

November 2010

## **ASTTBC Proposes 10 Years as Ultimate Limitation Period**

ASTTBC sent in a submission in response to the *White Paper on Limitation Act Reform: Finding the Balance*. ASTTBC's response to the proposed changes to the Limitation Act focused on the Ultimate Limitation Period (ULP) as it applies to professional services.

In its brief ASTTBC agreed with the recommendation in the White Paper that the Ultimate Limitation Period be reduced from 30 years, with ASTTBC suggesting 10 years, a recommendation which is consistent with that of APEGBC and the Consulting Engineers of BC. On March 16, 2009, ASTTBC issued a Statement on the Ultimate Limitation Period which also recommended 10 years. ASTTBC stated in 2009, *"The BC Attorney General offered an opinion in 1998 recommending that the ULP be reduced to 10 years. A review of literature, including the ULP in other provinces, court decisions and the recommendations of other professional associations, has lead ASTTBC to take the position that the current 30 year ULP does not strike a fair balance between the interests of a plaintiff to bring forward a claim and the defendant's ability to defend itself. The literature cites many reasons and examples leading to the conclusion."*

*"The Trade, Investment and Labour Mobility Agreement (TILMA) between BC and Alberta calls for an integrated regulatory framework and economy between the two provinces. With the ULP at 10 years in Alberta (1999), the BC Government is encouraged to establish the same ULP in British Columbia, aligning with the intent of TILMA."*

ASTTBC's 2010 one page submission can be found at: <http://www.asttbc.org/docs/submission.pdf>