

MINISTRY REPRESENTATIVE AT TRIBUNAL – ADJOURNMENTS (February 2012)

This Quick Reference Guide is intended for Ministry Representatives at Tribunal. It provides guidance on requesting an adjournment and responding to an appellant request for adjournment during an appeal hearing.

<p>Overview</p>	<p>An adjournment is requested at Tribunal to provide the ministry representative time to review information or obtain requested information. An adjournment should only be requested when it is necessary for the proceeding to be considered fair.</p> <p>The authority to grant an adjournment always rests with the panel chair. Adjournments are not automatically granted upon request.</p>
<p>Requesting an Adjournment</p>	<p><u>Steps:</u></p> <ol style="list-style-type: none"> 1. The MSD representative should state “Madam/Mister Chair, I’d like to request an adjournment”, followed by the reasons why and the estimated time required. 2. The appellant is allowed to oppose the request. 3. The panel chair will determine if an adjournment will be allowed and the length of the adjournment. <p>Tribunal hearings may be adjourned to a later time, a fixed future date or for an indefinite period.</p>
<p>Responding to an Appellant Request for Adjournment</p>	<p>The MSD representative should decide whether or not to oppose the request. They should consider whether the appellant can fully present their case or if the case would be prejudiced if not given more time. The MSD representative should not oppose an appellant’s request for adjournment if the reason is even remotely legitimate.</p> <p>The MSD representative should oppose a request for an adjournment when it appears that the hearing may be rescheduled for a significantly later date and this may be problematic for the ministry.</p>
<p>Examples</p>	<p><u>Questions from panel members:</u> If the MSD representative cannot answer the question because they do not have the information (but someone else in the ministry does), they should request an adjournment to get the information needed.</p> <p><u>Unexpected Circumstances</u> (e.g. previously unseen supporting evidence): If the MSD representative can only properly respond to the new material by reviewing and answering it with other evidence or preparing additional submissions based on another aspect of law/legislation, they should request an adjournment.</p> <p><u>Unexpected legal argument from the appellant with no new evidence introduced:</u> DO NOT request an adjournment. The MSD representative must be prepared to respond to anything raised that relates to evidence they have seen.</p>

See Quick Reference Guide: *Ministry Representative at Tribunal – Supporting Evidence*

OLR → Decisions, Reconsideration and Appeal → Appeal

Policy:

Staff:

https://qww.hsd.gov.bc.ca/intranet/meia/online_resource/decisions_reconsideration_and_appeal/appeal/current/policy.html

Public: http://www.gov.bc.ca/meia/online_resource/decisions_reconsideration_and_appeal/appeal/policy.html

Procedures:

Staff:

https://qww.hsd.gov.bc.ca/intranet/meia/online_resource/decisions_reconsideration_and_appeal/appeal/current/procedures.html

Public: http://www.gov.bc.ca/meia/online_resource/decisions_reconsideration_and_appeal/appeal/procedures.html