

# Quickscribe Reporter

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Vol: XIX – Issue: II – February 2020

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## QUICKSCRIBE NEWS:

### New Bills Introduced

The government has tabled the following Bills this spring session:

- [Bill 1](#), An Act to Ensure the Supremacy of Parliament
- [Bill 2](#), Motor Vehicle Amendment Act, 2020
- [Bill 3](#), Environmental Management Amendment Act, 2020
- [Bill 4](#), Budget Measures Implementation Act, 2020
- [Bill 5](#), Employment Standards Amendment Act, 2020
- [Bill 7](#), Arbitration Act
- [Bill 8](#), Education Statutes Amendment Act, 2020
- [Bill 9](#), Evidence Amendment Act, 2020
- [Bill 10](#), Municipal Affairs and Housing Statutes Amendment Act, 2020
- [Bill 11](#), Attorney General Statutes (Vehicle Insurance) Amendment Act, 2020
- [Bill 12](#), Supply Act (No. 1), 2020
- [Bill 13](#), Miscellaneous Statutes Amendment Act, 2020

Two non-government Bills were also introduced:

- [M201](#), Assessment (Split Assessment Classification) Amendment Act, 2020
- [M202](#), Strata Property Amendment Act, 2020


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.

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

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## COMPANY &amp; FINANCE

## Company and Finance News:

**New Transparency Requirements: Private Companies in British Columbia Now Required to Collect and Disclose Shareholder Information**

On May 16, 2019, [Bill 24](#) the *Business Corporations Amendment Act, 2019* (the "Bill") received Royal Assent. The Bill requires private companies recognized under the laws of British Columbia to create a "transparency register". The Government intends for the transparency register to help mitigate criminal activity, such as tax evasion and money laundering, by requiring private companies to maintain detailed information about certain shareholders. Read the [full article](#) by Sandra M. Knowler and Joanna Dawson with McMillan LLP.

**BCFSA: Changing BC's Regulatory Framework for Financial Institutions**

On November 20, 2019, the Legislative Assembly of British Columbia passed the third reading of the newly introduced [Bill 37](#), the *Financial Institutions Amendment Act, 2019* (Bill 37), which received royal assent on November 28, 2019. The purpose of Bill 37 is to modernize the legislative framework, enhance consumer protections and help maintain public confidence in BC's financial institutions. Bill 37 makes significant changes in the operations of credit unions, insurance companies and intermediaries and trust companies.

On November 1, 2019, certain [Financial Services Authority Act](#) provisions came into force, which gave the BC Financial Services Authority (the BCFSA) powers over the [Financial Institutions Act](#), [Credit Union Incorporation Act](#), [Insurance Act](#), [Insurance \(Captive Company\) Act](#), [Mortgage Brokers Act](#), and [Pension Benefits Standards Act](#). Essentially, the BCFSA has replaced the Financial Institutions Commission (FICOM) as the province's financial institution regulator. The changes in Bill 37 are a part of this shift to the new regulator in British Columbia. Read the [full article](#) by [Ross McGowan](#) and [Jason Uswak](#) with Borden Ladner Gervais.

**BC Ministry of Finance Consulting on Reverse Mortgages as Part of its Review of the Mortgage Brokers Act**

In January, the [Ministry of Finance for British Columbia](#) opened a [public consultation](#) on reforms to the [Mortgage Brokers Act](#). As the ministry's discussion paper ([PDE](#)) noted:

*The Mortgage Brokers Act (MBA) was originally enacted in 1972 as consumer protection legislation in response to an increased number of mortgage brokers and complaints of gross and unconscionable interest rates and fees. At the time, mortgage brokers were considered the lenders of last resort; however, over the years the industry has changed and has become part of the mainstream financial market. Although it has been amended several times since its enactment, the MBA has not kept pace with evolving national and international standards in consumer protection, changes in the financial services market and emerging issues such as money laundering in the real estate market.*

Read the [full article](#) by Kevin Zakreski with the British Columbia Law Institute.

**BC Securities – Policies & Instruments**

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

- [23-326](#) – CSA Staff Notice 23-326 Order Protection Rule: Market Share Threshold for the period April 1, 2020 to March 31, 2021
- [52-112](#) – CSA Second Notice and Request for Comment Proposed National Instrument 52-112 Non-GAAP and Other Financial Measures Disclosure, Proposed Companion Policy 52-112 Non-GAAP and Other Financial Measures Disclosure and Related Proposed Consequential Amendments and Changes
- [81-105](#) – Multilateral CSA Notice of Amendments to National Instrument 81-1-5 Mutual Fund Sales Practices, Changes to Companion Policy 81-105CP to National Instrument 81-105 Mutual Fund Sales Practices and Changes to Companion Policy 81-101CP to National Instrument 81-101 Mutual Fund Prospectus Disclosure relating to Prohibition of Deferred Sales Charges for Investment Funds
- [45-110](#) – CSA Notice and Request for Comment – Proposed National Instrument 45-110 Start-up Crowdfunding Registration and Prospectus Exemptions
- [BC Notice 2020/03](#) – Notice of Amendments to the Securities Act [This Notice summarizes amendments to the Securities Act arising from Bill 33, the Securities Amendment Act, 2019 (the Act amendments), which received Royal Assent on November 28, 2019.]

