

## Be Careful of Limitation Periods in a Personal Injury Claim

In the legal world, a limitation period is the period in which a person can sue. A law suit commenced after the limitation period is ineffective and the person loses all rights to compensation or recourse.

The *Limitation Act* creates a general framework for which limitation periods apply to certain situations. For instance, the *Limitation Act* states a person has two years from the date of a motor vehicle accident to sue the individuals responsible for the accident. Even if a person was seriously injured in an accident, that person will not be entitled to compensation if he or she did not settle the personal injury claim or commence the lawsuit within two years of the accident.

The *Limitation Act* is quite broad and covers almost all areas of civil law including contracts, land disputes, the return of property and disputes involving wills and estates. Although the *Limitation Act* would at first glance seem all-encompassing, it is not. Other laws contain their own limitation periods. These laws can affect (a) the individual person who intends to sue, (b) the entity being sued or (c) the nature of the lawsuit itself. For instance, the limitation periods applicable for lawsuits against municipalities are often shorter than for other entities. On the flip-side, children are often granted a longer time to start their lawsuits.

To complicate things further, various laws have exceptions that may extend a limitation period. For instance, an offer made by an insurance company like ICBC to an injured individual may, in some instances, extend a limitation period beyond the normal limitation period.

Determining the appropriate limitation period for a certain scenario and whether any extensions apply can be difficult. In order to protect your rights, it is best to consult a lawyer as soon as possible. Lawyers have at their disposal the knowledge and resources to protect and pursue your rights.

Contact us to speak with a [Personal Injury Lawyer](#)

Brendan Home: Barrister & Solicitor for Kane Shannon & Weiler