

Limitations and Deadlines Quick Reference List

This list is provided for reference only and should not replace regular review of the relevant legislation (including the *Interpretation Act*), rules and case law (see tips 30, 31). [July 2009]

Area of Law, Statute and Section	Required Step	Deadline or Limitation
Administrative		
<i>Judicial Review Procedures 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 of date of mailing of notice by trustee
<i>Bankruptcy and Insolvency Act</i> , s. 168.1(1)(c)	Give notice of intention to oppose a bankrupt's automatic discharge (to bankrupt, trustee and Superintendent)	Prior to expiry of the nine months immediately following bankruptcy
<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
<i>Bankruptcy and Insolvency General Rules</i> , C.R.C. c. 368, ss. 30 and 31	Appeal decision of the registrar or Court of Appeal from decision of a judge (by filing <i>and</i> serving) [July 2009]	Within 10 days from the date of the decision appealed from
Civil Procedure		
<i>Supreme Court Rules</i> , BC Reg. 221/90, Rule 31(2)	Respond to notice to admit	Within 14 days of receipt of the notice
<i>Supreme Court Rules</i> , Rule 22 (3)(b)(ii)	Commence third party proceeding	Prior to 120 days before trial (if notice of trial delivered)
<i>Supreme Court Rules</i> , Rule 9(1)	Apply to renew writ of summons 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 writ of summons was issued
<i>Supreme Court Rules</i> , Rule 42(15)	Apply to renew writ of execution	Within one year of the issuance of the original writ or the date of renewal of the writ
<i>Supreme Court Rules</i> , Rule 53(7)	File notice of appeal of a Master's order	Within 14 days of the order or decision
<i>Court of Appeal Rules</i> , 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>BC 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>BC 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

Area of Law, Statute and Section	Required Step	Deadline or Limitation
<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
Creditors Remedies		
<i>Limitation Act</i> , R.S.B.C. 1996, c. 266, s. 3(5)	Sue on a mortgage or a demand note	Six years after the date on which the right to do so arose
<i>Limitation Act</i> , s. 3(3)(f)	Sue on a judgment for payment of money or the return of personal property	10 years after the date on which the right to do so arose
<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	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
Employee Relief and Compensation <i>Remember to consider limitations applicable to tort claims and Human Rights complaints (see Administrative) when considering client's options [July 2009]</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. 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>Estate Administration Act</i> , R.S.B.C. 1996, c. 122, s. 112 (8.1)	Give notice to public trustee where required	Within 45 days of grant of probate or resealing
<i>Estate Administration Act</i> , s. 66(3)	Sue in respect of disputed claims against an estate	Within six months after notice is given if the debt is due at the time of the notice or within six months of the time the debt or part thereof falls due if not due at time of notice
<i>Wills Variation Act</i> , R.S.B.C. 1996, c. 490, s. 3(1)(a)	Sue under <i>Wills Variation Act</i>	Within six months from the date of issue of probate or the resealing of probate in B.C.
<i>Wills Variation Act</i> , s. 4(2)	File lis pendens	Within 10 days after writ issued
<i>Limitation Act</i> , R.S.B.C. 1996, c. 266, s. 3(3)	Sue a personal representative for a share of an estate; a trustee in respect of fraud, fraudulent breach of trust; a trustee for conversion of trust property for trustee's own benefit	Within 10 years after the date on which the right to do so arose
Family		
<i>Family Relations Act</i> , R.S.B.C. 1996, c. 128, s. 1(b) "spouse"	Apply for maintenance on behalf of common law spouse	Within one year of separation
<i>Family Relations Act</i> , s. 1(b)(i) "parent"	Apply for child support from stepparent	Within one year of stepparent's last contribution
<i>Family Relations Act</i> , s. 68	Apply to vary marriage settlements	Not more than two years after an order for dissolution of marriage, for judicial separation or declaring a marriage null and void
<i>Family Relations Act</i> , s. 16(3)	Appeal order of Provincial Court to the Supreme Court	40 days from day after the date of the order

Area of Law, Statute and Section	Required Step	Deadline or Limitation
<i>Canada Pension Plan</i> , R.S. 1985, c. C-8, s. 55.1(1)(b) and (c) [July 2009]	Apply for division of CPP benefits (spouse or common-law spouse)	Within three years of death of spouse, if spouses apart for one year or more; within four years after day common-law spouses commenced living apart or anytime after four years if agreed in writing [July 2009]
<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 For limitations with respect to policies other than life, see "Personal Injury and Death" below and tip 37 in this guide		
<i>Insurance Act</i> , R.S.B.C. 1996, c. 226, s. 65(1)	Proceeding against insurer to recover life insurance	One year after providing evidence as required by the statute (s. 62) or six years from the event on which the insurance money became payable or would have become payable
Landlord and Tenant		
<i>Residential Tenancy Act</i> , S.B.C. 2002, c. 78, s. 46(4), s. 47(4), s. 49(8)	Apply for arbitration to dispute landlord's notice to end tenancy	Five, 10 or 15 days from the date that 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> , R.S.B.C. 1997, c. 45, s. 20	Filing of lien if a certificate of completion has been issued with respect to a contract	No later than 45 days after the date on which the certificate of completion was issued
<i>Builders Lien Act</i> , s. 33	Sue to enforce a claim of lien and file lis pendens 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 or abandoned, or completion or abandonment of improvement if no head contract
Municipal Liability		
<i>Local Government Act</i> , S.B.C. 1953, c. 55, s. 149 s. 286(1)/Vancouver Charter s. 294(2)	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. 285/Vancouver Charter s. 294(1)	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> , S.B.C. 1953, c. 55, s. 149 s. 286(1)/Vancouver Charter s. 294(2)	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. 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) [July 2009]	Notice to ICBC in case of unidentified motorist (bodily injury/death/property damage)	Within six months after the date of the accident
<i>Insurance (Vehicle) Regulation B.C. Reg 447/83</i> , s. 103 [July 2009]	Sue ICBC for Part 7 benefits (no postponement for infants)	Two years from the date of the accident or from the date of the last payment of benefits to insured; or two years from the date ICBC receives s.103(2) notice (claim made but no payment) [July 2009]
<i>Limitation Act</i> , R.S.B.C. 1996, s. 3(2)	Sue for damages in respect of personal injury and resulting economic loss in tort	Two years after the date on which the right to do so arose

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<i>Limitation Act</i> , s. 3(2)	Commence <i>Family Compensation Act</i> claim, including claim for medical or hospital expenses	Two years after the right to do so arose
<i>Limitation Act</i> , ss. 3(2) and 8(1)	Sue hospital, hospital employee or medical practitioner	Two years from date cause of action arose and subject to six-year ultimate limitation for adults and children
<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 that 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(1)	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 that 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