

Quickscribe Reporter

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QUICKSCRIBE NEWS:

Quickscribe Launches New Keyword Alert Tool

We are excited to announce the launch of a new feature that will alert you when a new bill, order or Hansard (debate) includes keywords of your choosing. This new tool is easy to set up and will often send you an alert within 24 hours from the moment a new law or Hansard is published. For example, you can track any references to an Act, Minister, appointee or any subject matter that is of interest to you. To access this new feature, go to the "Alerts" tab on the top menu bar, and select "Keyword Alerts".

Attention Lawyers:

Last Chance to Register for QO 2.0 Webinar (CPD Credit Opportunity)

Do you know any lawyers who need a free CPD credit? Quickscribe owner Mike Pasta, in cooperation with Courthouse Libraries BC, will be presenting a free lunch and learn webinar on the latest version of Quickscribe 2.0 on April 4th from 12:30 PM to 1:30 PM PST. The session will include an overview of latest QS features and will cover some lesser known time-saving tips. Please feel free to pass along this opportunity to colleagues who may not be familiar with the latest version of this service. Lawyers can claim a free CPD credit (Practice Management) for attending. For registration information: <https://attendee.gototraining.com/r/1308886526272000770>

New Bills Introduced

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

- [Bill 6](#), Supply Act, 2018–2019 (Supplementary Estimates)
- [Bill 7](#), Business Practices and Consumer Protection Amendment Act, 2019
- [Bill 10](#), Income Tax Amendment Act, 2019
- [Bill 11](#), Civil Forfeiture Amendment Act, 2019
- [Bill 14](#), Heritage Conservation Amendment Act, 2019
- [Bill 15](#), Agricultural Land Commission Amendment Act, 2019
- [Bill 16](#), Protected Areas of British Columbia Amendment Act, 2019
- [Bill 17](#), Environmental Management Amendment Act, 2019
- [Bill 19](#), Energy Statutes Amendment Act, 2019
- [Bill 20](#), Medicare Protection Amendment Act, 2019
- [Bill 21](#), Forest and Range Practices Amendment Act, 2019
- [Bill 23](#), Land Owner Transparency Act
- [Bill 24](#), Business Corporations Amendment Act, 2019

Several non-government Bills were introduced as well:

- [M203](#), Equal Pay Reporting Act
- [M204](#), Interpretation (Uniform Pacific Time Zone) Amendment Act, 2019
- [M205](#), Name Amendment Act, 2019
- [M206](#), Residential Tenancy Amendment Act, 2019
- [M207](#), Safe Care Act, 2019

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:

- [Debby Cumberford](#) – [Business Corporations Act](#)
- [Eileen Vanderburgh](#), AHBL Management Limited Partnership – [Freedom of Information and Protection of Privacy Act](#)
- [Greg Gehlen](#), Gehlen Dabbs Lawyers – [Bankruptcy and Insolvency Act](#)
- [John-Paul Boyd](#), John-Paul Boyd Arbitration Chambers – [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.

[\[Previous Reporters \]](#)

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:

And Then There Were Four: New High-Cost Credit Legislation Proposed in British Columbia

On February 26, 2019, Bill 7 – [Business Practices and Consumer Protection Amendment Act, 2019](#) (Bill) was introduced as part of British Columbia's Consumer Financial Protection Action Plan. If passed, the Bill will amend the [Business Practices and Consumer Protection Act](#) (BPCPA) to provide for a new high-cost credit regime and add new prohibitions that will apply to payday lenders, among other things. BC is the fourth province to propose or enact legislation that specifically regulates lenders who offer high-cost credit, continuing the trend of increasing the regulatory burden on lenders who serve the sub-prime space. Currently, Alberta and Manitoba have high-cost credit regimes in force, while Quebec's high-cost credit regime will come into force on August 1, 2019.

The Bill proposes to add a new Part 6.3 to the BPCPA, which will set out a high-cost credit regime. Part 6.3 indicates high-cost credit grantors will need to be licensed, sets out cancellation rights and disclosure requirements that apply to the form of high-cost credit agreement, and provides for various rights and remedies, the highlights of which are discussed below. Banks, credit unions, and certain trust and loan companies are currently exempted from the application of Part 6.3. Other classes of entities may also be exempted by regulation. Read the [full article](#) by [Elizabeth Sale](#) and [Robin Reinertson](#) on Blakes *Business Class*.

2019 Federal Budget: Key Provisions Affecting Pensions, Benefits and Executive Compensation

On March 19, 2019, the federal government tabled its 2019 budget (2019 Budget), which included a number of provisions related to pensions, benefits and executive compensation, as summarized below.

The 2019 Budget proposes to introduce legislative amendments to the [Companies' Creditors Arrangement Act](#), the [Bankruptcy and Insolvency Act](#), the [Canada Business Corporations Act](#), and the [Pension Benefits Standards Act, 1985](#) in an effort to address recent concerns regarding the security of workplace pensions in situations of corporate insolvency.

The proposed measures would make insolvency proceedings "fairer, more transparent and more accessible for pensioners and workers." The 2019 Budget states that this will be accomplished in part by requiring all parties to act in good faith and by giving courts greater ability to review payments made to executives in the lead up to insolvency.

Under the proposed measures, the 2019 Budget states that "it will be made clear that federally incorporated businesses are able to consider diverse interests, such as those of workers and pensioners in corporate-decision making" and publicly traded, federally incorporated firms will also be required to disclose their policies pertaining to workers and pensions and executive compensation, or explain why such policies are not in place. These firms will also have to hold and disclose the results of non-binding shareholder votes on executive compensation. Read the [full article](#) on *Blakes Business Class*.

