

Quickscribe Reporter

Vol: XX – Issue: IV – April 2021

QUICKSCRIBE NEWS:

New Quickscribe Enhancements

Quickscribe has recently made a few enhancements to the site, including significant progress on the ongoing expansion of historical Bills, which now date back to 1992. Other changes include a redesign of the "Title/Keyword" search tool to make it more obvious for new users to intuitively switch between the two search functions. In the coming months, you will see a significant expansion of historical orders as well as a new supplemental note feature that will provide you with yet another layer of helpful information about each section of law. Stay tuned!

Legislative Session

The 2nd Session, 42nd Parliament (2021) commenced on April 12 with the throne speech. The first budget since the pandemic was delivered on April 20th. The budget included significant spending on various social programs, housing and mental health and addiction services. BC's deficit is expected to climb to \$9.7 billion for 2021-2022 and provincial debt to top \$103 billion by 2024. The government has introduced seven new bills and one member bill as of the release of this Reporter.

- [Bill 1](#) – An Act to Ensure the Supremacy of Parliament
- [Bill 2](#) – Public Interest Disclosure Amendment Act, 2021
- [Bill 3](#) – Employment Standards Amendment Act, 2021
- [Bill 4](#) – Budget Measures Implementation Act, 2021
- [Bill 5](#) – InBC Investment Corp. Act
- [Bill 6](#) – Accessible British Columbia Act
- [Bill 8](#) – Public Safety and Solicitor General Statutes Amendment Act, 2021
- [Bill M201](#) – Assessment (Split Assessment Classification) Amendment Act, 2021

A reminder that if you would like to be notified on the progress of these bills or any other legislation, visit the [My Alerts](#) page to set up some custom alerts for laws that matter most to you. We recommend trying the BC Legislative Digest or the new [Keyword Alert](#) options.

Latest Annotations

New annotations were recently added to the [Local Government Act](#) by [Bill Buholzer](#) with Young Anderson Barristers and Solicitors.

If you wish to be alerted 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.

Tip: [Log in to Quickscribe Online](#) prior to clicking Reporter links....

View [PDF](#) of this Reporter.

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

[\[Previous Reporters \]](#)

CATEGORIES

[COMPANY & FINANCE](#) [LOCAL GOVERNMENT](#)
[ENERGY & MINES](#) [MISCELLANEOUS](#)
[FAMILY & CHILDREN](#) [MOTOR VEHICLE & TRANSPORTATION](#)
[FOREST & ENVIRONMENT](#) [OCCUPATIONAL HEALTH & SAFETY](#)
[HEALTH](#) [PROPERTY & REAL ESTATE](#)
[LABOUR & EMPLOYMENT](#) [WILLS & ESTATES](#)

COMPANY & FINANCE

Company and Finance News:

Federal Budget 2021 – New Rules Mean More Information Being Disclosed and Potentially More Enforcement

In Budget 2021, the federal government proposes to provide the Canada Revenue Agency (the "CRA") with \$230 million over five years as part of an ongoing focus on enforcing civil liabilities arising under the [Income Tax Act](#) (Canada) (the "Act") and prosecuting criminal tax evasion. This blog provides an overview of two income tax proposals in Budget 2021 which would significantly expand the breadth of information taxpayers may be required to disclose to government officials.

The proposals discussed below are particularly concerning, and potentially constitutionally problematic as information compelled by government officials during administrative procedures can be used to investigate and prosecute criminal tax offenses. Read the [full article](#) by Greg DelBigio, Q.C. and Morgan Watchorn with Thorsteinssons LLP.

Coming Soon to the CBCA: Majority Voting and Voting Against Directors

In May 2018, [An Act to amend the Canada Business Corporations Act, the Canada Cooperatives Act, the Canada Not-for-profit Corporations Act and the Competition Act](#) (Bill C-25) received Royal Assent. Certain amendments to the [Canada Business Corporations Act](#) (CBCA) still required supporting regulations to be drafted, however, and were therefore not immediately proclaimed into force. Among these were amendments (Amendments) that would: (i) require certain CBCA corporations to require that separate votes be held (i.e., would prohibit slate voting) for the election of each candidate to the board of directors; (ii) impose a majority-voting requirement where such elections are uncontested (i.e., where there is only one nominee for each available board seat); and (iii) permit shareholders to vote shares for or against (rather than "withholding" shares from voting) each nominee in such uncontested elections. As set out below, Corporations Canada has published [proposed regulations](#) (Regulations) to accompany such Amendments. Read the [full article](#) by [Matthew Merkley](#) and [Eric Moncik](#) with Blake, Cassels & Graydon LLP.

BCFSA Outsourcing Guideline – B-10 Comes to BC

On February 22, 2021, the BC Financial Services Authority (the "BCFSA") issued a draft Outsourcing Guideline (the "Outsourcing Guideline"). The Outsourcing Guideline is applicable to all provincially regulated financial institutions incorporated in BC (including BC credit unions) that outsource, or contemplate outsourcing, one or more of their business activities.

The Outsourcing Guideline outlines the BCFSA's expectations for outsourcing risk management practices.

BC credit unions will be required to familiarize themselves with the Outsourcing Guideline, as it will be applicable to any outsourcing arrangements entered into by the credit union. To put it (too) simply, a credit union will be considered to have entered into an outsourcing arrangement where it engages a third party to perform any business activity that the credit union can perform itself. Examples of outsourcing arrangements may include document processing, loan administration and human resources services. The Outsourcing Guideline will not apply in circumstances where the credit union is not legally able to perform the business activity on its own. Read the [full article](#) by Peter Brown and Lauren Frederick with Edwards, Kenny & Bray LLP.