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

Act or Regulation Affected	Effective Date	Amendment Information
Designated Accommodation Area Tax Regulation (93/2013)	Feb. 1/20	by <a href="#">Reg 139/2019</a>
	Feb. 28/20	by <a href="#">Reg 41/2020</a>
	Mar. 1/20	by <a href="#">Reg 275/2019</a>

## ENERGY & MINES

### Energy and Mines News:

#### The Continued Rise of Environmental, Social and Governance Policies in the Current Energy Transition

Industry participants may have taken note of the news earlier this month that Québec's main natural gas distributor, Énergir, entered into a responsible natural gas supply agreement with Alberta-based Seven Generations Energy to purchase roughly 10% of Seven Generations gas production. The deal is the first of its kind under the EO100 Standard for Responsible Energy Development, an independent certification for assessing environmental, social and governance (commonly referred to as "ESG") standards. This partnership is part of a broader initiative by Énergir for the responsible procurement of natural gas, developed in collaboration with the Pembina Institute. Énergir, which has also been an active proponent of Renewable Natural Gas development, plans to obtain nearly 20% of its natural gas supply from similarly certified producers in the first year of the initiative. Read the [full article](#) by Lorne Rollheiser with Gowling WLG.

#### Carbon Pricing: What's the Matter?

The Supreme Court will have its work cut out for it in an area of constitutional law that has been rarely tested, as it prepares for the upcoming hearing on the national carbon pricing scheme. Heading into the big game, there's some disagreement about the score. Some say it's 2-1. Others say it's a more drawn-out 8-7. Whichever it is, it's heading to the Supreme Court. That's roughly the state of play after the Alberta Court of Appeal handed down its opinion on the federal carbon pricing scheme last month. In doing so, it defied most expectations. While two other appeals courts, in Ontario and Saskatchewan, had found Ottawa's carbon price to be constitutional, both had grappled with the applicability of the federal government's authority to legislate and regulate matters that could touch provincial jurisdiction. They also found, for a myriad of reasons, that limiting CO<sub>2</sub> emissions, in line with Canada's international obligations, fell under the "national concern branch" of its constitutional power to govern peace, order, and good government (POGG). Read the [full article](#) by [Justin Ling](#) and published in the CBA National.

Act or Regulation Affected	Effective Date	Amendment Information
Petroleum and Natural Gas Act	Feb. 27/20	by 2014 Bill 12, c. 10, sections 25, 30 (b) and 37 (a) (part) (in force by <a href="#">Reg 33/2020</a> ) <a href="#">Natural Gas Development Statutes Amendment Act, 2014</a>
		by 2018 Bill 15, c. 15, sections 25, 26 and 28 (part) (in force by <a href="#">Reg 33/2020</a> ), <a href="#">Energy, Mines and Petroleum Resources Statutes Amendment Act, 2018</a>
Petroleum and Natural Gas Act Fee, Rental and Work Requirement Regulation (378/82)	Feb. 27/20	by <a href="#">Reg 33/2020</a>
Petroleum and Natural Gas Drilling		

Licence and Lease Regulation (10/82)	Feb. 27/20	by <a href="#">Reg 33/2020</a>
Petroleum and Natural Gas Grid Regulation (536/2004)	Feb. 27/20	by <a href="#">Reg 33/2020</a>
Petroleum and Natural Gas General Regulation (357/98)	Feb. 27/20	by <a href="#">Reg 33/2020</a>

## FAMILY & CHILDREN

### Family and Children News:

#### **A Brief Overview of Bill 7, the Arbitration Act for Family Law Professionals**

British Columbia [Bill 7](#) [*Arbitration Act*] affects two provincial statutes, the [Arbitration Act](#) and [Family Law Act](#), and introduces a minor consequential amendment to the [Family Maintenance Enforcement Act](#). The bill will repeal and replace the current *Arbitration Act*, and re-establish that act as a vehicle for commercial arbitrations alone while introducing specific provisions for the arbitration of family law disputes to the *Family Law Act*.

The bill was tabled in the legislature for first reading on 19 February 2020. Although no timetable has been fixed for second reading, the committee stage, third reading and royal assent, it seems likely that the bill will become law sometime around mid-summer 2020, coincident with the coming into force of the amendments to the [Divorce Act](#). Read the [full article](#) by [John-Paul E Boyd](#), QC, John-Paul Boyd Arbitration Chambers.

#### **New Practice Direction: Sealing Orders in Civil and Family Proceedings**

Effective February 10, 2020

This Practice Direction sets out the procedure for applying for an order sealing all or part of the court file in a civil or family law case. The Practice Direction requires that at the hearing of an application for a sealing order, the applicant must provide to the Court a draft sealing order in the form attached as Schedule A. This Practice Direction does not address the jurisdiction to grant a sealing order and pertains only to the process for application. The Practice Direction does not derogate from the limitations on access to court files that are provided by enactments, the [Supreme Court Civil Rules](#) and the [Supreme Court Family Rules](#). View the full document at [BC Courts](#).

