

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

ATTORNEY GENERAL FOR ONTARIO

Applicant

- and -

PERSONS UNKNOWN

Respondents

APPLICATION UNDER Rule 14.05(3)(h) of the Rules of Civil Procedure

**APPLICATION RECORD
OF THE ATTORNEY GENERAL FOR ONTARIO**

October 2, 2020

ATTORNEY GENERAL FOR ONTARIO

Crown Law Office - Civil Law
720 Bay Street, 8th Floor
Toronto, Ontario M7A 2S9
Fax: (416) 326-4181

Judie Im (LSO #44577V)

Tel: (416) 427-4611

Email: judie.im@ontario.ca

Jeffrey Claydon (LSO #65453P)

Tel: (416) 528-0390

Email: jeffrey.claydon@ontario.ca

Counsel for the Applicant

TO: [ex parte]

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

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- and -

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APPLICATION UNDER Rule 14.05(3)(h) of the Rules of Civil Procedure

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TAB 1

CV-20-00648669-0000
Court File No. _____

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N :



ATTORNEY GENERAL FOR ONTARIO

Applicant

- and -

PERSONS UNKNOWN

Respondents

APPLICATION UNDER Rule 14.05(3)(h) of the *Rules of Civil Procedure*

NOTICE OF APPLICATION

TO THE RESPONDENT

A LEGAL PROCEEDING HAS BEEN COMMENCED by the Applicant. The claim made by the Applicant appears on the following page.

THIS APPLICATION will be heard in writing.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the Rules of Civil Procedure, serve it on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in this court office, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must, in addition to serving your notice of appearance, serve a copy of the evidence on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in the court office where the application is to be heard as soon as possible, but at least two days before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO OPPOSE THIS APPLICATION BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

Date: October 1, 2020

Issued by

Daniel Lee

Local Registrar

Address of

court office: 330 University Avenue
Toronto, Ontario
M5G 1R8

TO: [ex parte]

APPLICATION

1. The applicant makes application for:

- a. A declaration that any provision of any statute, regulation, rule, by-law or order of the Government of Ontario establishing any limitation period that was temporarily, suspended on March 16, 2020, by Regulation 73/20, as amended, now revoked, resumed running on September 14, 2020, and the temporary suspension period shall not be counted against any applicable limitation period;
- b. An order dispensing with service of this notice of application on all persons who may be affected by the suspension of limitation periods brought into effect by Regulation 73/20, as amended, now revoked;
- c. Should the declaration sought be ordered by this Honourable Court, an order that it be served on the public by posting notice of it on the website of the Ministry of the Attorney General; and
- d. Such further order as the Honourable Court deems just.

2. The grounds for the application are:

- a. As part of Ontario's response to the COVID-19 pandemic, on March 17, 2020, a state of emergency was declared under the *Emergency Management and Civil Protection Act*, RSO 1990 c E9 ("*EMCPA*").
- b. Section 7.1 of the *EMCPA* authorizes the Lieutenant Governor in Council to make certain orders when persons affected by the emergency need greater services, benefits

- or compensation than the law of Ontario provides or may be prejudiced by the operation of the law of Ontario.
- c. Specifically, subsection 7.1(2) of the *EMCPA* permits temporary suspension orders which temporarily suspend the operation of a provision of a statute, regulation, rule, by-law or order of the Government of Ontario.
 - d. In respect of temporary suspension orders of limitation periods, subsection 7.1(6) of the *EMCPA* specifies that the limitation period resumes running on the date on which the temporary suspension ends and “the temporary suspension period shall not be counted.”
 - e. On March 20, 2020, an Order pursuant to section 7.1 of the *EMCPA* was issued as Ontario Regulation 73/20 that suspended any provision of any statute, regulation, by-law, or order of the Government of Ontario establishing any limitation period, retroactive to Monday, March 16, 2020.
 - f. Consistent with subsection 7.1(6) of the *EMCPA*, section 6 of Regulation 73/20 as amended, provided that any limitation period that is temporarily suspended under the Regulation resumes running on the date on which the temporary suspension period ends, and the temporary suspension period shall not be counted.
 - g. On July 24, 2020, the *Reopening Ontario (A flexible Response to Covid-19) Act 2020* (“*ROA*”) came into force. The *ROA* provided that all orders made under section 7.1 of the *EMCPA*, like Regulation 73/20, as amended, are continued as valid and effective orders under the *ROA* and cease to be orders under the *EMCPA*.

