

# Quickscribe Reporter

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## QUICKSCRIBE NEWS:

### Quickscribe Launches New Platform

Navigating Quickscribe just got easier. With more content and features being added every year, we felt that it was time to devote some resources into enhancing the core navigation of your Quickscribe Online 2.0 service. We think you will be pleased. The new platform includes a new, more intuitive user interface. Front and centre on the home page is our Latest News feature, which will allow us to more effectively communicate important amendments and other news that can be tailored to each client account. It is the new search engine, however, that we are most excited about. The new search is ten times faster than the old search, and includes smarter search functions, including proximity operators.

Have a look at this four-minute [video tour](#) of the new site. Let us know what you think!

### Quickscribe Welcomes OnPoint

Quickscribe is thrilled to announce that [OnPoint Legal Research Law Corporation](#), founded by research lawyer Sarah Picciotto, has come on board as the latest contributor to Quickscribe Online 2.0. For over fifteen years, OnPoint has been providing top-quality research, analysis, and writing services to lawyers in British Columbia, Alberta, and across Canada. All OnPoint research lawyers have completed a clerkship at the BCCA or SCC and obtained essential practice experience as lawyers with major downtown firms. OnPoint provides a range of services, from researching and drafting memoranda, pleadings, and factums, to engaging in legal strategy sessions. Their research lawyers are well versed with both traditional research sources and the latest in research technology.

### New Bills Introduced

A number of new government bills have been introduced in March:

- [Bill 2](#), Great Bear Rainforest (Forest Management) Act
- [Bill 12](#), Forests, Lands and Natural Resource Operations Statutes Amendment Act, 2016
- [Bill 13](#) Safety Standards Amendment Act, 2016
- [Bill 15](#), Protected Areas of British Columbia Amendment Act, 2016
- [Bill 16](#), Community Care and Assisted Living Amendment Act, 2016
- [Bill 20](#), Supply Act (No. 1), 2016

The following members' bills were introduced as well:

- [M205](#), Post-Secondary Sexual Violence Policies Act, 2016
- [M206](#), Hydro Affordability Act, 2016
- [M207](#), Government Records Accountability Act, 2016
- [M208](#), Court Order Enforcement Amendment Act, 2016
- [M209](#), Speculator Tracking and Housing Affordability Fund Act, 2016
- [M210](#), Property Transfer Tax Fairness Act, 2016

A reminder that if you would like to track the progress of these bills, or to track changes to any laws that bills amend, we suggest signing up to the BC Legislative Digest alert via the new My Alerts tab. We will then monitor and alert you to changes for laws of your choosing.

### Latest Annotations

New annotations have been added to the Quickscribe site. These annotations include contributions from:

- [Eileen Vanderburgh](#), Alexander Holburn + Lang LLP – [Privacy Act](#)
- [Guy Brown](#), Harper Grey LLP – [Pharmaceutical Services Act](#)

Watch this 20-minute [YouTube video](#) to learn more about the new annotation features.

**Tip: Log in to Quickscribe Online prior to clicking Reporter links....**

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**View [PDF](#) of this Reporter.**

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**FEDERAL LEGISLATION** – For notification of federal amendments, we recommend you use our [Section Tracking](#)  tool.

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[\[ Previous Reporters \]](#)

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#### CATEGORIES

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### COMPANY & FINANCE

#### Company and Finance News:

##### **"All the Time in the World": Canadian Securities Regulators Adopt Fundamental Changes to Take-over Bid Regime**

The Canadian Securities Administrators (CSA) have announced the [final adoption](#) of fundamental changes to the take-over bid regime in Canada. These changes are substantially similar to a draft version of the amendments that the CSA published on March 31, 2015, [previously reviewed](#). The new rules will come into effect on May 9, 2016 (except that implementation may be delayed in Ontario until the applicable legislation is proclaimed into force). They represent the most significant changes to Canada's take-over bid regime in decades, and the consequences will be numerous and significant.

##### **The three main changes to the take-over bid rules**

- The most significant changes to the take-over bid rules are the following three requirements, which will apply to all non-exempt take-over bids:

Read the [full article](#) by [Don Collie](#), [Robert Black](#), [Derrick Auch](#) of DLA Piper LLP.

##### **The Regulator Knows Best: British Columbia Court of Appeal Upholds Bylaws Prohibiting Customer Incentive Programs**

In [Sobeys West Inc. v. College of Pharmacists of British Columbia](#), 2016 BCCA 41, the British Columbia Court of Appeal determined that it was reasonable for the College of Pharmacists to prohibit pharmacists from using "customer incentive programs." In September 2013, the British Columbia College of Pharmacists introduced bylaws prohibiting "customer incentive programs" that encouraged patients to use particular pharmacies or pharmacists. Prohibited incentives included money, gifts, discounts, rebates, refunds, customer loyalty schemes, coupons, goods or rewards. Sobeys West Inc. challenged the College's bylaws. Initially, on judicial review, the British Columbia Supreme Court held the bylaws to be overbroad with a net effect that was "harmful to the public interest in obtaining pharmacy services and prescriptions at the lowest price." As a result, the bylaws were held to be unreasonable. On appeal, the British Columbia Court of Appeal found that the judicial review judge had considered evidence that should not have formed

part of the "record" in the judicial review and that the judge had improperly applied the standard of reasonableness. Read the [full article](#) published by [Jason Kully](#) & [Gregory Sim](#) of Field LLP.

**Mutual Fund Dealers Association Propose Amendments to Power of Attorney Rules**

The [Mutual Fund Dealers Association of Canada](#) (MFDA) has proposed amendments to its rules dealing with general powers of attorney from a family member of a Member or an Approved Person. MFDA Rule 2.3.1 provides that no Member or Approved Person may accept or act upon a general power of attorney or other similar authorization from a client. There is an exception to this rule for spouses, parents and children of Approved Persons. In order to rely on the exemption certain conditions have to be met including that the account be transferred to another Approved Person. Read the [full article](#) published on the Canadian Securities Law site by Stikeman Elliott LLP.

**BC Securities – Policies & Instruments**

The following policies and instruments were published on the BCSC website in the month of March:

- [BCN 2016/01](#) – Notice and Request for Comment – Proposed Amendments to Multilateral Instrument 96-101 Trade Repositories and Derivatives Data Reporting and related documents  
This notice describes proposed amendments to Multilateral Instrument 96-101 Trade Repositories and Derivatives Data Reporting and related documents. The comment period for this proposal expires on April 24, 2016.
- [11-102](#) – CSA Notice of Publication – Multilateral Instrument 11-102 Passport System and Multilateral Instrument 11-103 Failure-to-File Cease Trade Orders in Multiple Jurisdictions  
The CSA provides advance notification of the amendments to Multilateral Instrument 11-102 Passport System (passport rule) and the adoption of new Multilateral Instrument 11-103 Failure-to-File Cease Trade Orders in Multiple Jurisdictions (MI 11-103). The amendments expand the passport rule to cover applications to cease to be a reporting issuer, and under new MI 11-103, if a regulator issues a failure-to-file cease trade order against the securities of a reporting issuer, trading in those securities is automatically prohibited in every jurisdiction that has adopted MI 11-103 and where the issuer is reporting. Subject to obtaining required ministerial approval, the amendments to the passport rule and new MI 11-103 will come into force on June 23, 2016.

