

Quickscribe Reporter

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QUICKSCRIBE NEWS:

New Enhancements - Faster Load Times

With 2021 in the rear-view mirror, the Quickscribe team is looking forward to helping you navigate and keep informed about important legislation coming your way in 2022. To kick off the new year, we are pleased to announce some new enhancements to your Quickscribe service, including (much) faster load times for laws and an expanded limit to the "Recently Viewed" laws (left navigation). You can expect to see further enhancements in the coming months, including a new sortable bookmarks feature, an expansion of the [Keyword Alert](#) and the indexing of [Supplemental Notes](#) to be included in keyword searches.

Latest Annotations

New annotations were recently added to Quickscribe. The annotations include contributions from the following individuals:

- [Debby Cumberford](#) – [Business Corporations Act](#)
- [Katherine Hardie](#), Human Rights Tribunal – [Human Rights Code](#)
- [Bill Buholzer](#), Young Anderson – [Local Government Act](#)
- [Jeff Waatainen](#), DLA Piper – [Forest and Range Practices Act](#), [Wildfire Act](#)
- [Greg Gehlen](#), Gehlen Dabbs Lawyers – [Bankruptcy and Insolvency Act](#)
- [Christopher Hirst](#), Alexander Holburn Beaudin + Lange LLP – [Builders Lien Act](#)
- [Onpoint Legal Research](#) – [Occupiers Liability Act](#), [Family Law Act](#), [Supreme Court Civil Rules](#), [Criminal Code](#), [Property Law Act](#)

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.

2022 Parliament Calendar

The BC Legislative Assembly will resume on Tuesday, February 8, 2022, with Budget Day scheduled for February 22nd. The 2022 [Parliamentary Calendar](#) is now available and provides an overview of the proposed days that the legislature is expected to sit.

If you wish to be notified when new legislation is introduced in the upcoming session, check out the customizable alerts via the [My Alerts](#) page. Quickscribe alerts are *included* with your subscription so feel free to select the alerts that work best for you!

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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:

Canada and the New Digital Services Tax

Most taxation is concerned with raising revenue for government expenditure in the short term (typically within a year or so of the taxable event). A well-designed modern tax will also typically involve a withholding mechanism: think, for example, of payroll withholding on wages or the charge / input tax credit system in a typical VAT, such as Canada's GST. The Digital Services Tax as set out in the December 14, 2021 Notice of Ways and Means Motion (the "DST"), departs from these principles in interesting ways. This briefing note sets out some observations on the DST and touches on who will bear the economic cost of that tax if it is ultimately implemented. Read the [full article](#) by [Gareth O. Williams](#) with Lawson Lundell LLP.

Tax Measures outlined in Minister of Finance Mandate Letter

On December 16, 2021, the Office of the Prime Minister issued a [mandate letter](#) to the Deputy Prime Minister and Minister of Finance, Chrystia Freeland. The letter asked that steps be taken to establish or strengthen programs addressing public health, Canadian supply chains, labour shortages, climate initiatives, housing, Indigenous self-governance, public infrastructure investment, banking regulation and other public policy initiatives. The following are among the more noteworthy tax-related measures addressed in the mandate letter. Read the [full article](#) published by Thorsteinssons LLP.

Secondary Market Liability Securities Claims: Evidence Needed For Leave

Statutory provisions for secondary market liability do not require claimants to prove that they relied upon alleged misrepresentations or omissions. This differs from available Canadian common law claims about misrepresentations. In turn, they permit more straightforward use of class actions in relation to securities matters. The *quid pro quo* is that before commencing such a claim, a claimant must first obtain leave from the court. Few decisions are made about leave to commence secondary market misrepresentations each year. A recent British Columbia Supreme Court decision considers this important, but infrequently adjudicated, statutory test for granting leave for secondary market liability. The decision in *Tietz v. Cryptobloc Technologies Corp.* is notable for its careful review of evidence to determine whether leave should be granted. Read the [full article](#) by [Joan M. Young](#), [Adam D.H. Chisholm](#) and [Melanie J. Harmer](#) with McMillan LLP.

BC Appeal Court Holds a Fraudster's Registered Retirement Accounts Are Safe from Seizure

In the recent decision *Pasquill v. British Columbia (Securities Commission)*, [2021 BCCA 424](#) ("Pasquill"), the British Columbia Court of Appeal held that the B.C. Securities Commission does not have the statutory authority to issue preservation orders to restrict a fraudster from withdrawing or transferring funds from their registered retirement accounts. The Court reasoned that such preservation orders would amount to "seizure" of the fraudster's registered retirement income and is therefore prohibited by the *Pension Benefits Standards Act*, S.B.C. 2012, c. 30 ("PBSA") and the regulations thereunder. Read the [full article](#) by Jordan Deering and [Swetha Popuri](#) with DLA Piper LLP.

Financial Services Regulation in 2021:

Back to Business

After the tumult of 2020, 2021 was marked by a return to regulatory functions, as well as growth in key areas. While a full return to "normal" remains on the horizon, stop-gap and emergency measures began to make way in 2021 for renewed priorities for medium- and long-term planning. The message from regulators and industry alike is clear – normal or not, they are back to business. Below we highlight some of the notable developments from the past year. Read the [full article](#) by Victoria Graham, Elizabeth Sale, Haley Adams and Lawrence Ritchie with Osler, Hoskin & Harcourt LLP.

