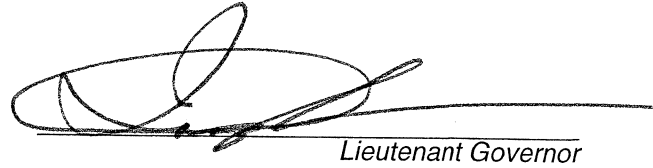


ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL


Order in Council No. 213, Approved and Ordered MAR 17 2005



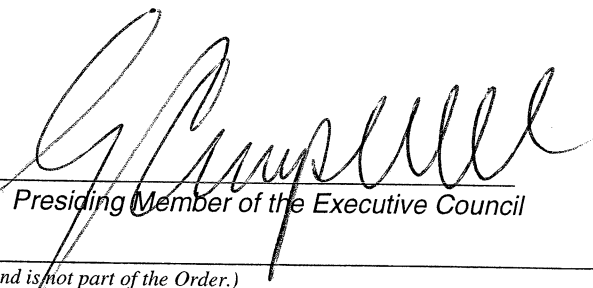
Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective March 18, 2005, the Tariff of Costs Regulation, B.C. Reg. 189/99, is amended as set out in the attached Schedule.



P. Gerry Roux  
Attorney General and Minister Responsible for  
Treaty Negotiations



G. Campbell  
Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- Expropriation Act, R.S.B.C. 1996, c. 125, section 54

Other (specify):- OIC 726/99

## SCHEDULE

### 1 *Section 1 of the Tariff of Costs Regulation, B.C. Reg. 189/99, is amended*

#### (a) *by adding the following definitions:*

**“board”** means the Expropriation Compensation Board;

**“board proceeding”** means a proceeding that was brought by filing an application with the board under section 2 of the Expropriation Compensation Board Practice and Procedure Regulation, B.C. Reg. 452/87, before March 18, 2005;

**“compensation decision”** means a determination under section 26 (1) of the Act, and includes a determination of the entitlement to, and the scale of, the costs that are or may be payable in relation to the proceeding in which the determination is made;

**“compensation hearing”** means a hearing for the purpose of arriving at a compensation decision, but does not include

- (a) a pre-hearing conference,
- (b) an interlocutory hearing, or
- (c) a hearing under section 45 or 48 of the Act;

**“in-progress board proceeding”** means a board proceeding if one of the following applies:

- (a) the board held a compensation hearing in the board proceeding after August 1, 2004 and before March 18, 2005 and the board has not yet rendered its compensation decision in that proceeding;
- (b) there has been an appeal to the Court of Appeal in relation to the board proceeding and the appeal has been heard, in whole or in part, before March 18, 2005;
- (c) before March 18, 2005, a hearing in the board proceeding was scheduled to commence after March 17, 2005 and before January 1, 2006; , *and*

#### (b) *by repealing the definition of “reviewer” and substituting the following:*

**“reviewer”** means, in relation to a determination of the amount of costs under section 45 of the Act or a review of costs under section 48 of the Act, the registrar of the court who is making the determination or conducting the review; .

### 2 *Section 2 is repealed and the following substituted:*

#### **Application**

- 2 (1) This regulation, except subsection (2) of this section, applies to costs payable under section 45 or 48 of the Act but only if those costs
  - (a) were incurred on or after June 28, 1999, and
  - (b) are payable in relation to an in-progress board proceeding.
- (2) Costs payable under section 45 or 48 of the Act in relation to a board proceeding are, if those costs were incurred before June 28, 1999, to be determined in accordance with section 45 (7) (a) of the Act.

- 3 *Sections 3 (2) and 5 (1) are amended by striking out “proceeding.” and substituting “in-progress board proceeding.”*
- 4 *Sections 3 (4) and 4 (2) (d) are amended by striking out “proceeding” and substituting “in-progress board proceeding”.*
- 5 *Item 1 of Schedule 1 of the Appendix is amended by striking out “a claim,” and substituting “an in-progress board proceeding,”.*
- 6 *Item 5 of Schedule 1 of the Appendix is amended by striking out “a claim” and substituting “an in-progress board proceeding”.*
- 7 *Item 15 of Schedule 1 of the Appendix is amended by adding “, the court or a reviewer” after “board”.*
- 8 *Items 18, 21 and 22 of Schedule 1 of the Appendix is amended by striking out “claim” and substituting “in-progress board proceeding”.*
- 9 *Item 19 of Schedule 1 of the Appendix is amended by striking out “claim or of an issue in a claim,” and substituting “in-progress board proceeding or of an issue in an in-progress board proceeding,”.*
- 10 *Item 1 of Schedule 2 of the Appendix is amended by striking out “a claim,” and substituting “an in-progress board proceeding,”.*
- 11 *Item 6 of Schedule 2 of the Appendix is amended by striking out “claim” and substituting “in-progress board proceeding”.*
- 12 *Item 7 of Schedule 2 of the Appendix is amended by striking out “claim or of an issue in a claim,” and substituting “in-progress board proceeding or of an issue in an in-progress board proceeding,”.*