For more information visit the BC Securities [website](#).

Act or Regulation Affected	Effective Date	Amendment Information
Applied Science and Technologists and Technicians Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 41, Sch 3 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
British Columbia Training and Education Savings Program Regulation (127/2014)	Mar. 16/16	by <a href="#">Reg 79/2016</a>
Budget Transparency and Accountability Act	Mar. 10/16	by 2016 Bill 10, c. 3, section 1 only (in force by Royal Assent), <a href="#">Budget Measures Implementation Act, 2016</a>
		by 2016 Bill 18, c. 15, section 45, Sch 7 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Business Corporations Act	Mar. 10/16	by 2016 Bill 18, c. 15, sections 5 and 39, Sch 1 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>

Business Practices and Consumer Protection Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 39, Sch 1 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
	Apr. 1/16	by 2015 Bill 6, c. 6, sections 1 to 13 only (in force by <a href="#">Reg 231/2015</a> ), <a href="#">Justice Statutes Amendment Act, 2015</a>
Chartered Professional Accountants Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 41, Sch 3 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Cooperative Association Act	Mar. 10/16	by 2016 Bill 18, c. 15, sections 42, Sch 4 and 43, Sch 5 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Financial Administration Act	<b>RETROACTIVE to</b> Feb. 1/16	by 2016 Bill 10, c. 3, sections 5 and 6 only (in force by Royal Assent), <a href="#">Budget Measures Implementation Act, 2016</a>
	Mar. 10/16	by 2016 Bill 10, c. 3, sections 4 and 7 only (in force by Royal Assent), <a href="#">Budget Measures Implementation Act, 2016</a>
		by 2016 Bill 18, c. 15, sections 39, Sch 1 and 45, Sch 7 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Frustrated Contract Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 42, Sch 4 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Income Tax Act	<b>RETROACTIVE to</b> June 27/15	by 2016 Bill 10, c. 3, sections 36 to 39 only (in force by Royal Assent), <a href="#">Budget Measures Implementation Act, 2016</a>
	<b>RETROACTIVE to</b> Jan. 1/16	by 2016 Bill 10, c. 3, sections 23, 25 to 27, 32 and 35 only (in force by Royal Assent), <a href="#">Budget Measures Implementation Act, 2016</a>
	<b>RETROACTIVE to</b> Feb. 17/16	by 2016 Bill 10, c. 3, sections 24, 28 to 31 and 40 to 42 only (in force by Royal Assent), <a href="#">Budget Measures Implementation Act, 2016</a>
		by 2016 Bill 18, c. 15, sections 13, 43, Sch 5 and 44, Sch 6 only (in force by

	Mar. 10/16	Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Insurance Act	Mar. 10/16	by 2016 Bill 18, c. 15, sections 14 and 44, Sch 6 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Insurance Premium Tax Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 47, Sch 9 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Natural Products Marketing (BC) Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 25 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Notaries Act	Mar. 10/16	by 2016 Bill 18, c. 15, sections 40, Sch 2 and 41, Sch 3 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Partnership Act	Mar. 10/16	by 2016 Bill 18, c. 15, sections 39, Sch 1 and 44, Sch 6 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Prescribed Class of Property and Payment Amount Determination Regulation (261/2014)	Mar. 16/16	by <a href="#">Reg 79/2016</a>
Provincial Sales Tax Act	Mar. 10/16	by 2016 Bill 18, c. 15, sections 39, Sch 1, 41, Sch 3 and 44, Sch 6 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Provincial Sales Tax Exemption and Refund Regulation (97/2013)	<b>RETROACTIVE to</b> Apr. 1/13	by <a href="#">Reg 76/2016</a>
	<b>RETROACTIVE to</b> Feb. 17/16	by <a href="#">Reg 75/2016</a>
	Mar. 15/16	by <a href="#">Regs 74/2016</a>
Provincial Sales Tax Regulation (96/2013)	<b>RETROACTIVE to</b> Apr. 1/13	by <a href="#">Reg 76/2016</a>

Public Sector Pension Plans Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 44, Sch 6 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Remission Regulation No. 4 (Vancouver Indy) (153/2002)	<b>REPEALED</b> Mar. 2/16	by <a href="#">Reg 55/2016</a>
Securities Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 43, Sch 5 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Small Business Venture Capital Act	<b>RETROACTIVE to</b> Jan. 1/16	by 2016 Bill 10, c. 3, section 63 only (in force by Royal Assent), <a href="#">Budget Measures Implementation Act, 2016</a>
	Mar. 10/16	by 2016 Bill 18, c. 15, section 34 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Special Accounts Appropriation and Control Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 45, Sch 7 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
	Mar. 16/16	by 2016 Bill 10, c. 3, section 15, only (in force by <a href="#">Reg 79/2016</a> ), <a href="#">Budget Measures Implementation Act, 2016</a>
Tobacco Tax Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 39, Sch 1 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>

**ENERGY & MINES**

**Energy and Mines News:**

**From Social License to Class Action – Climate Change Litigation Has Come to Canada, Project Proponents Beware**

The bold move towards climate change litigation is progressing in Canada as seen in last year's [Voters Taking Action on Climate Change v. British Columbia \(Energy and Mines\)](#), 2015 BCSC 471 ("VTACC"). Examples of similar litigation in other jurisdictions around the world are outlined below. The Alberta Environmental Law Center noted that at the end of 2013, there were 420 climate change cases in the United States and 173 in the rest of the world out of which approximately 10 cases are in Canada. It has been observed that some of the cases are brought pursuant to common law tortious causes of actions while others challenge decisions of regulatory authorities pursuant to specific legislation and are aimed at driving the course of climate change regulation. Further, some of the cases arise in the context of specific project approvals and others are petitions affecting a particular industry sector. While climate change litigation in Canada is in its infancy and, as in other jurisdictions faces significant legal challenges to its success, it poses a tangible risk to development projects. Read the [full article](#) by Chidinma Thompson and Sandi Shannon of Borden Ladner Gervais LLP.

**McCarthy Tétrault Releases Fifth Annual Mining in the Courts**

The firm McCarthy Tétrault recently published [Mining in the Courts, Year in Review](#), which provides an overview of legal developments and case law updates on matters that impacted the mining sector in the past year. In this publication, the firm provides perspective and insights on issues important to the mining sector, and is ideal for mining executives and in-house counsel looking to understand the impact of recent decisions on their business and investment strategies.