BC Securities – Policies & Instruments

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

- [25-102](#) – CSA Notice of Multilateral Instrument 25-102 *Designated Benchmarks and Benchmark Administrators Adoption* - Multilateral Instrument 25-102 Designated Benchmarks and Benchmark

- Administrators
- [25-102](#) – CSA Notice and Request for Comment – Proposed Amendments to Multilateral Instrument 25-102 *Designated Benchmarks and Benchmark Administrators* and Changes to Companion Policy 25-102 *Designated Benchmarks and Benchmark Administrators*
- [14-101](#) – CSA Notice and Request for Comment – Proposed amendments to National Instrument 14-101 *Definitions and Consequential Amendments*
- [BC Notice 2021/02](#) – Clarification of Requirements for Crypto Asset Trading Platforms
- [95-302](#) – CSA Staff Notice 95-302 – *Margin and Collateral Requirements for Non-Centrally Cleared Derivatives*

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

Act or Regulation Affected	Effective Date	Amendment Information
Designated Accommodation Area Tax Regulation (93/2013)	May 1/21	by Reg 9/2021
Financial Institutions Act	Apr. 1/21	by 2020 Bill 4, c. 18, sections 62, 64, 65, 67, 68 and 73 to 77 only (in force by Reg 56/2021), Budget Measures Implementation Act, 2020
Provincial Sales Tax Act	Apr. 1/21	by 2020 Bill 4, c. 18, section 62, 64, 65, 67, 68 and 73 to 77 only (in force by Reg 56/2021), Budget Measures Implementation Act, 2020
Provincial Sales Tax Rebate on Select Machinery and Equipment Regulation (78/2021)	NEW Apr. 1/21	see Reg 78/2021
Provincial Sales Tax Regulation (96/2013)	Apr. 1/21	by Reg 57/2021

ENERGY & MINES

Energy and Mines News:

Energy in Transition: Renewable Natural Gas has a Role to Play

For Canada to meet its recently announced "Net Zero by 2050" climate commitment, reducing the carbon intensity of natural gas production, distribution and consumption is a priority – all the more so given Canada's bold ambition to reduce greenhouse gas (GHG) emissions by 40 to 45 per cent below 2005 levels by 2030 (announced on April 22, 2021, at the Leaders Summit on Climate).

Renewable Natural Gas (RNG), also known as biomethane, is often seen as the key to decarbonizing the natural gas system. And for good reason: RNG is a drop-in replacement for conventional natural gas, but with much lower GHG emissions. Some RNG projects can do even more, delivering RNG through existing infrastructure that is not just incrementally better for the climate than conventional natural gas when it is burned but is actually "carbon negative" when measured on a lifecycle basis. Read the [full article](#) by [Emilie Bundock](#), [Christopher R. Bystrom](#) and [Jean-Philippe Therriault](#) with Fasken Martineau DuMoulin LLP.

Washington Lawmakers, Conservationists Push B.C. on Mining Regulations

Letter from Washington legislators adds voices to effort calling on B.C. to improve environmental regulation of industry.

A group of Washington state legislators is calling on Premier John Horgan to better protect the headwaters of cross-border rivers from the threat of pollution from mining in British Columbia.

The 25 state senators and house representatives, led by Senator Jesse Salomon, sent a letter to Horgan last week urging the premier to "undertake needed reforms to improve British Columbia's financial assurance system," related to mine reclamation and cleanup. Read the *Vancouver Sun* [article](#).

Recent BCOGC Bulletins

The BCOGC has recently issued the following bulletins:

- [IB 2021-01](#) – BC Oil and Gas Commissioner Retiring in 2021
- [INDB 2021-12](#) – Changes to Electronic Submission of Methane Leak Detection and Repair (LDAR) Surveys
- [INDB 2021-13](#) – Kiskatinaw Seismic Monitoring and Mitigation Area Special Project Order Enhancements
- [IB 2021-02](#) – Commission Takes Steps to Appoint Receiver for SanLing Energy Ltd's Assets
- [INDB 2021-14](#) – Bulk Gas and Fluid Analysis Submissions
- [INDB 2021-15](#) – Submission File Validation Added to eSubmission
- [INDB 2021-16](#) – Updates to the Application Management System

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

Act or Regulation Affected	Effective Date	Amendment Information
Administrative Penalties (Mines) Regulation (47/2017)	Apr. 1/21	by Reg 7/2021
Workplace Hazardous Materials Information System Regulation (Mines) (257/88)	REPEALED Apr. 1/21	by Reg 7/2021

FAMILY & CHILDREN

Family and Children News:

What You Need to Know About the New Provincial Court Family Rules

The [new Provincial Court Family Rules](#) ("the Rules") take effect on May 17, 2021. Based on extensive research, consultation, and experience gained in Victoria since 2019, these rules take a holistic approach to family disputes. They encourage people to use community resources to help with non-legal impacts and to try to resolve legal issues by agreement before going to court, unless court action is needed.

The Rules aim to help self-represented litigants with language and forms that are easier to understand. They also streamline procedures so people only need to attend court by telephone, video, or in-person, when something substantial will happen. Read the full Provincial Court of BC [article](#).

BC Court Recognizes Third Legal Parent in Polyamorous Family

In [British Columbia Birth Registration No. 2018-XX-XX5815, 2021 BCSC 767](#) – a case in which I was honoured to be one of the three lawyers each representing one of the parents involved – the court granted a parentage declaration to the third parent in a polyamorous family where only two parents were legally recognized at birth. The court used its *parens patriae* jurisdiction to act in the best interests of a child to remedy a gap in the law – to declare Olivia a legal parent and order the Vital Statistics Agency to amend the birth registration. The Vital Statistics Agency didn't take a position, but the Attorney General of BC opposed the petition.

Facts of the case

Olivia (seeking parentage), Eliza and Bill were living together in a committed polyamorous relationship when their first child was born. As the Justice Wilkinson explained, they are a "triad", meaning they each have a relationship with one another and each of their relationships with each other are considered equal. Read the [full article](#) by Monique Shebbeare with Monique Shebbeare Law Corporation.

Proposed Legislation Would Allow Police to Intervene in Domestic Violence Cases Sooner

For Emily, it wasn't any one thing. She says it was a lot of things that combined to make her marriage unbearable.

Being called selfish when she asked her husband for money to buy herself a winter coat and then returning it because she felt guilty. Having to borrow money to buy diapers for their baby because she was too afraid to ask her husband, who would never disclose how much he earned. Watching important relationships in her life melt away. Being constantly told everything was her fault – and starting to believe it.

"I remember just telling myself it was like I'm going to die if I stay here," the Edmonton woman said.

Emily, now 40, was never physically assaulted, and none of what happened to her is currently considered criminal behaviour in Canada. But that could change if a [private member's bill](#) before Parliament becomes law.

The proposed legislation would create a new crime in Canada called "coercive control," which is defined as behaviour by a current or former partner or family member that causes the victim to fear they will be physically harmed, causes their mental health to decline or causes the victim such alarm or distress that there is a substantial adverse affect on their day-to-day activities, such as work, school or their ability to take care of children. Read the [CBC article](#).

Act or Regulation Affected	Effective Date	Amendment Information
----------------------------	----------------	-----------------------

There were no amendments this month.

