

Rule 209. Continuances and Stays.

[A.](a) Continuances may be granted for cause or by agreement.

[B.](b) Continuances shall be to a specific time and date. The magisterial district judge shall note continuances on the docket and shall promptly give or mail to the parties written notice of continuances.

[C.](c) Except for good cause shown[, **or agreement of the parties:**

- (1) not more than one continuance shall be granted to each party[,]; and
- (2) the aggregate of all continuances shall not extend the date of the hearing:

[(a)](i) beyond 90 days from the date of filing the plaintiff's complaint in proceedings commenced pursuant to **[Rule 303,] Pa.R.Civ.P.M.D.J. 303;** or

[(b)](ii) beyond 30 days from the date of filing the landlord's complaint in proceedings commenced pursuant to **[Rule 502] Pa.R.Civ.P.M.D.J. 502.**

[D.](d) In all proceedings governed by these rules, the following shall constitute cause for granting a continuance:

- (1) the scheduling of a party's attorney of record to appear at any proceeding under the Pennsylvania Rules of Disciplinary Enforcement, whether:
 - [(a)](i)** as counsel for a respondent-attorney before a hearing committee, special master, the Disciplinary Board, or the Supreme Court;
 - [(b)](ii)** as a special master or member of a hearing committee; or
 - [(c)](iii)** as a member of the Disciplinary Board.

(2) the scheduling of a party's attorney of record to appear at any proceeding involving the discipline of a justice, judge, or magisterial district judge under Section 18 of Article V of the Constitution of Pennsylvania, whether

[(a)](i) as counsel for a justice, judge, or magisterial district judge before the special tribunal provided for in 42 Pa.C.S. § 727, the Court of Judicial Discipline, the Judicial Conduct Board, or any hearing committee or other arm of the Judicial Conduct Board; or

[(b)](ii) as a member of the Court of Judicial Discipline, the Judicial Conduct Board, or any hearing committee or other arm of the Judicial Conduct Board.

[E.](e) Continuances and stays shall be granted in compliance with federal or state law, such as the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 *et seq.*

[Official Note] Comment: This rule was amended in 2005 to consolidate the provisions of former **[Rules 320] Pa.R.Civ.P.M.D.J. 320**, **[(relating to continuances in civil actions)]**, and **[511] Pa.R.Civ.P.M.D.J. 511**, **[(relating to continuances in possessory actions)]**, into one general rule governing continuances. The limitations set forth in subdivision **[C](c)** are intended to ensure that these cases proceed expeditiously. The grounds set forth in **[subdivisions D and E, of course,] subdivision (d) and (e)** are not intended to be the only grounds on which a continuance will be granted.

Participation in a landlord-tenant mediation program authorized by local rule will not entitle a party to a continuance beyond 30 days from the date the plaintiff filed the complaint unless there has been good cause shown or agreement by the parties. See Pa.R.Civ.P.M.D.J. 504.1 pertaining to landlord-tenant mediation programs authorized by local rule.

– The following text is entirely new –

Rule 504.1 Mediation.

- (a) The court of common pleas may promulgate a local rule of procedure pursuant to Pa.R.J.A. 103(d) permitting mediation of residential landlord-tenant actions in proceedings commenced pursuant to Pa.R.Civ.P.M.D.J. 502.
- (b) A local rule promulgated pursuant to this rule shall not require mediation as a precondition to filing a complaint.
- (c) The president judge shall approve entities and individuals authorized to conduct mediation in the judicial district.

Comment: As used in this rule, mediation means a process, however labeled, by which a neutral third party assists the parties in attempting to reach a mutually acceptable agreement on issues arising out of a residential landlord-tenant action.

The requirements for the promulgation and amendment of local procedural rules are set forth in Pa.R.J.A. 103(d).

A local rule may address aspects of a mediation program, such as whether mediation is mandatory or voluntary, or the types of landlord-tenant actions subject to mediation, *i.e.*, nonpayment of rent, end-of-lease terms, or breach of conditions of the lease. See also Pa.R.Civ.P.M.D.J. 209(c)(2)(ii) pertaining to continuances.

This rule does not require a judicial district to create, fund, or staff a mediation program.