

# Claim Against Oil Company Dismissed as 10-Year Limitation Period Had Expired



An oil company drilled and operated an oil well between 1949-1950, and disposed of it in either 1950 or 1954. A different owner operated the well between 1950-1957 and then used it for salt water disposal between 1958-1961, when the well was decommissioned and abandoned. Contamination from the well requiring remediation wasn't discovered until 2010 when a developer was preparing the site for residential development. The developer sued the oil company for negligence based on environmental contamination from the well. The oil company asked the court to dismiss the lawsuit on the grounds that the 10-year limitation period for such claims had expired. In response, the developer sought an extension of the limitation period under environmental law. The court dismissed the lawsuit, ruling that in light of the passage of time, the loss of witnesses and documents, the difference in the standard of care, and the impossibility of finding experts to establish the standard of care, the oil company would suffer significant prejudice if the limitation period was extended. And such prejudice outweighed the other factors to be considered [*Brookfield Residential (Alberta) LP (Carma Developers LP) v. Imperial Oil Ltd.*, [2017] ABQB 218 (CanLII), March 28, 2017].