

Quickscribe Reporter

Vol: XVIII – Issue: IV – April 2019

QUICKSCRIBE NEWS:

New Bills Introduced

The following government Bills have been tabled since the last Reporter:

- [Bill 8](#), Employment Standards Amendment Act, 2019
- [Bill 13](#), Community Safety Amendment Act, 2019
- [Bill 18](#), Workers Compensation Amendment Act, 2019
- [Bill 22](#), Forest Amendment Act, 2019
- [Bill 25](#), Coastal Ferry Amendment Act, 2019
- [Bill 26](#), Financial Services Authority Act, 2019
- [Bill 27](#), Ticket Sales Act
- [Bill 28](#), Zero-Emission Vehicles Act
- [Bill 29](#), Miscellaneous Statutes Amendment Act, 2019
- [Bill 30](#), Labour Relations Code Amendment Act, 2019
- [Bill 31](#), Police Amendment Act, 2019
- [Bill 32](#), Protected Areas of British Columbia Amendment Act (No. 2), 2019

Several non-government Bills were introduced as well:

- Bill M208, Welfare Payment System Reflection Act
- [Bill M209](#), Business Corporations Amendment Act, 2019
- [Bill M210](#), Vulnerable Adolescents Protection from E-Cigarettes (VAPE) Act, 2019
- Bill M211, RCMP Appreciation Day Act

A reminder that if you would like to track the progress of these bills, or to track changes to any laws that bills amend, please feel free to make use of our [BC Legislative Digest](#) tracking tool, and have us monitor and alert you to changes for laws of your choosing.


Latest Annotations

New annotations have recently been added to the Quickscribe site. These annotations include contributions from [John-Paul Boyd](#), with Wise Scheible Barkauskas – annotations to the [Family Law Act](#).

Watch this 20-minute [YouTube video](#) to learn more about annotations including how to receive alerts when new annotations are published to the laws that matter most to you. To view and follow annotation contributors, select "[Annotations](#)" via the left navigation, then select the "[experienced legal professionals](#)" link under the large star icon, then "Follow User" adjacent to any "expert annotator".

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

View [PDF](#) of this Reporter.

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

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[ENERGY & MINES](#) [MISCELLANEOUS](#)
[FAMILY & CHILDREN](#) [MOTOR VEHICLE & TRAFFIC](#)
[FOREST & ENVIRONMENT](#) [OCCUPATIONAL HEALTH & SAFETY](#)
 [HEALTH](#) [PROPERTY & REAL ESTATE](#)
[LABOUR & EMPLOYMENT](#) [WILLS & ESTATES](#)

COMPANY & FINANCE

Company and Finance News:

Will Amendments to the *Canada Business Corporations Act* Affect Share Pledges?

[Bill C-86](#), an act that implements certain budgetary measures from the 2018 budget, received Royal Assent on December 13, 2018.

The act included amendments to multiple pieces of legislation including the [Canada Business Corporations Act](#) ("CBCA"). These amendments will come into force on June 13, 2019.

The CBCA amendments in the act introduced the requirement to record individuals (a natural person) who have significant control over a corporation. Individuals having "significant control" over a corporation include, by way of these amendments, an individual who has "direct or indirect control or direction" over interests or rights pertaining to a significant number of shares of a corporation or who has "direct or indirect influence that, if exercised, would result in control in fact of the corporation". A "significant number of shares" is defined as those shares having 25% or more of the voting rights or fair market value. Read the [full article](#) by Christopher Alm and Mike Todd with Gowling WLG.

Proposed Changes to the CBCA: Directors Duties and Disclosure Obligations

On April 8, 2019, the Federal Government introduced [Bill C-97](#), *An Act to implement certain provisions of the budget tabled in Parliament on March 19, 2019 and other measures*, which includes proposed changes to the [Canada Business Corporations Act](#) (CBCA). The changes will have varying impacts on federally incorporated businesses in Canada. The most significant and noteworthy provisions are as follows.

Directors and Officers – Best Interests Considerations

The CBCA requires directors and officers, in discharging their duties to the corporation, to "act honestly and in good faith with a view to the best interests of the corporation." Until the 2008 decision of the Supreme Court of Canada (SCC) in *BCE Inc. v 1976 Debenture Holders*, it was often believed that acting in the best interests of the corporation was tantamount to acting in the best interests of the shareholders of the corporation. However, the SCC confirmed that "directors owe their duty to the corporation, not to stakeholders and that the reasonable expectation of stakeholders is simply that the directors act in the best interests of the corporation." The SCC provided further guidance on these duties by concluding that the interests of other stakeholders in the corporation may be relevant in an assessment of the duties of directors: "[t]he duty of the directors to act in the best interests of the corporation comprehends a duty to treat individual stakeholders affected by corporate actions equitably and fairly" and that "directors may look at the interests of, *inter alia*, shareholders, employees, creditors, consumers, governments and the environment" in discharging their duty to act in the best interests of the corporation.

Read the [full article](#) by Denise D. Bright, Beth Riley and Zach Johnson with Bennett Jones LLP.

Proposed Amendments to Canada's Anti-money Laundering Regulations Aim to Close Loopholes

Long-awaited amendments to Canada's anti-money laundering regulations are set to come into effect this coming fall. A number of deficiencies in the regulations had been previously identified by the Financial Action Task Force ("FATF"), of which Canada is a founding member. Following on the inter-governmental agency's

fourth Mutual Evaluation Report of Canada in 2016 ("2016 FATF Report"), Canada became subject to an "enhanced follow-up process", a measure designed for countries with significant deficiencies in their AML/ATF regimes. As such, Canada is required to report annually on its progress in addressing the identified deficiencies.

The deficiencies outlined in the 2016 FATF Report, among others, were also highlighted by the US State Department's Bureau of International Narcotics and Law Enforcement Affairs in its Report on Money Laundering published in March of 2018. Read the [full article](#) by Eric Belli-Bivar with DLA Piper.

BC Employers Health Tax Reminder

Important deadlines are approaching for employer health tax:

- Employers required to pay [instalments](#) in 2019 must [register](#) by May 15, 2019.
- The first instalment payment is due June 15, 2019.

Watch the tutorial videos on [registration](#) and [enrolment](#) to help you prepare. Visit the [Employers Health Tax website](#) to view these and other notices.

"Vestige of the Past": Competition Bureau Mulls Scrapping "Efficiencies" Defence in Merger Laws

With the Competition Bureau poised to release new guidelines on the role of efficiencies in merger reviews, Canada's unique "efficiencies" defence, which allows the Competition Bureau to clear mergers with likely anti-competitive effects, may be in jeopardy.

The defence, found in the [Competition Act](#), prohibits the Competition Tribunal from preventing a merger producing efficiencies that will be greater than the anti-competitive effects of the transaction. In a landmark 2015 decision, the Supreme Court of Canada gave teeth to the defence by declaring that it "gives primacy to economic efficiency".

