

Quickscribe Reporter

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Vol: XXIII – Issue 2 – February 2024

QS News

BC Budget 2024/Parliamentary Session

On February 22, the province announced the 2024 budget, and introduced the [Budget Measures Implementation Act, 2024](#). Some of the highlights of the budget include:

- an increase to the BC Family Benefit,
- a one-time electricity affordability credit,
- an increase to the climate action tax credit,
- a new home flipping tax that will be effective January 1, 2025,
- a property transfer tax exemption for first-time homebuyers,
- a higher Employer Health Tax exemption threshold, and
- funding focusing on housing, health care, and climate emergency response.

There is a projected deficit of \$7.9 billion for the upcoming year. For more information, see the [BC Budget 2024 site](#) or the [news release](#).

New Bills

The following bills were recently introduced:

Government Bills

- [Bill 1](#) – An Act to Ensure the Supremacy of Parliament
- [Bill 2](#) – Employment Standards Amendment Act, 2024
- [Bill 3](#) – Budget Measures Implementation Act, 2024
- [Bill 4](#) – Municipal Affairs Statutes Amendment Act, 2024
- [Bill 5](#) – Child, Family and Community Service Amendment Act, 2024
- [Bill 6](#) – Supply Act (No. 1), 2024
- [Bill 7](#) – Social Development and Poverty Reduction Statutes Amendment Act, 2024

Members' Bills

- [Bill M201](#) – Residential Tenancy Amendment Act, 2024

For more information on the status of these or any other bills, visit our dedicated [Bills page](#), located on the left navigation. If you wish to be notified when these or other changes come into force, check out Quickscribe's 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!

New Annotations

New Annotations have been added to Quickscribe:

- [Deborah M. Cumberford](#) – [Business Corporations Act](#)

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COMPANY & FINANCE

Company and Finance News:

2024 B.C. Budget: Tax Highlights

On February 22, 2024, the British Columbia Minister of Finance tabled the province's [2024 budget](#). The 2024 budget contains a number of notable tax measures, including the following:

Provincial Anti-Flipping Tax

- A "home flipping" tax on income derived from the sale of residential properties sold within two years of purchase. The proposed rate of tax is 20% for properties sold within 365 days of purchase, with such rate declining (to zero) on a straight-line basis for residential properties sold between 366 and 730 days after purchase. Legislation to enact the tax is expected in spring 2024 for properties sold on or after January 1, 2025.

Employer Health Tax

- The Employer Health Tax exemption threshold will be increased from \$500,000 to \$1,000,000 under the [Employer Health Tax Act](#) (British Columbia). Similarly, the "notch rate" will be increased from 2.925% to 5.85% for remuneration above \$1,000,000 and below \$1,500,000.

Read the [full tax alert](#) prepared by [Brendan Forrest](#) and [Justin Shoemaker](#) with Thorsteinssons LLP.

Federal Court of Appeal Confirms that Payments of Life Insurance Premiums Can Give Rise to Taxable Benefits under Subsections 15(1) and 246(1) of the ITA

In *Gestion M.-A. Roy Inc. c Canada* ([2024 FCA 16](#)), the Federal Court of Appeal agreed with the Tax Court that the corporate holders of two life insurance policies received taxable benefits where the premiums of both policies were paid by a third corporation within the group. The case involved an operating company (the "Opco") that paid premiums for life insurance policies held by two holding companies (the "Holdcos"). One of the Holdcos was a shareholder of Opco and the other one was not. Opco was the revocable beneficiary of both policies, which were put in place to ensure Opco would have sufficient funds to redeem the Holdcos' shares in the event of the ultimate shareholder's death. Read the [tax alert](#) prepared by [Sarah Faber](#) with Thorsteinssons LLP.

Tax Evasion in Canada: The Balancing Act of Bankruptcy and Confidentiality

The case of *Milot Law v Sittler*, 2024 ABCA 39 arises from the DeMara Consulting Inc. tax evasion scandal. Heather and Sheldon Sittler (collectively, the Sittlers) became engaged in litigation around a \$4 million debt owed to the Canada Revenue Agency. Initially, Milot Law became involved with the Sittlers as their tax counsel. In 2022, Milot Law assumed the role of their trustee in bankruptcy. The complicated nature of their legal relationship resulted in a dispute linking bankruptcy, confidentiality, and solicitor/client relationships. Read the [full article](#) by [Kevin Barr](#) and [Farrukh Ahmad](#) with Borden Ladner Gervais LLP.

Insurance Council of British Columbia Announces Changes to Licensing

On Feb. 6, 2024, the Insurance Council of British Columbia ("Insurance Council of BC") announced changes to general and adjuster licensure requirements as part of an [ongoing multi-year initiative to review and update the Insurance Council's rules](#) ("Council Rules"). These changes will remove ownership and management requirements for Level 3 insurance adjusters and Level 3 general insurance agents. British Columbia's [Financial Institutions Act](#) provides for licensing requirements for both entities and individuals. A licensed partnership or corporation is required to nominate an individual who is a licensed insurance agent or licensed insurance adjuster to exercise the rights and privileges conferred by the license on behalf of the licensed entity. Read the [full article](#) by [Alana Scotchmer](#) and [Rachel B. Runge](#) with Gowling WLG.

Government of BC Introduces First Nations Equity Financing Framework

On February 22, 2024, the Government of British Columbia announced in its 2024 Budget and Fiscal Plan (the “2024 Budget”) that it will implement a provincial First Nations Equity Financing Framework (the “Framework”) to bolster the development of economic partnerships between First Nations and the business sector. The Framework will consider an array of submissions including for projects in the agriculture, aquaculture, tourism and natural resource sectors and support First Nations equity investments by providing equity loan guarantees and other tools. The 2024 Budget provides for legislation to establish a First Nations Equity Financing special account with a \$10 million inaugural balance intended to fund immediate capacity needs for First Nations considering equity stakes in priority projects and for provincial costs to operationalize a new loan guarantee program. The BC Treasury Board will allocate portions of future revenues earned from these priority projects to the special account. The Treasury Board was also granted the authority to use the special account to implement a provincial loan guarantee program for loans incurred by First Nations to acquire equity ownership stakes in priority projects. The cumulative guarantee limit using this special account will be \$1 billion. Read the [full article](#) by Lynn Parsons, Jacob Stone, Stephen Furlan, Bryn Gray, K.C. and Dave Nikolejsin with McCarthy Tétrault LLP.

Head in the Clouds? BC Introduces Retroactive PST Changes on Affecting Purchasers of Cloud-Based Computing Software

Retroactive changes to the [Provincial Sales Tax Act](#) (British Columbia) (the “PSTA”) were announced February 22 by the BC Government in its 2024 budget. Should the [enacting legislation](#) receive royal assent, the changes will be effective as of April 1, 2013. The most impactful changes would be:

1. A retroactive expansion of the applicability of the PSTA that imposes a requirement on purchasers to pay PST on the purchase price of software acquired for use in BC; and
2. An expanded definition of “software” for purposes of the PSTA.

Read the [full article](#) by [Max Walker](#), [Chelsea Colwill](#) with Lawson Lundell LLP.

“Joint Actors” in Shareholder Activism: The Importance of a “Common Specific Purpose”

Proxy contests for control of an issuer’s board necessarily involve soliciting shareholder support for the dissident’s slate of directors and often involve discussions among shareholders who have similar or overlapping objectives in mind. But when do these discussions amount to a group of shareholders acting “jointly or in concert” with each other? The issue matters because, amongst other things, becoming “joint actors” can lead to public disclosure obligations under the early warning requirements (EWR) of securities legislation. Read the [full article](#) by Bradley A. Freelan, Brad Moore and Paul Blyschak with Fasken Martineau DuMoulin LLP.

CSA Propose Binding Dispute Resolution Framework for Retail Client Complaints

The Canadian Securities Administrators (“CSA”) have proposed amendments to [National Instrument 31-103 Registration Requirements, Exemptions and Ongoing Registrant Obligations](#) (“NI 31-103”) and changes to its companion policy to introduce a new regulatory framework (the “Proposed Framework”), under which an identified ombudservice would have authority to issue binding final decisions in response to retail client complaints. The proposed amendments were published for a 90-day comment period that ends on February 28, 2024.

Background

Part 13, Division 5, of NI 31-103 sets out requirements for registered firms, other than investment fund managers acting in that capacity, for handling and responding to client complaints. These generally include making an independent dispute resolution or mediation service available to clients and taking reasonable steps to ensure that the Ombudsman for Banking Services and Investments (“OBSI”) is the ombudservice made available to them. While OBSI may recommend monetary compensation up to C\$350,000, it has no formal power or process to require a firm to pay a complainant. Some firms have therefore offered complainants less than the recommended amount.

Read the [full article](#) published on the Stikeman Elliot Knowledge Hub website.

Updates to BC Sales Taxes

The following updates to sales taxes were recently posted:

Provincial sales tax (PST)

- **February 22, 2024**

The provincial government announced its 2024 Budget on February 22, 2024. Consumption tax programs administered by the Ministry of Finance are changed as a result. Learn more at [B.C. Provincial budget tax changes](#).

Motor fuel tax and carbon tax

- **February 21, 2024**

The [partial exemption from carbon tax for greenhouse growers](#) page has been updated to include two new carbon tax refund forms:

- [FIN 110A, Application for Refund of Carbon Tax Greenhouse Growers – Purchaser \(PDF, 200KB\)](#), is a new form eligible greenhouse growers can use to claim a refund if they paid carbon tax at the full applicable rate on natural gas or propane they used for an eligible purpose
- [FIN 110B, Application for Refund of Carbon Tax Greenhouse Growers – Seller \(Propane\) \(PDF, 200KB\)](#), is a new form deputy collectors or retail dealers can use to claim a refund if they paid security on propane at the full applicable rate and sold it partially exempt to an eligible greenhouse grower

The following bulletins have also been updated to include reference to these new forms:

- [Bulletin CT 002, Carbon Tax Refunds for Purchasers \(PDF, 190KB\)](#)
- [Bulletin MFT-CT 001, Fuel Sellers \(PDF, 240KB\)](#)
- [Bulletin MFT-CT 007, Refunds for Deputy Collectors and Retail Dealers \(PDF, 160KB\)](#)
- **March 1, 2024**
[FIN 262, Application for Registration as an Exempt Sale Retail Dealer \(ESRD\) and/or Exempt Fuel Retailer \(EFR\) \(PDF, 320KB\)](#) has been revised to allow applicants to indicate if they would like to use the Tobacco and Fuel Tax Exemption Simplification (TAFT) system.

