SUPREME COURT OF NOVA SCOTIA

Citation: *Connors v. Anderson McTague & Associates Ltd.*, 2020 NSSC 405

Date: 20201110
Docket: *SPh* No. 495005
Registry: Port Hawkesbury

Between:

Rick Connors

Appellants

v.

Anderson McTague & Associates Ltd. and
MacLeod Lorway

Respondents

Judge:	The Honourable Justice Robin Gogan
Heard:	September 9, 2020, virtually in Sydney, Nova Scotia
Written Decision:	November 10, 2020
Counsel:	Mitchell Broughton, for the Appellant John Boyle, for the Respondent Anderson McTague & Associates Ltd. Ian Parker, for the Respondent MacLeod Lorway

By the Court:

Introduction

[1] This is an appeal of an Order of the Small Claims Court dated November 20, 2019. The main complaint on appeal is the Adjudicator's failure to grant an adjournment.

[2] This proceeding began as a claim brought by Rick Connors on August 23, 2019. Connors owned a property in Port Hawkesbury, Nova Scotia. He sought insurance for the property through MacLeod Lorway, an insurance broker. Connors obtained insurance effective February 1, 2019. The insurer was Anderson McTague & Associates Ltd. The policy required that the property be inspected every 72 hours.

[3] Connor's suffered loss and damage to the insured property as a result of frozen pipes. This was discovered on February 23, 2019. Connors claimed under his insurance policy and the claim was denied. Connors then brought his claim in the Small Claims Court.

[4] Defences were filed by MacLeod Lorway on September 12, 2019 and Anderson McTague & Associates on October 3, 2019. The hearing was scheduled for November 14, 2019, at 5:00 pm.

[5] On the afternoon of the scheduled hearing day, counsel for Connors wrote to the Small Claims Court requesting an adjournment of the hearing. This request was contested. The Adjudicator heard from the all parties on the adjournment request on November 14, 2019. The request was denied. Connors was not present and offered no evidence on his claim. As a result, his claim was dismissed without costs.

[6] Connors appealed the decision of the Small Claims Court Adjudicator. The appeal was heard on September 9, 2020.

[7] For the reasons that follow, I dismiss the appeal.

Decision Under Review

[8] I begin with a review of the decision being appealed.

[9] On the hearing date, the Adjudicator heard from the parties, recessed to review the authorities, and provided an oral decision refusing to grant the adjournment.

[10] As required by the *Small Claims Court Act*, R.S.N.S. 1989, c. 430, the Adjudicator provided a Statement of Findings on February 6, 2020 and listed the findings of fact supporting her decision:

> 15. I made the following findings of fact based upon the oral submissions and the pleadings:

> a. Mr. Connors resides in Singapore and has since the filing of the claim, as it is his named address on the Notice of Claim;
>
> b. Mr. Connors initiated his proceeding in the Province of Nova Scotia Small Claims Court in Port Hawkesbury;
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> c. Mr. Connors was reminded by his legal counsel on November 5, 2019 of the hearing on November 14, 2019;
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> d. I accept travel time from Singapore to Nova Scotia in excess of 24 hours;
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> e. Mr. Connors advised his legal counsel on November 14, 2019 (the date of the hearing) that he would not be attending the hearing at 5 p.m. that evening;
>
> f. Mr. Connors provided no justification or reason for his inability to attend, other than he remained in Singapore;
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> g. Given the travel time associated with travelling to Nova Scotia, Mr. Connors could have provided earlier notification and did not do so;
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> h. Defendant Anderson and their witnesses were already enroute to Port Hawkesbury from Saint John, New Brunswick, for the hearing when they were advised of Mr. Connors' adjournment request; and
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> i. The Defendants are not consenting to Mr. Connors' requested adjournment.

