

# Quickscribe Reporter

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## Vol: XXIV – Issue 2 – February 2025

### QS News

#### Spring Parliamentary Session Underway

The British Columbia legislature resumed on February 19th, and the budget is set to be delivered today, March 4th, at 1:30 PM. This budget is anticipated to introduce measures aimed at alleviating the economic impact of U.S. tariffs and providing support for local businesses. BC Finance Minister Brenda Bailey stated on Monday that the budget is intended to prepare the province for four years of "uncertainty and disorder" stemming from the United States. In response to the tariffs, which take effect today, the NDP government has already frozen some public sector hiring and canceled its promise of a \$1,000 grocery rebate.

#### Summaries of Bills (Tip)

As soon as they are introduced, Quickscribe publishes new bills on the dedicated [Bills page](#), accessible via the left navigation. Adjacent to most of the bills is a blue [Supplemental Note](#), which provides a summary of the bill. Quickscribe primarily uses Hansard and other official government sources to generate these summaries. These notes will make it easy for you to quickly determine the intent of a bill, and whether it has relevance to your area of interest.

#### Attention Lawyers: CPD Credit Opportunity, April 22 (Quickscribe Webinar)

Quickscribe, in partnership with Courthouse Libraries BC, is pleased to offer a Professional Development Webinar: "Discover the Benefits of Quickscribe". This lunch and learn opportunity will be presented by Quickscribe owner Mike Pasta on April 22, from 12:30 PM to 1:30 PM PST.

The session will provide you with an overview of the latest version of Quickscribe and help ensure you are getting full benefit from this made-in-BC service. Additionally, the session will offer a preview of Quickscribe's new AI chatbot "Lexi" (beta). For more information about the session, including registration details, click [here](#).

### New Bills

The following bills were introduced in February:

#### Government Bills

- [Bill 1](#) – An Act to Ensure the Supremacy of Parliament
- [Bill 2](#) – Acting Conflict of Interest Commissioner Continuation Act
- [Bill 3](#) – Protected Areas of British Columbia Amendment Act, 2025
- [Bill 4](#) – Business Practices and Consumer Protection Amendment Act, 2025

#### Members' Bills

- [Bill M201](#) – Low Carbon Fuels Amendment Act, 2025
- [Bill M202](#) – Eligibility to Hold Public Office Act

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:

- [Karen Zimmer](#), Alexander Holburn Beaudin + Lang LLP – [Freedom of Information and Protection of Privacy Act](#), [Personal Information Protection 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

Are you looking for a more custom notification that will advise you about important developments that impact your specific area of interest? Quickscribe offers numerous customizable alerts – visit the [My Alerts Page](#). Quickscribe alerts are included with your subscription, so feel free to select the alert that works best for you!

## 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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[WILLS & ESTATES](#)



## COMPANY & FINANCE

### Company and Finance News:

#### Business Practices and Consumer Protection Act Amendments Introduced

2025 Bill 4, the [Business Practices and Consumer Protection Amendment Act, 2025](#), was introduced on February 25. The Bill proposes changes to the [Business Practices and Consumer Protection Act](#) intended to strengthen consumer rights by promoting contract fairness and transparency. The changes focus on:

- requiring businesses to provide important contract terms up front, including improved remedies for consumers related to renewal, cancellation, return and refund policies, particularly for online orders;
- introducing notification requirements related to automatic subscription renewals and limiting significant contract changes without the customer's consent;
- prohibiting contract terms that restrict participation in class-action lawsuits, restrict consumer reviews or require private arbitration for disputes;
- eliminating direct sales of high-cost household products and the offer of credit as part of a direct sale, to reduce the risk of predatory sales tactics;
- improving methods for consumers to cancel contracts under specified conditions; and
- allowing consumers to use the Civil Resolution Tribunal to adjudicate disputes under the *Business Practices and Consumer Protection Act*.

For more information, read the government [news release](#). Quickscribe plans on publishing an early consolidation of the amendments to the *Business Practices and Consumer Protection Act* once Bill 4 reaches Third Reading.

#### BC Business Filings Are Moving to the Business Registry

As of March 2025, all business filings in British Columbia will be transitioned to the Business Registry in the BC Registries application, replacing the current Corporate Online application used for managing BC companies. Key points about this change:

- What's moving: All corporate filings, including annual reports and incorporation documents, will be handled through the [Business Registry](#).
- When is the change happening: The transition is set to occur in March 2025.
- Where to access it: Access the new system through the BC Registries application.