New Legislation Introduced to End Hidden Ownership

Legislation introduced by the provincial government will help bring an end to the days when BC could be used by shell companies and other legal entities to anonymously hide wealth, evade taxes and launder money.

The [Land Owner Transparency Act](#), when passed, will establish a public registry of beneficial owners of property in BC, meaning true ownership will no longer be hidden. The act will require corporations, trusts and partnerships, which currently own or buy land, to disclose their beneficial owners in the registry. Corporations, trusts and partnerships that fail to disclose could face fines of up to \$100,000 or 15% of the assessed property value, whichever is greater.

British Columbia's new beneficial ownership registry is Canada's first publicly searchable registry of its kind. Information, including names of all corporate interest holders, beneficial owners or partners, will be publicly searchable through the registry. Tax authorities, law enforcement agencies and relevant regulators will have access to more detailed information and may use it to crack down on tax evasion, fraud and money laundering.

In addition, the BC government is introducing [amendments](#) to the [Business Corporations Act](#) to crack down on tax evasion and money laundering by requiring private companies to hold accurate and up-to-date information about the true owners of their shares, and eliminating bearer shares, which are unregistered shares owned by the certificate holder. Read the full government [news release](#).

Electricity Now Fully Exempt from PST

Effective April 1, 2019, [changes](#) to the [Provincial Sales Tax Act](#) now provide for full exemption from provincial sales tax on electricity. For more information on the provincial sales tax, visit the government [website](#).

BC Securities – Policies & Instruments

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

- [11-341](#) – Withdrawal of Staff Notices
- [23-406](#) – Joint CSA/IIROC Consultation Paper 23-406 Internalization within the Canadian Equity Market
- [21-402](#) – Joint Canadian Securities Administrators/Investment Industry Regulatory Organization of Canada Consultation Paper 21-402 *Proposed Framework for Crypto-Asset Trading Platform*
- [25-102](#) – CSA Notice and request for comment Publication for Comment - CSA Staff Notice and Request for Comment Proposed National Instrument 25-102 *Designated Benchmarks and Benchmark Administrators*
- [31-103](#) – CSA Notice of Amendments to National Instrument 31-103 *Registration Requirements, Exemptions and Ongoing Registrant Obligations*
- [45-106](#) – CSA Second Notice and Request for Comment Proposed Amendments to National Instrument 45-106 *Prospectus Exemptions* and National Instrument 31-103 *Registration Requirements, Exemptions and Ongoing Registrant Obligations* relating to Syndicated Mortgages and Proposed Changes to Companion Policy 45-106CP *Prospectus Exemptions* and Companion Policy 31-103CP *Registration Requirements, Exemptions and Ongoing Registrant Obligations*
- [21-325](#) – CSA Staff Notice 21-325 *Follow-up on Marketplace Systems Incidents*
- [21-326](#) – CSA Staff Notice 21-326 *Guidance for Reporting Material Systems Incidents*

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 (93/2013)	Mar. 1/19	by Reg 250/2018
Natural Gas Tax Credit Regulation (100/2015)	REPEALED Apr. 1/19	by Reg 66/2019
Provincial Sales Tax Act	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
Retention of Fees for Liquor Training Programs Regulation (174/2017)	REPEALED Mar. 31/19	by Reg 174/2017, s. 2

ENERGY & MINES

Energy and Mines News:

Aboriginal Liaison Program Update

BCOGC Bulletin:

The BC Oil and Gas Commission (Commission) is providing an update on recent activities and status of the Aboriginal Liaison Program (ALP). The ALP is a partnership between Indigenous communities in northern B.C., the Commission, and other provincial natural resource agencies. Initiated by the Commission and Doig River First Nation in 2014, the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) now leads the ALP and Commission staff provide operational coordination functions. For additional information, refer to Commission [INDB 2016-02](#) and [INDB 2016-38](#).

Partnering First Nation communities hire a local member as a monitor to observe and report to their communities about resource development activities on their traditional territories. The ALP provides training opportunities to improve Liaisons' knowledge and understanding of development activities and impacts, as well as enabling them to inform their community members with objective, reliable, and sound information. Read the [full bulletin](#).

British Columbia Court of Appeal Reaffirms

Duty to Consult Not a Duty to Agree

In a unanimous decision, *William v. British Columbia (Attorney General)*, [2019 BCCA 74](#), the British Columbia Court of Appeal affirmed that a proposed exploratory drilling program associated with the New Prosperity Mine could proceed after its approval by the Provincial government was found to be reasonable. In dismissing the appeal, the Court commented that not accepting the position of an Indigenous group who holds an honest belief that a project should not proceed does not mean that the process of consultation is necessarily inadequate or that the Crown did not act honourably in reaching a decision. Sometimes parties are unable to resolve their differences and work towards reconciliation because of fundamental disagreements. Read the [full article](#) by Kevin O'Callaghan, Niall Rand, and Amy Carruthers with Fasken Martineau DuMoulin LLP.

Appeal Court to Decide on BC Pipeline Law That Would Impact Trans Mountain

A British Columbia Court of Appeal hearing on proposed provincial legislation that would impact the Trans Mountain pipeline expansion has concluded and a panel of five judges has reserved its decision. BC filed the reference case to ask the court whether it can create a permitting system for companies that wish to increase the amount of heavy oil they are transporting through the province. The system would allow a provincial public servant to impose conditions on permits, which BC says would help it protect its environment and ensure that companies agree to pay for accident cleanup. Read the *National Post* [article](#).

