

Quickscribe Reporter

Vol: XIX – Issue: VII – July 2020

QUICKSCRIBE NEWS:

Summer Session Wrap-up

The rare summer sitting of parliament is scheduled to adjourn later this week, with several bills still awaiting Royal Assent at the time this Reporter was published. The following Bills were introduced since this session resumed in June:

- [Bill 6](#), Mines Amendment Act, 2020 (*Third Reading*)
- [Bill 14](#), Municipal Affairs and Housing Statutes Amendment Act (No. 2), 2020 (*Third Reading*)
- [Bill 17](#), Clean Energy Amendment Act, 2020 (*First Reading*)
- [Bill 18](#), Economic Stabilization (COVID-19) Act (*Third Reading*)
- [Bill 19](#), COVID-19 Related Measures Act (*RA*)
- [Bill 20](#), Motor Vehicle Amendment Act (No. 2), 2020 (*Third Reading*)
- [Bill 21](#), Wills, Estates and Succession Amendment Act, 2020 (*Third Reading*)
- [Bill 22](#), Mental Health Amendment Act, 2020 (*First Reading*)
- [Bill 23](#), Workers Compensation Amendment Act, 2020 (*Third Reading*)
- [Bill 24](#), Municipalities Enabling and Validating (No. 4) Amendment Act, 2020 (*Third Reading*)

A number of non-government Bills were also introduced, none of which have progressed past first reading:

- [M205](#), Building Amendment Act, 2020
- M206, Home-Based Craft Food 2.0 Act
- M207, Repeal Bill 52 and Bill 15 Act, 2020
- M208, Insurance Corporation Amendment Act, 2020
- M209, Liquor Control and Licensing 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.

Latest Annotations

New annotations were recently added to Quickscribe. The annotations were published by [Teresa Tomchak](#) with Farris, Vaughan, Wills & Murphy LLP and can be found on the [Securities Act](#) and the [National Instrument 31-103 Registration Requirements, Exemptions and Ongoing Registrant Obligations](#).

To receive email notifications when new annotations are published by our contributors, select "My Alerts" via the top navigation, then select the "View Expert Annotators". Here you can view and "follow" any contributor from the list.

Reporter Delayed

Due to staff holidays, this scaled-back edition of the Reporter was published a few days later than usual.

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

View [PDF](#) of this Reporter.

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

[\[Previous Reporters \]](#)

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COMPANY & FINANCE

Company and Finance News:

The Canada Revenue Agency Announces an Extension to the Payment Deadline and Offers Interest Relief on Outstanding Tax Debts during the COVID-19 Pandemic

The Canada Revenue Agency (CRA) is closely monitoring the COVID-19 situation, and is committed to supporting Canadians throughout it. The CRA understands that individuals and businesses might be dealing with difficulties in meeting their financial obligations, including paying tax debts they may have incurred prior to the crisis. In addition to measures already announced, the CRA is extending the payment deadline and applying relief to interest on existing debt.

The CRA is extending the payment due date for current year individual, corporate, and trust income tax returns, including instalment payments, from September 1, 2020, to September 30, 2020. Penalties and interest will not be charged if payments are made by the extended deadline of September 30, 2020. This includes the late-filing penalty as long as the return is filed by September 30, 2020. Read the government [news release](#).

OSC and BCSC Sign Oversight Agreement Regarding the Canadian Securities Exchange

On July 16, the Ontario Securities Commission (OSC) announced that it has entered into a [Memorandum of Understanding](#) (MOU) with the British Columbia Securities Commission (BCSC) regarding the oversight of the Canadian Securities Exchange (CSE). Read the [full article](#) published by the law firm Stikeman Elliott LLP.

An Extraordinary Meeting in Extraordinary Times: *Farrish v. Delta Hospice Society*

A recent decision of the Supreme Court of British Columbia under the [Societies Act](#) (the "Act") reminds directors to follow closely the bylaws of their society when calling members' meetings during the COVID-19 pandemic and provides useful guidance to societies when handling membership applications. In *Farrish v. Delta Hospice Society*, [2020 BCSC 968](#), the court set aside a notice of extraordinary general meeting and cancelled the meeting of the society members, just three days before the meeting was to take place.

The court held that the bylaws of the Delta Hospice Society and the [Electronic Attendance at Corporate Meetings \(COVID-19\) Order](#) (the "Ministerial Order") (PDF) did not authorize voting by mail, the directors' chosen method of voting for the upcoming meeting in response to the COVID-19 pandemic. The court also found that the directors had breached their fiduciary duties by improperly denying membership to certain persons who held viewpoints contrary to their own. Read the [full article](#) by Dierk Ullrich, Corry Clark and Stephen Hsia with Fasken.

Canada Emergency Wage Subsidy: New Asset Acquisition Rules

One of the criticisms of the Canada Emergency Wage Subsidy (CEWS), as originally implemented, was that employers which acquired revenue-generating assets between the qualifying period and the historical comparison period often found it difficult to meet the qualification requirements for the CEWS due to the increased revenue earned on the new assets. Where business assets were acquired after the relevant prior reference period, the comparison of qualifying revenues for a current reference period might not reflect the true economic impact of the COVID-19 pandemic on the eligible entity's revenues. On July 27, 2020, [Bill C-20](#), *An Act*

respecting further COVID-19 measures, received Royal Assent. Part I of the legislation extended the CEWS to December 19, 2020, and redesigned certain key features of the program, including providing a revenue continuity rule in the case of certain asset acquisitions. Read the [full article](#) by Hennadiy Kutsenko and Anu Nijhawan with Bennett Jones LLP.