For more information, see [bcreg.ca/corporations](https://bcreg.ca/corporations).

**Tip:** Quickscribe's Keyword Alert tool will keep you informed on any changes that impact the Business Registry or [Business Corporations Act](#). Go to My Alerts and select the Keyword Alert tool. Create a keyword (example: "business registry" or "Business Corporations Act") and Quickscribe will send you a notification when there are any new or proposed changes that reference these items of interest.

#### Income Tax Act Now Denies Deductions for Non-compliant Short-term Rentals

On June 20, 2024, Bill C-69 received Royal Assent. As previously [discussed](#), that Bill made several amendments to the federal

[Income Tax Act](#) (the "Act") including the introduction of section 67.7. In furtherance of the Bill's [stated intention](#) to make homes more affordable for Canadians, subsection 67.7(2) denies the deduction of expenses incurred to earn income from short-term rentals that are prohibited by, or do not comply with, provincial or municipal laws. These new rules have retroactive effect to expenses incurred after 2023. This blog provides an overview of new section 67.7, which is of primary relevance to residential property owners or landlords involved in short-term rental activity. Read the [full article](#) by [Kennedy Aberdeen](#) with Thorsteinssons LLP.

### **Enforceability Considerations for Shareholders' Agreements:**

#### **Tips For the Best Shot[gun] at Success**

What happens when, in a closely-held company of three or more shareholders, the working relationship between two of the shareholders (only), has eroded so irreparably that the dysfunction has stymied the company's business? Is it possible to include enforceable selective remedies in shareholders' agreements that offer a path forward without neutral, non-disputing shareholders having to choose sides? i.e. *this dispute is between the two of us, and one of us has to go*. We recently considered this issue and whether buy-sell shotgun provisions that operate between specific shareholders to the exclusion of others are enforceable. For the purposes of this discussion, such provisions will be referred to as "selective shotgun" provisions or clauses. The question uncovered an interesting change in the drafting of shotgun provisions over the past three decades. Read the [full article](#) by [Steffi Boyce](#) with Alexander Holburn Beaudin + Lang LLP.

### **Top 10 Need-to-Know Canadian Income Tax Cases from 2024**

#### **1. Jurisdiction of the Tax Court and Federal Court: Taxpayers beware**

*Dow Chemical Canada ULC v. Canada*, [2024 SCC 23](#)

*Iris Technologies Inc. v. Canada*, [2024 SCC 24](#)

The Tax Court of Canada has exclusive jurisdiction to determine the correctness of a tax assessment, which involves a non-discretionary determination of a taxpayer's tax liability. The Federal Court has exclusive jurisdiction to review discretionary decisions of the Minister, except where Parliament has expressly provided otherwise. In *Dow Chemical*, the Supreme Court of Canada concluded that the Minister's decision to deny a downward transfer pricing adjustment was a discretionary decision and that only the Federal Court had jurisdiction. In *Iris Technologies*, the Supreme Court of Canada concluded that the essential nature of the taxpayer's judicial review was an attack on the correctness of the assessment and that only the Tax Court had jurisdiction. While the Federal Court had jurisdiction to deal with the allegation that the Minister acted with an improper purpose, no such facts were alleged in its application. Read the [full article](#) by Al-Nawaz Nanji, Anu Koshal and Dominic Bédard-Lapointe with McCarthy Tétrault LLP.

### **Changes to Transparency Register Requirements for British Columbia Private Companies**

**Since October 1, 2020, private companies in British Columbia must follow Part 4.1, section 119 of the Business Corporations Act**

Since October 1, 2020, private companies in British Columbia have been required, pursuant to Part 4.1, [section 119 of the Business Corporations Act](#) (the "Act"), to prepare and maintain a transparency register to disclose the name of each individual who is considered a significant individual in relation to the company in question and to disclose additional information about each such significant individual including their birthdate, address, citizenship, tax jurisdiction and a description of how that individual is a significant individual (the "Disclosed Information").

An individual can be considered a significant individual by meeting one or more of the following criteria:

1. having an interest or right, or combination thereof, in a significant number of shares, greater than 25% or more of the total number of issued shares, as listed on the central security register (an "Interest"); or
2. having the right or ability, or combination thereof, to elect, appoint or remove a majority of directors – 25% or more of the shares with voting rights.

Read the [full article](#) by Tamara Dirks with Watson Goepel LLP.

