

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** *Cameron v. Nova Scotia Association of Health Organizations Long Term Disability Plan*, 2018 NSSC 90

**Date:** 2018-04-30

**Docket:** Ant. No. 470286

**Registry:** Antigonish

**Between:**

Angela Lee Cameron

Plaintiff

v.

Nova Scotia Association of Health Organizations Long Term Disability Plan

Defendant

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**Judge:** The Honourable Justice Peter P. Rosinski

**Heard:** March 1, 2018, in Halifax Nova Scotia

**Subject:** Summary Judgment on evidence - CPR 13.04 – Which limitation period applies-that of the Trust terms in NSAHO LTD Plan or statutory limitation period in Section 8 of the *Limitation of Actions Act* (2014)?

**Summary:** Ms. Cameron was denied long-term disability benefits on May 13, 2016. Under the NSAHO LTD Plan she had one year thereafter to file a statement of claim. She filed on November 6, 2017. The trustees of the Plan, filed a Defence, and made a motion for summary judgment relying on a one-year limitation period in the terms of the Plan. Ms. Cameron argued that applicable limitation period was not the one year in Plan, but rather the two-year limitation period set out in Section 8 of the *Limitation of Actions Act* (2014); alternatively, she argued that due to “incapacity” as set out in Section 19 of the *Act*, the running of the one-year limitation period was suspended to such an extent that her statement of claim filing date was within the extended one-year limitation

period.

**Issues:**

- (1) Which limitation period governed??
- (2) Even if the one-year limitation period governed, could it be extended by “incapacity”, and if so was there sufficient evidence here to dismiss the motion for summary judgment?

**Result:**

- (1) The one-year limitation period governed; the limitation period expired by May 13, 2017;
- (2) Ms. Cameron’s position that the limitation period could be suspended by her “incapacity”, so that her November 6, 2017 filing was within the extended one-year limitation period has no real chance of success.

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