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Quickscribe Reporter

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QUICKSCRIBE NEWS:

Important Access Information

It has come to our attention that some Quickscribe users have not updated their bookmarks to reflect the fact that Quickscribe moved from HTTP to HTTPS a few years ago. **Please ensure that you and your colleagues are accessing Quickscribe via <https://www.quickscribe.bc.ca/login.html>** (note the "s" on https), otherwise you may experience some performance issues relating to how quickly the laws load on your page.

Alert Enhancements

We recently added some functionality that will make it easier for you to access information on the Quickscribe database via links in your Quickscribe email alerts – even if you are not currently logged into Quickscribe. When you select a link in an email alert, such as our new [Keyword Alert](#), you will now be taken directly to the source information on Quickscribe once you are authenticated.

Latest Annotations

New annotations have recently been added to the Quickscribe site.

- [Bill Bulholzer](#), Young Anderson Barristers and Solicitors – [Local Government Act](#)
- [Katherine Hardie](#), British Columbia Human Rights Tribunal – [Human Rights Code](#)
- [Anita Mathur](#), BC Oil & Gas Commission – [Oil and Gas Activities 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.

[\[Previous Reporters \]](#)

CATEGORIES

COMPANY & FINANCE	LOCAL GOVERNMENT
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:

Changes to the Canadian Trademarks Act and Regulations

In order to modernize its current trademark laws and to comply with international rules, Canada joined the Singapore Treaty, the Madrid Protocol and the Nice Agreement by passing [Bill C-31](#), which makes many amendments to Canada's [Trademarks Act](#) and Trademarks Regulations. The Canadian Intellectual Property Office ("CIPO") has also begun drafting resources intended to provide information and guidance on the new processes and procedures that will apply once these amendments come into force on June 17, 2019.

The main objective of these changes is to give Canadian companies and innovators access to efficient means of protecting their trademarks in various jurisdictions around the world. To do this, Canada is updating, codifying and simplifying its regulatory framework. Read the [full article](#) by Eugene Gierczak and Eliane Leal da Silva of Miller Thomson LLP.

Location, Location, Location: BC Amends Rules on Debtor Location under Personal Property Security Act

On June 1st, 2019, amendments to the British Columbia [Personal Property Security Act](#) came into force which will provide greater certainty to the location of the debtor for certain types of collateral. With these amendments, British Columbia followed Ontario in adopting the U.S rules governing the location of the debtor for security interests in: intangible goods (such as accounts), mobile goods, or investment property; as well as non-possessory security interests in negotiable documents of title, money, or chattel paper.

The location of the debtor is important because it determines which jurisdiction's law governs the validity, perfection, effect of perfection and non-perfection, and priority of the security interest. With greater certainty as to the location of the debtor, secured parties will be able to better determine which jurisdiction's laws they must comply with in order to properly register their interest. Read the [full article](#) by Megan Filmer, Robert Groves and Benjamin Kaardal (Student) with DLA Piper LLP.

Current Amendments and Future Amendments to the CBCA

Have you heard about the amendments to the [Canada Business Corporations Act](#) (CBCA) that came into force on June 13, 2019 and the proposed amendments to the CBCA that are currently under consideration? This article provides an overview of the amendments so you can ensure you are in compliance and contemplate what steps to take for potential compliance in the future. Read the [full article](#) by [Virginia K. Schweitzer](#) with Fasken Martineau DuMoulin LLP.

The New Financial Services Authority Act's Impact on Credit Unions

The new [Financial Services Authority Act](#) (the "FSAA") will result in the replacement of the current Financial Institutions Commission ("FICOM") with the BC Financial Services Authority (the "FSA"). This article provides a brief overview of the differences between FICOM and the FSA, with an emphasis on the impact of this change for credit unions in British Columbia.

Effective June 4, 2019, the Lieutenant Governor in Council ordered certain sections of the FSAA to be in force. The enacted sections do not dissolve FICOM, allow the FSA to exercise its powers under any other Act or receive revenue for the time being. They do have the effect of adding reference to the FSA to several related Acts, but do not yet repeal references to FICOM in these same Acts. These sections of the FSAA were likely enacted in order to facilitate the transition process from FICOM to the FSA. The Minister of Finance estimates that the remainder of the FSAA will come into force later in 2019. Read the [full article](#) by [Peter Brown](#) and [Kelly Samuels](#) with Edwards, Kenny & Bray LLP.