Legislation to Pave Way for LNG Not Likely to Lead to More Projects: Analyst

[Legislation](#) introduced [March 25] by the B.C. government that will change the province's tax structure to encourage liquefied natural gas development is good for LNG Canada's \$40-billion project but is unlikely to spur any others to move ahead, according an energy consultant.

The changes brought in by Premier John Horgan's NDP government will amend the [Income Tax Act](#) to provide a tax credit for LNG development and also repeal the [Liquefied Natural Gas Income Tax Act](#).

"The legislation enshrines promised tax changes to get one project going, but I don't see anything there that is going to attract other investment. ... I doubt it incents other projects to take a final investment decision," said Ed Kallio, a principal of Calgary-based Eau Claire Energy Advisory Inc.

The changes brought in by Premier John Horgan's NDP government will amend the [Income Tax Act](#) to provide a tax credit for LNG development and also repeal the [Liquefied Natural Gas Income Tax Act](#). That act, introduced under the BC Liberals, was meant to create a new income tax on LNG to provide additional benefits to British Columbians, including putting money into a "prosperity fund".

However, even with those barriers removed for industry, new players have the BC NDP's clean energy plan to contend with, a plan that sets ambitious greenhouse gas reduction targets, noted Kallio. Read [The Vancouver Sun article](#).

Changes Restore Independent Oversight of BC Hydro

As part of keeping electricity rates affordable and making sure BC Hydro works for people, government is introducing legislative amendments to further implement recommendations from the first phase of the comprehensive BC Hydro review.

This includes further enhancing oversight of BC Hydro by the B.C. Utilities Commission (BCUC).

"The old government sidelined the BCUC and made decisions forcing BC Hydro to advance its own political agenda at the expense of ratepayers," said Michelle Mungall, Minister of Energy, Mines and Petroleum Resources. "Acting on the first phase of our BC Hydro review, we're re-empowering the BCUC to do its job as the Province's independent energy regulator and ensure BC Hydro works for people again."

Proposed legislative amendments include changes that will reinstate the BCUC's authority to review and approve BC Hydro's Integrated Resource Plan (IRP).

The IRP is BC Hydro's 20-year projection of electricity demand and its plans for meeting that demand. Currently, BC Hydro is required to submit its IRP to government for review and approval, bypassing the BCUC and significantly limiting the BCUC's insight into BC Hydro's electricity supply and demand forecasts, capital projects and energy purchase contracts. Read the government [news release](#).

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
Geothermal Operations Regulation (320/2010)	Mar. 8/19	by Reg 44/2019
Liquefied Natural Gas Income Tax Regulation (101/2015)	Apr. 1/19	by Reg 66/2019
	Mar. 29/19	by 2018 Bill 15, c. 15, sections 5, 7, 8 and 24 only (in force by Reg 62/2019), Energy, Mines and Petroleum Resources Statutes Amendment Act, 2018

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:

Amendments to Child, Family and Community Service Act

Effective April 1, 2019, the [Child, Family and Community Service Amendment Act, 2018](#) amended the [Child, Family and Community Service Act](#) to address the issue of overrepresentation of Indigenous children in care, bringing a more collaborative approach to child welfare, and improving information-sharing. The amendments provide social workers with more tools to share information and involve Indigenous communities in protecting, supporting and caring for their children. This includes the rights of Indigenous children to learn about and practise their Indigenous traditions, customs and languages and live in their communities. Furthermore, social workers and Indigenous communities will have greater opportunities to collaborate and be involved early with a family when there's a concern in order to help keep children out of care and ensure permanency for children who are in care.

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
Family Law Act	Mar. 25/19	by 2019 Bill 9, c. 4, sections 1 to 3 only (in force by Royal Assent), Attorney General Statutes Amendment Act, 2019
Family Maintenance Enforcement Act	Mar. 1/19	by 2018 Bill 10, c. 14, sections 2 to 4 only (in force by Reg 20/2019), Family Maintenance Enforcement Amendment Act, 2018
Provincial Court (Child, Family and Community Service Act) Rules (533/95)	Mar. 11/19	by Reg 49/2019

FOREST & ENVIRONMENT

Forest and Environment News:

Changes to Forest and Range Legislation

Improve Transparency

[Amendments](#) to the [Forest and Range Practices Act](#) will support the health and sustainability of BC's forests and range lands, while strengthening public confidence in how these vital resources are managed.

"We're making overdue changes to how we do things in the woods to ensure resilient forests and on the range to support families and communities in this province," said Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development. "These changes are part of our plan to revitalize the forest sector, to improve public trust, find paths to reconciliation with First Nations and improve transparency and public confidence in decision-making."

Initial changes to the act will be followed over the next two years by more substantive changes, which will be informed by a public consultation later this spring. Changes include:

- creating more frequent and reliable opportunities for public input;
- improving information sharing in forest planning;
- strengthening the minister's ability to manage forest activity;
- expanding the definition of wildlife in the act to help protect at-risk species; and
- improving and streamlining range-use planning.

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

Federal Environmental Emergency Regulations

The [Environmental Emergency Regulations, 2019](#) (the final regulations) were published in the *Canada Gazette* on March 6, 2019. They come into force on August 24, 2019, and until then, the [Environmental Emergency Regulations](#) are in force. These regulations require that any person who owns, has the charge, management or control of a regulated substance at or above certain quantities notify Environment and Climate Change Canada. For higher-risk facilities, an environmental emergency plan must also be prepared, brought into effect and exercised. Read the Government of Canada [announcement](#).