FOREST & ENVIRONMENT

Forest and Environment News:

Significant Changes to Canada's Federal Environmental Protection Regime Proposed

On April 13, 2021, the government of Canada proposed significant changes to the [Canadian Environmental Protection Act, 1999](#) ("CEPA") through the introduction of [Bill C-28, Strengthening Environmental Protection for a Healthier Canada Act](#) (the "Amendments").

With these Amendments, the government hopes to modernize Canada's environmental regime which has not undergone significant change in over 20 years. CEPA is the primary statute through which the federal government regulates and protects the environment. CEPA and its accompanying regulations regulate among other things the treatment and disposal of chemicals and hazardous waste, vehicle and engine emissions, equipment and other sources of pollution, and the prevention and impact of environmental emergencies such as oil and chemical spills.

This bulletin provides an overview of the major changes to CEPA that have been proposed. Read the [environmental bulletin](#) by Holly Sherlock, Julia Loney, Talia Gordner and Ralph Cuervo-Lorens with McMillan LLP.

Windfalls and Legal Costs: Victory Motors Clarifies Contaminated Sites Cost Recovery in British Columbia

British Columbia's contaminated sites cost recovery regime under the [Environmental Management Act](#) (EMA) is based on a simple premise – "polluter pays" – that has proven complicated to implement. The EMA casts a wide net to catch an array of "responsible persons" connected to a contaminated site, including previous site owners and operators, then provides the courts with broad discretion to allocate retroactive liability for remediation costs between those responsible persons based on certain criteria. The question of how the courts should exercise that discretion has been the subject of much litigation.

In [Victory Motors \(Abbotsford\) Ltd. v. Actton Super-Save Gas Stations Ltd.](#), the British Columbia Court of Appeal clarified two discrete cost allocation issues. First, it confirmed courts should not increase the relative liability of a current owner simply because it was a polluter that benefitted from a remediation, absent evidence of a "windfall." Second, it explained that remediation-related legal costs (as opposed to litigation costs) could be fully recovered as a remediation cost to the extent that they are "reasonably incurred." Read the [full article](#) by Michael Manhas and Niles Bond with Norton Rose Fulbright Canada LLP.

Canada Has New Ways to Pressure Washington

Over Softwood Lumber Duties: Ambassador

Pressure mounts for Biden administration to address the softwood dispute, says Canada's ambassador to the U.S.

Canada's ambassador to the United States says Canadian officials have new leverage as they urge Washington to negotiate a solution to the long-standing dispute over U.S. duties on softwood lumber. Read the [CBC article](#).

Updated Public Health Order – Industrial Camps – April 13, 2021

From the PHO: This order repeals and replaces the previous order July 20, 2020 with respect to industrial camps and the Order January 12, 2021 with respect to the resource sector worksites and industrial camps in the region of the Northern Health Authority, as designated under the Health Authorities Act. View the updated [Order](#).

Federal Carbon Pricing Is Here To Stay: What Does It Mean And What Comes Next?

On March 25, 2021, a [6 to 3 majority](#) of the Supreme Court of Canada [upheld](#) the federal [Greenhouse Gas Pollution Pricing Act](#) ("GGPPA"), following the joined constitutional challenges of Ontario, Alberta and Saskatchewan. The decision will no doubt become a landmark – not only in constitutional and environmental law, but also in the history of the country's response to climate change.

The Supreme Court recognized federal jurisdiction to establish minimum national standards of greenhouse gas ("GHG") price stringency to reduce GHG emissions.

The authority recognized by the Supreme Court is narrow. The majority rejected approaches that would give the federal government complete control over greenhouse gases, climate change or even setting "national standards" in general.

Nevertheless, the Supreme Court's recognition of the federal government's limited jurisdiction is significant. It signals to the country that climate change is a serious problem requiring intervention at all levels of government. More specifically, it allows the federal government to set the pace and stringency of national carbon pricing, and to compel the Canadian economy as a whole to internalize the costs of carbon emissions. Read the [full article](#) by [Liane Langstaff](#) and [Chris Hummel](#) with Gowling WLG.

Key Developments in British Columbia and Federal Environmental Law

From the Law Firm Borden Ladner Gervais LLP:

We are pleased to present [BLG's review of key developments in British Columbia and federal environmental law](#). The COVID-19 pandemic, reconciliation with Indigenous peoples, climate change, and jurisdictional disputes are key issues that have shaped environmental law in British Columbia and across Canada this past year.

Looking back at 2020 and early 2021, we have highlighted the most significant judicial decisions, regulatory decisions, legislative changes, and policy developments, as well as how these decisions may affect your business in 2021 and beyond. Disputes over natural resource projects, contaminated sites, environmental prosecutions, as well as judicial review or appeal decisions arising from environmental regulatory bodies, have brought many changes to the landscape of environmental law. The COVID-19 pandemic slowed both the federal and provincial legislative processes. However, several significant federal amendments have been proposed, including statutes related to achieving net-zero greenhouse gas emissions by 2050. At the provincial level, the British Columbia government has implemented new regulations under the [Environmental Assessment Act](#) and introduced new obligations for identifying and addressing contaminated sites through amendments to the [Environmental Management Act](#) and [Contaminated Sites Regulation](#). Read the [full article](#) and download the report.

Environmental Appeal Board Decisions

There were five Environmental Appeal Board decision in the month of April:

[Water Users' Communities Act](#)

- [The Nature Trust of British Columbia v. Comptroller of Water Rights, Ministry of Forests, Lands, Natural Resource Operations and Rural Development](#) [Preliminary Jurisdiction Decision – Granted in Part]

[Integrated Pest Management Act](#)

- [Western Aerial Applications Ltd. v. Administrator, Integrated Pest Management Act](#) [Final Decision – Appeal Dismissed]

[Wildlife Act](#)

- [Christopher Shawn Kitt v. Deputy Regional Manager, Recreational Fisheries and Wildlife Programs](#) [Preliminary Decision on Jurisdiction – Appeal Dismissed]

[Environmental Management Act](#)

- [Pacesetter Mills Ltd. v. District Director, Environmental Management Act](#) [Final Decision – Appeal Dismissed]
- [Border Feedlot Corporation v. Delegate of the Director, Environmental Management Act](#) [Consent Order–Resolved]

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

Act or Regulation Affected	Effective Date	Amendment Information
Hunting Regulation (190/84)	Apr. 22/21	by Reg 112/2021
Limited Entry Hunting Regulation (134/93)	Apr. 22/21	by Reg 112/2021
Motor Vehicle Prohibition Regulation (196/99)	Apr. 22/21	by Reg 112/2021
North American Gypsy Moth Eradication Regulation (102/2021)	NEW Apr. 1/21	see Reg 102/2021
North American Gypsy Moth Eradication Regulation, 2020 (81/2020)	REPEALED Apr. 1/21	by Reg 102/2021
Wildlife Act Commercial Activities Regulation (338/82)	Apr. 22/21	by Reg 112/2021

HEALTH

Health News:

B.C. to Ask Feds for Drug Possession Exemption 5 Years into Overdose Crisis

The province is requesting a federal exemption to decriminalize drug possession, five years after B.C. declared the overdose crisis a public health emergency.

