

# Quickscribe Reporter

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Vol: XIX – Issue: III – March 2020

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## QUICKSCRIBE NEWS:

### Accessing Quickscribe From Home During COVID-19

As the COVID-19 Crisis continues to unfold, our most immediate priorities are the safety of colleagues and supporting our clients in any way we can.

With an increasing number of people working from home, we would like to remind those who have created a personal username and password that you can continue to make use of Quickscribe from any location. If you are unsure how to [access Quickscribe](#) off site, contact us and we will be happy to help. Please know that our thoughts are with you, your families and your employees.

Stay healthy.

### CERB Application Process Now Open [April 6]

Effective April 6, Canadians who have lost income due to COVID-19 can now apply to for temporary financial support from the Canadian Emergency Response Benefit (CERB). The CERB provides \$500 a week for up to 16 weeks for those who qualify:

- Residing in Canada, who are at least 15 years old;
- Who have stopped working because of COVID-19 and have not voluntarily quit their job or are eligible for EI regular or sickness benefits;
- Who had income of at least \$5,000 in 2019 or in the 12 months prior to the date of their application; and
- Who are or expect to be without employment or self-employment income for at least 14 consecutive days in the initial four-week period. For subsequent benefit periods, they expect to have no employment or self-employment income.

During the PM's news briefing on Monday, April 6, the Prime Minister hinted that additional help is on the way for others who do not qualify

"If you're working reduced hours, down to 10 hours a week or less, we will soon announce how you will be able to qualify for the CERB. This is to help you if you're a gig worker, a contract worker or a volunteer firefighter. We'll also have more to say for those who are working but making less than they would with the benefit. I'm thinking in particular of home-care workers or long-term care workers looking after vulnerable seniors."

Visit the [CERB website](#) to apply or learn more about this program.

### Spring Session Cut Short

The BC legislature has been adjourned until further notice due to the COVID-19 pandemic. Several government bills that were tabled this session did not achieve Royal Assent. These include:

- [Bill 1](#), An Act to Ensure the Supremacy of Parliament – *First Reading*
- [Bill 2](#), Motor Vehicle Amendment Act, 2020 – *Second Reading*
- [Bill 4](#), Budget Measures Implementation Act, 2020 – *First Reading*
- [Bill 5](#), Employment Standards Amendment Act, 2020 – *First Reading*
- [Bill 9](#), Evidence Amendment Act, 2020 – *Second Reading*
- [Bill 11](#), Attorney General Statutes (Vehicle Insurance) Amendment Act, 2020 – *First Reading*
- [Bill 13](#), Miscellaneous Statutes Amendment Act, 2020 – *Second Reading*

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. Our new [Keyword Alert](#) tool can also be used to monitor legislative activity and new Orders that reference subject matter or include keywords of your choosing.

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

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View [PDF](#) of this Reporter.

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

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### COMPANY & FINANCE

#### Company and Finance News:

##### **Changes to Securities Act – Now in Force**

Effective March 27, 2020, significant amendments to the [Securities Act](#) as a result of [Securities Amendment Act, 2019](#) (Bill 33) are now in force. According to the government, the intent of these changes is to modernize and strengthen the existing provincial securities regulation framework and to give the BC Securities Commission (BCSC) the powers to protect people and punish fraudsters. The amendments establish a system for regulating derivatives and benchmarks that are harmonized with other jurisdictions across Canada. These changes are the first significant update to provincial securities legislation since 2011. The intent is to ensure the BCSC has the strongest enforcement and collection tools in the country to help crack down on white collar crime. Amendments to the *Securities Act* give the BCSC powerful tools to go after fraudsters, including enhancements to the BCSC's current ability to freeze property and other new measures, such as seizing registered retirement savings plans.

##### **Do Exceptional Times Call for Exceptional Measures? Enforcing and Avoiding Contractual Obligations in a Time of Crisis in British Columbia**

The social and economic fabric of British Columbia life is facing unprecedented disruption. The COVID-19 pandemic has shuttered storefronts, shocked markets, and closed borders. Public officials have asked businesses and individuals to take extraordinary steps to suppress transmission, including by adopting social and physical distancing practices designed to reduce the burden on the health care system and to protect the vulnerable. These measures, and the health crisis that precipitated them, have had varying effects on businesses in British Columbia: some are facing remarkable demand for their goods and services, while others have temporarily suspended operations and closed their facilities.

How does this time of crisis impact your business' contractual rights and obligations? While some parties will need to take the exceptional step of activating a *force majeure* clause, many other contractual mechanisms and remedies are potentially available to businesses. Their pros and cons vary, so each business should consider its circumstances carefully. Read the [full article](#) by Jill Yates, Michael Feder, Miranda Lam and Kevan Hanowski with McCarthy Tétrault LLP.

##### **New BC Taxpayer Fairness & Service Code**

The [Taxpayer Fairness and Service Code](#) explains what you can expect when you interact with the Ministry of Finance. According to the government the purpose of this code is to:

- Ensure that you are aware of your rights in your interactions with the ministry and its staff
- Outline the standards and behaviour you can expect from ministry staff
- Provide information on how to have your concerns addressed

### **Changes to Provincial Personal Property Security Acts Create Uncertainty around Registration of Intangibles**

Recent amendments to the *Personal Property Security Act* (PPSA) in Ontario and British Columbia, designed to provide certainty as to the law governing security in intangibles, may actually cause uncertainty in certain factual situations. Intangibles generally include personal property other than tangible goods, chattel paper, documents of title, investment property (such as certificated and uncertificated securities and securities accounts), instruments and money. Intangibles which are commonly pledged by debtors include bank accounts, a variety of accounts receivable, and intellectual property. In the common law provinces, the location of the debtor determines which law will govern the perfection of security interests in intangibles, and related matters such as priority of security interests. As long as the PPSAs in different provinces maintained the same rules for determining the location of the debtor, there was rarely a reason for uncertainty. Now, however, with provinces having different rules for determining the location of the debtor, an interesting conflict of laws issue arises. Read the [full article](#) by [Michael Styczen](#), P.Eng. with DLA Piper.

### **Ottawa, Banks Near Deal on Coronavirus Small Business Loans**

Canada's banks spent the weekend in intensive talks with Ottawa to iron out details of a program that will give interest-free loans to small businesses suffering due to the new coronavirus, but the length of time needed to process those loans has become a key point of discussion.

A working group of bankers and federal officials has agreed on most of the core issues, including eligibility criteria, the banks' process for verifying clients and preventing fraud, the terms of the loans, and what reporting the government will require from banks, according to financial industry sources.

One sticking point remains to be settled, the sources said: Government officials are pressing for a five-day waiting period before banks disburse funds to clients who qualify for loans. That would give the government time to verify borrowers' details and ensure businesses aren't applying more than once. Banks have pushed back, however, urging the government to make it possible for them to issue funds the same day, to shorten wait times for business owners who are already pleading for more relief. Read the *Globe and Mail* [article](#).

