

News from Alexander Holburn Beaudin & Lang LLP



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Supreme Court of British Columbia Rules on Limitation Periods Associated With the *Health Care Costs Recovery Act*

As many of our clients are aware, the *Health Care Costs Recovery Act* came into force on April 1, 2009. This legislation allows the Government of British Columbia to advance a claim for recovery of medical expenses from parties found liable for personal injury (a “Health Care Services Claim”).

Limitation periods associated with the government’s right to make a Health Care Services Claim have been the subject of much debate and uncertainty.

In *Gosselin v. Sheppard* 2010 BCSC 755, the Supreme Court has confirmed:

- 1.** That, in most claims, the Government cannot commence an independent Health Care Services Claim for an accident that occurred before October 1, 2006 (two years, six months before April 1, 2009, the date the Act came into force). The only exception may be where the plaintiff’s usual two year limitation period is postponed (e.g. where the plaintiff cannot discover his or her entitlement to bring a claim because of incapacity).
- 2.** A Statement of Claim cannot be amended by a Plaintiff to include a Health Care Services Claim if the action was commenced before April 1, 2009.

We will continue to monitor the law in this area as it develops and advise you of relevant changes or appeals taken from this decision.

For more information on this article, please contact Tim Outerbridge at touterbridge@ahbl.ca.