



SASKATCHEWAN LAWYERS'
INSURANCE ASSOCIATION

Special Limitation Periods applicable to Municipalities and Cities

A significant number of the claims that SLIA receives involve expired limitation periods. A large number of these relate to claims against municipalities and cities. This is because **the limitation period for claims against those entities is NOT the standard two year limitation period pursuant to *The Limitations Act, SS 2004, c L-16.1*.**

- ss 344(1) of *The Municipalities Act, SS 2005, c M-36.1* (“MA”), which applies to rural municipalities, towns, villages, resort villages, and hamlets;
- ss 364(1) of *The Northern Municipalities Act, 2010, SS 2010, c N-5.2* (“NMA”), which applies to northern municipalities, towns, villages, and hamlets; and,
- ss 307(1) of *The Cities Act, SS 2002, c C-11.1* (“CA”);

respectively provide that **actions against municipalities and cities (and their controlled corporations) must be both issued and served before the expiration of one year from the time when the damages were sustained**: “notwithstanding *The Limitations Act*, no action is to be brought against a [municipality/city] for the recovery of damages after the expiration of one year from the time when the damages were sustained, and no action is to be continued unless service of the statement of claim is made within that one-year period.”

It must also be noted that **for certain types of claims** against municipalities and cities, the Acts provide that **notice of the event giving rise to the claim must be provided within a specified subsequent period, and failure to do so will (with very limited exceptions) bar a subsequent action**. These include:

- for actions related to personal injury caused by snow, ice or slush on sidewalks, or extensions of sidewalks used as street or road crossings (liability for which is limited to gross negligence), the claimant must notify the municipality or city of the event that gives rise to the action within 30 days after the occurrence of the event (ss 342(2) MA; ss 362(2) NMA; ss 305(2) CA);
- for actions for damages caused by a municipality or city failing to perform its duty to keep streets, roads, and other public places under its control in a reasonable state of repair, within 30 days after the occurrence of the event that gives rise to the action (ss 343(8) MA; ss 363(7) NMA; ss 306(6) CA).

The Lloydminster Charter, Schedule A to Order in Council 595/2012, which applies to the City of Lloydminster, Saskatchewan, also provides (s 487) that “no action or proceeding is to be

brought against the City for the recovery of damages after the expiration of one year from the time when the damages were sustained, and no action or proceeding is to be continued unless service of the notice or statement of claim is made within that one-year period.”

The Lloydminster Charter requires an even shorter notice period than the other municipal Acts with regard to personal injury caused by snow, ice or slush on roads or sidewalks. ss 484(2) provides a claimant shall notify the City of the event that gives rise to the action **within 21 days** of the occurrence of the event. The Lloydminster Charter (ss 485(9)) also requires notice within 30 days of the occurrence of an event giving rise to claim for damage caused by the City failing to perform its duty to keep streets, roads, and public places under its control in a reasonable state of repair.

Other provisions of the Acts and the Charter set deadlines for appeals, applications or actions related to various matters including, but not limited to, assessments, taxation, illegal bylaws and resolutions, and liability for damages if lands or improvements are injuriously affected by the construction of any municipal public work.

It is always best practice when considering pursuing a claim, to immediately research and confirm the applicable limitation period. This is essential for claims involving municipalities and cities, given the specific limitation periods and notice provisions applicable to them, and their controlled corporations.