

**Claims Discovered Before
January 1, 2004**

**Claims Discovered After
December 31, 2003**

Subject	Act/Provision	Limitation/Notice	Act/Provision	Limitation/Notice
Actions on the "case" (tort and related actions not otherwise subject to a special limitation period)	<i>Limitations Act, R.S.O. 1990, c.L.15, s.45(1)(g)</i>	6 years after the cause of action arose.	<i>Limitations Act, 2002, S.O. 2002, c.24, Sched. B., s.4.</i>	2 years from the day which the claim was discovered.
Architects	<i>Limitations Act, R.S.O. 1990, c.L.15, s.45(1)(g)</i>	6 years after the cause of action arose (for actions founded in negligence and/or breach of contract).	<i>Limitations Act, 2002, S.O. 2002, c.24, Sched. B., s.4.</i>	2 years from the day which the claim was discovered. <i>Look to Architects Act for limitation periods with respect to dealings with the Registration or Discipline Committee.</i>
Assault, Battery, Wounding or Imprisonment	<i>Limitations Act, R.S.O. 1990, c.L.15, s.45(1)(j)</i>	4 years after the cause of action arose.	<i>Limitations Act, 2002, S.O. 2002, c.24, Sched. B., s.4 & s.10.</i>	2 years from the day which the claim was discovered. However, the 2 year period does not run in respect of a claim based on assault or sexual assault during any time the claimant is incapable of commencing the proceeding because of his or her physical, mental or psychological condition.
Carriage By Air	<i>Carriage By Air Act, R.S.C. 1985, c.C-26, Article 29</i>	2 years , reckoned from the date of arrival at the destination, or from the date on which the aircraft ought to have arrived or from the date on which carriage stopped (for damages claimed).		<i>No Change</i>
Construction Liens	<i>Construction Liens Act, R.S.O. 1990, c.C.30, ss.31, 36(2), and 37 as amended 1994, c.27, s.42(1)</i>	45 days to "preserve" lien - time to run from date of abandonment, last work or completion or date of "substantial performance". While triggering event of "completion" or "abandonment" of a contract applies to a contractor (i.e., the party having privity with the owner), the "last work" does not trigger the contractor's 45-day lien period, but rather only applies to "other persons" (i.e., subcontractors). The limitation period is commenced by the publication of a certificate of		<i>No change</i>

**Claims Discovered Before
January 1, 2004**

**Claims Discovered After
December 31, 2003**

		<p>substantial performance. If substantial performance is achieved, but a certificate is never issued, the 45-day lien period is not triggered.</p> <p>45 days to "perfect" lien - time to run from last day on which lien could have been preserved.</p> <p>Action to be set down for trial within 2 years from date of commencement of the action which perfected that lien.</p>		
Criminal Injuries Compensation	<i>Compensation for Victims of Crime Act</i> , R.S.O. 1990, c.C.24, s.6	An application for compensation shall be made within 1 year after the date of the injury or death but the Board, before or after the expiry of the 1-year period, may extend the time for such further period as it considers warranted.	<i>Compensation for Victims of Crime Act</i> , R.S.O. 1990, c.C.24, s.6 (am.S.O. 2002, c.24, Sch B, s.19, in force Jan 1, 2004)	An application for compensation shall be made within 2 years after the date of the injury or death.
Crown (Ontario)	<i>Proceedings Against the Crown Act</i> , R.S.O. 1990, c.P.27, s.7	Except in the case of a counterclaim or claim by way of a set-off, 60 days notice of the claim containing sufficient particulars to identify the occasion out of which the claim arose must be given before an action against the Crown is commenced. If a notice of a claim is served under section 7(1) before the expiration of the limitation period applying to the commencement of an action for the claim and the 60-day period expires after the expiration of the limitation period, the limitation period is extended to the end of 7 days after the expiration of the 60-day period.		<i>No change</i>
Crown (Ontario) -- (in respect of any breach of the duties attaching to the control of property)	ss. 7(3), 5(1)(c)	10 days notice is required.		<i>No change</i>