Act or Regulation Affected	Effective Date	Amendment Information
Direction to the British Columbia Utilities Commission Respecting Mining Customers (47/2016)	<b>NEW</b> Mar. 1/16	by <a href="#">Reg 47/2016</a>
Liquefied Natural Gas Facility Regulation (146/2014)	Mar. 16/16	by <a href="#">Reg 80/2016</a>
Mineral Tax Act	Mar. 10/16	by 2016 Bill 18, c. 15, sections 43, Sch 5, 44, Sch 6, 47, Sch 9 and 48, Sch 10 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Petroleum and Natural Gas Act	<b>RETROACTIVE to</b> May 17/80	by 2016 Bill 18, c. 15, section 27, only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
	Mar. 10/16	by 2016 Bill 18, c. 15, section 48, Sch 10 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Utilities Commission Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 48, Sch 10 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Water Sustainability Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 48, Sch 10 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>

**FAMILY & CHILDREN**

**Family and Children News:**

**Asked & Answered:**

**How do I apply for a restraining order - Peace Bonds and Family Protection Orders**

*Asked & Answered is a collection of answers to tricky legal research questions, written by Courthouse Libraries staff. [Search Asked & Answered here.](#)*

Go to Part 1: [What is a Protection Order?](#)

In BC there are two types of orders that might be referred to as a Restraining Order, though they are

properly called Protection Orders. A Family Protection Order is used to protect family members from "family violence" and can only be obtained against a person you share a family relation with, which can include partners and guardians. A Peace Bond is meant to protect you, your family or your property from someone who you fear means to do you harm. Peace Bonds can be obtained against anyone. Read the [full article](#) by Roman Lanzarotta, with Courthouse Libraries BC.

Act or Regulation Affected	Effective Date	Amendment Information
Adoption Act	Mar. 10/16	by 2016 Bill 18, c. 15, sections 3 and 4 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Child Care Subsidy Regulation (74/97)	Apr. 1/16	by <a href="#">Reg 84/2016</a>
Child, Family and Community Service Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 46, Sch 8 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Court Rules Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 44, Sch 6 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Family Law Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 39, Sch 1 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Interjurisdictional Support Orders Act	Mar. 10/16	by 2016 Bill 18, c. 15, sections 15 and 16 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Representation Agreement Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 31 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Trustee Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 47, Sch 9 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>

## FOREST & ENVIRONMENT

### Forest and Environment News:

#### Fines Could Triple under Proposed Legislative Amendments to BC Wildfire Laws

The government of British Columbia has introduced legislative changes that, if passed, would result in "significantly increased ticket fines" for behaviour that contributes to increase wildfire risks. Proposed legislative amendments introduced [in March] as part of the [Forests, Lands and Natural Resource](#)

[Operations Statutes Amendment Act](#) (Bill 12) include provisions aimed specifically at people who interfere with firefighting efforts in BC, the Ministry of Forests, Lands and Natural Resource Operations said in a press release. The ministry said that the legislative changes would result in significantly increased ticket fines for 19 different violations under the [Wildfire Act](#) and for seven different violations under the [Wildfire Regulation](#). For example, the fine for failing to comply with a fire restriction under the [Wildfire Act](#) is increasing from \$345 (including a \$45 victim surcharge) to \$1,150 (including a \$150 victim surcharge). This represents a 333.33% increase over the old fine for that offence. Read the [full article](#) published on Canadian Underwriter.Ca.

**Polluter Still Pays: BC Court of Appeal Upholds Award of Damages against Historical Polluter**

The British Columbia Court of Appeal [upheld](#) a lower court decision ordering ICI Canada Inc. (now PPG Architectural Coatings Canada Ltd) to pay \$4.75 million in remediation costs following a trial which enforced the "polluter pays" principle that underpins the [Environmental Management Act](#) (EMA). We previously discussed the 2014 trial decision of the British Columbia Supreme Court in an earlier post (see [BC Supreme Court Stresses "Polluter Pays" in Awarding Damages for Remediation of Contaminated Site](#)).

**Background**

This case involved a property known as James Island, which lies just off the Saanich Peninsula and has a long history of use for the manufacture and storage of explosives. ICI owned and used the property for activities relating to explosives between 1954 and 1988 and remediated portions of the island in consultation with the BC Ministry of Environment and Parks in the mid-1980s. At the end of the remediation project, the Ministry provided ICI with a so-called "comfort letter" confirming that it had met the agreed criteria and that the Ministry "did not perceive any further environmental concern". In September 1988, ICI registered a restrictive covenant on a portion of the island which stated, among other things, that some soil may be contaminated despite rehabilitation measures.

Read the [full article](#) by [Laura Gill](#), [Brad Gilmour](#) and [Michael Theroux](#) of [Bennett Jones LLP](#).

**Fish Habitat Damage Goes Unprosecuted since Conservative Changes to Fisheries Act**

Fisheries and Oceans Canada has not laid a single charge of damaging fish habitat, despite almost 1,900 complaints nation-wide, since controversial changes to the [Fisheries Act](#) came into effect two a half years ago. Fisheries data provided at [The Vancouver Sun's](#) request shows that of 1,865 complaints, federal staff concluded 1,290 posed a low risk to fish and fish habitat, or were referred to another agency such as Environment Canada or a provincial ministry. Another 460 reports resulted in the federal fisheries department providing advice or education to the party involved to improve work practices or undertake mitigation. In 44 cases, the department took action such as issuing warnings or ordering corrective measures to comply with the [Fisheries Act](#) and avoid charges. Three others were referred to a restorative justice process. Other cases remain under investigation. Read [The Vancouver Sun article](#).

**Environmental Appeal Board Decisions**

There were two Environmental Appeal Board decisions released in the month of March:

[Water Act](#)

- [Bridge Creek Estate Ltd. v. Assistant Regional Water Manager](#) [Final Decision – Appeals Dismissed]

[Wildlife Act](#)

- [James Darin Weins v. Regional Manager](#) [Final Decision – Appeal Dismissed]

Visit the Environmental Appeal Board [website](#) for more information.

Act or Regulation Affected	Effective Date	Amendment Information
Administrative Penalties Regulation (Environmental Management Act) (133/2014)	Mar. 2/16	by <a href="#">Reg 54/2016</a>

Agrologists Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 41, Sch 3 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Carbon Tax Act	<b>RETROACTIVE to</b> Mar. 1/16	by 2016 Bill 10, c. 3, sections 19 to 22 only (in force by Royal Assent), <a href="#">Budget Measures Implementation Act, 2016</a>
	Mar. 10/16	by 2016 Bill 18, c. 15, section 39, Sch 1 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Code of Practice for the Discharge of Produced Water from Coalbed Gas Operations	Mar. 2/16	by <a href="#">Reg 54/2016</a>
College of Applied Biology Act	Mar. 10/16	by 2016 Bill 18, c. 15, sections 6 and 41, Sch 3 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Drainage, Ditch and Dike Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 7 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Forest Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 11 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Foresters Act	Mar. 10/16	by 2016 Bill 18, c. 15, sections 12 and 41, Sch 3 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Hunting Licensing Regulation (8/99)	Mar. 10/16	by <a href="#">Reg 68/2016</a>
	Apr. 1/16	by <a href="#">Reg 78/2016</a>
King Island Designated Area (73/2016)	<b>NEW</b> Mar. 15/16	see <a href="#">Reg 73/2016</a>
Limited Entry Hunting Regulation (134/93)	Apr. 1/16	by <a href="#">Reg 78/2016</a>
Livestock Identification Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 48, Sch 10 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>