Environmental Appeal Board Decisions

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

[Environmental Management Act](#)

- [Thomas H. Coape-Arnold v. Delegate of the Director, Environmental Management Act\(Pinnacle Renewable Energy Inc., Third Party\)](#) [Final Decision – Appeal Dismissed]

[Wildlife Act](#)

- [Earl Pfeifer v. Director of Wildlife](#) [Final Decision – Appeal Dismissed; Application for Costs – Denied]

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

Act or Regulation Affected	Effective Date	Amendment Information
Balsam Woolly Adelgid Regulation (414/92)	REPEALED Mar. 6/19	by Reg 40/2019
BC Timber Sales Regulation (381/2008)	Mar. 6/19	by Reg 37/2019
Forest Recreation Regulation (16/2004)	Mar. 6/19	by Reg 37/2019
Limited Entry Hunting Regulation (134/93)	Mar. 6/19	by Reg 43/2019

Hunting Regulation (190/84)	Mar. 6/19	by Reg 43/2019
Interest Rate Under Various Statutes Regulation (386/92)	Apr. 1/19	by Reg 66/2019
Water Sustainability, Fees, Rentals and Charges Tariff Regulation (37/2016)	Mar. 6/19	by Reg 37/2019
Water Sustainability Regulation (36/2016)	Mar. 6/19	by Reg 37/2019
Wildlife Act General Regulation (340/82)	Apr. 1/19	by Reg 1/2019

HEALTH

Health News:

Legislation Introduced to Eliminate MSP Premiums

Government has introduced legislation that sets the stage for the elimination of Medical Services Plan (MSP) premiums on Jan. 1, 2020, making life more affordable for British Columbians.

"After years of MSP premium increases, our government is proud to be moving forward in meeting our promise to end this regressive tax," said Adrian Dix, Minister of Health. "Through this legislation, our government will eliminate MSP premiums in January 2020 and make life more affordable for British Columbians. Eliminating MSP premiums will save individuals up to \$900 a year and families as much as \$1,800 a year."

MSP is the provincial health insurance program that eligible BC residents enrol in to receive provincially insured health-care benefits. British Columbia is the only Canadian jurisdiction to still charge a monthly health-care premium.

The [Medicare Protection Amendment Act, 2019](#), removes the sections related to MSP premiums and premium assistance from the [Medicare Protection Act](#), ensuring that MSP beneficiaries are not required to pay any new premiums for enrolment periods after Jan. 1, 2020. Read the government [news release](#).

[Federal] NDP Unveils Universal Pharmacare Plan, Aims Program Delivery by the End of 2020 The Party Says

The party says the plan would save families who don't currently have private drug coverage an average \$550 per year. The NDP is promising to bring in a universal and comprehensive national pharmacare program targeted to begin in 2020 if the party wins the next federal election.

NDP Leader Jagmeet Singh announced details of the pharmacare plan Monday [April 1] with health critic Don Davies at an event in Coquitlam.

"This is a bold plan, it's going to take some courage. It's going to take us standing up to pharmaceutical industries and insurance companies who don't want us to bring this plan in, but we know this plan will work," Singh said.

The plan would see every Canadian covered for a list of prescription drugs determined by an arm's-length group of experts that it said would be protected from industry and political pressure. The agency would evaluate drugs for coverage based on what is scientifically proven to be safe and effective, and on the best value for money, the party said. Read *The Vancouver Sun* [article](#).

Case Summary: Federal Court Sets Aside Appeal Panel's Decision to Uphold Denial of Veteran's Pension Application Because Panel Unreasonably Concluded that the Applicant's Physician's Report Was Speculative and Not Credible

Crummey v. Canada (Attorney General), [2019] F.C.J. No. 54, [2019 FC 73](#), Federal Court (Halifax, Nova Scotia), January 18, 2019, R.F. Southcott J.

Federal Court agrees with veteran pension applicant that it was unreasonable for the pension appeal panel to consider his supporting physician's opinion linking his injury to his armed forces services to be speculative and thus not credible. Panel's decision was set aside and returned to a differently constituted panel for redetermination.

The applicant, who had served in the Canadian Armed Forces, applied to Veterans Affairs Canada for a pension based on compression fractures to his spine. He argued that his back problems originated from an injury that occurred during service. VAC denied his application on the basis that his fractures did not arise out of, and were not directly attributable to, his service. The Entitlement Review Panel (ERP) upheld VAC's decision finding there was insufficient evidence to support a relationship between the fractures and the applicant's service. The applicant appealed to the Entitlement Appeal Panel (EAP) and submitted two doctors' reports in support. Dr. D concluded the fractures were partially attributable to service-related factors, and Dr. S opined the fractures were probably service-related. The EAP noted Dr. D based his opinion on non-contemporaneous medical reports of service injuries and that Dr. S's opinion was very speculative in nature and therefore not credible. The EAP concluded it had not been presented with any persuasive, credible medical evidence pinpointing the applicant's condition to his time in the force and affirmed the ERP's decision. Read the [full article](#) by Kara L. Hill of Harper Grey LLP.

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:

Pension Benefits Standards Regulation Amended

The [Pension Benefits Standards Regulation](#) was amended on March 14, 2019 to set out the conditions that are not applicable to the acquisition of shares of the Catalyst Paper Corporation with respect to the arrangement agreement dated October 5, 2018 among Paper Excellence Canada Holdings Corporation, CPE Investment Canada Inc. and Catalyst Paper Corporation in which CPE Investment Canada Inc.