**Claims Discovered Before
January 1, 2004**

**Claims Discovered After
December 31, 2003**

Defamation (Libel in Newspaper or Broadcast)	<i>Libel and Slander Act</i> , R.S.O. 1990, c.L.12, ss.5, 6	Notice within 6 weeks after the alleged libel has come to the plaintiff's knowledge. Action within 3 months after the libel has come to the knowledge of the person defamed. But, where such an action is brought within that period, the action may include a claim for any other libel against the plaintiff by the defendant in the same newspaper or the same broadcasting station within a period of 1 year before the commencement of the action.		<i>No change</i>
(Action on the "case" for words)	<i>Limitations Act</i> , R.S.O. 1990, c.L.15, s.45(1)(i)	2 years after the words were spoken.	<i>Limitations Act, 2002</i> , S.O. 2002, c.24, Sched. B., s.4.	2 years from the day on which the claim was discovered.
Dependant's Relief	<i>Succession Law Reform Act</i> , R.S.O. 1990, c.S.26, s.61	No application for an order under section 58 may be made after 6 months from the grant of letters probate of the will or of letters of administration. However, if the court considers it proper, it may allow an application to be made at any time as to any portion of the estate remaining undistributed at the date of application.	<i>Succession Law Reform Act</i> , R.S.O. 1990, c.S.26, s.61, am. S.O. 2002, c.24, Schedule B s.19, in force January 1, 2004	<i>No Change</i>
Engineers	<i>Professional Engineers Act</i> , R.S.O. 1990, c.P.28, s.46	12 months after the date on which the service was, or ought to have been performed - subject to discretionary extension.	<i>Limitations Act, 2002</i> , S.O. 2002, c.24, Sched. B., s.4.	2 years after the date on which the service was, or ought to have been performed.
Executors and Administrators (Claims by or against them on behalf of deceased)	<i>Trustee Act</i> , R.S.O. 1990, c.T.23, s.38(3)	2 years from the death of the deceased.	<i>Trustee Act</i> , R.S.O. 1990, c.T.23, s.38(3) am. S.O. 2002, c.24, Schedule B s.19, in force January 1, 2004	<i>No Change</i>
Family Actions / Applications	<i>Family Law Act</i> , R.S.O. 1990, c.F.3			
(Extension of times)	s.2(8)	The court may, on motion, extend a time prescribed by this Act if it is	<i>Limitations Act, 2002</i> , S.O. 2002, c.24,	<i>No Change</i>

Claims Discovered Before
January 1, 2004

Claims Discovered After
December 31, 2003

		satisfied that, (a) there are apparent grounds for relief; (b) relief is unavailable because of delay that has been incurred in good faith; and (c) no person will suffer substantial prejudice by reason of delay.	Sched. B., s.20.	The Limitations Act does not affect the extension, suspension or other variation of a limitation period or other time limit by or under another Act.
(Equalization of net family)	s.7(3)	An application for equalization of net family properties) shall not be brought after the earliest of: (a) 2 years after the day the marriage is terminated by divorce or judgment of nullity. (b) 6 years after the day the spouses separate and there is no reasonable prospect that they will resume cohabitation. (c) 6 months after the first spouse's death.		<i>No Change</i>
(Spousal support)	s.50	No action or application for an order for the support of a spouse shall be brought after 2 years from the day the spouses separate.	<i>Limitations Act, 2002, S.O. 2002, c.24, Sched. B., s.16(1)(c).</i>	There is no limitation period in respect of a proceeding to obtain support under the Family Law Act or to enforce a provision for support or maintenance contained in a contract or agreement that could be filed under s. 35 of the Act.
Fatal Accidents	<i>Family Law Act, R.S.O. 1990, c.F.3</i>			
	s.2(8)	The court may, on motion, extend a time prescribed by this Act if it is satisfied that, (a) there are apparent grounds for relief; (b) relief is unavailable because of delay that has been incurred in good faith; and (c) no person will suffer substantial prejudice by reason of delay.	<i>Limitations Act, 2002, S.O. 2002, c.24, Sched. B., s.20.</i>	<i>No Change</i> The Limitations Act does not affect the extension, suspension or other variation of a limitation period or other time limit by or under another Act.
	s.61(4)	No action shall be brought after the expiration of 2 years from the time the cause of action arose.	<i>Limitations Act, 2002, S.O. 2002, c.24, Sched. B., ss.4, 25.</i>	s. 61(4) of the Family Law Act is repealed and replaced by s.4 of the Limitations Act requiring a 2-year limitation period.

