

Tick tock...

LIMITATIONS AND DEADLINES QUICK REFERENCE LIST

June 2014



10 days That's just one deadline you might sleep through, blissfully unaware that the clock is ticking.



June 1, 2015 That's the earliest date that a limitation will expire under the new *Limitation Act*, in force June 1, 2013.



1,043 That's how many lawyers have reported claims and potential claims to the Lawyers Insurance Fund over the past five years because of a missed limitation or deadline.

Don't sleep in. Start your research here.

Other resources

Visit the Lawyers Insurance Fund section of the Law Society website (www.lawsociety.bc.ca) for:

Ten tips to beat the reset clock (2013) – Learn the top ten ways to avoid missed limitations under the new Act.

Beat the clock: Timely lessons from 1600 lawyers (2007) – Our award-winning guide on how to avoid missed deadlines offers more than 70 tips, along with real-life stories behind the mistakes.

Limitations and Deadlines Quick Reference List

(June 2014 – first version published with *Beat the clock in 2007*)

This list is provided for reference only. It is not exhaustive, and should not replace regular review of the relevant legislation (including the *Interpretation Act*), rules and case law (see *Beat the clock*, tips 30, 31).

Area of Law, Statute and Section	Required Step	Deadline or Limitation
Administrative		
<i>Judicial Review Procedure Act</i> , R.S.B.C. 1996, c. 241, s. 11	Apply for judicial review	No limitation unless an enactment otherwise provides and the court considers that substantial prejudice or hardship will result to any other person affected by reason of delay
<i>Administrative Tribunals Act</i> , S.B.C. 2004, c. 45, s. 24(1) (Act applies if specified in a tribunal's enabling legislation)	File notice of appeal to appeal tribunal respecting a decision	Within 30 days from date of decision unless otherwise provided in a tribunal's enabling Act, however, the tribunal may extend the time to file a notice of appeal, even if the time to file has expired, if satisfied that special circumstances exist
<i>Human Rights Code</i> , R.S.B.C. 1996, c. 210, s. 22(1)	File complaint pursuant to Code	Within six months of the alleged contravention
Bankruptcy and Insolvency		
<i>Bankruptcy and Insolvency Act</i> , R.S.C. 1985, c-B3, s. 81(4)	File proof of claim (relating to property in the possession of the bankrupt) with the trustee in bankruptcy	Within 15 days after the sending of notice by trustee
<i>Bankruptcy and Insolvency Act</i> , s. 168.2(1)(b)	Give notice of intention to oppose a bankrupt's automatic discharge (to bankrupt, trustee and Superintendent)	Before the automatic discharge would otherwise take effect (see s. 168.1 to determine applicable period as may be as short as nine months)
<i>Bankruptcy and Insolvency Act</i> , s. 135(4)	Appeal disallowance of creditor's claim by trustee	Within a 30 day period after the service of the notice, or such further time as the court may, on application made within that period, allow