### **The COVID-19 Emergency Wage Subsidy: Read the Fine Print**

Law firms and businesses applying for the new wage subsidy will need to ensure their accounting is consistent. Law firms will be among those businesses eligible for the federal government's \$71-billion Canada Emergency Wage Subsidy for employers. The program is intended to help businesses keep employees on the payroll during the COVID-19 pandemic. Many details are still being worked out, and the money won't flow for six weeks, but non-publicly funded businesses of all sizes can apply, whether they are

Canadian-controlled private corporations, individuals (other than trusts), partnerships, non-profit organizations or registered charities. However, members of the Joint Committee on Taxation of the CBA and CPA are cautioning entities to examine the program's requirements carefully. Read the [full article](#) by [Brent Dowdall](#) and published in the *CBA National Magazine*.

### **New COVID-19 Wage Subsidies for Canadian Employers**

The Government of Canada recently announced the Canada Emergency Wage Subsidy in order to help employers keep on and return employees to their payroll in response to the challenges posed by COVID-19 and the resulting shutdowns. On April 1, Finance Minister Bill Morneau and senior officials from the Department of Finance released details of the new subsidy. What wage subsidies are now available to businesses? The Government of Canada is now offering two separate subsidy programs to businesses for a period of three months:

- 10 per cent subsidy: available to all eligible small businesses (defined as non-profits or Canadian-controlled private corporations (CCPC) with less than \$15 million of taxable capital). Businesses do not need to show a decline in revenue for this program.
- 75 per cent subsidy: available to any employer with a 30 per cent decrease in revenue drop.

Read the [full article](#) by [Bhuvana Rai](#), [Dan Palayew](#) and [James Fu](#) with Borden Ladner Gervais LLP.

### **Looking for a Summary of Financial Supports for**

### Businesses and Individuals During COVID-19?

Nearly every day we are inundated with new provincial and federal initiatives that are intended to help provide health, safety and financial support to businesses and individuals impacted by COVID-19. It can be a challenge to navigate these initiatives and keep up-to-date with latest information. If you want to get a handle on what financial supports are in place for yourself or for your business, this page by MLA, North Vancouver-Lonsdale Bowinn Ma provides a summary of both provincial and federal COVID-19 financial supports in one [convenient location](#).

Act or Regulation Affected	Effective Date	Amendment Information
Designated Accommodation Area Tax Regulation (93/2013)	Mar. 1/20	by <a href="#">Reg 275/2019</a>
Multilateral Instrument 91-101 Derivatives Product Determination (45/2020)	Mar. 27/20	by <a href="#">Reg 45/2020</a>
Multilateral Instrument 96-101 Trade Repositories and Derivatives Data Reporting (203/2016)	Mar. 27/20	by <a href="#">Reg 45/2020</a>
National Instrument 14-101 Definitions (48/97)	Mar. 27/20	by <a href="#">Reg 45/2020</a>
Provincial Sales Tax Act	Apr. 1/20	by 2018 Bill 2, c. 4, sections 82 to 85 and 88 only (in force by <a href="#">Reg 12/2020</a> ), <a href="#">Budget Measures Implementation Act, 2018</a>
Securities Act	Mar. 27/20	by 2019 Bill 33, c. 38, whole Act, except sections 1 (h), 19 (b), 21 and 78 (part) (in force by <a href="#">Reg 45/2020</a> ), <a href="#">Securities Amendment Act, 2019</a>
Securities Regulation (196/97)	Mar. 27/20	by <a href="#">Reg 45/2020</a>
Securities Rules (194/97)	Mar. 27/20	by <a href="#">Reg 45/2020</a>

## ENERGY & MINES

### Energy and Mines News:

#### Pipeline Regulation Amendments

The BC Oil and Gas Commission (Commission) has amended the [Pipeline Regulation](#), effective March 9, 2020. Below are some of the changes to be aware of. Permit holders must provide post-construction plot plans to the Commission within 60 days of completing construction. These plans must show the location of the pipeline and all associated oil and gas activities. Within 90 days after construction is completed, record drawings, and pipe and component specifications must be provided. The amendment strengthens the safety aspects of a pipeline:

- Once pipeline construction is complete, the permit holder must ensure the right-of-way is kept clear of garbage, debris, and derelict equipment.
- An integrity management program, formerly required only for the operating phase of a pipeline, is now required for the entire life cycle of the pipeline.
- Prior to operating, a permit holder must have a damage prevention program in place for anticipating and preventing damage to the pipeline.
- The CSA Z662 Annex A Safety and Loss Management System is mandatory.

Read the [full BCOGC Bulletin](#) issued March 18, 2020.

## Guidance to Mining and Smelting Operations during COVID-19 Updated on March 30, 2020

As challenges caused by novel coronavirus (COVID-19) continue to shift, the BC government and Dr. Bonnie Henry, BC's provincial health officer (PHO), are taking unprecedented measures to slow transmission.

On March 16, 2020, Henry issued an order under the [Public Health Act](#) prohibiting gatherings of more than 50 people.

On March 18, 2020, the chief inspector of mines (CIM) communicated to all major mines, sand and gravel, and placer operations in BC with respect to the COVID-19 pandemic. Further to the guidance provided by the CIM that all mines must follow the public health order, the PHO is directing all mines and smelters to take additional precautions to minimize the risks of COVID-19 transmission and illness to their employees. While mine sites are not considered to be gatherings of more than 50 people, the PHO has provided the following directions for day-to-day production and site operations: Read the full government [news release](#).

### Fuel Price Transparency Act Now in Force

Effective March 9, 2020 the [Fuel Price Transparency Act](#) was brought into force by [B.C. Reg. 52/2020](#) to ensure transparency by oil and gas companies with regard to volumes and pricing. It follows a British Columbia Utilities Commission (BCUC) report that discovered a lack of competition among fuel producers and unaccounted-for increases in pricing. The [Fuel Price Transparency Regulation](#) was also created to empower the utilities commission for this purpose.

### Mining Association of BC Issues Statement on BC Hydro Rate Deferral for Industrial Customers

Michael Goehring, President & CEO of the Mining Association of British Columbia, issued the following statement today in response to the Government of British Columbia's announcement that major BC industries, including the mining sector, will have the opportunity to defer 50% of their BC Hydro bill payments for three months: "MABC commends the Government of BC and BC Hydro for the hydro deferral program announced today as part of government's response to COVID-19.

The hydro deferral and other measures in the Province's COVID-19 Action Plan will improve liquidity and cash flow and help keep the mining sector operating and British Columbians working during this unprecedented health and economic crisis. Mining is energy intensive and electricity is one of the industry's largest costs. Read the [full article](#) on the MABC website.

