

Quickscribe Reporter

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Vol: XXIV – Issue 8 – August 2025

QS News

Notice: Quickscribe Service Disruption – Friday, September 5th

We are excited to inform you that a new, faster server is being implemented to enhance your experience with Quickscribe. This upgrade will improve load times and support the latest version of our AI research assistant, "Lexi" (beta).

The transition will commence at **12:00 PM** on Friday, September 5th, and is expected to conclude by **4:30 PM** later that afternoon. During this period:

- The Quickscribe site will remain accessible.
- **Any modifications you make to your personal preferences, such as annotations, bookmarks, or alert setups will not be saved.**
- **New users will be unable to create accounts.**
- **Email Alerts (such as the BC Legislative Digest) may be delayed.**

Additionally, there may be a brief downtime between 4:00 PM and 4:05 PM when the site may be temporarily inaccessible.

A prominent notice will be displayed on the home page to remind you of this event on that day.

We appreciate your patience and understanding as we work to improve your experience.

New Annotations

New Annotations have been added to Quickscribe:

- [Michael Moll](#), Civic Legal LLP – [Local Government Act](#)

If you wish to be alerted when new annotations are published by our contributors, select [My Alerts](#) via the top navigation, then select the "View Expert Annotators". Here you can view and "follow" any contributor from the list.

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



View the [PDF version](#) of the Reporter.

Quickscribe Alerts

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Want to Track Federal Laws?



For notification of federal amendments, we recommend using our Section Tracking tool to keep informed on changes to federal laws. Look for the paw icon adjacent to the sections you wish to track.

Looking for Previous Reporters?

We have archived the Quickscribe Reporter going back to 2004. Visit the historical [Reporter archives page](#).

Reporter Categories

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COMPANY & FINANCE

Company and Finance News:

Canadian Federal Government Proposes Tax Amendments

On August 15, 2025, the Canadian federal government released several packages of draft legislation to implement various tax measures, update certain previously released draft legislation and make certain technical changes (August 2025 proposals). The August 2025 proposals include measures first announced in the [2024 federal budget](#) (Budget 2024) and the [2024 Fall Economic Statement](#), as well as updated versions of draft legislation released in Budget 2024, on August 12, 2024 (August 2024 proposals) and earlier. The news release that accompanied the August 2025 proposals invites Canadians to make submissions with respect to the measures by September 12, 2025. The August 2025 proposals cover a wide variety of measures, many of which are addressed in this Update. Read the [full article](#) published by Osler, Hoskin & Harcourt LLP.

BC Court of Appeal Denies Appeal of Ex-CEO Claiming He Is in 'Shareholder Purgatory'

The British Columbia Court of Appeal has dismissed a terminated chief executive officer's appeal of a ruling rejecting his petition to liquidate and dissolve certain companies under s. 324(1)(b) of BC's [Business Corporations Act](#), 2002. In *Castilloux v. Mitchell*, [2025 BCCA 282](#), the appellant was a director and CEO of the respondent company, which was essentially family-owned and did not pay dividends. Read the [full article](#) by Bernise Carolino with *Canadian Lawyer*.

Canadian Securities Administrators Finalize New WKSI Rules

On August 28, 2025, the Canadian Securities Administrators (the CSA) published [amendments](#) to [National Instrument 44-102 Shelf Distributions](#) and other securities law instruments implementing a permanent expedited shelf prospectus regime (the WKSI Rules) for "well-known seasoned issuers" (WKSIs). The WKSI Rules will come into force on November 28, 2025, subject to receiving expected regulatory approvals. The WKSI Rules build upon the current WKSI pilot program (the Pilot Program) launched on January 4, 2022, that has been broadly adopted by eligible issuers since its introduction. There are a number of important differences between the WKSI Rules and the Pilot Program, which are described in this Update. Under the Pilot Program, issuers that meet the WKSI qualifications and satisfy certain conditions are allowed to file a final base shelf prospectus and obtain a receipt for that prospectus on an accelerated basis without first filing a preliminary base shelf prospectus. An issuer that meets the WKSI qualifications and conditions may also omit certain information from its base shelf prospectus, including the number and aggregate dollar amount of securities qualified under the base shelf prospectus, the plan of distribution, and a description of the securities being qualified for distribution other than as necessary to identify the types of securities qualified. Read the [full article](#) by Rosalind Hunter and Desmond Lee with Osler.

CRA Publishes New Policy Document Regarding Information Gathering Powers

The Canada Revenue Agency (the "CRA") is granted significant powers to gather information from persons under the [Income Tax Act](#) (Canada) (the "ITA") and the [Excise Tax Act](#) (Canada) (the "ETA"), including the right to acquire and inspect documentation, enter premises, and question persons. The decision as to whether, and how, to exercise these powers is generally guided by CRA policy. The CRA's policy in respect of information gathering in the process of an audit has recently been updated. On July 25, 2025, the CRA published an [internal communiqué](#) (AD-25-04) providing updated guidance on the use of its information gathering powers during compliance activities (the "New Policy Document"). The New Policy Document replaces the [previous CRA communiqué](#) on the subject, last modified in 2019 (the "Previous Policy Document"). Read the [full article](#) by Elliott Simpson with Thorsteinssons LLP.

CSA Propose to Ban Chargebacks in Distributions of Investment Fund Securities

The Canadian Securities Administrators ("CSA") published for comment proposed amendments to [National Instrument 31-103 Registration Requirements, Exemptions and Ongoing Registrant Obligations](#) to prohibit the use of chargebacks in the distribution of securities of investment funds that are reporting issuers (the "Proposed Amendments"). The Proposed Amendments are intended to better align the interests of dealing representatives with those of their clients. Comments are due by September 24, 2025. Chargebacks involve a compensation practice in which a dealing representative is paid an upfront commission, fee or compensation (collectively, "compensation") by the dealer or another registered firm when a client purchases securities. If the client redeems all or part of their securities before the end of a fixed schedule determined by the dealer or other registered firm (the "chargeback period"), the dealing representative is required to pay back all or part of the compensation received. Read the [full article](#) by Darin R. Renton with Stikeman Elliott LLP.

Bill C-47: Mandatory Tax Disclosure Requirements for Taxpayers, Promoters and Advisors

Bill C-47, An Act to implement certain provisions of the budget tabled in Parliament on March 28, 2023 ([Bill C-47](#)), received royal assent on June 22, 2023. Bill C-47 includes a major expansion of the mandatory disclosure rules for "reportable transactions" and the introduction of disclosure requirements for "notifiable transactions." These rules require reporting to the Canada Revenue Agency (CRA) of the reportable transaction within 90 days after the earlier of the date that the taxpayer is contractually obligated to enter the transaction and the date that the taxpayer enters into the transaction, and are applicable to transactions entered into after June 22, 2023. The rules are intended to provide the CRA with information to respond to tax risks, but will impose onerous administrative, analysis, and reporting requirements on taxpayers, promoters, and advisors. Read the [full article](#) by Richard Eisenbraun, Pamela L. Cross and Ali Abdulla with Borden Ladner Gervais LLP.

CSA Refine Proposed Dispute Resolution Framework for Retail Client Complaints

The Canadian Securities Administrators ("CSA") published for comment a proposed approach to the oversight of an identified

ombudservice that would have authority to make binding final decisions in response to retail client complaints, along with refinements to the framework that was initially proposed (the "Proposed Framework"). The Ombudsman for Banking Services and Investments ("OBSI") is still expected to be the identified ombudservice. Comments are due by September 15, 2025. As we discussed in a [previous post](#), the CSA had first published the Proposed Framework in November 2023. The Proposed Framework was intended to provide fair and accessible dispute resolution as an alternative to litigation. According to the CSA, this would include addressing concerns about low settlements, which are enabled by the power imbalance between typical retail clients and firms. Under the Proposed Framework, OBSI would oversee a two-stage dispute resolution process. Stage 1 would carry forward OBSI's current investigative processes and result in a recommendation that would become final and binding if neither party objects. Should either party object, Stage 2 would allow for a review of the recommendation and result in a binding final decision. Read the [full article](#) published by Stikeman Elliott.

