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May 8, 2017

Decision brings clarity to Limitations Act

Tom Curry was quoted in the Law Times article *Decision brings clarity to Limitations Act* on May 8, 2017.

In *Presidential MSH Corporation v. Marr Foster & Co. LLP*, the court allowed a client's lawsuit against an accounting firm to continue, despite the fact that the two-year limitation period had expired before the action was filed.

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The decision turned on the application of a section of the Limitations Act, 2002, that defines discoverability.

The act came into effect in 2004 and decreased the limitations period to two years, restricting the time plaintiffs have to bring a claim.

Tom Curry, a partner with Lenczner Slaght Royce Smith Griffin LLP, who was not involved in the case, says that when the Limitations Act was first passed, some struggled to understand what the section meant and that decisions like this clarify how it works.

"For people concerned with professional liability issues, this adds another important element as to when it is legally appropriate to launch a claim," he says of the Presidential decision.

"Here the court allowed the client to have the benefit of having every effort made to avoid needless litigation by working through the possible remedy through the CRA process."

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The decision was released shortly after the Supreme Court of Canada refused to hear another case that dealt with similar issues in *407 ETR Concession Company Limited v. Day*.

Curry, who represented the plaintiff in that case, says this means that even if leave is sought in the *Presidential MSH* case, it is unlikely the Supreme Court will hear it.

Continue reading:

<http://www.lawtimesnews.com/201705086144/headline-news/decision-brings-clarity-to-limitations-actblog>