

Construction Industry Update - Continued Exemption of the Construction Act from the Extended Suspension of Limitation Periods Order

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On March 23, 2020, Cassels wrote about Ontario Regulation 73/20 which suspended limitation periods and any other Ontario statutory, regulatory or by-law time limits (the Suspension Order). On June 5, 2020, the Ontario government amended the Suspension Order to extend the effect of the order in two significant ways.

First, the amendments made under Ontario Regulation 258/20 strike out the words "*for the duration of the emergency*" from sections 1 and 2 of the Suspension Order so that the Suspension Order will no longer be tied to the duration of the "emergency" that the government previously declared under Order in Council 518/2020. In other words: The Suspension Order will now remain in effect irrespective of whether the Ontario government later decides to rescind or extend its declaration that there is a state of "emergency" in the province.

Second, an amendment made under Ontario Regulation 259/20 renewed the Suspension Order, currently effective up to June 14, 2020, to extend its application for an additional 90 days from June 13, 2020. The extension was the maximum amount of time that a temporary suspension could be ordered pursuant to the *Emergency Management and Civil Protection Act*. The amendment provides that the last day that the Suspension Order will apply is September 11, 2020.

The effect of these amendments is that limitation periods and other affected time limits will begin to run again on September 11, 2020, unless the Suspension Order is further renewed by a government order.

As explained in our article of April 13, 2020, the *Construction Act* remains one of the few pieces of legislation exempt from the Suspension Order. Parties affected by the time limits set out in the *Construction Act*, or its predecessor *Construction Lien Act*, should continue to operate within the timeframes specified in those statutes.

Click the following links to view the amendments made by the Ontario government under Ontario Regulation 258/20 and Ontario Regulation 259/20.

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