Updates to BC Sales Taxes

The following updates to sales taxes were recently posted:

Provincial sales tax (includes municipal and regional district tax)

• August 7, 2025

[Bulletin PST 106, Legal Services \(PDF, 330KB\)](#), has been revised to:

- Update terminology relating to Indigenous Peoples
- Clarify what legal services are exempt from PST if purchased by an Aboriginal organization representing the interests of First Nations individuals and bands

[Bulletin PST 314](#), Exemptions for First Nations, is now web content. You can find the new page at [PST on sales to First Nations](#). Please update your bookmarks to the new location on the website. This page has also been revised to:

- Update terminology relating to Indigenous Peoples
- Incorporate information on the reinstatement or continuation of the treaty tax exemption for eligible treaty beneficiaries
- Clarify what legal services are exempt from PST if purchased by an Aboriginal organization representing the interests of First Nations individuals and bands
- Clarify documentation requirements for exempt sales to First Nations individuals and bands, including that:
 - Sellers may retain a copy of their customer's status card, Temporary Confirmation of Registration Document (TCRD), or written authorization to act for a band, as an alternative to recording information from the card or written authorization
 - If an individual presents a valid status card or TCRD when purchasing an ongoing service (e.g. telecommunication services such as cell phone services), sellers do not need to ask for an updated status card or TCRD after it expires
- Add information about goods purchased on out-of-province First Nations land

• August 18, 2025

[FIN 407, Provincial Sales Tax \(PST\) Schedule – Boats and Aircraft \(PDF, 260KB\)](#) and [FIN 491, Certificate of Exemption – Contractor \(PDF, 210KB\)](#) have been revised to update terminology relating to Indigenous Peoples.

• August 20, 2025

The following have been revised to update terminology relating to Indigenous Peoples:

- [Bulletin PST 202, School Supplies \(PDF, 320KB\)](#)
- [Bulletin PST 400, PST Refunds \(PDF, 470KB\)](#)
- [Glossary for real property contractors \(PST\)](#)
- [PST exemptions](#)
- [Telecommunication services](#)

• August 22, 2025

The [Reporting and paying PST page](#) has been updated to:

- Clarify how reporting periods for voluntary registrants who plan to self-assess and pay PST regularly are determined
- Clarify that your reporting period may be adjusted if the combined PST collectable and self-assessed PST you regularly report in a year changes after you register

Motor fuel tax and carbon tax

• August 8, 2025

The following forms have been updated to reflect the elimination of carbon tax effective April 1, 2025:

- [FIN 108, Application for Refund of Carbon Tax – Purchaser of Fuel \(PDF, 240KB\)](#)
- [FIN 110A, Application for Refund of Carbon Tax Greenhouse Growers – Purchaser \(PDF, 210KB\)](#)
- [FIN 110B, Application for Refund of Carbon Tax Greenhouse Growers – Seller \(Propane\) \(PDF, 210KB\)](#)
- [FIN 143, Application for Refund of Carbon Tax – Deputy Collector or Retail Dealer \(PDF 290KB\)](#)
- [FIN 171, Application for Refund of Carbon Tax – Non-Registered Air or Marine \(PDF 260KB\)](#)
- [FIN 262, Application for Registration as an Exempt Sale Retailer \(ESRD\) and/or as an Exempt Fuel Retailer \(EFR\) \(PDF, 320KB\)](#)
- [FIN 458, Certificate of Exemption – Farmer \(PDF, 220KB\)](#)

[FIN 412, Tax Return – Exempt Fuel Retailer \(PDF, 290KB\)](#), and [FIN 412, Instructions for Completing the Tax Return – Exempt Fuel Retailer \(PDF, 220KB\)](#), have also been updated to reflect the elimination of carbon tax, effective April 1, 2025.

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

BC Securities – Policies & Instruments

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

- [44-102](#) – Adoption of Amendments to National Instrument 44-102 Shelf Distributions Relating to Well-Known Seasoned Issuers

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

Act or Regulation Affected	Effective Date	Amendment Information
Designated Accommodation Area Tax Regulation (93/2013)	Aug. 1/25	by Reg 59/2025
	Sept. 1/25	by Reg 123/2025
Financial Institutions Fees Regulation (312/90)	Sept. 1/25	by Reg 183/2024
Income Tax Act	Sept. 1/25	by 2025 Bill 5, c. 10, section 26 only (in force by Royal Assent), Budget Measures Implementation Act, 2025



ENERGY & MINES

Energy and Mines News:

B.C. Upholds Precedent-Setting \$800K Penalty Against Coal Company for Toxic Discharges

B.C.'s Environmental Appeal Board has upheld a more than \$800,000 penalty against Peace River Coal Inc. after it repeatedly failed to comply with its environmental permit at a coal mine near Tumbler Ridge.

The penalty was the largest ever issued by the B.C. Ministry of the Environment under the [Environmental Management Act](#) when it was first handed down in 2021. It stems from the Trend-Roman mine's failure to limit the discharge of selenium into three nearby creeks and rivers.

"I do not consider the resulting penalty to be too large in the context of the facts of this case," wrote Environmental Appeal Board panel chair Maureen Baird in her Aug. 27 ruling. Read the [BIV article](#).

B.C. Backs Expansion at Mount Polley Mine That Could Extend Operations Until 2033

The British Columbia government has granted consent for a proposed expansion at the Mount Polley copper and gold mine that could extend its operations for another two years until 2033.

The project, which requires further permits to go ahead, calls for the deepening of a pit and expansion of a disposal area for "potentially acid-generating rock" at the mine in B.C.'s central Interior that suffered a catastrophic tailings dam collapse in 2014.

B.C.'s Environmental Assessment Office says Environment Minister Tamara Davidson and Mining Minister Jagrup Brar issued the consent order.

A statement from the office says the project also calls for the continued discharge of treated water into Quesnel Lake, but adds there would be no further land disturbance since the expansion remains within the mine's existing footprint. Read the [full article](#) published by the *Canadian Press*.

BC Hydro 2025 Call for Power: Overview of Request for Proposal Documents

[Further to its April announcement](#), BC Hydro is moving forward with its [2025 Call for Power](#) (2025 Call). As part of the 2025 Call, BC Hydro issued a request for proposals (RFP) on July 28, 2025. The RFP aims to acquire up to 5,000 GWh/year of electricity from large, clean or renewable projects through partnerships between First Nations and independent power producers (IPP). BC Hydro also issued the [RFP documents](#) that proponents must submit to be considered for the 2025 Call (RFP Documents).

The 2025 Call is a competitive energy procurement process that builds on the success of the 2024 Call for Power (2024 Call). Bennett Jones previously discussed the [draft RFP documents](#) and the [final RFP documents for the 2024 Call](#) (2024 Documents). Following the 2024 Call, BC Hydro awarded ten Electricity Purchase Agreements (EPA) that will provide nearly 5,000 GWh/year of clean, renewable electricity to the province's grid, surpassing their initial target of 3,000 GWh/year. Read the [full article](#) by Jessica Kennedy, David Bursey, Ashley White, David Macaulay, Jason Roth and Samantha Chenatte with Bennett Jones LLP.

No Rush on New Crude Oil Pipelines, Trans Mountain Chief Executive Says

The chief executive at Trans Mountain Corp. says there should be ample pipeline space to get Canadian crude oil to market until at least 2030 without the need for a whole new project being built from scratch.

Mark Maki says at the rate production has been growing, existing pipelines out of Alberta are on track to fill up around 2027 as they're currently configured.

But he says his company and other pipeline firms have small-scale projects in the works to retool their networks to boost throughput, which should give the industry a few more years' worth of runway to accommodate forecast production.

Maki says Trans Mountain has been testing the use of chemical additives to help crude flow more smoothly through the pipeline, which connects Alberta to a marine port near Vancouver.

He expects the Crown corporation will hold an open season later this year for the additional capacity that initiative will allow – essentially an invitation for producers to commit more barrels to the pipeline. Read the [CBC article](#).

B.C. Coal Mine Penalized After Dust Emissions Reach 375% Over Limit

A coal mine operator in British Columbia has been penalized \$13,000 for repeatedly releasing fugitive dust emissions over provincial limits.

The violations at Conuma Resources Limited's Brule Mine occurred 32 times over 18 months in 2023 and 2024, with discharges of total particulate matter ranging from five per cent to 375 per cent over the authorized limit.

In her Aug. 18 decision, director of the [Environmental Management Act](#) Stephanie Little pointed to conclusions by the U.S. Environmental Protection Agency (EPA) that found the dust emissions – which include fine particulate matter 2.5 microns or less in diameter – can pose immediate and long-term risks to human health. Read the [BIV article](#).