Tobacco tax

- **March 1, 2024**
[FIN 262, Application for Registration as an Exempt Sale Retail Dealer \(ESRD\) and/or Exempt Fuel Retailer \(EFR\) \(PDF, 320KB\)](#) has been revised to allow applicants to indicate if they would like to use the Tobacco and Fuel Tax Exemption Simplification (TAFT) system.

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

BC Securities – Policies & Instruments

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

- [23-333](#) – Order Protection Rule: Market Share Threshold Effective as of April 1, 2024

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

Act or Regulation Affected	Effective Date	Amendment Information
Additional School Tax (Musqueam Block F Lands) Remission Regulation (10/2024)	Feb. 5/24	see Reg 10/2024
British Columbia Egg Marketing Scheme, 1967 (173/67)	Feb. 5/24	by Reg 12/2024
Designated Accommodation Area Tax Regulation	Feb. 1/24	by Reg 182/2023
	Mar. 1/24	by Reg 13/2024

 **ENERGY & MINES**

Energy and Mines News:

Navigating Legal Waters: B.C. Court of Appeal Insulates Hydro Dam Owner from Nuisance Claims

On February 26, 2024, the British Columbia Court of Appeal (Court) issued its decision in [Thomas and Saik'uz First Nation v. Rio Tinto Alcan Inc.](#), upholding the B.C. Supreme Court's dismissal of nuisance claims brought by two First Nations against a private owner of a hydroelectric dam on the Nechako River in northwestern British Columbia.

Following a 189-day trial, the B.C. Supreme Court held that the dam owner, Rio Tinto Alcan Inc. (RTA), was not liable in private and public nuisance since RTA had established a defence of statutory authority by showing that the impact of its dam on fish or fisheries – and therefore the plaintiffs' Aboriginal right to fish – was the "inevitable result" of operating the dam in accordance with government authorizations. Read the [full article](#) by [Ryan McNamara](#) and [Lana Finney](#) with Blake, Cassels & Graydon LLP.

BC Updates Carbon Pricing System for Large Industry

Starting April 1, 2024, B.C.'s output-based pricing system will see large industry pay for its emissions above a set target, and ensure companies have flexibility, support and incentives to reduce emissions and transition to a clean-energy future.

The pricing system sets a performance standard based on the average intensity for the respective industrial sector. Companies that exceed the standard are rewarded with credits. Companies that do not meet the performance standard will have the flexibility to buy credits or offsets. The standard tightens over time as B.C. transitions toward a cleaner economy and in order to comply with federal requirements. For more information, read the full government [news release](#).

BC Supreme Court Upholds Temporary "Freeze" on Cryptocurrency Interconnections

The Supreme Court of British Columbia recently released an important decision considering the validity of government directions to the British Columbia Utilities Commission (BCUC): [Conifex Timber Inc. v British Columbia \(Lieutenant Governor in Council\)](#). Under review was an Order in Council (OIC) [[B.C. Reg. 281/2022](#)] requiring the BCUC to allow BC Hydro to halt cryptocurrency

interconnections for 18 months (until June 28, 2024). In a decision with impacts beyond cryptocurrency operations, Justice Tammen dismissed Conifex's challenge of the OIC, concluding that the suspension of cryptocurrency interconnections was lawful.

The BC government's use of OICs to intervene in matters that would otherwise be subject to BCUC oversight is not uncommon, and has been controversial at times. Despite upholding the OIC in this case, the court left the door open to future challenges of similar OICs, including on the basis of discrimination arguments and the BC government's reconciliation obligations to Indigenous peoples. Read the [full article](#) by [Emily Chan](#) and [Emma Russell](#) with Norton Rose Fulbright Canada LLP.

Displace Indian Coal Power with Canadian Natural Gas: Report

Canada is a founding member of the Powering Past Coal Alliance – a consortium of national and subnational governments committed to addressing climate change by phasing out coal power.

Conspicuously absent from the alliance is India, which has signaled plans to double coal production to 1.5 billion tonnes by 2030 in order to add 88 gigawatts (GW) of new thermal power from coal by 2032, according to the National Bank of Canada.

The amount of greenhouse gases that would produce would wipe out any emissions reductions Canada is able to achieve through its climate change policies many times over, National Bank of Canada says in a new report, which urges investors and policymakers to promote the use of Canadian natural gas, through LNG exports, to replace coal in thermal power generation in places like India.

According to the Intergovernmental Panel on Climate Change (IPCC), GHG emissions can be reduced by 50 per cent when combined cycle natural gas power plants replace thermal power from coal. Read the [BIV article](#).

BC Hydro Prepares for Drop in Water Supply at Biggest Reservoirs

BC Hydro is preparing for a "historic drought" in the coming months as some of its largest reservoirs remain below normal levels.

In 2023, the utility imported about 10,000 gigawatt hours of electricity to cope with a shortfall in water entering its reservoirs. Utility spokesperson Mora Scott said in an email that those conditions are expected to continue over the coming months.

"While conditions have improved on the South Coast and Vancouver Island, our larger reservoirs in the north and southeast of the province are still below normal levels," she said. Read the [BIV article](#).

Federal Government Suggests Major Revision to Draft Clean Electricity Regulations

On February 16, Environment and Climate Change Canada (ECCC) released its ["What We Heard" Report](#) summarizing public comment on the [Clean Electricity Regulations](#) (CER) and seeking additional feedback on possible amendments. The report suggests that some of the most controversial and difficult aspects of the CER will be walked back, but details will only appear in the final regulation.

As described in our [previous update](#), last summer's draft CER proposed prohibiting fossil fuel generating units (including natural gas-fired units) 25MW or greater from emitting carbon dioxide in excess of 30 tonnes CO₂/GWh if connected and exporting to the (NERC) grid. In most cases, the emissions intensity cap would apply to the later of January 1, 2035, or January 1 of the calendar year following the unit's "end of prescribed life" (EOPL, defined as 20 years after the commissioning date). Read the [full article](#) by [Emma Russell](#), [Matthew D. Keen](#) and [Alan Harvie](#) with Norton Rose Fulbright Canada LLP.

Province Updates Act to Prioritize Affordability, Clean Energy

The Province is updating B.C.'s energy objectives in the [Clean Energy Act](#) to help ensure that people and businesses continue to have access to affordable, clean electricity needed to power a growing economy, while reducing carbon pollution.

"With costs rising across the country at rates that are unsustainable for many people, we are focused on keeping the cost of clean electricity as low as possible," said Josie Osborne, Minister of Energy, Mines and Low Carbon Innovation. "Affordable, stable BC Hydro rates are good for households, businesses and climate as we work together to power B.C.'s growing economy with clean energy instead of fossil fuels."

Public utilities in B.C., including BC Hydro, are regulated by the B.C. Utilities Commission, an independent agency. The 2010 [Clean Energy Act](#) includes a list of B.C.'s energy objectives that the commission is required to consider in making its decisions. The Province has issued a regulation to update the objectives under the act to reflect government's efforts to deliver affordable clean power. For the first time since the act was introduced, keeping BC Hydro rates low is now a clear goal. Read the full government [news release](#).

BC Energy Regulator Announcements

The following BC Energy Regulator announcements were posted recently:

- [TU 2024-01](#) – Annual Work Plan Submissions for Dormant Sites
- [TU 2024-02](#) – Updates to the eSubmission of Methane Leak Detection, Quantification and Repair (LDQAR) Survey Data
- [SA 2024-01](#) – 2024 Wildfire Preparedness

Visit the BC-ER [website](#) for more information.

Act or Regulation Affected	Effective Date	Amendment Information

**FAMILY & CHILDREN****Family and Children News:****Child, Family and Community Service
Amendment Act, 2024 Introduced**

On February 28, Bill 5, the [Child, Family and Community Service Amendment Act, 2024](#), was introduced. The Bill proposes amendments to the [Child, Family and Community Service Act](#) to add new procedural safeguards that will balance the privacy of access to personal health information, in the custody or control of a public body, with the Ministry of Children and Family Development's need to protect children from harm. The safeguards are in response to a BC Court of Appeal decision, [2023 BCCA 167](#), and will:

- provide a definition of "personal health information";
- require a notice be sent to the person who is the subject of the information request, promptly after the information has been collected; and
- introduce a new form that ensures a standardized, written approach.

The Bill also addresses barriers to Indigenous jurisdiction by:

- authorizing the court to dispense with formal notice when Indigenous law applies, to avoid unnecessary delays in returning children to their communities and families; and
- expanding the definition of "Indigenous child" to allow Indigenous governing bodies to identify their children throughout the province and be involved in the planning and co-ordination of their care.

**B.C. Simplifies Collection of Cross-Border
Child Support Payments**

More parents and guardians will have help seeking child support payments to improve the standard of living for their children with recent amendments to the [Interjurisdictional Support Orders Act](#) (ISO).

These changes came into effect on March 1, 2024, and bring into force statutory amendments to ISO made by Bill 8 – 2022, [Attorney General Statutes \(Hague Convention on Child and Family Support\) Amendment Act, 2022](#) (Bill 8), and changes made to the [Interjurisdictional Support Orders Regulation](#) in [B.C. Reg 213/2023](#). The changes are required to implement the 2007 Hague Child Support Convention in British Columbia. Read the full government [news release](#).

**BC Reaches Settlement on Legal Aid for
People Suffering Domestic Violence**

CBA BC branch president welcomes the announcement while emphasizing that access to justice for family law matters remains a major issue in the province.

The BC government has reached a [settlement agreement](#) in a Charter challenge around the funding of legal aid that will see \$29.1 million invested in Legal Aid BC to help provide family law services for those fleeing domestic violence. The Centre for Family Equity (formerly the "Single Mothers' Alliance") launched the challenge in 2017 to redress major cuts that BC made to legal aid funding two decades ago.

One of the main features of the agreement is to establish a multidisciplinary, trauma-informed family law clinic to offer in-person and virtual services, which is expected to open before the end of the year. Tariff-based services for lawyers will still be available on an increased basis, with more hours eligible and available for lawyers taking these legal aid cases. Read the [full article](#) by [Dale Smith](#) in the *CBA National*.