#### **Proposed Amendments to the Family Law Act, Family Maintenance Enforcement Act and Interjurisdictional Support Orders Act**

On February 27, 2020, the government introduced the *Miscellaneous Statutes Amendment Act* ([Bill 13](#)). According to the government, the proposed amendments will lead to better assistance for British Columbia families by enabling family justice counsellors (Family Justice Services Division), search officers (Locate Services), and enforcement officers (Family Maintenance Enforcement Program) to obtain the information they need within the framework of the [Freedom of Information and Protection of Privacy Act](#). For example, amendments would clarify that parents who are receiving assistance from a family justice counsellor can share information, such as names and addresses, about other family members with the counsellor. Amendments also clarify that an enforcement officer with the Family Maintenance Enforcement Program may request the social insurance number of a debtor with significant arrears of child or spousal support to verify the debtor's identity to enforce a support order.

#### **Limiting the Generality of the Foregoing**

Since the [Family Law Act](#), S.B.C. 2011, c. 25 ("FLA") came into force in 2013, the courts have grappled with the meaning of "significantly unfair" in the context of reapportionment claims. In BC, separating spouses may be entitled to a greater portion of family property, if they can prove that it would be "significantly unfair" to divide the family's property equally.

The important takeaway from a recent BC Court of Appeal case, *Singh v. Singh*, [2020 BCCA 21](#), is that the "catch all" provision in [s. 95\(2\)\(i\) of the FLA](#), does not really mean "any other factor" that leads to a finding of significant unfairness. Section 95(2)(i) is **limited** to factors that relate to the [economic characteristics of a spousal relationship](#). This includes, for example, bankruptcy, undisclosed assets, and other economic or financial factors arising from a separation. However, the question remains: how broadly can the court now interpret the

meaning of "economic" factors? Read the [full article](#) by Jeanette Aucoin with Clark Wilson LLP.

Act or Regulation Affected	Effective Date	Amendment Information
Supreme Court Civil Rules (168/2019)	Feb. 1/20	by <a href="#">Reg 18/2019</a>

## FOREST & ENVIRONMENT

### Forest and Environment News:

#### EMA – Proposed Amendments

On February 18, 2020, the government introduced [Bill 3](#), *Environmental Management Amendment Act, 2020*. According to the government, this bill proposes a series of amendments to the [Environmental Management Act](#) to enhance the oversight of soil relocation in the province for the better protection of human health and the environment. If passed, the new legislation will prohibit a person from removing soil from a site that has been used for a specified industrial or commercial use unless the person has analyzed the soil and provided notification of the removal through a new system to track soil movement throughout the province.

#### Water Sustainability Act – Proposed Amendments

On February 27, 2020, the government introduced the *Miscellaneous Statutes Amendment Act* ([Bill 13](#)). The Bill amends several laws including the [Water Sustainability Act](#). The *Water Sustainability Act* governs the allocation and regulation of the diversion, use and storage of water from streams and groundwater in BC. According to the government, the amendments are intended to make administrative corrections and provide more authority for government to collect, use and disclose the personal information of water users to ensure authorization holders, applicants, emergency responders and the public have continued access to the information needed to manage water use in BC.

#### BC Approves Transfer of Canfor's Vavenby Forest Tenure to Interfor

BC Forest Minister Doug Donaldson announced Friday [Feb 28] the provincial government has consented to the transfer of Canfor's Vavenby forest tenure to Interfor for \$60 million. Canfor announced the agreement to sell the Vavenby tenure in June last year, along with the [closure of its Vavenby sawmill](#). The tenure includes Tree Farm Licence (TFL) 18 and replaceable forest licence A18688, located in the Kamloops Timber Supply Area near Vavenby, BC. The two licences have a combined allowable annual cut of approximately 349,000 cubic metres per year. Read the [full article](#) by Maria Church published by Canadian Forest Industries.

#### Canada's Carbon Tax Laws: Where Are We Now?

On June 21, 2018, Canada's [Greenhouse Gas Pollution Pricing Act](#) (the Act) came into effect. Part 1 of the Act imposes a surcharge on fuels such as gasoline, fuel oil, propane, kerosene and methanol. Distributors of the fuel pay the surcharge though the cost would likely be passed down to consumers. Part 2 of the Act applies to large industrial facilities that emit greenhouse gases (GHG). Facilities have a limit on the amount of GHG they can emit each year. If they go over that limit, they must pay through a credit system or an excess emissions charge or both. Government and media have affectionately referred to these fees as a carbon tax.

But here's the kicker – Part 1 or Part 2 or both only apply to provinces that do not have a scheme that is acceptable to Canada. That is, the provinces can create their own carbon tax scheme but it must meet Canada's goals. If a province does not have an acceptable scheme (or no scheme) in place, then the federal Act kicks in as a backstop. Read the [full article](#) by [Jessica Steingard](#) and published on *LawNow*.

