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GUIDE TO ONTARIO AND FEDERAL LIMITATION PERIODS

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This is a comprehensive manual that provides an authoritative, one-stop reference to legislated limitation periods in both Ontario, and federal legislation. It identifies excerpts and organizes those sections in each statute which contain notice requirements, time for appeals, limitation of actions, time for judicial review and other time requirements in a convenient and easy-to-use table format. Case annotations are included for every limitation section that has been interpreted by the courts. This looseleaf also has an **Issues in Focus** section related to Ontario limitation periods which features memoranda on points of law relevant to Ontario limitation periods.

What's New in this Update:

This release features new case summaries under Ontario Crown Law and Ontario Environmental Law.

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Highlights:

The following is a highlight of new case digests added to this publication:

Ontario—Crown—General—Notice of claim to be served on Crown before commencing action against Crown except in case of counterclaim

On January 1, 2016, the plaintiff was struck by a motor vehicle while walking along Highway 26 after leaving a New Year's Eve party that had been shut down by the Ontario Provincial Police (OPP). He suffered serious injuries, including a brain injury, fractures, and lost teeth.

The OPP had received multiple calls about the party, were present in the area, observed numerous intoxicated partygoers walking toward the highway, and were aware that no public transportation was available. Despite this knowledge, no effective measures were taken to prevent pedestrians from walking on Highway 26. The plaintiff had no memory of the accident due to his injuries.

The plaintiff commenced an action against the driver of the motor vehicle which hit him, which he later discontinued commencing a second action naming, among others, the alleged party hosts and the OPP. The OPP defended that second action, asserting both that the OPP was not a proper party, and that proper statutory notice had not been given under s. 7(1) of the *Proceedings Against the Crown Act,* R.S.O. 1990, c. P.27 ("PACA") which at the time governed proceedings against the Crown. The plaintiff then gave the required notice and, after the 60 days passed, commenced a third action. The third action was brought only as against His Majesty the King in Right of Ontario on behalf of the Ontario Provincial Police and His Majesty the King in Right of the Province of Ontario, represented by the Minister of Transportation for the Province of Ontario ("HMK").

The defendants sought summary judgment in the second and third actions assertsin gthat both actions were statute barred, and further that the facts did not establish a special relationship between the plaintiff and the OPP to ground an action in negligence or to claim that HMK was vicariously liable for the actions of an OPP officer.

The court granted summary judgment with respect to the second action. The plaintiff was required to give 60 days' notice before commencing his action in accordance with s. 7 of PACA, which he did not do. Accordingly, the second action was a nullity by operation of s. 7(3) of PACA.

Primosig v. Proctor, 2026 ONSC 446, 2026 CarswellOnt 874 (Ont. S.C.J.)

Ontario—Environmental Law—Commence a proceeding in respect of a claim

The plaintiff, a property developer, purchased land from the defendant's predecessor in 1990. Between 1990 and 1991, the plaintiff received four environmental consultant reports indicating the land was contaminated, though the extent was uncertain. By April 1991, the

plaintiff had actual knowledge of contamination but chose not to remediate, in part because it intended to excavate the land for development. In 2002, the plaintiff learned that contamination was more extensive than previously understood. The plaintiff, commenced an action in January 2004 The plaintiff alleging ongoing contamination and advanced a **continuing nuisance** claim, asserting leakage continued until between 2010 and 2014.

The Superior Court of Justice granted summary judgment dismissing the action as statute barred under the applicable six year limitation period (pre-*Limitations Act, 2002*). The plaintiff's appeal to the Court of Appeal was dismissed, which rejected the argument that the plaintiff's continuing nuisance claim ought not to have been statute-barred. That argument had been mentioned in passing, in a single paragraph in the appellant's factum, in the context of a lengthy argument about contamination of an uncertain extent that already existed. The summary judgment motion had not been argued on the basis that continuing contamination was a discrete issue. The motion was argued on the basis that the appellant knew that the land was contaminated in 1991, albeit to an uncertain extent. It was not required to know the full extent of the contamination in order for the limitation period to begin to run. It could not now hive off the continuing nuisance cause of action in the context of a claim so clearly time-barred.

863880 Ontario Limited v. Canadian Pacific Railway Company, 2025 ONCA 755, 2025 CarswellOnt 18192 (Ont. C.A.)