- h. Effective September 14, 2020, pursuant to Regulation 457/20, made under the *ROA*, Regulation 73/20, as amended, was revoked. As such, all limitation periods temporarily suspended resumed running on September 14, 2020.
- i. Subsections 51(1)(a) and (b) of the *Legislation Act, 2006*, SO 2006 c 21 Sch F, provides that the revocation of a regulation does not affect the previous operation of the revoked regulation or a right, privilege, obligation or liability that came into existence under the revoked regulation.
- j. Consistent with the *EMCPA*, the *Legislation Act, 2006*, and Regulation 73/20, revoked, the temporary suspension period of March 16, 2020 to September 13, 2020, inclusive, should not be counted in respect of any limitation period temporarily suspended and which resumed running on September 14, 2020.
- k. The Attorney General seeks an order dispensing with service of this Notice of Application pursuant to Rule 16.04 of the *Rules of Civil Procedure*. It is necessary and in the interests of justice and all current and future litigants in Ontario that the effect of the revocation of Regulation 73/20, as amended, on all applicable limitation periods be determined by this Honourable Court, as soon as possible. It is impractical to serve advanced notice on all current and future litigants who may have an interest in this application and be impacted by the suspension of a limitation period by Regulation 73/20, as amended, now revoked. However, key stakeholders within the legal profession have been given notice of this application. For the same reasons, should the declaration sought be ordered by this Honourable Court, it should be publicly posted.

1. This Honourable Court should exercise its' discretion to grant the declaratory relief sought because the issue is real, not hypothetical; there are no material facts in dispute; and its determination at the earliest opportunity is necessary and in the interests of justice and current and future litigants. Limitation periods have resumed and are currently running and the Attorney General has a genuine interest in the relief sought and a determination of the issue in the public interest.
 - m. Rules 14.05(3)(h) and 16.04 of the *Rules of Civil Procedure*; section 97 of the *Courts of Justice Act*, RSO 1990 c C43; and the inherent jurisdiction of the Superior Court.
3. The following documentary evidence will be used at the hearing of the application:
- a. Affidavit of John Lee, sworn September 30, 2020.

Date: October 1, 2020

MINISTRY OF THE ATTORNEY GENERAL
Crown Law Office – Civil Law
720 Bay Street, 8th Floor
Toronto, ON M7A 2S9

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Email: judie.im@ontario.ca

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Email: jeffrey.claydon@ontario.ca

Counsel for the Applicant

ATTORNEY GENERAL FOR ONTARIO

Applicant

-and-

PERSONS UNKNOWN

Respondent

CV-20-00648669-0000

Court File No.:

ONTARIO

SUPERIOR COURT OF JUSTICE

(Proceedings commenced at Toronto)

NOTICE OF APPLICATION

ATTORNEY GENERAL FOR ONTARIO

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Email: judie.im@ontario.ca

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Tel: 416-528-0390

Fax: 416-326-4181

Email: jeffrey.claydon@ontario.ca

Counsel for the Applicant

TAB 2

Court File No. CV-20-00648669-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N :

ATTORNEY GENERAL FOR ONTARIO

Applicant

- and -

PERSONS UNKNOWN

Respondents

APPLICATION UNDER Rule 14.05(3)(h) of the *Rules of Civil Procedure*

**AFFIDAVIT OF JOHN LEE
(sworn September 30, 2020)**

I, **JOHN LEE**, of the City of Toronto, in the Province of Ontario, SWEAR AND SAY AS FOLLOWS:

1. I am Senior Counsel in the Policy Division at the Ministry of the Attorney General of Ontario. I have been counsel in the Policy Division for 20 years. In that capacity, and on the basis of my experience set out below, I have knowledge of the matters to which I hereinafter depose. Where such matters are based on information and belief, I have stated the source of my information and I believe such matters to be true.