### **BC Court of Appeal Certifies Class Action Against HSBC over Mutual Fund Management**

The British Columbia Court of Appeal has granted certification for a class action against HSBC alleging misrepresentation of mutual fund management. The appeal court overturned a lower court decision denying certification and ruled that the plaintiff's claim disclosed a valid cause of action and should proceed as a class action. The proposed class action claimed that HSBC marketed its mutual funds as "actively managed" while allegedly employing a "closet indexing" strategy, meaning the funds closely mirrored benchmark indices despite charging higher fees. Investors in active funds typically pay higher management fees, expecting to outperform passive funds that track a benchmark index. The appellant argued that HSBC's Equity Fund did not provide this expected advantage, resulting in investors overpaying for what was essentially a passive investment. Read the [full article](#) by Angelica Dino with Canadian Lawyer.

### **BCSC Bans Man from Investment Market Following U.S. Judgment**

A BC Securities Commission (BCSC) panel, citing U.S. court judgments, has permanently [banned](#) a man with ties to White Rock from participating in B.C.'s investment market. Amar Bahadoorsingh was found liable by a federal court in Boston in two separate cases, in 2022 and 2023, for fraud, misrepresentation, offering unregistered securities and failing to disclose his ownership of more than five per cent of a class of certain securities. The U.S. Securities and Exchange Commission (SEC) alleged that Bahadoorsingh and others secretly gained control of several companies. In one case, they sold shares of several companies to unsuspecting investors to generate substantial illicit profits. In another case, Bahadoorsingh and others clandestinely sold their stakes in a

company that they had promoted to retail investors. Read the BCSC [news release](#).

### Proposed Repeal and Replacement of NI 43-101 – Standards of Disclosure for Mineral Projects

In advance of PDAC, the British Columbia Securities Commission (the BCSC) published an information notice that includes "near final" drafts of a proposed replacement of [National Instrument 43-101 Standards of Disclosure for Mineral Projects](#) and its [related companion policy](#) and form of [technical report](#) (NI 43-101 and the proposed replacement NI 43-101 and related documents, the 43-101 Amendment Proposal). The project's stated goal is to update and enhance the Canadian Securities Administrators' (CSA) current mineral disclosure requirements to provide investors with more relevant and improved disclosure, while continuing to foster fair and efficient capital markets for mining issuers. The publication of the 43-101 Amendment Proposal was done informally to allow industry participants an opportunity to discuss the proposed changes during PDAC and prior to formal publication. Once formally published, comments will be solicited. Although still subject to change in the coming months, we summarize below the key changes introduced in the 43-101 Amendment Proposal and highlighted by the BCSC. Read the [full article](#) by [Steve Malas](#), [Pierre-Olivier Valiquette](#), [Kristopher Miks](#), [Thomas Moggan](#) and [Andrew Pollock](#) with Norton Rose Fulbright LLP.

### BC Securities – Policies & Instruments

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

- [BC Notice 2025/01](#) – Update on the CSA Project to Modernize Mineral Disclosure Requirements
- [11-406](#) – CSA Financial Innovation Hub Introduces Collaboratory and Data Portability Test
- [96-933](#) – Temporary Exemption from Certain Derivatives Data Reporting Requirements

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

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



## ENERGY & MINES

### Energy and Mines News:

#### Early Consolidations of BCER Regulations

Quickscribe has published an early consolidation of the new [Hydrogen Facility Regulation](#), made under the [Energy Resource Activities Act](#), which will take effect on April 1, 2025. The Regulation establishes two classes of hydrogen manufacturing facilities that are not co-located with a facility for manufacturing ammonia or methanol:

- Class 1 Hydrogen Facility, having an aggregate weight of hydrogen less than 4.5 tonnes, and
- Class 2 Hydrogen Facility, having an aggregate weight of hydrogen equal to or more than 4.5 tonnes, with a capacity to produce less than 100,000 tonnes of hydrogen per year.

The Regulation outlines the processes for application, permitting, operation, emergency management and decommissioning for both classes of hydrogen facilities, scalable to the complexity of the hydrogen project.

Early consolidations have also been posted for other BCER regulations, consequential to the introduction of the new Regulation: [Dormancy and Shutdown Regulation](#); [Drilling and Production Regulation](#); [Emergency Management Regulation](#); [Fee, Levy and Security Regulation](#); [Liquefied Natural Gas Facility Regulation](#); [Pipeline Regulation](#); [Processing Facility Regulation](#); [Requirements for Consultation and Notification Regulation](#); [Security Management Regulation](#); and [Service Regulation](#).

