

Quickscribe Reporter

Vol: XVIII – Issue: XI – November 2019

QUICKSCRIBE NEWS:

Fall Legislation Session Wrap-up

The BC Legislature session ended November 28th with much of the legislation focusing on addressing affordability issues and upholding the rights of BC First Nations, including securing long-term sources of revenue for First Nations in BC. For example, the [Gaming Control Amendment Act, 2019](#) will allocate 7% of British Columbia Lottery Corporation's net income to BC First Nations as part of a 25-year commitment that will see approximately \$3 billion in revenues shared. The [Declaration on the Rights of Indigenous Peoples Act](#) was also enacted. The new law affirms the application of the [United Nations Declaration on the Rights of Indigenous Peoples](#) (UNDRIP) to provincial law, seeks to contribute to the implementation of UNDRIP, and supports the affirmation of, and development of relationships with, Indigenous governing bodies. The government also introduced [legislation to combat climate change](#) and made changes to the [Motor Vehicle Act](#) to make green transportation devices, such as electric scooters, safer and easier for everyone to use. Looking ahead, the full elimination of medical services plan premiums takes effect on January 1, 2020.

New Bills Introduced

The government tabled the following Bills in November:

- [Bill 42](#), Fuel Price Transparency Act
- [Bill 45](#), Taxation Statutes Amendment Act, 2019

Two non-government Bills were also introduced:

- [Bill M229](#), Motor Vehicle Amendment Act, 2019
- [Bill M230](#), High Dose Influenza Vaccine for Seniors 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 or the new [Keyword Alert](#) 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.

- [Richard Bereti](#), Harper Grey LLP – [Environmental Management Act](#)
- [Michael Bain](#), Hamilton Howell Bain & Gould – [International Commercial Arbitration Act](#), [Insurance \(Vehicle\) Act](#), B.C. Regs. [233/2018](#) and [234/2018](#)

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".

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

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HEALTH	PROPERTY & REAL ESTATE
LABOUR & EMPLOYMENT	WILLS & ESTATES

COMPANY & FINANCE

Company and Finance News:

British Columbia's Amendments to Financial Institutions

Legislation: Impact on the Insurance Sector

On November 20, 2019, the Legislative Assembly of BC approved in Third Reading the Government's [Bill 37](#) the *Financial Institutions Amendment Act, 2019* (BC) (Bill 37), introduced by the Minister of Finance on October 21, 2019, and amended in Committee in part on November 20, 2019. The vast majority of the provisions will come into force at a future date by regulation. Bill 37 in conjunction with the [Financial Services Authority Act, 2019](#) (BC) (the FSA Act) will introduce significant changes to British Columbia's financial services regulatory structure.

Among other things, Bill 37 will amend the [Financial Institutions Act](#) (BC) (the FIA). This posting discusses some of those amendments relevant to the insurance sector. Read the [full article](#) by [Annette E.F. Dueck](#) and [Stuart S. Carruthers](#) with Stikeman Elliott LLP.

Fiduciary Duties in Commercial Relationships and Conflicts of Interest: *Roussy v. Savage, 2019 BCSC 1669*

The British Columbia Supreme Court's recent decision in *Roussy v. Savage*, [2019 BCSC 1669](#), addresses several interesting corporate law issues arising in the context of an insolvent business.

Two individuals formed Sonic Drill Systems Inc. ("SDSI") in 2003 for the purpose of manufacturing and selling mobile drilling rig platforms. Those two individuals, referred to in this article as "RR" and "TS", were each an officer and director of SDSI and held the company's shares through their respective holding companies. A receiver was appointed over SDSI in late-2013 and the company was subsequently assigned into bankruptcy in 2014. RR caused two actions to be commenced arising from SDSI's downfall, making allegations against TS, members of his family, and companies owned by them. Read the [full article](#) by Sean Tessarolo with Clark Wilson LLP.

BC Securities Commission Receives New Powers to Investigate Investment Fraud

On October 21, 2019, British Columbia introduced broad reforms by way of [Bill 33](#), the *Securities Amendment Act, 2019*, which proposes to modify the [Securities Act](#) to provide the British Columbia Securities Commission with a host of new powers to collect financial penalties and prosecute white-collar investment offences.

The proposed new legislation is the most extensive update to the *Securities Act* since its introduction in 1996. It includes over 100 amendments, many of which are unprecedented in Canada. The proposed amendments to the *Securities Act* consist of the following:

Amendments in respect of enforcement include:

- Expanded investigation authority;
- Mandatory minimum jail sentences for serious or multiple fraud offences;
- Increased penalties, including an increase in maximum fines;
- Increased maximum penalties for securities offences;
- Increased sanctions relating to records; and,

- The addition of whistleblower protections.

Read the [full article](#) by Breanna Needham and Kristin Ostler with Borden Ladner Gervais LLP.

Rectification Strikes Back: B.C. Court of Appeal Allows Rectification of Tax Mistake

On October 30, 2019, the British Columbia Court of Appeal upheld the rectification of an erroneously calculated capital dividend account, saving the corporate taxpayer from a punitive 60% tax.

In [5551928 Manitoba Ltd v Canada \(Attorney General\)](#), the taxpayer sold property and subsequently sought to distribute the maximum amount of tax-free capital dividends to its shareholders. The taxpayer engaged third-party accountants to advise on the calculation of its capital dividend account. Due to a mistake in the accountants' analysis, the taxpayer paid a dividend that exceeded its capital dividend account.

The taxpayer successfully petitioned the B.C. Supreme Court for an order rectifying the resolution declaring the dividend to reduce the dividend to the actual balance of its capital dividend account. In obtaining this order, the taxpayer overcame the Supreme Court of Canada's 2016 decision in *Canada (Attorney General) v Fairmont Hotels Inc.* Read the [full article](#) by Jared Mackey, Derrick Hosanna and Allyson Cairns-Walji with Bennett Jones.

Jack Mintz: Tax Electric Vehicles or We'll Blow a Huge Hole in Our Budgets

If all vehicles convert to electric, federal and provincial governments would collect \$22 billion less in 2019 revenue. About two weeks ago, British Columbia announced that the province would require all automobiles and light trucks sold in the province to be electric by 2040. By 2025, 10 per cent of sales will need to be electric, followed by 30 per cent in 2030 and 100 per cent in 2040. In third quarter 2019, BC electric vehicle sales totalled roughly 4,700 electric and hybrid cars (seven per cent of all vehicle sales in the quarter). For Canada as a whole, electric and hybrid cars totalled roughly 16,000 in the third quarter or three per cent of all light vehicle sales. Read the *Financial Post* [article](#).

