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Practice Note 9: Adjournments

FSCO has an obligation to conduct arbitrations efficiently and speedily. Parties are contacted and agree to pre-hearing and hearing dates well in advance of the dates set. Therefore, adjournments are granted only sparingly once dates have been set.

WHEN WILL ADJOURNMENTS BE GRANTED?

Requests for adjournments will only be considered in three circumstances:

- in cases of personal emergencies, such as serious illnesses or deaths in the family
- for valid reasons relating to the hearing itself, such as an imminent settlement, or medical or other critical evidence that is **UNAVOIDABLY** delayed
- when a lawyer is involved in a trial or other proceeding that was scheduled to conclude before the start of FSCO proceeding and which has continued or been held over into the time scheduled for FSCO proceeding.

WHEN WILL ADJOURNMENTS BE REFUSED?

Adjournments will normally be refused if they do not fall into one of the three categories mentioned above. Common circumstances in which adjournments are refused include the following:

- scheduling conflicts for the parties or their lawyers (except for conflicts with pre-set trial dates as noted above)
- where the parties have not made reasonable efforts to comply or delayed their compliance with undertakings and orders made at the prehearing
- where the parties have not made early arrangements to ensure availability of documents or the attendance of witnesses
- where parties have not made early arrangements for further medical examinations, assessments or follow-up.

NOTICE REQUIREMENTS

Seven days notice is generally required for an adjournment request. A request for an adjournment of a pre-hearing discussion or arbitration proceeding must be made in writing to the Office of the Registrar with a copy to the other parties. A request for an adjournment of an appeal or variation/ revocation must be made to the Director of Arbitrations. Such requests must outline the reasons for the adjournment and indicate whether all other parties consent to it. Alternative hearing dates that are

acceptable to all parties must be proposed. The party requesting an adjournment should contact the other parties involved in the hearing to arrange acceptable alternative dates before asking for the adjournment.

The Office of the Registrar, the Director, or an adjudicator may deal with requests on less than seven days notice by conference call.

THE NEW HEARING DATE

It is advisable to provide more than one alternative hearing date for the proposed adjournment. An adjournment "sine die" (that is, with no new hearing date set) will rarely be granted except in extraordinary circumstances.

WRITTEN CONFIRMATION OF ADJOURNMENT FROM THE COMMISSION

Every request for an adjournment receives a written response from FSCO. No adjournment is granted without written confirmation to the parties and their representatives. If you have not received written confirmation of your adjournment request prior to the scheduled date of the proceeding, you are required to attend at the proceeding on the originally scheduled date to speak to an arbitrator on the issue of the adjournment request.

HOW DO I GET MORE INFORMATION?

Our telephone numbers are:

- from Toronto, call (416) 250-6714
- from outside Toronto, phone 1-800-517-2332

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