BC Securities – Policies & Instruments

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

- [31-103](#) – Adoption of Amendments to the custody requirements in National Instrument 31-103 *Registration Requirements, Exemptions and Ongoing Registrant Obligations*
- [31-354](#) – CSA Staff Notice 31-354 *Suggested Practices for Engaging with Older or Vulnerable Clients*

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

Act or Regulation Affected

Effective Date

Amendment Information

Climate Action Tax Credit Regulation (135/2008)	June 5/19	by Reg 118/2019
Credit Union Incorporation Act	June 4/19	by 2019 Bill 26, c. 14, sections 32 (a) and 34 only (in force by Reg 116/2019), Financial Services Authority Act, 2019
Designated Accommodation Area Tax Regulation (93/2013)	June 1/19	by Reg 102/2019
Financial Institutions Act	June 4/19	by 2019 Bill 26, c. 14, sections 37 (a), 41 to 43 only (in force by Reg 116/2019), Financial Services Authority Act, 2019
Financial Services Authority Act, 2019	NEW June 4/19	c. 14, SBC 2019, Bill 26 , sections 1 to 3, 4 (a), 5 to 11, 13 to 25 and 27 only (in force by Reg 116/2019)
Insurance Act	June 4/19	by 2019 Bill 26, c. 14, section 48 only (in force by Reg 116/2019), Financial Services Authority Act, 2019
Motor Vehicle Returned to Manufacturer Tax Remission Regulation (90/2017)	REPEALED June 3/19	by Reg 113/2019
National Instrument 31-103 <i>Registration Requirements, Exemptions and Ongoing Registrant Obligations</i> (226A/2009)	June 12/10	by Reg 119/2019
Natural Gas Tax Credit (145/2019)	NEW June 26/19	see Reg 145/2019
Pension Benefits Standards Act	June 4/19	by 2019 Bill 26, c. 14, sections 55 to 57 only (in force by Reg 116/2019), Financial Services Authority Act, 2019
Personal Property Security Act	June 1/19	by 2010 Bill 6, c. 4, sections 43 to 47 only, Financial Statutes Amendment Act, 2010
Provincial Sales Tax Act	RETROACTIVE to Apr. 1/13	by 2018 Bill 2, c. 4, section 81 only (in force by Reg 113/2019), Budget Measures Implementation Act, 2018
	June 3/19	by 2019 Bill 5, c. 7, section 52 only (in force by Reg 113/2019), Budget Measures Implementation Act, 2019
Provincial Sales Tax Regulation (96/2013)	June 3/19	by Reg 113/2019
Provincial Sales Tax Exemption and	June 3/19	by Reg 113/2019

Refund Regulation (97/2013)		
Training Tax Credits Regulation (243/2007)	June 14/19	by Reg 120/2019
Trust and Deposit Business Exemption Regulation (173/2008)	June 14/19	by Reg 124/2019
Wines of Marked Quality Regulation (168/2018)	June 30/19	by Reg 168/2018, s. 60

ENERGY & MINES

Energy and Mines News:

Canadian Energy: Senate Passes Bill C-48 and C-69

On June 21, 2019 the Senate passed [Bills C-48](#) and [C-69](#), after a prolonged and contentious debate in both the upper and lower chambers. Bill C-48, which imposes a ban on oil tankers off British Columbia's Northern Coast, passed in substantially the same form as originally tabled in the House of Commons. Bill C-69, which significantly overhauls the federal regulatory approval process, passed with 99 amendments that were approved by House of Commons. Both Bills received royal assent on the same day.

The passage of both bills marks the end to a controversial Parliamentary saga that has generated anxieties from western provinces and certain industries that view both pieces of legislation as further frustrating an already fledgling natural resources industry. Premier Kenny has reiterated his commitment to launching a constitutional challenge to both bills, on the grounds that it represents an unconstitutional intrusion into provincial power and prejudicially targets provincial industries in Alberta. Read the [full article](#) by Chidinma Thompson, Matti Lemmens and Brett Carlson on *The Resource*, the BLG Energy Law Blog.