BC Securities – Policies & Instruments

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

- [51-359](#) – CSA Multilateral Staff Notice 51-359 *Corporate Governance Related Disclosure Expectations for Reporting Issuers in the Cannabis Industry*

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

Act or Regulation Affected	Effective Date	Amendment Information
Business Corporations Regulation (65/2004)	Jan. 1/20	by Reg 257/2019
Designated Accommodation Area Tax Regulation (93/2013)	Jan. 1/20	by Reg 236/2019 and Reg 275/2019
Eligible Port Property Designation Regulation (309/2010)	Dec. 16/19	by Reg 273/2019
Extraprovincial Associations and Corporations from a Designated Province Regulation (89/2009)	Jan. 1/20	by Reg 268/2019
Extraprovincial Companies and Foreign Entities from a Designated Province Regulation (88/2009)	Jan. 1/20	by Reg 268/2019
Extraprovincial Limited Liability Partnerships and Limited Partnerships		

from a Designated Province Regulation (90/2019)	Jan. 1/20	by Reg 268/2019
Insurance Premium Tax Act	Jan. 1/20	by 2018 Bill 57, c. 49, section 82 only (in force by Reg 213/2019), Attorney General Statutes Amendment Act, 2018
Port Land Valuation Regulation (304/2010)	Dec. 16/19	by Reg 266/2019
Provincial Sales Tax Act	Jan. 1/20	by 2019 Bill 45, c. 45, sections 1 to 5 only (in force by Royal Assent), Taxation Statutes Amendment Act, 2019
Provincial Sales Tax Exemption and Refund Regulation (97/2013)	Dec. 16/19	by Reg 274/2019
Restricted-Use Property Valuation Regulation (236/2017)	Dec. 16/19	by Reg 267/2019
Tobacco Tax Act	Jan. 1/20	by 2019 Bill 45, c. 45, section 6 only (in force by Royal Assent), Taxation Statutes Amendment Act, 2019

ENERGY & MINES

Energy and Mines News:

Why BC's Indigenous Rights Bill is "Impractically Broad" and Inconsistent with Canadian Law

[Opinion]

British Columbia's [Bill 41](#), aimed at implementing the Universal Declaration on the Rights of Indigenous Peoples (UNDRIP) into provincial legislation is – depending on one's perspective – either a forward-looking framework that will provide much-needed guidance to oil and gas companies and others dealing with Indigenous people, or a misplaced attempt to do so that will create a host of new challenges for reconciliation efforts.

Roy Millen, a partner in Blake, Cassels & Graydon LLP's Vancouver office, believes the law – introduced on Oct. 24 and given second reading on Oct. 30 – is a bit of both. It has not yet been passed or proclaimed. "I think the province is trying to do something good and symbolic that has, however, produced unanticipated wrinkles that have already created and will continue to create short-term uncertainties for project proponents," he said.

The United Nations General Assembly adopted [UNDRIP in 2007](#) by way of a huge majority. Canada was only one of four naysayers, but in 2016 Prime Minister Justin Trudeau announced that his government was a "full supporter." A private member's bill incorporating UNDRIP into federal legislation, Bill C-262, passed the House of Commons in 2018, but died in the Senate when the recent election was called. Read the [full article](#) by [Julius Melnitzer](#) in the *Financial Post*.

Media Statement on CN Rail Strike

Michael Goehring, President & CEO of the Mining Association of British Columbia made the following statement today on the strike by the Teamsters Canadian Rail Conference, which represents approximately 3,200 CN employees across Canada: "The Mining Association of BC is closely following the work stoppage on behalf of our members, who rely on Canada's rail network to move our products to global markets. Depending on the duration of the job action, the reduction in rail capacity in BC will have a significant and adverse impact on our members' operations, their employees, and their customers. Read the full [news release](#) on the Mining Association of British Columbia website.

BC Passes Law to Force Oil Companies

to Reveal How Gas Prices Are Set

British Columbia's provincial government has passed legislation to force oil companies to reveal how they set gas prices. Lawmakers passed the [Fuel Price Transparency Act](#) on Wednesday [November 27th]. The legislation comes in the wake of an investigation by the BC Utilities Commission (BCUC) that found an unexplained 10 to 13 cent premium on Lower Mainland fuel prices over Pacific Northwest wholesale prices. The regulator says the differential is costing British Columbians an estimated half-billion dollars a year, and prompted the BCUC to question whether BC is a "functioning competitive market." Read the *Global News* [article](#).

Fortune Beams on Tsilhqot'in Solar-Power Project on Remote Chilcotin Plateau

"For us, it demonstrates that we can be leaders in clean energy," said Chief Russell Myers Ross, vice chair, Tsilhqot'in National Government. The Tsilhqot'in solar farm emerges as 16 neat rows of silvery panels on the tawny and green-mottled Chilcotin Plateau's landscape just off Highway 20, about 80 kilometres west of Williams Lake on the drive to Bella Coola. Made up of 3,456 solar modules perched at the edge of an old sawmill site, the recently completed facility is rare – one of a handful of small independent power projects to go ahead before the province hit pause on B.C. Hydro's program for such projects. Read *The Vancouver Sun* [article](#).

Act or Regulation Affected	Effective Date	Amendment Information
Administrative Penalties Regulation (35/2011)	Dec. 16/19	by Reg 272/2019
Drilling and Production Regulation (282/2010)	Jan. 1/20	by Reg 286/2018
Exemption Regulation No. 4 (331/2012)	REPEALED Dec. 16/19	by Reg 269/2019
Exemption Regulation No. 5 (269/2019)	NEW Dec. 16/19	see Reg 269/2019
Hydro and Power Authority Act	Dec. 31/19	by 2018 Bill 2, c. 4, section 13 only (in force by Royal Assent), Budget Measures Implementation Act, 2018
Investigations Regulation (134/2019)	NEW Jan. 1/20	see Reg 134/2019
Oil and Gas Activities Act	Jan. 1/20	by 2018 Bill 56, c. 54, sections 13, 16 and 18 only (in force by Reg 134/2019), Oil and Gas Activities Amendment Act, 2018

FAMILY & CHILDREN

Family and Children News:

Child Protection Project Committee Considers Disclosure under the *Child, Family and Community Service Act*

BCLI's [Child Protection Project Committee](#) continued its review of the [Child, Family and Community Service Act](#) at its November 2019 committee meeting, moving on to a new topic. At this meeting the committee considered whether to add new disclosure requirements to the act. The committee discussed two issues in the meeting. The first concerned cases in which a director is applying to extend a supervision order or a temporary custody order. The committee considered whether the legislation should provide that a director must disclose the reasons for applying for an extension to the court and the parents. Read the [full article](#) by Kevin Zakreski with BCLI.

