

Limitations and Notice Periods

Real Property Limitations Act, R.S.O. 1990, L 15

Subject	Section	Limitation Period
Recovery of Land		
<p>“Recovery of land” means “to obtain any land by judgment of the Court” and includes claims to the ownership of land advanced by way of resulting or constructive trust:</p> <p><i>Waterstone Properties Corp. v. Caledon (Town), 2017 ONCA 623, at para 32.</i></p>	S. 4	10 years
Adverse Possession	s. 4, 15	10 years from dispossession
Adverse Possession against Crown	s. 3(1)	60 years – waste or vacant land excluded from this provision
Constructive Trusts over Real Estate	s. 4	10 years from separation, with no prospect of resumption of cohabitation: McConnell v. Huxtable, 2014 ONCA 86 at para 54
Return of Deposit Money	s. 4	10 years from payment of deposit money Harvey v. Talon International Inc., 2017 ONCA 267, 137 O.R. (3d) 184

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Mortgages

Action for Possession, Foreclosure or Sale	s. 4	10 years
Fixed Term Mortgages	s. 4	10 years from date fixed for payment of principal <i>Wrixon v. Vize</i> , (1849) 3 Dr & War 104
Mortgages with Acceleration Clause	s. 4	10 years from first default in payment: McVan General Contracting Ltd. v. Arthur, 2002 CanLII 45035 (ONCA), 61 O.R (3d) 240
Demand Mortgages	s. 4	10 years from the date that the mortgage was executed, with some exceptions, depending on the terms of the mortgage: Mortgage Insurance Co. of Canada v. Grant Estate, 2009 ONCA 655, 99 O.R. (3d) 535 at para 19, 21 e.g., collateral mortgage given as security by a third party – demand required.
Mortgages payable on the happening of a certain contingency	s. 4	10 years from the happening of that contingency – 552439 Ontario Limited v. Forbes Building Material Ltd., 2015 ONSC 6124
Action to recover arrears of interest out of the land in foreclosure or power of sale	s. 17	Up to 6 years of interest accruing before commencement of action

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Action to recover arrears of interest out of the land in foreclosure or power of sale	s. 17	Up to 6 years of interest accruing before commencement of action
Action on covenant to repay money secured by a mortgage	s. 43	10 years - runs from the later of the day the cause of action arose, and 10 years after the day the covenanter's interest was conveyed or transferred
Action on guarantee ancillary to mortgage	s. 43	10 years - Equitable Trust Co. v. Marsig, 2012 ONCA 235
Action against grantee of equity of redemption	s.43(2)	10 years
Mortgagor's right of redemption	s. 19	If in possession, no limitation period. Otherwise, 10 years from the mortgagee's entering into possession
Acknowledgements and part payments	ss. 13, 19, 21, 22	A partial payment by a mortgagor in default, or the mortgagor's written acknowledgment of the mortgagee's interest, will restart the limitation period. Many special rules exist
Actions to Recover Sums Secured out of Land or Rent	s. 23	10 years
	Not applicable to foreclosure or sale actions. Applicable to:	

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		<ul style="list-style-type: none"> • Unpaid vendor's liens – Brandon v. Dale, 1929 CanLII 157 (SK CA) • Condominium liens – Meghory Esate v. York Condominium Corp. No. 201, 2007 CarswellOnt 8990; Toronto Standard Condominium Corp No. 1487 v. Market Lofts Inc., 2015 ONSC 1067 • Share d Service Agreements registered against property: Toronto Standard Condominium Corp No. 1487 v. Market Lofts Inc., 2015 ONSC 1067
Landlord and Tenant Entry or Distress or Recovering Possession	s. 4	10 years - Date the limitation period begins to run will depend on the type of tenancy, s. 5(6), 5(7)
Actions for Rent Arrears	s.17	6 years of rent arrears collectible - Pickering Square v. Trillium College Inc., 2014 ONSC 2629 (Ont. S.C.J.); aff'd 2016 ONCA 179
Breach of leases, other than failure to pay rent		2 years, Limitations Act 2002,s. 4, e.g., tenants failure to continually carry on business on the premises Pickering Square Inc. v. Trillium College Inc., 2014 ONSC 2629 (Ont. S.C.J.); aff'd 2016 ONCA 179
Easements		
Prescription under RPLA	s. 31	<p>20 years of adverse use, immediately preceding the commencement of the claim. Can be defeated by proof of oral or written consent from owner. Does not apply to a person under disability (s. 41)</p> <p>After 40 years of adverse use, immediately preceding the commencement of the claim, unless it can be shown that the easement was enjoyed with written consent</p>



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Prescription through Lost Modern Grant

20 years uninterrupted use of the easement, without the owner's permission. No requirement that use must be immediately before the claim. Can be defeated by proof of oral or written consent from owner.

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