#### New Legislation to Expand BCER Role to Renewable Energy Announced

The Province of British Columbia is set to introduce new legislation in spring 2025 to enhance the regulation and permitting of renewable energy projects, notably wind and solar, by shifting authority to the BC Energy Regulator (BCER). Announced by Adrian Dix, Minister of Energy and Climate Solutions, the move aims to expedite the development of these projects alongside the expansion of high-voltage electricity transmission systems like the North Coast Transmission Line. This initiative is anticipated to attract \$5-6 billion in private capital investment and foster significant employment, supporting the economy amid potential U.S. tariffs.

The legislation will transform BCER into the primary regulatory authority for renewable energy projects, facilitating a streamlined, single-window permitting process. The approach initially targets the North Coast Transmission Line and other major transmission lines, along with newly signed wind and solar projects under BC Hydro's electricity purchase agreements. Furthermore, the new framework exempts future wind projects from the environmental assessment process. This development not only broadens BCER's role from its initial scope of oil and gas to now include extensive renewable energy oversight but also aligns with efforts to deliver reliable, affordable clean energy to meet the province's economic and industrial needs. View the government [news release](#).

#### B.C. Makes Legislative Amendments Increasing Canadian Biofuel Requirements

The B.C. government is moving to protect a nascent biofuel industry by requiring all biodiesel sold in B.C. be made in Canada.

The Province is making key [amendments](#) to [regulations](#) under the [Low Carbon Fuels Act](#) that prioritize the inclusion of Canadian biofuels in B.C.'s transportation fuels. This action will stabilize the biofuel market and support B.C. companies such as Tidewater Renewables in Prince George, Parkland in Burnaby and Consolidated Biofuels in Delta.

Effective Jan. 1, 2026, the minimum 5% renewable-fuel requirement for gasoline must be met with eligible renewable fuels produced in Canada. The renewable-fuel requirement for diesel is 4% and will immediately be increased to 8%. Beginning April 1, 2025, the renewable content of diesel fuel must be produced in Canada. Read the full government [news release](#).

#### Teck Says U.S. Tariffs Would Have Minimal Impact on Export of Critical Minerals From B.C.

Vancouver-based mining company Teck Resources Ltd. says it expects to find other trade routes for some of the metals it refines in B.C. if the U.S. goes ahead with tariffs.

Chief executive Jonathan Price told a conference call with investors that border taxes shouldn't have a material impact on Teck overall, but that it will adjust where need be.

B.C. Premier David Eby has held Teck up as an example of why the United States should not impose tariffs on Canadian goods, pointing out that the company's smelter operation in Trail, B.C., exports minerals critical for night vision goggles and electronic devices. Read the *CBC* [article](#).

#### Business Council Urges B.C. to Cut PST, Loosen LNG Regulation

As the threat of a trade war with the U.S. looms, the province needs to gird its loins, says the Business Council of B.C.

The council's new report is urging the NDP government to start with its upcoming budget by getting its own fiscal house in order, and developing a more welcome investment climate by cutting regulations and the PST on capital investments.

"The Trump administration has our industrial base in its sights," BCBC vice-president of policy David Williams said in a press release accompanying Monday's report, *Strengthening B.C.'s Economy Amid U.S. Tariff Threats*.

"B.C. must respond by ensuring this province is an attractive place to invest, build businesses and retain skilled workers relative to the United States." Read the *BIV* [article](#).

#### BC Energy Regulator Announcements

The following BC Energy Regulator announcement was posted recently:

- [TU 2025-02](#) – Strengthening Oversight of Induced Seismicity in Northeast B.C.
- [IU 2025-02](#) – Update to the Fee, Levy and Security Regulation

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

Act or Regulation Affected	Effective Date	Amendment Information
Fee, Levy and Security Regulation (8/2014)	Feb. 27/25	by <a href="#">Reg 25/2025</a>
Low Carbon Fuels (General) Regulation (282/2023)	Feb. 27/25	by <a href="#">Reg 23/2025</a>



## FAMILY & CHILDREN

### Family and Children News:

#### Dissatisfaction with Rulings in a Family Law Dispute Does Not Prove Judicial Bias: BC Supreme Court

The Supreme Court of British Columbia dismissed a recusal application in a family law dispute and reaffirmed that a litigant's dissatisfaction with court rulings does not prove judicial bias.

In *A.N.H. v L.D.B.*, [2025 BCSC 207](#), the claimant sought to have the presiding judge step down, alleging partiality and improper judicial conduct.