2. Through my role as Senior Counsel in the Policy Division, I am aware that the Ministry of the Attorney General has received written inquiries from various stakeholders in the legal profession about the effect of the revocation of Regulation 73/20, as amended. I have reviewed that

correspondence in preparation of this affidavit, and the information set out in paragraphs 3 and 4 of this affidavit is based on that review. Below, I include verbatim excerpts from some of that correspondence. However, in order to preserve the anonymity and confidentiality of those stakeholders, I have not appended the actual correspondence to this affidavit.

3. Various stakeholders, including counsel from the private bar throughout Ontario and a local county law association, have written to the Ministry of the Attorney General to express concern about the revocation of Regulation 73/20, as amended, effective September 14, 2020. Some stakeholders assert in their correspondence that since the Regulation is now revoked, it is of no effect - as if the Regulation had never been passed, which means that as of September 14, 2020, limitation periods are calculated to include the suspension period (March 16, 2020 – September 13, 2020, inclusive). Two excerpts from correspondence to the Ministry are set out below:

[Excerpt 1] Although it seems [...] that the intention was only to end the suspension of limitation periods and filing deadlines, the regulation which has been filed (O. Reg. 457/20) does not just end the suspension, it revokes it entirely. Since O.Reg 457/20 simply revokes O.Reg. 73/20, the effect is presumably that limitation periods and time limits will, as of Monday, be determined as if O.Reg. 73/20 had never been passed.

-

[Excerpt 2] The fearful logic of some of our members is that 457/20 revokes all of 73/20, which thus vitiates the operation of s.6 of 73/20, and could cause issues with Court/Judicial operations during reopening.

4. Counsel from the private bar have also indicated in their correspondence that they face ‘imminent’ pending deadlines in their cases, which they initially believed were extended by the suspension period, but which they now presume are not extended, because Regulation 73/20, as amended, was revoked. Counsel expressed concern over ‘severe prejudice’ to their clients resulting

from the suspension period being counted towards limitation periods. Two excerpts from correspondence to the Ministry are provided below:

[Excerpt 1] [...] However, in relation to one of my files with an imminent time limit, I thought I should look at the source regulations, and as a result, I have a serious concern that the way they have been drafted has caused an unintended effect.

[...]

This could cause serious hardship, which I suspect was not intended. Some people would already be out of time, and others now have imminently approaching deadlines which they thought had been extended but now are not.

-

[Excerpt 2] Given the provision that would provide the courts with the ability to extend the 2 year period for the duration of the Covid-19 suspension is being revoked, and without other legislative protection being enacted in its place, claimants who relied on the protection of O. Reg 73/20 s. 6 could be severely prejudiced.

5. I am advised by Jeffrey Claydon, Counsel at the Crown Law Office Civil (CLOC), that CLOC conducted a review of its current and pending cases (i.e. civil cases in which Her Majesty the Queen in right of Ontario, or the Attorney General of Ontario, are parties to the proceeding). The purpose of that review was to determine whether the effect of the revocation of Regulation 73/20, as amended, arose in any of those cases, such that Her Majesty the Queen in right of Ontario or the Attorney General could raise the issue for judicial determination promptly. Mr. Claydon further advises that despite best efforts to find such a case, CLOC was unable to identify a proceeding in which the matter could be raised urgently.

6. I am advised by Jeffrey Claydon, Counsel at the Crown Law Office Civil (CLOC), that CLOC advised key stakeholders in the legal profession of this application, by email on September 30, 2020. Attached as Exhibit “A” to this affidavit is a true copy of one such letter from Judie Im,

Senior Counsel at CLOC, sent to Katie Robinette, Executive Director of the Federation of Ontario Law Societies, dated September 30, 2020, enclosing a copy of the Attorney General's draft Notice of Application.

7. Attached as Exhibit "B" to this affidavit is a list of stakeholders who received notice from the Attorney General. I am advised by Mr. Claydon that each of the stakeholders listed in Exhibit "B" were sent the same letter enclosing the notice of application, via email, on September 30, 2020.

8. I make this Affidavit in support of the Attorney General's application for declaratory and other relief and for no other or improper purpose.