**Family Lawyers Beware: Here's How Independent Legal Advice
Could Protect Your Client's Marriage Agreement**

The recent decision of *Bradley v. Callahan*, [2024 BCSC 163](#) ("*Bradley*") before the Supreme Court of British Columbia outlines the importance of sufficient independent legal advice and the impact it can have on protecting your client's property during separation.

In *Bradley*, the key issue before the court was whether the marriage agreement was binding on the parties. The marriage agreement stated that Mr. Callahan's business interests were not to be subject to property division at separation. The agreement was the result of negotiations between the parties, with each party having a lawyer engaged for over a month before the execution of the agreement. Upon execution of the marriage agreement, the lawyer for Ms. Bradley provided a certificate of independent legal advice to Mr. Callahan's counsel. Read the [full article](#) by [Chantal M. Cattermole](#) and [Emily Davies](#) with Clark Wilson LLP.

**BC Supreme Court Dismisses Protection
Order Application in Family Law Case**

The BC Supreme Court has [dismissed](#) an application for a protection order under the [Family Law Act](#) (FLA) brought by the wife for herself and her child against the husband.

The couple, who married in November 2010 and separated in April 2023, have been embroiled in a dispute following allegations of physical and sexual abuse made by the claimant wife against the respondent husband. The claimant detailed a harrowing account of abuse spanning five years, including forced sexual intercourse and physical violence, particularly in the context of disagreements over having more children. Despite these allegations, there were no claims of abuse towards the child. Read the [full article](#) by

[Angelica Dino](#) in the *Canadian Lawyer*.

Landmark Decision: SCC Unanimously Upholds Indigenous Jurisdiction Over Children & Families

After more than a year of waiting, the Supreme Court of Canada (SCC) has issued a unanimous [decision](#) holding that the [Act respecting First Nations, Inuit and Métis children, youth and families](#), S.C. 2019, c. 24 (Act) is constitutional, upholding the right of Indigenous peoples to exercise jurisdiction over their own child and family welfare services, and supporting legislative recognition of self-government and Indigenous jurisdiction as a path to reconciliation.

The Act came into force in 2020 and recognizes the universal right of Indigenous self-governance and jurisdiction over child and family services and imposes national standards for delivery of child and family services to Indigenous children and families. Significantly, in sections 21 and 22(3), the Act gives Indigenous laws respecting child and family services the force of federal law and makes them paramount over conflicting provincial laws. Read the [full article](#) by [Jack Jones](#), Tayana Simpson, [Berry Hykin](#) and [Liam McGuigan](#) with Woodward & Company LLP.

BC Supreme Court Deals with Complex Property and Separation Agreement Dispute

In a recent family law case, the BC Supreme Court addressed a dispute involving Shelley Louise Miller and Mustapha Khaled El-Hafi, a couple with a complex marital history of two marriages and two divorces.

In *Miller v El-Hafi*, [2024 BCSC 269](#), the court addressed disputes concerning the ownership of a property in Kelowna and the validity of a separation agreement the couple signed in 2017. The couple first married in 1989, divorced in 1997, remarried in 1999, and finally divorced again in 2018, sharing two children born in 2000 and 2002. The legal contention emerged when Miller sought to challenge the 2017 separation agreement and claim rights over the Kelowna property, alleging El-Hafi had not disclosed the property at the time they signed the agreement. Read the [full article](#) by [Angelica Dino](#) in the *Canadian Lawyer*.

Act or Regulation Affected	Effective Date	Amendment Information
Interjurisdictional Support Orders Act	Mar. 1/24	by 2022 Bill 8, c. 5, sections 1 to 4 and 6 to 12 only (in force by Reg 213/2023), Attorney General Statutes (Hague Convention on Child and Family Support) Amendment Act, 2022
		by Reg 213/2023
Interjurisdictional Support Orders Regulation (15/2003)	Mar. 1/24	by Reg 213/2023
Provincial Court Family Rules (120/2020)	Feb. 5/24	by Reg 9/2024



FOREST & ENVIRONMENT

Forest and Environment News:

Hazardous Spill Management Audit Published

On February 27, the Office of the Auditor General of British Columbia released the report *Managing Hazardous Spills in B.C.* The audit examined the Ministry of Environment and Climate Change Strategy's management of hazardous spills. The audit found that the ministry assessed, monitored and reviewed high-risk incidents and that compliance and enforcement staff acted when potential non-compliance was identified. However, it also found several issues, such as the out-of-date provincial-level plan for responding to a major spill, lack of consistent notification for First Nations communities when hazardous spills occurred, not meeting the requirement to report on the effectiveness of the spill response plan, and not recovering substantive costs. The report included nine recommendations, which have been accepted by the ministry. Read the full report [here](#).

B.C. Scraps Controversial Plan to Share Public Land Decision-Making with First Nations

The British Columbia government is scrapping a plan that was to allow shared decision-making with First Nations about the use of public land, which was part of the province's work to align its laws with the United Nations Declaration on the Rights of Indigenous Peoples.

A statement from Nathan Cullen, B.C.'s minister of water, land and resource stewardship, says the province has decided not to proceed with proposed amendments to the [Land Act](#) after holding a series of meetings with stakeholders.

Cullen says he spoke with more than 650 people representing sectors including mining, forestry, oil and gas, tourism, hunting and agriculture, and the "vast majority" told him they want to be part of making reconciliation work.

But he says officials also heard they need to "take the time to further engage with people and demonstrate the real benefits of shared decision-making in action." Read the *National Post* [article](#).

Environmental Appeal Board Emphasizes the Importance of Articulating Aboriginal Rights Early in the Consultation Process

On December 12, 2023, the British Columbia Environmental Appeal Board ("EAB") released its decision in *T̓silhqot'in National Government v. Director, Environmental Management Act*, [2023 BCEAB 37](#). This decision stems from a 2019 amendment to Gibraltar Mines Ltd.'s permit (the "Amendment") authorizing a temporary increase in the volume of effluent discharge.

The T̓silhqot'in National Government ("TNG") appealed the Amendment on two grounds:

- The Crown breached its constitutional duty to adequately consult and reasonably accommodate the T̓silhqot'in Nation before issuing the Amended Permit
- The Amended Permit was not adequately protective of human health and the environment, as required by section 16(1) of the [Environmental Management Act](#).

The EAB dismissed the appeal on both grounds. The EAB found that: a) the Crown had fulfilled the duty to consult, and that it was not required to make further inquiry and engage in further consultation with respect to the principle of non-degradation that was raised at a late stage in the consultation process; and b) the Amendment was adequately protective of the environment when relevant factors were considered. Read the [full article](#) by [Kerry Kaukinen](#) and [Samuel Geisterfer](#) with Fasken Martineau DuMoulin LLP.

Federal Court Sides with ENGOs on Expanding Habitat Protection for Endangered Birds

A federal court justice has ruled in favour of environmental groups that challenged the Canadian government for failing to adequately safeguard the habitats of endangered migratory birds.

Lawyers from the environmental law charity Ecojustice were in court last fall to represent Sierra Club BC and the Wilderness Committee, contending that the government had failed to fulfill its obligations under the [Species at Risk Act](#). Read the [full article](#) by Mika Pangilinan in the *Canadian Lawyer*.

Government Actions Regulation Order

The following Orders/Notices were recently posted and signed under the authority of the [Government Actions Regulation 582/2004](#) impacting Ungulate Winter Ranges & Wildlife Habitat Areas.

- Notice is hereby given that **Ungulate Winter Range (UWR) U-4-002** in the Rocky Mountain Natural Resource District and Selkirk Natural Resource District is established for mountain goat in the Kootenay Boundary Region. The Order was signed on **February 27, 2024** under the authority of sections 9(2) and 12(1) and 12(2) of the Government Actions Regulation (B.C. Reg. 582/2004) of the [Forest and Range Practices Act](#) and section 31 of the [Environmental Protection and Management Regulation](#) (B.C. Reg. 200/2010) of the [Energy Resource Activities Act](#). Details of the Order may be obtained from the Ecosystems Section, Kootenay Boundary Region, Ministry of Water, Land and Resource Stewardship, No. 401 - 333 Victoria Street, Nelson, BC V1L 4K3. The Government Actions Regulation Order, accompanying maps, and spatial files may also be obtained from: https://www.env.gov.bc.ca/wld/frpa/uwr/approved_uwr.html [fe29]
- Notice is hereby given that **Wildlife Habitat Areas (WHAs) 4-313, 4-314 and 4-320** in the Selkirk Natural Resource District are established for wolverine in the Kootenay Boundary Region. The Order was signed on **February 6, 2024** under the authority of sections 9(2) and 10(1) of the Government Actions Regulation (B.C. Reg. 582/2004) of the [Forest and Range Practices Act](#) and section 30 of the Environmental Protection and Management Regulation (B.C. Reg. 200/2010) of the [Energy Resource Activities Act](#). Details of the Order may be obtained from the Ecosystems Section, Kootenay Boundary Region, Ministry of Water, Land and Resource Stewardship, 401 - 333 Victoria Street, Nelson, BC V1L 4K3. The Government Actions Regulation Order, accompanying map, and spatial files may also be obtained from: https://www.env.gov.bc.ca/cgi-bin/apps/faw/wharesult.cgi?search=show_approved [fe15]

Inaccurate Data on Forest Fuels May Stoke B.C. Wildfires, Study Finds

Wildfire fighting and forest management decisions are potentially being hampered by inaccurate government data that misrepresents forest fuel loads in British Columbia's Interior, a new study has found.

The B.C. government says the provincial wildfire service is working with the study's lead author and others to close the data gap, which involves "mismatches" between remotely-sensed mapping, forest fuel classifications, and observations on the ground.

"These mismatches make it difficult for fire managers to accurately determine expected fire behaviour before an event occurs," the researchers say in the study published in the peer-reviewed journal *Fire Ecology* last month.

The mismatches may also result in failure to identify at-risk areas that would benefit from work to mitigate the fuel buildup, the paper says. Read the [BIV article](#).

Novel and Justiciable

Two lawsuits against the federal government have been allowed to proceed, marking a major moment for climate change litigation in Canada.