BCOGC Industry Bulletins

The following BCOGC bulletins were issued in June:

- [INDB 2019-10 Requirements for Submission of As-Drilled Survey Plans](#)
- [INDB 2019-11 Weather Contributes to Low Stream Flow Conditions in Northeast B.C.](#)
- [INDB 2019-12 Updates to the Application Management System](#)
- [INDB 2019-13 Changes to Interim Measures](#)
- [INDB 2019-14 Updates to Canadian Standards Association's CSA Z662-19](#)
- [INDB 2019-15 Corporate Amalgamation eSubmission Update](#)
- [INDB 2019-16 Permitting Changes During Interim Moratorium for Caribou Recovery](#)

Visit the [BCOGC website](#) to view these and other bulletins.

Gas Companies Refuse to Cough up Profit Margins to BC Inquiry

The companies behind most of BC's major gas stations are refusing to provide details about their profit margins to a government-ordered inquiry into retail gasoline prices. Husky Energy, Suncor Energy and Shell Canada – with a combined almost 500 gas stations under retail brand names that include Petro-Canada and Esso – declined to give the independent BC Utilities Commission information about their retailing margins, which would show how much money they make per litre of gasoline at the pump.

Husky called the information "commercially sensitive and confidential," while Suncor replied that it "is not prepared to provide its retailing margins at controlled sites as this information is competitively sensitive." "Due to the confidential and commercially sensitive nature of such information, Shell is not in a position to provide specific information regarding its retail and wholesale gasoline and diesel retail margins," Shell Canada said in its written submission to the commission. Read the *Vancouver Sun* [article](#).

Act or Regulation Affected

Effective Date

Amendment Information

There were no amendments this week.

FAMILY & CHILDREN

Family and Children News:

CLBC Helps Family Law Pros Get Organized with "FLO" – Relunched with New Features at Lawbster.net

For the past couple years, Courthouse Libraries BC (CLBC) has been working with a committee of BC family law professionals to help them realize their vision for a "Family Law Organizer". As of June 2019, CLBC is pleased to announce FLO's re-launch with a much improved (and larger) collection of features and resources to connect and help practitioners. FLO's community statement reads: FLO is a community of legal professionals established to improve the practice of family law by encouraging dialogue and the free exchange of knowledge, building relationships within the family law bar and related professions, sharing precedents, papers and other practice resources, and improving the experience of family restructuring after separation for children and adults.

[Quickscribe is pleased to be a part of this initiative and is actively contributing alerts for changes to family law.] Read the [full article](#) on the CLBC website.

Representative for Children and Youth Regulation Amended

Amendments to the [Representative for Children and Youth Regulation](#) allow services or programs for young adults to include the Provincial Tuition Waiver Program, and financial assistance provided under an agreement made under the [Child, Family and Community Services Act](#).

New Measures to Strengthen Family Justice Receive Royal Assent

Divorce and separation is a reality for many Canadians, and ensuring the family justice system can effectively respond to the needs of families in these situations is critical. That is why the Government of Canada took action by introducing [Bill C-78](#), which modernizes and strengthens federal family laws. Today [June 21st], the Government welcomed the Royal Assent of Bill C-78 following its careful review by Parliament, marking the first substantive changes to federal family laws in more than 20 years. Three federal laws have been amended: the [Divorce Act](#), the [Family Orders and Agreements Enforcement Assistance Act](#) and the [Garnishment, Attachment and Pension Diversion Act](#) (GAPDA). The legislation has four key objectives:

- promote the best interests of the child
- address family violence
- help reduce child poverty, and
- make Canada's family justice system more accessible and efficient.

Read the government [news release](#).

Act or Regulation Affected	Effective Date	Amendment Information
Family Maintenance Enforcement Act Regulation (346/88)	June 17/19	by Reg 129/2019
Family Member Regulation (137/2019)	NEW June 24/19	see Reg 137/2019
Supreme Court Family Rules (169/2009)	July 1/19	by Reg 105/2019

FOREST & ENVIRONMENT

Forest and Environment News:

Superintendent Chosen For Professional Governance Office

The Government of British Columbia has announced that Paul Craven will lead the new Office of the Superintendent of Professional Governance.