Increases to Monthly Support Allowances and Hardship Assistance Amounts

Effective April 1, 2019, both the [Employment and Assistance Regulation](#) and the [Employment and Assistance for Persons with Disabilities Regulation](#) were updated by increasing the amounts for monthly support and hardship assistance for eligible individuals and families.

Is 12 Too Young to Work? Youth Advocates Slam BC's Lax Child-Labour Laws

A youth advocacy group is calling on the province to tighten regulations around child labour, arguing that BC has some of the most lax regulations around children working in North America – and the government is now putting the question to the public.

Currently, the minimum age of formal employment in BC is 12. There are no age-specific restrictions on the time of day a child can work outside of school hours, the tasks they can do, or the industry in which they work.

"We're seeing kids working in construction, they're working in manufacturing and they're working in the trades,"

said Helesia Luke, communications and development coordinator of First Call BC. "We know this because we know that they're getting hurt there."

The group sent an open letter to BC's Ministry of Labour, calling for a number of changes to the province's [Employment Standards Act](#) like raising the minimum age of formal employment to 16.

They also want to ban children under 18 from doing hazardous jobs – like working with heavy equipment or on construction sites. Other "light work" would have some exemptions to the restrictions. Read the [full article](#) by Clare Hennig of CBC News.

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
Employment Standards Regulation (396/95)	Mar. 6/19	by Reg 36/2019
Long Term Disability Plan Regulation	Mar. 29/19	by Reg 64/2019
Pension Benefits Standards Regulation (71/2015)	Mar. 14/19	by Reg 52/2019
Private Training Regulation (153/2016)	Mar. 1/19	by Reg 35/2019
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:

BC Poverty Reduction Strategy

The Province has released its Poverty Reduction Strategy, [Together BC](#). The strategy outlines policies to achieve the targets introduced in the 2018 [Poverty Reduction Strategy Act](#): a 25% reduction in BC's overall poverty rate and a 50% reduction in the child poverty rate by 2024. TogetherBC is anchored around five foundational elements:

- the BC Child Opportunity Benefit announced in Budget 2019,
- increasing the minimum wage, following from the recommendations of the Fair Wages Commission,
- ChildCareBC, as announced in the 2018 Budget,
- Income assistance and disability rate increases, and
- Leveraging federal initiatives and supports such as the Canada Child Benefit and Guaranteed Income Supplement Top Up.

Read the full UBCM [article](#).

Wu v. Vancouver: When Making Permitting Decisions, Slow Doesn't Equal Negligent

If you own an old house in Vancouver's First Shaughnessy neighbourhood and you're thinking about tearing it down, city officials might ask you to think again. And again. And again. And again. And in the meantime, instead

of designating your house as "protected heritage property" and compensating you for any loss in value caused by the designation, the City might establish a heritage conservation area to protect your house, along with others in the neighbourhood, without having to pay any compensation. Would it be negligent for the City to do such a thing? Not according to a recent decision of the BC Court of Appeal in *Wu v. Vancouver (City)*, [2019 BCCA 23](#), in which the Court of Appeal overturned the trial judge's conclusion that a local government could be liable in negligence for unreasonable delays in making decisions whether or not to issue permits. Read the [full article](#) by Guy Patterson of Young Anderson.

Rules for Reporting Minor Crashes Amended

The provincial government has amended its rules around mandatory police reporting of minor collisions. This move responds to a resolution (B83) endorsed by the UBCM membership at the 2017 convention. The updated [Motor Vehicle Act Regulations](#) increase the mandatory reporting threshold for property-damage-only (PDO) collisions from \$1,000 to \$10,000.

The changes are intended to reduce congestion and delays resulting from minor collisions where there are no injuries. The increased threshold may also help improve the rate at which crashes are cleared, reducing the risk to workers at the scene. Police officers will still attend PDO collisions at their discretion.

The endorsed resolution, sponsored by the City of North Vancouver and District of North Vancouver, sought authority for local governments to choose to adopt three proposed changes to the [Motor Vehicle Act](#):

- Allow the Province to delegate authority to maintenance contractors to remove vehicles that are stalled or involved in a minor accident;

Read the UBCM [article](#).

Act or Regulation Affected	Effective Date	Amendment Information
British Columbia Transit Regulation (30/91)	Mar. 11/19	by Reg 48/2019
Building Act	Mar. 25/19	by 2019 Bill 3, c. 5, sections 1 to 3 only (in force by Royal Assent), Municipal Affairs and Housing Statutes Amendment Act, 2019
Local Government Act	Mar. 25/19	by 2019 Bill 3, c. 5, sections 20 and 21 only (in force by Royal Assent), Municipal Affairs and Housing Statutes Amendment Act, 2019
Local Government Grants Regulation (221/95)	Mar. 11/19	by Reg 51/2019
Regional District of Okanagan-Similkameen Borrowing Regulation (227/96)	REPEALED Mar. 6/19	by Reg 39/2019
Retention of Fees for Liquor Training Programs Regulation (39/2019)	NEW Apr. 1/19	see Reg 39/2019
The Cultus Lake Park Act	Mar. 25/19	by 2019 Bill 3, c. 5, sections 5 to 19 only (in force by Royal Assent), Municipal Affairs and Housing Statutes Amendment Act, 2019
Vancouver Charter	Mar. 25/19	by 2019 Bill 3, c. 5, sections 24 and 25 only (in force by Royal Assent), Municipal Affairs and Housing Statutes Amendment Act, 2019