**Claims Discovered Before
January 1, 2004**

**Claims Discovered After
December 31, 2003**

Health Professions*	<i>Regulated Health Professions Act, 1991, S.O. 1991, c.18, s. 89</i>	1 year after the date when the person commencing the action knew or ought to have known the facts upon which negligence or malpractice is alleged.	<i>Limitations Act, 2002, S.O. 2002, c.24, Sched. B., s.4.</i>	2 years from the day on which the claim was discovered.
*Audio/Speech Pathologist; Chiropractor; Dental Hygienist; Dental Technician; Dentist; Dietician; Massage Therapist; Medical Laboratory Technician; Medical Radiation Technician; Midwife; Nurse; Occupational Therapist; Optician; Optometrist; Pharmacist; Physician and Surgeon; Physiotherapist; Psychologist; Respiratory Therapist				
Highway Repair				
(Kings Highway)	<i>Public Transportation and Highway Improvement Act, R.S.O. 1990, c.P.50, ss.33(4),(5)</i>	Notice in writing of the claim and of the injury complained must be served upon or sent by registered mail to the Minister within 10 days after the happening of the injury. However, the failure to give or the insufficiency of the notice is not a bar to the action if the judge finds a reasonable excuse; no action shall be brought after the expiration of 3 months from the time the damage was sustained.	s.33(5)requiring a 3 month limitation to file a claim is repealed by s.25 of the <i>Limitations Act, 2002</i> . Section 33(4), is still in force. <i>Limitations Act, 2002, S.O. 2002, c.24, Sched. B., s.4.</i>	Notice to Minister within 10 days of the injury occurring. 2 year limitation for claim to be filed from the day on which the claim was discovered.
(Municipal Roadway)	<i>Municipal Act, R.S.O. 1990, c.M.45, ss.284(2),(5)</i> (REPEALED)	Notice within 7 days (urban municipality) or 10 days (county or township); action within 3 months from the time the damage was sustained. (REPEALED)	<i>Municipal Act, 2001, S.O. 2001, C.25, ss.44(2) & (10)</i> <i>Limitations Act, 2002, S.O. 2002, c.24, Sched. B., s.4.</i>	A municipality is liable for all damages a person sustains on a damaged highway or bridge. Notice to the municipality within 10 days of the injury occurring. 2 year limitation for claim to be filed from the day on which the claim was discovered.
Highway Traffic Accidents	<i>Highway Traffic Act, 1990, c.H.8, s.206</i>	2 years from the time when the damages occasioned by a motor vehicle were sustained; where death is caused, the proceeding may be brought within the time limit by the Family Law Act.	s. 206 is repealed by s. 25 of the <i>Limitations Act, 2002</i> . <i>Limitations Act, 2002, S.O. 2002, c.24, Sched. B., s.4.</i>	2 years from the day on which the claim was discovered.

