

# BRIEFING NOTE

## **Covid-19 Related Measures Act – resumption of the running of time on March 26, 2021**

This is an update to our prior two Briefing Notes concerning the suspension of limitation periods and protection from liability, as part of the measures enacted by the Government of British Columbia, in response to World Health Organization's Covid-19 pandemic declaration.

Our first [Briefing Note](#) (July 2020) concerned the COVID-19 Related Measures Act, (SBC 2020, Ch.8 - the "Act"), which came into effect on July 8, 2020. Our second [Briefing Note](#) focused on the subsequent Covid-19 (Limitation Periods in Court Proceedings) Regulation, BC Reg. 199/2020, and Covid-19 (Limits on Actions and Proceedings) Regulation, BC Reg. 204/2020 that were passed under the Act.

As is set out in more detail in our first Briefing Note, by section 3 of the Act, subject to some exceptions, limitation periods were suspended for civil claims and appeals. The expiration of the suspension was tied to the expiration of the provincial state of emergency. Per B.C. Reg 199/2020, for matters filed in the Provincial and Supreme Courts, the suspension expired 90 days after the expiration of the last extension of the state of emergency. This was subject to section 7 of the Act, which provided that sections 1 to 5 were repealed on the one year anniversary of the coming into force of the Act.

As of the date of this Briefing Note, the provincial state of emergency remains in effect until Tuesday, February 2 - having been extended on each 14 day anniversary since it was first declared on March 18, 2020.

However now, by Order in Council No.655 dated December 21, 2020, the Provincial Government has amended the Act and BC Reg 199/2020, so that the suspension of limitation periods is no longer tied to expiration of the state of emergency, and the suspension will end on March 25, 2021. That will be one year since the running of time was first suspended (under Ministerial Order M086).

Therefore, and subject to the issues noted in our previous Briefing Notes, the net effect of the Ministerial Orders, the Act, and Regulations covered in our previous two Briefing Notes, ought to be to extend the limitation period for most claims where the cause of action arose prior to March 26, 2020, by one year.

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