

No. 64

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1st Session, 15th Legislature, Alberta  
12 Elizabeth II

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## **BILL 64**

A Bill to Provide for the Extension of Time for Filing a  
Statement of Claim Beyond the Period Allowed  
by The Vehicles and Highway Traffic Act

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MR. LANDERYOU

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# BILL

No. 64 of 1964

An Act to Provide for the Extension of Time for Filing a Statement of Claim Beyond the Period Allowed by The Vehicles and Highway Traffic Act

(Assented to \_\_\_\_\_, 1964)

Preamble

WHEREAS Andrew Arychuk, of the City of Calgary, was gravely injured in a motor vehicle collision on or about the 8th day of May, 1962.

AND WHEREAS Verna Arychuk, wife of the said Andrew Arychuk, was appointed Committee of the Estate of Andrew Arychuk, he being a mental incompetent by virtue of the said accident, pursuant to the Order of Mr. Justice Farthing, the 5th day of December, 1962.

AND WHEREAS *The Vehicles and Highway Traffic Act* requires that an action for recovery of damages occasioned by a motor vehicle must be commenced within twelve months from the time the damages were sustained.

AND WHEREAS Verna Arychuk commenced an action against Kenneth Hart, Soo Security Motorways Ltd., and Evelyn Christine Leask, Executrix of the Estate of Murray Blake Leask, Deceased, as Committee of the Estate.

AND WHEREAS a Committee of the Estate of a mental incompetent has no express right to sue for damages in tort.

AND WHEREAS the time within which a proper person may bring action on behalf of Andrew Arychuk has expired pursuant to the provisions of the said *Vehicles and Highway Traffic Act*.

AND WHEREAS a petition has been presented by Verna Arychuk, wife and next best friend of the said Andrew Arychuk, praying for a Bill enabling her to commence an action as next best friend of the said Andrew Arychuk, to recover damages, notwithstanding the expiration of one year since the damages were occasioned, and it is expedient to grant the prayer of the said petition.

NOW THEREFORE Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

Authority to apply for extension of time for action

1. Notwithstanding any provision of *The Vehicles and Highway Traffic Act*, chapter 356, of the Revised Statutes, and notwithstanding the fact that more than one year has

elapsed since the occurrence of the hereinbefore mentioned collision and injuries, the said Andrew Arychuk by his next best friend may apply by way of Originating Notice of Motion to a Judge of the Supreme Court of Alberta, in Chambers, and on hearing of the said Motion, the Court, having regard to the real question in controversy, the very right and justice of the matter and all the circumstances of the case, may in its discretion enlarge the time allowed by section 131 of *The Vehicles and Highway Traffic Act* for the bringing of an action by the said Andrew Arychuk, by his next best friend against the said Kenneth Hart, Soo Security Motorways Ltd., and Evelyn Christine Leask, Executrix of the Estate of Murray Blake Leask.

Limit of time  
for bringing  
application.

**2.** No such application shall be made after expiration of sixty days from the coming into force of this Act.

Coming into  
force.

**3.** This Act comes into force on the day upon which it is assented to.

No. 64

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FIRST SESSION  
FIFTEENTH LEGISLATURE  
12 ELIZABETH II  
1964

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Received and read the

First time .....

Second time .....

Third time .....

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MR. LANDERYOU

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