

Effective Date:

**DRAFT** 17/08/03

Number: 2

## **Practice Direction Default Format of Specific Motion Hearings**

**Direction:**

Unless otherwise directed by TLAB, where a Party requests a date to file a Motion for a Written or Electronic Hearing (telephone or video conference) or the adjournment of a Hearing Date, or both, TLAB will treat and require the request to be conducted as a written Motion. The Party will be provided with a date for a Written Hearing motion for service and in the case of a Hearing Date adjournment request, a direction that the parties advise as to unavailability only on alternative Hearing Dates provided by TLAB, in the event that the Motion is granted. The default form of Hearing for these two specific Motion requests will not be Oral, as specified in Rule 17.3. The timeline for Motion responses outlined in the Rules will continue to apply.

Approved by the Toronto Local Appeal Body this \_\_\_ day of \_\_\_, 2017.

**Ian James Lord**

**Chair**

***Explanatory Note:*** Requests for adjournment of Hearing Dates are being made with supporting affidavits and an accompanying request that the relief be considered by way of written motion, rather than having the parties assemble at TLAB offices. The granting of an adjournment in most circumstances is a low threshold and can often be on consent. It therefore seems prudent to provide an expeditious

*vehicle to permit the request to be considered by the assigned Member, with input from all parties, without the necessity of an attendance. The proposed Practice Direction (perhaps to be followed by a Rule change), would permit TLAB Staff to respond to the request for a motion date by advising the appointment will be for a written hearing in which the normal motion Rule would apply, as to service, responses and reply. At the same time, TLAB Staff would supply a direction that on service of the written motion, the parties advise from a set of three alternate dates any unavailability to attend a rescheduled Hearing Date, should an adjournment be granted by the Member considering the written Motion.*