[11] Adjudicator Hatt noted that she had considered the positions of the parties, and the authorities provided by the Defendant Anderson, including the decision of the Nova Scotia Court of Appeal in ***Moore v. Economical Mutual Insurance Company***, [1999] NSJ No. 250 (NSCA) and ***Kift v. Zeigler***, 2019 NSSM 33. She then concluded:

> 16. In both cases provided by Mr. Boyle, the adjournment requests included justifications for the adjournment and evidence supporting same.
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> 17. In balancing whether an adjournment request should be granted or not, I must weigh fairly (for both the Claimant and the Defendants) the request; taking

> into account the timeliness, the justification for the adjournment request, and the consequence for failing to grant the adjournment.
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> 18. In this case, the consequence of not granting the adjournment would result in Mr. Connors' claim being dismissed as he was not present to provide evidence on the merits of his claim. However, should the adjournment request be granted, then regardless of the merits of Mr. Connors' claim, the Defendants incur added costs and time in both travel and legal fees; noting Defendant Anderson had already travelled from New Brunswick to attend the hearing along with their witnesses. These expenses are not recoverable by the Defendants in the Small Claims Court, regardless of their success at any hearing on the merits.
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> 19. The burden of satisfying the Court on the justification and timeliness for the adjournment request rests with the party making the request. In this case, that burden was not met, no justification was provided, and I am not satisfied the adjournment request was made at Mr. Connors earliest opportunity. Therefore the adjournment request was denied.

[12] As a result of the denial and the absence of Connors, the claim was dismissed without costs.

Issue

[13] Did the Small Claims Adjudicator err in law or fail to follow the requirements of natural justice in denying the adjournment request?

Position of the Parties

[14] The parties provided written and oral submissions on appeal. I summarize their respective positions as follows:

The Appellant – Rick Connors

[15] Connors asks that the appeal be granted and the claim returned to the Small Claims Court for a hearing on the merits.

[16] It is Connors' submission that the Adjudicator's decision to refuse the adjournment was wrong in two ways. First, the decision was based upon an error of law. In her assessment of the relative prejudice to the parties, Adjudicator Hatt found that the potential added costs to the Defendants were not recoverable. Connors says that this finding was wrong. It was a misinterpretation of s. 15(1) of the *Small Claims Court Forms and Procedures Regulations* which allows, *inter alia*, for witness fess and reasonable travel expenses to be awarded to the successful party. The Adjudicator's misinterpretation resulted in a wrong conclusion on the assessment of prejudice to the parties. In his view, the power to award costs removed all real prejudice to the Defendants.

[17] Second, Connors is of the view that the Adjudicator's decision failed to consider the principles of natural justice and procedural fairness. He says that the Adjudicator was aware of the breakdown of communication with counsel which prevented counsel from being able to provide justification and did not allow for that in her decision. He also points out that this was a first request for an adjournment and the denial ignores that adjournments are routinely granted to maintain the accessibility of the Small Claims Court.

The Respondent – Anderson McTague & Associates Ltd.

[18] Anderson provides a concise statement of its position at page 7 of its written submission:

> Adjudicator Hatt applied the correct, well-established principles set out in the jurisprudence for granting adjournments. She recognized that her decision would effectively end Mr. Connors claim, but balanced that against the prejudice to the blameless Respondents and the context of the proceeding. Her decision was in keeping with the purpose of the Small Claims Court in ensuring speedy, inexpensive justice to all the parties. Most importantly, Adjudicator Hatt's decision upholds the interests of justice as it requires parties to act reasonably, and only allows a party to prejudice another when justified.

[19] Anderson says that Adjudicator Hatt properly exercised her discretion in refusing the adjournment request in the absence of any justification. It asks that the appeal be dismissed.

The Respondent – MacLeod Lorway

[20] Likewise, MacLeod Lorway asks that the appeal be dismissed. It submits that the Adjudicator made no error of law in her decision to refuse an adjournment. It says that the Adjudicator's analysis of relative prejudice is not impacted by any error on the issue of witness fees and expenses as any entitlement would be negligible to the actual time and costs.

[21] On the issue of natural justice, MacLeod Lorway disagrees that adjournments are routine and integral to accessibility. To the contrary, the Small Claims Court is intended to provide speedy and inexpensive dispositions and adjournments should not be expected as a matter of course. And there is no other basis to claim that the process was unfair or that a breach of natural justice occurred.

Analysis

Scope of Appeal

[22] This is an appeal brought pursuant to s. 32(1) the *Small Claims Court Act*, R.S.N.S. 1989 c. 430:

> 32(1) A party to proceedings before the Court may appeal to the Supreme Court from an order or determination of an adjudicator on the ground of
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> (a) jurisdictional error;
>
> (b) error of law; or
>
> (c) failure to follow the requirements of natural justice,
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> by filing with the prothonotary of the Supreme Court a notice of appeal.

[23] In the present appeal, Connors alleges that the Adjudicator's decision involved both an error of law and a failure to follow the requirements of natural justice.