BC Securities – Policies & Instruments

The following policies and instruments were recently published on the BCSC website:

- [14-101](#) – Definitions [NI]
- [21-501](#) – Recognition of Exchanges, Self Regulatory Bodies, and Jurisdictions [BCI]
- [91-101](#) – Derivatives: Product Determination [MI]
- [91-501](#) – Over-the-Counter Derivatives [BCI]
- [91-502](#) – Short Term Foreign Exchange Transactions [BCI]
- [91-503](#) – Contracts Providing for Physical Delivery of Commodities [BCI]
- [91-506](#) – Designation Order - Derivatives [BCI]
- [96-101](#) – Trade Repositories and Derivatives Data Reporting [MI]
- [31-358](#) – CSA Staff Notice 31-358 – *Guidance on Registration Requirements for Chief Compliance Officers and Request for Comments*

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

Act or Regulation Affected	Effective Date	Amendment Information
Business Corporations Regulation (65/2004)	July 13/20	by Reg 175/2020
Income Tax Act	July 1/20	by 2019 Bill 5, c. 7, sections 4, 10, 18 to 20 and 22 only (in force by Royal Assent), Budget Measures Implementation Act, 2019

ENERGY & MINES

Energy and Mines News:

In Pursuit of an Integrated Risk-based Approach to Mining Oversight: BC Introduces Proposed Amendments to the *Mines Act*

The BC government has introduced proposed changes to the *Mines Act* (the Act) in [Bill 6](#) (*Mines Amendment Act, 2020*), which passed its First Reading in the Legislative Assembly on June 22, 2020. The proposed changes were developed in response to lessons learned from the 2014 tailings spill at the Mount Polley mine. In addition, Bill 6 reflects [recommendations](#) made by the Office of the Auditor General for BC in its 2016 report, [An Audit of Compliance and Enforcement in the Mining Sector](#), and the 25 recommendations in the [Mining Jobs Task Force Report](#). The [Mining Jobs Task Force](#) was established in February 2018 to review exploration and mining in the province and to make recommendations for strengthening the industry. Read the [full article](#) by Selina Lee-Anderson and Joannie Fu with McCarthy Tétrault LLP.

Strategic Assessment of Climate Change – New Guidance for the Federal *Impact Assessment Act*

On July 16, 2020, the federal government released the Strategic Assessment of Climate Change, July 2020 ("SACC"). The SACC includes rules and obligations that apply to designated projects under the federal [Impact Assessment Act](#) ("IAA"). In particular, the SACC outlines requirements for project proponents in relation to greenhouse gas ("GHG") emissions as well as associated climate change information. In addition, the SACC will also work to guide non-designated projects such as those regulated by the Canada Energy Regulator ("CER") or under regional assessments. The stated purpose of the SACC is to bring consistency, transparency, efficiency and predictability to the impact assessment process in the climate change context.

The SACC reflects the federal government's goal of reaching net-zero emissions by 2050 and other climate change commitments such as those under the international Paris Agreement. Consequently, the SACC requires proponents of designated projects to provide detailed information on GHG emissions and other climate change

factors at each phase of the impact assessment process. The SACC also provides some clarity regarding how the Impact Assessment Agency of Canada ("IAAC") will review proponent submissions. Read the [full article](#) by [Laura E. Duke](#) and [Mitchell Horkoff](#) with Lawson Lundell LLP.

BC Funding Available For Companies Operating in the Zero-Emission Vehicle Sector

On July 9, 2020, the British Columbia government announced the availability of \$4.18 million in new funding under CleanBC's Advanced Research and Commercialization (ARC) program for BC companies developing new technologies in the electric vehicle and zero-emission vehicle (ZEV) sector. The funding initiative is intended to boost the province's economic recovery following the pandemic and signifies BC's commitment to sustainable energy programs and a robust clean-tech industry. Read the [full article](#) by [Caolan Lemke](#) and [Chad Eggerman](#) with MLT Aikins LLP.

Preparing for the Economic Reboot – Key Considerations for Project Stakeholders

For the past several months, governments across the globe have been implementing policies and directives to prevent the spread of Covid-19 and to preserve health care systems. These policies and directives have resulted in work stoppages, large scale unemployment, weakened demand, global supply chain delays and numerous other significant economic impacts. Governments have taken action to mitigate the most immediate short-term economic losses facing individuals and businesses as a result of these directives; but, a long-term plan will be required to facilitate a robust recovery.

In recent weeks, governments have begun to turn their focus to loosening restrictions, rebooting economic activity and planning for the long term. As governments begin to develop plans for this reboot, it is likely that projects in the infrastructure, mining and energy sectors will play an important role in delivering economic stimulus. These projects will be expected to provide immediate employment and investment opportunities, tangible outcomes, and knock-on benefits to suppliers, service-providers, and communities. Other stimulus projects could provide essential raw materials and key inputs to facilitate and kick start other forms of economic activity. Read the [full article](#) by Brad Nicpon, Christopher Langdon and Lynn Parsons with McCarthy Tétrault LLP.