Canadian Securities Administrators Introduce Blanket Orders Exempting "Well-known Seasoned Issuers" from Certain Base Shelf Prospectus Requirements

On December 6, 2021, the Canadian Securities Administrators ("CSA") published CSA Staff Notice 44-306 *Blanket Orders Exempting Well-known Seasoned Issuers from Certain Prospectus Requirements* (the "Staff Notice"), which provides the CSA staff's views on the novel temporary exemptions from certain base shelf prospectus requirements (the "Relief") for qualifying well-known seasoned issuers ("WKSIs"). The Relief has been implemented through local blanket orders (collectively, the "Blanket Orders") in all of the provinces and territories of Canada (the "Jurisdictions"). Subject to certain conditions, qualifying WKSIs will be able to file and obtain a receipt for a final base shelf prospectus with an unspecified amount of different classes of securities without having to first file and obtain a receipt for a preliminary base shelf prospectus. As a result, a base shelf prospectus filed by a WKSI will not be reviewed in substance by a Canadian securities regulator. Read the [full article](#) published by the Capital Markets team with McCarthy Tetrault LLP.

BC Securities – Policies & Instruments

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

- [51-107](#) – CSA Notice and Request for Comment Proposed National Instrument 51-107 Disclosure of Climate-related Matters
- [52-513](#) – *Exemption from National Instrument 52-112 Non-GAAP and Other Financial Measures Disclosure*
- [11-343](#) – *Proposal to Establish a CSA Investor Advisory Panel*
- [44-306](#) – Blanket Orders Exempting Well-known Seasoned Issuers from Certain Prospectus Requirements [CSA Staff Notice]
- [11-344](#) – Notice of Local Amendments in Certain Jurisdictions
- [13-315](#) – Securities Regulatory Authority Closed Dates 2022
- [33-109](#) – Notice of Adoption of Amendments to National Instrument 33-109 Registration Information, National Instrument 31-103 Registration Requirements, Exemptions and Ongoing Registrant Obligations and companion policies
- [BC Notice 2021/05](#) – New Email Address for the Commission Hearing Office

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

Act or Regulation Affected	Effective Date	Amendment Information
Designated Accommodation Area Tax Regulation (93/2013)	Jan. 1/22	by Reg 251/2021
Motor Vehicle Act and Commercial Transport Act Retention of Fees Regulation (123/91)	REPEALED Jan. 1/22	by Reg 330/2021
National Instrument 31-103: Registration Requirements, Exemptions and Ongoing Registrant Obligations (226A/2009)	Dec. 31/21	by Reg 288/2019 and Reg 341/2021
National Instrument 41-101: General Prospectus Requirements (59/2008)	Dec. 31/21	by Reg 343/2021
National Instrument 81-101: Mutual Fund Prospectus Disclosure (1/2000)	Dec. 31/21	by Reg 343/2021
National Instrument 81-105: Mutual Fund Sales Practices (131/98)	Dec. 31/21	by Reg 343/2021
Pension Benefits Standards Regulation (71/2015)	Dec. 13/21	by Reg 325/2021

Retention of Driver's Licence Fees Regulation (330/2021) <i>(replaces Motor Vehicle and Commercial Transport Act Retention of Fees Regulation (123/91))</i>	NEW Jan. 1/22	see Reg 330/2021
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ENERGY & MINES

Energy and Mines News:

Recent BCOGC Bulletins

The BCOGC has recently issued the following bulletins:

- [INDB 2021-32](#) – Adoption of ParcelMap BC
- [IB 2021-06](#) – BC Oil and Gas Commission's Chief Operating Officer Retiring

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

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

FAMILY & CHILDREN

Family and Children News:

Changes To Provincial Court Family Rules Will Improve Access, Support Families

British Columbia families going through separation will soon have more access to parenting supports and courses, as well as continued support for different ways to attend court appearances, as a result of updates to the rules governing family court.

Beginning Jan. 4, 2022, prior to appearing in Provincial Court family matters, participants will be required to take the Parenting After Separation or Parenting After Separation for Indigenous Families course. Currently, this is a requirement in only 21 of the 89 court registries in the province. Read the [government news release](#).

Act or Regulation Affected	Effective Date	Amendment Information
Correction Act Regulation (58/2005)	Jan. 1/22	by Reg 320/2021
Supreme Court Civil Rules (168/2009)	Dec. 1/21	by Reg 250/2021

FOREST & ENVIRONMENT

Forest and Environment News:

Critical March 1, 2022 Deadline for Preserving Non-Domestic Water Rights Nears

In 2016, British Columbia's new [Water Sustainability Act](#) (the "WSA") came into force and requires all non-domestic groundwater users – including farmers and ranchers, oil and gas companies, mine and smelter operators, water bottling companies, pulp and paper companies and small businesses – to apply for licences by March 1, 2022 to preserve their water rights. Existing groundwater users risk losing their historic water rights if they fail to apply before the fast-approaching deadline.

Prior to the WSA, the use of groundwater or well water in British Columbia was largely unregulated and capturing groundwater under common law was deemed a right. Now groundwater users must play by the same rules as surface users who withdraw water from rivers, streams and lakes. Under the WSA, anyone who diverts and uses groundwater for anything other than household use is required to obtain a water licence and pay water fees and rentals. A water licence is not required for "domestic purposes", which essentially means the use of water for household purposes by occupants of single family private dwellings (for the complete definition, see section 2 of the WSA). Read the [full article](#) by [Mark Thompson](#), [Mike Nienhuis](#) and [Cen Yang](#) with Singleton Urquhart Reynolds Vogel LLP.