Bankruptcy and Insolvency General Rules, C.R.C. c. 368, ss. 30 and 31	Appeal decision of the registrar or to Court of Appeal from decision of a judge (by filing <i>and</i> serving)	Within 10 days after the day of the decision appealed from
Civil Procedure, Litigation and Remedies		
<i>Limitation Act</i> , S.B.C. 2012, c. 13, s. 27*	Sue for a judicial remedy or exercise a non-judicial remedy (some exceptions – see Creditors Remedies)	Not more than two years after the claim is discovered, regardless of the terms of any non-judicial remedy**
<i>Limitation Act</i> , s. 16*	Commence third party proceedings for contribution and indemnity	The later of the day on which the third party claimant is served with a pleading in respect of a claim for contribution and indemnity or the first day the claimant knew or reasonably ought to have known that a claim may be made
Supreme Court Civil Rules, BC Reg. 168/2009, Rule 7-7(2)	Respond to notice to admit	Within 14 days of service of the notice
Supreme Court Civil Rules, Rule 3-5(4)	Commence third party proceeding	Within 42 days after service of the notice of civil claim (or counterclaim), absent leave of the court
Supreme Court Civil Rules, Rule 3-2(1), (3)	Apply to renew an original notice of civil claim where defendant has not been served	On application by the plaintiff before (or in many circumstances, after) the expiry of 12 months from the date the notice of civil claim was issued
Supreme Court Civil Rules, Rule 13-2(18), (19)	Apply to renew writ of execution	Within one year of the issuance of the original writ or the date of renewal of the writ
Supreme Court Civil Rules, Rule 23-6(9)	File notice of appeal of a Master's order	Within 14 days of the order or decision
Court of Appeal Rules, BC Reg. 297/2001, Rule 34(1), (2)	Apply to vary or discharge order of a justice	Within seven days after the order is made
<i>Court of Appeal Act</i> , R.S.B.C. 1996, c. 77, s. 14(1)	Bring an appeal or apply for leave to the court to appeal (by filing <i>and</i> serving)	Unless otherwise specified, 30 days running from the day after the order is pronounced
<i>Supreme Court Act</i> , R.S.C. 1985, c. S-26, s. 58	Apply for leave to appeal/file notice of appeal where leave not required or granted	Within 60 days from the date of the judgment appealed from/ within 30 days of judgment or order granting leave
Corporate/Commercial		
<i>Business Corporations Act</i> , S.B.C. 2002, c. 57, s. 348(2)	Name shareholder as a party to an action against a dissolved corporation	Shareholder to be added as a party to the action within two years of company's dissolution
<i>Business Corporations Act</i> , s. 349(2)	Apply as a judgment creditor to the Minister for recovery against a dissolved company's assets	Within two years of company's dissolution
<i>Canada Business Corporations Act</i> , R.S.C. 1985, c. C-44, s. 118(7)	Sue director(s) for liability to the company	Within two years from the date of the resolution authorizing the director's action
<i>Canada Business Corporations Act</i> , s. 119(3)	Sue directors for liability to employees	While still a director or within two years of the termination of the directorship