#### Environmental Appeal Board Decisions

There were two Environmental Appeal Board decision in the month of February:

##### [Environmental Management Act](#)

- [Margaret McDonald; Ayreborn Audio Video; et al v. District Director](#) [Consent Order – Appeal Dismissed]

##### [Wildlife Act](#)

- [Peter Forino v. Deputy Director, Wildlife and Habitat Branch](#) [Final Decision – Appeal Dismissed]

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

Act or Regulation Affected	Effective Date	Amendment Information
Administrative Penalties Regulation (Environmental Management Act) (133/2014)	Feb. 28/20	by <a href="#">Reg 7/2019</a>
Code of Practice for Agricultural Environment Management (8/2019)	Feb. 28/20	by <a href="#">Reg 8/2019</a>
Code of Practice for Soil Amendments (210/2007)	Feb. 20/20	by <a href="#">Reg 28/2020</a>
Forest Recreation Regulation (16/2004)	Feb. 28/20	by <a href="#">Reg 37/2020</a>
Hunting Regulation (190/84)	Feb. 21/20	by <a href="#">Reg 30/2020</a>
Limited Entry Hunting Regulation (134/93)	Feb. 21/20	by <a href="#">Reg 30/2020</a>
Metal Dealers and Recyclers Regulation (101/2012)	Feb. 28/20	by <a href="#">Reg 39/2020</a>
Wildlife Act General Regulation (340/82)	Feb. 28/20	by <a href="#">Reg 42/2020</a>

## HEALTH

### Health News:

#### Pharmaceutical Services Act and E-Health Act – Proposed Amendments

On February 27, 2020, the government introduced the *Miscellaneous Statutes Amendment Act* ([Bill 13](#)). The Bill amends several laws including some minor amendments to the [Pharmaceutical Services Act](#) and [E-Health Act](#). According to the government these proposed minor amendments will bring legislation in line with recent changes to the [Freedom of Information and Protection of Privacy Act](#), which were required to keep pace with current technology, such as cloud-based services.

#### Minister's Statement on Illicit Drug Toxicity Death Report

On Feb. 24, 2020, the BC Coroners Service announced its 2019 Data Release for Illicit Drug Toxicity Deaths in British Columbia, reporting that last year, 981 people died due to a poisoned, unregulated drug supply. The number of deaths is down 36% from the year before. Judy Darcy, Minister of Mental Health and Addictions, has released the following statement:

"Today's release by the BC Coroners Service of the 2019 drug toxicity deaths is a sharp reminder of lives cut too short, and of devastated families and communities left behind in the wake of this collective tragedy. We mourn each and every person lost, not as a number but as a person whose life matters. No one should have to experience the pain of losing a loved one to the ongoing fentanyl-poisoning crisis." Read the full government [news release](#).

#### "Working in a pressure cooker": Violence against BC Nurses Linked to Heavy Workload

UBC study finds nurses report being verbally assaulted, which includes yelling, swearing and racial slurs, as well

as abuse ranging from throwing food or bed pans to sexual and physical assault The heavy workload faced by BC nurses put them at higher risk of experiencing violence at the hands of their patients, according to new research from the University of BC. The study, published in the journal *Nursing Open* and funded by the BC Nurses Union, "validates" anecdotal evidence from nurses on the front lines of the health care system, BCNU president Christine Sorensen said Thursday [Feb 19].

"Nurses are working in a pressure cooker," she said. "That pressure in the system transfers to patients ... which can sometimes lead them to take it out on the first person who helps them." According to the union, 26 nurses each month suffer a violent injury at work, accounting for 31 per cent of all injuries from acts of violence in BC. Read the *Vancouver Sun* [article](#).

**Proposed Changes to Criminal Code Provisions for Medical Assistance in Dying will Expand Access**

The federal government has announced proposed changes to the *Criminal Code's* provisions on medical assistance in dying (MAID) that will expand access for Canadians.

Two significant changes proposed in "An Act to amend the Criminal Code (medical assistance in dying)" are that the reasonable foreseeability of natural death criterion has been repealed, and eligibility for individuals suffering solely from mental illness has been excluded. Read the [full article](#) by [Elizabeth Raymer](#) and published in the *Canadian Lawyer Magazine*.

Act or Regulation Affected	Effective Date	Amendment Information
Dental Hygienists Regulation (276/2008)	Feb. 24/20	by <a href="#">Reg 32/2020</a>
Dental Technicians Regulation (32/2020)	<b>NEW</b> Feb. 24/20	see <a href="#">Reg 32/2020</a>
Dental Technicians Regulation (278/2008)	<b>REPEALED</b> Feb. 24/20	by <a href="#">Reg 32/2020</a>
Dentists Regulation (415/2008)	Feb. 24/20	by <a href="#">Reg 32/2020</a>
Denturists Regulation (277/2008)	Feb. 24/20	by <a href="#">Reg 32/2020</a>

**LABOUR & EMPLOYMENT**

**Labour and Employment News:**

**Proposed Amendments to the Labour Mobility Act**

On February 27, 2020, the government introduced the *Miscellaneous Statutes Amendment Act* ([Bill 13](#)). The Bill amends several laws including the *Labour Mobility Act*. According to the government, proposed amendments will correct out-of-date references to the Agreement on Internal Trade, which was replaced with the Canadian Free Trade Agreement in July 2017. As a result of its reference to the Agreement on Internal Trade, some portions of the *Labour Mobility Act* ceased to have legal effect when the Canadian Free Trade Agreement was implemented. The proposed amendments will update the act with the necessary references to the Canadian Free Trade Agreement, restoring the act's original effect retroactive to July 2017.