Seeing The Opportunity In Canada's Forests: FPAC Looks Ahead to 2022

While we may follow Russia and Brazil as the third-largest forested country in the world – Canada has an important competitive edge that puts us above all others. As the world turns to lower carbon products to build greener communities, and as we work to mitigate the risks of worsening pest outbreaks and catastrophic fire patterns, sustainable forest management and the use of Canadian forest products has never been more important. Read the [full article](#) published by Canadian Forest Industries.

Canada Forges Ahead With Single-Use Plastics Ban Despite Legal Challenges

Despite opposition from industry groups and provinces, the Government of Canada is moving forward with a comprehensive plan to address plastic pollution in the long term.

On Dec. 21, 2021, the Minister of Environment and Climate Change and the Minister of Health announced draft regulations under the [Canadian Environmental Protection Act, 1999](#) (CEPA) banning certain single-use plastics deemed to be harmful. Read the [full article](#) by [Jonathan Cocker](#) and [Denisa Mertiri](#) with Borden Ladner Gervais LLP.

Environmental Law 2021: Trends & Developments

Miller Thomson Publication

Bryan Buttigieg, Adina Georgescu, Darin Hannaford and Christie McLeod [with Miller Thomson LLP] co-author the *Trends & Developments – Canada* chapter in the Chambers and Partners *Environmental Law 2021 Global Practice Guide*. The chapter highlights current national developments on trending topics like climate change, issues impacting indigenous peoples, and pollution regulation. Read the [full chapter](#) from Miller Thomson.

Environmental Appeal Board Decisions

The following Environmental Appeal Board decisions were made recently:

[Environmental Management Act](#)

- [Gibraltar Mines Ltd. v. Director](#) [Stay Application – Denied]

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

Act or Regulation Affected	Effective Date	Amendment Information
Greenhouse Gas Emission Reporting Regulation (249/2015)	Dec. 13/21	by Reg 323/2021
Motor Vehicle Prohibition Regulation (196/99)	Dec. 17/21	by Reg 331/2021
Protected Areas of British Columbia Act	Dec. 15/21	by 2021 Bill 17, c. 28, sections 2 and 4 only (in force by Royal Assent), Protected Areas of British Columbia Amendment Act, 2021
Renewable and Low Carbon Fuel Requirements Regulation (394/2008)	Dec. 1/21	by Reg 316/2021

Jan. 1/22

by [Reg 196/2021](#)

HEALTH

Health News:

Case Summary: Federal Court of Appeal Upholds Decision that the Minister Of Health Did Not Deny the Appellant Procedural Fairness in Refusing a Natural Health Product License

[Canada RNA Biochemical Inc. v. Canada \(Minister of Health\)](#), [2021] F.C.J. No. 1826, 2021 FCA 213, Federal Court of Appeal, November 2, 2021, D.J. Rennie, J.B. Laskin and A.L. Mactavish JJ.A.

The appellant, Canada RNA Biochemical Inc., appealed a decision from the Federal Court that dismissed its petition for judicial review. The decision under judicial review was from the Minister of Health who refused to grant a natural health product license to the appellant for a medication used to improve circulation. The Minister refused the license because an external hematologist found that the risk of internal bleeding could not be properly monitored when the product was sold over the counter. Read the [full article](#) by [Jackson C. Doyle](#) with Harper Grey LLP.

Visitors Restricted in B.C.'s Long-Term Care Homes as COVID Cases Rise

As COVID-19 cases rise dramatically across B.C, and much of the world, the province is once again restricting visitors in long-term care homes. But with the Omicron variant generally resulting in milder illness that appears to resolve itself quicker, the isolation requirement for vaccinated individuals who test positive for the virus will now be cut in half.

During Friday morning's press conference, provincial health officer Dr. Bonnie Henry announced that beginning Saturday [January 1st], only essential visitors will be allowed to enter long-term care homes to visit residents. Read the BIV [article](#).

Six-Month Sentence for Woman Illegally Administering Botox Injections 'Demonstrably Unfit:' Court

Court reduced portion of the sentence to three months

The Court of Appeal for British Columbia has reduced a six-month sentence to three months, finding the sentence "demonstrably unfit," ruling in favour of a woman engaged in the unauthorized practice of medicine by administering Botox injections.

In *College of Physicians and Surgeons of British Columbia v. Ezzati*, [2021 BCCA 422](#), the appellant, Maria Ezzati, had been engaged in an unauthorized practice of medicine by injecting clients with botulinum toxin and dermal fillers. Between July and October 2017, the respondent, College of Physicians and Surgeons of British Columbia, sought two successive interim injunctions to enjoin the appellant from her unlawful conduct. In August 2018, the appellant was found to be in contempt of court for breaching the interim injunctions. Read the [full article](#) by by Katrina Eñano, published by the Canadian Lawyer.

Act or Regulation Affected	Effective Date	Amendment Information
Information Management Regulation (74/2015)	REPEALED Dec. 13/21	by Reg 328/2021
Information Management Regulation (328/2021) <i>(replaces B.C. Reg 74/2015)</i>	NEW Dec. 13/21	see Reg 328/2021
Provider Regulation (222/2014)	Dec. 13/21	by Reg 327/2021

LABOUR & EMPLOYMENT

Labour and Employment News:

BC Workers Now Eligible to Five-Day Sick Leave

Effective January 1st, 2022, all British Columbia employees covered by the [Employment Standards Act](#) are entitled to five days paid sick leave.

The [Employment Standards Amendment Act \(No. 2\), 2021](#) was originally introduced in the spring 2021, and provided temporary COVID-19-related paid sick leave. On January 1st, 2022, the new legislation became permanent.

The new legislation applies to both full time and part time employees provided they have been employed for at least 90 days.