Sworn before me at the Municipality of)
 Clarington, in the Province of Ontario this)
 30th day of September 2020. The Affiant is)
 located in the at the City of Toronto, in the)
 Province of Ontario.)
 The oath was administered in accordance)
 with O. Reg. 431/20: Administering Oath or)
 Declaration Remotely.)



 John Lee



A Commissioner etc.

Laurie Susanne Pietras, a
 Commissioner etc., Province of
 Ontario, for the Government of
 Ontario, Ministry of the Attorney
 General. Expires January 15, 2023.

THIS IS EXHIBIT "A"
TO THE AFFIDAVIT OF
JOHN LEE
SWORN BEFORE ME THIS 30TH DAY OF SEPTEMBER 2020.



A Commissioner etc.

Laurie Susanne Pietras, a
Commissioner etc., Province of
Ontario, for the Government of
Ontario, Ministry of the Attorney
General. Expires January 15, 2023.

**Ministry of the
Attorney General**
Crown Law Office, Civil

McMurtry-Scott Building
720 Bay Street, 8th Floor
Toronto ON M5G 2K1

Judie Im
(416) 427-4611
judie.im@ontario.ca

**Ministère du
Procureur général**
Bureau des avocats
de la Couronne Droit civil

McMurtry-Scott Building
720, rue Bay 8^e étage
Toronto ON M5G 2K1



VIA EMAIL (katie.robinette@folia.ca)

September 30, 2020

FEDERATION OF ONTARIO LAW ASSOCIATIONS

c/o Katie Robinette, Executive Director
731 9th Street West
Owen Sound, ON, N4K 3P5

Ms. Robinette:

**Re: *Application by the Attorney General for Ontario – Effect of Suspension of
Limitation Periods***

I am counsel for the Attorney General for Ontario.

Please be advised that the Attorney General intends to bring an application to the Superior Court of Justice in respect of the effect of the revocation of Regulation 73/20, as amended, on limitation periods. Regulation 73/20, as amended, suspended all limitation periods between March 16, 2020 to September 13, 2020, inclusive (“the suspension period”), meaning that limitation periods resumed on September 14, 2020. A courtesy copy of the Notice of Application to be issued is enclosed.

Further to the Notice, the Attorney General will be seeking a declaration that the suspension period shall not be counted in the calculation of any limitation period to which Regulation 73/20, as amended, applied.

In order to provide clarity and certainty to litigants in Ontario, the Attorney General intends to seek the declaration at the earliest possible Court date that is available. Please contact me if you or your counsel would like any further information.

Yours very truly,

Judie Im, Senior Counsel
Crown Law Office Civil
Encl.

cc. Jeffrey Claydon, counsel, Attorney General of Ontario; email: jeffrey.claydon@ontario.ca

Court File No. _____

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N :

ATTORNEY GENERAL FOR ONTARIO

Applicant

- and -

PERSONS UNKNOWN

Respondents

APPLICATION UNDER Rule 14.05(3)(h) of the *Rules of Civil Procedure*

NOTICE OF APPLICATION

TO THE RESPONDENT

A LEGAL PROCEEDING HAS BEEN COMMENCED by the Applicant. The claim made by the Applicant appears on the following page.

THIS APPLICATION will be heard in writing.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the Rules of Civil Procedure, serve it on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in this court office, and you or your lawyer must appear at the hearing.

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Date: October 1, 2020

Issued by

Local Registrar

Address of
court office: 330 University Avenue
Toronto, Ontario
M5G 1R8

TO: [ex parte]

APPLICATION

1. The applicant makes application for:

- a. A declaration that any provision of any statute, regulation, rule, by-law or order of the Government of Ontario establishing any limitation period that was temporarily, suspended on March 16, 2020, by Regulation 73/20, as amended, now revoked, resumed running on September 14, 2020, and the temporary suspension period shall not be counted against any applicable limitation period;
- b. An order dispensing with service of this notice of application on all persons who may be affected by the suspension of limitation periods brought into effect by Regulation 73/20, as amended, now revoked;
- c. Should the declaration sought be ordered by this Honourable Court, an order that it be served on the public by posting notice of it on the website of the Ministry of the Attorney General; and
- d. Such further order as the Honourable Court deems just.

