment.

The decision to grant an adjournment is discretionary. Requests for an adjournment made at the last minute may be an impediment to fair and timely access to justice. The CAT recognizes that exceptional circumstances may require that adjournment be granted. An adjournment where the reasonable inference is that the request is made for the purposes for delay will lead to a refusal.

If you believe that your circumstances support the need for an adjournment of the case, you must make the request and set out your reasons as soon as those circumstances arise. If you are the applicant, remember that this is your case, and an adjournment will result in a delay in resolving it.

When deciding whether to grant an adjournment, the CAT will review the specific reasons for the request and may consider any of the following factors:

- Whether the adjournment is necessary to ensure a fair hearing;
- Any earlier requests to adjourn or reschedule events;
- The conditions attached to any previous adjournment;
- Whether the request was made at the earliest opportunity;
- Whether the party made all reasonable efforts to avoid the need for the adjournment;
- Whether the parties were given the opportunity to canvass their ability to participate at certain times;
- Whether anyone would be unduly prejudiced if the request was allowed or denied;
- Whether the adjournment has been consented to by the other parties;
- If the request is made because a party wishes to obtain legal representation, when the requester began attempts to retain legal representation and whether

the legal representative was made aware of and is available to participate in the proceeding on upcoming scheduled events;

- Whether the issues are simple or complex;
- Any urgency based on the circumstances of the case;
- Any serious personal emergency or compassionate factors;
- The length of the proposed adjournment and whether it would unduly delay the proceedings; **the CAT will not allow an adjournment for an indefinite time.**

4. Requesting an Adjournment for Medical Reasons

If a party requests an adjournment for **medical reasons**, the Member may, in some circumstances, require that party to provide a doctor's note; however, it is the CAT Member, not the doctor, who decides whether to grant the adjournment. The Member may require that the doctor's note include enough information to allow CAT to make its own assessment as to whether the adjournment should be granted. This should include at a minimum:

- A description of the diagnosis, the effect of the patient's condition on the ability to participate in the CAT's process;
- an indication that the doctor is aware of the nature of the dispute and that the CAT process is an online one and does not require in person attendance and is accessible 24/7; and
- a statement as to when, in the doctor's opinion, the patient will be well enough to participate as required.

5. Adjournment to Resolve Issues.

If a party requests an adjournment because the parties are trying to resolve the issues and may, for example, be waiting for sufficient time to pass in order to assess whether a remedy proves effective, the CAT may grant an adjournment if it believes that it would facilitate a final resolution. It would do so only in exceptional circumstances and for a limited time. Such a request must come from all parties and must set out:

- What steps will be taken to resolve the issue and a schedule with dates for each step;
- the length of the requested adjournment; and
- dates for reporting back (you must agree to keep the CAT Member informed about the progress).

If the CAT Member believes that not enough progress is being made or if it appears that the parties are not adhering to their schedule, the Member can provide further directions or cancel the adjournment.

6. Requests related to an Accommodation under the Human Rights Code

The CAO and the CAT are committed to providing accommodation for needs in accordance with the principles of the Ontario Human Rights Code. If requests for adjustments to the schedule, or to adjourn the case, are connected to an accommodation request, parties are advised to review and consider the Condominium Authority of Ontario Accommodations Policy.

As noted by the Ontario Human Rights Commission, the accommodation process is a shared responsibility. Everyone involved must co-operatively engage in the process, share information and consider potential accommodation solutions.

6. Requests to Adjourn an Application or Case before a Member is Assigned

Requests to adjourn an application or case before a Member is assigned should be sent by email to: catinfo@condoauthorityontario.ca.

Your request should include:

- Your full name;
- Your email address and phone number;
- How to best contact you;
- The CAT case number(s) that your request relates to and your role in the case (i.e., Applicant, Respondent, Representative, Witness); and,
- The reasons and duration of the Request.

A CAT Member will be assigned to review and decide the request.