Canada to Enforce Mandatory COVID-19 Vaccination in Federally Regulated Workplaces

COVID-19 vaccine mandate to come into force in early 2022: Employment and Social Development Canada

The federal government will propose regulations under the [Canada Labour Code](#) to make COVID-19 vaccination mandatory for all employees in federally regulated workplaces, said Employment and Social Development Canada (ESDC). "Making vaccination mandatory across all federally regulated workplaces will protect workers, their families and their communities, said Minister of Labour Seamus O'Regan Jr. "It will help us finish the fight against COVID-19 and help us sustain a strong and stable economic recovery." Read the [full article](#) by Katrina Eñano, published by Canadian Lawyer.

Pandemic-Related Class Action Given Green Light

Workers at B.C. hotel claim wrongful dismissal, breach of group termination provisions

A Supreme Court judge in British Columbia has certified a class-action lawsuit filed against Pan Pacific Vancouver alleging that workers were wrongfully fired by their employer during the pandemic.

The suit was filed by a former concierge, Romuel Escobar, who worked at the hotel for 24 years before being terminated in August. Read the [full article](#) by Jim Wilson, published in the HR Reporter.

Act or Regulation Affected	Effective Date	Amendment Information
Employer Health Tax Act	Dec. 31/21	by 2020 Bill 18, c. 19, section 16 only (in force by Royal Assent), Economic Stabilization (COVID-19) Act
Employment and Assistance Regulation (263/2002)	Dec. 13/21	by Reg 322/2021
Employment and Assistance for Persons with Disabilities Regulation (265/2002)	Dec. 13/21	by Reg 322/2021
Employment Standards Act	Dec. 31/21	by RSBC 1996, c. 113
	Jan. 1/22	by 2021 Bill 13, c. 12, sections 1, 2 and 5 only (in force by Royal Assent), Employment Standards Amendment Act (No. 2), 2021
Employment Standards Regulation (396/95)	Jan. 1/22	by Reg 293/2021
Executive Staff Maximum Salary	NEW	

Regulation (334/2021)	Dec. 17/21	see Reg 334/2021
Occupational Health and Safety Regulation (296/97)	Dec. 1/21	by Reg 222/2021 and Reg 207/2021
Salary Range Regulation (152/2017)	REPEALED Dec. 17/21	by Reg 333/2021

LOCAL GOVERNMENT

Local Government News:

BC Supreme Court Weighs In on City of Vancouver's Approach to Assessing Empty-Home Tax on Redevelopment Properties

A recent BC Supreme Court decision may be of significant interest to residential property owners in the City of Vancouver who have been denied vacancy tax exemptions for properties under redevelopment. In 2016, the City of Vancouver ("City") implemented a vacancy tax on residential properties left vacant for a period of time, subject to certain exemptions, including for those properties undergoing redevelopment (the "Vacancy Tax"). The *Vacancy Tax By-law*, [No. 11674](#) (the "By-law") is the legal basis for the imposition of the Vacancy Tax and outlines how it is administered. In *Belmont Nominee Ltd. v. Vancouver (City)*, the Court considered the reasonableness of a vacancy tax review officer ("Review Officer") and subsequent vacancy tax review panel's ("Review Panel") decision to disallow a tax exemption under the By-law for vacant property undergoing redevelopment. Read the [full article](#) by Chris Sharpe and Kim Brown with Clark Wilson LLP.

5G Municipal Deployment

A decision by the Canadian Radio-television and Telecommunications Commission (the "CRTC") affirms the rights of municipalities to maintain and manage municipal right of ways ("ROWs") and public spaces in relation to the deployment of 5G technology.

Background

In January 2019, the CRTC launched a national public inquiry to review mobile wireless services in Canada. One of the issues addressed in this inquiry was the role of municipalities in the deployment of 5G technology, including the degree to which municipal involvement and consent is required for the deployment of 5G infrastructure. As part of this process, the CRTC invited written submissions from interested parties and held a public hearing.

Read the [full article](#) by Katie Dakus, published in the recent Lidstone & Company Law Letter (pg. 7).

Supreme Court of Canada Dismisses Application for Leave to Appeal New Westminster Rental Units Bylaw Amendment

On December 9, 2021, the Supreme Court of Canada informed the City of New Westminister that it has dismissed an application for leave to appeal the Rental Units Bylaw Amendment. This decision follows a ruling in the City's favour by the BC Court of Appeal earlier this year upholding the City's right to adopt the bylaw amendment to deter the practice of renovations and help preserve affordable rental housing in New Westminister. "Thank you to the Supreme Court of Canada for dismissing the leave for appeal and confirming once again our right to use our powers to take bold actions to protect tenants," said Mayor Jonathan X. Cote. "The housing crisis is long from over and we are committed to working to ensure housing affordability and rental stock are available to anyone who needs it." Read the City of New Westminister [news release](#).

Lessons from the Prince George Parkade

In December 2017, a private developer, A & T Project Developments Inc. (the "Developer") announced plans with the City of Prince George (the "City") to build high-end condos (the "Housing Project") on City owned lands (the "Lands") adjacent to City Hall. The Housing Project was greeted as the "missing piece of the puzzle" for the city's downtown redevelopment plan, which had long called for people to live in the neighbourhood to help sustain more shops and restaurants. To make the Housing Project happen, the City entered into an agreement with the Developer for the City (the "Parkade Agreement") to assume the costs of building a 290-vehicle underground parkade for the condo (the "Parkade"), with 130 spots rented to developers at a reduced rate over 50 years and the remainder available to other customers. The Parkade Agreement was structured as a "cost plus" agreement whereby the City agreed to reimburse the Developer for its costs of building the Parkade, plus a

specified percentage of those costs. Read the [full article](#) by Lindsay Parcels, published in the December 2021 Lidstone & Company *Law Letter*.