Since April 14, 2016, there have been more than 7,000 deaths related to illicit drug overdoses in this province.

Dr. Perry Kendall, who was B.C.'s provincial health officer at the time, declared the emergency due to "a frightening increase in the number of deaths in the province from illicit drug toxicity." Read the [News1130 article](#).

Act or Regulation Affected	Effective Date	Amendment Information
COVID-19 Related Measures Act	Apr. 19/21	by Reg 107/2021

LABOUR & EMPLOYMENT

Labour and Employment News:

Paid COVID-19 Vaccination Leave in Place for B.C.

On April 27, the BC government's [amendments](#) to the [Employment Standards Act](#) were passed providing employees with up to three hours of paid leave to get each dose of their vaccine. The amendments are retroactive to April 19, 2021.

Pursuant to the amendments, if requested by their employer, an employee must provide reasonably sufficient proof that they are entitled to the leave. However, an employer must not request a note from a medical practitioner, nurse practitioner or registered nurse for the purposes of a request for this leave. Read the [full article](#) by [Veronica S. C. Rossos](#) and [Jenifer C. Gentle](#) with Miller Thomson LLP.

British Columbia Employers Now at Risk of Expedited Workplace Closures

Effective April 12, 2021, local public health authorities will have the power to order the temporary closure of businesses where confirmed outbreaks of COVID-19 have occurred in the workplace. This power is authorized by a new '[expedited workplace closure order](#)' that was announced by Dr. Bonnie Henry on April 8, 2021.

This power will permit the medical health officer of a local health authority to order the closure of businesses for a minimum period of 10 days where 3 or more employees are confirmed to have transmitted COVID-19 in the workplace. A closure order can either be made in respect of a business as a whole, or for larger employers, in respect of a particular area of the business if transmission has occurred in a particular area. Public health authority staff will be assisted by WorkSafeBC prevention officers, who have been delegated the power to serve closure orders on businesses where outbreaks have occurred. Read the [article](#) by Dianne Rideout and Michelle McKinnon with McMillan LLP.

BCHRT Screening Decision Addresses Worker Denied Entry to Workplace Based On His Refusal To Wear Mask Due To Alleged Religious Reasons

On April 8, 2021, the BC Human Rights Tribunal (the "Tribunal") issued another screening decision providing guidance on human rights considerations and mandatory mask policies. The Tribunal [previously decided](#) that a customer who claimed they could not wear a mask in a store had to show some medical evidence to the Tribunal to prove they had a disability under the BC [Human Rights Code](#) (the "Code").

In the Tribunal's newest published screening decision, *The Worker v. The District Managers*, [2021 BCHRT 41](#), the Tribunal considered whether an employer had contravened the Code by denying an employee entry because he refused to wear a mask on religious grounds. Read the [full article](#) by [Lauren Soubolsky](#) and [Colton Dennis](#) with McCarthy Tetrault LLP.

Insist or Accommodate?

As eligibility to receive a COVID-19 vaccination continues to expand across Canada, some employers are considering making this immunization mandatory in their workplaces. But experts recommend that employers be cautious in implementing these measures.

Ryan Watkins, an employment lawyer and partner with Whitten & Lublin in Toronto, says that employers likely have the right to implement a mandatory vaccination policy "to keep the rest of the workforce safe, especially in industries where workers interact with the public." It's worked in other settings, he says, pointing to similar policies in public schools where students must be vaccinated to attend "unless there is a medical or religious exemption."

Under provincial health and safety legislation, employers have the right to protect their workers, says Watkins, which includes protection from a virus that caused a global pandemic. What if an employee refuses? Read the [full article](#) by Carolynne Burkholder-James published on CBA National.

What Federally-Regulated Employers Need to Know About the New Federal Workplace Harassment and Violence Prevention Regime

The federal government has introduced significant obligations for federally-regulated employers with respect to preventing and addressing occurrences of workplace harassment and violence. The [Work Place Harassment and Violence Regulations](#) (the "Regulations"), and changes to the [Canada Labour Code](#) (the "Code") through [Bill C-65](#), *An Act to amend the Canada Labour Code (harassment and violence)*, the *Parliamentary Employment and Staff Relations Act*, and the *Budget Implementation Act, 2017, No. 1*, came into force on January 1, 2021 ("Bill C-65"). The new requirements apply to all federal workplaces covered under Part II of the Code, including the

federal public service, the federally regulated private sector, and parliamentary workplaces. Read the [full article](#) by Nicole Naglie and Lama Kahiel with McCarthy Tetrault LLP.

Act or Regulation Affected	Effective Date	Amendment Information
Employment and Assistance Regulation (263/2002)	May 1/21	by Reg 108/2021
Employment and Assistance for Persons with Disabilities Regulation (265/2002)	May 1/21	by Reg 108/2021
Employment Standards Act	Apr. 27/21	by 2021 Bill 3, c. 10, section 1 only (in force by Royal Assent), Employment Standards Amendment Act, 2021
Employment Standards Regulation (396/95)	Apr. 1/21	by Reg 101/2021

LOCAL GOVERNMENT

Local Government News:

Summary of *Dupont v Port Coquitlam (City)*, 2021 BCSC 728 – The One Tree to Rule Them All

Councillor Laura Dupont brought a petition for judicial review to quash a resolution of Council of the City of Port Coquitlam ("Council") that declared she disclosed confidential information in breach of the [Community Charter](#), SBC c 26 ("*Community Charter*") and her duties as a Council Member (the "Resolution"). Council formally censured her, imposed restrictions on her access to confidential materials, and removed her from certain committees.

The Root Cause

In 2019, the City of Port Coquitlam was engaged in a series of closed discussions pursuant to s. 90 of the *Community Charter* for the purpose of evaluating potential development of a City-owned piece of land located at 2251 McAllister Avenue (the "Site"). Councillor Dupont expressed concerns about the preservation of a specific mature Deodar cedar tree (the "Tree"). She shared information about the proposed development of the Site on various occasions. Specifically, Councillor Dupont shared information during an in-person meeting that included a person who was not attending in any official capacity for the City, and forwarded two e-mails related to the development of the Site and the Tree to members of the community. This information leak was subsequently discovered by Council. Read the [full article](#) by Thea Hoogstraten and Melody Cheung with Alexander Holburn LLP.