"The court noted that the efficiencies defence, in the context of the relatively small Canadian economy to which international trade is important, is Parliamentary recognition that consolidation can be more beneficial than competition," says Ken Jull, a competition lawyer who is counsel at Gardiner Roberts LLP in Toronto.

Within a year of the Supreme Court decision, which involved a merger in British Columbia's landfill industry, the Bureau approved the proposed acquisition of Canexus Corporation by Superior Plus Corporation on the basis of the anticipated efficiencies created by the merger and despite its anti-competitive effects. Read the [full article](#) by [Julius Melnitzer](#) of the *Financial Post*.

BC Securities – Policies & Instruments

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

- [21-101](#) – CSA Notice and Request for Comment: Proposed Amendments to National Instrument 21-101 *Marketplace Operation* and Proposed Changes to Companion Policy 21-101CP *Marketplace Operation*

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

Act or Regulation Affected	Effective Date	Amendment Information
Bonding Regulations (11/68)	Apr. 1/19	by Reg 66/2019
Designated Accommodation Area Tax Regulation (93/2019)	May 1/19	by Reg 88/2019
Financial Administration Act	Apr. 11/19	by 2019 Bill 5, c. 7, section 3 only (in force by Royal Assent), Budget Measures Implementation Act, 2019
Government Reporting Entity Regulation (134/2001)	Apr. 15/19	by Reg 82/2019
	RETROACTIVE	by 2019 Bill 5, c. 7, section 14 only (in force by

Income Tax Act	to Mar. 28/03	Royal Assent), Budget Measures Implementation Act, 2019
	RETROACTIVE to Jan. 1/15	by 2019 Bill 5, c. 7, section 5 only (in force by Royal Assent), Budget Measures Implementation Act, 2019
	RETROACTIVE to Jan. 1/18	by 2019 Bill 5, c. 7, sections 6 and 8 only (in force by Royal Assent), Budget Measures Implementation Act, 2019
	RETROACTIVE to Jan. 1/19	by 2019 Bill 5, c. 7, sections 7, 13, 15, 16, 24 and 25 only (in force by Royal Assent), Budget Measures Implementation Act, 2019
	RETROACTIVE to Mar. 2/19	by 2019 Bill 5, c. 7, section 12 only (in force by Royal Assent), Budget Measures Implementation Act, 2019
	Apr. 11/19	by 2019 Bill 5, c. 7, sections 9, 11, 17, 21, 23 and 26 only (in force by Royal Assent), Budget Measures Implementation Act, 2019 ; and 2019 Bill 10, c. 6, sections 1 to 3 only (in force by Royal Assent), Income Tax Amendment Act, 2019
Natural Gas Tax Credit Regulation (100/2015)	REPEALED Apr. 1/19	by Reg 66/2019
Provincial Sales Tax Act	RETROACTIVE to Apr. 1/13	by 2019 Bill 5, c. 7, sections 39, 41 to 47, 49 and 50 only (in force by Royal Assent), Budget Measures Implementation Act, 2019
	RETROACTIVE to Feb. 20/19	by 2019 Bill 5, c. 7, sections 36 to 38, 40, 48, 51, 53 to 59 only (in force by Royal Assent), Budget Measures Implementation Act, 2019
	Apr. 1/19	by 2017 Bill 2, c. 12, sections 71, 73 to 75 only (in force by Royal Assent), Budget Measures Implementation Act, 2017
	Apr. 11/19	by 2019 Bill 5, c. 7, sections 36 to 38, 40, 48, 51, 53 to 59 only (in force by Royal Assent), Budget Measures Implementation Act, 2019
Small Business Venture Capital Act	RETROACTIVE to Mar. 2/19	by 2019 Bill 5, c. 7, sections 60, 62 to 65, 67, 68, 70, 71, 73 75, 77 and 78 only (in force by Royal Assent), Budget Measures Implementation Act, 2019
Speculation and Vacancy Tax Act	RETROACTIVE to Nov. 27/18	by 2019 Bill 5, c. 7, sections 82 to 85 only (in force by Royal Assent), Budget Measures Implementation Act, 2019
ENERGY & MINES		

Energy and Mines News:

Report Calls for Protection for "Besieged" BC Farmland [Resource Extraction]

An independent report on agricultural revitalization in British Columbia is calling for a task force to address the "imbalance" between oil and gas development and agriculture in the province's northeast.

The Agriculture Ministry released the final report today that makes 32 recommendations related to the province's Agricultural Land Commission and Reserve.

It calls for the proposed task force to review how to balance the surface rights of farmers and ranchers with subsurface rights of the extractors, and to deliver a strategy to address "the significant resource extraction issues" affecting farmland in the Peace Region.

In a letter introducing the report, committee chair and former Independent MLA Vicki Huntington calls for a government-wide policy shift that identifies BC's agricultural land and industry as equivalent to other natural resources.

Huntington says the oil and gas industry has had a significant and growing impact in the northeast and the development of the energy sector has exceeded the capacity of the current regulatory environment to protect farmland. Read the CTV [article](#).

Notice of Construction Start Submission Changes

The BC Oil and Gas Commission is changing the process for submitting a Notice of Construction Start for a well, road, associated oil and gas activity (AOGA), stream crossing or National Energy Board (NEB) ancillary. Effective April 24, 2019 8:00 a.m. information related to these activities currently submitted to OGC.ExternalNotifications@bcogc.ca using either the Notice of Construction Start or Notice of Road Construction Start form must be submitted via the eSubmission online portal.

This change enhances the Commission's capabilities for providing oversight and compliance for NCS submission requirements. For permit holders, the new process increases efficiency by reducing the number of forms that must be submitted via email, centralizing more operational submission requirements in the eSubmission system, and creating additional consistency across activity types. E-mailed forms will no longer be accepted after April 23, 2019 at 4:00 p.m. Read the [BCOGC Industry Bulletin](#).

"Zapping" Back: Clean Energy BC Responds to Critical Review of BC Hydro's Purchase of Power from BC IPPs

In a [document](#) released March 21, 2019 (the "Response"), the Clean Energy Association of BC (CEBC) has responded to a critical report released in February that alleged that BC Hydro, in entering into agreements to purchase energy from independent power producers (IPPs) in British Columbia, "bought too much energy, paid too much for the energy it bought, and undertook these actions at the direction of the Government".

The Response aims to rebut various assertions made in a recently released report commissioned by BC's Minister of Energy, Mines and Petroleum Resources, entitled "[Zapped: A Review of BC Hydro's Purchase of Power from Independent Power Producers](#)" ("Zapped"). In *Zapped*, author Ken Davidson strongly critiques the procurement of power from IPPs by BC Hydro and lays the blame squarely on the government policies, legislation and directives that *Zapped* concludes had driven misguided energy practices. Read the [full article](#) by [Maureen Gilles](#) with McCarthy Tetrault LLP.