### BCOGC Bulletins March

The BCOGC has issued the following bulletins in the month of March:

- [INDB 2020-08 Submission of DFITs and Updates to TRG Submissions](#)
- [IB 2020-03 BC Oil and Gas Commission Offices Closed](#)
- [INDB 2020-07 Pipeline Regulation Amendments](#)
- [IB 2020-02 BC Oil and Gas Commission Offices](#)
- [INDB 2020-06 Updates to the Application Management System](#)

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

Act or Regulation Affected	Effective Date	Amendment Information
Apollo Forest Products Ltd. Exemption Regulation (242/2016)	Mar. 20/20	by <a href="#">Reg 61/2020</a>
First Nations Clean Energy Business Fund Regulation (377/2010)	Apr. 1/20	by <a href="#">Reg 7/2017</a> and <a href="#">Reg 149/2018</a>
Fuel Price Transparency Act	<b>NEW</b> Mar. 9/20	c. 46, SBC 2019, <a href="#">Bill 42</a> , whole Act in force by <a href="#">Reg 52/2020</a>
Fuel Price Transparency Regulation (/2020)	<b>NEW</b> Mar. 9/20	see <a href="#">Reg 52/2020</a>

Liquefied Natural Gas Facility Regulation (146/2014)	Mar. 9/20	by <a href="#">Reg 55/2020</a>
Petroleum and Natural Gas Act Fee, Rental and Work Requirement Regulation (378/82)	Mar. 1/20	by <a href="#">Reg 33/2020</a>
Petroleum and Natural Gas Drilling Licence and Lease Regulation (10/82)	Mar. 1/20	by <a href="#">Reg 33/2020</a>
Pipeline Regulation (281/2010)	Mar. 9/20	by <a href="#">Reg 54/2020</a>

## FAMILY & CHILDREN

### Family and Children News:

#### Family Justice Services Continue During Covid-19 - But in Different Ways

The Family Justice Services Division of the BC Ministry of the Attorney General has updated the Court on how it will operate during the pandemic. The Division provides a range of services to help resolve family disputes in a fair and timely way. Its in-person services are temporarily not available, but you can still access many of their services by telephone or other virtual means.

In a "Response to COVID-19" statement received by the Court on March 24, 2020 the Division says: "To align with the recent advice from public health professionals and authorities for containing the spread of the Coronavirus (COVID-19), Family Justice Services Division (FJSD) has temporarily discontinued in-person services in all Family Justice Centres and Justice Access Centres around the province. This includes the Self-help Resource Rooms and services provided by justice partners located in the Justice Access Centres." Read the [full article](#) on the Provincial Court of BC website.

#### Parenting Time Issues During COVID-19 Pandemic – What is an Urgent Case?

Family Courts throughout Canada will be asked to consider issues of parenting time in light of the COVID-19 pandemic in urgent cases. But what is an urgent case? There are now two Court decisions from the Ontario Superior Court that help answer that question and provide important guidance regarding how judges are likely to view applications to vary parenting orders due to COVID-19 concerns. So far it does not appear that any decisions related to COVID-19 concerns have been made in British Columbia.

On March 24, 2020, *Ribeiro v. Wright* 2020 ONSC 1829, a decision of the Ontario Superior Court of Justice, Family Court was released. Mom and Dad had joint custody of their 9-year-old son, who lived primarily with Mom, and Dad had access on alternating weekends. Read the [full article](#) by Trudy Hopman with Harper Grey LLP.

#### Increase in Federal Child Benefit

In response to COVID-19, the maximum annual Canada Child Benefit payment amounts will be increased by \$300 per child for the 2019-20 benefit year. This will be added to the May 2020 benefit cheque. With this new policy in place, the new payout will mean \$550 for the average family. Those who already receive the Canada Child Benefit do not need to re-apply.

#### Child-protection Committee Completes Review of Selected Court Orders and Procedures at this Month's [March] Meeting

from BCLI:

At its March 2020 committee meeting, BCLI's [Child Protection Project Committee](#) continued its review of provisions of the [Child, Family and Community Service Act](#) relating to selected court orders and procedures. The committee considered four issues under this topic at the meeting.

First, the committee examined whether a clarifying amendment should be made to [section 54.2](#) of the act. This section sets out the effect of orders permanently transferring custody of a child to a third party (that is, someone who isn't a parent or the director). These orders may be made before a continuing custody order (under [section 54.01](#)) or after a continuing custody order (under [section 54.1](#)). The committee discussed whether any confusion

could result when an order is made under section 54.01 having the declared effect of the third party becoming "the child's guardian." Should it be made clear that the third party is to become the child's sole guardian? Read the [full article](#) by Kevin Zakreski with BCLI.

**BC Liberals Re-introduce Legislation to Waive Fees to Hyphenate or Combine Last Names after Marriage**

BC Liberal MLA Mary Polak is re-introducing legislation on Wednesday [March 4] to waive the fee for married couples who want to merge or hyphenate their last names. The legislation [M 203] was [first introduced last year](#) but was never called for debate. "I think it is something that is relatively small and easy for government to do," Polak said. "I'm hopeful this time around I can convince them to do this. I'm under the understanding that Ontario has introduced legislation to do the same thing. I hope British Columbia can move into the 21st century." Read the [full article](#) by Richard Zussman of Global News.

Act or Regulation Affected	Effective Date	Amendment Information
Adoption Regulation (291/96)	Mar. 2/20	by <a href="#">Reg 43/2020</a>

**FOREST & ENVIRONMENT**

**Forest and Environment News:**

**COVID-19 and Your Environmental Obligations**

In this period of uncertainty, it is not always easy to set business priorities. While certain businesses are closing or shutting down their operations, voluntarily or under compulsion, environmental obligations are ongoing. Whether your compliance obligations originate from governmental statutes and regulations, or from internal standards or agreements, it is important to identify these obligations as soon as possible in order to manage the impact of the pandemic on your business.

Multiple provinces in Canada have ordered the closure of all non-essential workplaces in order to fight the spread of COVID-19, but the list of workplaces considered essential varies by province or territory. Certain tribunals and government offices may operate with reduced capacity and in-person hearings may be postponed entirely.

In this tumultuous time when new emergency measures are enacted daily, this bulletin provides a starting point for the steps to consider in order to protect your business from consequences of non-compliance, including regulatory penalties.

While the initiative by the United States Environmental Protection Agency to suspend enforcement of some obligations in many industries has gained attention, Canadian businesses should assume monitoring, reporting and emissions control conditions remain enforceable. Requesting that regulators exercise discretion on a case-by-case basis is an option for facilities that anticipate they may be unable to comply with conditions of their approvals; however, relief from obligations cannot be presumed. Read the [full article](#) by [Julie Belley Perron, F.E. \(Rick\) Coburn, Gabrielle K. Kramer, Julie-Anne Pariseau](#) and [Barbora Grochalova](#) with Borden Ladner Gervais LLP.

**A Revitalized Forest Sector with First Nations as Full Partners [Opinion] from BC Forest Professional (Spring Edition)**

The Interior forest sector is undergoing a transition because of the impacts on mid-term timber supply caused by the mountain pine beetle epidemic (MPB) and two severe wildfire seasons. Although devastating for many communities, this provides an opportunity to revisit forest management and look for ways to manage forests differently. Meaningful inclusion of First Nations in this process has the power to facilitate a climate for investment based on sustainable resource development. With a deep connection to the land and a knowledge that goes back generations, Indigenous peoples need to be key players in the transformation of the forest sector in BC.