Reference re Greenhouse Gas Pollution Pricing Act, 2021 SCC 11 [Local Government Perspective]

In the *Reference re Greenhouse Gas Pollution Pricing Act*, [2021 SCC 11](#) ("GGPPA"), a Majority decision of the Supreme Court of Canada held that the GGPPA is constitutional and the federal government has jurisdiction to enact minimum national standards of Green House Gas ("GHG") pricing as a matter of national concern under the peace, order and good government clause of s. 91 of the [Constitution Act, 1867](#).

In this landmark decision, Canada's highest court concluded that the GGPPA establishes minimum national standards of GHG pricing, which sets a floor across the country in respect of a broad set of GHG emissions sources, to reduce GHG emissions. The Court also concluded that the federal GHG pricing system does not displace provincial and territorial jurisdiction or regulate GHG emissions generally. Instead, the GHG pricing system gives the provinces and territories the flexibility to design their own policies, including carbon pricing, to meet emissions reductions targets adapted to each province and territory's specific circumstances. The GGPPA also recognizes carbon pricing policies already implemented or in development. Further, it does not require those to whom it applies to perform or refrain from performing specified GHG emitting activities and it does not tell industry how to operate. Read the Lidstone & Company [client bulletin](#).

Preventing & Responding to Elected Official Conduct Issues

A new resource provides guidance on ways to prevent conduct issues by local elected officials, and how best to deal with them if they do arise. Developed by the Working Group on Responsible Conduct (WGRC), this [guide](#) provides advice on fostering responsible conduct, maintaining good governance and resolving conduct issues for those who serve on Councils and Boards. It also includes considerations for local governments that wish to establish an enforcement process within a Code of Conduct.

Articulating an enforcement process within a code of conduct is a relatively new practice in B.C. The guide – *Forging the Path to Responsible Conduct in Your Local Government* – draws on examples from local governments that have included enforcement in their codes to highlight things a local government may wish to consider as it begins to design its own enforcement process. Read the full UBCM [article](#).

Booze on the Verge of Being Legal at Some Vancouver Parks and Beaches

Like a good bottle of wine, the idea has been aging for a long time – and thanks to a motion introduced by the B.C. government Thursday [April 29, 2021], having a glass of sauvignon blanc in Stanley Park may soon be legal.

"Well cheers to that," said park board vice-chair Dave Demers. "It's an idea I brought to the park board, that I've been advocating for, and we're this close."

The Vancouver Park Board approved a plan to allow alcohol in 22 parks and beaches last summer, but needed approval from the provincial government.

[Last week], the province finally gave them a reason to raise a glass.

B.C. Solicitor General Mike Farnworth introduced [Bill 8](#) Thursday, to amend the [Liquor Control and Licensing Act](#) "to authorize the Vancouver park board to designate specific public places under its jurisdiction as places where liquor may be consumed." Read the CTV [article](#).

New Legislation to Make BC Communities More Accessible to those with Disabilities

On April 28th the government introduced Bill 6, the [Accessible British Columbia Act](#). According to the government, the bill will support the identification, prevention and removal of barriers that people with disabilities face in their day-to-day lives. This work will involve developing new accessibility standards in areas including the built environment, employment and delivery of services.

This Bill complements the [Accessible Canada Act](#) and builds upon models for legislation developed in other jurisdictions.

Active Transportation Planning Intake

A new intake for the [Active Transportation Planning](#) program is underway. Regional districts and municipalities in BC with a population of 25,000 or fewer are able to apply for up to \$20,000 in funding. The application deadline is May 21, 2021.

Local governments play a significant role in active transportation by developing integrated community land use and transportation plans and policies that lead to the implementation of transportation infrastructure networks. The aim of the Active Transportation Planning program is to support local governments to incorporate or enhance active transportation components of formal planning documents (Official Community Plan, Sustainability Plan, Neighbourhood Plan, or Transportation Plan), including research, consultation, and policy development. Read the UBCM [article](#).

Act or Regulation Affected	Effective Date	Amendment Information
Agricultural Land Reserve Use Regulation (30/2019)	Apr. 26/21	by Reg 114/2021
British Columbia Ferry Regulation (151/99)	Apr. 26/21	by Reg 115/2021

Liquor Control and Licensing Regulation (241/2016)	Apr. 7/21	by Reg 105/2021
Liquor Distribution Regulation (611/76)	Apr. 7/21	by Reg 105/2021
Taxation (Rural Area) Act Regulation (387/82)	Apr. 1/21	by Reg 104/2021

MISCELLANEOUS

Miscellaneous News:

Act Amended to Better Support Whistleblowers

The Province is making [amendments](#) [Bill 2] to the [Public Interest Disclosure Act](#) (PIDA) to provide greater clarity for government employees who report serious wrongdoings under the act.

The act has now been implemented for more than a year in government ministries and the independent offices of the legislature.

The amendments are intended to support future expansion of PIDA within the broader public sector by ensuring consistent interpretation of critical definitions and provisions, and by clarifying statutory roles.

In addition to clarifying existing provisions based on the experience to date, the amendments provide for two years instead of six months to start the prosecution of an offence under PIDA, such as for a reprisal against a whistleblower. This makes the reprisal protections in PIDA more meaningful by recognizing that identifying and investigating a reprisal may often take longer than six months. Read the [full government news release](#).

Bill 8 – Public Safety and Solicitor General Statutes Amendment Act, 2021

According to the government, this [bill](#) (introduced April 29) which amends the [Cannabis Control and Licensing Act](#), will make permanent some provisions previously enacted by regulation to improve the effectiveness of the act and clarify language. The amendments are primarily housekeeping in nature and do not change government policy with respect to cannabis.

This bill also amends the [Liquor Control and Licensing Act](#) to authorize the Vancouver park board to designate specific public places under its jurisdiction as places where liquor may be consumed.

How Soon Can the Courts Intervene in Police Disciplinary Proceedings?

Grimsmo v. Jones, [2021 BCSC \[575\]](#) says *not until Police Act processes have concluded*

Courts in British Columbia often describe the [Police Act](#) as dense and complicated while at the same time recognizing the broad discretion the legislature afforded the Police Complaint Commissioner (PCC) over discipline procedures for police officers throughout the province. The courts agree the legislature established a comprehensive process for police oversight that leaves very little room for court intervention except in certain circumstances.