Logging Tax Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 47, Sch 9 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Ministry of Lands, Parks and Housing Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 44, Sch 6 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Motor Vehicle Emissions Control Warranty Regulation (116/96)	<b>REPEALED</b> Mar. 2/16	by <a href="#">Reg 54/2016</a>
Muskwa-Kechika Management Area Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 24 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Scaling Regulation (446/94)	Mar. 15/16	by <a href="#">Reg 45/2016</a>
Sulphur Content of Fuel Regulation	<b>REPEALED</b> Mar. 2/16	by <a href="#">Reg 54/2016</a>
Transition Regulation (361/2006)	<b>REPEALED</b> Mar. 2/16	by <a href="#">Reg 56/2016</a>
Trellis Rust of Pear Control Regulation (72/61)	<b>REPEALED</b> Mar. 2/16	by <a href="#">Reg 57/2016</a>
University Endowment Land Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 44, Sch 6 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Waste Discharge Regulation (320/2004)	Mar. 2/16	by <a href="#">Reg 54/2016</a>
Wildfire Act	Mar. 10/16	by 2016 Bill 10, c. 3, section 16 only (in force by Royal Assent), <a href="#">Budget Measures Implementation Act, 2016</a>
Wildlife Act General Regulation (340/82)	Mar. 10/16	by <a href="#">Reg 68/2016</a>
	Apr. 1/16	by <a href="#">Reg 78/2016</a>

## HEALTH

### Health News:

#### Legislation Changes Will Allow BC Seniors to Live More Independently: Advocate

Health Minister Terry Lake says he wants British Columbia's seniors to have more flexibility to live independently before their only option is full-time residential care. Lake said [amendments](#) introduced [in

March] to the [Community Care and Assisted Living Act](#) aim to allow seniors opportunities to stay longer in their homes through part-time assisted living arrangements. The Liberal government announced in its recent throne speech that it will modernize community care and assisted living. A BC Seniors Advocate report last year concluded many seniors have been transferred to residential care facilities sooner than necessary because of existing rules. "It's important that people are competent and able to keep themselves out of danger," Lake said. "But if someone just needs a little extra home support on a regular basis, let's provide that as assisted living rather than bumping it up to residential care." Current legislation means seniors who required two or more of six prescribed services offered in assisted living were expected to move to a residential care home. Read [The Vancouver Sun article](#).

**HIV Disclosure Laws Endanger Women Says BC Civil Liberties Association**

Canada's HIV disclosure laws are dangerous for women, especially those in abusive relationships or who have been sexually assaulted, says a lawyer with the BC Civil Liberties Association. Michael Vonn, the civil rights group's policy director, says a lack of awareness of the law can lead people – mostly women, but not exclusively – to disclose their HIV positive status in situations where that information can be used against them. "Women who are HIV positive, if they are in abusive relationships, are often essentially "disciplined" with the threat of [revealing their status]," Vonn told Early Edition host Rick Cluff. Read the [CBC article](#).

**PTSD Bill a "Matter of Life and Death," Paramedic Says**

Paramedic Lisa Jennings found herself living in her 2003 Ford hatchback for 10 days this year. Times have been tough, mentally and financially, since June 24, 2014 – the day Jennings says she experienced post-traumatic stress disorder on the job. Her initial claim for compensation from WorkSafe B.C. was rejected. That decision is under appeal. But even in dire straits, Jennings – who has since found accommodation – has not lost her drive to change BC legislation to make it easier for emergency first responders to have PTSD covered by WorkSafe. In February, the BC legislature gave first reading to a private member's bill, sponsored by NDP labour critic Shane Simpson, that would recognize PTSD among police, fire and ambulance members as a work-related hazard for compensation. "Under this legislation, if a first responder is suffering from an incidence of post-traumatic stress disorder, it will be deemed to be as a result of their occupation, unless there was evidence of contrary," Simpson said in the house. "This will remove hurdles and ensure timely support for those public servants who need treatment." The bill passed unanimously, but private member's bills rarely get past first reading. Simpson said he has discussed the need for the change with Shirley Bond, BC's minister responsible for labour, over the past year and hopes his bill adds pressure on the province to adopt such legislation on its own. PTSD statistics show "pretty definitive evidence of a crisis" when it comes to first responders, he said. See [more](#) at the [Times Colonist website](#).

Act or Regulation Affected	Effective Date	Amendment Information
Animal Health Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 44, Sch 6 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Drug Schedules Regulation (9/98)	Mar. 23/16	by <a href="#">Reg 83/2016</a>
Food Products Standards Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 48, Sch 10 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Health Professions Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 46, Sch 8 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>

Hospital Insurance Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 41, Sch 3 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Laboratory Services Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 41, Sch 3 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Medicare Protection Act	Mar. 10/16	by 2016 Bill 18, c. 15, sections 19, 20, 40, Sch 2, and 41, Sch 3 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Pharmaceutical Services Act	Mar. 10/16	by 2016 Bill 18, c. 15, sections 28, 29, 40, Sch 2, 41, Sch 3 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Public Health Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 44, Sch 6 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Veterinarians Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 46, Sch 8 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>

## LABOUR & EMPLOYMENT

### Labour and Employment News:

#### BC to Raise Minimum Wage

BC is poised to raise the minimum wage this fall, which could keep the province from becoming the lowest-paying region in the country. Jobs Minister Shirley Bond said she is discussing a rate increase with business groups and other stakeholders, and will announce a new minimum wage this spring in advance of it coming into effect in September. The current minimum wage is \$10.45 an hour, which the ministry said [recently] is set to rise 10 cents on Sept. 15 because it is automatically indexed to inflation, as measured by the Consumer Products Index (CPI). "Given our stronger economic growth, we feel there should be room for a modest incremental adjustment beyond BC's CPI so that all workers can benefit from our success," Bond said in a statement. "The scheduled (10 cent) increase based on this year's BC CPI does not reflect the economic circumstances of the province." The announcement comes just days before BC's minimum wage rate is set to become the lowest in Canada. The province currently has the second-lowest rate, but next week New Brunswick is increasing its minimum wage to \$10.65 an hour. Read [The Vancouver Sun article](#).

#### Misrepresentation in Employee Recruitment:

##### ***Feldstein v. 364 Northern Development Corporation***

Employee recruitment, and particularly recruitment for highly competitive positions, often requires a certain amount of salesmanship on the part of recruiters, and companies looking to land a sought-after employee may tout company culture, compensation and other benefits of employment as part of their

recruitment strategy. Of course, all of this is fair game. However, as one recent BC Supreme Court decision illustrates, recruiters also need to be careful that everything they are presenting to potential candidates is honest and accurate. As one Vancouver tech company recently found out in [Feldstein v. 364 Northern Development Corporation](#), 2016 BCSC 108, being over-zealous and under-cautious in promises to candidates can lead to a negligent misrepresentation lawsuit and thousands of dollars in damages. Read the [full article](#) by David Brown of Pushor Mitchell LLP.