[24] In ***Johnson v. Sarty***, 2019 NSSC 290, at paras 14-17, Justice Wright took the opportunity to review the scope of appeals from the Small Claims Court. I reproduce his reasons here for convenience:

> **SCOPE OF APPEAL**
>
> [14] I turn now to the statutory grounds of appeal prescribed under s.32(1) of the *Small Claims Court Act*. They are (a) jurisdictional error, (b) error of law, or (c) failure to follow the requirements of natural justice.
>
> [15] Although all three of these grounds are plead in the Notice of Appeal, the issue which this case turns on is whether the adjudicator made an error of law in reaching his decision.
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> [16] The seminal case on the scope of review in an appeal from the Nova Scotia Small Claims Court is **Brett Motors Leasing Ltd. v. Welsford**, 1999 CanLII 1121 (NSSC), [1999] N.S.J. No. 466. Justice Saunders there articulated the permissible scope of review in the following passage (at para. 14):
>
> > One should bear in mind that the jurisdiction of this Court is confined to questions of law which must rest upon findings of fact as found by the adjudicator. I do not have the authority to go outside the facts as found by the adjudicator and determine from the evidence my own findings of fact. "Error of law" is not defined but precedent offers useful guidance as to where a superior court will intervene to redress reversible error. Examples would include where a statute has been misinterpreted; or when a party has been denied the benefit of statutory provisions under legislation pertaining to the case; or where there has been a clear error on the part of the adjudicator in the interpretation of documents or other evidence; or where the adjudicator has failed to appreciate a valid legal defence; or where there is no evidence to support the conclusions reached; or where the adjudicator has clearly misapplied the evidence in material respects thereby producing an unjust result; or where the adjudicator has failed to apply the appropriate legal principles to the proven facts. In such instances this Court has intervened either to overturn the decision or to impose some other remedy, such as remitting the case for further consideration.
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> [17] This case has consistently been applied by this Court in many subsequent decisions. For the sake of brevity, I need refer to only one other, namely, the decision of Justice Moir in **Maloney v. Hoyeck**, 2013 NSSC 266 (CanLII), [2013]

N.S.J. No. 421. The relevant passages are contained in paras. 19-24 which read as follows:

> 19. The need for deference to fact-finding becomes acute on a Small Claims Court appeal. The *Act*, true to its purpose of economical dispute resolution, limits appeals to an error about jurisdiction, an error of law, and a failure in the duty of fairness: s. 32(1). Note the absence of palpable and overriding error of fact.
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> 20. "... [T]he jurisdiction of this court is confined to questions of law that must rest upon findings of fact as found by the adjudicator": *Brett Motors Leasing Ltd. v. Welsford*, 1999 CanLII 1121 (NSSC), [1999] N.S.J. No. 466 (Saunders J.): para. 14. Despite what s. 3(1) of the *Small Claims Court Act* says, it is not a court of record in the ordinary sense of that phrase. The testimony is not recorded. This, too, accords with the economical purpose of the *Act*.
>
> 21. Instead of a record, the statute requires the adjudicator to prepare a "summary report of the findings of law and fact" if there is an appeal: s. 32(4). In recent years, Small Claims Court adjudicators have shown a tendency to burden themselves with written decisions in more complicated cases. The decision is attached to the summary and makes for a fresher record of the adjudicator's thinking.
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> 22. We have to rely on the adjudicator's summary: *Victor v. City Motors Ltd.*, [1997] N.S.J. No. 140 (Davison J.) at para. 14. The summary may offend the duty of fairness when it gives no information on the evidence that stood as the basis for an important finding of fact: *Morris v. Cameron*, 2006 NSSC 9 (LeBlanc J.) at para. 37. That does not mean that the adjudicator has to labour over the summary to nearly replicate a transcript. It is just a "summary" after all.
>
> 23. We do not review Small Claims Court findings of fact for palpable and overriding error. Our jurisdiction to review for error of law may extend to the situation "where there is no evidence to support the conclusions reached": *Brett* at para. 14. That would have to be apparent from the summary.
>
> 24. In conclusion on this point, fact-finding in Small Claims Court is only reviewed when it appears from the summary report and the documentary evidence that there was no evidence to support a conclusion. An insufficient summary may attract review on the third ground, fairness, but it is not insufficient just because it is less satisfying than a transcript.