The Province Proposes to Simplify and Accelerate Municipal Development Approvals

On November 3, 2021, [Bill 26](#) received third reading by BC's legislature. The Bill seeks to amend the [Local Government Act](#) by removing the default public hearing requirement for zoning amendment bylaws that are consistent with an official community plan and enabling local governments to delegate decisions on minor development variance permits. The purpose of the proposed legislative amendments is to give local governments more powers to simplify and accelerate their development approvals processes to increase the housing supply. Read the [full article](#) by Talya Peled Bar and [Pam Jefcoat](#) with Civic Legal LLP.

BC Ombudsperson's Recommendations on Tax Sales Aimed at "Modernizing an Ancient Process": Lawyer

BC's ombudsperson is calling on policymakers to change the way municipalities in British Columbia use tax sales to collect unpaid property taxes – recommendations the province is pledging to take action on. In British Columbia, if an owner has failed to pay outstanding property taxes and the payment has become delinquent, a municipality is able to offer properties at an annual tax sale, which are conducted at the end of September. The property is then sold at auction to the highest bidder and the municipality is authorized to recover from the proceeds of the tax sale an amount called the "upset price," which includes the amount of the tax arrears plus interest. Read the [full article](#) by Ian Burns, published by *The Lawyer's Daily*.

Victoria Wins Short-Term Rental Court Cases

Illegal short-term rental operators are learning the hard way that the City of Victoria is actively enforcing its short-term rental policy. Four recent court cases against illegal short-term rental operators demonstrate the City's short-term rental policy and enforcement efforts are working. The cases resulted in close to \$20,000 in fines and court orders prohibiting five people from operating short-term rentals. The decisions confirm the City's regulations are sound and pave the way for future prosecutions against illegal operators. Read the full City of Victoria [news release](#).

Act or Regulation Affected	Effective Date	Amendment Information
Agricultural Land Reserve Use Regulation (30/2019)	Dec. 31/21	by Reg 190/2021
Electrical Power Corporations Valuation Regulation (217/86)	Dec. 1/21	by Reg 313/2021
Eligible Port Property Designation Regulation (309/2010)	Dec. 13/21	by Reg 329/2021
Gaming Control Regulation (208/2002)	Jan. 1/22	by Reg 208/2002
Local Elections Campaign Financing Act	Dec. 1/21	by 2021 Bill 19, c. 5, sections 1, 3, 5 to 12, 16, 23, 24, 26 to 47, 49, 52, 54, 56, 59 to 64, 67 and 70 only (in force by Reg 281/2021), Local Elections Statutes Amendment Act, 2021
Local Elections Campaign Financing Prior to 2022 General Local Election Regulation (309/2016) (formerly <i>Local Elections Campaign Financing Expense Limit Regulation</i>)	Dec. 1/21	by Reg 280/2021
Local Elections Campaign Financing Regulation (281/2021)	NEW Dec. 1/21	see Reg 281/2021

Local Government Act	Dec. 1/21	by 2021 Bill 9, c. 5, sections 72 to 76 only (in force by Reg 281/2021), Local Elections Statutes Amendment Act, 2021
Managed Forest Land and Cut Timber Values Regulation (90/2000)	Dec. 1/21	by Reg 311/2021
Milk Industry Standards Exception Regulation (317/2021)	NEW RETRO to Nov. 17/21	see Reg 317/2021
Port Land Valuation Regulation (304/2010)	Dec. 13/21	by Reg 319/2021
Railway and Pipeline Corporations Valuation Regulation (203/86)	Dec. 1/21	by Reg 312/2021
Railway, Pipeline, Electric Power and Telecommunications Corporation Rights of Way Valuation Regulation (218/86)	Dec. 1/21	by Reg 314/2021
Restricted-Use Property Valuation Regulation (236/2017)	Dec. 13/21	by Reg 318/2021
School Act	Dec. 1/21	by 2021 Bill 9, c. 5, section 83 only (in force by Reg 281/2021), Local Elections Statutes Amendment Act, 2021
School Tax Exemptions and Refunds (Approved and Eligible Hydroelectric Power Projects) Regulation (144/2005)	Jan. 1/22	by Reg 288/2021
Telecommunications Corporations Valuation Regulation (226/86)	Dec. 1/21	by Reg 315/2021
Vancouver Charter	Dec. 1/21	by 2021 Bill 9, c. 5, sections 86 to 90 only (in force by Reg 281/2021), Local Elections Statutes Amendment Act, 2021

MISCELLANEOUS

Miscellaneous News:

Special Committee Releases Report Suggesting Changes to Modernize BC's Private Sector Privacy Law

The Special Committee to Review the [Personal Information Protection Act](#) ("PIPA") released their report on December 6, 2021 (the "Report"), summarizing their recommendations to modernize PIPA. In preparation of the Report, the Special Committee considered input and submissions from the Office of the Information and Privacy Commissioner of British Columbia ("OIPC") and other interested stakeholders over the past two years. In total, the Report makes 34 recommendations to modernize PIPA. In this bulletin, we will touch on a few notable recommendations to amend PIPA that may affect the processes and procedures of businesses governed by PIPA. Read the [full article](#) by [Robert C. Piasentin](#), [Gurp Dhaliwal](#) and [Yue Fei](#) with McMillan LLP.

