

## **Pandemic Pause on Litigation to End September 14, 2020**



August 21, 2020

On August 20, 2020 the Ontario government announced that its [limitation period order](#) will end and suspended time periods will resume running on September 14, 2020. This will impact both limitation periods and timelines for proceedings before the courts and tribunals.

The original order (Regulation 73/20) came into effect on March 20, 2020. Any provision of any statute, regulation, rule, by-law, or order of the Government of Ontario establishing any limitation period was suspended retroactive to March 16, 2020.

The order also extended “any period of time within which any step must be taken in any proceeding in Ontario ... subject to the discretion of the court, tribunal or other decision-maker”.

### [Limitation Periods Clock Restarts](#)

Under the *Limitations Act*, which applies to most claims and proceedings in Ontario, a party commencing a proceeding has two years from the date the cause of action



was discovered, to start a claim. There are various other statutes that impose limitation periods in Ontario. For example, the *Human Rights Code*, imposes a one year limitation period to bring an application.

Regulation 73/20 “froze the clock” on these time periods. Once the suspension of the limitation periods is lifted on September 14, 2020, the clock will begin to run again and parties will have the same amount of time to meet a deadline as they had remaining before the suspension began on March 16, 2020.

### All Timelines in Proceedings Resume

Under the original order, each decision-making body has the discretion to determine whether they continue to require litigants to comply with existing time limits or suspend them. The decision-maker can exercise their discretion “in respect of any or all of the proceedings” before them. While some boards and tribunals, for instance, the Human Rights Tribunal, chose to suspend time limits, others such as the Labour Relations Board chose not to. The lifting of the emergency order will reinstate the procedural time limits in any proceeding that was paused during the emergency. Any discretion to extend time limits going forward will depend on the rules of the Court or tribunal for the proceeding before it.

### What to Expect

Any claims or applications that were paused due to the emergency order will recommence and we can expect an increase in litigation activity as a result. Litigants should diarize new limitation period dates, excluding the twenty-six week period that the order was in effect. In addition, we can expect that claims and applications will resume the normal pace of litigation applicable to the relevant proceeding. Any further indulgences in timelines (if permitted) may need to be negotiated, or formally requested. Now is a good time to assess the status of any existing claims or applications and to prepare for the next steps.

---

The article in this update provides general information and should not be relied on as legal advice or opinion. This publication is copyrighted by Hunter Liberatore Law LLP and may not be photocopied or reproduced in any form, in whole or in part, without the express permission of Hunter Liberatore Law LLP.