2. The grounds for the application are:

- a. As part of Ontario's response to the COVID-19 pandemic, on March 17, 2020, a state of emergency was declared under the *Emergency Management and Civil Protection Act*, RSO 1990 c E9 ("*EMCPA*").
- b. Section 7.1 of the *EMCPA* authorizes the Lieutenant Governor in Council to make certain orders when persons affected by the emergency need greater services, benefits

- or compensation than the law of Ontario provides or may be prejudiced by the operation of the law of Ontario.
- c. Specifically, subsection 7.1(2) of the *EMCPA* permits temporary suspension orders which temporarily suspend the operation of a provision of a statute, regulation, rule, by-law or order of the Government of Ontario.
 - d. In respect of temporary suspension orders of limitation periods, subsection 7.1(6) of the *EMCPA* specifies that the limitation period resumes running on the date on which the temporary suspension ends and “the temporary suspension period shall not be counted.”
 - e. On March 20, 2020, an Order pursuant to section 7.1 of the *EMCPA* was issued as Ontario Regulation 73/20 that suspended any provision of any statute, regulation, by-law, or order of the Government of Ontario establishing any limitation period, retroactive to Monday, March 16, 2020.
 - f. Consistent with subsection 7.1(6) of the *EMCPA*, section 6 of Regulation 73/20 as amended, provided that any limitation period that is temporarily suspended under the Regulation resumes running on the date on which the temporary suspension period ends, and the temporary suspension period shall not be counted.
 - g. On July 24, 2020, the *Reopening Ontario (A flexible Response to Covid-19) Act 2020* (“*ROA*”) came into force. The *ROA* provided that all orders made under section 7.1 of the *EMCPA*, like Regulation 73/20, as amended, are continued as valid and effective orders under the *ROA* and cease to be orders under the *EMCPA*.

- h. Effective September 14, 2020, pursuant to Regulation 457/20, made under the *ROA*, Regulation 73/20, as amended, was revoked. As such, all limitation periods temporarily suspended resumed running on September 14, 2020.
- i. Subsections 51(1)(a) and (b) of the *Legislation Act, 2006*, SO 2006 c 21 Sch F, provides that the revocation of a regulation does not affect the previous operation of the revoked regulation or a right, privilege, obligation or liability that came into existence under the revoked regulation.
- j. Consistent with the *EMCPA*, the *Legislation Act, 2006*, and Regulation 73/20, revoked, the temporary suspension period of March 16, 2020 to September 13, 2020, inclusive, should not be counted in respect of any limitation period temporarily suspended and which resumed running on September 14, 2020.
- k. The Attorney General seeks an order dispensing with service of this Notice of Application pursuant to Rule 16.04 of the *Rules of Civil Procedure*. It is necessary and in the interests of justice and all current and future litigants in Ontario that the effect of the revocation of Regulation 73/20, as amended, on all applicable limitation periods be determined by this Honourable Court, as soon as possible. It is impractical to serve advanced notice on all current and future litigants who may have an interest in this application and be impacted by the suspension of a limitation period by Regulation 73/20, as amended, now revoked. However, key stakeholders within the legal profession have been given notice of this application. For the same reasons, should the declaration sought be ordered by this Honourable Court, it should be publicly posted.

1. This Honourable Court should exercise its' discretion to grant the declaratory relief sought because the issue is real, not hypothetical; there are no material facts in dispute; and its determination at the earliest opportunity is necessary and in the interests of justice and current and future litigants. Limitation periods have resumed and are currently running and the Attorney General has a genuine interest in the relief sought and a determination of the issue in the public interest.
 - m. Rules 14.05(3)(h) and 16.04 of the *Rules of Civil Procedure*; section 97 of the *Courts of Justice Act*, RSO 1990 c C43; and the inherent jurisdiction of the Superior Court.
3. The following documentary evidence will be used at the hearing of the application:
- a. Affidavit of John Lee, sworn September 30, 2020.