2019 Status Updates to Area-based Analysis

The BC Oil and Gas Commission (Commission) has completed the 2019 annual update to Area-based Analysis (ABA). These changes come into effect on May 1, 2019.

The status of Riparian Reserve Zones in the northeast largely remains the same. In total, 45 water management basins are status normal, 22 are enhanced management and two are regulatory policy.

There is no significant change to Old Growth Management Areas (OGMA). 191 OGMA are ABA Status normal and 49 OGMA are regulatory policy. In addition, there is no change to ABA Old Forest with Boreal Plains, Northern Boreal Mountains and Boreal Foothills remaining ABA status normal, and Omineca, Wet Mountains and Wet Trench remaining enhanced management.

There are no new Ungulate Winter Range or Wildlife Habitat Areas in the Peace region. 323 wildlife areas are status normal, 21 are enhanced management and 46 are regulatory policy.

ABA is an operational program which monitors incremental cumulative disturbance on the land base from multiple sectors. In effect for four years, ABA supports the consideration of cumulative effects in decision-making, and helps to identify development risks and promote applicable mitigation development in areas of potential sensitivity. Read the full [BCOGC Industry bulletin](#).

Mining Association of BC Appoints New President and CEO

The Mining Association of British Columbia (MABC) is pleased to announce the appointment of Michael Goehring as President and CEO. Mr. Goehring will assume the role effective May 1, 2019.

Mr. Goehring brings more than 20 years' experience in public affairs and strategic communications in the mining, energy, forestry, utilities, technology and trade industries. He has built a strong reputation for advancing public policy files and delivering successful advocacy and communications campaigns. He joins MABC following a successful career as a Partner at Canada's largest communications firm.

"We look forward to Michael taking the helm of MABC, the voice of the mining industry in British Columbia," noted Rob Rotzinger, Chair of the Board of Directors. "Michael's expertise in communications, advocacy and regulatory affairs will strengthen our drive towards positive changes for the mining industry to the benefit of all British Columbians."

"Mining is critical to our economy and communities across B.C., and there are significant opportunities for the industry to make an even greater contribution to our province's future. I am excited to join MABC and to work on behalf of an innovative and high tech industry whose best days are yet to come," said Michael Goehring. Read the full article on the [Mining Association of BC](#) website.

Act or Regulation Affected	Effective Date	Amendment Information
Direction to the British Columbia Utilities Commission Respecting the Biomass Energy Program (71/2019)	NEW Apr. 1/19	see Reg 71/2019
Fee, Levy and Security Regulation (8/2014)	Apr. 1/19	by Reg 45/2019
Liquefied Natural Gas Income Tax Regulation (101/2015)	Apr. 1/19	by Reg 66/2019
Oil and Gas Activities Act	Apr. 1/19	by 2018 Bill 15, c. 15, sections 2, 12, 19 and 23 only (in force by Reg 62/2019), Energy, Mines and Petroleum Resources Statutes Amendment Act, 2018
Oil and Gas Activities Act General Regulation (274/2010)	Apr. 1/19	by Regs 62/2019 and 67/2019
Oil and Gas Commission Levy and Orphan Site Reclamation Fund Tax Regulation (363/98)	REPEALED Apr. 1/19	by Reg 67/2019
Reconsideration by Alternative Dispute Resolution Regulation (45/2001)	REPEALED Apr. 1/19	by Reg 67/2019

FAMILY & CHILDREN

Family and Children News:

**Trial and Error: Big Ideas
Looking for Big Data**

In keeping with this issue's theme of "Trial and Error", this column takes a brief look at family law research, beginning with gaps in research and then turning to recent court decisions about the admissibility of social science research. In October 2013, the Action Committee on Access to Justice in Civil and Family Matters published its report "Access to Civil and Family Justice: A Roadmap for Change"¹, which set out a "Nine-Point Access to Justice Roadmap". Point 8, titled "Support Access to Justice Research to Promote Evidence-Based Policy Making – By 2015", was as follows:

8.1 Promote a National Access to Justice Research and Innovation Agenda that is both Aspirational and Practical

This goal is directed primarily to researchers and governments, but additionally to all those who care about working with and improving the system – including AJICs, etc. A national research and innovation agenda should be both aspirational and practical. Innovative and forward thinking will be central to this project. Equally important to this process, however, will be to look at what works. Collaboration among legal researchers, economists, social scientists, health care researchers and others should be encouraged.

Read the [full article](#) by Magal Huberman with the Pietrow Law Group and published in *the Verdict* by TLABC.

Can a Family Law Order Force Someone to "Insure" a Vehicle?

Can a court order a cube van owner under the [Family Law Act](#) to "insure" a vehicle that is to be transferred over to an ex?

No, the Supreme Court of British Columbia ruled recently. Sukhvir Singh Athwal and Jessie Walia are currently involved in a *Family Law Act* proceeding over a financial dispute and over whether they qualify as "spouses." Their trial is scheduled for June of this year. In the meantime, the ownership and insurance of a cube van came before the court. Read the [full article](#) by David Gambrell published in the *Canadian Underwriter*.

Pension Division Review Project Committee Considers Transitional Provisions, Disability Benefits at April Meeting

The [Pension Division Review Project](#) benefits from having an expert [project committee](#). At this month's meeting, the committee considered two topics: transitional provisions and disability benefits.

The transitional rules that deal with division of pension benefits under the [Family Law Act](#) are found in [section 253](#). The committee examined each of section 253's four subsections, with a view to whether experience in applying the transitional provisions over the first five years of the *Family Law Act's* existence has yielded insights that could be used to improve the transitional provisions.

Unlike its predecessor legislation (the [Family Relations Act](#)), the *Family Law Act* has a dedicated provision addressing disability benefits. It's found in [section 122](#) of the act. The committee considered this section's operation in light of its purposes and discussed potential reforms to it. Read the [full article](#) by Kevin Zakreski of BCLI.

Act or Regulation Affected	Effective Date	Amendment Information
Child, Family and Community Service Act	Apr. 1/19	by 2018 Bill 26, c. 27, sections 1 (a) (part), (b), (c) (part), (d), (e) (part), 2 to 13, 15, 17, 18 (a) (part), (b), (c) 19 to 26 and 28 to 49 (in force by Reg 17/2019), Child, Family and Community Service Amendment Act, 2018
Child, Family & Community Service Regulation (527/95)	Apr. 1/19	by Reg 17/2019
Continuing Care Fees Regulation (330/97)	Apr. 15/19	by Reg 83/2019

Continuing Care Programs Regulation
(146/95)

Apr. 15/19

by [Reg 83/2019](#)**FOREST & ENVIRONMENT****Forest and Environment News:****Bill 21 - The Forest and Range Practices Amendment Act, 2019**

[Bill 21](#) was recently introduced into the BC Legislature and represents "phase 1" of the current government's agenda to reform the regulation of forest practices in BC. What follows are some of the more noteworthy amendments in Bill 21.

