

## Halton OCJ Family Practice Directive - Adjournments by 17F (Amended November 12, 2019 to include 17F)

This practice direction replaces Halton OCJ Practice Direction - Adjournments by 14C dated May 15, 2017.

The following is the process for requesting an adjournment **on consent** by way of a 17F where at least **1 party** is represented by counsel (**not** for self-represented parties):

- 1) An adjournment by way of 17F may only be used to adjourn a conference or “to be spoken to” court attendance. It may not be used to adjourn a motion;
- 2) The 17F must only deal with adjournments on consent ONLY; no other relief is sought, and all parties must consent to the adjournment.
- 3) The 17F must set out the reasons for the adjournment, sufficient to convince the judge that an adjournment is reasonable and necessary. For example, OCL report not ready; parties in mediation; etc. It is not enough to simply say “on consent”.
- 4) The 17F must indicate how many previous adjournments have been requested. No more than two previous adjournments by 17F will be permitted, to prevent “drift”.
- 5) The 17F must be for an adjournment for the same kind of appearance: For example, a case conference will be adjourned for a case conference; a settlement conference will be adjourned for a settlement conference, etc.
- 6) An estimation of time required must be noted on the 17F.
- 7) Adjournments to no fixed date (sine Die) may not be sought by way of 17F.
- 8) The date to which the parties seek to have the matter adjourned to must have been selected by following this process:
  - a. Prior to filing the 17F the counsel must obtain adjournment dates by emailing: [Halton.Trialcoordinator@ontario.ca](mailto:Halton.Trialcoordinator@ontario.ca) . The trial coordinator will provide several dates for the adjournment request.
  - b. Once a date is agreed upon by counsel, they will advise the trial coordinator at the same email address;
  - c. The date agreed to by counsel will be “pencilled in” to the court calendar (held for the parties), only once the parties have confirmed the date by email to the same email address (as per b above). It is only at that point that the date is not offered to others.
- 9) Although the court will make every effort to do so, there is no guarantee that the matter will be adjourned to the “pencilled in” date. The onus is on counsel to confirm the date the matter is adjourned to through the Family Administration Office.

- 10) The deadline to file a 17F by fax is 2 p.m., 3 days prior to the scheduled return date.  
(However, the Family Administration Office will continue to accept 17F's right up until the court appearance to ensure the information is communicated to the court.)
- 11) The 17F must state that the adjournment request is on consent and that the new date was obtained from [Halton.Trialcoordinator@ontario.ca](mailto:Halton.Trialcoordinator@ontario.ca) .
- 12) The 17F will be dealt with on the record, by the case management judge on the day it was originally scheduled. The judge will reschedule the matter and the new date will be entered into the system in the usual course.
- 13) Failure to confirm the date selected in writing and as directed above *before* the court date, may result in the new chosen date being lost as it is not held by the court until the required confirmation is received.
- 14) Where the court no longer has the date available that the parties have asked for in their 17F, the court will select an alternate court date and time.
- 15) The onus is on counsel to obtain a copy of the endorsement and to ensure that the date they requested has been set as requested. A copy of the endorsement must be obtained in person from the filing office.
- 16) Where only one party is represented, the onus is on counsel to ensure that the unrepresented party is provided with a copy of the endorsement.