Date: October 1, 2020

MINISTRY OF THE ATTORNEY GENERAL
Crown Law Office – Civil Law
720 Bay Street, 8th Floor
Toronto, ON M7A 2S9

Judie Im (LSO No. 44577V)
Tel: 416-427-4611
Fax: 416-326-4181
Email: judie.im@ontario.ca

Jeffrey Claydon (LSO No. 65453P)
Tel: 416-528-0390
Fax: 416-326-4181
Email: jeffrey.claydon@ontario.ca

Counsel for the Applicant

ATTORNEY GENERAL FOR ONTARIO

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PERSONS UNKNOWN

Respondent

Court File No.:

ONTARIO
SUPERIOR COURT OF JUSTICE

(Proceedings commenced at Toronto)

NOTICE OF APPLICATION

ATTORNEY GENERAL FOR ONTARIO

Crown Law Office – Civil Law
720 Bay Street, 8th Floor
Toronto, ON M7A 2S9

Judie Im (LSO no. 44577V)

Tel: 416-427-4611

Fax: (416) 326-4181

Email: judie.im@ontario.ca

Counsel for the Applicant

THIS IS EXHIBIT "B"
TO THE AFFIDAVIT OF
JOHN LEE
SWORN BEFORE ME THIS 30TH DAY OF SEPTEMBER 2020.



A Commissioner etc.

Laurie Susanne Pietras, a
Commissioner etc., Province of
Ontario, for the Government of
Ontario, Ministry of the Attorney
General. Expires January 15, 2023.

Exhibit “B”
Stakeholders Notified and Provided a Courtesy Copy of the Attorney General’s Application

Stakeholder	Name of contact person	Contact details
Federation of Ontario Law Associations	Katie Robinette, Executive Director	731, 9 th West Street, Owen Sound, Ontario N4K 3P5 Email: katie.robinette@fola.ca
Family Law Association	Julia Vera, Chair	120 Adelaide Street West, Suite 2500 Toronto, ON, M5H 1T1 Email: familylawassociation@gmail.com
Association of Community Legal Clinics	Ivana Petricone Policy Counsel	55 University Avenue, Suite 1500 Toronto, ON, M5J 2H7 Email: petriconi@lao.on.ca
Ontario Bar Association	John Polyzogopoulos	20 Toronto Street, Suite 300, Toronto M5C 2B8 Email: jpolyzogopoulos@blaney.com
Legal Aid Ontario	Carolyn Padgett	40 Dundas Street West, Suite 200 Toronto, ON M5G 2H1 Email: padgetc@lao.on.ca

Criminal Lawyers Association	Anthony Laycock Executive Director	189 Queen Street East, Suite 1 Toronto, ON, M5A 1S2 Email: ed@criminallawyers.ca
Law Society of Ontario	Matthew Wylie Counsel	Osgoode Hall, 130 Queen Street West Email: mwylie@lso.ca
Ontario Trial Lawyers Association	Laura Hillyer President	1190 Blair Road, Burlington, ON L7M 1K9 Email: laura.hillyer@mhalaw.ca
The Advocates Society	Maureen Whelton President	250 Yonge Street, Suite 2700 Toronto, ON, M5B 2L7 Email: mwhelton@swlawyers.ca
Federation of Asian Canadian Lawyers	David Lu	20 Toronto Street, Suite 300 Toronto, ON M5C 2B8 Email: david@davidsoncondolaw.ca
AJEFO	Marc Sauve President	1400-85, Albert St Ottawa, ON K1P 6A4 Email: marc.sauve@osfi-bsif.gc.ca
South Asian Bar Association	Annie Tayyab	20 Toronto St. Toronto, ON M5C 2B8 Email: atayyab@agmlawyers.com
Roundtable of Diversity Associations	Dina I. Awad	77 King Street West Suite 400 Toronto, Ontario M5K 0A1