Act or Regulation Affected	Effective Date	Amendment Information
Employment and Assistance Regulation (263/2002)	Mar. 18/16	by <a href="#">Reg 81/2016</a>
Employment and Assistance for Persons with Disabilities Regulation (265/2002)	Mar. 18/16	by <a href="#">Reg 81/2016</a>
Employment Standards Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 39, Sch 1 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Medical Review Panel Transitional Regulation (23/2004)	<b>REPEALED</b> Mar. 2/16	by <a href="#">Reg 63/2016</a>
Personal Information Protection Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 41, Sch 3 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Private Career Training Institutions Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 40, Sch 2 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Reservists' Leave Regulation (207/2009)	<b>REPEALED</b> Mar. 2/16	by <a href="#">Reg 63/2016</a>
Social Workers Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 46, Sch 8 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
University Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 40, Sch 2 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>

## LOCAL GOVERNMENT

### Local Government News:

#### **Off-Road Vehicle Act – What it Means for Local Governments**

As implementation moves forward on the new [Off-Road Vehicle Act](#) (ORV Act), UBCM seeks member

direction on the potential application of the new Act to private lands owned by local government. First, any authority granted to local governments under [section 4\(3\) and \(4\)](#) of the *Motor Vehicle (All Terrain) Act* ended when this Act was repealed with the new *ORV Act*. This means that any local government bylaws relying on the old Act ceased to have any legal authority, and the bylaws are no longer effective. Second, the *ORV Act* and [ORV Regulation](#) applies to prescribed classes of ORVs used or operated on provincial Crown land and prescribed private lands. Crown land includes resource roads and leased lands. There are no prescribed classes of private land at this time. Read the [UBCM article](#).

### **BC Court of Appeal Sides with City on Managed Forest Lands Taxation**

On Jan. 29, 2016 the BC Court of Appeal issued its judgment on TimberWest Corporation's appeal of the BC Supreme Court decision upholding the City's 2014 Tax Rates Bylaw. In its ruling, the BC Court of Appeal unanimously dismissed TimberWest's argument that the City did not have the authority to raise the tax rate on managed forest lands within City boundaries. The 60-day period for TimberWest to appeal to the Supreme Court of Canada expired on March 29 without such an application, meaning the BC Court of Appeal's ruling is final.

"We are pleased to hear that the BC Court of Appeal has upheld the City's 2014 Tax Rates bylaw," says Mayor Andy Adams. "The decision to raise property taxes in 2014 on managed forest lands simply brings the tax rates on TimberWest's properties in Campbell River to the provincial average over a three-year phase-in period. The City recognizes TimberWest as a valued taxpayer and are happy this court case is behind us."

The BC Court of Appeal found that the Supreme Court correctly interpreted the relevant legislation, and upheld the City's position that the Province, through [section 14](#) of the *Local Government Act* and other taxing legislation, provides specific authority to local governments to set separate tax rates within the same property class where, as in this case, there has been a municipal boundary extension approved through legislation. Read the full [news release](#).

### **Building and Safety Standards Branch Issues Building Act Update for Local Governments**

This bulletin is intended to provide local governments with preliminary information about:

- Upcoming changes under [section 5](#) of the *Building Act*;
- Amending or repealing building requirements in bylaws;
- Other aspects of the implementation of the *Building Act*; and
- The updated timeline for building official qualifications.

#### **1. Section 5 of the Building Act**

One of the key objectives of the *Building Act* is to bring greater consistency to building requirements across the province. Section 5 is intended to achieve this objective. Under section 5, only the Province can establish enforceable "building requirements"; that is, technical requirements for construction methods, materials, etc. for buildings that are being constructed, altered, repaired or demolished. Most provincial building requirements are found in Division B of the BC Building Code, but they can also be found in other provincial building regulations such as the [Solar Hot Water Ready Regulation](#). Section 5 changes the authority local governments had prior to the *Building Act* to set local building requirements within their jurisdictions. Section 5 makes local building requirements enacted in bylaws of no legal force when those requirements regulate a "matter"; that is, a subject, theme, or topic regulated in the Building Code. For example, accessibility is a subject for which the Building Code has established requirements; therefore, under section 5, local governments cannot enact enforceable requirements for accessibility in or about a building.

Read the [full bulletin](#) here.

### **Who Says It's Clean Enough? Municipality Appeals Ministry Decision to Issue Certificate of Compliance**

An appeal due to come before the Environmental Appeal Board (the "Board") may address questions about the intersection between the provincial Ministry of Environment (the "Ministry") and municipalities relating to the standards to be applied to remediation of contaminated land. In October 2016, the City of Burnaby is appealing the Ministry's decision to issue a Certificate of Compliance to Suncor Energy Inc. in respect of

lands in Burnaby which include portions of two roads owned by the City. The Certificate of Compliance (issued in December 2015 under the [Environmental Management Act](#)) confirms that the lands have been remediated to the required standard using, among others, a risk-based approach. Risk-based approach to remediation is generally more economically efficient and less invasive than a numerical approach. It mandates a number of risk controls which must be implemented by the responsible person to prevent the risk of harm to the public, instead of requiring the responsible person(s) to remediate the land to specific numerical standards. Read the [full article](#) by [Kinji Bouchier](#) of Lawson Lundell LLP.

Act or Regulation Affected	Effective Date	Amendment Information
Additional Purpose Regulation (188/2004)	Mar. 15/16	by <a href="#">Reg 72/2016</a>
Administrative Tribunals Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 1 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Adjustment Factors Relating to the Valuation of Railway Corporation Property Regulation (324/96)	<b>REPEALED</b> Mar. 2/16	by <a href="#">Reg. 51/2016</a>
Agricultural Land Commission Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 45, Sch 7 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Agricultural Land Reserve Use, Subdivision and Procedure Regulation (171/2002)	Apr. 1/16	by <a href="#">Reg 71/2016</a>
Appeal Fee Regulation (348/90)	<b>REPEALED</b> Mar. 2/16	by <a href="#">Reg 52/2016</a>
Apology Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 39, Sch 1 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Assessed Value Estimates Extension Regulation (388/94)	<b>REPEALED</b> Mar. 2/16	by <a href="#">Reg 52/2016</a>
Assessment Act Improvements Exclusion (1991) Regulation (69/91)	<b>REPEALED</b> Mar. 2/16	by <a href="#">Reg 52/2016</a>
Assessment Act Regulation (433/98)	Mar. 2/16	by <a href="#">Reg 52/2016</a>
Assessment Authority Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 44, Sch 6 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
British Columbia Teachers' Council Regulation (2/2012)	Mar. 1/16	by <a href="#">Reg 48/2016</a>

