



December 21, 2020

The Honourable Raj Chouhan
Speaker of the Legislative Assembly
Parliament Buildings
Victoria BC V8V 1X4

Dear Mr. Speaker:

Please find attached a report regarding a regulation made on December 21, 2020 under the *COVID-19 Related Measures Act*, SBC 2020, c. 8 (CRMA). This report is presented pursuant to subsection 4 (2) of the CRMA.

Subsection 4 (4) of CRMA requires that this report be laid before the Legislative Assembly as soon as possible. Fellow Members of the Legislative Assembly have expressed to me their desire that, if the Legislative Assembly is not currently sitting, reports made under Section 4 of CRMA be distributed to them by your office as soon as is possible.

This regulation provides for the repeal of Item 27 (*COVID-19 (Limitation Periods in Court Proceedings) Regulation*) in Schedule 2 to the CRMA effective on March 25, 2021. With certain exceptions respecting builders' liens, Item 27 provides that 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 Court of Appeal, the Supreme Court, or the Provincial Court is suspended.

This regulation also repeals Sections 2 and 3 of Appendix 2 of BC Reg 199/2020, which had previously provided that the suspension of mandatory limitation periods and other mandatory time periods would end on the following timelines:

- **Court of Appeal:** 45 days after 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*, RSBC 1996, c. 111 (EPA) expires or is cancelled; and
- **Supreme Court and Provincial Court:** 90 days after 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 EPA expires or is cancelled.

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This regulation does not affect the Sections of Item 7 (*Protection Against Liability (COVID-19 Order)*) of Schedule 2 to the CRMA that are still in force. BC Reg 199/2020 (OIC 453/2020) repealed Section 2 of Item 7 but left Sections 1 and 3 in force. Section 3 of Item 7 provides that 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. Item 7 is currently set to be repealed 90 days after the date on which the last extension of the declaration of a state of emergency made March 18, 2020 under Section 9 (1) of the EPA expires or is cancelled (see CRMA s. 3 (5) (a)), and there is no change to that occasioned by this regulation. That discretionary power is not intended to extend to courts.

Members may direct any questions to me in respect of this report and the effects of the attached regulation.

Yours truly,

A handwritten signature in black ink, appearing to be 'D. Eby', written in a cursive style.

David Eby, QC
Attorney General and
Minister Responsible for Housing

Attachment