**Canada Labour Code Requirements for Annual Workplace Inspection only Apply to Employer-Controlled Work Areas**

*Factual Background*

The Supreme Court of Canada, in its long-awaited decision rendered in *Canada Post Corp. v. Canadian Union of Postal Workers*, has recently confirmed that specific provisions of the *Canada Labour Code* ("CLC") regarding inspection of a workplace, for health and safety purposes, only extend to that part of the workplace over which an employer has physical control.

In this case, a complaint was filed with Human Resources and Skills Development Canada, by a representative of

the union who sat on the Local Joint Health and Safety Committee (the "Committee") at the Burlington Depot, in Ontario.

The complaint claimed that Canada Post Corp ("Canada Post") failed to comply with its obligations under [section 125\(1\)\(z.12\) of the CLC](#) by limiting its annual workplace inspections to the Burlington Depot only. The complaint stated that such inspections should not be limited to the Burlington Depot, but should also cover all letter carrier routes and locations where mail was being delivered. Read the [full article](#) by Olivier Lamoureux with Gowling WLG.

### **ESA Amendments – Paid Leave for Victims of Domestic Violence**

On Tuesday, March 3rd, the government introduced [Bill 5, Employment Standards Amendment Act, 2020](#), that if passed, will entitle employees to paid leave in relation to domestic or sexual violence. Currently, employees who have experienced domestic or sexual violence may take up to 10 non-consecutive days and 15 consecutive weeks (with employers consent) of unpaid, job-protected leave. The new legislation will allow up to five-non-consecutive days of paid leave, five non-consecutive unpaid days and 15 additional unpaid weeks.

### **Employers at Risk When No Consideration Is Given for Contractual Terms**

The British Columbia Court of Appeal recently provided guidance on what employers must do if they want to rely on revised contractual terms. Fresh consideration is necessary. The employee in *Quach v. Mitrux Services Ltd.*, [2020 BCCA 25](#), was terminated before he started work, but after he had left a secure position to work for this employer. The relationship between the parties started with an email offer of a fixed term period of employment. The relationship was finalized by a fixed term contract that was signed by the parties. One month later, prior to the employee starting work, the employer presented the employee with a month to month employment contract, indicating that the employee had to sign the contract if he wanted to start work. The terms of the month to month contract were much more favorable to the employer than the employee. The employee was given no choice and signed the new agreement. The employer then changed its mind and did not have the employee start work. Shortly after the repudiation of the contract the employee obtained alternative employment. The employee sued under the fixed term contract alleging that there was no consideration for the month to month contract of employment. The employer alleged that the consideration was a promised but unpaid \$1,000 reimbursement of legal fees incurred to prepare the fixed term contract. Read the [full article](#) by Rose Keith with Harper Grey LLP.

<b>Act or Regulation Affected</b>	<b>Effective Date</b>	<b>Amendment Information</b>
Employment and Assistance Regulation (263/2002)	Feb. 28/20	by <a href="#">Reg 35/2020</a>
Employment and Assistance for Persons with Disabilities Regulation (263/2002)	Feb. 28/20	by <a href="#">Reg 35/2020</a>

## **LOCAL GOVERNMENT**

### **Local Government News:**

#### **New Proposed Changes to Local Gov't Act, Community Charter and Other Related Laws**

On February 24th, the Minister of Municipal Affairs and Housing introduced [Bill 10 – 2020, Municipal Affairs and Housing Statutes Amendment Act](#). According to the Minister: "The purpose of the proposed legislation is to create the interim business property tax relief program, which will enable municipalities to provide immediate tax relief to the small businesses, non-profits and arts and culture organizations that have, for many years, been bearing the brunt of an out-of-control real estate market. This legislation provides significant flexibility that will allow local governments to tailor their bylaws to the needs of their communities, because we know that the extent of this problem and the way it is affecting the local community looks very different in Squamish, Victoria or Vancouver." "This bill contains four other items proposing minor amendments to the [Assessment Act](#), the [Local Government Act](#), the [Community Charter](#) and the [Vancouver Charter](#). These amendments align BC Assessment's fiscal year with that of the government and all other Crown corporations, repeal the commercial vehicle licence program, raise maximum fines for bylaw contraventions for all municipalities, decrease the time



frame in the *Vancouver Charter* for completing remedial action requirements and parallel the authority all other local governments have under the *Local Government Act* to provide the city of Vancouver with the statutory authority to enter into latecomer agreements and impose and collect latecomer charges in relation to multi-phase developments." Quickscribe will keep you informed once these changes come into force. A reminder that local governments can track changes to the LGA and *Community Charter* by setting up alerts via the Alerts page (above). In the meantime, you can view the proposed changes [here](#).

### Overview of Local Government EPA Feedback

UBCM has produced a broad [overview](#) of local government feedback expressed as part of the ongoing [Emergency Program Act](#) review. This document has been forwarded to Emergency Management BC (EMBC) for consideration as the Province contemplates significant changes to its emergency management legislation.

The local government feedback under consideration was provided in response to EMBC's [discussion paper](#), Modernizing BC's Emergency Management Legislation. In addition to UBCM's overview document, EMBC will also be developing a summary of feedback received from all stakeholders (including local governments). Read the full UBCM [article](#).