Law Society of B.C. Steps Up Audits of Trust Accounts to Monitor Money Laundering

The Law Society of B.C. has stepped up audits of lawyers' trust accounts in the past several years in an effort to monitor signs of money laundering.

The society has done so to have surveillance on the trust accounts in the absence of a requirement for lawyers to report suspicious transactions to Canada's financial intelligence gathering agency. Notaries and realtors, for example, must report suspicious transactions.

The law society ran about 450 audits a year through 2015 but as of 2019 that had been bumped up to 675 audits a year. During difficulties created by the COVID-19 pandemic, the society managed to run 636 audits in 2020. Read the [full article](#) published on O'Canada.com.

Bill 22: Amendments to the Freedom of Information and Protection of Privacy Act

BC's [Freedom of Information and Protection of Privacy Act](#) RSBC 1996, c 165 ("FIPPA") governs how public bodies collect, use and disclose the personal information of individuals. FIPPA also establishes an individual's right to access records in the custody or control of a public body. The purpose of FIPPA is to hold public bodies accountable for their information practices by making security arrangements against unauthorized access, collection, use, disclosure or disposal of information ([OIPC, Guide to Access and Privacy Protection under FIPPA](#)).

On November 25, 2021, Bill 22, [Freedom of Information and Protection of Privacy Amendment Act, 2021](#) ("Bill 22") became law, bringing into force significant amendments to FIPPA. The stated purpose of Bill 22 was to strengthen government accountability and transparency, enhance public sector privacy protections, and increase information sharing with Indigenous peoples while limiting harmful disclosure. [The Government's position](#) was that Bill 22 would help BC's public sector keep pace with advancements in technology and provide the level of service that people expect in the digital era. However, some aspects of Bill 22 were the subject of fierce debate and [solicited critique from the Information and Privacy Commissioner for British Columbia](#) (the "Commissioner"). Key concerns include the substance and timing of key regulations which may impact data residency and data linking, as well as the imposition of a new \$10 application fee for access to information requests made under FIPPA. Read the [full article](#) by [Ryan J. Black](#), [David Spratley](#), [Tyson Gratton](#), [Becky Rock](#), Yue Liu and Stephanie Wright with DLA Piper.

Act or Regulation Affected	Effective Date	Amendment Information
Commissioners for Taking Affidavits for British Columbia Regulation (142/2015)	Jan. 1/22	by Reg 332/2021
COVID-19 Related Measures Act	Dec. 20/21	by Reg 337/2021
	Dec. 31/21	by Reg 230/2021 and Reg 231/2021
Freedom of Information and Protection of Privacy Act	Dec. 20/21	by Reg 336/2021
	Dec. 30/21	by Reg 346/2021
Information Management Systems (Digital Evidence Management System) Regulation (309/2021)	NEW Jan. 1/22	see Reg 309/2021
Police Act	Jan. 1/22	by 2021 Bill 4, c. 18, sections 53 and 54 only (in force by Royal Assent), Budget Measures Implementation Act, 2021

MOTOR VEHICLE & TRANSPORTATION

Motor Vehicle & Transportation News:

B.C. Driver's Licence Residency Requirements

As of January 1st, the [Motor Vehicle Act](#) was amended by [2020 Bill 2](#) and the [Motor Vehicle Act Regulations](#) were amended by [B.C. Reg. 304/2021](#). These amendments include provisions establishing British Columbia residency requirements for holding a driver's licence.

Canada Gazette, Part I, Volume 155, Number 50:

Regulations Amending the Transportation of Dangerous Goods Regulations (Part 6 – Training)

60 days consultation (until February 09, 2022)

Statutory authority: [Transportation of Dangerous Goods Act, 1992](#)

Issues: The [Transportation of Dangerous Goods Regulations](#) (TDGR) require any person who handles, offers for transport or transports dangerous goods, to be "adequately trained" in their dangerous goods tasks and receive a certificate of training. While a majority of stakeholders meet or exceed the current training requirements, Transport Canada (TC) inspectors have identified that some employees lack the knowledge and skills required to conduct their dangerous goods tasks despite possessing a valid training certificate. Inconsistent or poor training of persons who handle, offer for transport or transport dangerous goods can result in improper handling and transporting of dangerous goods that could endanger public safety. The Transportation of Dangerous Goods (TDG) monitoring program revealed that, of the 409 dangerous goods incidents resulting in injury or death reported between 2014 and 2019, approximately 55 were attributed to improper or insufficient training. Extensive consultations with industry indicated that there is confusion among some stakeholders regarding what "adequately trained" means and what type of training their employees need. Read the [full publication](#) from the Canada Gazette.

Passenger Transportation Board Bulletins

The following updates were recently published by the BC Transportation Board:

Industry Updates & Advisories

- **Recent TNS Decisions Rendered**
The Board has rendered decisions on the Uber Canada Inc. (10268-20 TNS) and Facedrive Inc. (10149-20 TNS) applications that were part of the COVID-19 Board Investigation. The decisions are linked below and more information can be found in the [Q&As](#).
- **Deadline Extended to Activate Additional Taxis**
In light of the ongoing impact of the COVID-19 pandemic, the Board is further extending the deadline to activate additional taxis until May 12, 2022. This extension applies to Taxi Modernization vehicles or [additional](#) vehicle decisions made by the Board after March 2020 and the vehicles were not activated due to COVID-19. The Board previously issued advisories granting extensions until [August 2021](#) and [February 2022](#).
- **Festive Season & Peak Season TOPs for Taxis & Limousines**
For the 2021 'festive season' and 'peak season', taxi & limousine companies in BC may apply for Festive Season Temporary Operating Permits (FSTOPs) or Peak Season Temporary Operating Permits (PSTOPs) and choose any time period from November 15, 2021 up to and including January 15, 2022. To apply, see section 2 (Taxi) or 3 (Limousine) of [Reference Sheet 17 \(TOPs\)](#).