Ecological Communities

Bill 21 introduces the concept of an "ecological community" into the [Forest and Range Practices Act](#) (FRPA): "a group of different species occupying a particular area." The provincial cabinet will have the authority to authorize the minister responsible for the [Wildlife Act](#) to establish categories of ecological communities, and "general measures" in relation to ecological communities. "General measures" are apparently something different than "general wildlife measures" that the minister is already authorized to establish under the [Government Actions Regulation](#) with respect to wildlife habitat area or ungulate winter range. The amendments in Bill 21 do not appear to contemplate "objectives" under FRPA for ecological communities as is the case for ungulate winter range and wildlife habitat area.

Forest Operations Maps

Another new concept that Bill 21 introduces into FRPA is a "forest operations map" that must show the "approximate" location of proposed cutblocks and roads. A licensee must prepare and submit the map for public review and comment, and must report to government on the public review and comments.

[Note: for your convenience, Quickscribe has published [an early consolidation of the FRPA](#) as it will read when these amendments come into force.]

Read the [full article](#) by [Jeff Waatainen](#), published in the May/June edition of the *BC Forest Professional*.

Delineating the Risk: Pollution-exclusion Clauses in Canada

In finding that the clause unambiguously excluded coverage for environmental claims, the Court of Appeal set aside a lower court's ruling and held that the insurers did not have a duty to defend in the circumstances. Environmental remediation can be very expensive. As a result, it is not uncommon for commercial general liability policies to exclude coverage for environmental liabilities. These exclusion clauses are typically broadly drafted in an attempt to capture a wide range of environmental risks. The British Columbia Court of Appeal was recently asked to enforce a broadly-worded, pollution-exclusion clause. In finding that the clause unambiguously excluded coverage for environmental claims, the Court of Appeal set aside a lower court's ruling and held that the insurers did not have a duty to defend in the circumstances.

The Facts

West Van Holdings Ltd. and a related company (together, "West Van") owned a property in West Vancouver. Various businesses had operated on the property over the years, including a dry-cleaner and an auto repair business. In 2014, an adjacent land owner started an action against West Van, alleging that dry-cleaning chemicals and petroleum products had escaped from West Van's property and contaminated the soil and groundwater of the neighbouring land.

Read the [full article](#) by [Heather Gray](#), [Kyle Magee](#) and [Mark Mandelker](#) with Clyde & Co LLP.

Changes to Wildlife Legislation

Effective April 15, a provision was added to the [Wildlife Act](#) to allow for the governing of how notices must be given and when they are considered to be received. Both the [Angling and Scientific Collection Regulation](#) and the [Wildlife Act General Regulation](#) were updated to reflect the change by providing for the application and requirements respecting such notices.

Changes Needed to Compliance and Enforcement Program

A new report on the compliance and enforcement (C&E) program in the Ministry of Forests, Lands, Natural Resource Operations and Rural Development has been released.

"Sufficient oversight of forestry and range activities is critical to support the environmental, social and economic values that BC's forestry legislation is intended to protect," said Kevin Kriese, Forest Practices Board chair. "We conclude that the public cannot be confident that government's C&E framework is achieving the intended result of promoting licensee compliance with legislation.

"Based on our own audit work, we believe that overall levels of compliance with forest and range legislation are fairly high. However, we found the C&E program does limited proactive monitoring of forest and range activities, or public reporting of compliance levels. Together, this makes it difficult to determine what the level of licensee compliance really is." Read the [full article](#) on the BC Forest Practices Board [website](#).

Forest Act Amendments – Early Consolidation

Quickscribe has published [an early \(red text\) consolidation](#) of the BC [Forest Act](#) as it will read when (and if) the newly introduced [Bill 22, BC Forest Amendment Act, 2019](#), comes into force. According to the government: these changes will require forest companies to get approval from the minister before they dispose of or transfer a tenure agreement to another party. As a result, the minister will be able to refuse to approve the new arrangement if it is not in the public interest or put conditions on the approval. For years, through the control of the disposition of Crown tenures, major forest licensees have controlled the market for milling and forest tenure holdings. As a result, smaller operators like communities and First Nations found it harder to compete. Changes to the *Forest Act* will:

- improve government's ability to exert more control over the disposition of Crown tenures;
- ensure that public interest is considered in the disposition of *Forest Act* agreements;
- ensure that dispositions and changes of control do not result in further concentration within the forestry sector; and
- ensure government has the necessary information when needed from companies to inform policy and legislative changes to address emerging forestry issues.

Read the official government [news release](#).

Environmental Appeal Board Decisions

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

[Environmental Management Act](#)

- [John Pickford; John Henry Dressler; Rodger Hamilton; Ellis O'Toole; Angie Delainey; Tricia McLellan v. Director, Environmental Management Act](#) [Final Decision – Appeals Allowed in Part]
- [Sumas Environmental Services Inc. v. Director, Environmental Management Act](#) [Final Decision – Appeal Dismissed]

[Wildlife Act](#)

- [Chris Condie v. Director of Wildlife](#) [Final Decision – Appeal Dismissed]
- [Brent Giles v. Director of Wildlife](#) [Final Decision – Appeal Dismissed]

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

Act or Regulation Affected	Effective Date	Amendment Information
Angling and Scientific Collection Regulation (125/90)	Apr. 15/19	by Reg 85/2019
Carbon Tax Act	Apr. 11/19	by 2019 Bill 5, c. 7, section 1 only (in force by Royal Assent), Budget Measures Implementation Act, 2019
Disposition and Change of Control		

Regulation (351/2004) (formerly titled Transfer Regulation)	Apr. 11/19	by Reg 76/2019
Interest Rate Under Various Statutes Regulation (386/92)	Apr. 1/19	by Reg 66/2019
Japanese Beetle Control Regulation (77/2019)	NEW Apr. 12/19	see Reg 77/2019
North American Gypsy Moth Eradication Regulation, 2018 (74/2018)	REPEALED Apr. 15/19	by Reg 87/2019
North American Gypsy Moth Eradication Regulation, 2019 (87/2019)	NEW Apr. 15/19	see Reg 87/2019
Wildlife Act	Apr. 15/19	by 2016 Bill 12, c. 11, sections 43, 47, 48 and 49 (part) (in force by Reg 85/2019), Forests, Lands and Natural Resource Operations Statutes Amendment Act, 2016
Wildlife Act General Regulation (340/82)	Apr. 1/19	by Reg 1/2019
	Apr. 15/19	by Reg 85/2019

HEALTH

Health News:

Overdose Crisis: BC's Top Doctor Dalls for Decriminalization of Drug Possession for Personal Use

BC's top doctor on Wednesday [April 24th] unveiled a bold proposal to slow the overdose crisis by decriminalizing the possession of drugs for personal use, but the provincial public safety minister says he won't run afoul of federal laws to make such a change.