In the spring of 2019, the BC First Nations Forestry Council (the "Forestry Council") co-hosted a series of workshops alongside the Ministry of Forests, Lands, Natural Resource Operations and Rural Development with Interior First Nations' communities. Discussions helped identify key changes to forest policies and legislation needed to advance reconciliation and implement the [United Nations Declaration on the Rights of Indigenous Peoples](#) (the "UN Declaration") to develop a stronger, more inclusive forest sector. Read the [full article](#) by Charlene Higgins, MSc, PhD published in the *BC Forest Professional*.

Act or Regulation Affected	Effective Date	Amendment Information
Administrative Penalties ( <i>Environmental Assessment Act</i> ) Regulation (64/2020)	<b>NEW</b> Mar. 26/20	see <a href="#">Reg 64/2020</a>
Environmental Assessment Fees Regulation (246/2019)	Mar. 26/20	by <a href="#">Reg 66/2020</a>
	Apr. 1/20	by <a href="#">Reg 66/2020</a>
Environmental Assessment Transition Regulation (249/2019)	Mar. 26/20	by <a href="#">Reg 65/2020</a>
Carbon Tax Act	Apr. 1/20	by 2018 Bill 2, c. 4, sections 6 to 10 only (in force by <a href="#">Reg 12/2020</a> ), <a href="#">Budget Measures Implementation Act, 2018</a>
Carbon Tax Regulation (125/2008)	Apr. 1/20	by <a href="#">Reg 12/2020</a>
Reviewable Projects Regulation (243/2019)	Mar. 26/20	by <a href="#">Reg 67/2020</a>
	Apr. 1/20	by <a href="#">Reg 243/2019</a>
Violation Ticket Administration and Fines Regulation 89/97	Mar. 26/20	by <a href="#">Reg 68/2020</a>

## HEALTH

### Health News:

#### **COVID-19: Can they do that? Part III: British Columbia's *Emergency Program Act* and *Public Health Act***

This update is part of a continuing series. We are providing a brief overview of the current state of federal and provincial emergency legislation, how our governments are using (and could eventually use) their statutory powers to confront COVID-19, and what the effects of their efforts on Canadian businesses might be. We are also canvassing some of the constitutional constraints on government action. In this update, we consider British Columbia's [Emergency Program Act](#) and [Public Health Act](#). For our past updates, and for up-to-date information on COVID-19 and McCarthy Tétrault's perspective on the legal issues it presents, please visit our dedicated hub [here](#). Read the [full article](#) by Eric Block, Adam Goldenberg, Kathryn Gullason, Michael Feder and Nicholas Hughes with McCarthy Tétrault.

#### **COVID-19: 1,862 Lower Mainland Hospital Beds Empty and Ready for Pandemic Patients [April 2]**

Metro Vancouver's hospitals are almost half empty because the unprecedented decision by the government to cancel non-essential surgeries to make way for a potential surge of COVID-19 cases. Detailed hospital data, compiled exclusively for Postmedia News by the Ministry of Health, showed 1,862 free beds in eight major hospitals in the Lower Mainland. St. Paul's in downtown Vancouver has the lowest occupancy on Thursday at 52 per cent, while the highest occupancy rate in the Lower Mainland was at Abbotsford Regional Hospital with 65.9 per cent. Read the [full article](#) by Rob Shaw of *The Vancouver Sun*.

#### **New Community Living BC Guidance (April 2)**

In light of the increasing community transmission of the virus that causes COVID-19 in British Columbia we encourage CLBC to continue implementing public health measures including:

- physical distancing of at least 2 meters ([learn more here](#))



- frequent hand hygiene (learn more here)
- cleaning and disinfection (learn more here)
- self-isolation of individuals who have symptoms of COVID-19 for a minimum of 10 days (learn more here)

[Community Living BC: Guidance for COVID-19 - April 2, 2020 \(PDF, 46KB\)](#)

### **New Order removes Liability for Essential Service Providers Due to COVID 19**

On April 2nd, the BC Government issued The [Prevention Against Liability Order M094/2020 \(Emergency Program Act\)](#), indemnifying people from liability due to COVID-19 provided they are performing an essential service and

- Were operating or providing the essential service in accordance with all applicable emergency and public health guidance, or
- Reasonably believed that the person was operating or providing the essential service in accordance with all applicable emergency and public health guidance
- Essential services are listed in a detailed Schedule but include the following:
  - Health and health services
  - Law enforcement and safety personnel
  - Vulnerable population service providers
  - Critical infrastructure service providers
  - Food, transportation, sanitation and communications providers among others

### **BC CDC Guidance for Health Care Providers During COVID-19**

The Centre for Disease Control has published some guidance for psychosocial planning for health care providers who provide care and services during the COVID-19 pandemic. The guidance is not intended to be prescriptive or exhaustive but is based on the premise that there are differences across health authorities in terms of access to and availability of resources, specific planning processes, and the plans and programs that might be available to support the well-being of health care workers. Key objectives include:

- Protecting and/or promoting the psychosocial well-being and resilience of health care workers;
- Mitigating or preventing more serious psychosocial or mental health issues that health care providers may experience as a result of the COVID-19 pandemic; and
- Supporting health care provider willingness and ability to continue working.

Read more [here](#).

### **New Order to Address Shortage of Pharmacists During COVID-19**

April 1, 2020, [M092/2020](#) activates temporary pharmacist registration under the [Health Professions Act](#). For the duration of the COVID-19 pandemic, those who may register as pharmacists in BC include

- Former Registrants
- Non-Practicing Pharmacists
- Pharmacy graduates (including UBC) who are not yet full Pharmacists
- Pharmacy Students from Outside of BC

<b>Act or Regulation Affected</b>	<b>Effective Date</b>	<b>Amendment Information</b>
Community Care and Assisted Living Act	Mar. 5/20	by 2020 Bill 8, c. 4, sections 31 and 32 only (in force by Royal Assent), <a href="#">Education Statutes Amendment Act, 2020</a>
Emergency Health Services Regulation (471/74)	Apr. 1/20	by <a href="#">Reg 58/2020</a>
Provider Regulation (222/2014)	Apr. 1/20	by <a href="#">Reg 72/2020</a>

## **LABOUR & EMPLOYMENT**

### **Labour and Employment News:**

### **COVID-19: BC Passes Job Protection Legislation for COVID-19 Leave and Enacts Sick Leave**

On March 23, 2020, at an emergency sitting of the Legislature, the BC Government passed legislation to provide job-protected COVID-19 leave for employees who are unable to work for reasons related to the COVID-19 pandemic. [Bill 16, Employment Standards Amendment Act \(No. 2\), 2020](#), entitles employees to:

- take three days of unpaid sick leave, provided they have been employed for 90 days; and
- an unpaid leave of absence in relation to COVID-19 if:
  - the employee has been diagnosed with COVID-19 and is complying with instructions, orders or advice from medical professionals;
  - the employee is in quarantine or self-isolation in accordance with:
    - an order of the provincial health officer,
    - an order made under the [Quarantine Act](#) (Canada),
    - guidelines of the British Columbia Centre for Disease Control, or
    - guidelines of the Public Health Agency of Canada;
  - the employer has directed the employee not to work, due to the employer's concern about the employee's exposure to others;
  - the employee is providing care to an eligible person, including because of the closure of a school or daycare or similar facility;
  - the employee is prevented from returning to British Columbia because of travel restrictions; or
  - a prescribed situation exists relating to the employee.

