

If new evidence is introduced at an appeal that has not previously been seen by the other party, fairness will require that the other party has an opportunity to review the additional evidence and has an opportunity to respond to it.

It may be necessary to grant the other party a brief recess to review the evidence. Where the evidence is very complex or voluminous, the hearing may need to be adjourned to allow the other party a fair opportunity to assess the evidence and respond.

The expectation is that each party should be prepared to respond to any legal argument raised by the other party that relates to the evidence in the appeal record; however, the panel will need to evaluate the circumstances of each case. When making a determination, fairness should always be applied.

In cases where new evidence has been presented, the panel must always be alive to whether it is fair to proceed without granting an adjournment. It is the panel's responsibility to determine whether to grant an adjournment when the request for an adjournment is received at the hearing. Parties to the appeal will not always ask for an adjournment where fairness may require an adjournment to be granted. In these cases, the Panel Chair may grant an adjournment on their own motion.

The Panel Chair will inform the Appeal Coordinator of any adjournment and the Tribunal will reschedule another hearing within 15 business days of the adjourned date.