In a special report, Provincial Health Officer Dr. Bonnie Henry said it is known around the world that the "war on drugs" has been a failure. She said the criminalization of non-violent people for simple possession increases communicable disease transmission, stigma and drug-related mortality, while incarceration and criminal records make the harm from drugs worse by preventing future employment and travel.

She recommends BC "urgently move to decriminalize people who possess controlled substances for personal use" in her report, called "[Stopping the Harm: Decriminalization of People Who Use Drugs in BC.](#)" Read the *Vancouver Sun* [article](#).

As Fewer Patients Sue their Doctor, the Rate of Winning Malpractice Suits is Dropping Too

When a doctor makes a mistake, data obtained by CBC shows seeking compensation can be an uphill battle.

In the fall of 2016, Jim Wiseman was in the hospital to have his bladder removed as part of his cancer treatment.

"I know that I had no choice; if I didn't have it removed, I'd die of cancer," recalled Jim Wiseman, 78, at his home in Innisfil, Ont. Everything, he was told, went according to plan. But just days later, while still recovering at the hospital, he developed unexpected pains in his stomach.

The doctor on duty ordered X-rays that revealed a clear problem.

"He came back and showed me ... a picture of a sponge that was left inside of me," Wiseman said.

A subsequent surgery was needed to remove it. Wiseman's anticipated week-long stay turned into 27 days, when he saw swelling in his stomach, testicles, legs and feet.

"I was in real bad shape. I went through hell in that hospital, I mean, total hell," Wiseman said. Read the [CBC article](#).

Advertising & Marketing Cannabis in Canada

The Federal [Cannabis Act](#) (the "Act") establishes restrictions and exceptions for those looking to advertise and market Cannabis in Canada. Section 17(1) of the Act broadly restricts the promotion¹ of cannabis and services related to cannabis unless authorized under the Act. Sections 17, 18, 21 and 22 of the Act further prohibit promotion that:

- communicates information about the price or distribution of cannabis;
- could reasonably be appealing to young persons under the age of 18;
- constitutes a testimonial or endorsement, or the depiction of a person, character or animal;
- presents cannabis or the brand in a manner that evokes emotions (both positive and negative) about a way of life (e.g. glamour, recreation, excitement, vitality, risk or daring);

Read the [full article](#) by [Alison Hayman](#) and [A. Chandimal Nicholas](#) of Cassels Brock.

Act or Regulation Affected	Effective Date	Amendment Information
Drug Plans Regulation	Apr. 1/19	by Reg 68/2019
Drug Price Regulation	Apr. 1/19	by Reg 22/2019
Medicare Protection Act	Apr. 1/19	by 2003 Bill 92, c. 95, section 2 (part) only (in force by Reg 178/2018 , as amended by Reg 46/2019), Medicare Protection Amendment Act, 2003
Voluntary Blood Donations Regulation	NEW Apr. 1/19	see Reg 72/2019

LABOUR & EMPLOYMENT

Labour and Employment News:

British Columbia Employment Standards Changes

An [early consolidation](#) of the *Employment Standard Act* is now available on Quickscribe, incorporating amendments proposed by [2019 Bill 8, Employment Standards Amendment Act, 2019](#), as it stood at First Reading on April 29, 2019. The new legislation intends to strengthen British Columbia's employment standards by better protecting children and youth from dangerous work, and improving support for workers whose rights have been violated. The [government news release](#) indicates the proposed amendments will cover four priority areas:

1. better protect children and youth from dangerous work;
2. make it easier for workers to get help when they feel their rights have been violated;
3. provide more job protection to people dealing with difficult personal circumstances; and
4. ensure people are paid the wages they are owed - and that those that violate the law do not have an unfair economic advantage.

BC NDP Government Updates Labour Rules, Scrapping Liberal Measures

BC's New Democrat government has introduced changes to labour law that scrap measures from the previous Liberal regime and meet recommendations from the province's top unions.

Labour Minister Harry Bains said the proposed legal changes "supports our government's commitment to update employment standards and ensure they are applied evenly and enforced."

The legislation would "broadly raise the age a child may work from 12 to 16," according to Bains' ministry, while allowing exemptions for 14 and 15 year olds to do light work like stocking shelves at a grocery store or working on a family farm.

Previously, children as young as 12 could work with special permission from parents and the government. Bains said there are examples of children as young as 12 in BC working in hazardous sectors like construction and mining, and that BC paid out \$5.2 million in worker's compensation for injuries to children under 15 from 2007 to 2017. Read the [full article](#) by [Rob Shaw](#) on *The Vancouver Sun*.

Court of Appeal Confirms Narrow Family Status Discrimination Test in British Columbia

The British Columbia Court of Appeal ("BCCA") confirmed, in [Envirocon Environmental Services, ULC v. Suen](#) ("Envirocon"), that it has no appetite to depart from BC's current legal framework, which applies a stringent test to establish *prima facie* discrimination in the context of family status.

Background

The complainant and new father, Mr. Suen, had been employed as a project manager with Envirocon since 2012. In 2016, Mr. Suen was given an out-of-town work assignment shortly after the birth of his first child. He was told that he would be away for eight to ten weeks and that the employer would not pay for him to return until the assignment concluded. Mr. Suen refused, in consideration of his wife and four-month-old baby.

Mr. Suen's employment was terminated and he filed a complaint with the BC Human Rights Tribunal ("Tribunal"). The complaint involved both direct and indirect family status discrimination:

- a. Direct – where Mr. Suen was terminated because he had become a parent; and
- b. Indirect – where the new requirement to travel was a serious interference with Mr. Suen's substantial parental obligation.

The employer filed an application to limit the complaint to only the issue of direct discrimination, submitting that the facts did not pass the threshold in BC for indirect family status discrimination.

Read the [full article](#) by [Richard Press](#) and Christina Badgley, Articled Student, with DLA Piper LLP.

Act or Regulation Affected	Effective Date	Amendment Information
Employment and Assistance Regulation (263/2002)	Apr. 1/19	by Reg 32/2019
Employment and Assistance for Persons with Disabilities Regulation (265/2002)	Apr. 1/19	by Reg 32/2019
Mental Disorder Presumption Regulation (136/2018)	Apr. 16/19	by Reg 92/2019
Salary Range Regulation (152/2017)	Apr. 1/19	by Reg 74/2019
Workers Compensation Act	Apr. 1/19	by Reg 73/2019

LOCAL GOVERNMENT

Local Government News:

Amendments Enable Broadband Service

An [update](#) to the [Local Government Act](#) (LGA) will provide regional districts with an additional tool to expand high-speed Internet to under-served areas. The changes enable regional districts to provide financing for capital costs to Internet service providers where it may not otherwise make sense from a business perspective.

Regional Districts have been historically challenged to deliver broadband services within their jurisdictions, where

legislation limited the options available to them. Specifically, the prohibition on assistance to business within the LGA excluded regional districts from providing financial assistance to Internet service providers. Read the UBCM [article](#).