Long-shot legal actions – "novel claims," to use the phrase preferred by judges – sometimes pay off in ways no one expected.

Back in December, the Federal Court of Appeal issued a unanimous decision to revive two challenges of federal government climate policy – one brought by 15 young people from across Canada (the *La Rose* claim) and one brought by two groups that form part of the Wet'suwet'en First Nation (the *Misdzi Yikh* claim). Both claims accused the federal government of violating the plaintiffs' section 7 and 15 [Charter rights](#) by failing to address the threat of climate change.

The Federal Court rejected both claims without leave to amend on the grounds that they were not justiciable – that they were asking judges to rule on political questions beyond the legitimate authority of the courts. Read the [full article](#) by [Doug Beazley](#) in

the CBA National magazine.

Public Invited to Comment on Kispiox Timber Supply Area

People are encouraged to have their say about potential changes to the next timber supply review for the Kispiox Timber Supply Area (TSA) by submitting comments before April 13, 2024.

Public comment is sought for the recently released Kispiox Timber Supply Area discussion paper. The paper provides the results of a timber supply analysis and describes the geography, natural resources and current forest-management practices. This information will be used by B.C.'s chief forester to determine how much timber can be harvested in the TSA annually, which is known as the allowable annual cut (AAC).

Before setting the new AAC, the chief forester will also consider input and feedback from First Nations, industry and community members. Additionally, the impacts of current legal requirements and demonstrated forest-management practices on the timber supply will be examined, along with relevant economic, environmental and social factors for the local area and province. Read the government [news release](#).

B.C. Seeks Public Input on Proposed Hunting Regulation Updates

All people in British Columbia are invited to provide input on proposed changes to hunting regulations through public engagement sessions from Feb. 20 until March 22, 2024.

Every two years the Province reviews regulations and proposes changes as necessary. Proposed amendments are made to support economic and recreational opportunities, respect First Nations' harvest rights and sustainably manage B.C. wildlife. Proposed updates are developed regionally with local input.

As many as 50 proposed regulation amendments are under consideration for 2024, covering a range of topics, such as adjustments to seasons (length, start and end times) and motor-vehicle restrictions. Read the government [news release](#).

Environmental Appeal Board Decisions

The following Environmental Appeal Board decisions were made recently:

[Environmental Management Act](#)

- [Pacific Coast Renewables Corp. \(formerly Net Zero Waste Abbotsford Inc.\) v. Director, Environmental Management Act](#) [Final Decision – Administrative Penalties Varied; Appeal Granted in Part]

[Water Sustainability Act](#)

- [Eifar and Jolene Zielke v. Assistant Water Manager](#) [Dismissal Order – Appeal Dismissed]

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

Forest Appeals Commission Decisions

The following Forest Appeals Commission decision was made recently:

[Wildfire Act](#)

- [Christopher and Sarah Matthews v. Government of British Columbia](#) [Final Decision – Order Varied]

Visit the Forest Appeals Commission [website](#) for more information.

Act or Regulation Affected	Effective Date	Amendment Information
BC Carbon Registry Regulation (25/2024)	NEW Feb. 16/24	see Reg 25/2024
British Columbia Housing Management Commission Regulation (490/79)	Feb. 26/24	by Reg 30/2024
Carbon Tax Regulation (125/2008)	Feb. 16/24	by Reg 24/2024
Emission Offset Project Regulation (250/2015) (title changed from Greenhouse Gas Emission Control Regulation)	Feb. 16/24	by Reg 24/2024
Greenhouse Gas Emission Administrative Penalties and Appeals Regulation (248/2015)	Feb. 16/24	by Reg 24/2024
Greenhouse Gas Emission Reporting Regulation (249/2015)	Feb. 16/24	by Reg 24/2024

Greenhouse Gas Industrial Reporting and Control Act	Feb. 16/24	by 2023 Bill 10, c. 23, sections 15 to 40, 41 (a), (b), (c), (g) and (i) and 42 to 47 only (in force by Reg 24/2024), Budget Measures Implementation Act, 2023
Hazardous Waste Regulation	Feb. 1/24	by Reg 170/2023
Manufactured Forest Products Regulation (240/2003)	Feb. 1/24	by Reg 256/2023
Motor Vehicle Prohibition Regulation (18/2024)	NEW Mar. 1/24	see Reg 18/2024
Motor Vehicle Prohibition Regulation (196/99)	REPEALED Mar. 1/24	by Reg 18/2024
Public Access Prohibition Regulation (187/2003)	Mar. 1/24	by Reg 19/2024



Health News:

Canadian Pharmacare Legislation Has Arrived

Earlier this month, the NDP and the Liberals announced a deal to introduce the first piece of a national pharmacare program providing federal funding for medications for Canadians. That legislation, the Pharmacare Act, was tabled on February 29, 2024 and can be found [here](#).

For Now Limited Scope - Only Diabetes and Contraceptive

The legislation provides the Minister of Health with the power to make payments to a province or territory to increase any existing public pharmacare coverage for specific diabetes and contraceptive drugs if the Minister has entered into an agreement with that province or territory to do so. The coverage provided by the province or territory must, in turn, be "universal, single-payer, first-dollar coverage". In other words, the legislation will not allow for any province or territory to receive this funding if that province or territory's coverage plan involves any out-of-pockets costs to Canadians receiving the benefit.

Read the [full article](#) by [David Tait](#), [Fiona Legere](#), [Dorothy Charach](#) and [Bohdana Tkacuk](#), with McCarthy Tétrault LLP.

BC Sets Nurse-to-Patient Ratios for 6 Areas of Hospital Care

British Columbia's Ministry of Health has established nurse-to-patient ratios that will be used in hospitals across the province to improve workload standards. The new standards set the minimum number of nurses required for six specific areas of care, including general medicine and intensive care. With this move, BC becomes the first province in Canada to implement minimum nurse-to-patient ratios. It also makes good on a provincial commitment to the BC Nurses' Union (BCNU), with minimum ratios a key plank of contract negotiations last year. Read the CBC [article](#).

BC Woman Wins Provincial Court Case against Dentist for Unauthorized and Negligent Dental work

The BC Provincial Court has ruled in favour of Marie Harrison, awarding her compensation for severe pain and suffering due to unauthorized and negligent dental work performed by Dr. Kyle Nawrot. The court's judgment in *Harrison v. Nawrot*, 2024 BCPC 22 highlighted the critical issues of consent and adherence to professional standards in healthcare. Marie Harrison experienced months of physical and emotional distress, including severe pain, inability to eat properly, and social withdrawal due to the unsightly condition of her teeth post-treatment by Dr. Nawrot. Read the [full article](#) by [Angelica Dino](#) on *Canadian Lawyer*.

How Long of a Delay?

For now, it appears Canadians will have to wait, at least until after the next election cycle, but the word from the Minister of Justice is that it will happen. "There's nothing more consequential or significant than deciding the context, circumstances, and timing of someone's passing," Virani said in a recent CBA National podcast interview. "That is, by definition, a decision that you cannot return from. So we're going to make absolutely certain that we're ready to do it in a manner that's appropriate." The Trudeau government has hurried passage of [Bill C-62](#), which aims to delay the expansion for another three years, through the House of Commons and is trying to get it through the Senate. A first extension was voted last year to allow enough time for provincial healthcare systems to get ready. Read the [full article](#) by [Dale Smith](#) on *CBA National*.

BC Top Court Upholds Pause on Law Restricting Public Drug Use

BC's top court has rejected the province's attempt to appeal a pause on a law restricting illicit substance use in many public spaces. The pause was imposed during a legal challenge of that law, launched by drug user advocates. The Court of Appeal decision on the case brought by Public Safety Minister Mike Farnworth was issued on Friday [March 1], a ministry spokesperson confirmed. The ruling was issued orally by Justice Ronald Skolrood, according to a lawyer representing the Harm Reduction Nurses Association, which launched the constitutional challenge. Read the CBC [article](#).

Federal Court of Appeal Addresses Patentability of Methods of Medical Treatment in Canada

Methods of medical treatment are considered to be an exception to patentable subject matter in Canada. However, it is acknowledged that the exception has no explicit statutory basis, and the supporting jurisprudence is both unclear and contradictory. The Court has recently characterized the jurisprudence on point as "inconsistent" and deserving of "deep analysis," and in 2015 the Federal Court of Appeal (FCA) called for "full consideration" of the *status quo* by it or the Supreme Court "in a case where the issue is squarely raised on the facts." Over time, the exception as it relates to patents claiming the use of a dosage regimen in the treatment of a disease has evolved to distinguish claims covering fixed dosages and intervals (patentable subject matter) from claims covering a range of dosages and intervals (unpatentable subject matter). This distinction has come under scrutiny in recent years. Read the [full article](#) by [Alex Gloor](#) and [Adam Heckman](#) with Gowling WLG.

Reflecting the Current Landscape: New Doctors of BC Policy on Substance Use Care in BC

from Doctors of BC:

Harmful substance use remains one of the most challenging public health crises in BC, despite meaningful steps taken by the provincial government and other partners to address this issue. As part of Doctors of BC's ongoing advocacy work in this area, we have developed a new policy paper that expands upon previous recommendations to build a better substance use system of care that reduces stigma, prevents or minimizes substance use harms, and enables all British Columbians to access the care and services they need when and where they need it. Our new policy paper, [Improving Substance Use Care and Prevention in BC](#), reflects the current substance use landscape in BC, including current research and an expanded view of substance use to include both legal and illegal substances. Read the [full article](#).

BC Government to Pay for One Round of In-Vitro Fertilization (IVF) Starting in 2025

Exciting news for hopeful parents-to-be in British Columbia! The recent announcement in the BC Budget 2024-2025 reveals that the province will now cover the costs of one cycle of in vitro fertilization (IVF) for individuals and couples looking to begin or expand their families. This decision marks a significant step forward in reproductive healthcare accessibility, and has implications that extend into the legal realm of fertility rights and regulations. Read the [full article](#) by [Chantal M. Cattermole](#) and [Jeannette Aucoin](#) with Clark Wilson LLP.