Victoria Regional Transit Commission Regulation No. 40-2019 (53/2019)	NEW Mar. 31/19	see Reg 53/2019
MISCELLANEOUS		
<p align="center">Miscellaneous News:</p> <p>Legislative Updates Increase Transparency, Accountability New legislative changes improve transparency and accountability for British Columbians, making government's requirement to record key decisions law.</p> <p>"People rightly expect to have access to information about how the Province makes important decisions that impact their lives," said Jinny Sims, Minister of Citizens' Services. "This legislative change formalizes government's obligation to document decisions and helps ensure records of decisions are available and accessible."</p> <p>The Information Management Act outlines how records are handled throughout their lifecycle, including storage, archival and disposal. The legislation applies to all ministries and 41 government bodies throughout the province, such as the B.C. Lottery Corporation, the Oil and Gas Commission and Destination BC. This change formalizes an existing obligation contained in core policy and now extends it to the 41 government bodies governed by the act. Read the full government news release.</p> <p>BC Strengthens Protections for Heritage Sites, Introduces Mandatory Reporting Requirements The British Columbia government recently introduced amendments to the Heritage Conservation Act (Act) to strengthen protections for heritage and archeological sites and objects in the province. Proposed amendments include a duty to report the discovery of a site or object that may have heritage value, which may impact both existing and planned property development and infrastructure projects. Failing to report such a discovery would constitute an offence under the Act. Other amendments include enhanced powers to amend, suspend or cancel permits issued under the Act, as well as expanded enforcement and compliance powers for authorized officials.</p> <p>Background: On March 6, 2019, the B.C. government introduced the <i>Heritage Conservation Amendment Act, 2019</i> (Bill 14). Bill 14 amends the <i>Heritage Conservation Act</i> and makes consequential and related amendments to certain other acts, including the Local Government Act, Mineral Tenure Act, Oil and Gas Activities Act, and the Vancouver Charter. Such amendments aim to strengthen protections for heritage and archeological sites and objects in the province. Bill 14 is part of the provincial government's response to implementing the United Nations Declaration on the Rights of Indigenous Peoples in BC.</p> <p>Read the full article by Carrie Fleming and Nardia Chernawsky with Blake, Cassels & Graydon LLP.</p> <p>BC Legislature Unanimously Passes Anti-SLAPP Legislation BC lawmakers voted unanimously Friday [March 8] to pass legislation meant to safeguard people from strategic lawsuits against public participation, SLAPP for short, by helping judges toss out legal actions targeting people who speak out on matters of public interest.</p> <p>Attorney General David Eby said the Protection of Public Participation Act will protect free expression by preventing wealthy individuals and large companies from using their superior resources to sue journalists, activists or other critics for the purposes of intimidating or silencing them. Read the CBC article.</p>		
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
		by 2018 Bill 22, c. 17, section 38 only (in force by

Crown Proceeding Act	Apr. 1/19	Reg 233/2018), Civil Resolution Tribunal Amendment Act, 2018
Information Management Act	Mar. 31/19	by 2015 Bill 6, c. 7, sections 1 to 6 only (in force by Reg 65/2019), Information Management (Documenting Government Decisions) Amendment Act, 2017
Information Management Regulation (109/2016)	Mar. 31/19	by Reg 65/2019
Protection of Public Participation Act	NEW Mar. 25/19	c. 3, SBC 2019, 2019 Bill 2 , whole Act in force by Royal Assent
Sheriff Powers, Duties and Responsibilities Regulation (263/2009)	Apr. 1/19	by Reg 69/2019
Supreme Court Civil Rules (168/2009)	Mar. 25/19	by Reg 56/2019
Teachers' Collective Agreement Act	REPEALED Mar. 6/19	by Reg 42/2019

MOTOR VEHICLE & TRAFFIC

Motor Vehicle and Traffic News:

What You Need to Know about Distracted Driving Following the B.C. Supreme Court Ruling

Having your cellphone loose in your car no longer counts as distracted driving, according to a [recent ruling by a B.C. Supreme Court judge](#).

The ruling has helped to clarify a major part of the province's distracted driving laws, but many questions still remain.

Here is what you need to know going forward: [Part 3.1](#) of the [Motor Vehicle Act](#) forbids drivers from using mobile phones and other electronic devices while driving or operating a motor vehicle.

Drivers can use their cellphone in their car if they are legally parked off the road. They can also use it if they are using the "hands-free" function, but the device must be mounted to the vehicle using a cellphone holder or other mechanism.

The [fine for a distracted driving ticket](#) is \$368, along with four driver penalty points that will be applied to the driver's record. First-time violators must pay an extra Insurance Corporation of B.C. penalty fee of \$210 for a total of \$578.

The case was brought forward by a BC driver whose cellphone was wedged in the passenger seat. He was given a ticket for distracted driving, even though he was not touching it. A BC Supreme Court judge determined that simply having a cellphone within sight of a driver does not meet the threshold necessary for a conviction. Read the [full article](#) by Patrick Jones of *CBC News*.

Trial Lawyers Association of BC Launches Constitutional Challenge in Wake of New ICBC Legislation

The Trial Lawyers Association of British Columbia (TLABC) has launched a constitutional challenge to protect the charter rights of British Columbians as regulations come into effect for the new ICBC legislation for those injured on our roads.

A constitutional challenge means a law is being challenged in court to determine if it violates or is inconsistent with the Constitution of Canada, including the [Canadian Charter of Rights and Freedoms](#).

"Access to justice is a basic human right guaranteed to us as Canadians under the *Canadian Charter of Rights and Freedoms*", says TLABC's Ron Nairne. "The approach this government has taken to legislative and regulatory changes to address ICBC's mismanagement problems violates the rights of British Columbians", said Nairne. "This should be about protecting the public interest – not about protecting ICBC." Read the [news release](#) posted on the Trial Lawyers Association of BC website.