New Housing Needs Reports Legislation

Amendments made to the [Local Government Act](#) and the [Vancouver Charter](#) by the [Local Government Statutes \(Housing Needs Reports\) Amendment Act, 2018](#), came into force on April 16, requiring local governments to collect data, analyze trends and produce a report every five years that describes current and expected housing needs. The reports will be presented to a local government council or board and will be made available to the public online. Two supporting regulations were also enacted to provide guidelines for required content of the housing needs reports: [Housing Needs Report Regulation](#) and [Vancouver Housing Needs Report Regulation](#).

BC Looks to Tweak Legislation Governing Civilian Police Watchdog Service

The BC government has [proposed two changes](#) to the [Police Act](#) meant to address concerns with the province's civilian police watchdog, the Independent Investigations Office (IIO).

The proposal comes amid growing concerns about the amount of trained civilian investigators and efficiency in the IIO's investigations.

The first amendment plans to temporarily reduce hiring restrictions for two years, while the IIO continues to develop a civilian oversight investigative officer training program, the first-ever training and certification program of its kind in Canada.

Under the [Police Act](#) the current hiring regulations prevent the IIO from adding an investigator who was a member of the BC police force five years prior. The province says the change would increase the number of IIO investigators, while maintaining the balance of investigators with civilian and policing backgrounds. Read the [full article](#) by Darya Zargar on *Global News*.

RCMP Contract Committee Seeks Input

The RCMP Local Government Contract Management Committee ([LGCMC](#)) will be meeting on May 23, 2019 to discuss policing issues of relevance. Local governments wishing to suggest discussion items related to the [agreement](#) under which the RCMP provides local police services to BC are asked to submit input to Bhar Sihota, UBCM Policy Analyst, prior to May 8.

The LGCMC is a forum for consultation, analysis and communication between local government and the Province regarding the management of the RCMP police services contract. Biannual in-person meetings present an opportunity for members to analyze and respond to changes that may be proposed from time to time by the federal government and/or RCMP, and recommend changes to the federal government and/or RCMP that may be considered necessary or appropriate. Read the UBCM [article](#).

Act or Regulation Affected	Effective Date	Amendment Information
Community Charter	Apr. 11/19	by 2019 Bill 5, c. 7, section 2 only (in force by Royal Assent), Budget Measures Implementation Act, 2019
High-Speed Internet Regulation (/2019)	NEW Apr. 25/19	see Reg 95/2019
Housing Needs Report Regulation (90/2019)	NEW Apr. 16/19	see Reg 90/2019
Local Government Act	Apr. 16/19	by 2018 Bill 18, c. 20, sections 1 to 4 only (in force by Reg 90/2019), Local Government Statutes (Housing Needs Reports) Amendment Act, 2018
Retention of Fees for Liquor Training	NEW	see Reg 39/2019

Programs Regulation (39/2019)	Apr. 1/19	
School Calendar Regulation (314/2012)	Apr. 17/19	by Reg 93/2019
South Coast British Columbia Transportation Authority Act	Apr. 11/19	by 2019 Bill 5, c. 7, section 81 only (in force by Royal Assent), Budget Measures Implementation Act, 2019
Taxation (Rural Area) Act	Apr. 11/19	by 2019 Bill 5, c. 7, sections 86 and 87 only (in force by Royal Assent), Budget Measures Implementation Act, 2019
Taxation (Rural Area) Act Regulation (387/82)	Apr. 15/19	by Reg 89/2019
Vancouver Charter	RETROACTIVE to Jan. 1/19	by 2019 Bill 5, c. 7, section 88 only (in force by Royal Assent), Budget Measures Implementation Act, 2019
	Apr. 16/19	by 2018 Bill 18, c. 20, sections 5, 8 and 12 only (in force by Reg 91/2019), Local Government Statutes (Housing Needs Reports) Amendment Act, 2018
Vancouver Housing Needs Report Regulation (91/2019)	NEW Apr. 16/19	see Reg 91/2019

MISCELLANEOUS

Miscellaneous News:

Running an Adventure Tourism Operation on BC Crown Land

Adventure tourism often involves commercial operators offering fee-based outdoor recreation activities to the public on provincial Crown land. Broadly speaking, these activities include guided adventure tourism activities within an extensive operating area, but then can also include improvements (such as huts, wharves, horse corrals and campsites) on the land that are linked to the guided experience.

If your business wants to provide services on BC Crown land, you'll need to become familiar with the extensive application and reporting processes that the government has instituted for the tenure process.

In British Columbia, an official [Adventure Tourism Policy](#) governs commercial use of provincial Crown lands and sets out the regulatory framework for the different forms of tenured land allocation (and their respective pricing) that commercial adventure tourism operators can seek. Read the [full article](#) by [Ryan Morasiewicz](#) with MLT Aikins LLP.

New Law Will Tackle Properties Linked to Gangs and Drugs, Minister Says

The [Community Safety Act](#) was initially passed in 2013, but never brought into force. Similar legislation has been effective in Alberta, Saskatchewan, Manitoba, Nova Scotia, New Brunswick and Yukon, he said.

The provincial government hopes [new legislation](#) will give communities more power to combat "nuisance" properties linked to gang and drug crime. Public Safety Minister Mike Farnworth said Thursday [April 4th] [that the amended *Community Safety Act* will allow neighbours of "crack shacks" and other properties frequented by criminals to make confidential complaints to a new provincial unit.

That unit, once operational later this year, will work with municipal governments and police across BC to find

ways to shut down problem sites as quickly as possible, Farnworth said.

"It does take a lot of work to tackle the gun and gang violence we have seen in some of our communities," said the minister, noting a series of recent shootings in Surrey. Read the *Vancouver Sun* [article](#).

Act or Regulation Affected	Effective Date	Amendment Information
Civil Resolution Tribunal Act (233/2018)	Apr. 1/19	by 2018 Bill 22, c. 17, sections 2 (part), 4 (part), 9 (part), 15 (part), 16, 25 (part), 30 (part), 32 (part) only (in force by Reg 233/2018), Civil Resolution Tribunal Amendment Act, 2018
Crown Proceeding Act	Apr. 1/19	by 2018 Bill 22, c. 17, section 38 only (in force by Reg 233/2018), Civil Resolution Tribunal Amendment Act, 2018
Sheriff Powers, Duties and Responsibilities Regulation (263/2009)	Apr. 1/19	by Reg 69/2019

MOTOR VEHICLE & TRAFFIC

Motor Vehicle and Traffic News:

Government Creates 60 Day Deadline for Crash Victims to Submit ICBC Receipts

In the latest 'reform' of the law for collision victims in BC, the NDP have passed a new regulation shortening the time to submit receipts to ICBC from 2 years to a mere 60 days.

There has been no real explanation from either the NDP or ICBC as to why they feel the need to shorten the existing time frame.