BC Energy Regulator Announcements

The following BC Energy Regulator announcements were posted recently:

- [TU 2025-13](#) – New Submission Type for Pipelines to Assist Permit Holders
- [IU 2025-08](#) – Charlie Lake Core Lab Reopening

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

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



FAMILY & CHILDREN

Family and Children News:

B.C. to Put Kids First, Support Victims of Violence Via Proposed Changes to Family Law Act

British Columbia is looking to change its family law legislation in a bid to increase support for victims of domestic violence and enhance parenting arrangements in the name of putting kids first.

According to an Aug. 25 [news release](#), B.C.'s government is "intending to propose changes to the [Family Law Act](#) (FLA) to give more support to families and people experiencing family violence and to offer more parenting arrangements that put children's needs first."

The proposed changes are part of a multiyear review of the FLA and are being considered in light of a [policy paper](#) developed during "Phase 2" of the review. Read the [full article](#) by Terry Davidson on *Law360 Canada*.

B.C. Judge Certifies Indigenous Child Welfare Class Action Despite Federal Court of Appeal Setback

The British Columbia Supreme Court has certified a class action on behalf of thousands of off-reserve Indigenous children and families affected by what plaintiffs call the "Millennium Scoop," alleging the ongoing, widespread removal of Indigenous children from their families by the child welfare system.

In a 96-page decision in *Neal v. Canada (Attorney General)*, [2025 BCSC 1498](#) dated Aug. 6, Justice Sandra Wilkinson granted certification despite the Federal Court of Appeal's recent decision in *Canada v. Stonechild*, [2025 FCA 105](#), which overturned certification of a parallel national class action against Canada on similar issues. Read the [full article](#) by John Schofield on *Law360 Canada*.

Reasons Underlying Court Order Are an Important Interpretive Tool

It is trite law that an appeal is from an order made by a lower court, however, in *Der v. Hlookoff* [2025 BCCA 193](#) the British Columbia Court of Appeal considered the role of reasons for judgment in interpreting a court order.

Hank Der and his former wife, Lisa Hlookoff, had sparred on several occasions over child support issues.

This saga began with an order made by Justice Basran in October 2022 where he held that the parties' adult daughter, M., was a child of the marriage as she was studying full time in university. He ordered that the sum of approximately \$15,000 to be released

from an RESP set up for her by her parents. Read the [full article](#) by Georgiale Lang on *Lawdiva's Blog*.

Family Law Arbitration – A Process Guide

Discover a powerful dispute resolution tool in this must-read Practice Point, now available through CLEBC's Courses on Demand subscription.

"[Family Law Arbitration – A Process Guide](#)" was prepared by Morag M.J. MacLeod, KC for CLEBC's 15th Biennial Family Law Conference. It explores the nuts and bolts of arbitration as a practical alternative to litigation under BC's [Family Law Act](#). Read the [guide](#) on the CLEBC website.

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There were no amendments this month.		



FOREST & ENVIRONMENT

Forest and Environment News:

Court Case Highlights Dangers of Faulty Bear Bangers and Importance of Expiry Date Awareness

A [recent ruling](#) from the Supreme Court of British Columbia has highlighted the serious risks posed by defective or expired bear bangers – pyrotechnic devices commonly used to deter wildlife in remote work environments.

In the case, the incident occurred while a worker was working alone in a remote area north of Fort St. John, BC. After spotting a bear nearby, they attempted to use a bear banger to scare it off. Instead of launching into the air, the device detonated immediately, causing injuries to their hand, legs, vision and most significantly, permanent hearing damage. The device, branded Star Blazer, had been discontinued years earlier due to known defects, yet remained available for purchase due to a failed recall process. Read the [full article](#) in the *Forest Safety News* September 2025 issue.

Could Canada Be Sued for a Lack of Climate Action?

A landmark advisory opinion from the International Court of Justice that clears the way for countries to sue each other over climate change could have ramifications for developed nations like Canada.

The Court, comprised of 15 judges from around the world, was officially asked by the United Nations to rule on countries' legal obligations under international law. Its [140-page unanimous ruling](#), released on July 23, said that states have an obligation to protect the environment and climate system from the harm done by greenhouse gas emissions and to act with due diligence and cooperation to fulfill it. That includes meeting commitments made under the Paris Agreement to limit global warming to 1.5C above pre-industrial levels. Read the [full article](#) by Holly Lake in the *CBA National*.

B.C. Sets Standard Method to Measure Forest Carbon

To address a recommendation from the auditor general, the Province has established a method for carbon modelling in timber supply reviews (TSRs).

In response to Recommendation 2 from the auditor general's report, [Ministry of Forests: Calculating Forest Carbon Projections](#), the chief forester has approved a newly defined method for calculating forest carbon projections for use in TSR modelling to determine the allowable annual cut (AAC). Using the same defined method for every TSR will benefit people and organizations involved in forest management because it ensures transparency, consistency and credibility in forest carbon projections. Read the government [news release](#).

Forestry Audit Scheduled for B.C. Licence for Land Covering Spotted Owl Habitat

B.C.'s independent forestry oversight body says it will audit a logging licence for more than 1,000 square kilometres of land that encompasses critical habitat for the endangered northern spotted owl.

The Forest Practices Board says in a news release that the licence, jointly held by the Skatin, Samahquam and Xa'xtsa First Nations as well as Lizzie Bay Logging, covers an area about 50 kilometres southeast of Pemberton, B.C.

The board says the audit will begin on Aug. 25, and parties affected by the findings will have a chance to respond before the watchdog makes official recommendations to the province. Read the full *Vancouver Sun* [article](#).

Environmental Appeal Board Decisions

The following Environmental Appeal Board decisions were made recently:

[Environmental Management Act](#)

- [Canadian Natural Resources Limited v. Director, Environmental Management Act](#) [Consent Order – Stay Extended]
- [Revolution Resource Recovery Park Inc. v. Director, Environmental Management Act](#) [Document Production Application Decision – Denied]
- [Domtar Inc. v. Director, Environmental Management Act](#) [Dismissal Order – Appeal Dismissed]
- [British Columbia Used Oil Management Association v. Director, Environmental Management Act](#) [Settlement Order – Approved]

- [Peace River Coal Inc. v. Director, Environmental Management Act](#) [Final Decision – Appeal Dismissed]
- [Marnet Investments Ltd. v. Director, Environmental Management Act](#) [Preliminary Application for Summary Dismissal – Appeal Dismissed]

[Integrated Pest Management Act](#)

- [MKY Holdings Ltd. v. Administrator, Integrated Pest Management Act](#) [Consent Order – Appeal Dismissed]

[Water Sustainability Act](#)

- [ʔakisq̓nuk First Nation v. Assistant Water Manager](#) [Preliminary Decision – Appeal Placed in Abeyance]
- [Gerry Inglis v. Assistant Water Manager](#) [Dismissal Order – Appeal Dismissed]
- [Dean Maxwell v. Assistant Water Manager](#) [Final Decision – Granted in Part]

[Wildlife Act](#)

- [Bradley Bowden v. Director of Fish and Wildlife, Ministry of Forests](#) [Final Decision – Quota Decision Confirmed; Appeal Denied]

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

Forest Appeals Commission Decisions

The following Forest Appeals Commission decision was made recently:

[Forest and Range Practices Act](#)

- [Crystal Lake Resort Ltd. v. Government of British Columbia](#) [Final Decision – Determination Confirmed; Appeal Dismissed]

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

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There were no amendments this month.		



HEALTH

Health News:

BC Nurse Suspended by College, Asked to Pay \$94K in Costs for Comments about Transgender People

A BC nurse has been suspended and asked to pay nearly \$94,000 in costs for making "discriminatory and derogatory statements" about transgender people. The B.C. College of Nurses and Midwives says a disciplinary panel has issued a decision against Amy Hamm, suspending her for one month while also ordering her to pay the college costs and disbursements within two years. The panel said in its verdict in March that Hamm committed professional misconduct [for making statements](#) across "various online platforms" between July 2018 and March 2021 that were partly designed "to elicit fear, contempt and outrage against members of the transgender community." The college says Hamm has filed an [appeal of the discipline order](#) in B.C. Supreme Court, and the decision on penalty and costs is stayed until that appeal has been resolved. Read the CBC [article](#).

