

## **The Impact of Ministerial Order 27/2020: A Look at *Rainard v Tan*, 2023 ABKB 50**

Many statutes in Alberta outline time frames within which certain things must be done, usually to ensure legal disputes are resolved in a timely manner and evidence is not lost or destroyed. Those time frames are commonly known as “limitation periods” and it can be hard to meet them at the best of times.

It was especially hard during the early stages of the COVID-19 pandemic, when people were faced with unique challenges such as court closures. To help people cope, the provincial government issued Ministerial Order 27/2020, which suspended many limitation periods for 75 days from March 17 to June 1, 2020.

The Order is still making waves and saving the day for people who missed a limitation during the pandemic. One of the most recent examples is the decision in *Rainard v Tan*, where the question was whether the Order can be relied on by non-Albertans.

The claimant wanted to enforce a foreign judgment in Alberta. He needed to file a lawsuit to do so, which he did... two years and 72 days after it was obtained.

The defendant argued that the lawsuit should be dismissed because it was filed out of time – it needed to be filed within two years of the judgment being obtained. The claimant argued that it was filed in time – the Ministerial Order allowed him to file up to two years and 75 days of the judgment being obtained. The defendant responded that non-Albertans cannot rely on the Order.

Ultimately the Alberta Court of King’s Bench agreed with the claimant, emphasizing that the Order was put in place to provide relief to litigants who were unable to access the courts during the early stages of the pandemic and can be relied on by everyone, including non-Albertans.