
March 30, 2020

BULLETIN

PROVINCE SUSPENDS LIMITATION PERIODS FOR COURT ACTIONS AND MORE

In the latest response to legal implications of the pandemic emergency, the BC government has suspended all limitation periods for court actions.

The Limitation Periods (COVID-19) Order, Ministerial Order M086, (http://www.bclaws.ca/civix/document/id/mo/mo/2020_m086) recognizes that the pandemic may prevent people involved in legal or administrative proceedings from taking steps required by legislation, which might harm their legal rights.

The order suspends all limitation periods and other mandatory time periods established in a British Columbia enactment or law within which a civil or family action, proceeding, claim or appeal must be started in the Provincial Court, Supreme Court or Court of Appeal. This will obviously affect the statutory time limits for commencement of actions against local governments, including those actions subject to the six-month time limitation under s. 735 of the *Local Government Act*. Less clear is whether the reference to a mandatory time period within which an action or claim must be commenced relieves a party sustaining damage from the requirement to provide notice to a local government under s. 736 of the *Local Government Act* of the time, place and manner in which the damage was sustained.

Similarly, any “person, tribunal or other body that has a statutory power of decision” is authorized, but not required, to “waive, suspend or extend a mandatory time period relating to the exercise of that power.” Local governments will wish to consider which of the statutory powers of decision should have the related time periods waived altogether, suspended for a time or extended.

The order is effective starting March 26, 2020 and ends on the date on which the state of emergency declared under the Emergency Program Act expires or is cancelled (or on the date of cancellation or expiry of any extension of that emergency).

If you have any questions regarding this Ministerial Order, please contact Barry Williamson, Reece Harding, Sukhbir Manhas or Alyssa Bradley.

Barry Williamson and David Loukidelis, QC