Recent BCOGC Bulletins

The BCOGC has recently issued the following bulletins:

- [INDB 2020-19](#) – New BC Production Data Now Available
- [INDB 2020-18](#) – Updates to Application Management System and Kermit
- [INDB 2020-17](#) – Clarification of Requirements for OGAA Water Source Wells
- [INDB 2020-16](#) – Electronic Submission for ALR Schedule B Pipeline Assessments
- [INDB 2020-15](#) – Timeline Extended to Sept. 1, 2020 for a Permit or Authorization
- [INDB 2020-14](#) – Packer Isolation Test (PIT) Report Submission Changes
- [INDB 2020-05](#) – Former Range Energy Assets Declared Orphan Sites (IB 2020-05)

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

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

FAMILY & CHILDREN

Family and Children News:

Spotlight on Pension Division: Administrative Fees

BCLI is running a public consultation (closing date: 15 September 2020) on pension division. It is asking for public input into its proposed changes to part 6 of the [Family Law Act](#) and the [Division of Pensions Regulation](#). For information on how to participate in the consultation please visit the [Pension Division Review Project webpage](#). This post is part of a series that spotlights issues discussed in the [Consultation Paper on Pension Division: A Review of Part 6 of the Family Law Act](#). To read other posts in the series please [click here](#).

The existence of administrative fees raises the possibility that those fees could pose a barrier for some spouses

to carrying out a division of pension benefits. [Section 140](#) of the *Family Law Act* addresses this problem by a provision that enables an administrator to deduct the fee from the payment of benefits. Should this provision be strengthened, requiring the deduction of fees, unless they are otherwise paid by the member or the spouse? Read the [full article](#) by Kevin Zakreski with BCLI.

Act or Regulation Affected

Effective Date

Amendment Information

There were no amendments this month.

FOREST & ENVIRONMENT

Forest and Environment News:

Aiming for Maximum (GHG) Impacts: Federal Government Releases Guidance on Assessing Climate Change Impacts of Major Projects

On July 17, 2020, the Government of Canada published its [Strategic Assessment of Climate Change](#) (SACC), which will be used to assess the impacts of climate change in federal impact assessments conducted under the federal [Impact Assessment Act](#) (IAA).

The SACC is deemed a strategic assessment under section 95 of the IAA; a strategic assessment provides guidance on how a policy, plan, program or issue relevant to conducting impact assessments should be considered in the impact assessment process. The SACC applies to designated projects under the IAA. For non-designated projects on federal lands and outside Canada subject to the IAA, the principles and objectives underlying the SACC will be built into guidance for the review of such projects. Similarly, guidance for projects regulated by the Canada Energy Regulator will consider the principles and objectives of the SACC. In addition, the SACC may also apply to environmental reviews by other federal lifecycle regulators, and be used in regional assessments. Environment and Climate Change Canada has indicated that it plans to review and update the SACC every 5 years. Read the [full article](#) by Selina Lee-Andersen and Joanna Rosengarten with McCarthy Tétrault LLP.

In the Age of Modern Treaties, How Should the Duty to Consult Account for the Treaty Rights of Other Nations?

On July 27, 2020, the BC Court of Appeal released its judgment in *Gamlaxyeltxw v. British Columbia (Minister of Forests, Lands & Natural Resource Operations)*, [2020 BCCA 215](#). The court dismissed an appeal brought by Gitanyow hereditary chiefs regarding an unsuccessful judicial review of ministerial decision-making pursuant to the Nisga'a Treaty.

This case involved a judicial review of two decisions of the Minister of Forests, Lands and Natural Resource Operations dating back to 2016. The decisions involved the wildlife management regime in the Nass Wildlife Area. The Nass Wildlife Area is part of the area covered by the Nisga'a Final Agreement. The Nass Wildlife Area overlaps with the claims of other Indigenous groups, including the Gitanyow. Read the [full article](#) by Kevin O'Callaghan, Madison Grist and Samuel Geisterfer with Fasken Martineau DuMoulin LLP.

BC Government Failing to Register Groundwater Users, Say Critics

Any person or company with a well that draws groundwater for non-domestic use must register with the province and pay a nominal annual fee, according to legislation passed in 2015. Only 20 per cent of people in BC who use wells to get their water have bothered to register under the province's new mandatory groundwater law. The low enrolment, which comes four and a half years after BC passed landmark reforms on water sustainability, undermines the province's attempts to track and prioritize who is drawing from aquifers and groundwater sources across the province, said Green MLA Sonia Furstenau. Read the *Vancouver Sun* [article](#).