**Claims Discovered Before
January 1, 2004**

**Claims Discovered After
December 31, 2003**

Hospitals				
(Clarke Institute of Psychiatry)	<i>Ontario Mental Health Foundation Act</i> , R.S.O. 1990, c.O.26, s.30	Within 6 months after the act or omission complained of has been committed.	s. 30 is repealed by s. 25 of the <i>Limitations Act</i> , 2002. <i>Limitations Act</i> , 2002, S.O. 2002, c.24, Sched. B., s.4.	2 years from the day on which the claim was discovered.
(Mental)	<i>Mental Hospitals Act</i> , R.S.O. 1990, c.M.8, s.9	Within 6 months after the act or omission complained of has been committed.	s. 9 is repealed by s. 25 of the <i>Limitations Act</i> , 2002. <i>Limitations Act</i> , 2002, S.O. 2002, c.24, Sched. B., s.4.	2 years from the day on which the claim was discovered.
(Psychiatric Facilities)	<i>Mental Health Act</i> , R.S.O. 1990, c.M.7, s.78	Within 6 months after the act or omission complained.	s. 78 is repealed by s. 25 of the <i>Limitations Act</i> , 2002. <i>Limitations Act</i> , 2002, S.O. 2002, c.24, Sched. B., s.4.	2 years from the day on which the claim was discovered.
(Public)	<i>Public Hospitals Act</i> , R.S.O. 1990, c.P.40, s.31	Any action against a hospital or any nurse or person employed therein for damages for injury caused by negligence in the admission, care, treatment or discharge of a patient shall be brought within 2 years after patient is discharged from or ceases to receive treatment at the hospital.	s. 31 is repealed by s. 25 of the <i>Limitations Act</i> , 2002. <i>Limitations Act</i> , 2002, S.O. 2002, c.24, Sched. B., s.4.	2 years from the day on which the claim was discovered.
Insurance Claims	<i>Insurance Act</i> , R.S.O. 1990, c.I.8			
(Accident Benefits, Automobile Policy)	ss. 272(1),(2), 281(5)	Every proceeding against any insurer under a contract in respect of insurance provided under s. 265 must be commenced within the limitation period specified in the contract, but in no event shall the limitation period be less than 2 years after the happening of the	ss. 272(1), (2) and s. 281(5) are repealed by s.39(2), (3) and (5) of the <i>Limitations Act</i> , 2002.	

Claims Discovered Before
January 1, 2004

Claims Discovered After
December 31, 2003

		accident. A proceeding in a court or an arbitration in respect of statutory accident benefits must be commenced within 2 years after the insurer's refusal to pay the benefit claimed or within such longer period as may be provided in the Statutory Accident Benefits Schedule.	<i>Limitations Act, 2002,</i> S.O. 2002, c.24, Sched. B., s.4.	2 years from the day on which the claim was discovered.
(Accident and Sickness)	s.300 statutory condition 12	An action or proceeding against the insurer for the recovery of a claim under this contract shall not be commenced more than 1 year after the date the insurance money became payable or would have become payable if it had been a valid claim.	Statutory Condition 12 of s. 300 is repealed by s.39(4) of the <i>Limitations Act, 2002.</i> <i>Limitations Act, 2002,</i> S.O. 2002, c.24, Sched. B., s.4.	2 years from the day on which the claim was discovered.
(Action Against Insurance Company On Judgment Against Insured)	s.258(2)	No action shall be brought against an insurer under subsection (1) after the expiration of 1 year from the final determination of the action against the insured, including appeals if any.	s. 258(2) is repealed by s.39(2) of the <i>Limitations Act, 2002.</i> <i>Limitations Act, 2002,</i> S.O. 2002, c.24, Sched. B., s.4.	2 years from the day on which the claim was discovered.
(Automobile)	s.234 statutory condition 10 - repealed now Ont. Reg. 777/93, statutory condition 9(4)	Every action or proceeding against the insurer under this contract in respect of loss or damage to the automobile or its contents shall be commenced within 1 year next after the happening of the loss and not afterwards. In respect of loss or damage to persons or other property shall be commence within 2 years next after the cause of action arose and not afterwards.		<i>No Change</i>
(Fire Loss)	s.148 statutory condition 14	Every action or proceeding against the insurer for the recovery of a claim under or by virtue of this contract is absolutely barred unless commenced within 1 year next after the loss or damage occurs.	<i>Limitations Act, 2002,</i> S.O. 2002, c.24, Sched. B., s.19 <i>Schedule</i>	<i>No change</i>
(Life Insurance Policies)	s.206	Subject to subsection (2), an action		

