

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF
PUBLIC SAFETY AND SOLICITOR GENERAL

Emergency Program Act

Ministerial Order No. M098

WHEREAS a declaration of a state of emergency throughout the whole of the Province of British Columbia was declared on March 18, 2020 because of the COVID-19 pandemic;

AND WHEREAS section 10 (1) of the *Emergency Program Act* provides that I may do all acts and implement all procedures that I consider necessary to prevent, respond to or alleviate the effects of any emergency or disaster;

AND WHEREAS, as a result of the pandemic and necessary public health measures to be taken in response to it, it may not be possible for a person involved in legal or administrative proceedings to take steps required by legislation;

AND WHEREAS I have considered the problems that delay of proceedings may cause to persons seeking to enforce their legal rights and I have determined that this order is a necessary and proportionate response to the state of emergency;

I, Mike Farnworth, Minister of Public Safety and Solicitor General, order that, effective April 15, 2020,

- (a) the Limitation Periods (COVID-19) Order made by MO 86/2020 is repealed, and
- (b) the attached Limitation Periods (COVID-19) Order No. 2 is made.

April 08, 2020

Date


Minister of Public Safety and Solicitor General

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Emergency Program Act*, R.S.B.C. 1996, c. 1996, c. 111, s. 10

Other: MO 73/2020; MO 86/2020; OIC 155/2020

LIMITATION PERIODS (COVID-19) ORDER NO. 2

Application

- 1 (1) This order applies during the period that starts on the date this order is made and ends on the date on which the last extension of the declaration of a state of emergency made March 18, 2020 under section 9 (1) of the *Emergency Program Act* expires or is cancelled.
- (2) This order replaces the Limitation Periods (COVID-19) Order made by MO 86/2020.

Limitation periods in court proceedings

- 2 (1) Subject to subsection (2), every mandatory limitation period and any other mandatory time period that is established in an enactment or law of British Columbia within which a civil or family action, proceeding, claim or appeal must be commenced in the Provincial Court, Supreme Court or Court of Appeal is suspended.
- (2) Subsection (1) does not apply to a mandatory limitation period and any other mandatory time period established under the following enactments:
 - (a) the *Builders Lien Act*;
 - (b) Division 5 [*Builders Liens and Other Charges*] of Part 5 [*Property*] of the *Strata Property Act*.

Statutory decisions

- 3 A person, tribunal or other body that has a statutory power of decision may waive, suspend or extend a mandatory time period relating to the exercise of that power.