

- **Appendix A: Suggested Retention Periods**
- **Appendix A: Suggested Minimum Retention and Disposition Schedule**

This appendix is **optional reading**, in that you are not expected to read this material to complete the test for this module.

Some suggested minimum file retention periods follow:

<b>Item</b>	<b>Retention Period</b>
<b>LAWYER'S PERSONAL RECORDS</b>	
Diaries and time records	Kept at least as long as the files to which they refer are kept
Trust accounting and disbursements	10 years (Law Society Rules 3-60, 3-61, 3-61.1, 3-62, 3-68, 3-80)
<b>CORPORATE &amp; COMMERCIAL</b>	
Securities	Six years after financing is complete
Sale of assets and shares	Six years after sale is completed
Private shares issue	Six years after issuance is completed
Share restructuring	Six years after transaction is completed
Amalgamations	Six years after amalgamation is completed
Bankruptcy	Six years after bankruptcy proceedings are completed, or payment
Ordinary commercial agreements	Six years after the transaction or franchise is completed
Receivership	Six years after receiver is discharged or payment, unless receiver has entered into another agreement
Indemnity agreement	Six years after end of term or agreement or termination
Partnership	Six years after partnership agreement is executed
Joint venture/Syndication	Six years after end of term or early termination
<b>CRIMINAL</b>	
Prosecution	Six years after completion of sentence
Defence	Six years after completion of sentencing and appeal proceedings (unless strong possibility client has been wrongfully convicted)
<b>LABOUR</b>	
Collective bargaining	Six years after agreement made
Hearings (labour relations board and arbitration)	Six years after final decision
<b>LITIGATION</b>	
Contract action	Six years after dismissal or payment of judgment or settlement, or six years after last court activity if matters do not proceed
Tort claim (plaintiff)	Six years after final judgment, dismissal, or settlement, except in cases involving minors*
Tort claim (defence)	Six years after final judgment, dismissal, or settlement
* In cases involving minors, the period commences after the child reaches the age of majority.	
<b>MATRIMONIAL</b>	
Litigation	Six years after final judgment or settlement, except when any minor or pension is involved*

Separation agreements	Six years after pension payments begin; otherwise 10 years after agreement, except where minors are involved*
* In cases involving minors, the period commences after the child reaches the age of majority.	
<b>REAL PROPERTY**</b>	
Residential conveyance	10 years after state of title certificate received
Commercial conveyance	10 years after closing (there may be transactions of such complexity that a longer retention period is advisable)
Lease/Sub-lease/Licence to occupy	Six years after lease has expired, including any renewal
Foreclosure	Six years after order absolute, property sold, judgment satisfied or instruction received from client to stop proceedings
Receivership	Six years after receiver is discharged or payment unless receiver has entered into another agreement
Option to purchase/Right of first refusal	Six years after the options expire or are exercised
Easement/Right-of-way/ Restrictive covenant	10 years after registration
Review of title and opinion	Six years from giving an opinion, unless opinion leads to an action
Mortgage/Debenture	Six years after expiry of mortgage term
Subdivision/Single plan strata development	Six years after completion of the sale of all the property
Phased strata development	Six years after completion of the sale of all of the property in the final phase
Real estate prospectus	Six years after sale of all property covered by prospectus
Building contract	Six years after substantial completion
Encroachment settlement	Six years after settlement
** Some practitioners have begun to keep permanent computer imaged copies of instruments electronically filed at the Land Title Office. There is no legislative requirement to do so, although an imaged copy may be useful as evidence if, for example, there is a claim made in fraud. Note s. 168.51 of the <i>Land Title Act</i> stipulates that the registrar may require an applicant to produce a true copy of an electronic instrument at any time <b>before</b> the instrument is registered. But s. 168.6 of the Act stipulates that once an instrument has been received by the registrar under s. 153, it is conclusively deemed to be the original of the document and no other copy of the instrument whether or not it contains an original signature shall prevail.	
<b>WILLS &amp; ESTATES</b>	
Original wills and all wills files	Permanent retention, or until a will of the client has been probated, then 10 years after final distribution of the estate
Estate files	10 years after all trusts are fully administered
Committeeships	Six years after committeeship has ended