Area of Law, Statute and Section	Required Step	Deadline or Limitation
Creditors' Remedies		
<i>Limitation Act</i> , S.B.C. 2012, c. 13, s. 14*	Commence a proceeding for a claim on a demand obligation	Within two years of a failure to perform the obligation after a demand for performance has been made
<i>Limitation Act</i> , ss. 6 and 38*	Commence a proceeding for an unpaid debt	Not more than two or, for government debt, six years after the day on which the claim is discovered
<i>Limitation Act</i> , s. 7(a)* (see s. 1 definition of "local judgment")	Sue on a local judgment for the payment of money or the return of personal property	10 years after the date on which the judgment becomes enforceable
<i>Court Order Enforcement Act</i> , R.S.B.C. 1996, c. 78, s. 91	Apply to renew registration of a judgment	Any time before the expiry of two years from the registration or last renewal of registration of the judgment
<i>Court Order Enforcement Act</i> , s. 29(1)	Apply to have foreign judgment registered in the Supreme Court	Before the time for enforcement has expired in the originating state or 10 years have expired since the date the judgment became enforceable in the reciprocating state [June 2016]
Employee Relief and Compensation <i>Remember to consider limitations applicable to tort claims and human rights complaints (see "Administrative" above) when considering client's options</i>		
<i>Employment Standards Act</i> , R.S.B.C. 1996, c. 113, ss. 112(3) and 122	Appeal to tribunal of director's determination	30 days after the date of service of the determination if served by registered mail; 21 days if served personally, or by fax or email in compliance with s. 122
<i>Employment Standards Act</i> , s. 74(3)	Deliver complaint to director regarding termination	Within six months from last day of employment
<i>Workers Compensation Act</i> , R.S.B.C. 1996, c. 492 s. 55(2)	Apply for compensation	Within one year of the date of injury, death or disablement, unless special circumstances exist
<i>Human Rights Code</i> , R.S.B.C. 1996, c. 210, s. 12(5)	Action by employee for discrimination in wages	12 months from the termination of employment
<i>Canada Labour Code</i> , R.S.C. 1985, c. L-2, s. 240(2)	Make complaint to inspector for unjust dismissal	Within 90 days from the date on which the person making the complaint was dismissed
Estates and Trusts <i>For additional limitations and deadlines relating to wills and estates, see the Wills, Estates and Succession Act and the Supreme Court Civil Rules, Part 25</i>		
<i>Wills, Estates and Succession Act</i> , S.B.C. 2009, c. 13, s. 59(3)	Apply for rectification of will	Within 180 days from issue of representation grant
<i>Wills, Estates and Succession Act</i> , s. 146(3)	Commence a proceeding in respect of disputed claim against an estate	Within 180 days after notice is given if the debt is due at the time of the notice, or within 180 days of the time the debt falls due if not due at notice date
<i>Wills, Estates and Succession Act</i> , s. 61(1)(a)	Commence a wills variation proceeding	Within 180 days from issue of representation grant
<i>Wills, Estates and Succession Act</i> , s. 61(5)	File a certificate of pending litigation in support of wills variation claim	Within 10 days of starting wills variation proceeding
<i>Limitation Act</i> , S.B.C. 2012, c. 13, s. 12(1), (2) and (3)*	Commence a proceeding based on fraud, fraudulent breach of trust or recovery of trust property	Within two years of when the beneficiary becomes <i>fully</i> aware of the facts enumerated in s. 12(2)
Family		
<i>Family Law Act</i> , S.B.C. 2011, c. 25, s. 147(4)	Apply for child support from stepparent	Within one year of stepparent's last contribution
<i>Family Law Act</i> , s. 198(2) and (5)	Apply for division of family property or debt, for pension division, or for spousal support	No later than two years after, for married spouses, a judgment granting a divorce or an order declaring a nullity; for spouses living in a marriage-like relationship, the date the spouses separated (family dispute resolution process may suspend running of time)
<i>Family Law Act</i> , s. 198(3)	Apply to set aside or replace an order or agreement respecting property or spousal support	No later than two years after the spouse first discovered, or reasonably ought to have discovered, the grounds for making the application
<i>Family Law Act</i> , s. 233	Appeal order of Provincial Court to the Supreme Court	40 days beginning the day after the order is made
<i>Canada Pension Plan</i> , R.S.C. 1985, c. C-8, s. 55.1(1)	Apply for division of CPP benefits (between former spouses or former common-law partners)	Within three years of death of former spouse, if spouses apart for more than one year; within four years from the date of separation or at any time with the consent of both former common-law partners
<i>Interjurisdictional Support Orders Act</i> , S.B.C. 2002, c. 29, s. 19(2)	Apply to set aside the registration of a foreign order	Within 30 days after receiving notice of the registration
<i>Interjurisdictional Support Orders Act</i> , s. 36(5)	Appeal an order of any BC court	Within 90 days after the date the ruling, decision or order is entered as a judgment of the BC court
Insurance <i>For additional insurance limitations, see the Insurance Act (life, disability, accident and sickness) and "Personal Injury and Death" (motor vehicle) below</i>		
<i>Insurance Act</i> , R.S.B.C. 2012, c. 1, s. 23	Proceeding against an insurer in relation to property and some other contracts of insurance (see ss. 2 and 8 for exceptions)	If property loss or damage, not later than two years after the date the insured knew or ought to have known the loss or damage occurred; in any other case, not later than two years after the date the cause of action against the insurer arose
<i>Insurance Act</i> , s. 76(1)	Proceeding against an insurer for recovery of life insurance money in the event of death	No later than the earlier of two years after the insurer receives the information mandated by the statute (s. 73) or six years after the date of death