Standard of Review

[25] In terms of the standard of review, there is little controversy. On questions of law, the standard is correctness. There are a multitude of authorities on this point but I refer to paras 12-15 of the decision of Justice Duncan in ***Paine v. Air Canada***, 2018 NSSC 215 as an example:

> [12] A question of law is reviewed on a standard of correctness.
>
> [13] The Supreme Court of Canada distinguished questions of law, of fact and of mixed fact and law in the following terms, as set out by Iaccobucci J. in Canada *(Director of Investigation Branch and Research) v. Southam Inc*., 1997 CanLII 385 (SCC), [1997] 1 S.C.R. 748:
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> > 35 ...Briefly stated, questions of law are questions about what the correct legal test is; questions of fact are questions about what actually took place between the parties; and questions of mixed law and fact are questions about whether the facts satisfy the legal tests. A simple example will illustrate these concepts. In the law of tort, the question what "negligence" means is a question of law. The question whether the defendant did this or that is a question of fact. And, once it has been decided that the applicable standard is one of negligence, the question whether the defendant satisfied the appropriate standard of care is a question of mixed law and fact. I recognize, however, that the distinction between law on the one hand and mixed law and fact on the other is difficult. On occasion, what appears to be mixed law and fact turns out to be law, or vice versa.

[26] There is no standard of review analysis engaged when considering a claim of denial of natural justice or procedural fairness. It is a question of law (see ***Wolfridge Farm Ltd. V. Bonang***, 2016 NSCA 33 per Justice Bourgeois at para. 38). The question on review is whether the process was fair (see ***CIBC Life Insurance Company v. Hupman***, 2016 NSSC 120, Hood, J. at para. 6). The adjudicator either

fulfilled the duty or did not (see ***Waterman v. Waterman***, 2014 NSCA 110, Beveridge, J.A. at para. 23).

[27] Guidance on the assessment also comes from the reasons of Bryson, J. (as he then was) in ***Spencer v. Bennett***, 2009 NSSC 368 at paras 15 and 16:

> [15] Natural Justice is not defined by the Small Claims Court Act. Nevertheless it is a familiar concept to the common law, although elusive of definition. In *Lloyd v. McMahon*, [1987] AC 625 at 702, Lord Bridge puts it this way:
>
> … the so called rules of natural justice are not engraved on tablets of stone … what the requirements of fairness demand when any body, domestic, administrative or judicial, has to make a decision which will affect the rights of individuals depends on the character of the decision-making body, the kind of decision it has to make and the statutory or other framework in which it operates.
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> These criteria have been echoed and amplified in *Baker v. Canada*, 1999 CanLII 699 (SCC), [1999] SCJ No 39; [1999] SCR 817; (1999) 174 DLR 4th 193 (SCC), (per L'Heureux-Dube).
>
> [16] Natural justice really means that the parties are entitled to a fair process. The two rules habitually taken to exemplify the process as expressed in the Latin maxims *nemo judex in casusa sua* and *audi alteram partem*. They literally mean that no one should be a judge in his own cause (the adjudicator must be independent) and that one should always hear "the other side".

Discretion, Deference and Adjournments

[28] Adjournment decisions invoke the concept of discretion. In matters involving the exercise of discretion, deference is owed. In ***Laframboise v. Millington***, 2019 NSCA 43, Justice Saunders wrote:

> [14] The standards of appellate review in cases such as this are so well known as to hardly require elaboration. Questions of law are reviewed on a standard of

> correctness. When interpreting and applying the law the judge must be right. … In appeals from a trial judge's exercise of discretion, deference is owed. We will only intervene if we are satisfied that in the exercise of that discretion the judge erred in law or the outcome is patently unjust. Unless an appellant can persuade us that the trial judge erred in law, or erred in fact, or erred in the exercise of discretion in the ways I just described, the appeal will fail.

[28] There are many decisions which review the principles to consider when an adjournments are requested. The parties to this appeal have cited the key authorities. The decision to grant or refuse an adjournment is within the discretion of the presiding judge. An appeal court should not substitute its judgment. The assessment is whether the judge applied a wrong principle of law or the decision gave rise to an injustice (see ***Armoyan v. Armoyan***, 2013 NSCA 99, per Fichaud, J.A. at para. 172; ***Moore v. Economical Mutual Insurance***, [1999] NSJ No. 50 (NSCA) per Cromwell, J.A. at para 33; ***Suh v. O'Brien***, 2020 NSCA 61, per Bourgeois, J.A. at para. 9).