Even though this was proclaimed on April 1st, this unfortunately was no April Fool's joke. Among the changes is the creation of section 88.01 of the [Insurance \(Vehicle\) Regulation](#) creating a far shorter deadline for the submission of receipts to ICBC. The new section reads as follows:

Requirement for receipts

88.01 (1) If an accident occurs for which benefits are provided under section 88, the insured must provide to the corporation a receipt for the expenses incurred that will be compensated as benefits under that section no later than 60 days from the date that those expenses are incurred. (2) The corporation is not liable to an insured who, without reasonable excuse, fails to comply with this section.

Read the [full article](#) by [Paul Mitchell, Q.C.](#) of Pushor Mitchell.

BC Introduces Law to Require Cars, Trucks Sold by 2040 be Zero Emission

All light-duty cars and trucks sold in British Columbia would have to be zero-emission by 2040 under legislation tabled Wednesday [April 30th]. Energy Minister Michelle Mungall says the [Zero Emission Vehicles Act](#) aims to fight climate change by phasing out gas-powered vehicles.

She says the legislation would set target dates of 10 per cent zero-emission sales by 2025, 30 per cent by 2030, and 100 per cent by 2040. The legislation would apply to new vehicles for sale or lease.

Mungall says zero-emission vehicles are part of the government's \$902 million CleanBC program to cut greenhouse gas emissions by 40 per cent by 2030 based on 2007 pollution levels. Read the *CBC* [article](#).

BC Court of Appeal – Forseeability is No Defense to Low Impact Collisions

Last year a [BC Supreme Court level judgement dismissed a personal injury claim](#) in part due to the logic that it is not foreseeable that someone will suffer injury in a low velocity impact collision in a parking lot. Today [April

24th] the BC Court of Appeal [overturned this judgement](#) finding the trial judge was wrong in their application of the foreseeability principle and that physical injury is foreseeable from collisions, even minor ones.

In addressing this point the BC Court of Appeal reasoned as follows:

[90] The trial judge also concluded that the appellant had not established "the foreseeability that an injury would occur, from the facts in accidents 2, 3, and 5, in a person of ordinary fortitude". He acknowledged that Mustapha was addressing mental injury, but held that the reasoning had application to claims of physical injury as well:

Read the [full article](#) by [Erik Magraken](#) on the *BC Injury Law Blog*.

BC Man Found Guilty of Driving while on Phone, Despite Dead Battery

A man in British Columbia has been found guilty of driving while on his phone, despite the phone's dead battery and proper storage in a cubby hole.

On Oct. 12, 2018, Patrick Henry Grzelak was driving home from work in Surrey, BC, when he was ticketed for using his cellphone because he had earbuds in both his ears.

The phone's battery was dead and the phone itself was stored in a cubby hole on the front dashboard, according to the decision in BC provincial court, released on Monday [April 8].

Justice Brent Adair ruled that even though Grzelak was not holding the device, the earbuds should be considered part of the phone when plugged in. Read the *CTV* [article](#).

CVSE Bulletins & Notices

The following notice was posted in March by CVSE:

- [CVSE 1052](#) – District Authorizations & Notifications for Very Large Loads (October 2017)
- [Circular 02-19](#) – Hours of Service Pilot Project for the Motion Picture Industry in B.C.
- [Circular 03-19](#) – Provincial Inspection Allowance for Over-dimensional Commercial Trailers
- [Circular 04-19](#) – Changes to T-Forms and Overall Width for Non-Reducible Loads in the Peace River Area – April 2019

For more information on these and other items, visit the [CVSE website](#).

Act or Regulation Affected	Effective Date	Amendment Information
Accident Claims Regulation (233/2018)	NEW Apr. 1/19	see Reg 233/2018 , as amended by Reg 60/2019
Broker Licensing Regulation (201/2017)	Apr. 1/19	by Reg 16/2019
Insurance (Vehicle) Act	Apr. 1/19	by 2018 Bill 22, c. 17, sections 39 to 42 only (in force by Reg 233/2018), Civil Resolution Tribunal Amendment Act, 2018
Insurance (Vehicle) Regulation (447/83)	Apr. 1/19	by Regs 234/2018 and 60/2019
Minor Injury Regulation (234/2018)	NEW Apr. 1/19	see Reg 234/2018 , as amended by Reg 60/2019
Motor Dealer Act Regulation (447/78)	Apr. 1/19	by Reg 16/2019
	RETROACTIVE to	by 2019 Bill 5, c. 7, sections 30 and 32 only (in force by Royal Assent), Budget Measures

	Feb. 20/15	Implementation Act, 2019
Motor Fuel Tax Act	RETROACTIVE to Jan. 1/18	by 2019 Bill 5, c. 7, section 29 only (in force by Royal Assent), Budget Measures Implementation Act, 2019
	Apr. 11/19	by 2019 Bill 5, c. 7, section 29 only (in force by Royal Assent), Budget Measures Implementation Act, 2019
Motor Vehicle Act Regulations (26/58)	Apr. 1/19	by Reg 63/2019
Salesperson Licensing Regulation (202/2017)	Apr. 1/19	by Reg 16/2019
Wholesaler Licensing Regulation (203/2017)	Apr. 1/19	by Reg 16/2019

OCCUPATIONAL HEALTH AND SAFETY

Occupational Health & Safety News:

BC Extends PTSD Presumption to Nurses, Care Aids, Dispatchers

Emergency dispatchers, nurses and publicly funded health-care assistants in British Columbia now have easier access to workers' compensation for mental-health disorders stemming from work-related trauma. Under new amendments to the [Mental Disorder Presumption Regulation](#), if these workers develop a mental health disorder, it will be presumed to have been due to the nature of their work. With a presumptive condition, there is no longer a need to prove that a claimant's disease or disorder is work-related once a formal diagnosis has been made.

"These changes... are about fairness and support for workers who experience higher-than-average mental harm due to the jobs they do," said Minister of Labour Harry Bains.

Last spring, the BC government amended the [Workers Compensation Act](#) to add post-traumatic stress disorder (PTSD) and other mental-health disorders to the list of illnesses that are recognized as being associated with certain professions, specifically police, firefighters, paramedics, sheriffs and correctional officers. Read the [full article](#) published in the *Canadian Occupational Safety* magazine.

OHS Guideline Updates

– from WorkSafeBC:

New, revised, and retired [guidelines](#) were posted on April 9 related to emergency procedures, exposure control plans, pesticides, noise exposure, hearing tests, confined spaces, blasting certification, and laboratory safety cabinets. On May 1st, 2019, [revision](#) was made to the OHSR Guideline – Part 5 Chemical Agents and Biological Agents. The Table of Exposure Limits and Notations has been updated to reflect recent changes to the notations by the ACGIH and IARC for some substances, as well as some housekeeping changes.