So when will a court intervene in disciplinary proceedings against a police officer under the *Police Act*? For example, can the court intervene to have a discipline authority (DA) removed before the discipline proceeding runs its course? Can the court intervene on the basis that a reasonable apprehension of bias is said to exist against the police officer who is subject to the discipline proceeding? These are the issues Madam Justice Baker of the Supreme Court of British Columbia was asked to consider in a recent judicial review of a decision by DA Chief Officer David Jones of the Metro Vancouver Transit Police. Read the [full article](#) by [David McKnight](#) and [Naomi Krueger](#) with Alexander Holburn LLP.

Virtual Bail Pilot For Northern Communities Launched by Provincial Court Of British Columbia

The Provincial Court of British Columbia has launched a pilot project to improve the bail process in the north by installing more video technology.

[The Northern Bail Pilot Project](#) started testing a centralized bail hearing model in mid-April. Melissa Gillespie, Chief Judge of the Provincial Court of BC, says in emailed answers to questions, that the project's purpose is "to

have bail hearings conducted in a manner that works better for all participants . . . by having the hearings done through two virtual hub courts on weekdays." The accused appear from either a police detachment or a remand centre videoconference or audioconference. Microsoft Teams units have been installed in seven RCMP detachments across northern BC. These are Burns Lake, Dawson Creek, Fort Nelson, Kitimat, New Hazelton, Prince George and Quesnel. Read the [full article](#) published on Canadian Lawyer.

Indigenous Persons from the United States May Hold Aboriginal Rights in Canada

On April 23, 2021, the Supreme Court of Canada (SCC) released its decision in *R. v. Desautel*, [2021 SCC 17](#), which upheld the lower court decisions to acquit Richard Desautel of charges under the [Wildlife Act](#). The SCC confirmed his Aboriginal right to hunt in the Arrow Lakes area of British Columbia, even though he is a resident and citizen of the United States.

This case raised novel questions about the territorial scope of the phrase "aboriginal peoples of Canada" in section 35 of the [Constitution Act, 1982](#). The Court decided that section 35 Aboriginal rights can extend to Aboriginal peoples who are not citizens or residents of Canada, even though the modern-day successor Aboriginal group that holds those rights no longer occupies the same geographical area where the historic pre-contact collective exercised those rights. Read the [full article](#) by David Bursey, Radha D. Curpen, Sharon G.K. Singh and Deirdre A. Sheehan with Bennett Jones LLP.

Act or Regulation Affected	Effective Date	Amendment Information
Civil Resolution Tribunal Act	May 1/21	by 2020 Bill 11, c. 10, section 39 only (in force by Reg 4/2021), Attorney General Statutes (Vehicle Insurance) Amendment Act, 2020
Minister of State for Infrastructure Expected Results for the 2021/2022 Fiscal Year Regulation (82/2021)	Apr. 13/21	by Reg 106/2021

MOTOR VEHICLE & TRANSPORTATION

Motor Vehicle & Transportation News:

No-fault Amendments to the *Insurance (Vehicle) Act* [Now in Force]

On May 1, 2021, the no-fault amendments to the [Insurance \(Vehicle\) Act](#), R.S.B.C. 1996, c. 228, and several related statutes by Bill 11 [Attorney General Statutes \(Vehicle Insurance\) Amendment Act, 2020](#) came into force in British Columbia. A no-fault insurance model bars legal action on motor vehicle accident claims and provides access to increased accident benefits, including medical care and wage loss benefits, regardless of who is at fault.

This summary outlines the key changes to the *Insurance (Vehicle) Act*, focusing on the practical implications for the insurance market. Read the [full article](#) by Leon Beukman, Julia Law and Emily Pitre with Borden Ladner Gervais LLP.

Motor Vehicle Act Amendments

Effective April 5th, sections of [Bill 35, 2019](#) came into force. Among other changes, these amendments to the [Motor Vehicle Act](#) adding the definition of "regulated motorized personal mobility device" as well as related definitions, sections which apply to the use of motorized personal mobility devices, and regulation-making authority respecting regulated motorized personal mobility devices.

BC Boating Association Reacts to Proposed Watercraft Rental Rule Changes

Transport Canada's proposed [changes to watercraft rental rules](#) could have a severe impact on rental companies across Canada.

If approved, it would make it mandatory for all watercraft renters to have a boating licence.

That's something Andre Plyusnin, owner of SunWave Boat Rentals in Kelowna, said would cripple the rental industry. Read the Global News [article](#).

Proposed Legislation Would Impact \$900-Million

ICBC Class-Action: Eby

Attorney-General David Eby has advised that his government is proposing a law that would impact the case. B.C. Attorney-General David Eby has written to the plaintiffs in a \$900-million ICBC class-action case advising that the province is proposing to introduce legislation that he says would have an impact on the lawsuit.

The recently delivered letter was discussed on Monday during an adjournment application filed by the B.C. government and ICBC on the first day of an expected certification hearing in the class-action suit in B.C. Supreme Court in Vancouver. Read the Vancouver Sun [article](#).

Updates on the CRT's Motor Vehicle Injury Jurisdiction

On March 2, 2021 the BC Supreme Court decided that the CRT's jurisdiction over minor injury determinations and fault and damages claims up to \$50,000 was unconstitutional. This is for claims for vehicle accidents that happened on or after April 1, 2019.

This decision didn't impact the CRT's ability to resolve accident benefits claims.

The BC Supreme Court's decision has been appealed. The [BC Court of Appeal ordered](#) that until the appeal is decided, the CRT can continue to make minor injury determinations and resolve fault and damages claims up to \$50,000.

The BC Court of Appeal's decision allows these claims to be filed in court, too. This means that if you have a claim for a minor injury determination, or fault and damages up to \$50,000, you can choose to file with either the CRT or court. For more information, including where to file a claim for a Vehicle Accident injury, visit the [CRT website](#).