[29] In ***Hubley v. Scott Slipp Nissan***, 2003 NSSC 236, Justice LeBlanc provided a summary of the relevant principles:

> [15] … While the presiding judge or adjudicator has the discretion to grant or refuse a request for adjournment, he or she must exercise this discretion in accordance with the following principles of law. First, the judge must take the context of the proceedings into account when making an adjournment decision. Second, a decision to grant or refuse an adjournment must be grounded in the interests of justice. The presiding judge determines the interests of justice by balancing the interests of the plaintiff with the interests of the defendant, to determine the relative prejudice, of an adjournment decision, to both parties. The aim is to minimize the prejudice, and a judge should be hesitant to exercise his or

> her discretion in a manner that results in disproportionate prejudice to one party over the other …

[30] In ***Hubley***, Justice LeBlanc determined that the Adjudicator had erred in granting an adjournment as it resulted in disproportionate prejudice to one party. In that case, the party seeking the adjournment had provided sufficient notice and reasonable grounds to support his request. The denial ended his claim. The party opposed would suffer prejudice in the form of delay curable with interest on any award. The proper assessment of the interests of justice had not taken place.

[31] In ***Moore***, *supra*, the plaintiffs sought an adjournment as they no longer had legal counsel and wished to have counsel for the trial. The trial judge refused the adjournment. In the circumstances, the appeal court found the refusal to adjourn an error of law. It noted the reasons for the adjournment request and the trial judge's finding that the issues around securing counsel were not for the purpose of delay. In his analysis, Cromwell, J.A. noted that the effort to retain and instruct counsel must be exercised honestly and diligently and not for the purpose of delay. Further, the trial judge had not considered that the inconvenience and throw away costs flowing from an adjournment could be compensated for in costs.

[32] Similarly, in ***Kift v. Zeiglar***, 2019 NSSM 33, a party sought an adjournment when counsel became unavailable. In assessing the interests of justice, the

Adjudicator noted that there was no evidence that the party was using the circumstances to delay the proceeding.

[33] In ***Wolfridge Farm Limited***, *supra*, the chambers judge denied a request for an adjournment. The denial was appealed. On appeal, Bourgeois, J.A. noted that context was important. The request for adjournment had been made the morning of a hearing date that had been set two months earlier. The request was related to information that had existed for over a month. The Court of Appeal was not satisfied that there was reason to interfere with the decision of the chambers judge.

Determination

[34] Having reviewed the principles that apply, I move to a determination of the present appeal.

[35] This appeal relates to a discretionary decision of an Adjudicator of the Small Claims Court of Nova Scotia. In order to merit interference with the Adjudicator's decision, Connors must establish that it was unfair, there was an error of law or that the result was unjust. Considerable deference is owed to the Adjudicator on this review.

[36] I see nothing unfair about Adjudicator's consideration of the late adjournment request. She heard from the parties, considered their positions, and made her decision. Connors says that the Adjudicator failed to consider the breakdown in communication with counsel. There is no record that the Adjudicator was asked to consider a breakdown in communication. Quite to the contrary, the record indicates that counsel communicated to the Small Claims Court the scant information that Connors had provided. Counsel's efforts to obtain further information from Connors about the late adjournment request were unsuccessful. Once the hearing began, the Adjudicator dealt with the request to adjourn on the basis of the information available and the submissions of the parties. I am not satisfied that fairness required anything more in the circumstances.

[37] Connors submits that his request for adjournment was the first such request in the proceeding and that "adjournments are routinely granted in the Small Claims Court to maintain its accessibility". The basis for this assertion is not clear. Adjournments are surely granted in the Small Claims Court either on consent or when appropriate. The intent and purpose of the Small Claims Court are relevant considerations when the context of such requests is considered. But no party should feel entitled to an adjournment, or assume that one is available because it is a first request. No such principle exists. Parties making untimely or unexplained requests

to adjourn are acting to their own peril. In my view, the intent and purpose of the Small Claims Court would be defeated if the bar was as low as Connors suggests it is.