Speak Now to Be Heard Later: How Advance Directives Protect Health Care Wishes During Incapacity

Advance planning is becoming an increasingly important priority for Canadians, especially in the context of estate and trust planning. An avenue that tends to get less attention is planning for health care decisions during one's lifetime. Giving effect to these decisions can become complicated (or impossible) when an individual loses the capacity to understand the consequences of their choices.

Advance Directives

An advance directive is a legal document that outlines one's health care wishes in the event that they lose the required mental capacity to consent to treatment. It allows individuals to outline decisions in advance, either consenting to or refusing particular care. Having this document in place is especially important for those with strong preferences about interventions such as tube feeding or life-sustaining machines. While individuals with terminal illnesses may view advance directives as a priority, they are often prepared by healthy individuals who simply want to maintain autonomy over their choices.

Read the [full article](#) by Tatum Sabourin and Zachary Murphy-Rogers with Clark Wilson LLP.

Province Provides First report on Community-based Primary Care Services

As part of the Cooperation and Responsible Government Accord 2025, the Province and BC Green caucus have released the first of two reports outlining key findings from their assessment of BC's primary care system. This first report provides an overview of investments in B.C.'s primary care system since the launch of the Primary Care Strategy in 2018. It highlights significant actions taken to expand primary care capacity and accessibility. Since 2018, nearly 750,000 people in British Columbia have become newly

attached to a primary care provider. As of June 2025, 76% of people in B.C. have a longitudinal primary care provider. Read the full government [news release](#).

Canadian Medical Associations 'Relieved' as School Accreditation Splits from U.S.

Canadian medical associations are marking the first school year of a new accreditation system for medical schools that is fully separate from the United States. A news release from the Canadian Medical Association said that, as of July, medical schools in the country are no longer jointly accredited by Canadian and American bodies. It said leaders at the CMA and the Association of Faculties of Medicine of Canada are "relieved" and medical schools are now being assessed "solely according to Canadian standards." Read the [BIV article](#).

B.C. Court of Appeal Dismisses Appeals Challenging Provincial Mink Farming Ban

The British Columbia Court of Appeal has dismissed appeals in a case related to a provincial regulation banning mink farming, finding the order in council was not *ultra vires* even if it was influenced by interest groups. In *C&A Mink Ranch Ltd. v. British Columbia* (Ministry of Agriculture and Food), [2025 BCCA 272](#), the appeals arose from orders "dismissing a series of substantially identical actions" that alleged misfeasance in public office and a constructive taking. Regulatory changes were made to the [Animal Health Act](#) that rendered mink farming illegal in British Columbia. The Lieutenant Governor in Council amended the [Fur Farm Regulation](#), which put mink farmers out of business. The process began in November 2021 for total prohibition of mink farming by April 2025. Read the [full article](#) by Anosha Khan with *Law360 Canada*.

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



LABOUR & EMPLOYMENT

Labour and Employment News:

Fixed-Term Employees Have a Duty to Mitigate, at Least in BC

In employment law, the duty to mitigate is a cornerstone principle: when an employee is wrongfully dismissed, they must make reasonable efforts to find new work to reduce their damages. But what happens when a fixed-term contract is terminated before the job begins?

The British Columbia Court of Appeal dealt with this question in *Mac's Convenience Stores Inc. v. Basyal*, [2025 BCCA 284](#) (*Basyal*) and reshaped how British Columbia views mitigation in the context of fixed-term employment. Specifically, the court clarified that fixed-term contract employees have a duty to mitigate if their contract is terminated early. Read the [full article](#) by Katy E. Allen and Tristan Kimball with Lawson Lundell.

Needle-less Dispute? BC Court Finds That Unpaid Leave Due to Non-Compliance Did Not Amount to Constructive Dismissal

The COVID-19 litigation lag continues to play out in Canadian courts; and employers are starting to get some clarity on some of the key workplace issues that arose during the pandemic.

In *Clark v. City of Prince George*, [2025 BCSC 812](#), the Supreme Court of British Columbia recently dismissed a wrongful dismissal claim brought by a long-time employee who was placed on unpaid leave for refusing to comply with the City's COVID-19 vaccination policy.

This decision reinforces the ability of employers to implement health and safety measures under implied contractual terms of employment and highlights the legal distinction between disciplinary and administrative actions in the employment context. Read the [full article](#) by Gary T. Clarke and Aiden Raff with Stikeman Elliott LLP.

No Binding Settlement Due to Tax Tricks

In *Brink v. Xos Services (Canada), Inc.* [[2025 BCSC 658](#)], the B.C. Supreme Court considered an application for summary judgment to enforce a settlement. The court dismissed the application of the plaintiff, Ms. Brink. Guided by the legal principles set out in the case of *Fieguth*, the court determined that the "tax treatment" sought by Ms. Brink was not an agreed-upon term, and therefore, the settlement agreement was not binding.

Ms. Brink was employed as Chief Revenue Officer of the defendants' companies (collectively "EMV"). Upon the conclusion of her employment with EMV, the parties entered negotiations regarding a settlement of her claim for compensation. Read the [full article](#) by [Scott J. Marcinkow](#) with Harper Grey.

Employers and Beyond: Human Rights and Accommodation Obligations May Extend to Site Owners, Contractors and Other Third Parties

In *MacKay v. Civeo Corporation and another*, 2024 BCHRT 271, the British Columbia Human Rights Tribunal (the "Tribunal") reaffirmed the principle that human rights protections in employment contexts extend beyond the employer-employee relationship. This decision is a recent application of the Supreme Court of Canada's landmark decision in *British Columbia Human Rights Tribunal v. Schrenk*, [2017 SCC 62](#) ("*Schrenk*"), and offers important guidance for site owners, contractors, and lodge providers engaging with

third-party workers.

The Complainant was a fly-in/fly-out worker on the LNG Canada Project (the "Project"). His employer was a subcontractor of LNG Canada and arranged housing for its employees at a lodge operated by Civeo Corporation ("Civeo"). Following a canine search, cannabis was discovered in the Complainant's room – contrary to Civeo's lodge rules. Neither the Complainant nor his employer had informed Civeo that he required an exemption from those rules. Civeo notified his employer, and issued a lodge ban. JGC Fluor BC LNG JV ("JFJV") removed the Complainant's security access to the Project and put him on a no-access list. Read the [full article](#) by Justina Sebastiampillai and Rachel Kardal with Stikeman Elliott LLP.

After Air Canada Strike, Section 107 of Labour Code Is 'Dead,' Says Union Leader

A rare show of defiance by Air Canada flight attendants in the face of a back-to-work order from the government has proven the ineffectiveness of the section of Canada's labour code that allows a minister to order the end to a strike or lockout, the president of the Canadian Labour Congress said.

On Aug. 16, just hours after flight attendants hit the picket line after failing to reach a new contract deal with the airline, Jobs Minister Patty Hajdu invoked Section 107 of the [Canada Labour Code](#) to order binding arbitration and get the flight attendants back on the job. The section grants the minister the power to act to "maintain or secure industrial peace."

Flight attendants ignored the order and remained on strike until a deal was finally reached early Tuesday, a move Canadian Labour Congress president Bea Bruske lauded as effective. Read the [BIV article](#).

Howard Levitt: Workplaces Are in a State of Flux. Here's How to Weather the Uncertainty

Canadians have dragged themselves back from summer cottages, wilderness campgrounds or Tuscan Airbnbs to something far less relaxing: workplaces in flux.

Across the country, strikes are brewing, insolvencies multiplying and acquisitions are swallowing companies whole. Even where the headlines are not dramatic, managers are being shuffled like a deck of cards.

For employees, that means uncertainty. For employers, it means risk. And for lawyers like us, it often means business is picking up.

First, let's draw a line. A "change of control" occurs when ownership itself changes hands (as when Indigo Books & Music Inc. was bought, for example). That's when contracts with "change of control" severance provisions or golden parachutes suddenly become worth their weight in, well, gold. Employees in those scenarios should be calling their lawyers before signing a single new agreement.

A change in management is different – and ubiquitous. This is when a company reshuffles internally, moving a new or existing executive into the corner office. Your old boss is gone; a new one is installed. In these instances, there is no inherent entitlement to severance, but there is fertile ground for legal mistakes – and costly ones. Read the [Financial Post article](#).

