

Legislation:

Section 183 of the *Residential Tenancies Act* (the RTA)

12.1 Where, prior to a hearing, all parties to an application agree to having the hearing of the application rescheduled, the Board may reschedule the hearing, and the original hearing shall be cancelled.

Before a party makes a request to the Board for a hearing to be rescheduled, they must contact the other parties and obtain their consent. The rescheduling request must include confirmation that the consent of the other parties has been obtained. Where the other parties do not agree to the rescheduling, the issue may be raised at the originally scheduled hearing. [See Interpretation Guideline 1, "Adjourning and Rescheduling Hearings" for additional information about making a request.]

In exceptional cases, the Board may refuse a request even where all the parties agree to the rescheduling. This might be the case where, for example, the request appears to be an attempt to delay the process.

12.2 A party who requests the rescheduling of a hearing must obtain the consent of all other parties, whether or not the notice of hearing and application have been served on the respondent(s).

Although the requestor must obtain the consent of all parties before making the rescheduling request, it is not a requirement that the application and notice of hearing be served before the rescheduling request is made. Where the applicant realizes, before they serve these documents, that they need to reschedule the hearing, the applicant will have to explain to the respondent that they have filed an application against them.