Spousal Support and Retirement

Recently, the BC Supreme Court came out with a case that deals with the question of the impact of retirement on spousal support and clarifying what is considered early retirement.

In *McPherson v. McPherson 2019*, [2019 BCSC 933](#), Mr. McPherson was 60 years old and had been working as a building inspector for various municipalities since 1991. He and Mrs. McPherson were married just under 20 years before separating. At the time they met Mrs. McPherson had a child from a previous relationship that the parties raised and they also had a son together. At the time of the court hearing, both children were adults and financially independent.

Their marriage was described by the Judge as a fairly traditional marriage where Mr. McPherson worked outside of the home and earned most of the income and Mrs. McPherson was the primary caregiver for the children and worked from time to time in lower paying employment. Read the [full article](#) by [Leneigh Bosdet](#) of Pushor Mitchell LLP.

The Meaning of Justice in Family Law Disputes

Justice is a complicated concept. The dictionary definition is short enough, typically given as "fairness and moral conduct," but the seductive simplicity of the explanation ignores the important analyses offered by major thinkers from Plato – through Hobbes, Rousseau and Mill – to Rawls, and tends to stop at the doorstep of the courthouse in any event.

A few weeks ago, I was asked to speak at an ADRI conference on justice in family law disputes and the difference, if any, between "justice" in the context of litigation and "justice" in the context of mediation. It was an intriguing question into which I put far too much thought; this article contains the surplus of my observations that could not be accommodated in the 20 minutes allowed to me. Read the [full article](#) by [John-Paul Boyd](#) and published on SLAW.

Act or Regulation Affected	Effective Date	Amendment Information
Child Care Licensing Regulation (189/2019)	Dec. 1/19	by Reg 189/2019

FOREST & ENVIRONMENT

Forest and Environment News:

New Environmental Assessment Act Comes into Law December 16, 2019

A significant overhaul of BC's environmental assessment (EA) process for resource projects in BC becomes reality on December 16, 2019. [Bill 51](#) was originally introduced in the fall of 2018 and will replace the existing [Environmental Assessment Act](#). According to the government, the new EA process is designed to ensure that any decision taken on the question of consent by an Indigenous nation is free, prior and informed. Respectful of their own Indigenous laws, traditions and right of self-determination, a key objective of the new EA process is to create the opportunity for Indigenous nations to make a decision on consent. It is an objective that proponents, the Province and Indigenous nations should be working to achieve. The new EA process facilitates that objective throughout the process. The new legislation mandates new application processes, notification requirements, and public engagement for resource-based projects – especially in the early stages for these reviewable projects.

Update on Bill 41: A Catalyst, Not an Immediate Switch, to Align BC's Laws With UNDRIP

As described in our [first bulletin in this series](#), BC recently introduced [Bill 41](#), draft legislation to implement the [United Nations Declaration on the Rights of Indigenous Peoples](#) (UNDRIP). This bulletin provides an update on the Bill's progress, and summarizes recent government commentary on the legislation.

Bill 41 passed second reading on October 31, 2019. Through debate at second reading, the Minister of Indigenous Relations and Reconciliation clarified that Bill 41 "does not, in and of itself, give the UN declaration legal force and effect" and "is not a switch that will change every statute and process in the government the day after this act is proclaimed". Rather, as described in our first bulletin, Bill 41 is a catalyst to enable future legislative changes, to align BC's laws with UNDRIP over time. Read the [full article](#) by Kevin O'Callaghan and

Madison Grist with Fasken Martineau DuMoulin LLP.

BC Bans Logging in Sensitive Area in Skagit River Valley

The BC government has banned logging in an ecologically sensitive area along the U.S. border after Seattle's mayor and environmental groups called for protection of the watershed. Forests Minister Doug Donaldson announced Wednesday [December 4th] that BC will no longer award timber licences in a 5,800-hectare plot called the Silverdaisy or "doughnut hole" in the Skagit River Valley. He said the province's previous Liberal government awarded a timber sale licence for the area in 2015 but that approval has now ended and no future licences will be granted. Read the Canadian Press [news release](#), published on Victoria News.

CN Rail Strike: Media Statement by BC Council of Forest Industries

The BC Council of Forest Industries issued a statement today expressing significant concern about the impact of rail transport disruptions from the strike at CN Rail.

"90% of the forest products we produce are sent to export markets in North America and around the world," said Susan Yurkovich, President & CEO of the BC Council of Forest Industries. "We rely on critical transportation infrastructure and reliable rail service to get our products to market and serve our customers."

"A disruption of this critical transportation network will adversely impact BC forest companies at a time when we are already facing significant challenges and increasing competition from around the globe," added Yurkovich. "It will create further hardship for the workers and communities who are already feeling the impacts from mill closures and curtailments." Read the full [news release](#) on the BC Council of Forest Industries website.

