

Statute of Limitations – Consumer complaints

As a general principle, anyone who knows they have a complaint against another person must make it within a reasonable timeframe. Waiting beyond a reasonable timeframe to file a complaint impacts the complaint process, including the investigation, as it is more difficult to find reliable evidence about things that happened in the distant past. The period in which a complaint must be brought forward is considered a "limitation period."

The limitation period for complaints submitted to the Nova Scotia Board of Registration of Embalmers and Funeral Directors is 18 months (1.5 years) from the date the alleged complaint occurred.

NSBREFD's limitation period

For fairness reasons, we impose a limitation period on complaints that consumers bring to the Board of Registration of Embalmers and Funeral Directors. This allows a reasonable timeframe for complaint submissions and allows licensees an opportunity to address the complaints within a reasonable timeframe.

This means we will only consider a complaint if the consumer raises it with the Board of Registration of Embalmers and Funeral Directors within 18 months from the date of the alleged complaint against a licensee. However, the Nova Scotia Board of Registration may need to investigate the allegation to determine if a consumer took too long to file the complaint. We will inform the consumer immediately if we determine that a complaint has exceeded this limitation period before opening the case. However, we may need to investigate the allegation to determine if a consumer took too long to complain. If our office is contacted and the complainant fails to submit the information required for the complaint within the limitations period, we will be unable to proceed with the complaint.

When does the 18-month limitation period start?

The limitation period starts on:

- the day on which the consumer first knew about the issue or problem.
- the day on which the consumer reasonably ought to have known about the issue or problem.

The day on which the consumer first knew about the problem can be determined by considering:

- when they first experienced the issue that they are submitting a complaint about
- when they first contacted our office or another legislative body
- when they took action to address the problem (such as contacting the funeral home or licensee)

Understanding 'Professional Misconduct' in consumer complaints

Many consumer complaints are connected to professional misconduct. However, complainants need to be aware that consumer complaints submitted on the grounds of professional misconduct must directly contravene the Embalmers and Funeral Directors Act or Regulations or demonstrate gross negligence, fraud, or similar conduct to be addressed by the Nova Scotia Board of Registration of Embalmers and Funeral Directors.