Environmental Appeal Board Decisions

There was one Environmental Appeal Board decision in the month of July:

[Environmental Management Act](#)

- [Woodland Heights Investments, Ltd. v. Director, Environmental Management Act](#) [Final Decision – Appeal Allowed in Part; Penalty Varied]

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

Act or Regulation Affected	Effective Date	Amendment Information
Closed Areas Regulation (76/84)	July 1/20	by Reg 169/2020
Code of Practice for Agricultural Environment Management (8/2019)	July 15/20	by Reg 8/2019
Controlled Recreation Area (Resort Timber Administration Act) Regulation (166/2007)	July 15/20	by Reg 182/2020
Designation and Exemption Regulation (168/90)	July 1/20	by Reg 169/2020
Hunting Regulation (190/84)	July 1/20	by Reg 169/2020
Limited Entry Hunting Regulation (134/93)	July 1/20	by Reg 169/2020
Motor Vehicle Prohibition Regulation (196/99)	July 1/20	by Reg 169/2020
Renewable and Low Carbon Fuel Requirements Regulation (394/2008)	July 13/20	by Reg 178/2020
Water Sustainability Regulation (36/2016)	July 20/20	by Reg 187/2020
Wildlife Act Commercial Activities Regulation (338/82)	July 1/20	by Reg 169/2020
Wildlife Act General Regulation (340/82)	July 1/20	by Reg 169/2020

HEALTH

Health News:

Reopening the Doors of Perception: The Psychedelics Renaissance in Canada

While cannabis takes a breather from the capital markets roller coaster ride that has characterized that sector lately, psychedelics are in the news lately – and all the rage in the capital markets. Junior pharmaceutical companies, specialized clinics and Caribbean retreats are common water-cooler topics of conversation these days among capital markets investors and observers alike. To be sure, momentum is building and public perception is changing in Canada and in some parts of the United States toward reducing barriers to access for psychedelics. Low enforcement priorities in Denver, Oakland and Santa Cruz, as well as Oregon's proposed laws to regulate cultivation, manufacture and sale of psilocybin products for medical purposes, broadens the discussion. Today's momentum has been a long time coming – particularly as a viable new option for mental health treatment. Read the [full article](#) by [David Wood](#), [Andrew Powers](#), [Michael Saliken](#) and [Cameron A. MacDonald](#) with Borden Ladner Gervais.

Access and Disclosure of a Minor's Health Care

Records under BC's Personal Information Act

Allied health professionals who work with children must know how to navigate the unique legal status of minors, especially as it relates to access to personal health care information. In British Columbia, depending on what type of organization is holding the personal health information of a minor, different privacy legislation will apply. For private sector organizations, the [Personal Information Protection Act](#), SBC 2003, c. 63 ("PIPA") applies, whereas public sector organizations are governed by the [Freedom of Information and Protection of Privacy Act](#) ("FIPPA"). Both acts deal with an individual's right to access personal information, including health care records. This article focuses on private sector obligations under PIPA related to the disclosure of minor health care records. Read the [full article](#) by [Siobhan McConnell](#) with Gowling WLG.

BC Pauses Controversial Overdose Bill Affecting Youth, but Groups Say Drop It

The minister for youth and families said involuntary care takes away what little control youth may have, so it's important to leave it up to them to choose if they want to get treatment. The BC government has paused legislation aimed at detaining youth under 19 in care after they overdose but the representative for children and youth joined advocates calling on the province to withdraw it altogether. Jennifer Charlesworth said Monday [July 27] the [proposed changes](#) to the [Mental Health Act](#) would deter youth from asking for help over fears they'd be forced to stay in hospital for up to seven days. The bill would disproportionately impact Indigenous youth and many of them may have turned to drugs as a way to numb trauma that could include being removed from their families, Charlesworth said. Read the [article](#) published in *The Province*.

Provinces, Territories Urged to Follow BC and Investigate Systemic Racism in Health Care

Provinces and territories are facing calls from Indigenous experts to take British Columbia's lead and consider launching investigations of systemic racism in health care institutions across the country. Last month, BC Health Minister Adrian Dix appointed Mary Ellen Turpel-Lafond to lead an independent investigation into allegations of racism in the province's health care system. The investigation stems from allegations that doctors and nurses at one hospital were playing a game to guess blood-alcohol levels among Indigenous patients in an emergency room. Read the [full article](#) published in *The Globe And Mail*.

New Vaping Regulations in Force

The new [E-Substances Regulation](#) came into force on July 20, 2020, and restricts the amount of nicotine in vapour pods and liquid to 20mg/ml, and requires retailers to sell only those vapour products that are plainly packaged and have labels with health warnings. New retailers will need to comply with the regulation immediately, while current vapour-product retailers will have a short transition period until September 15, 2020. All retailers are prohibited from selling non-nicotine or nicotine-cannabis blended vapour products. Related changes to the [Tobacco and Vapour Products Control Regulation](#) ban advertising of vapour products in places where youth can access, hear or see advertisements, such as bus shelters or community parks.

Act or Regulation Affected	Effective Date	Amendment Information
Continuing Care Fees Regulation (330/97)	July 13/20	by Reg 177/2020
E-Substances Regulation (186/2020)	NEW July 20/20	see Reg 186/2020
Health Hazards Regulation (216/2011)	July 20/20	by Reg 186/2020
Hospital Insurance Act Regulation (25/61)	July 13/20	by Reg 177/2020

LABOUR & EMPLOYMENT

Labour and Employment News:

BC Employers: Apply to Extend COVID-19 Layoffs Past August 30, 2020

At the end of June, 2020, BC extended the maximum period for COVID-19-related temporary layoffs to 24 weeks in any 28 consecutive week period, ending before August 30, 2020 (see our summary [here](#)). Some employers may not be in a position to recall employees during this period. If a temporary layoff is going to surpass 24 weeks, or August 30, 2020, employers need to apply to the Employment Standards Branch ("ESB") to extend the layoff further. Otherwise, the layoff will be deemed permanent and employment will terminate. Read the [full article](#) by [Christina Badgley](#) with DLA Piper.