Talks Seek Ways to Restart Negotiations with B.C. Government Workers: Minister

As thousands of British Columbia government workers hit the picket lines Tuesday, the province's finance minister said there had been communication with the union to convince its team to come back to the bargaining table.

Brenda Bailey said representatives from the province and B.C. Government Employees' Union were meeting to "explore opportunities" to get back to talks to reach a new collective agreement under its so-called balanced measures mandate.

But the head of the union said it was "unacceptable" that the government wanted them back at the table without bringing an improved wage offer. Read the [BIV article](#).

Act or Regulation Affected	Effective Date	Amendment Information
Minister's Skilled Trades BC Regulation (256/2022)	Aug. 1/25	by Reg 141/2025



LOCAL GOVERNMENT

Local Government News:

Countdown to Compliance: Mandatory Presale Notices for 2025 Annual Tax Sale

At 10:00 am on September 29, 2025, municipal tax collectors across British Columbia will conduct the statutorily mandated annual tax sale for 2025 (the "Annual Tax Sale"). Properties with delinquent property tax accounts, which are those with three years of unpaid property taxes, will be sold at the Annual Tax Sale. Our previous article ["Notice This! Navigating Tax Sale Notice Requirements"](#) provides several helpful tools and considerations related to providing notice of tax sales as required under [section 657 of the Local Government Act](#) ("Post-sale Notice"). Notably, the requirements related to Post-sale Notice remain the same and the previous article should be consulted in relation to providing Post-Sale Notice. Read the [full article](#) by Jessica Eastwood and Kyle Falk-Varcoe with SMS Law.

BC Sets New Five-year Housing Orders

for 10 More Municipalities

British Columbia has set new housing targets for a group of 10 more municipalities with the goal of meeting housing demands in the province. The orders aim to boost housing supply by about 40,000 homes over the next five years, the Housing Ministry said in a news release Thursday [August 21]. The move marks the fourth group of communities in the expanded housing-targets program, and includes Burnaby, Coquitlam, Courtenay, the Township of Langley, Langford, Penticton, Pitt Meadows, Richmond, Squamish and Vernon. Read the [BIV article](#).

BC Says It Will Strengthen Oversight of Municipal Governments

The BC government says it will consider mandatory codes of conduct for municipal governments after years of calls to strengthen the ad hoc approach that has long been criticized as ineffective. The province did not commit to a schedule for implementing mandatory codes or provide details on how they might be administered and enforced. It will discuss the subject with municipal staff and elected officials in the coming months and aims to have some kind of new measures in place before next year's municipal elections, a B.C. Ministry of Municipal Affairs spokesperson said in a statement on Tuesday [August 26]. Read the [Vancouver Sun article](#).

Aboriginal Title in Metro Vancouver: "A Lot of Unfinished Business in This Province"

On August 7, 2025, the BC Supreme Court issued a long-awaited decision in *Cowichan Tribes v. Canada (Attorney General)*, [2025 BCSC 1490](#). The case involved a claim by the Cowichan (Qw'utsun mustimuhw) for about 1,846 acres of Aboriginal title and fishing rights, both in the south arm of the Fraser River in Richmond. The Court sat for 513 days of trial – likely the longest trial in Canadian history – and the Court's decision consists of some 3,728 paragraphs over 863 pages. This case is unique in several respects. Perhaps most importantly, it is the first Aboriginal title claim decided in an urban context where the title area claimed includes lands held by private landowners in fee simple. Prior cases such as *Tsilhqot'in Nation v. British Columbia*, [2014 SCC 44](#), related to a more rural context and expressly excluded claims to private lands. In this case, the Court found that the Cowichan had successfully proved Aboriginal title to a portion of the claim area, in significant part relating to a former village site known as Tl'uq'tinus on the south arm of the Fraser River on the southern shore of what is now known as Lulu Island (across from Tilbury Island). Read the [full article](#) by Paul Seaman, Sebastian Ennis-Brown and Elana Yamanouchi with Gowling WLG.

Update on Okanagan Falls and the Incorporation of a New Municipality

On March 22, 2025, the people of Okanagan Falls voted in favour of incorporating as a new municipality. This will be the first time in 15 years that a community of British Columbia establishes itself as a municipality complete with an elected government to represent the views of its residents. The next steps in this process include issuing the Letters Patent, which serve as the founding documents of an incorporated municipality. The Letters Patent will address aspects such as boundary of the municipality, size of council, official municipal name and incorporation date. Read the government [news release](#).

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



MISCELLANEOUS

Miscellaneous News:

Courts Entitled to Weigh in When Notwithstanding Clause Pre-emptively Invoked

Even though the Saskatchewan government pre-emptively invoked the notwithstanding clause to prevent court challenges to its legislation requiring parental consent for gender diverse students to use different names or pronouns in schools, courts can still weigh in on the constitutionality of that law. That was the word from the Saskatchewan Court of Appeal this week in a 4-1 ruling. The majority said that declaratory relief can still be issued even though it cannot strike such a law down, so long as [section 33 of the Charter of Rights and Freedoms](#) remains within its five-year sunset period. Read the [full article](#) by Dale Smith with CBA National.

Right to Have Your Information De-Listed? The Federal Privacy Commissioner Issues Decision

The Office of the Privacy Commissioner of Canada (OPC) issued its [findings](#) on August 27 2025 in connection with an investigation regarding the issue of whether individuals have the right to have information about them de-listed from search engine results. The OPC found that in limited circumstances, there is such a right where the search results are likely to cause significant harm to an individual, such as a risk of harm to a person's safety or dignity, that outweigh any public interest in that information remaining accessible when searching the individual's name. The OPC investigation resulted from a complaint against Google, which arose after an individual faced a criminal charge that was dropped shortly after it was laid. Years later, news articles about the charge continued to be searchable online when the individual's name was searched, and the individual claimed it caused them direct harm, including physical assault, lost employment opportunities and severe social stigma. The OPC considered whether Google, by continuing to display the search results in response to searches for the complainant's name, collected, used or disclosed personal information only for a purpose that a reasonable person would consider appropriate in the circumstances, in accordance with subsection 5(3) of the [Personal Information Protection and Electronic Documents Act](#) (PIPEDA). Read the [full article](#) by Ruth Promislow, Caroline Poirier and Suzie Suliman with Bennett Jones LLP.

BC Ombudsperson Says Whistleblower Protection Law 'Falling Short' in Some Areas

New reports by British Columbia's ombudsperson on a whistleblower protection law show that it is "falling short" in some areas in its first five years. The four reports released by BC Ombudsperson Jay Chalke say that while the law has "worked well in many aspects," some public sectors and their employees are still not covered by the legislation. The reports also find that many public sector employees are not aware of the legal protection afforded to them by law, and staff responsible for receiving complaints and disclosures are often not adequately trained on their responsibilities. The [Public Interest Disclosure Act](#) was introduced in 2019 and is currently under provincial review to see if it is working as intended to protect workers who report serious wrongdoing without fear of reprisal. Read the [full article](#) published by the Canadian Press.

CBA Warns BC's New [Legal Professions Act](#) May Deter Legal Advice Seekers

The Canadian Bar Association has announced that it has submitted written arguments to the British Columbia Supreme Court as one intervenor among several in two cases assailing the constitutionality of [Bill 21](#), BC's *Legal Professions Act, 2024*. In a news release, the CBA warned that the new legislation could discourage those seeking legal advice, chill vigorous advocacy, and limit access to justice. The written submissions noted that Bill 21 made elected lawyers a minority in their regulatory body and empowered the BC government to directly control lawyers and legal practice. Read the [full article](#) by Bernise Carolino with *Canadian Lawyer*.

Federal Court Issues Guidelines for Leave Evidence in Appeals from the Trademarks Opposition Board

The Federal Court has issued an update to its Case and Trial Management Guidelines for Complex Proceedings, Proceedings under the PM(NOC) Regulations, and Appeals under [subsection 56\(1\) of the Trademarks Act](#), effective July 18, 2025 (the "[Guidelines](#)"). The update addresses new rules applicable to appeals made from decisions of the Trademarks Opposition Board ("TMOB") under section 56(1) of the *Trademarks Act*. In particular, the Guidelines create new requirements for parties seeking judicial review of a TMOB decision, and set out the process for seeking leave to file additional evidence under subsection 56(5) of the *Trademarks Act*. Amendments to this subsection came into force on April 1, 2025, and require applicants to seek leave prior to adducing additional evidence on appeal. Previously, applicants could file additional evidence as of right—so these amendments constitute a significant change to trademark appeal practice. Read the [full article](#) by David Bowden with Clark Wilson LLP.