British Columbia Transit Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 44, Sch 6 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Civil Forfeiture Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 44, Sch 6 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Coastal Ferry Act	Apr. 1/16	by 2011 Bill 14, c. 10, section 5 only (in force by Royal Assent), <a href="#">Coastal Ferry Amendment Act, 2011</a>
Community Charter	Mar. 10/16	by 2016 Bill 18, c. 15, section 47, Sch 9 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Criteria for Railway Right of Way Definition Regulation (325/96)	<b>REPEALED</b> Mar. 2/16	by <a href="#">Reg. 51/2016</a>
Depreciation of Industrial Improvements Regulation (379/88)	<b>REPEALED</b> Mar. 2/16	by <a href="#">Reg 53/2016</a>
Depreciation of Dams, Power Plants and Substations Regulation (395/99)	<b>REPEALED</b> Mar. 2/16	by <a href="#">Reg 53/2016</a>
Depreciation of Industrial and Electrical Power Generating Power Generating Facility Improvements Regulation (53/2016)	<b>NEW</b> Mar. 2/16	see <a href="#">Reg 53/2016</a>
Exclusion of Railway Bridges and Tunnels from the Definition of Improvements Regulation (328/96)	<b>REPEALED</b> Mar. 2/16	by <a href="#">Reg 51/2016</a>
Dissemination of Information Regulation (232/78)	<b>REPEALED</b> Mar. 2/16	by <a href="#">Reg 52/2016</a>
Emergency Program Act	Mar. 10/16	by 2016 Bill 10, c. 3, sections 2 and 3 only (in force by Royal Assent), <a href="#">Budget Measures Implementation Act, 2016</a>
Fee for Copy of Information in the Current Assessment Notice Regulation (270/2004)	<b>REPEALED</b> Mar. 2/16	by <a href="#">Reg 52/2016</a>
Independent School Act	Mar. 10/16	by 2016 Bill 18, c. 15, sections 41, Sch 3 and 44, Sch 6 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>

Indian Self Government Enabling Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 40, Sch 2 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Instructional Time Regulation (185/2014)	<b>REPEALED</b> Mar. 2/16	by <a href="#">Reg 62/2016</a>
Library Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 44, Sch 6 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Liquor Control and Licensing Regulation (244/2002)	Mar. 4/16	by <a href="#">Regs 65/2016</a> and <a href="#">66/2016</a>
Local Government Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 42, Sch 4 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Municipal Finance Authority Act	Mar. 10/16	by 2016 Bill 18, c. 15, sections 43, Sch 5, and 44, Sch 6 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Municipal Replotting Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 23 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Mutual Fire Insurance Companies Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 39, Sch 1 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Ombudsperson Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 42, Sch 4 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Physical Inventory Disclosure Regulation (434/98)	<b>REPEALED</b> Mar. 2/16	by <a href="#">Reg 52/2016</a>
Prescribed Capacity Regulation (305/90)	<b>REPEALED</b> Mar. 2/16	by <a href="#">Reg 52/2016</a>
Property Class Regulation (Assessment) (306/92)	<b>REPEALED</b> Mar. 2/16	by <a href="#">Reg 52/2016</a>
Property Valuation Extension Regulation (30/93)	<b>REPEALED</b> Mar. 2/16	by <a href="#">Reg 52/2016</a>

Railway Act	Mar. 10/16	by 2016 Bill 18, c. 15, sections 47, Sch 9 and 48, Sch 10 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Railway Corporations Assessment Regulation (51/2016)	<b>NEW</b> Mar. 2/16	see <a href="#">Reg 51/2016</a>
Railway Right of Way Valuation Criteria Regulation (326/96)	<b>REPEALED</b> Mar. 2/16	by <a href="#">Reg 51/2016</a>
Safety Authority Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 32 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
School Act	Mar. 10/16	by 2016 Bill 18, c. 15, sections 33, 40, Sch 2, 41, Sch 3, 42, Sch 4 and 43, Sch 5 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
School Regulation (265/89)	<b>REPEALED</b> 62/2016	by <a href="#">Reg 62/2016</a>
South Coast British Columbia Transportation Authority Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 44, Sch 6 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Statistics Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 42, Sch 4 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Taxation (Rural Area) Act	Mar. 10/16	by 2016 Bill 18, c. 15, sections 36 and 48, Sch 10 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Tourist Accommodation (Assessment Relief) Act	Mar. 10/16	by 2016 Bill 10, c. 3, sections 64 to 67 only (in force by Royal Assent), <a href="#">Budget Measures Implementation Act, 2016</a>
Transportation Investment Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 42, Sch 4 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Vancouver Charter	Mar. 10/16	by 2016 Bill 18, c. 15, sections 37, 38, 43, Sch 5 and 44, Sch 6 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections)</a>

**MISCELLANEOUS**

**Miscellaneous News:**

**Attorney General's Statement on Civil Tariffs**

Attorney General and Minister of Justice Suzanne Anton has issued the following statement regarding [Order-in-Council 196](#) related to proposed increases to civil tariffs, which are the amounts awarded to a successful party in a civil action to help cover legal costs and expenses. "Our government has taken steps to provide further time for consultation on changes to the civil tariff recommended by the Supreme Court Rules Revision Committee in order to better understand their potential financial impacts on consumers. "While I respect the recommendation made by the committee, as Attorney General, I have the responsibility of ensuring that the rules we adopt serve the citizens of British Columbia. This is why I have recommended that government not proceed with any changes to the civil tariff until we have allowed time for further consultation and analysis. It is important to understand how the proposed changes affect all stakeholders. Read the official government [news release](#).

**How Civil Forfeiture Laws Got Out of Control, and How to Rein Them in**

Civil forfeiture laws in eight Canadian provinces began with the best of intentions. The idea was that organized crime and major drug dealers would face not just criminal sanctions, but also the loss of the properties and vehicles used to run their criminal enterprises. But far too often, as investigations by the Globe's British Columbia bureau have shown, these laws are now being used to punish people who don't look like organized criminals, or criminals at all. In some provinces, civil forfeiture often looks like a cash grab rather than an act of justice. Sometimes, the person whose property is seized by the state has not even been found guilty of anything. The Globe has reported on cases in BC where people not convicted of a crime had property seized, and other instances where someone not even charged has had property confiscated. For example, landlords have had property taken because of offences committed by tenants. All of which goes against a fundamental principle of our justice system: the right to be presumed innocent, and treated as such, until found guilty by a court of law. Read *The Globe And Mail* [article](#).

**What Are Our Rights Worth? Quantifying Damages for Human Rights Violations**

– from [CLEBC website](#) – *Practice Points*

In this paper from the *Human Rights Conference – 2015*, Susanna Quail provides a reasoned approach to quantifying damages for injury to dignity, feelings, and self-respect, so that parties, advocates, and decision-makers may better anticipate and justify these quantum. Click [here](#) to view a pdf version of the paper.

