

APPLICATION TO ADJOURN A REGISTRAR'S HEARING

What is it? Once an appointment for a registrar's hearing has been delivered to or served on the opposing party, the hearing cannot be adjourned without the consent of all parties served or by order of the registrar. A registrar has the authority to adjourn a hearing under Supreme Court Civil Rules 23-6(4)(c) and 18-1(5) and Supreme Court Family Rules 22-7(4)(c) and 18-1(5).

What happens before the hearing? The first step is to contact all parties who have been served to advise that an adjournment is required. If consent to adjourn is not obtained from all parties, an application for an adjournment is necessary either at a separate hearing or at the beginning of the originally scheduled hearing.

To set a separate adjournment hearing, a date is arranged through Supreme Court Scheduling and a requisition is filed to confirm the date. An \$80.00 filing fee is payable pursuant to Appendix C, Schedule 1, Item 5. A copy of the filed requisition must be delivered to all other parties giving them as much notice as possible of the hearing.

What happens at the hearing? After both parties have introduced themselves to the registrar, the party seeking the adjournment will advise the registrar that an adjournment of the main registrar's hearing is being sought and give the reasons for the request. The opposing party will then give their views on the adjournment. The registrar will then make a decision. If the adjournment is granted, an order for costs may be

granted. It is possible that costs may be awarded to the party making the adjournment application if the opposing party unreasonably refused to consent to the adjournment. It also is possible that costs may be awarded against a successful applicant.

What happens after the hearing? If the main hearing is adjourned, it may be reset to another date at a time and date to be arranged with Supreme Court Scheduling after consultation with the opposing side as to available dates. However, it is often helpful to have canvassed future available dates with the opposing party in advance of the adjournment application. If the main hearing is not adjourned, it will proceed on the original date.

Documents required:

- Requisition [Civil Form 17/Family Form F17]
- Proof of service of the requisition if the other party does not appear
- If there is documentation that supports the request for an adjournment, such as evidence of medical condition or conflicting calendar commitments, etc. it will need to be produced at the hearing.
- Filing fee of \$80.00.

Further reading: Continuing Legal Education Manual – Practice Before the Registrar.

This is an Information Sheet that provides general guidance only. It is not intended as legal advice. In the event of any conflict between this information and any Acts, Rules or law, the provision of the Acts, Rules or law apply.