

CANADA / JUDGMENT

Parolin v. Cressey Construction Corporation

2024 BCSC 2642

COURT

Supreme Court of British Columbia

DECIDED

26 November 2024

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2024 BCSC 2642 Parolin v. Cressey Construction Corporation IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: Parolin v. Cressey Construction Corporation, 2024 BCSC 2642 Date: 20241126 Docket: S233938 Registry: Vancouver Between: Tracy Parolin Plaintiff And Cressey Construction Corporation Defendant Before: The Honourable Madam Justice Burke Oral Ruling Re Adjournment of the Trial Counsel for the Plaintiff: S. Gleave Counsel for the Defendant: E. White E. Raymond Place and Date of Hearing: Vancouver, B.C. November 25, 2024 Place and Date of Judgment: Vancouver, B.C. November 26, 2024

- [1] THE COURT: This is my oral ruling with respect to an adjournment request at this trial. I reserve the right to edit and add to these reasons, but the substance will not change.
- [2] The defendant has applied for an adjournment of the trial of this matter and cites Navarro v. Doig River First Nation, 2015 BCSC 2173, for the applicable principles. Those principles are succinctly set out in that case and include para. 18, which says: A judge exercises discretion when an adjournment is sought and has wide powers in relation to the order that is made. The discretion must, of course, be exercised judicially in accordance with appropriate principles. The exercise of discretion is a delicate and difficult matter that addresses the interests of justice by balancing the interests of the plaintiff and of the defendant. This balancing requires a careful consideration of all of the elements of the case, including the nature of the proceedings and the parties.
- [3] There is no doubt the exercise of judicial discretion in determining whether an adjournment is warranted is, as set out in that passage, a delicate and difficult matter that addresses the interests of justice by balancing the interests of the plaintiff and the defendant. I also note securing a fair trial on the merits is the ultimate goal. As is evident from the Court's earlier ruling, the Court must consider fairness and efficiency in dealing with matters before it.
- [4] When the delicate balance is considered, I conclude that this matter should proceed. While the defendant seeks an adjournment based on certain aspects or material facts it says have not been pled or have been removed, I have, to a certain extent, already ruled that the matter can proceed with the excision of certain matters that may well have caused some

surprise to the defendant, as reflected in my earlier ruling. The rest of the matters as they concern the plaintiff have been identified as being in issue, and I do not find these to be a surprise to the defendant.

- [5] The plaintiff seeks that this matter be dealt with in a timely way and that the trial proceed.
- [6] Given the nature of the proceedings, the exchange of the information between the parties to date, the amount at issue, and the lateness of this request, I am not inclined to grant an adjournment of the trial. The expeditious resolution of matters is important to the justice system, and the potential prejudice to the plaintiff is significant.
- [7] I do not find the fairness of the trial to be interfered with by the matter proceeding as the matter has been adequately outlined, and the defendant is essentially seeking to unnecessarily narrow the pertinent evidence in this case which relates to the plaintiff. The conditions outlined as part of the adjournment request make this clear and go further than necessary.
- [8] Accordingly, the application to adjourn is dismissed. Trial will proceed at 11:00 a.m. tomorrow morning. This will provide the defendant counsel more time to prepare in lieu of my ruling on this matter. "Burke J."

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