Employees wishing to take COVID-19 Leave will not be required to provide a medical note to employers. However, employers can require that employees provide evidence that is reasonable in the circumstances, as soon as practicable, to substantiate their absence. Read the [full article](#) by Abigail Cheung with McCarthy Tetrault LLP.

### **Employee Privacy Issues during Covid-19**

Employers who are continuing operations during the current COVID-19 pandemic are obligated to take reasonable steps to protect the health and safety of their workers. In order to do this, employers may need to ask employees some personal questions about their health status or conduct health assessments. However, privacy laws continue to apply in spite of the ongoing public health emergency, and employers should be mindful of how privacy laws may limit what can be asked of employees. Read the [full article](#) by [Lorene A. Novakowski](#) and [Kristen Woo](#) with Fasken Martineau DuMoulin LLP.

### **British Columbia Announces Pension Relief Measures Amidst the COVID-19 Pandemic**

In response to the COVID-19 pandemic and market disruption, on March 30, 2020, the British Columbia Financial Services Authority (BCFSA) published [bulletin number PENS 20-002](#) setting out relief measures for pension plans registered under the [Pension Benefits Standards Act](#) (British Columbia) (PBSA).

The relief measures provide the following extensions to deadlines for required filings and information disclosures under the [Pension Benefits Standards Regulation](#) (British Columbia) (PBSR). Read the [full article](#) by Jordan Fremont and Jaspreet Kaur with Bennett Jones LLP.

### **Permissive Disclosure of Personal Information in the Midst of the Covid-19 Crisis**

Our federal and provincial Privacy Commissioners have confirmed that our privacy laws, although still fully in force, are not a barrier to the appropriate information sharing in the midst of the global COVID-19 crisis.

So, what does this mean for your business or organization? Can you disclose personal information without consent, such as who has tested positive for COVID-19, to appropriate recipients without infringing your applicable privacy law? What safeguards must you take when using technology to disclose personal information to respond to COVID-19 related matters or when remote working during this crisis?

Like any privacy law question, this answer depends on what privacy legislation governs your organization and how those provisions are being interpreted and applied by the provincial or federal privacy commissioner. Read the [full article](#) by Karen Zimmer with Alexander Holburn Beaudin + Lang LLP.

### **Looking for a Summary of Financial Supports for Businesses and Individuals During COVID-19?**

Nearly every day we are inundated with new provincial and federal initiatives that are intended to help provide

health, safety and financial support to businesses and individuals impacted by COVID-19. It can be a challenge to navigate these initiatives and keep up-to-date with latest information. If you want to get a handle on what financial supports are in place for yourself or for your business, this page by MLA, North Vancouver-Lonsdale Bowinn Ma provides a summary of both provincial and federal COVID-19 financial supports [in one convenient location](#).

### The COVID-19 Emergency Response Act

On March 25, 2020, the Government of Canada passed [Bill C-13](#), the *COVID-19 Emergency Response Act* (the "Act"). The purpose of this emergency legislation is to provide financial aid and supports to Canadians, businesses and the economy from the impacts of the COVID-19 pandemic. Among a number of other measures, the Act contains the Government's COVID-19 Economic Response Plan in order to provide direct financial aid to Canadian employees and businesses, plus \$55 billion in tax deferrals to assist in supporting Canadians and stabilizing the economy.

The Act includes measures that will have significant consequences for employers and employees impacted by COVID-19. Set forth below is a summary of some of those key measures. Read the [full article](#) by [Shandra Czarnecki](#) and [Dany Th  berge](#) MLT Aikins LLP.

Act or Regulation Affected	Effective Date	Amendment Information
Employment Standards Act	Mar. 23/20	by 2020 Bill 16, c. 6, sections 1 and 2 only (in force by Royal Assent), <a href="#">Employment Standards Amendment Act (No. 2), 2020</a>
Human Rights Code	Apr. 1/20	by 2018 Bill 50, c. 48, sections 7, 8, 10 (part), 11 (part) only (in force by <a href="#">Reg 71/2020</a> ), <a href="#">Human Rights Code Amendment Act, 2018</a>
Social Services Employers Regulation (84/2003)	Mar. 2/20	by <a href="#">Reg 44/2020</a>
Workers Compensation Act	Mar. 2/20	by <a href="#">Reg 46/2020</a>

## LOCAL GOVERNMENT

### Local Government News:

#### Protection Against Liability for Essential Service Provider

On April 2, 2020, the Minister of Public Safety and Solicitor General made [Ministerial Order M094](#) pursuant to the [Emergency Program Act](#), RSBC 1996, c. 111, titled Protection Against Liability (COVID-19) Order. Order M094 will remain in effect until the declaration of a state of emergency expires or is cancelled, or if extended, until the last extension of the declaration expires or is cancelled.

M094 provides persons operating or providing an "essential service" with immunity from liability for damages resulting from an individual being or likely being infected with or exposed to SARS-CoV-2 as a result of that person's operation or provision of the essential service.

In order for this immunity from liability to apply, the person operating or providing the essential service must do so, or reasonably believe they are doing so, in accordance with all applicable emergency and public health guidance, and must not be grossly negligent. Read the [full article](#) by Jessica Eastwood with Stewart McDannold Stuart.

#### New Orders Impact Local Governments

On March 26, Minister of Public Safety and Solicitor General, Mike Farnworth, issued a series of ministerial orders to ensure a coordinated response to COVID-19 across all levels of government for the duration of the provincial emergency. Among other things, the new Orders dictate how local governments are to deliver their services in response to COVID-19. Under the authority of the [Emergency Program Act](#), the Minister issued [an Order](#)

suspending local states of emergency specific to the COVID-19 pandemic, except for the City of Vancouver; [giving municipal councils](#) the ability to hold more flexible meetings to expedite decisions; and coordinating potential use of local publicly owned facilities, like community centres, for self-isolation, testing, medical care, warehousing and distribution. A new Provincial Supply Chain Coordination Unit will be established to coordinate goods and services distribution, taking a more active role in coordinating essential goods and services movement by land, air, marine and rail, and suspending any bylaws that restrict goods delivery at any time of day. The Orders will also [enable municipal bylaw officers](#) to support enforcement of the provincial health officer's orders for business closures and gatherings, in line with offences under the [Public Health Act](#). Source: BC Government [news release](#)

### **Compliance and Enforcement Guidance about Public Health Orders with respect to Physical Distancing**

The BC Centre for Disease Control recently [published new guidelines for compliance and enforcement officials](#) (C&EOs) such as municipal bylaw enforcement officers and other provincial compliance officers i.e. liquor and cannabis control and licencing inspectors, gambling enforcement and investigations officers, and community safety personnel with respect to the implementation of COVID-19 public health orders.