Environmental Appeal Board Decisions

There were 5 Environmental Appeal Board decisions in the month of November:

[Environmental Management Act](#)

- [Thomas H. Coape-Arnold v. Delegate of the Director, Environmental Management Act](#) [Application for Summary Dismissal – Denied]
- [Randy Carrell dba Iron Mask Trailer Park v. Director, Environmental Management Act](#) [Final Decision – Appeal Dismissed]
- [Telegraph Cove Resorts Ltd. v. Delegate of the Director, Environmental Management Act](#) [Final Decision – Appeals Dismissed, Application for Costs – Denied]
- [Gibsons Alliance of Business and Community Society; Marcia Timbres v. Director, Environmental Management Act](#) [Application for Costs – Denied]

[Water Sustainability Act](#)

- [Tekamar Mortgage Fund Ltd.; Lori Anne Moen v. Assistant Water Manager](#) [Application for Adjournment – Denied]

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

Act or Regulation Affected	Effective Date	Amendment Information
Administrative Orders and Remedies Regulation (101/2005)	Dec. 12/19	by Reg 262/2019
Conservation Officer Service Authority Regulation (318/2004)	Dec. 16/19	by Reg 247/2019
Cut Control Regulation (578/2004)	Jan. 1/20	by Reg 258/2019
Engineers and Geoscientists Act	Dec. 1/19	by 2018 Bill 49, c. 47, section 142 only (in force by Reg 107/2019), Professional Governance Act

Environmental Assessment Act	NEW Dec. 16/19	c. 51, SBC 2018, Bill 51 , whole Act in force by Reg 242/2019
Environmental Assessment Act	REPEALED Dec. 16/19	by 2018 Bill 51, c. 51, section 81 only (in force by Reg 242/2019), Environmental Assessment Act
Environmental Assessment Fees Regulation (246/2019)	NEW Dec. 16/19	see Reg 246/2019
Environmental Assessment Transition Regulation (249/2019)	NEW Dec. 16/19	see Reg 249/2019
Exemption Regulation No. 4 (331/2012)	REPEALED Dec. 16/19	by Reg 269/2019
Foresters Act	Dec. 1/19	by 2018 Bill 49, c. 47, section 142 only (in force by Reg 107/2019), Professional Governance Act
Natural Resource Officer Authority Regulation (38/2018)	Dec. 16/19	by Reg 250/2019
Nisga'a Final Agreement Act	Dec. 16/19	by 2018 Bill 51, c. 51, section 80 only (in force by Reg 242/2019), Environmental Assessment Act
Professional Governance Act	Dec. 2/19	by 2018 Bill 35, c. 36, sections 5 to 7 only (in force by Reg 259/2019), Miscellaneous Statutes Amendment Act (No. 2), 2019
Protected Areas (Environmental Assessment Act) Regulation (248/2019)	NEW Dec. 16/19	see Reg 248/2019
Reviewable Projects Regulation (243/2019)	NEW Dec. 16/19	see Reg 243/2019
Reviewable Projects Regulation (370/2002)	REPEALED Dec. 16/19	by Reg 243/2019
Trees Designated Area No. 2 (261/2019)	NEW Dec. 12/19	see Reg 261/2019
Waste Assessment Regulation (262/2019)	NEW Dec. 12/19	see Reg 262/2019
Water Sustainability Regulation (36/2016)	Dec. 16/19	by Reg 254/2019

HEALTH

Health News:

New Project Announced: Health Care Consent and Capacity Assessment Tribunals Project

BCLI and CCEL have started a new project on health care, guardianship, and capacity tribunals. The [Health Care](#)

[Consent and Capacity Assessment Tribunals Project](#) follows upon a finding and recommendation in a recent Canadian Centre for Elder Law report, [Conversations About Care: The Law and Practice of Health Care Consent for People Living with Dementia in British Columbia](#) (2019). That report identified a need for an accessible and expeditious mechanism in British Columbia for challenging findings of mental incapability to consent to health care or care facility admission, and for resolving disputes related to substitute decision making for persons incapable of giving or refusing consent. Read the [full article](#) by Greg Blue, Q.C. with BCLI.

BC Nurses No Longer Need to Get Flu Vaccine or Wear Masks, Can Rely on "Professional Judgment"

Nurses in BC will no longer be required to receive the flu vaccine or wear a mask in patient care areas, according to the BC Nurses' Union (BCNU). According to a statement from the union, a new agreement was reached with the Health Employers Association of B.C., that "[ensures] the professional judgement of nurses is respected." It says the new agreement ends the "punitive nature" of the previous policy, and is consistent with the flu prevention efforts released by the Office of the Provincial Health officer. Nurses will still be required to report to their employer if they've had a flu shot or not. Union president Christine Sorensen, said the issue has been contentious since the obligation to wear a mask or get immunized was introduced in 2012. Read the [CBC News article](#).

BC to Hike Taxes on Vaping Products But Not Ban Flavours

BC will hike taxes on vaping products and restrict the amount of nicotine in e-cigarettes but not ban flavoured vape juice, under new regulations revealed Thursday [November 14th]. Health Minister Adrian Dix said he will [introduce legislation](#) this [November] to increase the provincial sales tax from seven per cent to 20 per cent on vaping products, becoming the first province in Canada to specifically tax e-cigarettes. The new tax rate will come into effect Jan. 1, 2020, if the legislation passes. It would also increase the tobacco tax rate by two cents to 29.5 cents per cigarette. Read the [CBC article](#).

Major Shakeup in Regulation of Health Professionals Proposed in BC to Improve Patient Safety

"There is a lack of relentless focus on the safety of patients in many but not all of the current colleges". Patients in British Columbia could soon know about every single action taken by professional colleges in response to complaints about health-care workers, rather than just a select few. That's just one in a [substantial list of proposals](#) for reforming BC's system for regulating health professionals, released by a cross-party government committee on Wednesday morning [November 27th]. Read the [CBC article](#).

Medical Assistance in Dying: the State of the Law in 2019

from *CLEBC*:

In this paper from [CLEBC Online Course Materials](#), [Melissa Perry](#) of Norton Rose Fulbright Canada LLP sets out the legal framework under the MAiD Legislation and touches on some of the limitations it prescribes in terms of eligibility for MAiD. The paper also addresses the current state of the law and highlights aspects of the MAiD Legislation that are likely to change based on recent and pending court decisions, the federal government's interim reports on MAiD, and the independent reviews it engaged to review specific types of requests for MAiD. View [PDF of the paper](#).

Changes to Community Care and Assisted Living Act – December 1

The BC government has announced that changes to the [Community Care and Assisted Living Act](#) will come into force from December 1, 2019. The changes give seniors greater flexibility to stay in assisted living residences and increase regulatory oversight to strengthen protections for residents. The new rules should assist First Nations considering setting up an assisted living residence to address the gap in services for elders in First Nation communities.

The growing need for assisted living facilities in First Nations communities and the lack of adequate infrastructure was identified as a critical gap by the 2018 Standing Committee on Indigenous and Northern Affairs report [The Challenges of Delivering Continuing Care in First Nation Communities](#). This gap often results in elders having to leave their communities, leading to social and cultural isolation, poorer health outcomes and significant losses for communities that can no longer benefit from the support, advice and knowledge of their Elders. The new changes should create more choices for seniors, and more flexibility for assisted living residences. They should also assist First Nations considering establishing an assisted living facility to address the needs of their communities, although funding and lack of clarity regarding jurisdiction for these types of facilities remain challenging. Read the [full article](#) on the Aldridge + Rosling website.