The office will oversee five regulatory bodies to ensure qualified professionals are acting in the public interest.

Craven brings significant experience to the role of superintendent, having previously served in the BC Environmental Assessment Office as executive director of strategic services and compliance. He will oversee professional regulators for agronomists, biologists, foresters, engineers, geoscientists, and applied science technicians and technologists in BC who work in a range of fields, including the natural resources sector. Read the BC Government [news release](#).

Update on the new Fisheries Act – the Senate Bids Farewell to the "Deeming Provision"

On May 27, 2019 the Standing Senate Committee on Fisheries and Oceans released its report on [Bill C-68](#), the new federal [Fisheries Act](#) (the "Act"). [A previous article](#) discussed the Act's broader protections for fish and fish habitat, including changes to the definition of "fish habitat". Of particular interest was the introduction, at the House Committee stage, of a "deeming provision" that deemed water flow (previously understood to be a component of habitat) to be fish habitat itself:

2(2) For the purposes of this Act, the quantity, timing and quality of the water flow that are necessary to sustain the freshwater or estuarine ecosystems of a fish habitat are deemed to be a fish habitat.

The proposed change in definition prompted expressions of concern even before Bill C-68 came before the Senate Committee. The Minister of Fisheries, Oceans and the Canadian Coast Guard acknowledged this in his speech introducing Bill C-68 at the Senate:

I also know there has been a lot of concern in relation to the flow amendment in proposed section 2(2). That amendment was made in the house committee by MP Elizabeth May. Again, as indicated at second reading, we are open to amendments that will strengthen the bill to provide better certainty for proponents while also ensuring that fish and fish habitat are protected.

Read the [full article](#) by Michael Finley with Gowling WLG.

The Role of Forest Professionals in Compliance and Enforcement

– from ABCFP – BC Forest Professional Magazine:

The recently published special investigation, Appropriateness of Government's Compliance and Enforcement Framework for [FRPA](#) and the [Wildfire Act](#), has raised a number of questions and concerns with the program. One of those questions is where forest professionals fit within the program.

After its mandate expanded in 2012, CEB (Compliance and Enforcement Branch) specifically focused on hiring staff with education in natural resource law enforcement. These staff are educated in interpreting and applying legislation but, in general, are not experienced with forest practices or natural resource management. Forty per cent of natural resource officers (NRO) interviewed for the Board's report described themselves as having education and experience in law enforcement, not natural resource management.

In general, older staff tended to be forest professionals and many interviewees expressed concern that this resource is disappearing with retirements. So, with a decreasing number of forest professionals, how will CEB provide confidence to the public that the [Forest and Range Practices Act](#) (FRPA) and the [Wildfire Act](#) are being appropriately enforced? Read the [full article](#) by Christine Armour, RPF, Manager of Audits and Investigations with the Forest Practices Board, published in the ABCFP [BC Forest Professional Magazine](#).

Act or Regulation Affected	Effective Date	Amendment Information
Mountain Caribou Designated Area No. 1	NEW June 20/19	see Reg 136/2019
Private Managed Forest Land Council Regulation (182/2007)	July 1/19	by Reg 55/2019
Professional Governance Act	NEW June 1/19	c. 47, SBC 2018, Bill 49 , (in force by Reg 107/2019)
Professional Governance General Regulation (107/2019)	NEW June 1/19	see Reg 107/2019

Wildfire Regulation (38/2005)	June 24/19	by Reg 143/2019
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HEALTH

Health News:

BC Health Minister Promises Crackdown on Youth Vaping after Calls for Canada to Act

BC's health minister says the province is willing to act if the federal government delays implementing strict new measures to curb the dramatic rise in [vaping](#) among teenagers. Adrian Dix said on Friday [June 21st] that the province has recommended Ottawa take a number of regulatory actions, including restricting nicotine concentration while cracking down on sales and advertising of vaping products, particularly as it pertains to youth. But he added on Thursday that BC will introduce its own initiatives along similar lines to stop the rising trend if federal action takes too long to come into effect. Read the *Global News* [article](#).

