



Hospital Appeal Board

Fourth Floor, 747 Fort Street
Victoria BC V8W 3E9
Telephone: (250) 387-3464
Facsimile: (250) 356-9923

Mailing Address:
PO Box 9425 Stn Prov Govt
Victoria BC V8W 9V1

Website: www.hab.gov.bc.ca
Email: hab@gov.bc.ca

DECISION NO. HAB-HA-20-A001(b)

In the matter of an appeal under the *Hospital Act*, RSBC 1996, c. 200

BETWEEN:	Katherine Puchala	APPELLANT
AND:	Northern Health Authority	RESPONDENT
BEFORE:	A Panel of the Hospital Appeal Board Cheryl Vickers, Panel Chair	
DATE:	Conducted by way of oral submissions concluding on February 23, 2021	
APPEARING:	For the Appellant: Self-represented For the Respondent: Melissa Perry, Counsel Lindsey Wilson, Articled Student	

Application for Adjournment

[1] The Respondent applies to adjourn the hearing scheduled to begin on March 15, 2021, submitting the volume of documents recently disclosed by the Appellant and the Appellant's recent addition of witnesses to her witness list prejudices the Respondent's ability to prepare for hearing.

[2] The parties exchanged lists of documents and witness lists in the summer of 2020. At that time, the Appellant disclosed 47 documents and identified six witnesses she intended to call. In response to the Board's Order of December 18, 2020, the Appellant identified three additional witnesses and produced further lists of documents disclosing 93 new documents to be relied on at the hearing.

[3] The Respondent submits it cannot review all of the documents now disclosed in advance of the hearing and needs time to consider whether it will also need to call additional witnesses. The Respondent also expresses concern that the scheduled 10 hearing days will be insufficient.

[4] The Appellant would like the hearing to proceed and if necessary, adjourn to add additional days to complete. The Appellant submits it is difficult for her to get on with her life while the appeal is outstanding and considerable time has already passed since the appeal was filed.

[5] In considering the application for adjournment I must weigh the prejudice to both parties. While delaying the hearing is not optimal and is a hardship for the Appellant, the sheer volume of new documents disclosed so close to the beginning of the hearing will prejudice the Respondent's ability to prepare and respond. At the

Hospital Appeal Board, the Respondent proceeds first, so commencing the hearing then reconvening at a later date does not provide the Respondent with additional time to prepare. I find the hearing should be adjourned to ensure procedural fairness. The hearing should be rescheduled for 15 days to ensure sufficient time to hear all of the evidence in one sitting.

[6] The hearing is adjourned. The Registry will canvass the parties for new dates.

“Cheryl Vickers”

Cheryl Vickers, Panel Chair
Hospital Appeal Board

February 24, 2021