Act or Regulation Affected	Effective Date	Amendment Information
Assisted Living Regulation (218/2004)	REPEALED Dec. 1/19	by Reg 189/2019
Assisted Living Regulation (189/2019)	NEW Dec. 1/19	see Reg 189/2019
Child Care Licensing Regulation (189/2019)	Dec. 1/19	by Reg 189/2019
Community Care and Assisted Living Act	Dec. 1/19	by 2016 Bill 16, c. 13, sections 1 to 16 only (in force by Reg 189/2019), Community Care and Assisted Living Amendment Act, 2016 ; and 2018 Bill 5, c. 6, sections 3 and 5 only (in force by Reg 189/2019), Community Care and Assisted Living Amendment Act, 2018
Community Care and Assisted Living Regulation (217/2004)	REPEALED Dec. 1/19	by Reg 189/2019
Drug Plans Regulation (73/2015)	Jan. 1/20	by Reg 180/2019
Emergency Health Services Act Remission Regulation (166/97)	Jan. 1/20	by Reg 180/2019
Emergency Health Services Regulation (471/74)	Jan. 1/20	by Reg 180/2019
Medical and Health Care Services Regulation (426/97)	Jan. 1/20	by Reg 180/2019
Reporting Information Affecting Public Health Regulation (167/2018)	Dec. 16/19	by Reg 276/2019
Residential Care Regulation (96/2009)	Dec. 1/19	by Reg 189/2019

LABOUR & EMPLOYMENT

Labour and Employment News:

You Breached the Duty of Good Faith and Honest Performance. Now What? Supreme Court of Canada set to Decide

Employers already have a duty of good faith when they terminate an employee. This requires the employer to be honest and forthright with employees when they are terminated. The law has also developed to recognize a duty to perform a contract honestly and in good faith. The Supreme Court of Canada is now deciding what happens when an employer breaches that duty. Should a court award an employee money for incentive compensation the employee would have expected to receive if not for the breach? Read the [full article](#) by [Jordan Thompson](#) with Fasken Martineau.

Is an Oral Agreement Binding? Workplace Lawyers Provide Insight

Is an oral agreement binding? Case law has suggested it is; a contract is a contract, even if it's not in writing. In August, the Ontario Divisional Court reinforced this in an employee severance case when it found that mutual agreement on essential terms will make a settlement binding. In *Shete, Lada, and Chung v. Bombardier Inc.*, 2019 ONSC 4083, the court considered whether the parties had reached a settlement agreement even though the three employees, terminated in November 2015, had not signed or returned the termination package documents. The court found: "Employees' counsel expressly stated that his clients would accept the terms of the Dec. 18th [2015] offer, provided Bombardier agreed to pay an additional \$2500 [per employee] for legal fees . . . " Bombardier agreed to this in a letter sent to the dismissed employees in April 2016. Three months later, the employees each filed a statement of claim against Bombardier seeking damages for wrongful dismissal. Read the [full article](#) by [Elizabeth Raymer](#) on *Canadian Lawyer Magazine*.

Employers Should Prepare Now for High Demand of Legal Edibles

On October 17, 2018, the cultivation, sale, distribution and consumption of certain classes of marijuana for recreational (i.e. non-medical) purposes was legalized across Canada, including fresh and dried flowers, seeds, plants and oils.

Many employers have responded to the workplace concerns arising from the legalization of recreational marijuana by implementing policies that address recreational marijuana in the workplace, including with respect to possession, use, impairment and accommodation for dependency. However, just as employers are becoming acclimated to this new legal landscape, the Government of Canada has introduced the next development in the evolution of marijuana's legal status—the legalization of edibles, extracts and topical products. Read the [full article](#) by [Duncan Burns-Shillington](#) of DLA Piper on *Canada in Focus*.

Joint Investigation by the Privacy Commissioner of Canada and the Information and Privacy Commissioner for British Columbia – BC Company Failed to Comply with Privacy Laws

On November 26, 2019, a [report of findings](#) was released following the joint investigation of AggregateIQ Data Services (AIQ) by the Privacy Commissioner of Canada and the Information and Privacy Commissioner for British Columbia.

The report concluded that AIQ, a British Columbia company, failed to meet its obligations under Canadian privacy laws when it used and disclosed the personal information of millions of voters in British Columbia, the United States, and the United Kingdom. The two main findings involved consent and taking reasonable security measures to protect personal information. First, AIQ failed to ensure that there was meaningful consent for its use and disclosure of the personal information of voters. Second, AIQ did not take reasonable security measures to protect personal information, and this led to a privacy breach in 2018.

The report asked whether AIQ complied with British Columbia's [Personal Information Protection Act](#) (PIPA) and the federal [Personal Information Protection and Electronic Documents Act](#) (PIPEDA) regarding its collection, use and disclosure of personal information when providing services to various political campaigns in the United Kingdom, the United States, and in Canada. Read the [full article](#) by [Christina Catenacci](#) on *First Reference Talks*.

Act or Regulation Affected	Effective Date	Amendment Information
Electrical Safety Regulation (100/2004)	Jan. 1/20	by Reg 183/2019
Employment and Assistance Act	Jan. 1/20	by 2019 Bill 35, c. 36, sections 87 to 97 only (in force by Reg 270/2019), Miscellaneous Statutes Amendment Act (No. 2), 2019
Employment and Assistance Regulation (263/2002)	Jan. 1/20	by Reg 180/2019 and Reg 270/2019
Employment and Assistance for Persons with Disabilities Act	Jan. 1/20	by 2019 Bill 35, c. 36, sections 98 to 105 only (in force by Reg 270/2019), Miscellaneous Statutes Amendment Act (No. 2), 2019

Employment and Assistance for Persons with Disabilities Regulation (265/2002)	Jan. 1/20	by Reg 180/2019 and Reg 270/2019
Forms Regulation (87/2018)	Jan. 1/20	by Reg 265/2019
Pension Benefits Standards Regulation (71/2015)	Dec. 31/19	by Reg 264/2019
Standards of Conduct for Political Staff Regulation (67/2014)	Dec. 2/19	by Reg 253/2019

LOCAL GOVERNMENT

Local Government News:

BC Expands Opportunities for Cloud-Based Services for Public Bodies

[Bill 35](#) received royal assent yesterday, October 31, amending the [Freedom of Information and Protection of Privacy Act](#) to relax some of the strict Canada-only personal information storage and disclosure requirements that public bodies in British Columbia must comply with.