**Claims Discovered Before
January 1, 2004**

**Claims Discovered After
December 31, 2003**

		or proceeding against an insurer for the recovery of insurance money shall not be commenced more than 1 year after the furnishing of the evidence required by section 203, or more than 6 years after the happening of the event upon which the insurance money becomes payable, whichever period first expires.	s. 206 is repealed by s.39 of the <i>Limitations Act, 2002</i> . <i>Limitations Act, 2002</i> , S.O. 2002, c.24, Sched. B., s.4.	2 years from the day on which the claim was discovered.
(Uninsured Automobile)	R.R.O. 1990, Reg. 676, s. 8	An action or a proceeding against an insurer in respect of loss or damage to the insured automobile or its contents shall be commenced within 1 year after the loss or damage occurs. An action or proceeding against an insurer in respect of bodily injury or death, or in respect of loss or damage to property other than the insured automobile or its contents, shall be commenced within 2 years after the cause of action arises.		<i>No Change</i>
Joint Tortfeasors (Seeking Contribution & Indemnity)	<i>Negligence Act</i> , R.S.O. 1990, N.1., s.8	1 year from the date of the judgment in the action or the settlement, as the case may be. n.b. compliance with any statute requiring notice of claim against such tortfeasor may also be required.	s. 8 is repealed by s.25 of the <i>Limitations Act, 2002</i> . <i>Limitations Act, 2002</i> , S.O. 2002, c.24, Sched. B., s.4, s.18	2 years from the day on which the first tortfeasor was served with the claim in respect of which contribution and indemnity is sought.
Lawyers / Assessment of Solicitors Account	<i>Limitations Act</i> , R.S.O. 1990, c.L.15, s.45(1)(g)	6 years (for actions founded in negligence and/or breach of contract).	<i>Limitations Act, 2002</i> , S.O. 2002, c.24, Sched. B., s.4.	2 years from the day on which the claim was discovered.
	<i>Solicitors Act</i> , R.S.O. 1990, c.S.15, ss.3, 4, 11	Where the retainer of the solicitor is not disputed and there are no special circumstances, an order may be obtained on requisition from a local registrar of the Superior Court of Justice, (a) by the client, for the delivery and assessment of the solicitor's bill;	s. 11 is amended by s.46(2) of the <i>Limitations Act, 2002</i> . <i>Limitations Act, 2002</i> , S.O. 2002, c.24, Sched. B., s.4.	One must apply for assessment by the court within 2 years from the day on which the claim was discovered.

Claims Discovered Before
January 1, 2004

Claims Discovered After
December 31, 2003

		<p>(b) by the client, for the assessment of a bill already delivered, <u>within 1 month</u> from its delivery;</p> <p>(c) by the solicitor, for the assessment of a bill already delivered, at any time after the expiration of <u>1 month</u> from its delivery, if no order for its assessment has been previously made.</p> <p>The payment of a bill does not preclude the court from referring it for assessment if an application is made within <u>12 months</u> after payment, and if the special circumstances of the case, in the opinion of the court, appear to require the assessment.</p> <p>No reference shall be directed upon an application made by the party chargeable with such bill after a verdict or judgment has been obtained, or after <u>12 months</u> from the time such bill was delivered, sent or left aforesaid, except under special circumstances to be proved to the satisfaction of the court judge to whom the application for the reference is made.</p>		
Personal Property	<i>Personal Property Security Act, R.S.O. 1990, c.P.10, s.44(6)</i>	A claim against the Assurance Fund must be made within <u>1 year</u> from the time that the loss or damage giving rise to the claim came to the claimant's knowledge.		<i>No Change</i>
Police Complaints	<i>Police Services Act, R.S.O. 1990, c.P.15, s.69(18)</i>	A complaint by a member of the public against a police officer that is made more than <u>6 months</u> after the incident to which it relates, shall be further dealt with only if the Board or Commissioner so directs.		<i>No Change</i>
Public Authorities	<i>Public Authorities Protection Act, R.S.O. 1990, c.P.38, s.7</i>	An action against a public authority must be commenced within <u>6 months</u> after the cause of action arose in respect of an action, prosecution or other proceeding against any person for an act done in pursuance or execution or intended	s. 7 is repealed by s.25 of the <i>Limitations Act, 2002</i> . <i>Limitations Act, 2002, S.O. 2002, c.24,</i>	<u>2 years</u> from the day on which the claim was discovered.