Police Told They No Longer Need to Investigate Most Collisions in BC

When a collision occurs involving injury, death or a prescribed amount of property damage, attending police officers are required to complete a written report of the crash. This can be a valuable resource for collision victims as it documents the parties involved, labels the probable offender for the crash, highlights contributing factors along with road conditions and also notes the names of known witnesses. The "prescribed amount" historically was \$1,000 for motor vehicles, \$600 for motorcycles \$600 and \$100 for bicycles. This captured most collisions.

In a bit of a perplexing development the BC Government has changed this threshold to \$10,000. A [press briefing](#) released last week [March 8] noted as follows:

"Having traffic back up because of a minor collision where nobody was hurt doesn't help anyone – and worse, it can lead frustrated drivers to take steps that are unsafe," said Mike Farnworth, Minister of Public Safety and Solicitor General. "Today's increase in the damage threshold for these kinds of crashes is long overdue and will allow people and police officers to move damaged vehicles out of the way without delay."

Currently, officers who attend a PDO must complete a written report before any vehicles can be removed from the road if damage exceeds \$1,000 (for motorcycles, \$600; for bicycles, \$100). By increasing the reporting threshold to \$10,000 per PDO, regardless of vehicle type, government expects that provincial highways will be able to be unblocked more efficiently.

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

New ICBC Regulations in Force

Effective April 1, 2019, the [Accident Claims Regulation](#) and the [Minor Injury Regulation](#) came into force, which aim to increase care for injured people while helping ICBC return to financial stability. The regulations establish items including:

- updated treatment fees and types of treatments covered by ICBC, such as acupuncture and counselling, effective April 1, 2019, for both new and existing claims;
- new and increased accident benefits, such as wage loss, will come into effect for accidents occurring on or after April 1, 2019;

Read the full government [news bulletin](#).

CVSE Bulletins & Notices

The following notice was posted in March by CVSE:

- [VI Notice 01-19](#) – Trailer Inspection Exemption Order Amendments

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
Accident Report Threshold Regulation (191/2008)	REPEALED Mar. 8/19	by Reg 8/2019
Accident Report Threshold Regulation (8/2019)	NEW Mar. 8/19	see Reg 8/2019

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
Lien on Impounded Motor Vehicles Regulation (25/2015)	Mar. 18/19	by Reg 54/2019
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
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:

Proposed Policy Amendments Regarding Activity-related Soft Tissue Disorders (ASTDs) of the Limbs

In January 2018, WorkSafeBC's Board of Directors commissioned an external compensation policy review (CPR). The resulting report, entitled *Restoring the Balance: A Worker-Centred Approach to Workers' Compensation Policy*, was published in April 2018 and contains a number of recommendations. Four of the recommendations propose changes to policy relating to the adjudication of ASTD claims. The Policy, Regulation and Research Division (PRRD) is presenting proposed policy revisions for two of the CPR recommendations to:

- Provide clear direction when adjudicating situations where the evidence indicates the condition may be either an injury or a disease, regardless of a clear or unclear ASTD diagnosis; and
- Further emphasize the importance of identifying all of the relevant ASTD risk factors in a particular case, and to base a decision on a careful evaluation of the evidence in accordance with policy while considering the merits and justice of the individual case.

Read the full WorkSafeBC [article](#).

Public Hearings on Proposed Regulatory Amendments

WorkSafeBC will be holding public hearings for proposed amendments to the [Occupational Health and Safety Regulation](#) regarding [Part 16, Mobile Equipment](#) (with consequential amendments to [Parts 1, 8, 10, 12, 14, 17, 26, 28, and 31](#)). You can access the proposed amendments, along with explanatory notes and details of the public hearings, via the link below:

[2019 proposed regulatory amendments](#)

Read the WorkSafe BC [bulletin](#).

The Future of Safe Work: Competency-Based Assessment & Training to Best Meet Due Diligence

The BC Forest Safety Council (BCFSC)'s Director of Training and Program Development, Gerard Messier, provided an update at the 2019 TLA Convention and Trade Show on the competency-based assessment and training model being developed at the request of industry by the BCFSC.

He said 2019 was the year of beginning to implement. The preceding three years had been dedicated to the development of competencies for 40 forestry occupations; and the development of assessor tools for those occupations; the development of new yarding, faller and log hauling learning materials; and the development of assessor and train the trainer materials.

Competencies for a single occupation is the first step in a long process of developing ready to deliver training for that occupation. Read the [full article](#) in the April edition of [Forest Safety News](#).

Act or Regulation Affected	Effective Date	Amendment Information
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There were no amendments this month.

PROPERTY & REAL ESTATE

Property and Real Estate News:

The CSAIR: Everything You Need to Know about BC's New Pre-Sale Assignment Registry

In 2018, the British Columbia provincial government (the "Government") published a white paper describing its proposed [Land Ownership Transparency Act](#) (the "Act"). As discussed in our previous bulletin, the purpose of the Act is to end anonymous land ownership in British Columbia. On February 25, 2019, the Government took steps to achieve this purpose by establishing the Condo and Strata Assignment Integrity Register (the "CSAIR"). The CSAIR is a database for assignments of purchase agreements of all residential condo and strata lots in British Columbia, including both pre-sale lots and completed lots. Read the [full article](#) by [Dharam Dhillon](#) and [Douglas Zorrilla](#) of McMillan LLP.