Before anyone gets too spooked about troves of information being stored abroad, the amendments outline fairly limited circumstances where personal information can be disclosed outside Canada. Our understanding is these amendments are intended to enable public bodies, as long as the provisions are satisfied, to use cloud services for their IT needs.

The key amendment is the new [section 33.1\(1\)\(p.2\)](#) of FIPPA. It gives public bodies the new authority to disclose personal information for the purposes of processing as long as the disclosure does not involve intentional access to personal information by an individual, or result in the storage of the personal information (other than personal information that is metadata). (Section 33.1(1)(p.1) has been amended, to clarify the existing authority for public bodies to allow temporary access to their information systems from abroad, for system trouble-shooting, maintenance, repair and similar limited support purposes.) Read the [full article](#) by [David Loukidelis](#) and [Ethan Plato](#) of Young Anderson LLP.

Vancouver May Increase Fines for Public Fighting, Tie Unpaid Tickets to Credit Ratings

Throwing punches in Vancouver's Granville entertainment district could soon become more expensive – and damaging to brawlers' credit ratings. A [city staff report](#) set to be debated by council on Tuesday [November 26th] suggests increasing fines for public fighting to \$1,000 and reporting outstanding debts to credit rating agencies. While staff say the higher fine is meant to "deter street fighting and disorder," the report also recommends lowering the fine back to the current amount of \$500 if the ticket is paid within 30 days. Read the Global News [article](#).

Special Committee on Climate Action Update

The UBCM Special Committee on Climate Action held its third meeting on November 13th, which focussed on mitigation efforts at the local level. BC Hydro presented on the BC Energy Step Code, and the lessons learned on the role that local governments could take in tackling the remaining 25% of BC emissions not addressed through CleanBC.

FortisBC also presented its Clean Energy Vision, and highlighted the different low carbon pathways that could be taken to achieve provincial emission reduction targets. Read the [full article](#) on the UBCM website.

Building Code Changes to Help Build More Safe, Affordable Homes

New updates to the BC Building and Plumbing Code (BC Building Code) support innovative construction methods to help build more affordable homes faster, while enhancing building standards for energy efficiency and safety for British Columbians.

"People deserve to have a safe, affordable and secure home, and we are working to make that a reality for all British Columbians," said Selina Robinson, Minister of Municipal Affairs and Housing. "These changes to the

building code will help create more affordable housing, while ensuring buildings in BC meet world-class health, safety and energy efficiency standards." Read the official government [news release](#).

Community Safety Amendment Act

[Bill 13](#), the *Community Safety Amendment Act, 2019*, received Royal Assent on October 31, and will likely be brought into force in 2020. Legislation follows the 2013 [Community Safety Act](#), which was based on Safer Communities and Neighbourhoods (SCAN) legislation implemented in six other provinces and territories but never brought into force. SCAN legislation creates a civil remedy solution to address properties where specified criminal and nuisance activities are taking place that negatively affect a community. In BC legislation will allow members of the public to submit confidential complaints to the Director of Community Safety (appointed under the Act). The Director will have the authority to send a warning letter, resolve an issue through "informal action" or, failing all else, apply to the court for a community safety order.

Vancouver City Council Approves 25% Increase in Empty Homes Tax Rate for 2020

City Council directed City staff to amend the Vacancy Tax by-law to increase the Empty Homes Tax rate (currently 1.0%) to 1.25% for the 2020 tax year. Mayor Kennedy Stewart put forward the motion which includes provision for additional .25 increases to the rate in 2021 and 2022. The Mayor's motion also asks City staff to use additional revenue created by the increase to focus on enforcement efforts, and on providing affordable housing for households with income of less than \$50,000 a year.

"I'm pleased that Council supported my call for a phased increase to the Empty Homes Tax of 25% each year for the next three years," said Mayor Kennedy Stewart. "While the ultimate goal is to add more pressure on empty homes to be filled, any additional revenues will now be used to provide housing for Vancouver's most vulnerable residents."

The Mayor's motion also asks City staff to use additional revenue created by the increase to focus on enforcement efforts, and on providing affordable housing for households with income of less than \$50,000 a year. The necessary by-law change to confirm the new rate for 2020 will need to be enacted by Council at a future meeting. Read the City of Vancouver [news release](#).

Act or Regulation Affected	Effective Date	Amendment Information
Assessment Act Regulation (433/98)	Dec. 9/19	by Reg 256/2019
Building Act General Regulation (131/2016)	Dec. 12/19	by Reg 255/2019
Power Engineers, Boiler, Pressure Vessel and Refrigeration Safety Regulation (104/2004)	Dec. 3/19	by Reg 45/2017 and Reg 170/2018

MISCELLANEOUS

Miscellaneous News:

Lucy in the Cloud with Diamonds: FIPPA Changes Open the Door a Crack to the Reality of Cloud Computing

Entities subject to BC's [Freedom of Information and Protection of Privacy Act](#) (FIPPA) have long struggled with how to take advantage of technologies and services that depend on cloud computing (essentially, programs and services hosted on third party servers, accessed over the Internet). One of the reasons is BC FIPPA's extraordinarily onerous requirement that all personal information (including much of the information used in systems such as personnel records, patient files, student registration systems, etc.), be and remain at all times in Canada, except in a very limited set of circumstances.

In late October 2019, FIPPA was amended to narrowly expand the range of circumstances where personal information may leave Canada: where information is disclosed for processing purposes only, and where it is in metadata. Read the [full article](#) by [Jeff Holowaychuk](#) with Clark Wilson LLP.

BC Farmers Support Beefed-up Trespassing Laws to Deter Animal Rights Activists

Agassiz dairy farmer Julaine Treur began sharing photos of her cows on social media five years ago. It was a way to engage with consumers hungry to know more about where their food comes from, she said. "It never crossed my mind that we would encounter anything negative." Then the death threats began. Her posts, which often show cows grazing in green fields, began to receive a barrage of negative comments. In one, she was called a "sadistic psychopath rapist murderer." Another mentioned her kids. The comments intensified after Treur shared her concerns over the occupation of an Abbotsford hog farm by animal activists in late April. Read *The Vancouver Sun* [article](#).

