

Effects of COVID-19 Emergency on Canadian Civil Procedures and Limitation Periods

The emergency measures that have been taken across the provinces to address the COVID-19 crisis have significantly impacted our court systems. Here is how recent developments may affect your subrogated claims.

Postponement of Civil Hearings Except for Urgent/Emergency Matters

Most civil courts across Canada have suspended regular operations, until further notice, in order to protect the health and safety of court staff and users and to help contain the spread of COVID-19. Most courts will hear only essential and urgent matters and have provided guidance on matters currently set for hearings. Court offices must be contacted directly for specifics, and the procedural directives are in a state of flux and continually being updated.

Extension of Limitation Periods and Procedural Time Periods

Ontario

The Ministry of the Attorney General has issued an Order in Council under s. 7.1 of the Emergency Management and Civil Protection Act suspending limitation periods and procedural time periods during this present state of emergency, subject to court discretion. The suspension is retroactive to March 16, 2020, and the order is subject to renewal until the state of emergency is over.

The Order in Council can be viewed [here](#).

As of April 6, 2020, certain non-urgent civil matters may be heard by the courts of Ontario, subject to regional restrictions; notably, select Pre-Trial Conferences, Rule 7 applications, Rule 7 motions, and other applications and motions in writing that are proceeding on consent of all parties.

The update regarding the expansion of the emergency operations of the courts of Ontario can be viewed [here](#).

Quebec

The Minister of Justice and the Chief Justice of Quebec have issued Order No. 2020-4251, effective as of March 15, 2020, that suspends deadlines for extinctive prescription in civil matters until the end of the declaration of emergency (currently until April 7, 2020, but subject to extension).

The order can be viewed [here](#).

British Columbia

Effective March 18, 2020, filing deadlines under the Supreme Court Civil Rules have been suspended until May 1, 2020. As of March 26, 2020 statutory filing deadlines and limitation periods for civil and family matters have also been suspended. Statutory filing deadlines and limitation periods will continue to apply. When the court resumes regular operations, parties may request an extension of time for deadlines set out in other statutes, which the court will determine on a case-by-case basis. The court has indicated that it will not hear applications for extensions of time until regular operations resume.

The order can be viewed [here](#).

Alberta



Michael Bailey

**Chair,
Subrogation &
Recovery,
Canadian
Region**

mbailey@cozen.com
Phone: (416) 639-6671
Fax: (416) 361-1405



Pamela Pengelley

Member

ppengelley@cozen.com
Phone: (416) 639-6672
Fax: (866) 867-7613

Related Practice Areas

- Subrogation & Recovery

By Ministerial Order dated March 27, 2020, limitation periods and filing deadlines in Alberta have been suspended for the period beginning on March 17, 2020 and ending on June 1, 2020.

The order can be viewed [here](#).

Other Provinces and Territories — No Extensions Provided

In other provinces and territories, no limitation periods have been suspended as of yet.

Filing deadlines in Manitoba, Newfoundland and Labrador, Nova Scotia, Nunavut, and Prince Edward Island have been relaxed by varying degrees, subject to the discretion of their courts. Most of these regions are asking parties to only file essential and urgent documents.

Generally, the courts of every province and territory in Canada have taken steps in facilitating the e-filing of documents, and certain regions have permitted the swearing of affidavits by video.

Given the impact of the state of emergency on our court systems, please anticipate the unanticipated — there may be various obstacles and delays with respect to investigating, filing, and serving new claims and other court documents. Accordingly, it is imperative that any potential subrogation matters be sent to counsel for review as soon as possible in order to ensure that your recovery rights are protected.

For any additional information, please contact the authors.