The court highlighted that the judge facing a recusal application must decide the matter. In considering the application, the court relied on established legal principles regarding judicial impartiality, emphasizing the high threshold required to prove bias. Read the [full article](#) by Angelica Dino, published in *Canadian Lawyer*.

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



## FOREST & ENVIRONMENT

### Forest and Environment News:

#### Bill 3, Protected Areas of British Columbia Amendment Act, 2025, Introduced

On February 19, the government tabled Bill 3, the [Protected Areas of British Columbia Act](#). If passed, the bill will add approximately 143 hectares to three parks and also remove approximately one hectare of land from one of those same parks. In addition, the administration of Kilby Park will be transferred to the administration of the heritage branch of the Ministry of Tourism, Arts, Culture and Sport. The proposed amendments also rename two parks to include their Indigenous place names: Enderby Cliffs Park will be renamed as Tplaqín/Enderby Cliffs Park, and Maquinna Marine Park will be renamed as Nism̓aakqin Park. Read more in the government [news release](#).

#### Canada's Forest Sector Responds to Threats of U.S. Tariffs on Canadian Wood Products

On February 21st, the Forest Products Association of Canada (FPAC) responded to U.S. President Donald Trump's recent comments regarding proposed tariffs on Canadian wood products, expressing deep concern over the economic impact these measures would have on forest sector employees on both sides of the border and on American families seeking affordable housing.

Derek Nighbor, President and CEO of FPAC, issued the following statement:

"Together, the United States and Canada have built a world-leading forest products industry by leveraging our shared strengths in sustainable forest management, advanced manufacturing, market development, and through our integrated transportation systems.

"Rather than disrupting this highly integrated and well-functioning supply chain, we should be focused on strengthening our competitive advantages, building more affordable housing, working together to address worsening wildfire risks, and bringing more North American wood to the world.

Unilateral tariff actions drive-up costs, create uncertainty, and slow down efforts to meet the urgent demand for housing on both sides of the border. We urge the U.S. government to reconsider these measures which will be harmful to both our countries."

Read the [full article](#) published by FPAC.

#### Environmental Appeal Board Decisions

The following Environmental Appeal Board decision was made recently:

##### [Environmental Management Act](#)

- [Coeur Silvertip Holdings Ltd. v. Director, Environmental Management Act](#) [Final Decision – Confirm Determination; Vary Penalty]

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](#)

- [Interfor Corporation v. Government of British Columbia](#) [Final Decision – Determination Confirmed; Administrative Penalty Varied]

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

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



## HEALTH

### Health News:

#### Proposed Regulations to Mitigate Drug and Device Shortages in Canada

On December 28, 2024, the Government of Canada published the [Regulations Amending Certain Regulations Made Under the Food and Drugs Act](#) (the "Proposed Amendments"). The Proposed Amendments aim to mitigate shortages that negatively impact Canadians' access to drug and medical devices. The previous 2016 and 2021 amendments had sought to address this issue, but



given the ongoing disruptions in the global medical supply chains, Health Canada emphasized the need for additional proactive measures. A 70-day consultation period regarding the Proposed Amendments is open until March 8, 2025. Read the [full article](#) by Jean-Raphael Champagne, Dara Jospe, Genevieve Shemie and Sarah-Elizabeth Morin with Fasken Martineau Dumoulin LLP.

### **BC Supreme Court Dismisses 'Long, Prolix, and Unclear' Lawsuit against Health Authorities**

The Supreme Court of British Columbia dismissed a negligence lawsuit against the Northern Health Authority (NHA) and First Nations Health Authority (FNHA), ruling that the plaintiff's claim failed to disclose a reasonable cause of action. The court found that the pleadings were unclear, lengthy, and did not establish legal grounds for negligence or other claims. The plaintiff, a Métis woman from Vanderhoof, BC, filed a civil claim against NHA and FNHA. The claim detailed several events over one year, including allegations of inadequate medical care and improper intervention by FNHA staff. Read the [full article](#) by Anglica Dino with Canadian Lawyer.

### **BC Audit Finds No Co-ordination on the Implementation of Childcare Promises**

Seven years after promising to add capacity in regional health authorities to license, monitor, and investigate childcare facilities, the British Columbia government doesn't know if it has done those things, the province's acting auditor general says. Sheila Dodds' report, released Thursday [February 27], says the Ministry of Education and Child Care has not worked effectively with the Ministry of Health and regional health authorities to implement promises under the 10-year 2018 ChildCareBC plan. The report, which covers from April 2022 to July 2024, says the ministry did not co-ordinate to document expectations for implementing the commitment, monitoring the implementation, or reporting progress. "The ministry did not have a documented set of expectations. It had not defined roles and responsibilities. It did not establish timelines and targets. It wasn't clear how funding to implement the capacity commitment would be secured or how funding needs would be identified," Dodds told reporters Thursday. Read the [BIV article](#).

