

LIMITATION PERIODS: THE EFFECT OF COVID-19 SUSPENSIONS

As a result of the COVID-19 pandemic, courts across Canada shut down for a period of time in 2020. Many provinces and territories suspended limitation periods in both civil and family matters for a time in order to account for these closures.

Snapshot of COVID-19 Limitation Period Suspension Across Canada

Province	Suspension Period	General Result
Alberta	March 17, 2020 – June 1, 2020	Add 75 days to any claim with a limitation period running during the suspension period
British Columbia	March 26, 2020 – March 25, 2021	Add 1 year to any claim with a limitation period running during the suspension period
New Brunswick	March 19, 2020 – Sept. 18, 2020	Add 6 months to any claim with a limitation period running during the suspension period
Newfoundland	March 14, 2020 – Sept. 14, 2020	Add 6 months to any claim with a limitation period running during the suspension period. <ul style="list-style-type: none"> • However, claims set to expire within the suspension period expired on Sept. 14, 2020.
Ontario	March 16, 2020 – Sept. 14, 2020	Add 26 weeks to any claim with a limitation period running during the suspension period
Quebec	March 15, 2020 – Sept. 1, 2020	Add 170 days to any claim with a limitation period running during the suspension period.
Yukon	March 27, 2020 – 90 days after termination of State of Emergency	On November 8, 2021, Yukon extended its provincial state of emergency, such that the suspension of limitation periods remains ongoing.

There were no limitation period suspensions in Manitoba, Saskatchewan, Nova Scotia, PEI, Nunavut, or the Northwest Territories.

<p>Suspension of Limitation Periods in British Columbia</p>	<p>On March 26, 2020 the Minister of Public Safety and Solicitor General made Ministerial Order M086 suspending limitation periods and time periods for commencing a civil or family action, proceeding, claim or appeal in BC courts. However, it should be noted that the suspension does not apply to limitation periods under the <i>Builders Lien Act</i> and Division 5 of Part 5 of the <i>Strata Property Act</i> (which also deals with builder liens).</p> <p>On December 21, 2020, OIC 655/2020 was made. Effective March 25, 2021, this OIC repeals the COVID-19 (Limitation Periods in Court Proceedings) Regulation. Through that repeal, March 25, 2021 was set as the end date for the suspension of every mandatory limitation period.</p> <p>As a result, if a limitation period was set to expire between March 26, 2020 and March 25, 2021, or if a cause of action arose before March 26, 2020, the limitation period is extended by one year. If a cause of action arose during the suspension period, the limitation period will expire on March 26, 2023.</p>
<p>Suspension of Limitation Periods in Alberta</p>	<p>On March 30, 2020, Ministerial Order 27/2020 was enacted, suspending limitation periods from <u>March 17 to June 1, 2020</u></p> <p>As a result, <u>75 days are added</u> to any claim with a limitation period running during the suspension period. A claim with a two-year limitation period that began running during the suspension period will expire on June 1, 2022.</p> <p>However, the suspension does not apply to all limitation periods. For example, the limitation deadlines under the Alberta <i>Insurance Act</i> and under the <i>Builders Lien Act</i> continued to run.</p>
<p>Suspension of Limitation Periods in Ontario</p>	<p>On March 20, 2020, pursuant to O. Reg. 73/20, the Ontario government suspended time-limiting provisions in all statutes, regulations, rules, bylaws and orders. The Suspension Order was made retroactive to Monday March 16, 2020, meaning that the suspension took effect as of March 16, 2020.</p> <p>Over the course of the summer of 2020, the Ontario government extended the Suspension Order such that it was ultimately scheduled to expire on September 11, 2020. To avoid unnecessary confusion with September 11 falling on a Friday and timing starting again before a weekend, the Ontario government announced on August 20, 2020, that all time-limiting provisions would begin to run again on Monday, September 14, 2020.</p> <p>When time periods re-started on September 14, 2020, the Suspension Order had lasted a total of 182 days.</p>

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