**Claims Discovered Before
January 1, 2004**

**Claims Discovered After
December 31, 2003**

		execution of any statutory or other public duty or authority. In case of continuance of injury or damage, within 6 months after the ceasing thereof.	Sched. B., s.4	
Public Officers	<i>Public Officers Act</i> , R.S.O. 1990, c.P.45, s.12	10 years for an action against a surety in damages.	s.12 is repealed by s.25 of the <i>Limitations Act, 2002</i> . <i>Limitations Act, 2002</i> , S.O. 2002, c.24, Sched. B., s.4	2 years from the day on which the claim was discovered.
Public Utilities	<i>Public Utilities Act</i> , R.S.O. 1990, c.P.52, s.33	6 months after the act committed, or in case there is a continuation of damage, within 1 year after the original cause of action arose.	s. 33 is repealed by s.25 of the <i>Limitations Act, 2002</i> . <i>Limitations Act, 2002</i> , S.O. 2002, c.24, Sched. B., s.4	2 years from the day on which the claim was discovered.
Railways / Streetcars (Provincial)	<i>Railways Act</i> , R.S.O. 1950, c.331, s.267(1) (unconsolidated and unrepealed)	An action for damages/injury sustained on a railway must be commenced within 1 year from the time when such supposed damage is sustained or, if there is continuation of damage, within 1 year after the doing or committing of such damage ceases.	s. 267(1) is repealed by s.25 of the <i>Limitations Act, 2002</i> . <i>Limitations Act, 2002</i> , S.O. 2002, c.24, Sched. B., s.4	2 years from the day on which the claim was discovered.
Schools	<i>Public Authorities Protection Act</i> , R.S.O. 1990, c.P.38, s.7	see Public Authorities	s. 7 is repealed by s.25 of the <i>Limitations Act, 2002</i> . <i>Limitations Act, 2002</i> , S.O. 2002, c.24, Sched. B., s.4	2 years from the day on which the claim was discovered.
Veterinarians	<i>Veterinarians Act</i> , R.S.O. 1990, c.V.3, s.46	An action stemming from the services of a veterinarian must be commenced 1 year from the date when the person commencing the action knew or ought to have known	s. 46 is repealed by s.25 of the <i>Limitations Act, 2002</i> . <i>Limitations Act, 2002</i> , S.O. 2002, c.24, Sched. B., s.4	2 years from the day on which the claim was discovered.

**Claims Discovered Before
January 1, 2004**

**Claims Discovered After
December 31, 2003**

		the fact or facts upon which the allegations are based.		
Workplace Compensation	<i>Workplace Safety and Insurance Act, 1997, S.O. 1997, c.16 Sch. 'A', ss.22, 112(3), 120(1), 125(2).</i>	<p>subject to Board discretion, benefits are not payable unless notice of the accident is given as soon as possible after the accident that gives rise to the claim; or, in the case of occupational disease, after the worker learns that he or she suffers from the disease;</p> <p>the claim must be made within 6 months from the happening of the accident or, in the case of death, within 6 months from the time of death;</p> <p>the Board may permit a claim to be filed after the 6 month period expires if it is just to do so;</p> <p>subject to Board discretion, a claimant objecting to a Board decision has 30 days to file a notice of objection concerning a return to work or labour market re-entry plan, and 6 months to file a notice of objection for other Board decisions; subject to Tribunal discretion, appeals of final decisions of the Board must be made within 6 months to the Tribunal; the 30 day and 6 month periods apply to pre-1998 decisions only from January 1, 1998.</p>		<i>No change</i>
Note to Reader:				
Ultimate Limitation Period	No proceeding shall be commenced in respect of any claim after 15 years from the day on which the act or omission on which the claim is based took place. Exceptions include, age of minority, incapacity, and facts willfully concealed from the claimant. <i>Limitations Act, 2002, S.O. 2002, c.24, Sched. B., s.15.</i>			

This table examines how limitation and notice periods under the new *Limitations Act, 2002*, differ from those in effect under previous legislation. It has been compiled by Tony Antoniou, articling student with **LAWPRO**, based on a table of commonly encountered limitation and notice periods originally prepared for LAWPRO by Graeme Mew of Gowling Lafleur Henderson LLP. This new table also has been reviewed by Mr. Mew.