**NOTE:** Police officers and C&EOs are not empowered to enforce (i.e. ticket or detain) with respect to public health orders. Their role is to provide assistance only when called upon by a health officer pursuant to [section 90 of the Public Health Act](#) (see Appendix 1).

### **Who, in Law, is "The Government"?**

The list of rules about applying local zoning bylaws to land uses that involve the provincial government, based on [s. 14 of the Interpretation Act](#) and relevant case law, just got lengthier. Until late last year, the rules were these:

1. Local bylaws are binding on the provincial government (s. 14(1) of the *Interpretation Act*)
2. Except local bylaws that would affect "the government", including agents of the government, in the use or development of land (s. 14(2) of the *Interpretation Act*)
3. But that exception doesn't include bylaws that would affect a third party operating business assets owned and maintained by a provincial government agency (*B.C. Lottery Corporation v. Vancouver (1999)*)
4. Or bylaws that would merely affect a third party lessee of provincial government land (*Squamish v. Great Pacific Pumice Inc. (2000)*) As a result of the B.C. Supreme Court's November 6, 2019 decision in *Beuchler v. Island Crisis Care Society*, we have a further rule:
5. But the exception does include a bylaw that would affect a nongovernment entity that is using the government's land at the behest of the government in furtherance of government objectives

To make sense of this latest rule it's useful to consider the facts out of which the *Beuchler* decision arose. Read the [full article](#) by [Bill Buholzer](#), associate counsel at Young Anderson Barristers and Solicitors – published in the firm's recent Newsletter Volume 31, Number 1.

### **COVID-19 Compliance Hotline Up and Running in New Westminster**

The City of New Westminster has set up a dedicated phone line and email for people to report any concerns they have with others not following recommended health guidelines during the current pandemic. The city's manager of licensing and integrated services Kim Deighton told CTV News Vancouver the reporting system they're calling the "Covid Compliance Hotline" started operating Friday night [March 27]. Deighton said the phone line and email account are monitored by administration staff, who then can dispatch a two-person team including a bylaw officer to investigate. Read the CBC news [article](#).

### **UBCM COVID-19 Outreach & Advocacy**

UBCM has been monitoring and assessing the impact of COVID-19 on BC communities and local government operations and finances. Last week, UBCM reached out to a wide of range of local governments to gather information the immediate and projected long-term financial pressures facing local governments, their residents, and local businesses. As part of this outreach, UBCM sought to identify measures that could address the financial pressures local governments faced, as well as support the economic recovery following the pandemic.

"Local governments find themselves in a double-bind," said Mayor Maja Tait, UBCM president. "The sudden and dramatic loss of revenue is requiring us to rethink budgets to focus on core service delivery and support the provincially coordinated response to COVID-19. At the same time, we are aware of the many residents and businesses in our communities that have seen even greater losses of income and are looking for relief." Local governments identified a significant number of financial challenges and pressures including: Read the UBCM [article](#).

### Guidelines for Bylaw Enforcement Officers Assisting with Enforcement of COVID-19 Public Health Orders

As we have previously noted on this page, on March 26, 2020 the Minister of Public Safety and Solicitor General issued [Ministerial Order No. M082](#), which requires local authorities, to the greatest extent possible without unduly compromising any other bylaw enforcement objectives of the local authority, to ensure that their Bylaw Enforcement Officers provide assistance in the enforcement of public health orders. To that end, the Provincial Health Officer has now issued [Compliance and Enforcement Guidelines](#) for Bylaw Enforcement Officers who provide assistance with the enforcement of public health orders. The list of all current Public Health Officer Orders can be found [here](#). Read the [full article](#) by Andrew Buckley with Stewart McDannold Stuart.

### Property Assessment Appeal Board Extends Appeal Deadline to June 1

On April 2, 2020, the Property Assessment Appeal Board (PAAB) exercised its jurisdiction under [Ministerial Order M086](#) to extend the statutory filing deadline for appeals to the PAAB from April 30 to June 1. The PAAB's Order can be found [here](#). This statutory deadline comes from [section 50\(3\) of the Assessment Act](#), relating to the right of appeal from the Property Assessment Review Panel to the PAAB. This extension will allow local governments, and all other property owners, who wish to file property assessment appeals to the PAAB, additional time to file their appeals. We will issue further bulletins as the implications of this extension becomes clearer.

### Local Government Emergency Powers – COVID-19

The following [bulletin](#) published by Lidstone & Company on March 19 provides some clarity on the powers that local governments have in regard to the COVID-19 pandemic.

Act or Regulation Affected	Effective Date	Amendment Information
Agricultural Land Commission Act	Mar. 12/20	by 2019 Bill 15, c. 32, sections 1 (b), 2 to 11, 14 to 16, 17 (a) to (c), (e), (f), (g) (part), (h), 18, 21, 22 (part), 23, 27, 28 (b), 29, 31 to 34, 35 (part), 37 only (in force by <a href="#">Reg 57/2020</a> ), <a href="#">Agricultural Land Commission Amendment Act, 2019</a>
Agricultural Land Reserve General Regulation (57/2020)	<b>NEW</b> Mar. 12/20	see <a href="#">Reg 57/2020</a>
Agricultural Land Reserve Transitional Regulation (171/2020) <i>(formerly titled Agricultural Land Reserve General Regulation)</i>	Mar. 12/20	by <a href="#">Reg 57/2020</a>
Assessment Authority Act	Mar. 5/20	by 2020 Bill 10, c. 1, section 1 only (in force by Royal Assent), <a href="#">Municipal Affairs and Housing Statutes Amendment Act, 2020</a>
Minister's Athletic Commissioner Regulation	Mar. 18/20	by <a href="#">Reg 60/2020</a>
British Columbia Transit Regulation (30/91)	Mar. 6/20	by <a href="#">Reg 51/2020</a>
Bylaw Notice Enforcement Regulation (175/2004)	Mar. 9/20	by <a href="#">Reg 53/2020</a>
Community Charter	Mar. 5/20	by 2020 Bill 10, c. 1, section 4 only (in force by Royal Assent), <a href="#">Municipal Affairs and Housing Statutes Amendment Act, 2020</a>

Gas Safety Regulation (103/2004)	Apr. 1/20	by <a href="#">Reg 208/2019</a>
Gaming Control Regulation (208/2002)	Mar. 4/20	by <a href="#">Reg 36/2020</a>
Liquor Control and Licensing Regulation (241/2016)	Mar. 21/20	by <a href="#">Reg 62/2020</a>
Local Government Act	Mar. 5/20	by 2020 Bill 10, c. 1, sections 5 and 6 only (in force by Royal Assent), <a href="#">Municipal Affairs and Housing Statutes Amendment Act, 2020</a>
Municipalities Enabling and Validating Act (No. 4)	Mar. 5/20	by 2020 Bill 10, c. 1, section 7 only (in force by Royal Assent), <a href="#">Municipal Affairs and Housing Statutes Amendment Act, 2020</a>
Political Party Interim Financial Report Regulation (8/2018)	<b>REPEALED</b> Mar. 23/20	by <a href="#">Reg 63/2020</a>
School Act	Mar. 5/20	by 2020 Bill 8, c. 4, sections 8, 14, 15, 18, 22, 23, and 26 to 29 only (in force by Royal Assent), <a href="#">Education Statutes Amendment Act, 2020</a>
Vancouver Charter	Mar. 5/20	by 2020 Bill 10, c. 1, sections 8 to 14 only (in force by Royal Assent), <a href="#">Municipal Affairs and Housing Statutes Amendment Act, 2020</a>
Victoria Regional Transit Commission Regulation No. 41-2020 (59/2020)	<b>NEW</b> Mar. 31/20	see <a href="#">Reg 59/2020</a>
Wines of Marked Quality Regulation (168/2018)	Mar. 30/20	by <a href="#">Reg 69/2020</a>