### Carbon Pricing Reference at Supreme Court of Canada

[Lidstone & Company](#) Issued the following bulletin for local government clients February 28, 2020:

This Spring the Supreme Court of Canada (SCC) will hear two appeals regarding the federal [Greenhouse Gas Pollution Pricing Act](#). The Supreme Court's decision will determine whether the federal government has the constitutional authority under its "Peace Order and Good Government Power" to impose minimum national pricing standards for greenhouse gas emissions. The case includes two appeals, one from the Ontario Court of Appeal and one from the Saskatchewan Court of Appeal, and it has already made headlines across the country as people in every province have followed its progress. Climate change, and governments' willingness to mitigate and adapt to it, is the most pressing issue of our time, and this case will determine the extent to which the federal government can require minimum emissions pricing in all provinces.

In both Saskatchewan's and Ontario's appeals to their respective Courts of Appeal, the result was the same: the *Greenhouse Gas Pollution Pricing Act* was held to be constitutional by a majority in both courts, with each Court's Chief Justice upholding the federal legislation. Both provinces have appealed to the SCC. Read the [full article](#).

### Budget Speech Highlights [UBCM Analysis]

Finance Minister Carole James delivered the provincial budget in the legislature Tuesday [Feb 18]. Minister James announced a surplus in the current fiscal year of \$203 million, with projections of modest surpluses between \$179 and \$374 million over three years. The budget provided updates on cannabis revenue and expenditure projections, increased funding for wildfire and emergency response and an operational reduction for the office of the Auditor General for Local Government.

Budget elements of interest for local government include the following:

- The provincial share of the cannabis excise tax is expected to generate \$190 million in over three years. Over the same period, the province estimates \$18 million in new costs to support safe implementation of legalized cannabis. This new funding is in addition to a projected \$52 million in provincial costs over three years.
- Appropriations for AGLG operations show a reduction from \$2.6 million in 2019/20 to \$1.8 million in 2020/21 (a reduction of over 30% of the current budget).
- New investments in affordable housing, in addition to the commitment of \$1 billion over three years, to support the construction of new low- and middle-income housing as follows:
  - \$56 million in 2020/21 for 200 new units of supportive modular housing
  - \$50 million over the three years of the plan for services to support homeless and those at risk of losing their home. Funding will be used to create "navigation centres" to provide integrated shelter, medical and support services.

Read the full UBCM [article](#).

Act or Regulation Affected	Effective Date	Amendment Information
Bylaw Notice Enforcement Regulation (175/2004)	Feb. 12/20	by <a href="#">Reg 18/2020</a>

Cannabis Licensing Regulation (202/2018)	Feb. 4/20	by <a href="#">Reg 14/2020</a>
Leadership Contestant Financing Regulation (24/2020)	<b>NEW</b> Feb. 19/20	see <a href="#">Reg 24/2020</a>
Leadership Contestant Financing Regulation (433/99)	<b>REPEALED</b> Feb. 19/20	by <a href="#">Reg 24/2020</a>
Nomination Contestant Regulation (25/2020)	<b>NEW</b> Feb. 19/20	see <a href="#">Reg 25/2020</a>
Political Party and Constituency Association Financial Reports Regulation (26/2020)	<b>NEW</b> Feb. 19/20	see <a href="#">Reg 26/2020</a>
Political Party and Constituency Association Financial Reports Regulation (434/99)	<b>REPEALED</b> Feb. 19/20	by <a href="#">Reg 26/2020</a>
Provincial Heritage Register (Chinese Canadian Heritage Properties) Regulation (10/2018)	<b>REPEALED</b> Feb. 7/20	by <a href="#">Reg 17/2020</a>
Provincial Heritage Register Regulation (17/2020)	<b>NEW</b> Feb. 7/20	see <a href="#">Reg 17/2020</a>
Trespass Act	Feb. 21/20	by 2019 Bill 35, c. 36, section 19 only (in force by <a href="#">Reg 29/2020</a> ), <a href="#">Miscellaneous Statutes Amendment Act (No. 2), 2019</a>
Voter Registration Regulation (206/2015)	Feb. 19/20	by <a href="#">Reg 27/2020</a>

## MISCELLANEOUS

### Miscellaneous News:

#### Supreme Court Act – Proposed Amendments

On February 27, 2020, the government introduced the *Miscellaneous Statutes Amendment Act* ([Bill 13](#)). The Bill amends several laws including proposed amendments to the *Supreme Court Act*. According to the government the intent will be to improve access to justice and reduce court delays. The proposed amendments would allow the appointment of five more judges to the B.C. Supreme Court, for a total of 95 judges in addition to the chief justice and the associate chief justice.

#### Criminal Practice Directions, Notices, and Guidelines

*From BC Courts*

The Honourable Associate Chief Justice Holmes has issued an updated version of CPD-4 ([Criminal Practice Direction 4 - Procedure for Detention Reviews Under s. 525 of the Criminal Code](#)), which comes into effect on Monday, March 2, 2020. The practice direction was updated to reflect experience with the process to date and to address amendments to [s. 525 of the Code](#), which came into force on December 18, 2019. CPD-4 and electronic versions of the appended forms are posted on the Court website under "Practice Directions – Criminal". View the [Criminal Practice Direction](#).