CVSE Bulletins & Notices

The following notices were posted recently by CVSE:

- [Notice 01-2021](#) – 4th year Apprentices and Trade qualifications
- [Circular 02-21](#) – This circular 01-21 provides clarity about the inclusion of 'storage tanks' in the fixed equipment policy, and in particular, makes it clear that only empty travel is allowed.
- [CVSE 1052 Contacts](#) – Notice to industry that the List of Contacts for use with Form CVSE1052 has been updated (April 9, 2021)
- [Notice NSC 01-2021](#) – Online Knowledge Test Required for Applications Submitted as of April 7, 2021

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

Act or Regulation Affected	Effective Date	Amendment Information
Basic Vehicle Damage Coverage Regulation (4/2021)	NEW May 1/21	see Reg 4/2021 , as amended by Reg 62/2021 and Reg 117/2021
COVID-19 (<i>South Coast British Columbia Transportation Authority Act</i>) Regulation (107/2021)	NEW Apr. 19/21	see Reg 107/2021
Electric Kick Scooter Pilot Project Regulation (90/2021)	NEW Apr. 5/21	see Reg 90/2021
Enhanced Accident Benefits Regulation (59/2021)	NEW May 1/21	see Reg 59/2021 , as amended by Reg 62/2021 and Reg 117/2021
Income Replacement and Retirement Benefits and Benefits for Students and Minors Regulation (60/2021)	NEW May 1/21	see Reg 60/2021 as amended by Reg 117/2021

Insurance (Vehicle) Act	May 1/21	by 2020 Bill 11, c. 10, sections 4 to 8, 10 to 12, 16, 19 to 21, 24, 25, 28, 29, 33, 35, and 37 only (in force by Reg 4/2021), Attorney General Statutes (Vehicle Insurance) Amendment Act, 2020 as amended by Reg 118/2021
Insurance (Vehicle) Regulation (447/83)	Apr. 28/21	by Reg 117/2021
	May 1/21	by Reg 51/2021 , Reg 62/2021 and Reg 117/2021
Minor Injury Regulation (234/2018)	Apr. 28/21	by Reg 117/2021
	May 1/21	by Reg 62/2021 and Reg 117/2021
Motor Dealer Act	Apr. 5/21	by 2019 Bill 35, c. 36, section 117 only (in force by Reg 90/2021), Miscellaneous Statutes Amendment Act (No. 2), 2019
Motor Vehicle Act	Apr. 5/21	by 2019 Bill 35, c. 36, sections 106, 109 (a), 110 to 112, 113 (part) and 115 only (in force by Reg 90/2021), Miscellaneous Statutes Amendment Act (No. 2), 2019
Permanent Impairment Regulation (61/2021)	May 1/21	see Reg 61/2021 as amended by Reg 117/2021
Violation Ticket Administration and Fines Regulation (89/97)	Apr. 19/21	by Reg 109/2021
	Apr. 23/21	by Reg 113/2021

OCCUPATIONAL HEALTH AND SAFETY

Occupational Health & Safety News:

British Columbia Expands Power to Close Businesses in Response To Workplace Covid-19 Transmission

A new public health order has expanded the powers of British Columbia's medical health officers in the fight against the Covid-19 pandemic. [The Expedited Workplace Closure order](#), in effect since April 12, allows medical health officers to temporarily close workplaces where one or more persons has become infected with COVID-19 and it is necessary for the workplace, or part of the workplace, to stop operating in order to prevent further transmission. Businesses subject to an order may be closed for 10 days or longer.

With workplaces identified as one of the most common sources of transmission, the order attempts to quell the recent surge in the number of people infected with COVID-19. Read the [full article](#) by Dana F. Hooker and Kristina Draskovic (Articling Student) with DLA Piper LLP.

New Public Health Orders

The Public Health Office (PHO) recently issued the following orders & Guidelines:

- [Workplace and Post-Secondary Institution Safety – April 21, 2021](#) (PDF, 345KB)
- [Variance of Existing Orders to Suspend Reconsideration – April 21, 2021](#) (PDF, 273KB)
- [Food and Liquor Serving Premises – April 21, 2021](#) (PDF, 367KB)
 - Read related [Public Health guidance](#)
- [Industrial Camps – April 13, 2021](#) (PDF, 407KB)

- [Delegation: Industrial Camps – June 9, 2020](#) (PDF, 216KB)
- [Industrial Projects Within the Northern Health Authority Region – April 13, 2021](#) (PDF, 407KB)
- [Delegation: Workplace Closures – April 11, 2021](#) (PDF, 319KB)

Visit the [PHO website](#) to view these and other related orders and notices.

WorkSafe BC Updates Guidelines – (April 15)

– from WorkSafeBC:

A number of Occupational Health and Safety regulation guidelines were updated in April. These include:

Guidelines – Occupational Health and Safety Regulation

- Part 14 Cranes and Hoists
 - G14.13 [Training](#) (revised)
 - G14.29 [Operator protection](#) (revised)
- Part 15 Rigging
 - G15.9 [Wedge socket connections](#) (revised)
- Part 17 Transportation of Workers
 - G17.1 [Application](#) (revised)
 - G17.2-1 [Employer's responsibility](#) (revised)
 - G17.4 [Riding restrictions](#) (revised)
 - G17.6 [Hazardous materials](#) (revised)
 - G17.7 [Carrying animals](#) (revised)
 - G17.8 [Passenger compartments](#) (revised)
 - G17.9 [Boarding and leaving – Docking facilities](#) (revised)
- Part 23 Oil and Gas
 - G23.43 [Ventilation openings](#) (revised)

New and revised guidelines are posted for a 60-day preliminary period, during which time the stakeholder community may [comment and request revisions](#). Visit [WorkSafe BC Updates page](#) for these and other changes.

WorkSafeBC: Proposed Policy Amendments Regarding Permanent Disability Evaluation Schedule Review

From WorkSafeBC: The Permanent Disability Evaluation Schedule (PDES) is a guide set out in policy and is used to assess a worker's entitlement to permanent partial disability benefits granted under the loss of function method. The PDES is reviewed every two years to ensure it remains current with medical and scientific methods and approaches to disability assessment.

The PDES Review proposes changes to the Vision Disability section of the PDES concerning photophobia. The changes include revising the ratings for photophobia and adding criteria to the policy. These changes are proposed to ensure policy reflects the nature and degree of the condition and best practices in the field of ophthalmology and ophthalmology assessment.

Our Policy, Regulation and Research Division is releasing a discussion paper on the PDES Review with options and draft policy to stakeholders for comment. You're invited to provide feedback on the options until 4:30 p.m. on August 6, 2021.

Visit [WorkSafeBC](#) for more information and to view the discussion paper.

Workplace Vaccines: Four Key Things to Consider

Legal expert analyses four key issues around workplace vaccines, including the thorny subjects of mandatory shots and human rights

COVID-19 vaccines are the topic on every employer's mind. Employers have so many questions: Can employers make vaccines mandatory? What to do about employees who [won't or can't receive a vaccine](#)? How to be compliant and also [respect employees' privacy](#)?

