

Removing the Suspension of Limitation Periods



As of September 18th, the suspension on limitation and time periods will come to an end. This means that if someone has a matter that needs to go before a decision maker within a certain timeframe, the clock will start moving again as of that date.

The only two exceptions will be deadlines under the *Mechanic's Lien Act* and Parts 3 and 4 of the *Family Services Act*.

How it will work

- For most matters, limitation and time periods will start running again as of September 19th, 2020.
- This means the period between March 19th, 2020 and September 18th, 2020 will not be counted when calculating a deadline.
- Anyone who was working under a deadline as of March 19 will end up having that period extended by 6 months.
- There are two exceptions; suspensions with respect to the *Mechanic's Lien Act* end as of July 31, and Parts III and IV of the *Family Services Act* end December 18th, 2020.

Example Scenarios

- 1)** Under the *Limitations of Actions Act*, Jane had until March 20th, 2020 to file a formal claim with the court. As Jane's limitation period was to expire one day after the suspension of the limitation period, her new limitation period will end September 20th, 2020, one day after the suspension ends.
- 2)** John had two years to file a formal claim with the court. That limitation period was expected to run out on May 15th, 2020. Due to the suspension of limitation periods, John's limitation period is extended by six months. He must now file with the courts on or before November 15th, 2020.
- 3)** Mary's limitation was scheduled to run out on September 30, 2020. She is not affected by the suspension under the Mandatory Order and must still file her formal claim with the court by September 30, 2020.
- 4)** Daniel was served with a Notice of Action with Statement of Claim Attached in March 2020. His deadline to file a Statement of Defence was March 21, 2020. He now has until September 21, 2020 to file his Statement of Defence.

Removing the Suspension of Limitation Periods



Q&As

Why is this important?

We need everyone who is involved with a court proceeding to understand that time limits for commencing legal proceedings are resuming. We know that anyone who has a lawyer will be notified, but there are many people who represent themselves in court proceedings and they need to be aware of this change.

Why was the suspension necessary to begin with?

Many challenges arose with the start of the Covid-19 pandemic, and the courts were not immune. In the interest of public health, court hearings were restricted to urgent matters only and many lawyers' offices were closed. This put matters that aren't considered urgent at risk of missing important deadlines. The suspension was intended to allow the courts to focus on matters that had to continue, while ensuring non-urgent matters could continue as soon as possible.

What types of matters were subject to the suspension?

This included limitation periods for filing court actions as well deadlines under the Rules of Court and various Acts and Regulations.

What is the difference between a limitation period and time period?

A limitation period is the time a person has to file a court action or give up their right to sue. A time period is generally shorter and is a deadline for things such as filing documents or taking other steps within a court matter or other procedure set out in legislation.

Why do this now when we are still under a state of emergency?

The Justice System has made appropriate adjustments to ensure that most matters can safely be heard now, despite the ongoing pandemic. The suspension of limitation periods was put in place because courts were severely restricted during the early stages of Covid-19. That is no longer the case. We have a responsibility to uphold the principles of fundamental justice and that includes access to justice in a timely manner. It was always our intention to remove these measures as soon as possible and we are now able to do so.