Decoding Canada's Supporting Authorized Access to Information Act

On June 3, 2025, the Government of Canada tabled [Bill C-2](#), a comprehensive border protection bill entitled the *Strong Borders Act*. Included in Part 15 of the Bill is a new piece of proposed legislation, called the *Supporting Authorized Access to Information Act* (SAAIA). The SAAIA establishes a legal framework that empowers the Government of Canada to compel electronic service providers to support law enforcement and intelligence agencies in accessing information. The scope of the SAAIA is broad, and its most impactful requirements will largely be defined by future regulation. The Act grants significant discretion to the Minister of Public Safety and designated officials in enforcing new requirements, potentially creating significant disruptions in the operations of service providers and introducing vulnerabilities in their systems. The lack of clear definitions and transparency in the legislation as drafted raises concerns about privacy, cybersecurity, and the integrity of information-sharing practices that underpin internet safety. Read the [full article](#) by Antoine Guilmain and Michael Walsh with Gowling.

Online Waivers Enforceable for Recreational Activities in BC

In April 2024, the BC Court of Appeal confirmed that waivers and releases from liability entered into online can be legally enforceable. However, the provider of the recreational activity in [Mitchell v Manson](#) failed to ensure its waiver applied to the activity on the date the injuries occurred. On July 15, 2021, Ian Manson was injured while climbing Mount Rogers. His guide was Jeffrey Mitchell, a professional mountain guide operating under his company named Revelstoke Alpine School Inc. During the climb, Mr. Mitchell, who led the climb directly above Mr. Manson, caused a rock to dislodge and fall towards Mr. Manson. Though he dodged the falling debris, Mr. Manson lost his balance and fell backwards. He then fell seven meters down the rope and stopped his fall on a ledge, suffering injuries. Mr. Mitchell was also injured, as Mr. Manson's fall tightened the rope and caused him to lose his stance. Read the [full article](#) by Shelley Chapelski and Kris Jun with Norton Rose Fulbright Canada LLP.

Act or Regulation Affected	Effective Date	Amendment Information
Commissioners for Taking Affidavits for British Columbia Regulation (142/2015)	Aug. 26/25	by Reg 143/2025
Detention Guard Regulation (122/2025)	NEW Sept. 1/25	see Reg 122/2025
Police Act	Sept. 1/25	by 2024 Bill 17, c. 16, sections 41 (part), 45, 48 to 50, 77 (a) and 83 (part) (in force by Reg 122/2025), Police Amendment Act, 2024



MOTOR VEHICLE & TRAFFIC

Motor Vehicle and Traffic News:

Change of Mind After Refusing Roadside Approved Screening Device ["ASD"] Demand

Can an individual request the opportunity to provide an approved screening device ["ASD"] sample at a police station or at a later time after having refused to comply with a roadside ASD demand?

Individuals can change their mind about complying with an ASD demand after an initial refusal if their reconsideration is part of the "same transaction" as their refusal. If an individual requests the opportunity to provide a sample as part of the same transaction as their refusal, the *actus reus* of the refusal offence cannot be established.

The length of time of such a transaction is context dependent but it is the same time window during which a police officer can lawfully compel a breath sample as set out by the statutory immediacy requirement. The statutory immediacy requirement sets out that an ASD must be provided immediately, subject to the operational time it takes an officer to ready the equipment and instruct the suspect. Read the [full article](#) by David McKnight and Naomi Krueger with Alexander Holburn Beaudin + Lang LLP.

Vancouver Man Gets New Trial After Judge's Past Skateboard Collisions Revealed

A Vancouver man ticketed for riding a one-wheel electric skateboard without insurance has had his conviction overturned after the B.C. Supreme Court found the original judge had carried out a "miscarriage of justice."

Michael Justin Advincula had been riding his skateboard along West Waterfront Road in Vancouver when a police officer ticketed him. He disputed the case, but after a brief trial, lost and was ordered by the traffic court judge to pay a \$568 fine.

Advincula appealed his conviction to the B.C. Supreme Court on two fronts: procedural fairness, arguing bias, and the inherent unfairness of being ticketed for an uninsured device when insurance is impossible to obtain. Read the [BIV article](#).

Canadian Drone Operators Face New Rules Under Transport Canada's Phase 1 Reform

On April 1, 2025, Transport Canada, the federal department responsible for Canada's transportation systems, enacted changes to its existing regulations governing drones or "remotely piloted aircraft systems" (RPAS). These amendments mark the implementation of Phase 1 of Transport Canada's two-phase plan to overhaul and modernize drone operation nation-wide, with Phase 2 scheduled to take effect on November 4, 2025.

Previously, drone operations in Canada were largely restricted to within visual line-of-sight unless operators obtained a Special Flight Operations Certificate (SFOC). Qualified operators who sought to fly beyond their visual line-of-sight (BVLOS) were required to apply for case-by-case authorization: a lengthy process typically involving mountains of paperwork. In an industry where technology frequently outpaces regulation, the absence of a streamlined pathway for routine advanced operations has been a long-held concern among stakeholders, which Transport Canada now seeks to address. Read the [full article](#) by Anika Garlick with Alexander Holburn Beaudin + Lang LLP.

As Incentives Vanish, B.C. Interest in Zero-Emission EV Mandate Wanes, Poll Finds

As sales of electric vehicles have waned in B.C., the pressure is increasing for the province to ease up on sales mandates in its [Zero-Emissions Vehicles Act](#).

The first threshold in moving B.C. toward EV adoption, that 26 per cent of new light vehicle sales be zero-emission, kicks in in 2026 and as 2026 models have started arriving at dealerships, new polling shows that British Columbians are starting to disapprove. Read the [Vancouver Sun article](#).

CVSE Bulletins & Notices

The following documents were posted recently by CVSE:

- [CVSE1052](#) – District Authorizations & Notifications for Very Large Loads
 - [List of Contacts for Use with Form CVSE1052](#)
 - [Information for Authorities Signing the CVSE1052](#)
- [Notice 05-2025](#) – Amendments to Division 25 of the Motor Vehicle Act Regulations
- [CT Notice 03-25](#) – Height Clearance Tool Replacement
- [Commercial Transport Procedures Manual](#) – Updates to Section 3.9 of Chapter 3 for the Commercial Transport Procedures Manual now available
- [NSC Bulletin 02-2023](#) – Publication of Carriers Cancelled for Cause
- [NSC Bulletin 01-2024](#) – Safety Rating Certificate and Status for B.C. Carriers
- [CVSE1000](#) – General Permit Conditions to 4.4 m OAW ([Guide to Using the CVSE1000](#))
 - Category A: Term & Single Trip Permits to 3.2 m Wide*
 - Category B: Term & Single Trip Permits to 3.8 m Wide*
 - Category C: Single Trip Permits to 4.4 m Wide*

*See form for height and length limits

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:

Applications Received

- [22930-25](#) – Transfer from V.I.G. Ventures Ltd. to Avante Ventures Ltd.

- [21719-24](#) – Prestige Party Busses

Application Decisions

- [22327-25](#) – Smart Ride Transportation Inc. [Approved in Part]
- [22747-25](#) – Gill Limousine Ltd. [Approved in Part]
- [21101-24](#) – Pacific Western Charters Ltd. (Ebus, Red Arrow) [Approved]
- [21953-24](#) – Kami Cabs Ltd. [Approved in Part]
- [22116-24](#) – Anjum Shakila Jaji [Approved]
- [22499-25](#) – Lower Mainland Holdings Ltd. (Kavanagh's Limousine Service, Kavanagh's Limousine) [Approved]
- [19893-24 ICB](#) – URAY Transportation Inc. (Rider Express) [Refused]
- [21596-24](#) – Atlas Blackcar Service Inc. [Refused]
- [22816-25](#) – Cobble Hill Taxi 2016 Ltd. [Approved]
- [21890-24](#) – Dara's Dolphins Transportation Services Ltd. [Approved]
- [22051-24](#) – Western Educational Adventures Incorporated [Approved]
- [22442-25](#) – JGRS Staffing Ltd. (7 Horses Transport Solutions) [Refused]
- [22804-25](#) – Harbinder Singh (Bluebird Cabs) [Approved]

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

Act or Regulation Affected	Effective Date	Amendment Information
Commercial Transport Regulations (30/78)	Aug. 5/25	by Reg 111/2025
Motor Vehicle Act Regulations (26/58)	Aug. 5/25	by Reg 111/2025
	Aug. 15/25	by Reg 106/2025
Violation Ticket Administration and Fines Regulation (89/97)	Aug. 5/25	by Reg 112/2025



OCCUPATIONAL HEALTH & SAFETY

Occupational Health and Safety News:

Legal Hurdles of Safety Harmonization

As Canada moves closer to a historic national safety harmonization, legal experts are urging employers and safety leaders to prepare for sweeping changes that could finally end decades of regulatory confusion—but not without significant challenges along the way. Matthew Badrov, a partner at Littler LLP specializing in management-side labour and employment law with a focus on occupational health and safety, says the push to harmonize workplace safety regulations across provinces is a big challenge that could have a profound impact on employers, especially those operating in multiple jurisdictions. Read the [full article](#) by Shane Mercer with Canadian Occupational Safety Magazine.