## MISCELLANEOUS

### Miscellaneous News:

#### **Holdbacks in the time of COVID-19: Potential Impacts of Emergency Measures on BC**

Novel legal issues arise daily as the world navigates the COVID-19 pandemic. One such issue relates to limitation periods and their implications for Canadian construction. A review of British Columbia's emergency measures reveals a potential gap when it comes to builders' lien holdbacks in the province.

In an [earlier bulletin](#), we discussed the retroactive suspension of Ontario's limitation periods and civil deadlines, and how this suspension affects construction projects. Read the [full article](#) by [Jamieson D. Virgin](#) and [Glenn Grenier](#) with McMillan LLP.

#### **Rules Changed to Allow BC Restaurants to Deliver Alcohol with Meals**

Restaurants will be allowed to deliver alcohol along with meals, says BC's attorney general. David Eby announced the change Sunday [March 22] to reinforce social distancing orders and help support workers in the restaurant industry. "In these extraordinary times, more British Columbians are relying on delivery services during the COVID-19 pandemic," Eby said. "Permitting licensed restaurants to hire their out-of-work servers to deliver liquor products as part of their food-delivery service allows the public to continue to observe social distancing measures and also offers much-needed support to these workers and businesses." Read the *Times Colonist* [article](#).

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>
Limitation Act	Mar. 27/20	by 2019 Bill 33, c. 38, section 99 only (in force by <a href="#">Reg 45/2020</a> ), <a href="#">Securities Amendment Act, 2019</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:

#### The Government of Canada Announces New Measures for Ferries and Commercial Passenger Vessels Capable of Carrying More than 12 Passengers

Ensuring the safety and security of Canadians is the Government of Canada's top priority. As the COVID-19 pandemic continues to evolve, Transport Canada is working with the Public Health Agency of Canada, other levels of government, transportation industry stakeholders, and Indigenous peoples to help limit the spread of COVID-19. The Minister of Transport, the Honourable Marc Garneau, today announced new measures to reduce the risk of COVID-19 transmission on commercial passenger vessels and ferries. As of April 6, the new measures with mandatory requirements:

- Prohibit all commercial marine vessels with a capacity of more than 12 passengers from engaging in non-essential activities, such as tourism or recreation.
  - These measures will remain in place until at least June 30.
- Prevent any Canadian cruise ship from mooring, navigating, or transiting in Canadian Arctic waters (including Nunatsiavut, Nunavik and the Labrador Coast).
  - Should any foreign passenger vessel seek to enter Arctic waters, they would need to give the Minister of Transport 60 days' notice and be subject to any conditions the Minister determines necessary to ensure the protection of marine personnel and local communities.
  - These measures will remain in place until October 31, 2020.
- Require ferries and essential passenger vessel operators to:
  - Immediately reduce by 50% the maximum number of passengers that may be carried on board (conduct half-load voyages) to support the two-metre physical distancing rule; or
  - Implement alternative practices to reduce the risk of spreading COVID-19 (consistent with Public Health Agency of Canada guidelines) among passengers on board their vessels, such as keeping people in their vehicles, when feasible or enhanced cleaning and hygiene measures.

Read the full Transport Canada [news release](#).

#### Winter Tire, Early Spring Snowfall Reminder

Drivers are reminded that winter tire regulations remain in place until April 30, 2020, on many highways to account for early spring snowfall. The ministry is following the advice and orders of the provincial health officer and the federal government to keep British Columbians as safe as possible and stop the spread of COVID-19. While highways and roads remain open, the provincial health officer recommends that people stay close to home

and avoid any non-essential travel. Read the [full article](#) published by the Ministry of Transportation and Infrastructure.

### CVSE Bulletins & Notices

The following notices were posted by CVSE:

- [CT Notice 01-20](#) – Form CVSE1052 has been amended – RCMP Signatures are no longer required
- [CVSE 1052 Contacts](#) – Notice to industry that the List of Contacts for use with Form CVSE1052 has been updated (March 17, 2020)
- [NSC Bulletin 01-2020](#) – Hours of Service Regulations During the Current COVID-19 Pandemic
- [Circular 01-20](#) – COVID-19 Vehicle Inspection Extension
- [CT Notice 03-19](#) – Overall Width Restriction During Construction on the Carolin Bridge on Highway 5

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

Act or Regulation Affected	Effective Date	Amendment Information
Insurance (Vehicle) Regulation (447/83)	Mar. 5/20	by <a href="#">Reg 47/2020</a> and <a href="#">Reg 48/2020</a>
Lien on Impounded Motor Vehicles Regulation (25/2015)	Mar. 1/20	by <a href="#">Reg 15/2020</a>
Motor Fuel Tax Act	Apr. 1/20	by 2018 Bill 2, c. 4, sections 46 to 50 only (in force by <a href="#">Reg 12/2020</a> ), <a href="#">Budget Measures Implementation Act, 2018</a>
Motor Fuel Tax Regulation (414/85)	Apr. 1/20	by <a href="#">Reg 12/2020</a>
Motor Vehicle Act Regulations (26/58)	Mar. 5/20	by <a href="#">Reg 47/2020</a>
Passenger Transportation Regulation (266/2004)	Apr. 1/20	by <a href="#">Reg 266/2004</a>
Special Direction IC2 to the British Columbia Utilities Commission (307/2004)	Mar. 5/20	by <a href="#">Reg 49/2020</a>
Violation Ticket Administration and Fines Regulation 89/97	Mar. 26/20	by <a href="#">Reg 68/2020</a>

## OCCUPATIONAL HEALTH AND SAFETY

### Occupational Health & Safety News:

#### Revised Workers Compensation Act – Now in Force

Effective April 6, the newly revised [Workers Compensation Act](#) came into force. According to the government, the revision is intended to make the Act easier to read and understand. For example, the [pre-revised version of the Act](#) has four parts with multiple divisions, sections, and subsections. To improve clarity, the proposed changes would rearrange the Act into eight parts. Complex provisions would be split up into individual components, creating more sections and subsections. In some sections, the government has proposed minor wording revisions expected to modernize the language and help with clarity. A [concordance](#) has been published to help navigate between sections of the old and newly revised version of the Act.