#### Just the Facts, Ma'am! OIPC Orders Disclosure of Factual and

### Narrative Information in an Investigation

Order F19-41 (2019 BCIPC 46) from the Office of the Information & Privacy Commissioner ("OIPC") reviews a professor's requests for records from a university's disciplinary investigations into his conduct at work and the university's decision to withhold certain documents pursuant to ss. 13 and 22 of the [Freedom of Information and Protection of Privacy Act](#) ("FIPPA"). The records in dispute were emails, memos and key message documents about communication matters, security officer incident reports, summaries of events, an investigator's notes, and the minutes of a department meeting.

It is important for post-secondary institutions and other public bodies to be apprised of the documents they may withhold, and those that must be disclosed if requested. This case helps to clarify what information can and cannot be withheld. Read the [full article](#) by Catherine Repel with Clark Wilson LLP.

Act or Regulation Affected	Effective Date	Amendment Information
Exemption Regulation (27/2002)	Feb. 14/20	by <a href="#">Reg 21/2020</a>
Freedom of Information and Protection of Privacy Act	Feb. 27/20	by <a href="#">Reg 34/2020</a>
Government Reporting Entity Regulation (134/2001)	Feb. 14/20	by <a href="#">Reg 20/2020</a>
Jury Regulation (282/95)	Feb. 28/20	by <a href="#">Reg 38/2020</a>
Police (Uniforms) Regulations (564/76)	Feb. 28/20	by <a href="#">Reg 40/2020</a>
Social Services Employers Regulation (84/2003)	Feb. 18/20	by <a href="#">Reg 23/2020</a>

## MOTOR VEHICLE & TRAFFIC

### Motor Vehicle and Traffic News:

#### New Legislation To Keep Future ICBC Surplus in Hands of ICBC

The Province is poised to introduce legislation that will prevent any BC government from directing ICBC to make payments to government from its excess optional insurance capital. This will ensure that any future surpluses remain with ICBC to be used for the benefit of drivers. Read the government [news release](#).

#### BC's Distracted Driving Law Could Be Adjusted after Another Ticket Tossed Out by Court

The latest distracted driving ticket to get tossed out by a B.C. judge could lead to adjustments to the law itself, the province's public safety minister says. The decision handed down in Victoria provincial court Tuesday [Feb 11] concerned a Victoria woman who was fined for having her phone sitting on her lap while stopped at a red light in December 2018 in Esquimalt. The police officer who issued the ticket noted the phone's screen was not illuminated at the time and the woman was not touching the phone, which was connected to a charging cable. Read the *Global News* [article](#).

#### BC Government Introduces Legislation to Cap Expert Reports in ICBC Settlement Cases

The BC government is taking another crack at cutting down on the use of expert reports in ICBC settlement cases. The province is [introducing amendments](#) to the *Evidence Act* that will limit the number of experts and expert reports that can be used in court on the issue of damages. "With limits on the number of experts and expert reports, we are reducing the cost, complexity, and delay associated with expensive duelling experts," Attorney General David Eby said. "It means that claims will be resolved more efficiently." Read the *Global News* [article](#).

### Amendments Clarify, Update *Motor Vehicle Act*

Proposed amendments that clarify and update the [Motor Vehicle Act](#) have been introduced as [Bill 2](#), the *Motor Vehicle Amendment Act, 2020*. According to the government, changes to the *Motor Vehicle Act* support road safety and better trained drivers by enabling government to require standardized training as a pre-licensing requirement for various classes of drivers' licences. Amendments would require any prescribed training courses to be approved by the Insurance Corporation of British Columbia (ICBC) and provided by a person or organization authorized by ICBC. The proposed amendments afford government the authority to provide exemptions and to delegate authority to ICBC to provide exemptions. They also delegate to ICBC the authority to determine if training received in other jurisdictions meets BC standards. Read the full government [news release](#).

### Case Summary: Drinking, Driving, and Coverage Do Not Mix

The insured driver was intoxicated by alcohol to the point where she was incapable of proper control of her vehicle, thus breaching a condition of her insurance policy.

*Derkson v. Insurance Corp. of British Columbia*, [2019 BCSC 2009](#), [2019] B.C.J. No. 2228, 2019 BCSC 2009, British Columbia Supreme Court, November 22, 2019, K. Horsman J.

The insured rear-ended another vehicle after consuming alcohol at a pub, causing vehicle damage and personal injuries to the insured's passenger and the other driver. The insurer, the Insurance Corporation of British Columbia (ICBC), denied coverage on the basis that the insured was "incapable of proper control of the vehicle" at the time of the collision, and was therefore in breach of her conditions of insurance. Read the [full article](#) by Joe Antifaev with Harper Grey LLP.

