

Scheduling, Rescheduling or Adjourning Your Mediation or Hearing

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This guide is general information only. It is not legal advice about your situation. This guide is not a substitute for a lawyer's research, analysis and judgment. This guide is reliable as of the date of publication (June 2025). You should be aware that the law and procedures under the *Human Rights Code* (Code) and at the Human Rights Tribunal of Ontario (HRTTO) are subject to change without notice.

This information sheet deals with what can be done if you are unable to attend a mediation or hearing on the date scheduled by the Human Rights Tribunal of Ontario (the Tribunal or HRTTO).

For more information, see the Tribunal's [Practice Direction on Rescheduling and Adjournment Requests](#) and [FAQ: Updates to Rescheduling and Adjournment Requests](#) in addition to reading this guide.

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Will the Tribunal contact me before scheduling a date for the mediation or hearing?

No. The Tribunal does not consult with you or the other parties before setting the date(s) for mediation or hearing. The Tribunal picks a date based on its own availability and then sends a notice to tell you of the date chosen.

What if the Tribunal chooses a mediation date when I am not available?

You will find out the date for your mediation when the Tribunal sends you a *Notice of Mediation*. If you are not available on that date, you will need to ask for the mediation to be rescheduled. You must use a Form 10 to make your rescheduling request and file it with the Tribunal within 14 days of the date marked on the *Notice of Mediation*. You must include a reason for your request on your Form 10.

Note: Requests received after 14 days of a Notice of Mediation will be treated as an **adjournment request**, and there will be additional factors and requirements from the Tribunal before a decision can be made (see below). You will need to consider the directions and information set out in the HRTO’s Practice Direction to explain why you have exceptional circumstances that require your scheduled mediation to be adjourned. Each adjournment request will be decided on its own merits. The Practice Direction lists 16 factors that are relevant to an adjournment request that the HRTO may consider.

You must contact the other parties to see if you can agree on alternative dates that are within six (6) weeks of the originally scheduled date:

- If you can agree on alternative dates, then provide those dates to the Tribunal in your Form 10 and the Tribunal will make every effort to reschedule your mediation on one of the dates you have provided.
- If you cannot agree on alternative dates, then you must set out five (5) alternative dates within the six (6) weeks of the originally scheduled date in your form that work for you.

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If the Tribunal is not able to find dates that are agreeable to all parties, then they will reschedule the date for mediation without your agreement or that of the other parties.

The Tribunal can reschedule the mediation to a date earlier than the one originally scheduled. This happens if all parties agree to that date, and it is available for the Tribunal. It is your responsibility to contact the other parties to get their agreement.

What if the Tribunal chooses a hearing date when I am not available?

You will find out the date for your hearing when the Tribunal sends you a *Notice of Confirmation of Hearing*. If you are not available for some or all of the hearing dates scheduled, you need to ask for the dates to be rescheduled.

You must use a Form 10 to make your rescheduling request and file it with the Tribunal within 14 days of the date of the *Notice of Confirmation of Hearing*. You must contact the other parties to see if you can agree on alternative dates (or groups of dates, if the hearing is scheduled for more than one day) that are within six (6) weeks of the originally scheduled date:

- If you can agree on alternative dates, then provide those dates to the Tribunal in your Form 10 and the Tribunal will make every effort to reschedule your hearing on one of the dates you have provided.
- If you cannot agree on alternative dates, then you must set out in your Form 10 five (5) alternative dates within the six (6) weeks of the originally scheduled date that work for you.

If the Tribunal is not able to find dates that are agreeable to all parties, then they will reschedule the date for the hearing without your agreement or that of the other parties.

The Tribunal may reschedule the hearing to a date earlier than the one originally scheduled if all parties agree to that date, and it is available for the Tribunal. It is your responsibility to contact the other parties to get their agreement.

What if I miss the fourteen (14) day period to request a rescheduling of the mediation or hearing?

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If you do contact the Tribunal after the fourteen (14) day period of the date of the *Notice of Mediation or the Notice of Confirmation of a Hearing* you will have to make a request for an **adjournment, to postpone or delay your hearing**.

How do I make a request for an adjournment?