BC Supreme Court Rules in Favour of Obstetrician in Preterm Birth Medical Negligence Case

The Supreme Court of British Columbia has dismissed a medical negligence claim against Dr. Loida Rivera, an obstetrician and gynecologist. The lawsuit was initiated by "A.G." through his mother and litigation guardian, Li Qu, following A.G.'s preterm birth at just over 25 weeks of gestation and the subsequent medical complications he suffered, including "short gut syndrome." Li Qu visited Dr. Rivera the day before A.G.'s birth, presenting symptoms that could indicate a risk of preterm delivery. The court focused on whether Dr. Rivera met the professional standard of care and if any breach of that care resulted in A.G.'s medical issues. In *A.G. v Rivera*, [2024 BCSC 242](#), the court concluded that Dr. Rivera adhered to the applicable standard of care throughout her treatment of Li Qu. Read the [full article](#) by [Angelica Dino](#) on *Canadian Lawyer*.

BC Naturopaths Call on Province to Allow Them to Prescribe Safer Supply Drugs

Naturopaths in B.C. are calling on the provincial government to expand their prescription capabilities to safer supply drugs, with dozens enrolling in online training with an addiction support program. BC Naturopathic Doctors said in a news release Thursday [February 15th] more than 250 of its members are signed up for the BC Centre for Substance Use's provincial opioid addiction treatment support program. Read the CTV [article](#).

Act or Regulation Affected	Effective Date	Amendment Information
Drug Schedules Regulation (9/98)	Feb. 7/24	by Reg 15/2024
Health Care Employers Regulation (427/94)	Feb. 12/24	by Reg 21/2024
Mental Health Regulation (233/99)	Feb. 1/24	by Reg 257/2023

 **LABOUR & EMPLOYMENT**

Labour and Employment News:

Employment Standards Amendment Act, 2024 Introduced [Minimum Wage]

Bill 2, the [Employment Standards Amendment Act, 2024](#), was introduced on February 26. The Bill proposes amendments to the [Employment Standards Act](#) to raise the minimum wage in BC from \$16.75 to \$17.40 per hour, representing a 3.9% increase that is consistent with the average inflation rate in 2023. The minimum rates for residential caretakers, live-in home-support workers and camp leaders will receive the same 3.9% increase. These increases will take effect on June 1, 2024. The minimum piece rates for hand-harvested crops will also increase by 3.9% on December 31, 2024.

The amendments will allow future increases to all minimum rates to be automatically determined by the previous year's average

inflation rate for BC. Most wage increases will occur on June 1 of each year, except for agricultural piece rates, which will increase on December 31 of each year to ensure crop producers are not required to adjust wages during the harvesting season.

Accessibility Plan Due June 1, 2024 for Small Federally-Regulated Private Sector Entities

June 1, 2024 is the compliance date for small federally-regulated private sector entities, with between 10 and 99 employees, to publish their first accessibility plans, as required by the [Accessible Canada Regulations](#) (the "Regulations"). An accessibility plan, which must be prepared following consultation with persons with disabilities, is a document outlining a federally-regulated entities' plans to remove barriers to accessibility in several areas, including employment (Act, s. 5(a)). As it relates to employment, small federally-regulated private sector employers will, for example, need to consider how to make their employment practices and hiring processes more accessible (Regulatory Impact Analysis Statement). Failure to comply with the Regulations can result in penalties, including monetary penalties. Read the [full article](#) by [Michael Watt](#) and [Sarah Richmond](#) with Alexander Holburn LLP.

Canadian Human Rights Tribunal Recognizes Workplace & Community Harms Associated with Deadnaming

The Complainant – who identifies as a transgender man, using he/him/his pronouns – was assigned another name at birth, which he had not been able to legally change. Throughout the course of his employment with the Respondent business owner in a small town, he was repeatedly deadnamed (that is, referred to by his birth name) misgendered and asked invasive questions with respect to being transgender by each of the named Respondents.

The Complainant alleged that the Respondents refused to use his correct pronouns and name, instead misgendering and deadnaming him consistently throughout his employment. The Complainant also alleged that even after educating the Respondent business owner about the potential dangers of being outed as a trans person in a small town, the Respondent continued to do so. Read the [full article](#) by [Grace McDonell](#) with Fasken Martineau DuMoulin LLP.

"I Can Terminate You at Any Time" Makes Termination Clause Void

In *Dufault v. The Corporation of the Township of Ignace*, 2024 ONSC 1029, Justice Pierce reviewed the following without cause termination clause:

"The Township may at its sole discretion and without cause, terminate this Agreement and the Employee's employment thereunder at any time upon giving to the Employee written notice as follows:

(i) the Township will continue to pay the Employee's base salary for a period of two (2) weeks per full year of service to a maximum payment of four (4) months or the period required by the [Ontario] [Employment Standards Act, 2000](#) whichever is greater. This payment in lieu of notice will be made from the date of termination, payable in bi-weekly installments on the normal payroll day or on a lump sum basis at the discretion of the Township, subject at all times to the provisions of the [Employment Standards Act, 2000](#)."

Read the [full article](#) by Barry Fisher, published on *Barry Fisher's Employment Law Blog*.

Summary of Important Changes to the *Canada Labour Code* in 2023 and Early 2024 All First Nations Employers Need to Know About

The [Canada Labour Code](#) is the key governing legislation for federally regulated employers, including First Nations. In 2023, there were 5 significant amendments to the *Canada Labour Code* that all First Nations employers should be aware of. As a result of the amendments, First Nations employers now have a statutory duty to

1. reimburse reasonable employee expenses,
2. provide employment statements,
3. ensure persons under 18 years of age are not employed in certain work scenarios,
4. make Ministry materials available, and
5. supply menstrual products in the toilet room.

Read the [full article](#) by Lisa Harris, [Tolu Kolawole](#) and [Jessica Proudfoot](#) with Woodward & Company LLP.

Company Terminates Employee During a Medical Leave Without Discrimination

In *Complainant v. Company and others*, [2024 BCHRT 23](#), The Tribunal dismissed an employee's human rights complaint alleging discrimination on the basis of sex and a physical disability after being terminated while on a medical leave.

The complainant, a female carpenter, was employed with a general contractor company for 11 months before being terminated. At the time she was the only female carpenter and was initially given a raise and increased responsibilities to be a lead carpenter within a short period of time. However, over time there were some concerns about her performance and the company had changed her role back from lead carpenter to carpenter. Read the [full article](#) by [Brett Weninger](#) with Harper Grey LLP.

'We Have Gotten Addicted to Temporary Foreign Workers'

Immigration Minister Marc Miller is looking to lower Canada's dependence on temporary foreign labour and international students.

"We have gotten addicted to temporary foreign workers," said Miller, as reported in an article by Bloomberg.

The immigration minister had introduced a limit on foreign student visas in the previous month and it set to make further changes soon, which will restrict students' off-campus work hours as well as reviewing the temporary foreign worker program. Read the [full article](#) by Abigail Adriatico in the *Canadian HRReporter*.

New Bill 7 Aims to Reduce Poverty

The *Social Development and Poverty Reduction Statutes Amendment Act, 2024*, [2024 Bill 7](#), tabled on March 5, will amend the [Employment and Assistance Act](#), the [Employment and Assistance to Persons with Disabilities Act](#) and the [Poverty Reduction Strategy Act](#), to continue the Province's commitment to poverty reduction, reconciliation and inclusive economic recovery. Changes to the *Poverty Reduction Strategy Act* will set new 10-year targets to reduce poverty by 60 percent, child poverty by 75 percent and senior poverty by 50 percent, to be supported by BC's new Poverty Reduction Strategy, which will be released in spring 2024. Updates to the *Employment and Assistance Act* and the *Employment and Assistance to Persons with Disabilities Act* will minimize barriers for people who receive income assistance or disability assistance by improving their access to supports and employment. The Bill introduces a new approach to employment that will assess people after they start receiving assistance to determine what supports they need to work towards employment. The amendments will also ensure legislation aligns with the Province's commitments under the [Declaration on the Rights of Indigenous Peoples Act](#) by incorporating Indigenous experience and knowledge of poverty and well-being into ongoing poverty reduction efforts and the 2024 Poverty Reduction Strategy.

Act or Regulation Affected	Effective Date	Amendment Information
Health Care Employers Regulation (427/94)	Feb. 12/24	by Reg 21/2024
Social Services Employers Regulation (84/2003)	Feb. 5/24	by Reg 14/2024



LOCAL GOVERNMENT

Local Government News:

Amendments Introduced for 3 Municipal Affairs Acts

2024 Bill 4, the [Municipal Affairs Statutes Amendment Act, 2024](#), was introduced on February 27. The proposed amendments to the [Municipal Finance Authority Act](#) would extend the deadline for the first annual meeting of the Municipal Finance Authority from March 31 to May 15. Amendments to the [Union of British Columbia Municipalities Act](#) are intended to modernize the Act and better reflect membership in UBCM by including regional districts, First Nations, and the Islands Trust. The [Vancouver Charter](#) amendments are introduced to allow the Vancouver council to delegate decisions about dog licensing to staff and to allow the council to require landscaping provisions as a condition of a development permit.

Municipalities Push Back against BC's Short-term Rental Rules

Some municipalities in British Columbia are pushing back against provincial legislation that restricts short-term rentals. Prince George city council voted unanimously on Monday [February 26] to request to opt out of the [Short-Term Rental Accommodations Act](#) even though the city does not meet eligibility requirements. As part of its plan to put more units back into the long-term rental pool, the province introduced legislation last October to limit short-term rentals to a homeowner's principal residence plus one secondary suite or accessory dwelling unit.

The principal residence requirement comes into effect on May 1 and applies to all municipalities with a population of 10,000 people or more. Local governments can "opt out" of it annually if their community had a rental vacancy rate of three per cent or more for two consecutive years. Read the CBC [article](#).

Deadlines to Request Changes to Short-Term Rental Principal Residence Requirements

On May 1, 2024, the principal residence requirement in the [Short-Term Rental Accommodations Act](#) will come into force. This means that short-term rental accommodation services may be offered only in a host's principal residence or, in some circumstances, one secondary suite or other accessory dwelling unit. Some communities may be able to opt out of the principal residence requirement if they have:

- a population over 10,000 in the 2021 Census and a rental vacancy rate of 3% or more for each of the two previous years, or
- a population less than 10,000 in 2021, but are within 15 km of a municipality that meets the first criteria. Requests to opt out will usually need to be submitted by March 31 to take effect November 1 of that year. However, in 2024, there is an accelerated process to allow opting out to take effect by May 1, 2024.