		Email: dina.awad@dentons.com
LawPro	Dan Pinnington President and CEO	250 Yonge Street, Suite 3101 P.O. Box 3 Toronto, ON, M5B 2L7 Email: dan.pinnington@lawpro.ca
Women's Law Association	Jennifer Gold President	1 Toronto Street, Suite 900, Toronto, ON M5C 2V6 Email: jennifer@woodgold.ca
Prosecutors Association of Ontario	Emma Luca City Toronto Prosecutor's Office	2700 Eglinton Avenue West, Lower Level Toronto M6M 1V1 Email: eluca@toronto.ca
Toronto Lawyers Association	Brett Harrison	361 University Avenue, 3rd Floor Toronto, ON M5G 1T3 Email: Brett.harrison@mcmillian.ca
Ontario Paralegal Association	George Brown President	400 Applewood Crescent, Unit 100 Vaughan, Ontario, Canada L4K 0C3 Email: president@opaonline.ca
Canadian Association of Black Lawyers	Lori Anne Thomas President	20 Toronto Street, Suite 300 Toronto, ON M5C 2B8 Email: president@cabl.ca

Indigenous Justice Group	Deputy Grand Chief Derek Fox Chair	Nishnawbe Aski Nation 100 Back Street Unit 200 Thunder Bay, ON P7J 1L2 Email: Dgcfox@nan.on.ca
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ATTORNEY GENERAL FOR ONTARIO
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PERSONS UNKNOWN
Respondents

Court File No.:

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at Toronto

AFFIDAVIT OF JOHN LEE

ATTORNEY GENERAL FOR ONTARIO

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Judie Im (LSO No. 44577V)

Tel: (416) 427-4611

Fax: (416) 326-4181

Email: judie.im@ontario.ca

Counsel for the Applicant

TAB 3

Court File No. CV-20-00648669-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE _____) _____ DAY, THE _____ DAY
JUSTICE)
) OF OCTOBER 2020

B E T W E E N :

ATTORNEY GENERAL FOR ONTARIO

Applicant

- and -

PERSONS UNKNOWN

Respondents

APPLICATION UNDER Rule 14.05(3)(h) of the *Rules of Civil Procedure*

ORDER

THIS APPLICATION made by the Attorney General for Ontario for declaratory relief concerning the effect of the Ontario Regulation 73/20, as amended, now revoked, without notice, was read this day at Osgoode Hall, Toronto.

ON READING the notice of application, the affidavit of John Lee, the factum of the Attorney General, and the Draft Order,

1. THIS COURT grants leave to bring this application *ex parte* without service of the notice of application on all persons who may be affected by the suspension of limitation periods brought into effect by Regulation 73/20, as amended, now revoked.

2. THIS COURT DECLARES that any provision of any statute, regulation, rule, by-law or order of the Government of Ontario establishing any limitation period that was temporarily suspended on March 16, 2020, by Regulation 73/20, as amended, now revoked, resumed running on September 14, 2020, and the temporary suspension period shall not be counted against any applicable limitation period.
 3. THIS COURT ORDERS that this order be served on the public by posting it on the website of the Ministry of the Attorney General.
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ATTORNEY GENERAL FOR ONTARIO

-and-

PERSONS UNKNOWN

Applicant

Respondent

Court File No. CV-20-00648669-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

(Proceedings commenced at Toronto)

ORDER

**ATTORNEY GENERAL FOR
ONTARIO**

Crown Law Office – Civil Law
720 Bay Street, 8th Floor
Toronto, ON M7A 2S9

Judie Im (LSO no. 44577V)

Tel: 416-427-4611

Fax: (416) 326-4181

Email: judie.im@ontario.ca

Jeffrey Claydon (LSO no. 65453P)

Tel: 416-528-0390

Fax: (416) 326-4181

Email: Jeffrey.claydon@ontario.ca

Counsel for the Applicant

ATTORNEY GENERAL FOR ONTARIO

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**APPLICATION RECORD
OF THE
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Crown Law Office – Civil Law
720 Bay Street, 8th Floor
Toronto, ON M7A 2S9

Judie Im (LSO no. 44577V)
Tel: 416-427-4611
Fax: (416) 326-4181
Email: judie.im@ontario.ca

Jeffrey Claydon (LSO no. 65453P)
Tel: 416-528-0390
Fax: (416) 326-4181
Email: Jeffrey.claydon@ontario.ca

Counsel for the Applicant