You must tell the Tribunal about your need for an adjournment (to postpone or delay your hearing) as soon as the need arises. You must also contact the other parties to seek their agreement to adjourn the hearing and to discuss alternative dates.

You must make your request for an adjournment using a Form 10. In your Form 10, you should provide the following information:

1. details of the reason for your request and any documentary evidence that may be relevant to the request. If you are seeking an adjournment due to medical reasons, you must provide information from a licensed medical professional supporting the reasons for the request.
2. the length of the adjournment you are asking for; and
3. five alternative dates (or groups of dates if the event is scheduled for multiple days).

What factors does the Tribunal consider when I request an adjournment?

The Tribunal may consider the following factors:

1. How old the file is;
2. Whether any previous adjournment requests have been granted and, if so, whether it was granted on a peremptory basis (meaning that the previous extension was final and no further extensions would be granted);
3. The negative impact (or prejudice) to any party;
4. When the request was made compared to when the need for more time first came up (or the timeliness of the request);
5. The length of the requested adjournment and whether it would be an unreasonable (or unduly) delay the proceedings;
6. The specific reasons for being unable to meet the stated deadline or continue with the scheduled date;
7. Whether the reason for the adjournment request could have been expected and avoided, and what efforts, if any, were made to avoid requesting an adjournment;

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8. The type of event;
9. The length of notice the HRTO gave the parties for the scheduled event;
10. Whether the HRTO scheduled the date(s) based on availability provided by the requesting party;
11. Whether the parties can continue with an earlier date than the current date scheduled;
12. The public's interest in the fair, just and speedy resolution of applications;
13. Legislative requirements;
14. The principles of the right to a fair legal process: being heard, having a fair hearing and the duty of adjudicators to be reasonable, fair and balanced when making decisions (also known as natural justice and procedural fairness);
15. Operational considerations (such as whether HRTO staff are available on certain days); and
16. Any other factors considered relevant in deciding the request.

When might the Tribunal deny an adjournment request?

The Tribunal may deny an adjournment request where:

- it is incomplete – *e.g. it is not on a Form 10 or provides no reason for the request*
- if the reason for your request is not one that the Tribunal considers to be an “exceptional circumstance” – *e.g. you have just hired a lawyer or need to gather more information to prepare for your mediation or hearing, but the Tribunal believes you could have done so sooner.*
- your request is less than seven days before the scheduled date for your mediation or hearing, unless there are exceptional circumstances.

What if the adjournment is being requested because I am close to reaching a settlement of my application?

The Tribunal discourages the cancellation or adjournment of hearing dates so that the parties can explore settlement. Typically, the Tribunal will not adjourn a hearing date because the parties wish to “engage in settlement discussions” or are “close to a deal.”

If you and the other parties believe you may be able to resolve a matter shortly before the scheduled hearing, you should tell the Tribunal and request mediation/adjudication as required under [Rule 15A of the Rules](#).

If the Tribunal gives me an adjournment, what happens next?

If the Tribunal grants you the requested adjournment, a new date for a mediation or hearing may be provided through its order to adjourn. The Tribunal may also hold off on setting a new hearing yet right away, even if they have granted an adjournment. If the dates are not set out in the order, the Tribunal Registrar will likely contact you and ask about your availability on the proposed new dates.

What should I do if the Tribunal denies my request?

If the Tribunal denies your request, then you must attend on the scheduled date. The Tribunal will not consider another adjournment request based on the same reasons as the first request, or due to circumstances that would have been known at the time of the first request. If you do not attend on your scheduled date, the Tribunal may dismiss your application as abandoned.

What should I do if the Tribunal does not respond to my request?

If you do not receive a response from the Tribunal before your scheduled mediation or hearing, then you must attend on the scheduled date. If you do not attend, the Tribunal could dismiss your application as abandoned.

If your request was filed less than seven days before the scheduled date, the Tribunal may consider your request at the start of the mediation or hearing.

What should I do if the respondent has made a request for a mediation or hearing to be rescheduled or adjourned?

You must respond to the request using a Form 11. You can explain in the Form 11 whether you agree to the respondent's request, or you oppose it. You must file the Form 11 within seven (7) days of receiving the Form 10. If the request was made less than seven days before the deadline, the HRTO may shorten the time you have to respond to the request.

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