[38] I am not satisfied that there is any demonstrated error in law. The circumstances in this case are not complex. The record and the Adjudicator's decision set out the procedural history of the matter. Connors started his claim on August 23, 2019. On that date, the claim was given a hearing date, time and location, November 14, 2019, 5:00 p.m. at the Port Hawkesbury Justice Center. The claim was served and defences filed. Throughout the entire proceeding, Connors was a resident of Singapore and he carried on the claim with the assistance of local counsel. One of the defendants was in Port Hawkesbury with Sydney counsel. The other defendant was in Saint John, New Brunswick with Halifax counsel. Neither of the defendants sought to change the initial hearing date.

[39] On the day of the hearing, Connors made an adjournment request through counsel. The defendants were already enroute. They opposed the adjournment and made submissions in support. The Adjudicator was provided with authorities to consider and her Statement of Findings confirms that she applied the appropriate principles to the relevant facts before her. Among the most significant facts was that Connors remained in Singapore and would not be attending the scheduled hearing.

There was no explanation for his failure to attend or his lack of notice. As the Adjudicator noted, there was no justification for the request and no reasonable notice. Against this backdrop, she balanced the prejudice to the parties. I see no error in the principles applied or the approach to the required analysis.

[40] Connors says that the Adjudicator erred in her interpretation of the *Small Claims Court Act* regulations. As she balanced the respective prejudice to the parties, the Adjudicator found it significant that the parties had incurred the costs of attending the hearing and these costs would not be recoverable. Connors points out that s. 15(1) of the regulations permits an adjudicator to award costs to a "successful party". Such costs include witness fees and reasonable travel expenses. Connors argues that "the power to award costs in these circumstances removes all real prejudice to the Defendants".

[41] The counterpoint to Connors' position is found in the MacLeod Lorway submission.

[42] I am not persuaded that the Adjudicator misinterpreted the regulations or erred in her consideration of the respective prejudice to the parties on this basis. The ability to award certain types of costs in Small Claims Court is discretionary and only available to a successful party. There is no further direction on the quantum

available for witness fees and travel expenses in the *Act* or regulations. Reference to the *Costs and Fees Act* and regulations suggest that very modest amounts are payable to the successful party for witness fees and mileage. There is no ability to award legal costs. And there would be little if any basis to recover the lost time of the witnesses that were employed by the defendants. In this context, it is not wrong to consider that the defendants would have unrecoverable costs, perhaps considerable, as a result of their attendance at the hearing.

[43] The final consideration is whether there was any injustice created by the Adjudicator's decision. On this point, it is clear from the Statement of Findings that the Adjudicator considered the context of the request and assessed the interests of justice by balancing the prejudice to each party. She recognized that denying the request would end the proceeding. It is clear that the exercise of her discretion was significantly impacted by the lack of explanation for the adjournment request and the late notice.

[44] On this point, I refer to the recent decision of the Nova Scotia Court of Appeal in ***Suh v. O'Brien***, *supra*. In that case, the appellant's action had been dismissed by the chambers judge on the motion of the Prothonotary. Justice Bourgeois dismissed the appeal at concluded at paras 15 and 16:

> [15] I am also unconvinced that the dismissal resulted in a patently unjust outcome. Mr. Suh has provided no explanation why he allowed the action to stall for six years. Although he was and remains self-represented, the obligation to advance a claim in a timely fashion applies to all litigants.
>
> [16] A claimant's obligation to advance their claim with diligence is an important one – it ensures fairness to the opposing party and respect for the court's limited resources. A claimant who does not meet this obligation must do more than make a bald assertion the dismissal resulted in an unjust result. They must compellingly demonstrate this.

[45] Although rendered in a different context, I find guidance in the analysis. Connors was seeking discretionary relief from the Adjudicator. He wanted to adjourn a hearing date that he had requested and compelled others to attend. In the end, he was the only one not in attendance. He made a late adjournment request, without explanation, in the face of considerable costs and inconvenience to the other participants. I agree with the Adjudicator that the onus was upon him to justify the request and explain the lack of timeliness as a predicate for obtaining the relief sought. In the absence of any explanation, there is no rational basis to say the outcome was unjust.

[46] In the circumstances of this case, I conclude that there was nothing unjust in the result and I decline to interfere.

Conclusion

[47] I am required to review the Adjudicator's decision with a very high degree of deference.

[48] For the foregoing reasons, I find no error of law and nothing unfair or unjust about the Adjudicator's decision to deny the adjournment request. I would not interfere.

[49] The appeal is dismissed.

Gogan, J.