**When An Employer Isn't Ready to Recall Employees:
Extending a COVID-Related Temporary Layoff**

Although the BC government extended the maximum period for a COVID-related temporary layoff from 16 to 24 weeks, ending on or before August 30, 2020, many employers may already anticipate being unable to recall their employees within the required timeframe. If an employee is not recalled to work before the maximum period expires, that person's employment will be deemed terminated according to employment standards law – something many employees and employers alike want to avoid.

The good news is that employees and employers are not without recourse. Where an employer has reasonable plans to recall employees on a specific date after August 30, 2020, the employer and employees can submit a joint application to the Employment Standards Branch (ESB) to extend the temporary layoff. If successful, such an application would avoid a deemed termination of employment, along with the corresponding – and often pricey – obligation of the employer to provide employees with pay in lieu of notice of termination. Read the [full article](#) by the employment and labour lawyers at Clark Wilson LLP.

Changes to Employment and Assistance Regulations

The [Employment and Assistance Regulation](#) and [Employment and Assistance for Persons With Disabilities Regulation](#) were updated to include a section relating to modifications in relation to the COVID-19 emergency – reconsideration of decisions and housekeeping amendments.

Act or Regulation Affected	Effective Date	Amendment Information
Employment and Assistance Regulation (263/2002)	July 23/20	by Reg 190/2020 and Reg 191/2020
Employment and Assistance for Persons with Disabilities Regulation (265/2002)	July 23/20	by Reg 190/2020 and Reg 191/2020
Employment Standards Regulation (396/95)	July 17/20	by Reg 185/2020
Long Term Disability Plan Regulation (409/97)	July 13/20	by Reg 181/2020
Occupational Health and Safety Regulation (296/97)	July 14/20	by Reg 82/2020
Office of the Legislature Staff Oath Regulation (147/2020)	NEW July 1/20	see Reg 147/2020
Public Service Oath Regulation (228/2007)	July 1/20	by Reg 147/2020

LOCAL GOVERNMENT

Local Government News:

Local Government Procurement: When is Sole Sourcing Acceptable?

Procurement of goods and services by local governments is usually carried out through public tenders or proposal calls, which offers better value for money and transparency in procurement. However, there are situations where it may be in the interests of a local government to purchase from a vendor (commonly referred to as "sole sourcing"). Unless such a situation falls within a narrow set of exceptions, sole sourcing could violate procurement law and result in monetary penalties being imposed on the local government. This article discusses the considerations that a local government should bear in mind when deciding whether to sole source a procurement.

The legal obligation for local governments to use public procurement arises from trade agreements entered by the Province of British Columbia and Canada. Read the [full article](#) by Rahul Ranade published in Summer Newsletter by Lidstone & Company.

Variance Application Process under the *Employment Standards Act* Streamlined for Extensions to COVID-19 Temporary Layoffs

In our previous bulletins dated June 26, 2020 and July 2, 2020, we addressed the provincial government's extension to the permissible length of a COVID-19 temporary layoff for non-bargaining unit employees to 24 weeks within a 28-week period that must end on or before August 30, 2020. The provincial government's announcement of that extension reminded employers that they have the ability to seek an exemption from the maximum length of a temporary layoff, pursuant to Section 72 of the [Employment Standards Act](#), RSBC 1996, c. 113 (the "Act"), if they have the support of the affected employees. On July 20, 2020, the provincial government announced that it has made an online application tool available to streamline the process to seek a variance in relation to a COVID-19 temporary layoff.

Under the normal variance application process, an employer must deliver a letter which is signed by the employer and a majority of the employees who will be affected by the variance to an office of the Employment Standards Branch (the "ESB"). The letter must set out the provisions of the Act for which a variance is sought, the variance requested, the reason for the request, the employer's name and contact information, and the name and home phone number of each employee that signs the letter. The employer must also provide a list of all employees who will be affected by the variance application. Read the [full article](#) by S. Michelle Blendell with Young Anderson Barristers & Solicitors.

BC Reviews Policing Laws at a Time of Mass Protests, Calls for Reform

Two members of a legislature committee assembled to figure out how to reform policing in British Columbia have a combined 70 years experience as RCMP officers, raising questions about whether that expertise is an asset or obstacle in remaking law enforcement. New Democrat MLA Garry Begg and BC Liberal Mike Morris are part of the nine-member Special Committee on Reforming the [Police Act](#), which regulates how policing services in the province are regulated and delivered. Both have had long careers in policing – 38 years for Mr. Begg and 32 years for Mr. Morris – and say it is in desperate need of reform. They say they have some ideas and are intent on hearing out the public and stakeholders. Read the [full story](#) in *The Globe And Mail*.

