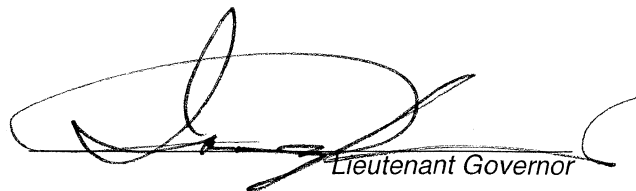


ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. -- 1167 , Approved and Ordered DEC - 2 2004

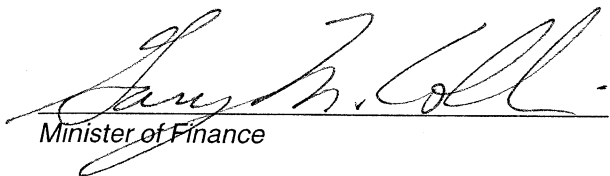


Lieutenant Governor

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 January 1, 2005, the following regulations are amended in accordance with the attached Schedule:

- (a) Bonding Regulations, B.C. Reg. 11/68;
- (b) Consumer Contracts Regulation, B.C. Reg. 272/2004;
- (c) Debt Collection Industry Regulation, B.C. Reg. 295/2004;
- (d) Credit Union Disclosure Statement Exemptions Regulation, B.C. Reg. 309/90;
- (e) Employment and Assistance Regulation, B.C. Reg. 263/2002;
- (f) Employment and Assistance for Persons with Disabilities Regulation, B.C. Reg. 265/2002;
- (g) Employment Standards Regulation, B.C. Reg. 396/95;
- (h) Insurance Licensing Regulation, B.C. Reg. 329/90;
- (i) Mortgage Brokers Act Regulations, B.C. Reg. 100/73;
- (j) Motor Dealer Act Regulation, B.C. Reg. 447/78;
- (k) Property Transfer Tax Regulation, B.C. Reg. 74/88.



Minister of Finance



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:- Bonding Act, R.S.B.C. 1996, c. 30, section 11; Business Practices and Consumer Protection Act, S.B.C. 2004, c. 2, section 194; Credit Union Incorporation Act, R.S.B.C. 1996, c. 82, section 108; Employment and Assistance Act, S.B.C. 2002, c. 40, section 35; Employment and Assistance for Persons with Disabilities Act, S.B.C. 2002, c. 41, section 26; Employment Standards Act, R.S.B.C. 1996, c. 113, section 127; Financial Institutions Act, R.S.B.C. 1996, c. 141, section 289; Real Estate Services Act, S.B.C. 2004, c. 42, section 137; Motor Dealer Act, R.S.B.C. 1996, c. 316, section 38; Property Transfer Tax Act, R.S.B.C. 1996, c. 378, section 37

Other (specify):- OIC 3878/67; OIC 628/2004; OIC 657/2004; OIC 1337/90; OIC 873/2002; OIC 874/2002; OIC 1155/95; OIC 1353/90; OIC 2465/78

SCHEDULE

Bonding Regulations

- 1 *Division 2 of the Bonding Regulations, B.C. Reg. 11/68, is repealed.*

Consumer Contracts Regulation

- 2 *Section 5 (4) (a) of the Consumer Contracts Regulation, B.C. Reg. 272/2004, is repealed and the following substituted:*

(a) direct sellers who are persons licensed under the *Real Estate Services Act*; .

Debt Collection Industry Regulation

- 3 *Section 3 (g) of the Debt Collection Industry Regulation, B.C. Reg. 295/2004, is repealed and the following substituted:*

(g) brokerages licensed under the *Real Estate Services Act*, their related licensees within the meaning of that Act and their employees, in respect of collections incidental to the business of the applicable brokerage; .

Credit Union Disclosure Statement Exemptions Regulation

- 4 *Section 3 (c) of the Credit Union Disclosure Statement Exemptions Regulation, B.C. Reg. 309/90, is repealed and the following substituted:*

(c) the security instrument is in respect of the sale or lease of a development unit, within the meaning of the *Real Estate Development Marketing Act*, for which a disclosure statement has been filed under that Act in relation to the development property in which the development unit is located.

Employment and Assistance Regulation

- 5 *Section 1 (1) of the Employment and Assistance Regulation, B.C. Reg. 263/2002, is amended by repealing paragraph (b) of the definition of “unearned income” and substituting the following:*

(b) cooperative associations as defined in the *Real Estate Development Marketing Act*; .

- 6 *Section 58 (1) is repealed and the following substituted:*

(1) In this section:

“**cooperative association**” means a cooperative association as defined in the *Real Estate Development Marketing Act*;

“**security deposit**” means a security deposit as defined in the *Residential Tenancy Act*, or an amount required by a cooperative association to be paid by a recipient

to the cooperative association for the same or a similar purpose as a security deposit under the *Residential Tenancy Act*.

Employment and Assistance for Persons with Disabilities Regulation

7 *Section 1 (1) of the Employment and Assistance for Persons with Disabilities Regulation, B.C. Reg. 265/2002, is amended by repealing paragraph (b) of the definition of “unearned income” and substituting the following:*

(b) cooperative associations as defined in the *Real Estate Development Marketing Act*, .

8 *Section 56 (1) is repealed and the following substituted:*

(1) In this section:

“**cooperative association**” means a cooperative association as defined in the *Real Estate Development Marketing Act*;

“**security deposit**” means a security deposit as defined in the *Residential Tenancy Act*, or an amount required by a cooperative association to be paid by a recipient to the cooperative association for the same or a similar purpose as a security deposit under the *Residential Tenancy Act*.

Employment Standards Regulation

9 *Section 31 (m) of the Employment Standards Regulation, B.C. Reg. 396/95, is repealed and the following substituted:*

(m) a person licensed under the *Real Estate Services Act*, .

Insurance Licensing Regulation

10 *Section 19 of the Insurance Licensing Regulation, B.C. Reg. 329/90, is amended by striking out “Real Estate Act” wherever it appears and substituting “Real Estate Services Act”.*

Mortgage Brokers Act Regulations

11 *Section 19 of the Mortgage Brokers Act Regulations, B.C. Reg. 100/73, is repealed and the following substituted:*

Exemption for persons licensed under the *Real Estate Services Act*

19 A person licensed under the *Real Estate Services Act* is exempt from the registration provisions of the *Mortgage Brokers Act* if the person would otherwise be required to be registered only as a result of the person’s activity in facilitating the sale of a vendor take-back mortgage if that activity is ancillary to the person’s role in the transaction that gave rise to the vendor take-back mortgage.

12 *Form 1 is amended by repealing section 14 (c) and substituting the following:*

- (c) The *Real Estate Services Act* or any law respecting the registration or licensing of persons providing real estate services within the meaning of that Act; .

13 Form 2 is amended by repealing section 5 (c) and substituting the following:

- (c) The *Real Estate Services Act* or any law respecting the registration or licensing of persons providing real estate services within the meaning of that Act; .

Motor Dealer Act Regulation

14 Section 14 (o) of the Motor Dealer Act Regulation, B.C. Reg. 447/78, is repealed and the following substituted:

- (o) a person licensed under the *Real Estate Services Act*, in respect of the sale or exchange of a manufactured home if the transaction includes, or is accompanied by, a transfer of an interest in land on which the manufactured home is situated.

Property Transfer Tax Regulation

15 Section 15 of the Property Transfer Tax Regulation, B.C. Reg. 74/88, is amended by striking out “a time share plan under the *Real Estate Act*,” and substituting “a time share plan as defined in the *Real Estate Development Marketing Act*,”.