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# Uniform Law Conference of Canada

## *Briefing Note -*

# Uniform Limitations Act

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### **Subject:**

Implementation of a new Uniform Limitations Act.

### **Background:**

The Uniform Limitation of Actions Act was adopted by the Uniform Law Conference of Canada in 1931. This Act formed the basis for limitations law in Alberta, Manitoba, New Brunswick, the Northwest Territories, Prince Edward Island, Saskatchewan and the Yukon.

The Conference subsequently adopted the Uniform Limitations Act in 1982, which was meant to update the law on limitations. This statute was not well-received and only Newfoundland and Labrador adopted it

Very modern limitations legislation that differ significantly from the previous uniform statutes are now in force in Alberta, Ontario and Saskatchewan. These three statutes are evidence of an emerging limitations regime that is gradually gaining acceptance in Canada.

The Uniform Law Conference of Canada decided in 2005 to adopt a new Uniform Limitations Act that would reflect the modern approach to limitations law. Jurisdictions that have yet to revise their limitations statutes may wish to do so by using the new Act as a reference.

### **Summary of the Uniform Limitations Act:**

The new Uniform Limitations Act sets out a clear, cohesive limitations regime that would apply to as many claims as possible with the following key elements:

- The Act sets a short basic limitation period commencing from the discovery of the claim. Discovery of a claim is defined as when the claimant knows or ought to have known of the claim.
- The Act also sets a longer ultimate limitation period commencing from the date of the act or omission that gives rise to the claim.

- The above periods are applicable to all proceedings unless another statutory provision governs.
- Finally, the Act sets out rules for the suspension or extension of the basic and ultimate limitation periods in specified cases.

It should be noted that the development of this Act did not and could not take into account the impact of the limitations rules on all conceivable claims. In particular, limitations rules relating to real property matters were not considered in the development of the Act. Jurisdictions may wish to review the Act carefully to determine its potential impact.

### **Recommendation:**

Provincial and territorial governments are urged to review and enact the new Uniform Limitations Act.

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