Area of Law, Statute and Section	Required Step	Deadline or Limitation
Landlord and Tenant		
<i>Residential Tenancy Act</i> , S.B.C. 2002, c. 78, ss. 46(4), 47(4) and 49(8)	Apply for arbitration to dispute landlord's notice to end tenancy	Five, 10 or 15 days from the date the tenant receives notice, depending on the landlord's reason for termination
Liens <i>Other liens with limitations or deadlines include woodworkers, tugboat workers and repairers liens</i>		
<i>Builders Lien Act</i> , S.B.C. 1997, c. 45, s. 20	File a claim of lien	No later than 45 days after certificate of completion issued or, if none, head contract completed, abandoned or terminated or, if no head contract, improvement completed or abandoned
<i>Builders Lien Act</i> , s. 33	Sue to enforce a claim of lien and file certificate of pending litigation in support of lien action	No later than one year from the date of the filing of the claim of lien unless 21-day notice issued
<i>Builders Lien Act</i> , s. 14	Sue in trust	One year after head contract completed, abandoned or terminated or, if none, improvement completed or abandoned
Municipal Liability		
<i>Local Government Act</i> , R.S.B.C. 2015, c. 1, s. 736(1)/ <i>Vancouver Charter</i> , S.B.C. 1953, c. 55, s. 294(2) [May 2016]	Give written notice of damage to municipality or the City of Vancouver (includes actions against municipal police forces)	Within two months from the date on which the damage was sustained
<i>Local Government Act</i> , s. 735/ <i>Vancouver Charter</i> s. 294(1) [May 2016]	Sue a municipality or the City of Vancouver for damages caused by exercise of a power conferred by an enactment	Within six months after the cause of action first arose
Personal Injury and Death		
<i>Local Government Act</i> , R.S.B.C. 2015, c. 1, s. 736(1)/ <i>Vancouver Charter</i> , S.B.C. 1953, c. 55, s. 294(2) [May 2016]	Give written notice of damage to municipality or the City of Vancouver (includes actions against municipal police forces)	Within two months from the date on which the damage was sustained
<i>National Defence Act</i> , R.S.C. 1985, c. N-5, s. 269	Sue armed forces personnel	Six months after act or six months after continuing injury or damages cease
<i>Insurance (Vehicle) Act</i> , R.S.B.C. 1996, c. 231, s. 24(2)	Notice to ICBC in case of unidentified motorist (bodily injury/death/property damage)	As soon as reasonably practicable and in any event within six months after the date of the accident [April 2015]
Insurance (Vehicle) Regulation B.C. Reg 447/83, s. 103	Sue ICBC for Part 7 benefits (no postponement for infants)	Two years from the date of: (i) the accident; (ii) last payment of benefits to insured; or (iii) receipt by ICBC of the s. 103(2) notice for which benefits are claimed but have not been paid (such notice must be provided within two years of the MVA). [December 2015]
<i>Limitation Act</i> , S.B.C. 2012, c.13, ss. 6(1) and 8*	Commence a proceeding to remedy an injury, loss or damage that occurred as a result of an act or omission	Not more than two years after the day on which the claim is discovered (except certain assault claims)
<i>Marine Liability Act</i> , S.C. 2001, c. 6, s. 14	Dependants sue person or ship causing loss for personal injury/death	Two years after the cause of action arose
Tax – Personal, Property and Business		
<i>Income Tax Act</i> , R.S.C. 1985, c. 1, s. 169(1)	Appeal to the Tax Court of Canada	90 days from the date the notice was mailed to the taxpayer
<i>Income Tax Act</i> , s. 165(1)	File notice of objection to assessment	The later of 90 days from the date of mailing the notice or one year from the taxpayer's filing due date
<i>Assessment Act</i> , R.S.B.C 1996, c. 20, s. 33(2)	Appeal property tax assessment	No later than January 31 of the year following the year of the assessment
<i>Property Transfer Tax Act</i> , R.S.B.C. 1996, c. 378, s. 19(1)	Mail notice of objection to reassessment to Minister	Within 90 days of the date shown on the notice of assessment
Victim Compensation		
<i>Crime Victim Assistance Act</i> , S.B.C. 2001, c. 38, s. 3(2)	Apply for compensation	Within one year from date of the event or offence
<i>Crime Victim Assistance Act</i> , s. 13(2)	Request that director reconsider decision to deny compensation	Within 60 days from the date the notice of decision was delivered
<i>Criminal Injury Compensation Act</i> , R.S.B.C. 1996, c. 85, s. 6	Apply for compensation	Within one year from the date of injury or death

*The former *Limitation Act*, R.S.B.C. 1996, c. 266 applies to pre-existing claims discovered before June 1, 2013. The pre-June 2013 Quick Reference List's references to those limitations are available through www.lawsociety.bc.ca.

**A non-judicial remedy does not survive the expiration of a limitation period (s. 27). Therefore, it would be prudent to sue within two years of discovery.