What Developers Need to Know About the Speculation and Vacancy Tax

On November 27, 2018, the British Columbia provincial government enacted [Bill 45](#), the *Budget Measures Implementation (Speculation and Vacancy Tax) Act* (the "Act"). Unless otherwise exempted, all owners of residential property in designated regions in British Columbia are required to pay the speculation and vacancy tax ("SVT") for the calendar year 2018 and beyond. The SVT is a part of the provincial government's plan to minimize speculation in the residential housing market and turn vacant and underused properties into homes for residents of British Columbia.

To give effect to these objectives, the provincial government also introduced an extensive list of exemptions, certain of which are applicable to developers in their capacity as owners of residential properties. These exemptions are intended to address concerns over the potential cost increases of developing residential projects due to the imposition of the SVT and the resulting negative impact on housing affordability and availability in British Columbia. Read the [full article](#) By [Edward L. Wilson](#), [May Au](#) and [Yumeng Zhu](#) with Lawson Lundell LLP.

A Closer Look at the Report on Insurance Issues for Stratas: Should the Strata Property Act require strata corporations to obtain directors-and-officers insurance?

This post is the part of a series highlighting key recommendations in the *Report on Insurance Issues for Stratas*. For other entries in the series, [click here](#).

In the strata-property field, directors-and-officers insurance is "[i]nsurance that provides coverage for members of [strata councils] against 'wrongful acts,' which might include actual or alleged errors, omissions, misleading statements, and neglect or breach of duty on the part of the [strata council]." Commentators have stressed the importance of directors-and-officers insurance coverage. The [Strata Property Act](#) pays some heed to this point, by enabling strata corporations to purchase this coverage. Read the [full article](#) by Kevin Zakreski with BCLI.

LTSA Fee Increase Now in Effect

As [announced](#) on February 19, 2019, an increase to most Land Title and Survey Authority of British Columbia

(LTSA) customer service fees is now in effect. The LTSA will use revenue from the fee increase to address the impact of inflation on operations. Under the LTSA's [Operating Agreement with the Province](#), the LTSA may increase its services fees annually by the adjusted Consumer Price Index (CPI) amount. Read the [announcement](#) on the BC Land Title & Survey Authority website.

Clarifying Deposit Insurance Requirements

[Strata Property Regulation 6.11](#) has been amended ([OIC 101-2019 pdf](#)) to clarify deposit insurance requirements for monies invested by strata corporations. In 2014, this part of the Strata Property Regulation was amended to modernize and simplify the requirements for permitted investments for funds collected through special levy or held in a contingency reserve fund. The Regulation specified that certain investments (savings and chequing accounts, term deposits, and guaranteed investment certificates (GICs)) must be in accounts at financial institutions that are a member of the Canada Deposit Insurance Corporation (CDIC) or the Credit Union Deposit Insurance Corporation of British Columbia (CUDIC), and the deposit must be eligible for deposit insurance. Read [more](#) on the government website.

Act or Regulation Affected	Effective Date	Amendment Information
Homeowner Protection Act Regulation (29/99)	Mar. 6/19	by Reg 38/2019
Strata Property Regulation (43/2000)	Apr. 1/19	by Reg 70/2019

WILLS & ESTATES

Wills and Estates News:

Removing an Executor 2019

[Burke v. Burke 2019 BCSC](#) involved an application brought under sections 130 and 132 of WESA, along with section 31 of the [Trustee Act](#) and the inherent jurisdiction of the court to remove an executor and trustee and substitute another.

The introduction of [WESA](#) legislation on March 31, 2014 added the provisions of sections [131](#) and [132](#) as a procedure to follow when making such applications. There is a great deal of case law on this topic, and I do not think WESA overrules any of them in their general principles.

As the case law indicates, as the Burke case did, the courts will not likely interfere with the testator's choice of the estate trustee and will require strong evidence of necessity, such that the trustees acts or omissions, are of such a nature as to endanger the administration of the trust.

In Burke the petitioner showed a strong *prima facie* case of executor conflict of interest yet the court refused to remove the executor and substitute another. Read the [full article](#) by [Trevor Todd](#) with *Disinherited Estate Disputes and Contested Wills*.

Spousal Home on First Nation Land

In the recent case of *Toney v. Toney Estate*, 2018 NSSC 179, the Supreme Court of Nova Scotia considered an application by the spouse of a deceased former band Chief seeking exclusive occupation of property located on reserve lands held by the federal Crown in trust for the exclusive benefit of a First Nation band. The applicant was not a band member and not an Indian.

The applicant was married to her spouse, who was an Indian band member at the time of his death. The couple had lived together for 32 years at the property in question. The applicant's deceased spouse had held a Certificate of Possession for the property, which he left to the applicant in his will. On her spouse's death, the applicant was not eligible, due to her non-Indian and non-band member status, to inherit the assignment of the Certificate of Possession. She applied to the Court under the [Family Homes on Reserves and Matrimonial Interests or Rights Act](#) for an order for indefinite exclusive occupation of the property.

The Court granted the application for indefinite exclusive occupation, considering the following factors relevant:

- the applicant's age, medical condition (she had MS), financial situation, and years spent living at the

- property;
- that the deceased had left his entire estate to the applicant, with the property being the only property of significant value in the estate; and
- that the deceased and the applicant had put significant effort and money into improving the property in a permanent way over a period of 30 years.

Read the [full article](#) by Aubrie Girou of Alexander Holburn Beaudin + Lang LLP.

Act or Regulation Affected	Effective Date	Amendment Information
Wills, Estates and Succession Act	Mar. 25/19	by 2019 Bill 9, c. 4, sections 4 to 7, 9 and 10 only (in force by Royal Assent), Attorney General Statutes Amendment Act, 2019

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