BC Teen Overdose Inquest Recommends Improvements in Substance Abuse Treatment

The jury cites BC's health and education ministries and the Vancouver Island Health Authority in its recommendations after hearing from more than 40 witnesses into the April 20, 2018, death of Elliot Eurchuk. The jury concludes the 16-year-old's death was accidental, resulting from a mixed intoxication of drugs that included fentanyl, cocaine, heroin and methamphetamine. The jury recommends the education ministry develop programs for early detection of mental health and substance use disorders at schools and implement plans to ease the transition back to school for students who undergo drug treatment programs. It also says the health ministry should provide youth with more long-term residential substance use treatment facilities throughout BC. Read the *Vancouver Sun* [article](#).

Act or Regulation Affected	Effective Date	Amendment Information
Drug Schedules Regulation (9/98)	June 17/19	by Reg 135/2019
Health and Social Services Delivery Improvement Act	REPEALED July 1/19	by 2018 Bill 47, c. 50, section 1 only (in force by Reg 130/2019), Health Sector Statutes Repeal Act
Health Care Employers Regulation (427/94)	June 24/19	by Reg 140/2019
Health Care Facility Designation Regulation (31/2004)	REPEALED July 1/19	by Reg 130/2019
Health Sector Labour Adjustment Regulation (39/2002)	REPEALED July 1/19	by Reg 130/2019
Health Sector Partnerships Agreement Act	REPEALED July 1/19	by 2018 Bill 47, c. 50, section 1 only (in force by Reg 130/2019), Health Sector Statutes Repeal Act
Vaccination Status Reporting Regulation (146/2019)	NEW July 1/19	see Reg 146/2019

LABOUR & EMPLOYMENT

Labour and Employment News:

Update on the Federal Government's Proposed Changes to the Taxation of Employee Stock Options

In the 2019 Federal Budget released earlier this year, the federal government announced proposed changes to the [Income Tax Act](#) (Canada) (the "Act") which would limit the current preferential tax treatment of employee stock options.

Under the current rules, when an employee exercises a qualifying stock option, the value of the benefit (being the difference between the exercise price of the option and the fair market value of the share at the time of exercise) is included in the employee's income, but the employee may claim an offsetting deduction equal to 50% of the benefit if certain conditions are met. The government had expressed concerns that a small percentage of very wealthy taxpayers were using stock options to significantly reduce their incomes, and indicated it would be introducing amendments to the Act to limit the deduction available to employees of "large, long-established, mature firms."

On June 17, 2019 the government introduced draft legislation to amend the Act, and stated it would be seeking public consultation through September 16, 2019 on certain aspects of the proposed changes. The draft legislation provides for an annual limit of \$200,000 on qualifying employee stock options that are eligible for the deduction, with the limit being based on the value of the underlying shares at the time the option is granted. Read the [full article](#) by Areet Kaila and Scott McLeod with Clark Wilson LLP.

Employment Assistance Updates

On July 1, the [Employment and Assistance Regulation](#) and the [Employment and Assistance for Persons with Disabilities Regulation](#) received several amendments to help individuals and families who are receiving assistance by

- removing the "transient" client category;
- expanding and simplifying the application process for the Persons with Persistent Multiple Barriers category;
- decreasing work searches from five weeks to three weeks;
- removing the \$10 000 asset limit on a primary vehicle;
- increasing asset limits;
- allowing the moving supplement to be used for people to move anywhere in BC; and
- expanding access to the supplement to obtain proof of identity.