Election Amendment Act, 2019

On November 28, Royal Assent was granted to the *Election Amendment Act, 2019*, [Bill 43](#), bringing into force many provisions amending the [Election Act](#). The Bill represents the first major update to the voting administration rules in the *Election Act* since 1995. The changes to the *Election Act* implement recommendations from the chief electoral officer (CEO) to the legislative assembly in May 2018, and include:

- improving accuracy of the voters list by granting the CEO greater access to certain data held by the Ministry of Citizens' Services;
- modernizing the voting process with new tools: electronic voting books, vote-counting machines and ballot printers;
- enabling youths aged 16 and 17 to apply to be included on a list of future voters; and
- extending the campaign period for unscheduled elections to maintain Saturday as the final voting day and help reduce administrative costs.

The portions of the Bill not yet in force will be proclaimed into force at a later date by regulation.

New Law Protecting Whistleblowers Now in Force

Current and past government employees who bring forward concerns about serious wrongdoing or who come under investigation have more protection, as the [Public Interest Disclosure Act](#) (PIDA) comes into force.

"This legislation protects whistleblowers if they speak up and requires that any investigation into allegations of serious wrongdoing will be administratively fair," said David Eby, Attorney General. "It supports high standards of integrity and accountability in our public service, which British Columbians expect and deserve." Government passed the *Public Interest Disclosure Act* in May 2018 in response to the ombudsperson's 2017 report, *Misfire: The 2012 Ministry of Health Employment Terminations and Related Matters*. Read the full government [news article](#).

Act or Regulation Affected	Effective Date	Amendment Information
Freedom of Information and Protection of Privacy Act	Dec. 1/19	by 2018 Bill 28, c. 22, section 52 only (in force by Reg 251/2019), Public Interest Disclosure Act
Legal Profession Act	Jan. 1/20	by 2018 Bill 57, c. 49, sections 39, 40, 45 and 46 only (in force by Reg 213/2019), Attorney General Statutes Amendment Act, 2018
Public Interest Disclosure Act	Dec. 1/19	c. 22, SBC 2018, Bill 28, whole Act in force by Reg 251/2019
Public Interest Disclosure Regulation (251/2019)	NEW Dec. 1/19	see Reg 251/2019
	Jan. 1/20	by Reg 251/2019
Ticket Sales Act	Dec. 16/90	c. 13, SBC 2019, Bill 27 , sections 1 (part), 2, 18 and 19 only (in force by Reg 277/2019)

Witness Security Act	Jan. 1/20	c. 21, SBC 2019, Bill 4 , whole Act in force by Reg 237/2019
Witness Security Regulation (237/2019)	NEW Jan. 1/20	see Reg 237/2019

MOTOR VEHICLE & TRAFFIC

Motor Vehicle and Traffic News:

Taxi Drivers no Longer Exempted from Wearing Seatbelts in BC

Mounties in North Vancouver issued an unusual public notice Friday [November 15th], reminding taxi drivers that they are legally required to wear their seatbelts while driving. To many, that piece of information likely seems obvious. Seatbelts are mandatory for all drivers in BC. But, as it turns out, that's only been the case since September of this year. According to North Vancouver RCMP, taxi drivers were exempt from wearing seatbelts as long as they were travelling slower than 70 kilometres per hour. The section of the [Motor Vehicle Act](#) that included the exemption was repealed on Sept. 15. Read the CTV [article](#).

Non Disclosed Defence Report Thwarts Request for Second Independent Medical Examination

Reasons for judgement were recently given by the BC Supreme Court, New Westminster Registry, dismissing a defence request for an independent medical examination of a Plaintiff where the Plaintiff already saw an expert of the Defendants' choosing but the Defendants have yet to produce a report from that expert.

In the recent case (*Khan v. Cabrera*) the Plaintiff was involved in a collision and sued for damages. In the course of the litigation the Plaintiff consented to be explained by a neurologist of the Defendant's choosing and "that report has not yet been disclosed by the defence to the plaintiff". The Defendant requested that the Plaintiff also be assessed by an orthopaedic surgeon arguing that such an exam is necessary to provide an opinion about a pre-accident orthopaedic injury the plaintiff had sustained and also to address collision related injuries. Read the [full article](#) by [Erik Magraken](#) on *BC Injury Law Blog*.

Mike Smyth: Uber, Lyft Prepare to Roll in BC as Battle Rages behind the Scenes

As the clock ticks down toward ride-hailing in Metro Vancouver, the Passenger Transportation Board (PTB) is under enormous pressure. The board is responsible for licensing and regulating ride-hailing companies and is currently reviewing applications from several smartphone apps, including industry giants Uber and Lyft. Now Metro taxi companies are making a final, desperate push to keep Uber and Lyft out of the market. The Vancouver Taxi Association has asked the board to refuse to license Uber and Lyft while the two firms deal with a separate complaint about their labour practices. One of Canada's largest unions – the United Food and Commercial Workers – allege that Uber and Lyft treat their drivers unfairly and are breaking BC labour laws. "We welcome these companies into B.C., we just want to make sure they're following the law," UFCW local president Kim Novak told me Monday [December 2nd]. Read the [full article](#) by Mike Smyth in *The Province*.

CVSE Bulletins & Notices

The following notices were posted in November by CVSE:

- [CT Notice 07-19](#) – Holders of Extraordinary Load Approvals may now use part of the approved route, or combine approvals. Some conditions apply.
- [Circular 07-19](#) – Inspection Reciprocity for Out of Province Commercial Vehicles
- [Circular 08-19](#) – British Columbia Out of Province Vehicle Inspection Exemption

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

Act or Regulation Affected	Effective Date	Amendment Information
Motor Dealer Act Regulation (447/78)	Dec. 16/19	by Reg 271/2019

Special Direction IC2 to the BC Utilities Commission (307/2004)	Dec. 9/19	by Reg 259/2019
	Dec. 12/19	by Reg 263/2019
Violation Ticket Administration and Fines Regulation (89/97)	Dec. 16/19	by Reg 245/2019

OCCUPATIONAL HEALTH AND SAFETY

Occupational Health & Safety News:

WorkSafeBC Issues Two Law & Policy Announcements in November:

- Activity-Related Soft Tissue Disorders (ASTDs) of the Limbs
On October 23, 2019, the Board of Directors approved amendments to policy item #27.00, Activity-Related Soft Tissue Disorders (ASTDs) of the Limbs of the Rehabilitation Services & Claims Manual, Volume II.
- Permanent Disability Evaluation Schedule 2018 Review
On October 23, 2019 the Board of Directors approved amendments to the Permanent Disability Evaluation Schedule (PDES) in the Rehabilitation Services & Claims Manual, Volume II to, to update conditions to ensure the PDES reflects best practices for assessment and diagnosis.