***West Vancouver (District) v British Columbia (Attorney General)*, 2020 BCSC 966**

On June 29, 2020, the BC Supreme Court issued its decision in *West Vancouver (District) v British Columbia (Attorney General)*, [2020 BCSC 966](#). This decision provides a useful analysis of the options to consider when a land-holding trustee seeks to vary a charitable trust. The doctrine of *cy-près* is well known, but is applied sparingly. Now, the Court has provided the first judicial guidance on how municipalities may use a little used alternative avenue to apply to vary a charitable trust pursuant to a statutory mechanism under the [Community Charter](#). Other organizations (the City of Vancouver, regional districts, university foundations incorporated under the [University Foundations Act](#), the First Peoples' Heritage, Language and Culture Council, and Royal British Columbia Museum) may follow suit based on provisions in their respective constating legislation. Read the [full article](#) by Raman Johal, Michal Jaworski and Kim Do with Clark Wilson LLP.

Emergency Program Act Review Update

UBCM continues to work with Emergency Management BC (EMBC) through the UBCM-EMBC Flood and Wildfire Advisory Committee to address the modernization of provincial emergency management legislation. Engagement is expected to continue until the tabling of new legislation, which has been delayed due to COVID-19 from fall 2020 to spring 2021.

A follow-up EMBC summary of input provided towards the provincial discussion paper (a "what we heard" report) has also been delayed. EMBC has now returned its attention to the legislative work, and will be developing a plan to re-engage with partners and stakeholders, including timing to release the "what we heard" report. New

legislation, when it is introduced, will also incorporate lessons learned from the COVID-19 pandemic. Read the UBCM [article](#).

Court Finds ALC Road Refusal Unreasonable

The BC Supreme Court in *Dhanoa v. British Columbia (Agricultural Land Commission)* held the Agricultural Land Commission cannot refuse a road development primarily on the basis that the road would facilitate a use that is allowed by the ALC statute and regulations, even if the ALC's motivation is to preserve agricultural land for agricultural purposes.

Dhanoa is a judicial review of an ALC decision to refuse permission to construct a road on an undeveloped road right of way in the Agricultural Land Reserve (the "ALR"). The proposed road would provide access to parcels that were subdivided before the creation of the ALR. The court found the ALC's decision was not reasonable. Read the [full article](#) published in the *Summer Newsletter* by Lidstone & Company.

Act or Regulation Affected	Effective Date	Amendment Information
Cannabis Control and Licensing Act	July 13/20	by 2018 Bill 30, c. 29, section 80 only (in force by Reg 176/2020), Cannabis Control and Licensing Act
COVID-19 (Societies Act) Regulation (173/2020)	NEW July 10/20	see Reg 173/2020
Emergency Program Act	July 10/20	by 2020 Bill 19, c. 8, sections 8 and 9 only (in force by Reg 172/2020), COVID-19 Related Measures Act
Independent School Regulation (262/89)	July 1/20	by Reg 97/2020
Liquor Control and Licensing Regulation (241/2016)	July 13/20	by Reg 179/2020
Notice for Eligible Major Industry Property Regulation (281/2018)	July 23/20	by Reg 193/2020
School Act	July 1/20	by 2020 Bill 8, c. 4, sections 16, 17, 21 and 24 only (in force by Royal Assent), Education Statutes Amendment Act, 2020
Tobacco and Vapour Products Control Regulation (232/2007)	July 20/20	by Reg 186/2020
Worker Qualification Regulation (214/2018)	July 14/20	by Reg 184/2020

MISCELLANEOUS

Miscellaneous News:

Social Host Parents Not Liable after Boozy Teen Party

In the recent case of *McCormick v. Plambeck*, [2020 BCSC 881](#) ("McCormick"), the B.C. Supreme Court dismissed the plaintiff's claim that two parents owed him a duty of care as social hosts as he was a minor who attended their home in the presence of liquor and/or drugs.

In *McCormick*, the 17-year-old plaintiff attended a party on Salt Spring Island hosted by a teenage daughter's parents (the "Pearsons"). Mr. McCormick arrived at the party by foot and consumed less than six beers and some marijuana. He then left the party on foot with his friend, Mr. Plambeck. Mr. McCormick gave evidence that the next thing he remembers is being in the back seat of a vehicle that Mr. Plambeck stole from the Pearsons' neighbour. Mr. Plambeck did not have a driver's license and ultimately crashed the vehicle, resulting in fatal injuries to himself and serious injuries to Mr. McCormick. Mr. McCormick brought this action for damages and asserted the Pearsons owed him a duty of care not to let him become intoxicated on their property and to stop him from leaving their property in an intoxicated state. Read the [full article](#) by Jaeda Lee with Harper Grey LLP.

Suspension of Limitation Periods in Court Proceedings

On August 4, 2020, the [COVID-19 \(Limitation Periods in Court Proceedings\) Regulation](#) was introduced, suspending the limitation periods for which a civil or family action, proceeding, claim or appeal must be commenced in the Court of Appeal, the Supreme Court or the Provincial Court. The Regulation does not affect a mandatory limitation period or time period established under the [Builders Lien Act](#) or specified provisions of the [Strata Property Act](#). The suspension of the limitation periods will apply until 90 days after the cancellation of the last extension of the declaration of a state of emergency under COVID-19.