Applications Received

- [13424-21](#) – Hathaway, Michael David (Mountain Man Mike's)
- [13651-21](#) – Levin, Joshua Thomas; Little, Cynthia Yvonne (River City Limo)

Application Decisions

- [13919-21 TOP](#) – Cold Comforts Lodgings Ltd. [Approved]
- [10268-20 TNS](#) – Uber Canada Inc. [Refused]
- [10149-20 TNS](#) – Facedrive Inc. [Refused]
- [13353-21](#) – Ship 2 Shore Transportation Ltd. [Approved]

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

CVSE Bulletins & Notices

The following notices were posted recently by CVSE:

- [Notice 07-21](#) – Oversize Permit Restrictions for Travel on Hwy 5
- [Circular 07-17](#) – Temporary Increase to Steer Axle Weights for Specified Pre-Approved Logging Truck Configurations by General Authorization. This extended authorization is valid until December 31, 2022
- [Notice 06-21](#) – Oversize Permit Restrictions for Travel on Hwy 3, Hwy 1 and Hwy 5A
- [CVSE1000S](#) – Supplement for Structures
- [Notice 05-21](#) – Oversize Restriction for Travel on Highway 1 on Vancouver Island

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

Act or Regulation Affected	Effective Date	Amendment Information
Motor Vehicle Act	Jan. 1/22	by 2020 Bill 2, c. 9, sections 3, 4, 6 to 8 and 16 only (in force by Reg 304/2021), Motor Vehicle Amendment Act, 2020
Motor Vehicle Act Regulations (26/58)	Jan. 1/22	by Reg 304/2021
Violation Ticket Administration and Fines Regulation (89/97)	Dec. 13/21	by Reg 324/2021
	Dec. 20/21	by Reg 335/2021

OCCUPATIONAL HEALTH AND SAFETY

Occupational Health & Safety News:

CSA Group Report Aims to Improve Canada's PPE Ecosystem

The peak demand for pandemic response products may have passed – though with the Omicron variant demand may soar once again – but it is critical to address any gaps to ensure that Canada is self-sufficient and able to protect against any future shortages. CSA Group has released the second of its two reports, *Realizing A Made in Canada Pandemic Response Products Ecosystem: Action and Impact* (*Realizing A Made-in Canada Pandemic Response Products Ecosystem*, researched in collaboration with Next Generation Manufacturing Canada (NGen) and the National Research Council of Canada Industrial Research Assistance Program (NRC IRAP). Read the [full article](#) by [Maia Foulis](#), published on the Canadian Occupational Safety website.

WorkSafeBC Seeks Feedback on Policy Workplans

WorkSafeBC is asking for stakeholder feedback on its 2022–24 Policy Workplans concerning compensation and occupational disease, assessment, and occupational health and safety (OHS). The organization's board of directors has the mandate to make legally binding policy, and submissions are being accepted until Jan. 14, 2022. Comments become part of the Policy, Regulation and Research Department's database and may be published, including the identity of organizations and those participating on behalf of organizations, according to WorkSafeBC. "The identity of those who have participated on their own behalf will be kept confidential according to the provisions of the [Freedom of Information and Protection of Privacy Act](#)." Stakeholders can share their inputs through this link: [WorkSafeBC](#). Read the [full article](#) by Jim Wilson, published in the *HRReporter*.

New Public Health Orders

The Public Health Office (PHO) recently issued the following Orders, Notices & Guidance:

Orders:

- [Delayed Return to School – December 31, 2021 \(PDF, 375KB\)](#)
- [Gatherings and Events – December 22, 2021 \(PDF, 548KB\)](#)
- [Public Guidelines for Request for Reconsideration \(Exemption\) Process – December 23, 2021 \(PDF, 447KB\)](#)
- [Food and Liquor Serving Premises – December 22, 2021 \(PDF, 481KB\)](#)
 - [Public Guidelines for Request for Reconsideration \(Exemption\) Process – December 23, 2021 \(PDF, 447KB\)](#)

- [Face Coverings \(COVID-19\) – December 3, 2021 \(PDF, 440KB\)](#)

Medical Health Officer Order:

- [Gatherings and Events COVID-19 Order for Northern Health Authority – December 24, 2021 \(PDF, 185KB\)](#)

Medical Health Officer Notices:

- [Notice of Repeal of Gatherings and Events COVID-19 Order for Interior Health Authority – December 1, 2021 \(PDF, 213KB\)](#)

Guidance:

- [Guidance for Food and Liquor Serving Premises – December 31, 2021 \(PDF, 646KB\)](#)

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

OHS Policies/Guidelines – Updates

WorkSafeBC recently issued the following OHS Updates:

Guidelines – OHS:

The following guideline has CPI adjustments effective January 1, 2022, as well as an editorial revision to align with amendments to the OHS Regulation:

- G-P2-94-1 [OHS citations](#)

Guidelines – OHS Regulation:

The following guideline was revised:

- Part 6 Chemical Agents and Biological Agents
[G6.25 Sealed containers](#)

Policies – *Workers Compensation Act*:

The following policies were updated to reflect CPI adjustments, effective January 1, 2022:

- [P2-94-1 - OHS Citations](#)
- [P2-95-4 - Non-Exclusive Ways to Impose Financial Penalties](#)
- [P2-95-5 - OHS Penalty Amounts](#)
- [P5-251-1 - Claims Costs Levies](#)

Check the [WorkSafeBC website](#) to explore these and other important OHS updates.