Act or Regulation Affected	Effective Date	Amendment Information
Community Services Labour Relations Act	July 1/19	by 2018 Bill 47, c. 50, section 2 only (in force by Reg 130/2019), Health Sector Statutes Repeal Act
Compassionate Care Leave Regulation (281/2006)	REPEALED June 24/19	by Reg 137/2019
Employment and Assistance Regulation (265/2002)	July 1/19	by Regs 122/2019 and 123/2019
Employment and Assistance for Persons with Disabilities Regulation (265/2002)	July 1/19	by Regs 122/2019 and 123/2019
Employment Standards Regulation (396/95)	June 1/19	by Reg 12/2018 and Reg 80/2019
Family Member Regulation (137/2019)	NEW June 24/19	see Reg 137/2019
Health Care Employers Regulation (427/94)	June 24/19	by Reg 140/2019

Occupational Health and Safety Regulation (296/97)	June 3/19	by Reg 14/2019
Social Services Employers Regulation	June 24/19	by Reg 141/2019

LOCAL GOVERNMENT

Local Government News:

Guidance from the Ministry of Agriculture

A [factsheet](#) has been prepared by the Ministry of Agriculture to clarify recent legislative changes for local governments, communities and agricultural stakeholders. In recent months, the Provincial government has updated legislation regarding the Agricultural Land Reserve (ALR), non-farm impacts, and the roles of local governments and the Agricultural Land Commission (ALC) in the ALR. It is our understanding that the Ministry intends to engage with UBCM and embark on additional ALR work including Ministry and ALC guidance to support local governments in their important role in the ALR.

Act or Regulation Affected	Effective Date	Amendment Information
Animal Care Codes of Practice Regulation (34/2019)	NEW June 1/19	see Reg 34/2019
Cattery and Kennel Regulation (96/2016)	June 1/19	by Reg 34/2019
Cremation, Interment and Funeral Services Regulation (298/2004)	June 14/19	by Reg 121/2019
Dairy Cattle Regulation (132/2015)	REPEALED June 1/19	by Reg 34/2019
Financial Information Act	June 4/19	by by 2019 Bill 26, c. 14, section 36 only (in force by Reg 116/2019), Financial Services Authority Act, 2019
Liquor Control and Licensing Regulation (241/2016)	June 5/19	by Reg 106/2019

MISCELLANEOUS

Miscellaneous News:

Incorporation of Arbitration Clauses by Reference: A Cautionary Tale

The British Columbia Supreme Court in *MRC Total Build Ltd. v F&M Installations Ltd.*, [2019 BCSC 765](#) [*MRC Total Build*] recently considered an application by a general contractor to stay proceedings commenced by a subcontractor and refer the matter to arbitration where the relevant subcontract between them did not contain an express arbitration clause, but instead generally incorporated by reference the prime contract between the general contractor and the owner into the subcontract.

In particular, the prime contract contained a mandatory arbitration clause, as well as a provision requiring the general contractor to incorporate by reference all terms and conditions of the prime contract into all subcontracts. The relevant subcontract included a clause stating that the "Prime Contract, associated drawings

and specifications for the scope of work are attached in Schedule I and form part of this Subcontract Agreement." However, while the subcontract expressly referenced a number of provisions of the prime contract, it did not expressly reference the arbitration provisions in the prime contract. Read the [full article](#) by Vasilis F. L. Pappas, Romeo A. Rojas and David J. Wahl, with Bennett Jones LLP.

Act or Regulation Affected	Effective Date	Amendment Information
Freedom of Information and Protection of Privacy Act	June 1/19	by 2018 Bill 49, c. 47, section 143 only (in force by Reg 107/2019), Professional Governance Act
	June 3/19	by 2019 Bill 26, c. 14, section 47 (a) only (in force by Reg 116/2019), Financial Services Authority Act, 2019
Police Act	June 1/19	by 2019 Bill 31, c. 18, section 1 only (in force by Royal Assent), Police Amendment Act, 2019
Supreme Court Civil Rules (168/2009)	July 1/19	by Regs 104/2019 and 115/2019
Supreme Court Family Rules (169/2009)	July 1/19	by Reg 105/2019

MOTOR VEHICLE & TRAFFIC

Motor Vehicle and Traffic News:

Brave New World of Self-Driving Cars

– from [CLEBC Practice Points](#)

In this paper from [CLEBC Online Course Materials](#), Mark Virgin of Stevens Virgin, Vancouver, and Ryan Adlem examine the state of autonomous vehicles in Canada. It outlines where technology presently stands and where it is likely to go. It also examines the status of regulation of autonomous vehicles in British Columbia and Canada as a whole. View [PDF of the paper](#).