Consultation on Proposed Amendments to the Occupational Health and Safety Regulation

– from WorkSafeBC:

The Policy, Regulation and Research Division is requesting feedback on proposed amendments to the [Occupational Health and Safety Regulation](#). The consultation phase provides stakeholders an opportunity to provide feedback prior to the proposed amendments being taken to public hearing. The proposed regulatory amendment packages under review are:

1. Part 8, Personal Protective Clothing and Equipment, section 8.24, High visibility apparel
2. Part 20, Construction, Excavation and Demolition, section 20.47, Equipment inspection
3. Part 21, Blasting Operations

View the [proposed regulatory amendments](#) and information on how to provide feedback. Please provide your feedback by 4:30 p.m. on Friday, June 14, 2019. Source: [WorkSafeBC](#)

Review of Worker Safety Underway 7 Years after BC Mill Explosions

The union representing four workers who died in two British Columbia sawmill explosions in 2012 says it hopes a new review of worker safety ordered by the provincial government will lead to overdue justice for survivors and families of the victims.

Steve Hunt, district director for the United Steelworkers union, said previous inquiries into the explosions at Babine Forest Products in Burns Lake and Lakeland Mills in Prince George raised more questions than answers and he hopes the new review prevents similar disasters from happening in the future. "The best I can hope for out of this is we don't do a repeat ever in any industry, and we make an adjustment that makes a societal change. This one screams for that," Hunt said.

The BC Ministry of Labour says it has contracted Vancouver lawyer Lisa Helps to assess how WorkSafeBC implemented worker safety recommendations in the wake of the explosions that killed four and injured 42 workers.

Helps will also provide advice on potential legislative changes to improve worker safety in the province in her report to the attorney general due mid-July.

Coroner's inquests were previously conducted into the deaths and the government commissioned two other reports in 2014 – the Dyble report and Macatee report. Together, they made recommendations directed at government and other agencies. Read the [full article](#) by Amy Smart in *Canadian Occupational Safety*.

Act or Regulation Affected	Effective Date	Amendment Information
Mental Disorder Presumption Regulation (136/2018)	Apr. 16/19	by Reg 92/2019

PROPERTY & REAL ESTATE

Property and Real Estate News:

BC Real Estate Industry Recommends Amending Federal Money Laundering Laws to Improve Enforcement

British Columbia real estate professionals are making a number of recommendations – including amending Canada's anti-money laundering laws – in efforts to halt the flow of criminal money in the industry.

On Monday [April 15th], five industry groups, including the B.C. Real Estate Association (BCREA), submitted five joint recommendations, including mandatory training for realtors on recognizing suspicious wealth, a "best practices" guideline that asks real estate professionals to reject cash transactions, and federal legal reforms to enable better enforcement of money laundering. Read the *Global News* [article](#).

BC Introduces Law to Prevent Money Laundering, Tax Evasion in Real Estate

The British Columbia government introduced legislation Tuesday [April 2nd] aimed at preventing tax evasion and money laundering by shining a spotlight on anonymous real estate owners hiding behind shell and numbered companies.

Finance Minister Carole James said the proposed [Landowner Transparency Act](#) would create Canada's first public registry of property owners to compel corporations, trusts and partnerships to disclose the owners of the land they currently have and are purchasing.

"It will require corporations, trusts and partnerships to be able to include the information around who is an owner of the land, just as citizens do when they register (at the land titles office)," James said at a news conference after presenting the bill in the legislature.

She said a lack of transparency in some aspects of real estate ownership is one of the challenges the government faces with money laundering and tax fraud. James noted that a 2016 report by Transparency

International Canada indicated nearly one-third of the 100 most valuable residential properties in Metro Vancouver were owned by shell companies. Read the *CBC* [article](#) by [Dirk Meissner](#).

Act or Regulation Affected	Effective Date	Amendment Information
Property Transfer Tax Act	RETROACTIVE to Nov. 27/18	by 2019 Bill 5, c. 7, section 34 only (in force by Royal Assent), Budget Measures Implementation Act, 2019
	Apr. 11/19	by 2019 Bill 5, c. 7, section 34 only (in force by Royal Assent), Budget Measures Implementation Act, 2019
Strata Property Regulation (43/2000)	Apr. 1/19	by Reg 70/2019

WILLS & ESTATES

Wills and Estates News:

Quinn Estate Appeal

In *Quinn Estate v. Rydland*, the British Columbia Court of Appeal had held that a pour-over clause in former NHL coach Pat Quinn's will is invalid. As I wrote in [my post](#) about the British Columbia Supreme Court decision in this case,

Mr. Quinn and his wife Sandra Quinn settled a trust in the United States which dealt with assets in the United States. Mr. Quinn was an American citizen, and Mrs. Quinn had U.S. Green Card, but they lived in British Columbia. Their U.S. lawyer also draft a will for Mr. Quinn dealing with his assets in Canada. The will provided that the residue of his Canadian Estate would "pour over" into a U.S. trust, referred to as the Quinn Family Trust.

Read the [full article](#) by [Stan Rule](#) on *Rule of Law*.

Executor Denied Fees for Breach of Trust

An executor/trustee who has committed a breach of trust may be denied fees for such egregious behavior.

The court has in its discretion to allow full compensation, deny any compensation, or allow a reduced compensation.

Where the compensation is reduced or denied, this is done not for the purpose of imposing a penalty on the executor/trustee for committing a breach of trust, but on the ground that he/she has not properly performed the services for which compensation is given. *Simone v Cheifetz*, 1998 OJ 3267, upheld at 2000 OJ No.4194.

The operative words in the previous excerpt from the Simone decision is that a court "may deny him all compensation".

There is a fine line between what disentitles a trustee from receiving some compensation and being disentitled to receive any compensation.

Initially, the Canadian courts were reluctant to even reduce compensation, but gradually overcame such reluctance to entirely eliminate compensation for misconduct and the test now is something like the court should attempt to strike some balance between the gravity of the act and the harm done. Read the [full article](#) by [Trevor Todd](#) with *Disinherited Estate Disputes and Contested Wills*.

Significant Tax Re-Assessment Due to an Estate Valuation Gone Wrong

I have been writing about valuations for estate plan agreements, highlighting that they should be based on fair and reasonable methods, prepared in good faith, properly supported and documented at the time of valuation.

In *Lewin v. the Queen*, 2019 TCC 21, The Lewin Estate was appealing a significant tax reassessment of the deceased's terminal return issued some five years after the original assessment. The issue to be decided is

whether the Minister of National Revenue was justified to reassess the estate based on its determination the actual fair market value of the assets owned by the deceased, beyond the limitation period due to a misrepresentation of the actual fair market value of the deceased's assets and, if so, whether the misrepresentation is attributable to Estate's executor neglect, carelessness or willful default when filing the appellant's terminal return. Read the [full article](#) by Steven Frye on *All About Estates*.

Act or Regulation Affected

Effective Date

Amendment Information

There were no amendments this month.

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