[Click here](#) for more information on these and other WorkSafe Law & Policy announcements.

Sawmill Explosions Report Calls for Stronger Accountability

A report reviewing government's and WorkSafeBC's actions following two fatal sawmill explosions recommends changes to strengthen and streamline the investigative process, provide more accountability and better supports and safeguards for workers.

On Jan. 20, 2012, two people died and 20 were injured in an explosion at Babine Forest Products in Burns Lake. Three months later, on April 24, two people died and 22 were injured in a similar explosion at Lakeland Mills in Prince George.

BC Coroners Service inquests were conducted into the deaths of the four individuals and government also commissioned two reports in 2014 – the Dyble Report and the Macatee Report. Together, these reports and the 2015 BC Coroners Service verdicts included numerous recommendations directed at government and other agencies on how to make improvements to workplace safety, inspections, education, enforcement and investigations. Read the full government [news release](#).

BCFSC to Launch New Website in 2020

To support our on-going efforts to improve communication and be recognized as an industry leader for value-added health and safety and training resources, we will be launching a new website in 2020. The new website will have an updated look that will be easier to navigate with simplified, filtered search options for easier access to resources and improved navigation tools for a better user experience. We will also be enhancing communication with targeted messaging and digital initiatives using BCFSC's new Customer Relationship Management (CRM) system. This new system will provide a better way of managing our communications. We will be able to share key messaging, resources and information simultaneously using a broad range of communication channels including social media and email – giving us the opportunity to reach our stakeholders more effectively and efficiently using the communications tools they use most often for accessing information. Read the [full article](#) in the December 2019 edition of *Forest Safety News*.

Act or Regulation Affected	Effective Date	Amendment Information
Electrical Safety Regulation (100/2004)	Jan. 1/20	by Reg 183/2019

PROPERTY & REAL ESTATE

Property and Real Estate News:

BC Real Estate Lawyer Who Dodged \$400K in Taxes Loses Licence for a Decade

A Surrey lawyer who admitted to evading more than \$400,000 in income tax in just four years has lost his licence to practise law for the next 10 years. Baldev Singh Ghag pleaded guilty to one count of tax evasion earlier this year, after investigators discovered that he'd failed to report more than \$1.28 million in income between 2005 and 2008. He received a 22-month conditional sentence, including eight months of house arrest and was ordered to pay back all of the \$418,866 in federal income taxes that he'd dodged. Now, Ghag has also admitted to committing professional misconduct and has resigned his membership in the Law Society of B.C. until 2029, promising he will not apply to practise anywhere else in the country. Read the CBC News [article](#) by Bethany Lindsay.

Strata Property Act Amendments

Some minor changes to the [Strata Property Act](#), S.B.C. 1998, c. 43, came into force on November 15, 2019 amending [section 256](#), Certificate of Payment Required, under Part 14, Land Titles. These [Bill 37](#), *Land Statutes Amendment Act, 2018*, consequential amendments were brought into law by B.C. Regulation 171/2019 and make the following changes:

(a) in subsection (1) by striking out "or, in the case of an electronic application for registration, unless it is accompanied by an electronic declaration under section 168.41 of the *Land Title Act*", and

(b) by adding the following subsections:

(1.1) If an application for registration to which subsection (1) applies is submitted electronically, the registrar must not accept the application unless the requirement under that subsection to submit a Certificate of Payment is satisfied under section 168.33 or 168.43 [supporting documents] of the Land Title Act.

(1.2) For the purposes of subsection (1.1), sections 168.33 (1) (c) (ii) and 168.43 (1) (c) (ii) of the Land Title Act do not apply in relation to the Certificate of Payment.

BC Condo Owners Brace for Sticker Shock as Insurance Rates Surge "50 to 300%"

BC condo owners are bracing for sticker shock amid surging insurance rates for their homes. "Rates are increasing for people in policies now anywhere from 50 to 300 per cent, and deductibles are going from the conventional \$10,000 or \$25,000 to \$100,000, \$250,000 or \$500,000," said Tony Gioventu, executive director of the Condominium Home Owners Association. The reasons for the surging rates are multiple, but one of the factors is the sky-high value of BC properties. Read the Global News [article](#).

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

WILLS & ESTATES

Wills and Estates News:

Part 3 of the Health Care (Consent) and Care Facility (Admission) Act is Now in Force

[Part 3](#) of the [Health Care \(Consent\) and Care Facility \(Admission\) Act](#) came into effect on November 4, 2019. Part 3 sets out the criteria for an adult to be admitted into a care facility.

There are three ways that a person may be admitted into a care facility. The person may consent if she is capable. Second, if she is not capable, an application may be made on her behalf by a substitute decision maker. Third, she may be admitted on an emergence basis, for example, if it is necessary to preserve her life or prevent serious physical or mental harm to her, or serious physical harm to any person.

If the person is incapable, section 22 sets out who may act as the substitute decision maker, in order of priority, beginning with the person's guardian, followed by a representative under a representation agreement. Read the [full article](#) by [Stan Rule](#) on *Rule of Law*.

The Cy-Près Doctrine: Protecting Charitable Gifts

In some cases, a gift to a charity provided through a will becomes impossible to fulfill because the charity no longer exists after the will-maker's death.

Due to the importance of charitable giving, a doctrine has arisen in the common law, called "cy-près" which allows courts to alter the terms of a charitable bequest in situations where there is a "general charitable intent" which cannot be carried out due to "impossibility" or "impracticability." In such circumstances, the court can make an order to apply the property in a way as close as possible to the charitable intent of the will-maker. Of course, the interpretations of the above noted terms, which inform whether the court can perform this function, are crucial. Read the [full article](#) by Aaron Pearl of Clark Wilson LLP in *Leave a Legacy*.

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

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