### CVSE Bulletins & Notices

The following notices were posted in February by CVSE:

- [VI Bulletin 01-20](#) – Semi-Annual Inspections and Decal Stock Issue
- [Important Notice from Metro Vancouver](#) – Translink and the City of North Vancouver would like you to know that a truck detour around the Mosquito Creek Bridge will be in place for about five months, beginning February 18, 2020. Maximum weight on the bridge during planned construction will be 20,000 kg GCVW

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

Act or Regulation Affected	Effective Date	Amendment Information
Lien on Impounded Motor Vehicles Regulation (25/2015)	Mar. 1/20	by <a href="#">Reg 15/2020</a>
Motor Vehicle Act	Feb. 14/20	by 2019 Bill 35, c. 36, section 83 only (in force by <a href="#">Reg 22/2020</a> ), <a href="#">Miscellaneous Statutes Amendment Act (No. 2), 2019</a>
Motor Vehicle Act Regulations (26/58)	Feb. 14/20	by <a href="#">Reg 22/2020</a>
Offence Act Forms Regulation	Feb. 14/20	by <a href="#">Reg 22/2020</a>
Special Direction IC2 to the BC Utilities Commission (307/2004)	Feb. 6/20	by <a href="#">Reg 16/2020</a>
Supreme Court Civil Rules (168/2019)	Feb. 1/20	by <a href="#">Reg 18/2019</a>
Violation Ticket Administration and Fines Regulation (89/97)	Feb. 28/20	by <a href="#">Reg 37/2020</a> and <a href="#">Reg 40/2020</a>

## OCCUPATIONAL HEALTH AND SAFETY

### Occupational Health & Safety News:

#### Religious Freedom vs. Occupational Health and Safety: The Quebec Court of Appeal Rules in Favour of the Latter

There is a great societal debate going on in Quebec with the National Assembly's recent adoption of the *Act respecting the laicity of the State*, which regulates the wear of religious symbols at the government level. The province's highest court contributed to the debate with its recent decision in *Singh c. Montréal Gateway Terminals Partnership*, which particularly affects federally-regulated businesses.

In this case, freedom to wear religious symbols is pitted against an employer's legal obligations to ensure and maintain occupational health and safety. The Quebec Court of Appeal affirmed a Superior Court judgment which held that occupational health and safety prevails over religious freedom, at least in this matter. Read the [full article](#) by [Mikaël Maher](#) with Fasken Martineau DuMoulin LLP.

#### New OHS Guidelines

On February 14, 2020, WorkSafe BC published new and revised guidelines a number of topics including respirators. View the details on the WorkSafeBC site [here](#).

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:

#### Budget 2020 Update: Is There Clarity for Limited Partnerships and Foreign Buyers' Tax?

On February 18, 2020, the government of BC introduced its 2020 provincial budget. Included in the budget is a new exemption from the additional property transfer tax, commonly known as the "foreign buyers' tax", which will be available for qualifying Canadian-controlled limited partnerships. Though the specific language of the exemption will not be confirmed until the exemption becomes effective when passed through regulation at a later date, the expectation is that the new exemption will treat Canadian-controlled limited partnerships in a manner consistent with Canadian-controlled corporations, ensuring that the tax will apply consistently to those investors who choose to invest through Canadian-controlled limited partnerships as those who invest through Canadian-controlled corporations. Read the [full article](#) by [Maxwell P. Carroll](#) and [Zander R. Grant](#) with Lawson Lundell LLP.

#### New Security Deposit Rules Will Help Tenants Get Their Money Back, BC Says

Renting in British Columbia's major cities is notoriously difficult. Vacancy rates in Metro Vancouver and Greater Victoria hover around one per cent, and average rents are [among Canada's most expensive](#). New security deposit rules announced by the provincial government Friday [February 7th] won't change any of that, but they will make life a bit easier for tenants trying to recover funds from stubborn landlords. The new process will allow renters to submit an application to the Residential Tenancy Branch if their landlord does not return an uncontested security or pet deposit within 15 days of the end of a rental agreement. If approved, the renter will receive an order for the return of the deposit that they can serve to the landlord or take to provincial small claims court. Read the CTV [article](#).

#### BC Liberals Introduce Legislation to Address Skyrocketing Strata Insurance Rates

The BC Liberals have introduced legislation the party says would address skyrocketing insurance rates that strata corporations are being required to pay. See [Strata Property Amendment Act, 2020](#). Liberal MLA Todd Stone introduced private member's legislation on Tuesday [Feb 25] that, if passed, would require insurance companies to provide strata corporations insurance renewal terms at least 30 days in advance. Pressure has been mounting on the provincial government to act. While full building recovery insurance is mandated under the BC [Strata Property Act](#), there is no mechanism in place to ensure private insurers will offer the coverage at an affordable

cost. Read the *Global News* [article](#).

Act or Regulation Affected	Effective Date	Amendment Information
Residential Tenancy Act	Feb. 18/20	by 2017 Bill 16, c. 18, section 30 only (in force by <a href="#">Reg 19/2020</a> ), <a href="#">Tenancy Statutes Amendment Act, 2017</a>
Residential Tenancy Regulation (477/2003)	Feb. 18/20	by <a href="#">Reg 19/2020</a>

## WILLS & ESTATES

### Wills and Estates News:

#### BC Wills Variation- Unequal Treatment of Adult Children

If there is one underlying principle that I have been exposed to in decades of estate litigation, it is that adult children of a deceased parent expect to be treated equally (or better) than their siblings.

The societal advent of more frequent so-called blended families, divorce, and remarriage with new family has in many situations complicated the accomplishment of treating all the children equally.

There is no requirement to in BC wills variation litigation or [S. 60 WESA](#) that requires a deceased parent to treat his or her children equally, and if done, this in itself does not necessarily establish a moral claim by the child(ren) who have been "shortchanged" in their inheritance. Simply put the test is adequate provision and not equal provision. Read the [full article](#) by Trevor Todd with disinherited Estates Disputes and Contested Wills.

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

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