Case Summary: Ski Ticket Waiver of Liability not Effective without Reasonable Notice before Purchase of Ticket

[Apps v. Grouse Mountain Resorts Ltd.](#), [2020] B.C.J. No. 324, 2020 BCCA 78, British Columbia Court of Appeal, March 4, 2020, M.E. Saunders, G.J. Fitch and J.C. Grauer JJ.A.

The plaintiff appealed an order of the summary trial judge dismissing his claim against the defendant pursuant to a waiver of liability clause printed on a ski lift ticket purchased from the defendant and posted on a sign above the ticket booth.

The plaintiff snowboarder suffered a spinal cord injury after attempting an XL jump on the defendant's ski area. The plaintiff alleged the defendant was negligent and in breach of contract and the [Occupiers Liability Act](#), RSBC 1996, c. 337 in the design, construction, maintenance and inspection of the jump. The defendant's position was that the waiver printed on the lift ticket and posted on a poster above the ticket booth, as well as a warning sign at the entrance to the terrain park constituted a complete defence to the plaintiff's claim. Read the [full article](#) by Dominic Wan with Harper Grey LLP.

Act or Regulation Affected	Effective Date	Amendment Information
COVID-19 Related Measures Act	NEW July 10/20	c. 8, SBC 2020, Bill 19 whole Act in force by Reg 172/2020
Election Financing Regulation (371/95)	REPEALED July 7/20	by Reg 170/2020
Election Financing Regulation (170/2020)	NEW July 7/20	see Reg 170/2020
Third Party Sponsor Disclosure Report Regulation (171/2010)	NEW July 7/20	see Reg 171/2020

MOTOR VEHICLE & TRAFFIC

Motor Vehicle and Traffic News:

Province Increases Fine to \$368 for Drivers who "Door" Cyclists

The fine for drivers who "door" cyclists while getting out of parked cars will soon increase to \$368. The increased fine will come into effect Sept. 21. "Dooring" is the practice of opening the door of a parked car into the path of a moving cyclist, often knocking a cyclist to the ground or forcing the cyclist to veer into the road to avoid the door. The current fine for drivers who door cyclists is \$81, among the lowest in Canada. Read the [Vancouver Sun article](#).

New Rules Mean No Gas-powered Vehicle Sales by 2040 in BC

The BC government has no desire to see anyone buying gas-powered vehicles in 20 years. The province announced Thursday (July 30) it's implemented [new rules](#) to ensure all vehicle sales will be for zero-emission rides by 2040. Those zero-emission vehicles include battery electric, hydrogen fuel-cell electric and plug-in hybrid electric vehicles. The regulations follow the May 2019 passing of the [Zero-Emission Vehicles \(ZEV\) Act](#) in BC. Read the [full article](#) by Tyler Orton on the *Business in Vancouver* website.

CVSE Bulletins & Notices

The following bulletins and notices were posted recently by CVSE:

- [CVSE 1052 Contacts](#) – Notice to industry that the List of Contacts for use with Form CVSE1052 has been updated (July 9, 2020)

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

Act or Regulation Affected	Effective Date	Amendment Information
Motor Vehicle Act Regulations (26/58)	July 13/20	by Reg 180/2020
Violation Ticket Administration and Fines Regulation (89/97)	July 10/20	by Reg 174/2020
Zero-Emission Vehicles Act	July 30/20	by 2019 Bill 28, c. 29, sections 1 to 5, 10 to 16 and 19 to 46 only (in force by Reg 196/2020), Zero-Emission Vehicles Act
Zero-Emission Vehicles Regulation (196/2020)	NEW July 30/20	see Reg 196/2020

OCCUPATIONAL HEALTH AND SAFETY

Occupational Health & Safety News:

OHS Regulation Amendment

Changes to Part 20 of the [OHS Regulation](#) dealing with equipment inspections for concrete pumping in relation to construction, excavation and demolition was recently amended. The amendment was made by [B.C. Reg. 82/2020](#), effective July 14, 2020.

WCA Amendments

Changes to the [Workers Compensation Act](#) will provide better support to injured workers and their families and enhance WorkSafeBC's ability to investigate workplace incidents, while keeping premiums low.

"For too many years, we have heard from injured workers in BC that the system lacks fairness and doesn't work for them or support them through their injuries," said Harry Bains, Minister of Labour. "Today's changes are an important step in modernizing the *Workers Compensation Act*, ensuring workers and their families get the support they need, while also increasing everyone's confidence in the system."

The [proposed changes](#) focus on improving supports for injured workers, while also advancing worker safety. The changes include:

- raising the maximum annual salary amount on which workers' compensation benefits are based;
- authorizing WorkSafeBC to provide preventative medical treatment before a claim is accepted;
- giving powers to the court to issue WorkSafeBC search and seizure warrants that are appropriate for investigating workplace safety infractions; and
- giving people a voice in serious workplace prosecutions and trials by using victim impact statements.

This legislation will fast-track the effective date of presumptions if established by WorkSafeBC's board of

directors for occupational diseases caused by viral pathogens. Read the full government [news release](#).

