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Suspension of Time Limits in Civil Matters and Penal Matters Lifted as of September 1, 2020

On July 13, 2020, the Minister of Justice and Attorney General of Québec, Simon Jolin-Barrette, and the Chief Justice of Québec, Manon Savard, announced that the suspension of time limits in civil matters and penal matters will be lifted as of September 1, 2020.

Also, in civil matters, the time limits for trial readiness set out in case protocols in effect as at March 15, 2020 will be extended by 45 days as of September 1, 2020.

On March 15, 2020, Order 2020-4251 made by the Chief Justice of Québec and the Minister of Justice suspended extinctive prescription and forfeiture periods in civil matters, as well as civil procedure time limits, with the exception of matters considered urgent by the courts, the whole until the expiry of the health emergency declared by Order in Council 177-2020 dated March 13, 2020. With the renewal of the declaration of a state of health emergency, the measures provided for in the Order were renewed for equivalent periods. In addition, on March 23, 2020, Order 2020-009 made by the Minister of Health and Social Services suspended certain time limits in penal matters.

Given the lifting of the suspension, all these measures will end on August 31, 2020 and **as of September 1, 2020, the time limits so suspended** by Orders 2020-4251 and 2020-009, including those for initiating proceedings or filing pleadings in civil matters and penal matters, **will begin to run once again** for the time not yet elapsed.

Thus, as regards **prescription and forfeiture periods**, the suspension merely temporarily stopped the calculation of the time limit. Given the lifting of the suspension, the calculation will resume where it had stopped, that is, as of the lifting of the suspension, which is September 1, 2020. In other words, as of this date, **you will have to add a number of days to your time limit equal to the number of days elapsed during the period of the Order**, depending on whether you are dealing with a civil or penal matter.

For example, and subject to any other additional rules and directives the courts may adopt or otherwise, **if, in a civil matter, the expiry date of your prescription period is July 15, 2020**, given that the duration of the suspension from March 15, 2020 to August 31, 2020 is **5 and a half months**, you will have an extension of the time limit until **December 31, 2020** to file your *Originating Application* (July 15, 2020 + 5 and a half months).

In a penal matter, the calculation will be the same, except that given that the suspension of the time limits began on March 23, 2020 instead of March 15, 2020, the duration of the suspension will be shorter, that is, from March 23, 2020 to August 31, 2020. The number of days during that period will be added to your initial deadline.

As regards time limits provided for in a case protocol in a civil matter in effect as at March 15, 2020, an additional period of 45 days will be added to the deadlines set out therein, including the deadline for trial readiness and the deadline for the setting down for trial and judgment. Consequently, all time limits set out therein will automatically be extended by seven (7) months (suspension of 5 and a half months (from March 15, 2020 to August 31, 2020) plus (+) 45 days). No steps will need to be taken to obtain the 45-day extension.

As mentioned in the press release issued by the Ministère de la Justice du Québec, the lifting of the suspension of time limits [TRANSLATION] “forms part of the gradual resumption of judicial activities in courthouses that was announced on May 28, 2020”.

Some Preventive Measures

That being said, you should keep the following in mind:

1. Review your files to ensure that you will meet the deadlines they are subject to. As there are many prescription periods in the *Civil Code of Québec* as well as in several particular statutes, **you must check the prescription period applicable to your file**;
2. Determine whether any files will require an extension of time and, if so, file the extension request promptly;
3. If you notice that a deadline has passed, inform your client by using the words *inadvertently* or *by omission*, without, however, admitting any responsibility. Notify the Insurance Fund without delay and promptly file an *Application to be Relieved From a Default* where possible;
4. Institute the proceedings as soon as possible. Leave yourself some room for the unexpected;
5. Review your case protocols and speak with your colleagues to identify new deadlines;
6. Finally, we cannot overemphasize the importance of having a system for reminding you of deadlines and prescription periods well before they expire. Don't forget to update this system with the new prescription, forfeiture and procedural deadlines applicable to your files since the lifting of the suspension of time limits. Lastly, inform your clients of the new deadlines.

Preserve your clients' rights. Don't wait—grab your agendas right now!

Here is the press release from the Ministère de la Justice du Québec:

<https://www.justice.gouv.qc.ca/communiqués/levee-de-la-suspension-des-delaix-en-matiere-civile-et-en-matiere-penale-a-compter-du-1er-septembre/>