Federal Appeals Court Backs BC Longshoreman Who Refused Unsafe Work

In a unanimous decision, the court upheld a BC port worker's right to refuse unsafe work, ruling he was wrongfully disciplined by his employer. Canada's Federal Court of Appeal has upheld a ruling that sided with a BC port worker who was disciplined for refusing to operate a forklift because he claimed it would violate safety regulations. The case dates back to Dec. 6, 2022, when Nenad Habus, a longshoreman and first-aid attendant for Pacific Coast Terminals Co. (PCT) in Port Moody, BC, raised concerns that two pallets of lubricants were in a location that could hurt someone. Habus was told to get in a forklift and move the pallets. The worker refused to operate the machinery. He told his foreman and manager that doing so would take him too far from his first-aid station and therefore endanger other workers. Read the full BIV [article](#).

2025 New or Revised ACGIH Threshold Limit Values and BC Exposure Limits (June)

from [WorkSafeBC](#):

The [Occupational Health and Safety Regulation](#) provides that, except as otherwise determined by WorkSafeBC, an employer must ensure no worker is exposed to a substance exceeding the Threshold Limit Values (TLVs) prescribed by the American Conference of Governmental Industrial Hygienists (ACGIH). Twice a year, the ACGIH publishes a list of substances for which they have set new or revised TLVs. When WorkSafeBC adopts the new or revised ACGIH TLVs as regulatory exposure limits for chemical substances, these exposure limits are referred to as BC Exposure Limits (ELs).

Consultation on Proposed Amendments to Part 6 of the

Occupational Health and Safety Regulation

from [WorkSafeBC](#):

Our Policy, Regulation and Research Department is requesting feedback on proposed amendments to the following sections in the [Occupational Health and Safety Regulation](#):

- Part 6, Substance Specific Requirements, sections 6.116 to 6.132 — Toxic Process Gases
- Section 24.100 — Ozone generators (Fishing Operations)
- Section 28.13 — Anhydrous ammonia (Agriculture)

The consultation phase gives stakeholders an opportunity to provide feedback before the proposed amendments are taken to public hearing. All stakeholder feedback is carefully considered and analyzed, and provided to WorkSafeBC's Board of Directors as part of their decision-making process.

Island Health's Fatigue Management Policy Raises Concerns

Union leaders are raising concerns that a new fatigue management policy at Island Health is worsening staffing shortages and contributing to burnout among health-care workers, according to a report. The policy, introduced this spring, limits employees to working fewer than 16 hours in a 24-hour period and restricts the number of consecutive days staff can work, CBC reports. Read the [full article](#) by Jim Wilson with Canadian Occupational Safety.

Many BC Hospital Security Guards Facing Unsafe Work Environments

Hospital security guards in British Columbia are being injured on the job at an alarming rate, according to a recent report. WorkSafeBC accepted nearly 170 injury claims from hospital security guards in 2024, meaning guards are being hurt almost every other day across the province, reported CBC. The highest number of accepted claims came from Fraser Health, with 50, and Providence Health, with 46. Interior Health reported 27 accepted claims, Vancouver Coastal Health had 22, and Island Health had 20. Read the [full article](#) by Jim Wilson with Canadian Occupational Safety.

OHS Policies/Guidelines – Updates

OHS Policies – Occupational Health and Safety Regulation

August 20, 2025

OHS Policy R5.48-1 has been amended (effective August 20, 2025) to reflect the current exposure limits for substances listed on the new or revised Threshold Limit Values for June 2025 from the American Conference of Governmental Industrial Hygienists.

- [R5.48-1 Controlling Exposure – Exposure Limits](#)

Guidelines – Occupational Health and Safety Regulation

August 20, 2025

- Part 5 Chemical Agents and Biological Agents
 - [Table of Exposure Limits for Chemical and Biological Substances](#)
The table has been updated to reflect changes to OHS Policy R5.48-1 (amended August 20, 2025). Deletions are shown as strikethrough; additions and revisions are highlighted in green.

New and revised guidelines are posted for a 60-day preliminary period, during which time the stakeholder community may comment and request revisions.

Editorial revisions were also made to the following guidelines:

- Part 8 – Safety Headgear
[G8.12/8.13 Use of safety headgear for workers on ATVs and similar equipment in agricultural operations](#)
- Part 6 Forestry Operations and Similar Activities
[G26.11\(3\) High stem density of dangerous trees – Requesting approval](#)

Visit the [WorkSafeBC website](#) to explore this and previous updates.

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



PROPERTY, REAL ESTATE & CONSTRUCTION

Property, Real Estate & Construction News:

The Persistence of the Shimco Lien: Revisiting the Dual Lien Theory in Light of Kingdom Langley Project Ltd. Partnership v WQC Mechanical Ltd.

A recent decision of the British Columbia Court of Appeal, [Kingdom Langley Project Ltd. Partnership v WQC Mechanical Ltd.](#) (Kingdom Langley) has reaffirmed the controversial interpretation of the holdback provisions of the [Builders Lien Act](#) (Act). The controversy emanates from the Court's earlier ruling in [Shimco Metal Erectors Ltd. v North Vancouver \(District\)](#) (Shimco), which recognized a distinct and independent lien against the statutory holdback, commonly referred to as the "Shimco lien". This recognition of a

separate holdback lien has since raised questions about the coherence of the Act's overall structure and its implications on the construction industry. BCLI has contributed detailed commentary on the *Builders Lien Act* and has been a consistent critic of the Shimco lien. In its 2004 [Report on Builders Liens after the Shimco Case](#) and 2020 [Report on the Builders Lien Act](#) BCLI recommended that the *Builders Lien Act* be amended to abolish the Shimco lien – for reasons that remain relevant, even as Kingdom Langley affirms the persistence of this dual lien theory. Read the [full article](#) by Ignacia Mendez with BCLI.

BC Court of Appeal Denies Airbnb's Bid to Pause Class Action Proceedings Pending Appeal

The British Columbia Court of Appeal has declined to pause proceedings in a class action lawsuit against Airbnb while the company appeals a lower court decision to certify the case. The lead plaintiff, Margot Ware, initiated the lawsuit in 2022 on behalf of consumers who used and paid for Airbnb's rental services. According to Ware's claim, Airbnb is not properly licensed to operate in Canada under legislation that regulates real estate, travel, and money services. In December, the BC Supreme Court certified the class action suit and dismissed an application by Airbnb and Airbnb Canada Inc. that argued the BC courts lack jurisdiction over them. Read the [full article](#) by Jessica Mach with *Canadian Lawyer*.

Annual Rent Increase Falls for Second Straight Year Capped at Inflation

More people will be able to stay in an affordable home near their jobs, schools and loved ones as the Province ties the annual allowable rent increase to inflation at 2.3% in 2026, down from 3% in 2025. This is the second year in a row that the maximum allowable increase is tied to the Consumer Price Index. In 2024, the Province capped rent increases at 3.5%, well below the increase to inflation of 5.6%. Prior to 2018, renters could face an additional 2% rent increase on top of inflation, costing the average BC family hundreds of dollars in additional rent. Read the full government [news release](#).