Act or Regulation Affected	Effective Date	Amendment Information
Class Proceedings Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 44, Sch 6 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Constitution Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 39, Sch 1 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Cremation, Interment and Funeral Services Regulation (298/2004)	Apr. 1/16	by <a href="#">Reg 44/2016</a>
		by 2016 Bill 18, c. 15, section 44, Sch 6

Criminal Asset Management Act	Mar. 10/16	only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Freedom of Information and Protection of Privacy Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 47, Sch 10 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Legal Profession Act	Mar. 10/16	by 2016 Bill 18, c. 15, sections 41, Sch 3, 43, Sch 5, 44, Sch 6 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Limitation Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 39, Sch 1 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Minister of State for Multiculturalism Expected Results for the 2011/2012 Fiscal Year Regulation (6/2012)	<b>REPEALED</b> Mar. 2/16	by <a href="#">Reg 49/2016</a>
Minister of State for Multiculturalism Expected Results for the 2012/2013 Fiscal Year Regulation (9/2012)	<b>REPEALED</b> Mar. 2/16	by <a href="#">Reg 49/2016</a>
Minister of State for Seniors and Minister of State for Small Business Expected Results for the 2012/2013 Fiscal Year Regulation (16/2013)	<b>REPEALED</b> Mar. 2/16	by <a href="#">Reg 49/2016</a>
Minister of State for Seniors and Minister of State for Tourism and Small Business Expected Results for the 2013/2014 Fiscal Year Regulation (15/2013)	<b>REPEALED</b> Mar. 2/16	by <a href="#">Reg 49/2016</a>
Police Act	Mar. 10/16	by 2016 Bill 18, c. 15, sections 39, Sch 1, 43, Sch 5, 44, Sch 6 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Prescribed Entity Regulation (64/99)	Mar. 2/16	by <a href="#">Reg 61/2016</a>
Sale of Goods Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 44, Sch 6 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>

**MOTOR VEHICLE & TRAFFIC**

**Motor Vehicle and Traffic News:**

**Beyond Cellphones: How Far Should Distracted Driving Laws Go?  
Feedback provided to provincial review of driving laws includes calls for ban on hand-free devices**

It's sad to think that only a high-profile tragedy is going to change attitudes towards distracted driving. Intellectually, we all know we shouldn't talk on a smart phone, check email or text behind the wheel. But anyone who has spent more than about 10 minutes in traffic has seen it happen, despite all the warnings, despite all the laws. And how many of us have made exceptions to our own "zero-tolerance" policies when faced with a buzzing device and a needy child, anxious partner or impatient boss on the other end? The comparison gets made to impaired driving all the time. And [statistics suggest](#) distracted driving has now – in fact – surpassed drunken driving in BC as a leading cause of car crash fatalities. But can you imagine a situation in which someone with more than a dozen impaired driving charges is still allowed on the road? Read the CBC [article](#).

**Insurance Corporation of BC Wants Supreme Court of Canada to Hear Appeal Arising from Intoxicated Passenger Grabbing Steering Wheel**

A dispute between the Insurance Corporation of British Columbia and a woman seriously injured in a vehicle crash, arising from an intoxicated passenger grabbing the steering wheel, may reach the Supreme Court of Canada. In September, 2015, the B.C. Court of Appeal ruled against ICBC, the crown corporation with a monopoly on basic auto coverage in the province. Marnetta Felix had been awarded damages of nearly \$800,000, plus costs, after suing the estate of Kevin Hearne. She sought to have ICBC indemnify the estate of Hearne, as passenger of the vehicle she was driving who had grabbed her steering wheel. The resulting accident killed Hearne and seriously injured Felix. Felix was initially unsuccessful. In a ruling released Feb. 3, 2014, Mr. Justice Anthony Saunders of the B.C. Supreme Court ruled in favour of ICBC. But in 2015, the province's appeal court overruled Justice Saunders. Read the [full article](#) published on the Canadian Underwriter.

Act or Regulation Affected	Effective Date	Amendment Information
Emission Inspection Exemption Regulation (320/92)	Mar. 2/16	by <a href="#">Reg 59/2016</a>
Identification Card Regulation (4/2013)	Mar. 2/16	by <a href="#">Reg 60/2016</a>
Insurance Corporation Act	Mar. 10/16	by 2016 Bill 10, c. 3, sections 8 to 12 only (in force by Royal Assent), <a href="#">Budget Measures Implementation Act, 2016</a>
Insurance (Vehicle) Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 44, Sch 6 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Lien on Impounded Motor Vehicles Regulation (25/2015)	Mar. 1/16	by <a href="#">Reg 26/2016</a>
Motor Fuel Tax Act	<b>RETROACTIVE to</b> Mar. 1/16	by 2016 Bill 10, c. 3, sections 43 and 44 only (in force by Royal Assent), <a href="#">Budget Measures Implementation Act, 2016</a>
	Mar. 10/16	by 2016 Bill 18, c. 15, section 39, Sch 1 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>

Motor Vehicle Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 41, Sch 3 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
	Apr. 1/16	by 2015 Bill 15, c. 13, sections 21 and 32 only (in force by <a href="#">Reg 12/2016</a> ), <a href="#">Motor Vehicle Amendment Act, 2015</a>
Motor Vehicle Act Regulations (26/59)	Mar. 2/16	by <a href="#">Regs 59/2016</a> and <a href="#">64/2016</a>
Offence Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 26 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Repairers Lien Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 39, Sch 1 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Violation Ticket Administration and Fines Regulation (67/2016)	Apr. 1/16	by <a href="#">Reg 67/2016</a>
Warehouse Receipt Act	Mar. 10/16	by 2016 Bill 18, c. 15, sections 39, Sch 1 and 42, Sch 4 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>

**PROPERTY & REAL ESTATE**

**Property and Real Estate News:**

**BC Court of Appeal Affirms "Foundational Democratic Principles" at the Heart of the *Strata Property Act***

15 March 2016 – In an important decision on strata-property governance, the Court of Appeal for British Columbia has grappled with whether legislation respecting a court-appointed administrator of a strata property "permits a court to abrogate a right which lies at the very core of a strata corporation's constitutional structure: the owners' democratic right to vote." In [Norenger Development \(Canada\) Inc v The Owners, Strata Plan NW 3271](#), 2016 BCCA 118, the court overturned an earlier decision of the British Columbia Supreme Court, concluding that, despite the administrator's "well-meant attempt to put an end to the perceived dysfunction of the Strata Corporation," the "foundational democratic principles that pervade the Act cannot be sacrificed to expediency absent clear statutory direction." Read the [full article](#) published on the BC Law Institute website.