Requests this year must be submitted by [February 29, 2024](#). Some communities that are already exempt from this requirement may be able to opt in, as specified in the [Short-Term Rental Accommodations Regulation](#). The request to opt in must be submitted by **March 31, 2024** and will take effect November 1, 2024. For more information on the principal residence requirement, including opting into or out of the requirement, see pages 7 to 11 of the [Short-Term Rentals: Policy Guidance for Ministry of Housing BC Local Governments](#).

UBCM Summit Hears BC's New Density Law around Transit Is Unlikely to Spark Building Boom

BC's legislation that mandates minimum high-density zoning around rapid transit won't spark a building boom in Metro Vancouver beyond development municipalities are already pushing forward, a panel at the Union of BC Municipalities housing summit heard Wednesday [February 14]. Metro municipalities have already been taking transit-oriented design approaches to development around TransLink's SkyTrain and Canada Line stations. "In many respects, local government has been way before the curve, with respect to a number of things that are contained within this particular bill," said Port Coquitlam Mayor Brad West. Read the

Vancouver Sun [article](#).

BC Builds Will Deliver Thousands more Homes with Canada Contribution

BC Builds, the Province’s new initiative to build more housing for people with middle incomes, will benefit from \$2 billion in additional financing from the Government of Canada to help deliver thousands more homes that people with middle incomes who live and work in BC can afford. “All levels of government need to work together to solve the housing crisis,” said Premier David Eby. “With the federal government’s contribution and partnership toward BC Builds, we can help build more homes people can actually afford. That’s good news for our economy and for our future, but most importantly it’s good news for British Columbians looking for a decent place to live.” On Feb. 13, 2024, the Province announced BC Builds, an initiative delivered through BC Housing that leverages government, community and non-profit owned and under-used land to speed up the delivery of housing and help bring costs more in line with what middle-income households earn. All BC Builds projects have a target of middle-income households spending no more than 30% of their income on rent. Read the full government [news release](#).

Builders’ Liens and Stays of Proceedings in Receiverships

Pandemic-related debt, high interest rates, high energy costs, shortages of labour and rising costs of equipment and materials could all contribute to a rise in the number of insolvencies in the construction industry. A contractor becoming insolvent can have a number of impacts on both the project owner, the subcontractors and suppliers. This article discusses a particular issue related to a contractor becoming insolvent after subcontractors have filed builders liens against the project property. Read the [full article](#) by [Marcela Ouatu](#) with Civic Legal LLP.

Municipal Code of Conduct Bylaws in British Columbia: What Local Government Decision-Makers Need to Know

In November 2021, British Columbia passed the [Municipal Affairs Statutes Amendment Act, 2021](#) into law, making changes to the legislation that gives municipalities and other local governments across the province their powers. One notable change was the insertion of a requirement into the [Community Charter](#) that all municipalities in the province, within six months of a local election, decide whether to enact a “code of conduct” that regulates the activities of its council members with respect to each other, municipal staff, and the general public. While the amendments do not expressly require municipalities to adopt a code of conduct, they do require that all municipalities consider doing so after every local election and, if the decision is made to not adopt a code of conduct, to issue a statement to the public setting out the reasons for that decision. As a result, a significant majority of municipalities and other local governments in British Columbia, including the three largest municipalities of [Vancouver](#), [Surrey](#), and [Burnaby](#), have either already adopted a code of conduct, or are in the process of doing so. Read the [full article](#) by [Andrea Raso](#) and [Cameron Fox](#).

Budget 2024 Maintains Current Spending for Addictions, Community Mental Health & Shelter Beds

Finance Minister Katrine Conroy tabled the 2024 provincial budget in the legislature earlier today [February 22]. Notably for local governments, the Budget does not include any new funding commitments for shelter spaces, addiction treatment and recovery, harm reduction and community mental health programs. To dampen housing demand, the Province is moving forward with a flipping tax that closely aligns with a recommendation from UBCM’s 2018 Housing Strategy. Read the UBCM [article](#).

PIBC (PLN) Housing Legislation (Ask a Lawyer) Webinar Video Posted

On February 23rd, the [Planning Institute of BC](#) (PIBC) [Peer Learning Network](#) (PLN) hosted a webinar entitled “Ask a Lawyer: Provincial Housing Legislation”. The webinar was aimed at practitioners working in planning, local government, housing and development who wanted to learn more about the new Provincial housing legislation. Speakers included [Bill Buholzer](#), associate counsel at Young Anderson Barristers and Solicitors, [Don Lidstone](#), K.C., Partner at Lidstone & Company and others. The webinar was moderated by planning lawyer and PIBC Board member, [Lui Carvello](#), RPP, MCIP. A [video recording](#) of the webinar is now available on the PIBC YouTube channel.

Act or Regulation Affected	Effective Date	Amendment Information
Bylaw Notice Enforcement Regulation (175/2004)	Feb. 14/24	by Reg 20/2024
Cannabis Control Regulation (204/2018)	Feb 14/24	by Reg 22/2024
Home Owner Grant Regulation (100/2002)	RETRO to Jan. 1/24	by Reg 29/2024
Power Engineers, Boiler, Pressure Vessel and Refrigeration Safety Regulation (104/2004)	Feb. 21/24	by Reg 27/2024
Private Training Regulation (153/2016)	Feb. 16/24	by Reg 26/2024



MISCELLANEOUS

Potential Land Act Amendments Withdrawn

Earlier this year, the BC government had an [engagement](#) open for potential [Land Act](#) amendments, intended to align the Act with the [Declaration on the Rights of Indigenous Peoples Act](#) and allow for decision-making agreements with Indigenous governing bodies regarding public land use. The engagement was not highly publicized and garnered some backlash, and the government has now announced that they will not proceed with the proposed amendments. For more information on what the proposals were, see the article [Going Beyond the Surface – Combatting Misinformation on British Columbia’s Proposed Land Act Amendments](#) by Jennifer Nyland and Jisoo Vis with Lawson Lundell, or read the [minister’s statement](#) withdrawing the proposed amendments.

FOIPPA Policy & Procedures Manual References Added to Quickscribe

For your convenience, Quickscribe has incorporated and assigned select snippets of the [FOIPPA Policy & Procedures Manual](#) adjacent to the relevant sections of the [Act](#) using the [Supplemental Notes](#) feature. The Ministry of Citizen’s Services developed the manual to increase the understanding of FOIPPA and its regulations in government and BC Public Bodies. The information is not intended to be and should not take place of legal advice.

Supreme Court Rules Changes – Gender Neutral Language

Effective March 6, [B.C. Reg. 28/2024](#) amendments to the [Supreme Court Civil Rules](#) and the [Supreme Court Family Rules](#) come into force, replacing gendered language with non-gendered alternatives.

Government of BC Introduces First Nations Equity Financing Framework

On February 22, 2024, the Government of British Columbia announced in its 2024 Budget and Fiscal Plan (the “2024 Budget”) that it will implement a provincial First Nations Equity Financing Framework (the “Framework”) to bolster the development of economic partnerships between First Nations and the business sector. The Framework will consider an array of submissions including for projects in the agriculture, aquaculture, tourism and natural resource sectors and support First Nations equity investments by providing equity loan guarantees and other tools. The 2024 Budget provides for legislation to establish a First Nations Equity Financing special account with a \$10 million inaugural balance intended to fund immediate capacity needs for First Nations considering equity stakes in priority projects and for provincial costs to operationalize a new loan guarantee program. The B.C. Treasury Board will allocate portions of future revenues earned from these priority projects to the special account. Read the [full article](#) by Lynn Parsons, Jacob Stone, Stephen Furlan, Bryn Gray, K.C. and Dave Nikolejsin with McCarthy Tétrault LLP.

There Is No Such Thing as a Hate Crime Offence in Canada

In Canada, we do not have an offence in our [Criminal Code](#) that is called a “hate crime.” Yet during a time when hate speech and acts of hate towards racialized and/or marginalized communities seem to be daily and disturbing news, the lack of a hate crime offence can be alarming to some. But before you call up your local MP, know these two things about hate and criminal offences:

1. There are five hate-based offences in the *Criminal Code*, and
2. Any crime where hatred towards a particular persons or group motivates the offender becomes more complex and serious.

Hate-based offences

The *Criminal Code* lists five offences that are based in hate:

- [Section 318](#) – Advocating Genocide
- [Section 319 \(1\)](#) – Public Incitement of Hatred
- [Section 319 \(2\)](#) – Wilful Promotion of Hatred
- [Section 319 \(2.1\)](#) – Willful Promotion of Antisemitism by denying, condoning, or downplaying the Holocaust
- [Section 430 \(4.1\) and \(4.101\)](#) – Mischief to Public Property Motivated by Hate

Read the [full article](#) by [Melody Izadi](#), published on *LawNow Magazine*.

Following the Digital Breadcrumbs

In a 5-4 decision in [R. v. Bykovets](#), the Supreme Court of Canada ruled that police must get a warrant before accessing IP addresses during an investigation. “As a crucial component inherent in the structure of the Internet, an IP address is the key that can lead the state through the maze of a user’s Internet activity and is the link through which intermediaries can volunteer that user’s information to the state,” Justice Andromache Karakatsanis wrote for the majority. “Thus, s. 8 ought to protect IP addresses. Doing so would safeguard the first ‘digital breadcrumb’ and shroud the trail of an Internet user’s journey through cyberspace; it would further s. 8’s purpose of preventing potential infringements of privacy rather than circumscribe its scope according to the state’s stated intentions about how it will use this key.” The decision builds on the court’s 2014 decision in [Spencer](#) that ruled that information attaching itself to an IP address has a reasonable expectation of privacy. This now extends to the IP address itself. Read the full article by [Dale Smith](#) on *CBA National*.