Law and Equity Act Does Not Require Separate Crash Claims to be Heard Together

Reasons for judgement were published today [June 27th] by the BC Supreme Court, Vancouver Registry, confirming that it is discretionary, not mandatory, for a court to order injury claims arising from separate crashes to be heard together.

In this case ([Hendricks v. Xie](#)) the Plaintiff suffered profound injuries in a collision. Her claim was scheduled for trial. Prior to trial she was involved in a subsequent albeit less severe collision.

The Defendant brought an application saying both claims must be heard at the same time.

The Court rejected this argument finding it was wholly a discretionary issue and in the circumstances there would be unfair prejudice to the Plaintiff requiring the claims to be joined for trial. In dismissing the defence application Master Muir provided the following reasons: Read the [full article](#) by [Erik Magraken](#) on [BC Injury Law Blog](#).

Motor Vehicle Amendments

Effective July 4, 2019, [B.C. Reg. 133/2019](#) brought changes to the following motor vehicle-related regulations:

- the [Violation Ticket Administration and Fines Regulation](#) now allows for a reduction in fines and ticketed amounts in relation to speeding offences that are paid in less than 30 days;
- the [Offence Act Forms Regulation](#) was updated by removing Forms I, I.1, K and K.2, and replacing Form L.1 which provides payment and dispute instructions on reduced fines for early payments; and
- amendments to the [Motor Vehicle Act Regulations](#) replace several schedules relating to speed monitoring devices with a new Schedule A.1 – Certificate of Enforcement Officer Speeding Offences.

CVSE Bulletins & Notices

The following notice was posted in June by CVSE:

- [Notice NSC 01-19](#) – Federal Amendments to HOS Regulations Published in Canada Gazette Part 2 - UPDATED
- [VI Notice 01-19](#) – Trailer Inspection Exemption Order

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

Act or Regulation Affected	Effective Date	Amendment Information
Container Trucking Regulation (248/2014)	June 1/19	by Reg 94/2019
Motor Fuel Tax Act	July 1/19	by 2019 Bill 5, c. 7, sections 27 and 28 only (in force by Royal Assent), Budget Measures Implementation Act, 2019
Motor Fuel Tax Regulation (414/85)	June 17/19	by Reg 131/2019
Offence Act Forms Regulation (422/90)	June 17/19	by Reg 132/2019

OCCUPATIONAL HEALTH AND SAFETY

Occupational Health & Safety News:

After a Disaster, Restoration Contractors Pick up the Pieces

The jobsites of fire and flood restoration contractors are unlike most. They could be facing raw sewage floating in knee-deep water, mould layered over walls, pathogens from a crime scene, or rooms filled with toxic chemicals from burnt plastics, carpets, wood, and fabrics.

Once emergency responders have finished their work, restoration contractors and insurance adjusters are some of the first people to enter a home or building after a disaster such as a fire or flood. The aftermath of a fire or flood can leave serious health hazards for contractors – particulates, electrical hazards, rotting and structural damage, lingering odours from smoke, mould and mildew, plus exposure to asbestos, lead, mercury, and biohazards, to name a few. These potentially hazardous exposures are preventable with proper controls in place. Read the [full article](#) by Marnie Douglas in the May/June 2019 edition of *Worksafe Magazine*.

Extending coverage to Ministry of Social Development and Poverty Reduction Unpaid Work Experience Program

– from WorkSafeBC

On April 10, 2019, the Board of Directors approved extending coverage under [Section 3\(7\)\(b\)](#) of the [Workers Compensation Act](#) to participants of the Unpaid Work Experience Program. This program was developed by the Ministry of Social Development and Poverty Reduction to assist unemployed and underemployed British Columbians gain valuable work skills in a work environment. Access to the complete resolution can be found through the WorkSafeBC website [article](#).

Act or Regulation Affected	Effective Date	Amendment Information
Occupational Health and Safety Regulation (296/97)	June 3/19	by Reg 14/2019

PROPERTY & REAL ESTATE

Property and Real Estate News:

A Closer Look at the Report on Common Property, Land Titles, and Fundamental Changes for Stratas: Should the *Strata Property Act* provide that a lease of a fixture that is common property or of a common asset entered into by the owner-developer may not exceed five years?

