

**STATUS OF CONSTRUCTION AND LEGAL MATTERS
(as of April 2, 2020)**

Province/ Territory	Contact	Status of Construction (emergency service, partial or full shutdown)	Status of Limitation Periods and Courts	Other Notes
British Columbia	KJ	Construction declared a “ <u>non-health essential service provider</u> ” and sites remain open.	<p>Limitation periods suspended (see BC Order)</p> <p>BC Supreme Court and Court of Appeal <u>closed for regular business</u>. BC Supreme Court accepting e-filing, but Court of Appeal has asked litigants not to file anything except where urgent. Lien security/release is not on the list of urgent and essential matters.</p> <p>Court of Appeal for British Columbia Supreme Court of British Columbia</p>	<p>Construction sites can remain open if they can follow Public Health Officer directives on social distancing, handwashing, etc.</p> <p>Limitation period suspension should be less problematic under the BC <i>Builders Lien Act</i> than in Ontario because BC holdback is payable at the end of 55 days (rather than “expiry of lien period”) and payment out of holdback extinguishes lien rights (s. 8(4)). However, the wording of the Order leaves much to be desired and there has been at least some debate about this.</p>
Alberta	CK	No shutdown	Limitation periods suspended, but the Order is more specific: Read the Order in Full	Increased safety and health requirements

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			See Alberta Court Notice Covid-19-extension-of-suspension-of-sittings	
Saskatchewan	CKH	No shutdown	No limitation period suspension See SK Court Notice Covid-19-update	Still able to do <i>ex parte</i> applications so filing applications to substitute security for the lien can be done. Only matters on hold are hearings unless urgent or an emergency. Trials and pre-trials have been adjourned. You can ask for a determination for a matter to be deemed urgent or an emergency, but it isn't clear how wide or narrow that will be interpreted and may vary with the judge.
Manitoba	LG, BH	No shutdown	No limitation periods suspension However, they may be suspended if courts remain closed through June. Currently not expecting any changes to lien and holdback period See all MB courts	Increased health and safety Imminent court directive extending court closures beyond April 17, 2020

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Ontario	AJO, AH, MO	Most construction still an emergency service and proceeding	<p>Limitation periods suspended as of March 16, 2020 (see Ontario Order)</p> <p>Currently getting feedback from industry on problems surrounding the Order and its impact on suspending timelines for liens, holdback etc.</p> <p>Superior Court of Justice Court of Appeal for Ontario</p>	<p>Public health protocol on sites and inspections occurring</p> <p>Courts reduced to urgent matters only and consulting with industry stakeholders about what is an emergency</p>
Quebec	NG, GD, CS	Construction limited to essential activities on high risk infrastructure (e.g. dams, management of hazardous and radioactive waste, etc.) and emergency/safety repairs.	<p>Limitation Period suspended (see Quebec Order)</p> <p>Superior Court of Quebec (French only) Quebec Court of Appeal</p>	
New Brunswick	CO	Partial reduction to critical functions	<p>Limitation periods not suspended (see NB Emergency Order)</p> <p>See all NB courts</p>	Courts will accept documents for filing but is scheduling anything

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Nova Scotia	JA	No shutdown	Limitation periods not suspended See all NS courts	
PEI	TK	Current construction projects have been declared an essential service	Limitation periods not suspended See all PEI courts	PEI Courts are open for filing purposes, but all non-essential matters are not scheduled for hearings. Real Property Registries are open for filing, but with strict limitations.
NL	RG	No shutdown	Temporary legislation allowing for deadlines or time periods in legislation to be extended for a period not exceeding 6 months. See Temporary Variation of Statutory Deadlines Act Anticipated announcement on limitations suspensions coming shortly. Supreme Court of Newfoundland and Labrador Court of Appeal for Newfoundland and Labrador	Increased health and safety requirements
Yukon			See all Yukon courts	
Northwest Territories			See NWT courts	
Nunavut			See all NT courts	

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