Sports Liability: Not Just a Yellow Card – Slide Tackling into Negligence

A body check delivered to another person in the hallway or down a sidewalk would be subject to civil (and possibly criminal) liability. Different rules apply to sports as they involve willing participants engaging in consensual activity. However, there are limits, and the courts have historically been tasked with attempting to draw the line between reasonable play and negligent conduct. *Cox v. Miller*, [2024 BCCA 3](#) is a recent decision of the British Columbia Court of Appeal which addresses that “line”. The defendant injured the plaintiff while delivering a slide tackle during a recreational soccer match. A slide tackle is when a defensive player leaves his feet to slide towards the offensive player to dislodge the soccer ball. The match was governed by FIFA rules and slide tackles were not prohibited. A reckless slide tackle would be a foul under the rules. Read the [full article](#) by Patrick Bruce and

Todd Davies with Alexander Holburn LLP.

Navigating British Columbia's Intimate Images Protection Act

On January 29, 2024, British Columbia's [Intimate Images Protection Act](#) (Act) and [Intimate Images Protection Regulation](#) (Regulation) came into force. The Act is aimed at addressing the unauthorized distribution or threat of distribution of intimate images. The Act defines intimate images as visual representations, and includes portrayals of individuals engaged in a sexual act, nude or nearly nude, or exposing genital organs, anal region, or breasts, where the individual has a reasonable expectation of privacy, either at the time of the recording or distribution, or at the time of simultaneous transmission. The Act establishes that an individual may still have a reasonable expectation of privacy in such images, even if the individual is not identifiable in them, or there have been alterations to the image. Read the [full article](#) by [Jasmine Samra](#) and [Christopher Oates](#) with Gowling WLG.

BC Supreme Court Orders Reduction of Legal Fees in a Personal Injury Case

In a recent decision by the Supreme Court of British Columbia, a client successfully challenged the legal fees billed by her former legal representation, Shawn Sidhu Law Corporation, under a review conducted under the [Legal Profession Act](#) (LPA). The dispute in *Ferguson v Shawn Sidhu Law Corporation*, [2024 BCSC 129](#) arose from Shental Ferguson's injuries in a motor vehicle accident. The case centred around the review of a bill rendered by Shawn Sidhu Law Corporation for services related to Ferguson's motor vehicle accident claim. The bill in question amounted to \$9,540.72, a significant reduction from an earlier bill of \$18,995.50 for the same period. Read the [full article](#) by [Angelica Dino](#) on *Canadian Lawyer*.

Act or Regulation Affected	Effective Date	Amendment Information
Minister of State for Sustainable Forestry Innovation Expected Results for the 2023/2024 Fiscal Year Regulation (16/2024)	NEW Feb. 7/24	see Reg 16/2024
Minister of State for Sustainable Forestry Innovation Expected Results for the 2024/2025 Fiscal Year Regulation (17/2024)	NEW Feb. 7/24	see Reg 17/2024



MOTOR VEHICLE & TRAFFIC

Motor Vehicle and Traffic News:

Rickety, Ramshackle, Rumbling Trucks Rolled Off the Road

The motoring public may feel a bit better for awhile, knowing that 70 unsafe trucks are no longer on Metro Vancouver roads. A multi-agency crackdown and inspection blitz, including both Delta Police and RCMP BC Highway Patrol, saw 87 trucks inspected during a safety check stop, Feb. 20 in Abbotsford. Out of those 87 vehicles, 70 were pulled off the road, hooked up to tow truck and hauled away. Another 268 safety violations were found. Read the [BIV article](#).

BC Supreme Court Orders Full Compensation for Victim in Three-Car Collision

The BC Supreme Court has awarded damages to Amy Danks, a rear-end collision victim involving three vehicles, establishing full liability on Ming Zhang, the driver responsible for initiating the collision.

The court noted in *Danks v Middelveen*, [2024 BCSC 174](#) that Amy Danks was a vibrant individual known for her athletic competence and role in establishing a successful childcare business before the accident. The collision, however, marked a significant turning point in her life. Sustaining severe injuries, Danks was plunged into a relentless struggle with chronic pain, a battle that extended beyond physical affliction to encompass substantial psychological trauma. This suite of challenges translated into daily headaches, pervasive pain, and a profound impact on her mental health, consequently affecting her social interactions, familial relationships, and professional aspirations. Read the [full article](#) by [Angelica Dino](#), published in the *Canadian Lawyer* magazine.

Should Mobility Scooters and Wheelchairs Be Allowed in B.C. Bike Lanes?

The province has [amended](#) the [Motor Vehicle Act](#) to allow mobility aids in bike lanes but it hasn't created regulations to bring them into effect.

The Capital Regional District transportation committee wants the province to make regulatory changes that would allow motorized wheelchairs and lightweight electric vehicles to use bike lanes.

At a meeting last week, Victoria city Coun. Dave Thompson put forward a successful motion asking the CRD board to advocate to the provincial government to consider amending the *Motor Vehicle Act* to allow electric wheelchairs and mobility scooters. The motion was amended to include other "micromobility" devices, defined in a CRD report as "lightweight electric vehicles operated at low speeds such as e-bikes and electronic kick scooters." Read the [BIV article](#).

Despite Popularity, E-Scooters Still Illegal in Much of B.C.

E-scooters currently only permitted in cities participating in provincial pilot program

Every day, Victoria resident Sammy Pullen gets on her electric kick scooter so she can do her job. Pullen reads gas meters for a living, and travels about 25 kilometres a day. More than a year ago, a repetitive strain injury left her searching for alternatives to get around.

"An e-scooter seemed to be the ideal solution," she told CBC News. "It's a job saver."

Pullen can easily fit the scooter in her car to get to work. And unlike an e-bike, she can quickly jump on and off. Across the province, people like Pullen are increasingly seeing the benefits of micro-mobility transportation like electric kick scooters and even electric unicycles.

Despite their popularity, these devices remain illegal across much of B.C. — except for the handful of cities taking part in a pilot program to test how the province might alter the [Motor Vehicle Act](#) to account for e-scooters specifically. Read the [CBC article](#).

CVSE Bulletins & Notices

The following documents were posted recently by CVSE:

- [Compliance Circular 01-2024](#) – Review of Permit Conditions for Carriers Transporting Oversize Loads
- [CVSE1001](#) – Routes Pre-Approved for 5.0 m OAW
- [NSC Bulletin 02-2023](#) – Publication of Carriers Cancelled for Cause
- [CVSE1000](#) – General Permit Conditions to 4.4 m OAW ([Guide to Using the CVSE1000](#))

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

Passenger Transportation Board Bulletins

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

News and Updates

- **The Passenger Transportation Board is moving**
The Passenger Transportation Board (Board) has been advised by the Ministry of Transportation and Infrastructure that, as of April 1, 2024, the Board will move to the Ministry of Attorney General. Read the [full notice](#).

Applications Received

- [18485-23](#) – 0772021 BC Ltd. (Hope Taxi)
- [19063-23](#) – Transfer from Eby's Business Services (1995) Ltd. to Island Elite Transportation Services Ltd.
- [19441-24](#) – Jasbir Singh Dhaliwal (Capital Limos)
- [19562-24 TNS](#) – Tyler Joshua Eardley (Go Ride)
- [19160-23](#) – Mount 7 Taxi Ltd.
- [19299-23](#) – Terravino Wine and Shuttle Inc.
- [19464-24](#) – Dara's Dolphins Transportation Services Ltd.
- [19104-23](#) – 1697692 Alberta Ltd (Crew Haulers)
- [19321-23](#) – Hoco Properties Inc. (Prestige Treasure Cove Resort)
- [19528-24](#) – Coquitlam Taxi (1977) Ltd.

Application Decisions

- [19613-24 PS TOP](#) – Corporate City Limousine Services Ltd. [Approved]
- [18936-23](#) – Bhangu Bross. Transportation Ltd. [Refused]
- [19054-23](#) – Gurmit Singh Kailley (LimoMe) [Approved]
- [19663-24 PS TOP](#) – Vanride Shuttle Services Ltd. [Approved]
- [18756-23](#) – White Elephant Holdings Ltd. [Refused]

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

Act or Regulation Affected	Effective Date	Amendment Information
Insurance (Vehicle) Regulation (447/83)	Feb. 5/24	by Reg 11/2024
Violation Ticket Administration and Fines Regulation (89/97)	Feb. 14/24	by Reg 22/2024



Occupational Health and Safety News:

Changes Coming to Workplace First Aid Requirements

On November 1, 2024, amendments to the [Occupational Health and Safety \(OHS\) Regulation](#) relating to occupational first aid will come into effect. The changes mean employers across the province will need to review their current first aid plans and make necessary adjustments.

“The current first aid requirements in the OHS Regulation were enacted in 2004 and have been in place for over 20 years with minimal updates,” says senior prevention advisor Angélique Prince. “These updates reflect the learnings from two decades of consultation, education, and enforcement across British Columbia. They also recognize remote or less-accessible workplaces created by the unique geography of our province. We believe the amendments will enhance first aid across B.C. and help keep workers safe.” Read the [full article](#) by Tanya Colledge in the Spring 2024 issue of WorkSafe Magazine.

Heat Stress Management Standard for Construction Industry

ASSP looks to fill regulatory gap in U.S. with science and practices that can be applied in Canada

The American Society of Safety Professionals (ASSP) recently unveiled the first national voluntary consensus standard specifically designed to combat heat stress in construction and demolition operations. [This pioneering standard, ANSI/ASSP A10.50-2024](#), addresses a critical gap in worker safety regulations, providing a comprehensive guide for employers to safeguard their workforce against the dangers of heat exposure. Read the [full article](#) by [Shane Mercer](#), published on Canadian Occupational Safety.

BC Paper and Pulp Mill Worker Electrocuted in the Workplace

One worker died 12 days after he was [electrocuted](#) at the Canfor Intercontinental paper and pulp mill in British Columbia, according to a report. The incident happened in Prince George on Jan. 31. On that day, 45-year-old Gary Lefebvre was operating an electric hoist attached to an overhead monorail, CKPG News reported, citing details from WorkSafeBC. The worker was holding the control pendant and leaning on a metal guardrail to view the area of the lift when they collapsed. “An exposed 347-volt conductor was subsequently found on the electric hoist power cable in close proximity to where the worker had been,” according to WorkSafeBC. Read the [full article](#) by Jim Wilson with Canadian Occupational Health and Safety.