Builders Lien Basics III: Work Stipulated in a Lease Agreement

In the last instalment of "Builders Lien Basics" we discussed [s. 3\(1\) of the Builders Lien Act](#), which provides that "an improvement done with the prior knowledge, but not at the request, of an owner is deemed to have been done at the request of the owner". As one result, a landlord's interest in their property may be subject to a lien arising from work done for their tenant with the landlord's knowledge. Section 3(1) does not apply where an owner files a notice of interest in the land title office, which states that the owner's interest will not be bound by a lien in respect of an improvement not undertaken at the express request of the owner. An interesting question arises from this feature of the legislation: if a lease agreement requires a tenant to have particular work carried out, or if it requires that the landlord approve work to be undertaken for the tenant's use, does that mean that the work is done at the landlord's express request? If so, would s. 3(1) of the *Builders Lien Act* apply, even though the landlord had filed a notice of interest on title? These questions have not been definitively answered in BC, but there is reason to think that the answer to both is "no". Read the [full article](#) by Aidan Andrews with Civic Legal LLP.

Another Day, another Dollar: Steep Financial Consequences for Landlords Landlords Failing to Follow Through on their Move into a Rental Property

In British Columbia, most residential landlord and tenant matters are governed by the [Residential Tenancy Act](#), S.B.C. 2002, c. 78 (the "RTA"). Over the years, the RTA has been amended to provide more protections to tenants faced with eviction from their landlord who wish to move into the rental property. At present, individual landlords wishing to move into their rental property may unilaterally end a tenancy in one of two ways:

1. The landlord includes a "must vacate clause" in their residential tenancy agreement requiring the tenant to vacate the rental unit at the end of the fixed term for the purpose of the landlord or their "close family member" occupying the rental property; or
2. The landlord issues a 3 Month Notice to End Tenancy from the Residential Tenancy Branch on the basis that the landlord or their "close family member" intends to occupy the rental property in good faith. The effective date of the 3 Month Notice must not be before the end of the fixed term in a fixed term tenancy agreement.

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

Beware the Common Law Building Scheme: The Supreme Court of British Columbia Broadens its Considerations for Cancelling a Charge under the Property Law Act

Once a tool of orderly development usually used in the absence of municipal zoning, historical common law building schemes and restrictive covenants now sit quietly on many property titles across British Columbia. Despite the fact their practical benefit expired long ago, these building schemes and restrictive covenants remain potentially enforceable and effectively stall or even block further development or changes on properties against which they are registered. In a province facing urgent housing needs, these historical charges can effectively freeze entire neighbourhoods in the character of a bygone period. That tension was central in the recent case of [Smith v. Clearwater Park GP Inc.](#) ("Clearwater"), where the Supreme Court of B.C. ordered the cancellation of a decades-old building scheme on the grounds that it no longer served its original purpose. Read the [full article](#) by Peter J. Roberts, KC and Jordan Hayward with Lawson Lundell.

Violence at Meetings

Dear Tony:

What happens when an owner is violent or abusive at our general meetings? Are we allowed to remove them from meetings? Many owners in our strata are now afraid to attend in-person meetings because of the threats and recent violence at our Special General Meeting. We sympathize with the frustrations of this owner because he cannot afford a much needed special levy, but the roofing in our Richmond complex is leaking, and there is no other option. At our annual meeting in May, he arrived drunk, was abusive to the manager at registration and then proceed to yell at the chair of the meeting and throw a chair at a wall. The meeting was motioned to terminate, at which point he left the meeting and we finished the balance of the business. We doubt we are not the only community addressing the rise in

violence and aggression. – Jenna W.

Dear Jenna:

Yes, violence and aggression are definitely on the rise. Our staff assist, host or chair meetings for strata corporations every week, and high-tension situations with special levies or significant strata fee increases often fuel plenty of conflict. Everyone is feeling financial pressures and it is being directed towards council members, on site staff and strata managers.

Read the [full article](#) by Tony Gioventu on Condo Smarts, published by CHOA.

Aboriginal Title Affirmed in Cowichan Tribes v. Canada: Implications for Fee Simple Land Held in British Columbia

This historic decision from the Supreme Court of British Columbia affirms that the Cowichan Nation – including Cowichan Tribes, Stz'uminus, Penelakut, and Halalt – holds Aboriginal title to a portion of their lands known as Tl'uqtnus. *Cowichan Tribes v. Canada (Attorney General)*, [2025 BCSC 1490](#) establishes that these lands, located along the south arm of the Fraser River, include submerged riverbed areas previously held by the Province. The Court also confirmed Cowichan's constitutionally protected right to fish this part of the river. This decision followed over 500 days of trial, one of the longest trials in Canadian history. The trial record included oral history, expert evidence, ethnographic reports, and thousands of historical documents. Many witnesses to the history and laws of Tl'uqtnus, including late Chief William Seymour Sr., Luschiim (Arvid Charlie), and Chief Pahalicktun (Richard Thomas), testified to Cowichan's continued presence and occupation. The Court found that the Province's grants of fee simple ownership over Tl'uqtnus, along with its vesting of soil and freehold in highways to the City of Richmond, were unjustified. Canada and Richmond's current fee simple titles in the Cowichan Title Lands are, with limited exceptions, legally invalid. Notably, [sections 23 and 25 of the Land Title Act](#), which would typically protect the interests of registered owners, were found inapplicable to Cowichan title lands. Read the [full article](#) published by Miller Titerle + Company.

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



WILLS & ESTATES

Wills and Estates News:

Is There Still Testamentary Autonomy?

McCrone v. Henry Estate, [2025 BCSC 1076](#) [McCrone] presents an interesting set of facts where a will-maker, following the death of her husband, allegedly engaged the services of various male escorts for the purpose of companionship and sexual services.

The Deceased, Janet Henry, by way of her Last Will and Testament on August 16, 2021, left the bulk of her estate valued at approximately \$1 million to Mr. Simon Garstin. The Deceased hired Mr. Garstin as a male escort and obtained his services. Mr. Garstin provided her with sexual and companionship services at prices that were not insignificant. The two first met in person in April 2021, and over a period of six months had several encounters. Read the [full article](#) by Kaan D. Alkin with Watson Goepel LLP.

**A Trustee's Obligation to Produce Trust Files:
A Review of (Re) Yurkiw Estate**

In a recent decision, *(Re) Yurkiw Estate*, [2025 BCSC 1026](#), the BC Supreme Court clarified a trustee's obligation to produce trust files, and specifically, this obligation where there is a corporate trustee.

This was an application by a beneficiary of the Estate of David Thomas George Yurkiw to produce the entire file of the Trustee of the Estate as it related to the Estate. The Court had made a previous order in November 2024 to produce the "entire file", with the exception of documents to which solicitor-client privilege applied. The Trustee disclosed various documents in response to the 2024 order; however, the beneficiary sought to have the 2024 order enforced through this application, as it was his view that the Trustee's disclosure was insufficient. Read the [full article](#) by Emily Davies and Samantha Farkas with Clark Wilson LLP.

Shah Revisits Damgaard: Wills Variation Can Be Used to Create a Henson Trust

In a recent unreported decision (KEL-S-S-142912), the Supreme Court of British Columbia ordered that a will be varied to put the plaintiff's inheritance in a fully discretionary Henson trust to ensure that the gift did not impact her eligibility for disability benefits. This is a welcome decision that demonstrates that "adequate provision" refers to not only the amount of the testamentary gift, but the manner in which it is given.

Mr. Shah was survived by two daughters. One of his daughters, the plaintiff, is a person with a disability who receives and relies upon provincial disability assistance. Mr. Shah's Will directed his estate be distributed to his two daughters in equal shares. The will also directed that the plaintiff was to receive a bequest of \$200,000. The will directed that the plaintiff's share and the plaintiff's sister's share were to be held in discretionary trusts. However, the trusts were drafted in a way that would impact the plaintiff's eligibility for her provincial disability benefits. Read the [full article](#) by Geoffrey White and Braeden J. Rahn with Clark Wilson LLP.

Presumption of Resulting Trust: When 'Just Helping Mom' Becomes a Court Battle

The will says one thing. The bank account says another. In estate litigation, this disconnect often boils down to one deceptively

simple question: was the transfer a genuine gift, or should the asset be returned to the estate?

This isn't just a family squabble. It's a legal question governed by a powerful principle: the presumption of resulting trust.

This post unpacks how the presumption works, why intention is everything, what evidence courts will consider, and how everyday situations, like joint bank accounts between parents and adult children, often become flashpoints for litigation. Read the [full article](#) by Tsvetomira Niklin with Miller Thomson.

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