

Federal Court



Cour fédérale

**NOTICE TO THE PARTIES AND THE PROFESSION
SCHEDULING PRACTICE FOR THE HEARING OF APPLICATIONS
October 24, 2018**

The Federal Court operates on a guaranteed, fixed-date system, and when the Court has fixed a date for a hearing, parties are expected to proceed on that date. Nevertheless, the Court recognizes that there may be exceptional and unforeseen circumstances, including those that are outside the control of a party or its counsel, in which it may be reasonable to request that the hearing be re-scheduled. This may be particularly so in situations where the hearing had been scheduled without prior consultation. For the hearing of Applications, the Court's scheduling practice and guidance to parties and the profession are set out below.

IMM or Citizenship Applications

Counsel may file, within the timeframe for filing a Rule 13 reply, a joint letter setting out their non-availability in the 120 days that follow the last day for filing of a reply for the hearing on the merits. The Judicial Administrator will try to accommodate their non-availability. The principal criteria for non-availability are:

- a) it is for vacation leave or a previously scheduled hearing before a Superior Court – the Court's schedule will normally take precedence over previously scheduled matters before an administrative tribunal, though if provided notice, the Court will endeavor to schedule around Immigration Appeal Division hearings; or
- b) it is due to a serious illness.

Within 7 days of issuance of the Order granting leave, a party may request, by way of letter to the Judicial Administrator copied to all parties, that the scheduled hearing date be adjourned to another date. The letter must:

- a) confirm that all parties either consent to the request or do not oppose the request;
- b) briefly set out all facts and submissions relevant to the request; and
- c) set out the availability of all parties within 6 weeks of the scheduled date.

If the hearing is re-scheduled, the timeline for procedural steps in the leave granted Order will not change. Scheduling changes outside the timeframe indicated above may be requested by motion. See [Notice to the Profession](#) (Adjournments) issued on May 8, 2013.

Other Applications

For proceedings under Part V of the Rules (Applications), the requisition for hearing under Rule 314 shall "list any dates within the following 90 days on which the parties are not available for a hearing." Upon review of the parties' non-availability, the Court will schedule hearings as follows:

- a) if the parties are available on a certain date and the parties would have one month's notice, the Court will simply issue an order setting down the hearing for that date;
- b) if the Court is not available on the dates that the parties are available, the Judicial Administrator will contact the parties to confirm their availability for an alternate date;
- c) if the Judicial Administrator cannot confirm a date available for all parties, the matter will be referred to the Chief Justice for direction.

« Paul S. Crampton »
Chief Justice