#### New Interim Guidelines for Industrial Camps

On March 30, the BC Centre for Disease Control issued [new interim guidelines intended](#) to highlight key



communicable disease preparedness and response measures that can be taken by industrial camps in relation to COVID-19. It is independent of and does not negate WorkSafe BC or [Industrial Camps Regulation](#) requirements. This guidance is also based upon current knowledge and it should be understood that guidance is subject to change as new data become available and new developments arise with this new virus; furthermore, unique situations may require some discretion in adjusting these guidelines which are meant to be supportive, not prescriptive.

**WorkSafe BC Provides Guidance to Employers During the Pandemic**

WorkSafe BC has published guidelines for employers on preventing exposure to Covid-19 in the workplace. The guidelines emphasize that the Orders from the [Provincial Health Officer](#) and the [BC Centre of Disease Control](#) are the minimum standards that must be met by all employers to comply with their duty to provide a safe work environment. The guidelines urge employers to consider two key questions:

1. How are you telling workers about exposure to Covid-19 in the workplace?
2. Do you have a system in place where workers can tell you about concerns related to being exposed to Covid-19 in the workplace? This involves determining whether there are any specific tasks that concern them because of risk of being exposed to Covid-19.

The Guidelines deal with three specific areas:

1. identifying exposure hazards and developing measures to counter exposure;
2. controlling the number of people on site; and
3. prohibiting workers who are sick and those returning from outside Canada from attending work.

Read the [full article](#) by Rose Keith with Harper Grey LLP.

Act or Regulation Affected	Effective Date	Amendment Information
Gas Safety Regulation (103/2004)	Apr. 1/20	by <a href="#">Reg 208/2019</a>
Workers Compensation Act	Mar. 2/20	by <a href="#">Reg 46/2020</a>

**PROPERTY & REAL ESTATE**

**Property and Real Estate News:**

**Gimme a Break: Breaking News on Provincial and Federal Covid-19 for Residential Landlords and Tenants**

On March 25, 2020, both the BC Provincial Government and the Federal Government announced significant changes for residential tenants and landlords in an effort to cure some of the impacts of the COVID-19 pandemic.

**UPDATE:** On March 30, 2020, the BC Provincial Government codified its announcement by way of a Ministerial Order, M089, made pursuant to the [Emergency Program Act](#) (the "Order"). Importantly, the terms of the Order are effective as of March 30th. Please see our updates below for more. The full Order can be reviewed [here](#).

**I. Provincial Announcement**

To assist landlords and tenants, the Province has immediately implemented the following measures:

**a. Rental Supplement of up to \$500**

For tenants who qualify, they could be eligible for a new temporary rent supplement of an amount up to \$500 per month administered through BC Housing. In order to qualify, tenants must apply and provide proof of lost income through Employment Insurance documents.

Read the [full article](#) by [Anil Aggarwal](#) with Alexander Holburn Beaudin + Lang LLP.

**Builders Liens during the COVID-19 Emergency – Protect your Lien Rights**

By order dated March 26, 2020, the Minister of Public Safety and Solicitor General made an order that:

*Every mandatory limitation period and any other mandatory time period that is established in an enactment or law of British Columbia within which a civil or family action, proceeding, claim or appeal must be commenced in Provincial Court, Supreme Court or Court of Appeal is suspended.*

In basic terms, limitation periods, which are provided for in the [Limitation Act](#), SBC 2012, c 13, are the deadlines that we all are subject to when it comes to commencing court proceedings. Mandatory time periods are those time frames found in other enactments, such as those in the [Supreme Court Civil Rules](#), BC Reg 168/2009, or the [Builders Lien Act](#), SBC 1997, c 45. The suspension of limitation periods and mandatory time frames means that certain deadlines have been suspended for the duration of this order. This certainly does not mean that you should not seek legal advice or take steps to protect your legal rights in the meantime. In fact, the Province of British Columbia has deemed legal services to be essential during the COVID-19 crisis and most, if not all, lawyers continue to practice. Read the [full article](#) by Daniel Thompson of Alexander Holburn LLP.

### BC Government to Reduce School Tax Rates for Commercial Properties

The Province has announced that as part of its package of relief for businesses it will reduce school tax rates for commercial properties (Classes 4 – Major Industry, 5 – Light Industry and 6 – Business & Other) by 50% for the 2020 tax year. The Property Assessment Appeal Board has announced that in conjunction with the Provincial extension of limitation periods, the Board is extending the deadline to file appeals from the decisions of Property Assessment Review Panels from April 30 to June 1, 2020. Read the [full article](#) by [James D. Fraser](#) with Lawson Lundell LLP.

Act or Regulation Affected	Effective Date	Amendment Information
Court Order Enforcement Act	Mar. 27/20	by 2019 Bill 33, c. 38, section 98 only (in force by <a href="#">Reg 45/2020</a> ), <a href="#">Securities Amendment Act, 2019</a>
Home Owner Grant Regulation (100/2002)	<b>RETROACTIVE to</b> Mar. 30/20	by <a href="#">Reg 70/2020</a>
Mortgage Brokers Act	Mar. 27/20	by 2019 Bill 33, c. 38, section 100 only (in force by <a href="#">Reg 45/2020</a> ), <a href="#">Securities Amendment Act, 2019</a>
Mortgage Brokers Act Regulations (100/73)	Apr. 1/20	by <a href="#">Reg 260/2019</a>

## WILLS & ESTATES

### Wills and Estates News:

#### Limitation Periods Suspended During COVID-19

We wrote earlier regarding the Notice issued by the Supreme Court of British Columbia to the Profession to adjourn all civil and family matters scheduled for hearing between March 19, 2020 and May 1, 2020 and to suspend all filing deadlines under the Rules of Court of British Columbia. At the time of the previous [article](#), other statutory filing deadlines and limitation periods continued to apply in British Columbia.

Today [March 27], the Minister of Public Safety and Solicitor General released an order (the "Order") under the [Emergency Program Act](#) suspending every mandatory limitation period and any other mandatory time period that is established in an enactment or law of British Columbia within which a civil or family action, proceeding, claim or appeal must be commenced in the Provincial Court, Supreme Court or Court of Appeal. Read the [full article](#) by Lauren Liang with Clark Wilson LLP.

#### Williamson v. Williamson

In British Columbia, a separated spouse may make a claim to his spouse's interest in a trust. In some cases, the

claim will be successful, but in others, property held in trust may be insulated from family law claims. The law is quite nuanced. This is illustrated by the case of *Williamson v. Williamson*, [2020 BCSC 108](#).

Diane Williamson was a trustee and a beneficiary of a family trust. The property held in trust consisted of an interest in a farm business that had been in her family for generations. The other beneficiaries were her spouse, Robert Williamson and their children. The trust was a discretionary trust in which the trustee had the power to decide if and when to make distributions to any one or more of the beneficiaries. No beneficiary had any entitlement to the property held in trust unless and until the trustee decided to make a distribution to that beneficiary.

On the breakdown of the marriage, Mr. Williamson pursued a family law claim against Ms. Williamson, including a claim to a division of her interest in the trust property. Read the [full article](#) by [Stan Rule](#) with Sabey Rule LLP.

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

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