Most Canadians Still Afraid to Return to Workplace: Report

But the majority trust their employers to keep them safe. More than half (54 per cent) of Canadians are afraid to return to the workplace given just how contagious the COVID-19 virus is, and six in 10 will refuse to go back if they feel it's not safe enough, finds a new poll by KPMG in Canada. Three in five (59 per cent) women say they are fearful of returning, compared to 49 per cent of men.

Virtually all Canadians (94 per cent) believe the pandemic is far from over, and 83 per cent say they are worried about catching the virus or transmitting it to their loved ones. But, as long as the number of COVID cases remain relatively low, as many as 72 per cent of Canadians are okay going back to their physical workplace, although they believe there will be a second wave of infections in the fall or winter that will shut down workplaces all over again. Read the [full article](#) published by Canadian Occupational Health and Safety.

WorkSafeBC Law & Policy Announcements (July)

The following law & policy announcements were recently made by WorkSafeBC.

- **Acupuncture**
On July 22, 2020, the Board of Directors approved policy amendments regarding acupuncture.
- **Substantive Changes to Policy in the RS&CM, Volume II Consequential to Implementing the Revised Workers Compensation Act**
At its July 2020 meeting, WorkSafeBC's Board of Directors approved minor substantive amendments to policy in the Rehabilitation Services & Claims Manual, Volume II, consequential to the implementation of the revised [Workers Compensation Act](#) (Act), which came into effect on April 6, 2020.
- **Adding infections caused by communicable viral pathogens, including COVID-19, to Schedule 1 of the Workers Compensation Act**
On July 22, 2020, our Board of Directors approved amendments to Schedule 1 of the *Workers Compensation Act* (Act) to add a presumption for infections caused by communicable viral pathogens, which are the subject of a B.C.-specific emergency declaration or notice.
- **September 2020 public hearing on proposed regulatory amendments**
WorkSafeBC is holding a virtual public hearing on September 30, 2020, for proposed amendments to the [Occupational Health and Safety Regulation](#).

Visit [WorkSafeBC](#) for more information on these and other important announcements.

Act or Regulation Affected	Effective Date	Amendment Information
Occupational Health and Safety Regulation (296/97)	July 14/20	by Reg 82/2020

PROPERTY & REAL ESTATE

Property and Real Estate News:

BC Government Outlines Rent Repayment Framework for Residential Tenancies

This blog post is further to our [post](#) on the B.C. government's revised measures for residential landlords and tenants.

On July 16, 2020 the Minister of Municipal Affairs and Housing (the "Minister") announced a framework for rent repayment once the ban on evictions for the non-payment of rent is lifted on September 1, 2020. A ministerial order implementing the repayment framework is expected to be issued later this summer and operate as follows:

- Tenants will be required to pay their monthly rent in full beginning in September 2020.
- Landlords are required to give tenants until July 2021 to repay any outstanding rent, as long as monthly instalments are paid.

Read the [full article](#) by [Maxwell P. Carroll](#), [Jeffrey Hernaez](#) and [Sebastian Crema](#) with Lawson Lundell LLP.

Notice for Eligible Major Property Regulation

On July 23, a new form, Application for Extension and Notice of Commitment, was added to the [Notice for Eligible Major Property Regulation](#), allowing an owner of an eligible major industry property to request an extension on the assessment of the property.

Act or Regulation Affected	Effective Date	Amendment Information
Speculation and Vacancy Tax Transitional Regulation (183/2020)	<p>NEW RETROACTIVE to Nov. 27/18</p>	see Reg 183/2020

WILLS & ESTATES

Wills and Estates News:

Pirani v. Pirani

In a family trust, the trustees may be given the discretion to determine if and when to make payments to beneficiaries. The trustees may be given the power to decide to distribute the trust assets to any one or more of the beneficiaries, to the exclusion of others. Often the discretion is set out in very broad terms, such as "absolute and unfettered discretion." In most cases, when trustees are given such powers, courts will not interfere with their decisions. However, the powers of trustees are not unlimited. They have a duty of loyalty to the beneficiaries, and in some cases the court may interfere with the trustees' decisions if not made in good faith or in a conflict of interest. This is illustrated by the recent decision of the Supreme Court of British Columbia in *Pirani v. Pirani*, [2020 BCSC 974](#). Read the [full article](#) by [Stan Rule](#) of Sabey Rule LLP.

Committeeship under the PPA:

Criteria for Selection

In British Columbia, the [Patients Property Act](#), R.S.B.C. 1996, c. 349 (the "PPA") sets out the legislative framework and authority for an individual to apply for the right to manage an incapable person's personal and financial affairs. [Section 6](#) of the PPA provides that the court may appoint a committee or rescind the appointment of a person appointed as committee. The PPA does not, however, prescribe any criteria for the selection of an appropriate committee, which has been developed through the case law in BC.

On an application for either the appointment or removal of a committee, the test for determining who is appropriate to act as a committee invokes the *parens patriae* jurisdiction of this court and is governed by an assessment of who will serve the incapable person's best interests. This inquiry includes a consideration of who can best deal with the incapable person's financial affairs, nurture their estate, and see that their income and estate are applied for their greatest benefit. Read the [full article](#) by Alexander Swabuk of Miller Thomson.

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

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