

What you should know about the New Limitation Period in Manitoba

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The Limitations Act, CCSM c L150 (the “New Act”), came into effect on September 30, 2022 and replaced *The Limitations of Actions Act* (the “Old Act”) which was enacted in 1987. The New Act introduces a standard limitation period of two years for most civil claims.

The New Act represents a comprehensive overhaul of the previous limitations regime and aligns Manitoba's approach with modern practices seen in other Canadian provinces.

The Advantages

- **Consistency.** The previous legislation was unique; case law in other jurisdictions did not provide any guidance. The New Act is more similar to legislation in other provinces and contemplates legislation that was drafted since 1987.
- **Standardized.** The typical limitation period is two years, replacing the several limitation periods in the Old Act.
- **Clarity.** The provisions regarding charges on land, which were outdated and difficult to read, have been removed. Additionally, the New Act clarifies when an act or omission causing a claim takes place.
- **Efficiency.** Previously, judgments received from the court would expire. However, the New Act states that there is no limitation period for a proceeding to enforce an order made on or after October 1, 2022. This is reasonable as renewing judgments granted by the court, through a new court proceeding, seemed unnecessary to many people.

Important Reminders for Potential Claimants and Lawyers

The standard limitation period of two years marks a shift from the previous varied limitation periods and aims to provide a uniform timeline, reducing confusion and promoting timely resolution of disputes. However, the transitional provisions may cause some misunderstanding.

Subsection 31(3) states that “A proceeding may be commenced under this Act if it is commenced before the earlier of:

(a) two years after the coming into force of this Act; and

(b) the day the limitation period under the former Act expires or would expire.

Therefore, although your matter may be more than two years old, the transitional provisions permit a claim to be commenced prior to October 1, 2024, if it is less than six years old. We recommend that you consider any claims you have and determine if they need to be commenced prior to October 1, 2024, or discuss any claim with your lawyer.

Finally, lawyers and claimants in Manitoba will need to remember that there is new language in the New Act which will need to be utilized.

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