This post is the first of a series highlighting key recommendations in the [Report on Common Property, Land Titles, and Fundamental Changes for Stratas](#). For other entries in the series, [click here](#).

Despite [general provisions](#) imposing duties and restrictions on owner-developers, there are still specific concerns about transactions involving common property. These concerns relate to long-term leases tying up a strata's common property (items such as enterphones and security cameras often figure as examples) after the owner-developer has left the scene. Sometimes, the concerns extend to service contracts entered into on the strata's behalf by the owner-developer. Other provinces have enacted legislation that reins in these transactions. Should British Columbia follow their lead and amend the [Strata Property Act](#) to directly address these concerns? Read the [full article](#) by Kevin Zakreski with BCLI.

Bc'S Real Estate Owner Requirements a Huge Burden for Clients, Say Lawyers

Complying with British Columbia's new real estate owner reporting requirements will create a lot of legal work and raise the price of real estate transactions, lawyers say.

The NDP government of British Columbia's [Land Owner Transparency Act](#) is intended to end hidden ownership of real estate in BC and increase tax revenue from the sector by creating a public registry. Much of BC's highly priced land is owned by mysterious numbered companies, offshore entities and trusts, which are used to hide wealth, evade the tax man and wash dirty money, according to a provincial ministry of finance [press release](#). Read the [full article](#) by [Aidan Macnab](#) in *Canadian Lawyer Magazine*.

Older Versions of Land Title Forms Now Retired

The Director of Land Titles has retired older versions of six land title forms, effective July 2, 2019:

Form	Version Now Retired
Form B - Mortgage	23
Form C - Release	23
Form 17 - Charge, Notation or Filing	14
Form 17 - Cancellation of Charge, Notation or Filing	15
Form 17 - Fee Simple	12
Local Government Filing Form	7

Older versions of retired electronic land title forms will only be accepted after July 2, 2019 if their true copy was executed before July 2, 2019. [Read more](#) on the BC LTSA site.

Act or Regulation Affected	Effective Date	Amendment Information
Homeowner Protection Act Regulation (29/99)	July 1/19	by Reg 38/2019
Mortgage Brokers Act	June 4/19	by by 2019 Bill 26, c. 14, sections 52 and 53 only (in force by Reg 116/2019), Financial Services Authority Act, 2019

WILLS & ESTATES

Wills and Estates News:

S. 58 WESA: Fixed Intention of Asset Disposal Required

Re *Cook Estate* [2019 BCSC 417](#) applied *Hadley Estate* [2017 BCCA 311](#) that the applicable test under [section 58](#)

[WESA](#) has two main parts: 1) whether the record, document or writing is authentic, and 2) whether the record, document or writing represents the deliberate or fixed and final intention of the deceased person.

Section 58 of WESA is a broad curative provision that allows the court to have the discretion to validate a document that is not been made in compliance with the formalities of will making as found in section [37 WESA](#), and allows the document to be admitted to probate, if satisfied that the document represents the testamentary intentions of the will maker. The purpose of the remedial provision is to avoid the defeat of a will maker's genuine intentions due to some technical defect. Read the [full article](#) by Trevor Todd on *Disinherited*.

Deliberate Alterations to a Will: Levesque Estate (Re), 2019 BCSC 927

A recent decision shows how the Court may find a will-maker's handwritten changes to be legally effective. In *Levesque Estate (Re)*, [2019 BCSC 927](#), Justice Gomery considered whether the whiting out of a beneficiary's name revoked a gift to that beneficiary.

In 2009, Ms. Levesque made a Will dividing her Estate between her six children and her eldest grandchild, Ms. Nixon. When the Will was read after Ms. Levesque's death in 2018, however, Ms. Nixon's name had been whited out. The issue was whether this alteration was legally effective to remove Ms. Nixon from the Will. Read the [full article](#) by Polly Storey of Clark Wilson LLP.

Act or Regulation Affected

Effective Date

Amendment Information

There were no amendments this month.

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