What Is A Limitation Period?



You might have heard your lawyer mention a limitation period, or various limitation periods, when speaking to them about your file, but what is a limitation period?

A limitation period refers to the maximum amount of time allowed to take legal action or file a claim in a court of law – that is, the legal deadline by which you have to take a legal step (such as formally suing or bringing a complaint against a person or company). If you do not take that legal step before the limitation period runs out, you will be out of time for doing so.

There are many different limitation periods that exist in our legal system: they vary depending on the type of claim or complaint, and the jurisdiction (the province where the action took place, or whether you work for a federal or provincial employer). Some are short (ex: 90 days to file an unjust dismissal complaint if you are federally regulated), some are medium (ex: 1 year if you want to bring a human rights complaint, or 2 years to file a wrongful dismissal action), and some may even run for many, many, years. Sometimes these limitation periods are confirmed in a particular piece of legislation that deals with that very thing you want to pursue (ex: *Canada Labour Code*, *Canadian Human Rights Act*), and if it doesn't, it might be found in the piece of legislation that talks about limitation periods generally (ex: *Limitations Act* of the province in which the action took place).

The goal of limitation periods is to ensure legal certainty and prevent claims from being brought after a long delay, when evidence may have been lost, memories faded, or where witnesses have already passed away.

Limitation periods are very important to understand and should not be missed, unless you do not wish to bring that particular legal action. If you speak to a lawyer about a particular matter, you should ensure to also speak to them about any applicable limitation periods.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

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