Act or Regulation Affected	Effective Date	Amendment Information
Occupational Health and Safety Regulation (296/97)	Dec. 1/21	by Reg 222/2021 and Reg 207/2021

PROPERTY & REAL ESTATE

Property and Real Estate News:

Trudeau Eyes Foreign Buyers Ban on Non-recreational Properties, End to Blind Bidding

Justin Trudeau has handed his housing minister a series of tasks, including some targeting foreign buyers, in an attempt to make home ownership a reality for more Canadians. In a mandate letter sent to Ahmed Hussen on Thursday [December 16], the prime minister asked for measures that include a temporary ban on non-recreational residential sales to foreign buyers. He says that will help ensure that housing does not sit vacant and unavailable to Canadians wanting to buy homes. The ban is a cornerstone of Trudeau's plan to address Canada's frenzied housing market that has become synonymous with limited supply leading to bidding wars,

extreme buyers' anxiety and skyrocketing costs. Read the Global News [article](#).

10 Things You Might Not Know about the British Columbia Builders Lien Act

The British Columbia [Builders Lien Act](#) (BLA) is a complex piece of legislation that should be understood by those advising, or participating in, the construction industry, particularly on the business side. Yet there are aspects of the BLA that are sometimes overlooked, misunderstood, or are inadvertently ignored. Its operation is not always obvious. Here are some of the BLA's less obvious characteristics. Read the [full article](#) by [Dirk Laudan](#), [Kimberly Gose](#) with Borden Ladner Gervais.

Act or Regulation Affected	Effective Date	Amendment Information
Residential Tenancy Regulation (477/2003)	Jan. 1/22	by Reg 174/2021
Speculation and Vacancy Tax Act	Jan. 1/22	by SBC 2018, c. 46
		by 2021 Bill 4, c. 18, section 74 only (in force by Royal Assent), Budget Measures Implementation Act, 2021

WILLS & ESTATES

Wills and Estates News:

Court Clarifies Costs of Estate Litigation in Complex Family Dispute

This Vancouver estate litigation between siblings over their father's estate – and the costs of the estate litigation itself – lasted nearly a decade. The BC Court of Appeal's ruling in in [Hollander v. Mooney, 2017 BCCA 238](#), [leave to appeal ref'd \[2017\] S.C.C.A. No. 356](#) clarified important principles for awarding costs in estate litigation.

Father's estate planning leads to dispute among siblings

Litigation in the *Hollander* matter began in 2009 as a dispute among three siblings about a committee application concerning the estate planning of their father, Eldon Mooney. In 2008, Eldon executed a will and documents that resulted in most of his property being transferred into [joint tenancy](#) to himself and his two younger children, Gina and Mark. The effect of this estate planning was that on Eldon's death, most of his property would vest in Gina and Mark. The exception was a RRIF from which Gail (Eldon's eldest daughter) was to receive \$200,000. Later in 2008, Eldon was hospitalized as the result of a head injury. Thereafter, Eldon appointed Gail and Gail's daughter, Sasha, as his representatives pursuant to the [Representation Agreement Act](#), R.S.B.C. 1996, c. 405.

Read the [full article](#) by Janis Ko with the ONYX Law Group.

B.C. Comment: Plaintiff Not a "Spouse" of the Deceased Entitled to a Share of His Estate – Appeal Dismissed

In estate litigation, spouses have certain rights and available remedies. If there is a will, the spouse of the deceased is entitled to bring a claim to vary the will if it does not make adequate provision for the surviving spouse. If there is no will (i.e. an intestacy), then the spouse is entitled to a preferential share of the estate.

It is increasingly common to see the issue of standing, i.e. whether a person is actually a "spouse," make its way before the B.C. Courts. I have previously written on this issue [here](#).

The B.C. Court of Appeal considered this issue again in the recent decision of *Mother 1 v. Solus Trust Company Limited* [2021 BCCA 461](#). "Mother 1" asked the Court of Appeal to overturn a decision by the B.C. Supreme Court that she was not a "spouse" of the deceased. Read the [full article](#) by [James Zaitsoff](#), published on the BC Estate Litigation Blog.

B.C. Case Comment: Resulting Trust – Transfer of Real Property

into Joint Ownership Not Intended to be Irrevocable

The transfer of property into joint ownership, whether it be real property, bank accounts, or other assets, is a common estate planning tool. Property is often transferred into joint ownership so that it passes to the surviving joint owner outside of the original owner's estate. In B.C., you are permitted to put your property into joint ownership to avoid probate fees and potential wills variation claims. However, disputes still arise with respect to what a deceased person intended when they transferred their property into joint ownership.

The B.C. Supreme Court recently considered this issue in *Di Giacomo v. Di Giacomo* [2021 BCSC 2313](#). In *Di Giacomo*, the will-maker had two sons. In 2000, he made a will dividing his estate into three equal shares, one for each of his two sons, and one for his brother. The evidence was that he did so because (1) he appreciated that his brother provided him with assistance, and (2) he was unhappy with certain behavior of his sons. Read the [full article](#) published on the BC Estate Litigation Blog.

Act or Regulation Affected	Effective Date	Amendment Information
Wills, Estates and Succession Act	Dec. 1/21	by 2020 Bill 21, c. 12, sections 2 and 4 to 10 only (in force by Reg 252/2021), Wills, Estates and Succession Amendment Act, 2020

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