Act or Regulation Affected	Effective Date	Amendment Information
Power Engineers, Boiler, Pressure Vessel and Refrigeration Safety Regulation (104/2004)	Feb. 21/24	by Reg 27/2024

 **PROPERTY, REAL ESTATE & CONSTRUCTION**

Property, Real Estate & Construction News:

BC Budget 2024 – Real Estate Tax Highlights

On February 22, 2024, British Columbia’s 2024 Budget was introduced. Included in the Budget are the following measures relating to real estate taxes:

[1] New Home Flipping Tax: The home flipping tax will apply to income from the sale of certain residential property sold on or after January 1, 2025 that was owned for less than 2 years. The tax rate will be 20% for properties sold within 365 days of acquisition, with a declining rate for properties sold within 366 – 730 days of acquisition.

Draft legislation for this tax is not yet available, but it is expected to: Read the [full article](#) by Nicholas R. Shon and Max Walker from Lawson Lundell LLP.

It's About Time: The Potential Unintended Impact of the Short-Term Rental Accommodations Act on Residential Tenancies

In October 2023, the BC Government passed new legislation aimed at better managing short-term accommodation operations across the province, and improving British Columbians’ access to long-term rental housing stock. The aptly named [Short-term Rental Accommodations Act](#) is set to break new ground on the following key areas over the next two years:

1. Increasing fines and enforcement tools for local governments;
2. Converting short-term accommodations into long-term housing;
3. Developing a provincial registry and reporting requirements for short-term accommodation operations; and
4. Creating new provincial rules and enforcement powers over the short-term accommodation market.

The impact of the *Short-term Rental Accommodations Act* and its accompanying regulations (many yet to be developed) remains to be seen. However at the outset, the legislation’s broad definition of “short-term rental accommodation” may have the unintended consequence of capturing various forms of residential tenancies.

The Long and Short of It

The definition of “short-term rental accommodation service” under the *Short-term Rental Accommodations Act* means: the service of accommodation in the property of a property host, in exchange for a fee, that is provided to members of

the public for a period of time of less than 90 consecutive days or another prescribed period, if any, but does not include a prescribed accommodation service.

Read the [full article](#) by Lisa Mackie with Alexander Holburn LLP.

Fees Removed from Land Owner Transparency Registry (April 1st , 2024)

Investigating and accessing information about land ownership in BC is about to get easier for law enforcement agencies, journalists and researchers with the elimination of search fees for the Province’s Land Owner Transparency Registry (LOTR). “Money laundering fuels the toxic-drug crisis and gang violence on our streets and takes away housing from hard-working British Columbians who play by the rules – and we’re fighting back,” said Katrine Conroy, Minister of Finance. “Through the registry, we’re shining a light on hidden property ownership and money laundering in the housing market, and now we’re strengthening that work to detect and fight tax evasion, money laundering, and other criminal activity in BC” The Province and the Land Title and Survey Authority of British Columbia (LTSA) are collaborating to improve transparency by allowing search of LOTR records at no cost as of April 1, 2024. The current fee is \$5.25 per record. Read the full government [news release](#).

One Down, Three to Go: Foreign Ownership Ban on Residential Property Extended to January 1, 2027

On February 4, 2024, the federal government announced its intention to extend, by two years, the [ban on foreign ownership of residential property](#), which first came into force on January 1, 2023. Under subsection 237(2) of the [Budget Implementation Act, 2022, No. 1](#) (the “Budget Implementation Act”), the ban was originally set to be repealed on January 1, 2025 (meaning that, as of January 2, 2025, non-Canadians under the meaning of the [Prohibition on the Purchase of Residential Property by Non-Canadians Act](#), S.C. 2022, c. 10, s. 235 (the “Prohibition Act”) would again be able to purchase residential property in Canada). While the federal government has not yet introduced a bill that amends the Prohibition Act, or the language in subsection 237(2) of the Budget Implementation Act to extend the date on which the Prohibition Act is repealed to January 1, 2027, it is expected that the federal government will do so, sometime this year. Read the [full article](#) by [Peter M. Tolensky](#) and [Jessica H. Chung](#) with Lawson Lundell LLP.

BC Supreme Court Cancels Certificates of Pending Litigation against Surrey Properties

In a recent decision, the BC Supreme Court has ordered the cancellation of Certificates of Pending Litigation (CPLs) registered against three parcels of real property in Surrey, British Columbia. In *Yu v 1020590 B.C. Ltd.*, [2024 BCSC 179](#), the defendant, 1077065 B.C. Ltd., challenged the viability of the plaintiffs' claim to an interest in the properties based on the provisions of the [Land Title Act](#). Read the [full article](#) by [Angelica Dino](#) on *Canadian Lawyer*.

BC Makes Dramatic Changes to Housing Legislation: What Does it Mean for Developers?

Through various pieces of new legislation, British Columbia (the “Province”) is pursuing some of the most significant changes to housing policy in decades. Developers can expect their negotiations with municipalities for development approval of residential projects to be significantly affected by the following:

- [Housing Statutes \(Residential Development\) Amendment Act, 2023](#) (“RDAA”);
- [Housing Statutes \(Development Financing\) Amendment Act, 2023](#) (“DFAA”); and
- [Housing Statutes \(Transit-Oriented Areas\) Amendment Act, 2023](#) (“TOAA”).

Read the [full article](#) by [Edward L. Wilson](#), [Chelsea Colwill](#) with Lawson Lundell LLP.

BC Supreme Court Dismisses Lawsuit Involving Unauthorized Construction in a Residential Unit

The Supreme Court of British Columbia has dismissed a lawsuit filed by a plaintiff against McCormack & Company Law Corporation and the City of Richmond, including Mayor Malcolm Brodie. The court found the lawsuit to lack merit, striking the plaintiff’s notice of civil claim in full without the possibility of amendment and mandating the plaintiff to cover lump sum special costs for the defendants. The case originated from disputes over the ownership and eventual loss of a residential strata unit in Richmond, BC. The plaintiff had lodged claims alleging misconduct by the Strata, the Law Corporation representing the Strata, and city officials. The plaintiff sought various forms of relief, including damages and legal declarations asserting wrongful actions. Read the [full article](#) by [Angelica Dino](#) on *Canadian Lawyer*.

Owners Beware? An Update from the BC Court of Appeal

We [previously summarized](#) the decision of *Centurion Apartment Properties Limited Partnership v. Loco Investments Inc*, 2022 BCSC 2273, wherein the BC Supreme Court granted an application for summary dismissal of owners’ claims against structural consultants in negligence for dangerous defects on the basis that, due to the construction contracts entered into, there was no duty of care owing to the owners. This decision was appealed. The BC Court of Appeal recently set aside the lower court decision, finding that a *prima facie* duty of care did exist between the owners and the structural consultants. The decision can be found [here](#). Read the [full article](#) by [Rosalie A. Clark](#) and [Kim Do](#) with Clark Wilson LLP.

Act or Regulation Affected	Effective Date	Amendment Information
Real Estate Services Rules (209/2021)	Feb. 1/24	by Reg 260/2023
Residential Tenancy Regulation (477/2003)	Feb. 28/24	by Reg 3/2024

Wills and Estates News:

Zaleschuk Estate [2023 BCSC 523]

Victor Stephen Zaleschuk died on January 2, 2022, leaving his spouse, Wendy Chen, and two children, Shane Zaleschuk and Christian Zaleschuk. Most of his wealth was in California, and was held in two trusts. This case considers the interpretation of a Will he made on January 12, 2020, governing his British Columbia assets, which consisted of a residence in Victoria, and a handful of assets of significantly less value, and no funds. His son Shane was living in a suite in the residence. Read the [full article](#) by [Stan Rule](#), published on his blog *Rule of Law*.

BC Supreme Court Greenlights Son's Legal Action to Protect Father's Estate Value in Family Dispute

The BC Supreme Court has granted a son the right to commence legal proceedings in the name of his deceased father and his estate to prevent diminishment of the estate's value.

In *Chappell v Chappell*, [2024 BCSC 268](#), Allan Chappell, who passed away at the age of 87, left behind a will that designated his estate to be divided equally among his three children should his wife, Arlene, predecease him. With Arlene having died in 2015, the children – Laurie, Brenda, and Gerald – were named joint executors, trustees, and equal beneficiaries of Allan's estate. Read the [full article](#) by [Angelica Dino](#) in the *Canadian Lawyer*.

Wills Variation Claims by Adult Independent Children

In B.C., a spouse or child of a deceased person (the "will-maker") can bring an action to vary a will if it fails to make adequate provision for their proper maintenance and support. This includes adult independent children.

When determining whether a will-maker has made adequate provision, the Court will consider the will-maker's legal and moral obligations. Legal obligations are owed to a spouse or dependent children and do not usually factor into the analysis of claims by adult independent children (unless the child contributed to the estate).

Moral obligations are found in society's reasonable expectations of what a judicious person would do in the circumstances by reference to contemporary community standards. Moral obligations to adult independent children are "tenuous", but there may be entitlement if the size of the estate justifies it. Read the [full article](#) by [James Zaitsoff](#), published on *BC Estate Litigation Blog*.

Recovery of Stolen Inheritance in British Columbia

Before a person passes away, they often prepare a will or trust that dictates how their assets are to be distributed after their death, be it to their family members and/or friends, known as the will's or trust's beneficiaries.

Beneficiaries can inherit a deceased person's assets, properties, or funds. Unfortunately, inheritance, just like any other possession, can be subject to theft.

In British Columbia, beneficiaries may have recourse for stolen inheritance through various legal mechanisms such as bringing a claim in court, mediation, or arbitration. Read the [full article](#) published by the Onyx Law Group.

Life Estate vs. Licence to Occupy

Courts are occasionally asked for direction on whether a term in a will creates a life estate or a licence to occupy real property. This often results from imprecise drafting in the will, which creates ambiguity.

A life estate grants the holder the right to immediate possession of the property and to its use as the owner, subject to some restrictions to protect the rights of the person entitled to the property at the end of the life estate. Rights to use and transfer the property are restricted by the terms of the grant and the common law doctrine of waste. Ordinarily, the holder of a life estate is responsible for current expenses and routine maintenance.

A licence with respect to real property is a privilege to go on premises for a certain purpose, but does not operate to confirm on, or vest in, the licensee any title or estate in such property. Read the [full article](#) by [James Zaitsoff](#) on the *BC Estate Litigation Blog*.

Act or Regulation Affected	Effective Date	Amendment Information
<i>There were no amendments this month.</i>		

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