**Strata Rental Laws Partly to Blame for High Housing Prices, Says Analyst**  
***Strata laws that restrict renters "prejudicial," says real estate analyst***

Strata laws that restrict rentals do more to raise housing prices than shadow flipping or foreign buyers, says one real estate analyst. Both the BC government and opposition party last week [signalled their support for legislation](#) aimed at cooling the province's housing market, including the BC NDP's suggestion of having buyers pay property transfer taxes at the agreement of sale and of imposing a two per cent tax on vacant homes. But one analyst says the Lower Mainland's vacant homes are partly the result of strata councils who are unwilling to allow more than a certain number of renters into the condo building. "You've got these small little groups of three or four people in each of these condo buildings saying, 'You know what, no rentals – we don't like renters,'" said Don Campbell, a senior analyst at the Real Estate

Investment Network. Read the CBC [article](#).

**Don't Stress with Distress: A Landlord's Distress Remedy in *Delane Industry Co. Ltd. v. PCI Properties Corp.***

Determining the most appropriate remedy in response to a tenant's failure to pay rent can be a difficult decision for a commercial landlord. Exercising distress is one such available remedy.

**Introduction**

Determining the most appropriate remedy in response to a tenant's failure to pay rent can be a difficult decision for a commercial landlord. Exercising distress is one such available remedy. The British Columbia Court of Appeal's decision in [Delane Industry Co. Ltd. v. PCI Properties Corp.](#), 2014 BCCA 285, highlights the need to proceed with good legal advice and caution. The decision also clarifies the legal demarcation between a landlord's distress remedy and its right to terminate.

**Facts and Decision**

The landlord, PCI Properties Corp., leased retail space in the Vancouver Convention Centre to the tenant, Delane Industry Co. Ltd. A dispute arose between the parties and the tenant withheld rent for over a year. After months of unpaid rent accrued and informal demands by the landlord went unrectified, the landlord wrote a formal demand letter on April 18, 2013 demanding payment of the outstanding rent in excess of \$100,000. The landlord threatened to exercise its rights and remedies under the lease, including its right to terminate. On May 13, 2013, the landlord issued a distress warrant, seizing the goods of the tenant. Shortly thereafter, on May 14, 2013, while the distress was underway, the landlord issued a notice of default to the tenant, demanding full payment of the arrears within five days.

Read the [full article](#) by [Brennan M. Carroll](#) and [D. Ross McGowan](#) of Borden Ladner Gervais LLP.

Act or Regulation Affected	Effective Date	Amendment Information
Builders Lien Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 39, Sch 1 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Court Order Enforcement Act	Mar. 10/16	by 2016 Bill 18, c. 15, sections 43, Sch 5 and 44, Sch 6 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Expropriation Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 10 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Homeowner Protection Act Regulation (29/99)	Mar. 3/16	by <a href="#">Reg 33/2015</a>
Interest Rate Regulation (82/2016) (replaces B.C. Reg. 171/2015)	Mar. 22/16	see <a href="#">Reg 82/2016</a>
Land Title Act	Mar. 10/16	by 2016 Bill 18, c. 15, sections 18, Sch 1 and 44, Sch 6 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>

Land Transfer Form Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 42, Sch 4 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Personal Property Security Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 47, Sch 9 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Property Law Act	Mar. 10/16	by 2016 Bill 18, c. 15, sections 43, Sch 5 and 44, Sch 6 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Property Transfer Tax Act	<b>RETROACTIVE to</b> Feb. 17/16	by 2016 Bill 10, c. 3, sections 45 to 55, 57, 59, 60 and 62 only (in force by Royal Assent), <a href="#">Budget Measures Implementation Act, 2016</a>
	Mar. 10/16	by 2016 Bill 10, c. 3, sections 58 and 61 only (in force by Royal Assent), <a href="#">Budget Measures Implementation Act, 2016</a>
Real Estate Services Act	Mar. 10/16	by 2016 Bill 18, c. 15, sections 30, 40, Sch 2 and 41, Sch 3 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>
Strata Property Act	Mar. 10/16	by 2016 Bill 18, c. 15, sections 35 and 44, Sch 6 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>

**WILLS & ESTATES**

**Wills and Estates News:**

**S. 52 WESA-Undue Influence Presumption re Dependence**

[S. 52 WESA](#) is a new provision that applies where a person establishes that a party was in a position where there was potential for dependence or domination of the will maker, and alleges that a gift in the will, resulted from the party using this position of authority to unduly influence the will maker, the onus of proof is then placed on the party seeking to uphold the gift to establish that the will did not result from undue influence. Positions of dependence or domination are frequently involved in estate litigation and typically relate to caregiving or predator type behavior that ultimately takes advantage of feeble mind. [Elder Estate v Bradshaw](#), 2015 BCSC 1266, involved a contested court action re the validity of the deceased's will as a result of allegations of lack of mental capacity and undue influence. Read the [full article](#) by Trevor Todd and published on Disinherited Estate Dispute and Contested Wills.

**WESA Curative Provisions to the Rescue!**

**Court Cures Will with New Powers**

[\(Re\) Smith Estate](#), 2016 BCSC 350

The deceased passed away on January 5, 2015 with her spouse, Jack Mulliner, passing away several hours earlier. Jack did not have any children, but lived with the deceased in a common law relationship for

approximately 35 years until they married in 2012. As a child, the applicant, Justine Jenkins (granddaughter), was very close to the deceased and lived with her for a period of time. As an adult, she remained close and involved with her grandmother and often spoke to her several times a day. The deceased had advised that she drafted three documents and signed them. She then asked the applicant if she would be executrix of her will. The applicant agreed. The deceased informed her that she had prepared a funeral box that contained her will, all the relevant documents and the information needed to perform her duties. Upon the death of her grandmother, the applicant searched for any testamentary documents in all places she thought they might reasonably be found, including the funeral box. The applicant found clipped and stapled together a copy of a 2008 document, an original 2011 document, and an original "funeral arrangements" document. Read the [full article](#) by the Wills Variation Group of Macisaaac & Company.

**Kish v. Sobchak Estate: Standard of Appellate Review of Findings of Fact in Wills Variation Summary Trial**

In the recent decision in *Kish v. Sobchak Estate*, 2016 BCCA 65, a five-judge panel of the British Columbia Court of Appeal considered how much deference the Court of Appeal is required to give a Supreme Court Judge's finding of facts in a wills variation case decided on the basis of affidavit evidence, as opposed to a conventional trial where witnesses testify in person. (This is my second post on this case. I reviewed the facts and the judgement in my [previous post](#).) An appeal is different from a trial. It is not a rehearing. Rather the appellant has to persuade the appellate court that the trial judge made an error, and that the error was of a nature such that the appellate court should interfere by either changing the decision or ordering a retrial. The amount of deference the appellate court is required to give the trial judge's decision may vary depending on the nature of the alleged error. It may be one of a question of law, a finding of fact, an inference of fact or it may involve the exercise of discretion. Some findings are said to be a mixed questions of law and fact. Read the [full article](#) by Stan Rule and published on his blog, Rule of Law.

Act or Regulation Affected	Effective Date	Amendment Information
Perpetuity Act	Mar. 10/16	by 2016 Bill 18, c. 15, section 47, Sch 9 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2016</a>

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