It can be hard to figure out what the best way forward is with so much information streaming in every day.

"As time rolls forward, we have a different view than we even would have had two months ago and we have to keep re-calibrating regularly," says Loretta Bouwmeester, partner, Mathews Dinsdale & Clark LLP. Read the [full article](#) by Maia Foulis, published on the Canadian Occupational Safety website.

Effective

Act or Regulation Affected	Date	Amendment Information
Workplace Hazardous Materials Information System Regulation (Mines) (257/88)	REPEALED Apr. 1/21	by Reg 7/2021

PROPERTY & REAL ESTATE

Property and Real Estate News:

B.C. Superintendent of Real Estate Permanently Extends REDMA Early Marketing Deadlines

Effective May 1, 2021, following the expiry of Policy Statement 17 (PS 17) on April 30, 2021, the Office of the Superintendent of Real Estate (BC) (OSRE) will [bring into effect amendments](#) to [Policy Statement 5](#) (PS 5) and [Policy Statement 6](#) (PS 6) to extend permanently the early marketing timeframes that were temporarily changed under PS 17 in order to provide some relief to developers in the midst of the COVID-19 pandemic.

Policy Statements 5 and 6 – Nine Months of Early Marketing

Under Part 2 of the [Real Estate Development Marketing Act](#) (BC) (REDMA), a developer of a development property is required to make certain disclosure to purchasers of development units and is restricted from the early marketing of those development units except in accordance with specific requirements that are established by the OSRE. PS 5 and PS 6 allow developers to engage in early marketing before obtaining a building permit (PS 5) and a satisfactory financing commitment (PS 6) on two main conditions. Read the [full article](#) by Mark V. Lewis and Sunjeet Grewal with Bennett Jones LLP.

Vancouver Landlord Investigated for Short-Term Vacation Rental Leases

Plan A Real Estate Services says the B.C. [Residential Tenancy Act](#) doesn't apply to vacation properties

The province is investigating a Vancouver company that offers furnished short-term travel accommodation for allegedly issuing tenancy agreements that contravene B.C.'s rental laws.

Anoop Majithia, director of Plan A Real Estate Services, says his company mainly rents furnished suites in downtown Vancouver for travellers staying in the city for two to four months at a time.

But the Residential Tenancy Branch, which governs rental laws in B.C., says the company's custom "travel accommodation and tenancy agreement" doesn't abide by the province's tenancy laws. Read the CBC news [article](#).

Notable Changes to the CCDC 2 Stipulated Price Contract

At the end of last year, the Canadian Construction Documents Committee ("CCDC") introduced an updated version of the CCDC 2 Stipulated Price Contract (the "CCDC 2 (2020)"). The main reasons for updating the CCDC 2 were: (1) the desire to reduce the supplementary general conditions that the parties using the CCDC 2 usually draft to amend the standard general conditions of the CCDC 2; (2) the need to respond to the newly introduced prompt payment legislation (which has been adopted or is being considered to be adopted in several provinces); and (3) a general intent to streamline the terms of the CCDC 2. This article discusses the notable changes to the CCDC 2 (2020). The terms used in this article have the meaning given to them in the CCDC 2 (2020). Read the [full article](#) by Sonia Sahota with Civic Legal LLP – published in the Northern Construction Connection April 2021 Newsletter.

The Land Owner Transparency Registry is Now Public

Starting today, April 30, 2021, the Land Owner Transparency Registry ("LOTR") is searchable by the public on [myLTA](#). In a [previous article](#), we discussed what LOTR is and who is subject to the disclosure requirements of the [Land Owner Transparency Act](#) (the "Act"). We also [previously provided](#) a more detailed overview of the [Land Owner Transparency Regulation](#). Read the [full article](#) by [Matthew Singerman](#) and [Melanee Bryniawsky](#) with Clark Wilson LLP.

Act or Regulation Affected	Effective Date	Amendment Information

Land Owner Transparency Act	Apr. 30/21	by 2019 Bill 23, c. 23, sections 30 to 38 only (in force by Reg 250/2020), Land Owner Transparency Act , as amended by 2020 Bill 13, c. 14, sections 21 and 22 only, Miscellaneous Statutes Amendment Act, 2020
Land Owner Transparency Regulation (250/2020)	Apr. 30/21	by Reg 250/2020 , as amended by Reg 282/2020
Real Estate Services Regulation (506/2004)	Apr. 1/21	by Reg 103/2021
Residential Tenancy Act	Apr. 20/21	by Reg 111/2021

WILLS & ESTATES

Wills and Estates News:

A Closer Look at the Report on Pension

Division: Death of a Spouse

This post is part of a series highlighting key recommendations in the [Report on Pension Division: A Review of Part 6 of the Family Law Act](#). For other posts in the series [click here](#).

Brief description of the issue

Even though general provisions of family law and wills-and-estates law address the powers of a personal representative in the division of family property (including pensions), there might be uncertainty about the application of those principles to a specific scenario involving the death of a spouse after separation but before becoming a limited member and before the pension commences. Should part 6 be amended to directly address this scenario and confirm the power of the personal representative to act? Read the [full article](#) by Kevin Zakreski with BCLI.

Family of BC Senior with Dementia Sues

Alleged Financial Predator

Predatory marriage is a form of elder abuse that is on the rise. In addition to being conned into marriage by opportunistic predators, vulnerable seniors are taken advantage of in other ways. They may be convinced to change their Will, sign a power of attorney, or add the new partner's name to a joint bank account. In other cases, the elderly person may buy real property for their new partner. If the validity of such a "gift" is called into question, there are several legal options to challenge it. However, as was seen in *Gosselin v. Ramsay*, [2019 BCSC 1394](#), the fact that the property was gifted to a "less than loving" or financially motivated partner does not automatically invalidate the gift. Donative intent and mental capacity at the time of the transfer are the key factors. Read the [full article](#) by Janis Ko with the Onyx Law Group.

Act or Regulation Affected	Effective Date	Amendment Information
----------------------------	----------------	-----------------------

There were no amendments this month.

The content of this document is intended for client use only. Redistribution to anyone other than Quickscribe clients (without the prior written consent of Quickscribe) is strictly prohibited.

QUICKSCRIBE SERVICES LTD.

DISCLAIMER

The Reporter includes articles that should be used for information and educational purposes only and are not intended to be a source of legal advice. Please consult

with a lawyer before choosing to act on any information included in the Reporter. The content in each article is owned by its respective author.

UNSUBSCRIBE FROM THIS EMAIL SERVICE
To unsubscribe from this service, click [here](#).