### **Court Rejects BC Financial Officer's Bid for Benefits after He Refused Vaccine**

A BC government worker who left his job over opposition to a workplace COVID-19 vaccination policy has been denied access to employment benefits. On Oct. 5, 2021, the COVID-19 pandemic prompted the BC Public Service Agency to introduce a proof-of-vaccination policy requiring all employees to show evidence they were vaccinated by Nov. 22 of that year. Any employee not complying with the rule faced three months of unpaid leave followed by termination. Dmytro Ponomarov, who worked as a financial officer for BC's Ministry of Children and Family Development at the time, refused to comply with the vaccine policy on grounds it was not in the collective agreement, wrote Federal Justice Russel Zinn in a recent decision pitting the government worker against the Attorney General of Canada. Read the [BIV article](#).

### **Health Canada's Evolving Regulatory Framework for Machine Learning-enabled Medical Devices**

The rapid adoption of machine learning-enabled medical devices (MLMDs) is transforming patient care, offering unprecedented opportunities to enhance diagnostics, treatment, and healthcare efficiency. However, the regulatory landscape is evolving to address the novel challenges these technologies introduce, particularly regarding safety, effectiveness, and adaptability. In response, after releasing draft guidance in August 2023, Health Canada has issued its finalized Pre-Market Guidance for Machine-Learning Enabled Medical Devices (February 2025), providing crucial direction for manufacturers navigating regulatory approvals and demonstrating the safety and efficacy of MLMDs. Understanding this framework, which grew out of work amongst the International Medical Device Regulators Forum (IMDRF) is vital to ensuring compliance while enabling innovation and is for purposes of applying for or amending a Class II, III or IV medical device licence or at any point in the device lifecycle (Class I to Class IV). Read the [full article](#) by George R. Wray with Borden Ladner Gervais LLP.

### **Mental Health Considerations in Disciplinary Proceedings: Perspectives for the Professions**

The impact of mental health on disciplinary proceedings is becoming more prominent for regulators. Two recent decisions from the British Columbia Court of Appeal indicate that while it will still be rare for a mental health condition to provide a complete defense to allegations of misconduct, Courts are showing a willingness to consider mental health in determinations of whether misconduct has occurred at all. Conversely, it has long been recognized that mental health conditions can be considered when imposing sanctions or penalties for unprofessional conduct. A recent decision from the Alberta Court of Appeal indicates that for a regulator to consider a mental health condition at the penalty phase of disciplinary proceedings, the registrant need only show that the condition at least contributed to the proven misconduct. Read the [full article](#) by Gregory Sim and Daisy Feehan with Field Law LLP.

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



## **LABOUR & EMPLOYMENT**

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

#### **2025 Minimum Wage Increases Confirmed**

B.C.'s lowest-paid workers will see a 2.6% wage increase on June 1, 2025, keeping pace with inflation.

The general minimum wage increases from \$17.40 to \$17.85 per hour. This follows the changes made in spring 2024 to the [Employment Standards Act](#), which mandated annual wage increases.

Minimum wage rates for residential caretakers, live-in home-support workers, camp leaders and app-based ride-hailing and delivery services workers will receive the same 2.6% increase on June 1. On Dec. 31, 2025, the minimum piece rates for 15 hand-harvested crops will also increase by the same percentage. Read the government [news release](#).

### British Columbia Supreme Court Finds Workplace Investigation Witnesses Akin to Whistleblowers

A recent decision of the British Columbia Supreme Court (the "Court"), *Starrs v. Troczynski*, [2024 BCSC 2267](#) ("*Troczynski*"), serves as a useful reminder to employers about when workplace investigation reports may be privileged or disclosable in civil proceedings.

In *Troczynski*, the employer sought to prevent the disclosure of a workplace investigation report (the "Report"). Although the employer was unsuccessful in its argument that the Report was subject to solicitor-client privilege, the Court ultimately ordered the Report to be withheld from disclosure to protect the privacy interests of the witnesses who were interviewed. In the Court's view, the witnesses' privacy interests outweighed the probative value of the Report.

In *Troczynski*, the plaintiff sought disclosure of the Report for the purposes of prosecuting an action against his former solicitor whom he alleged missed a limitation period in filing the plaintiff's wrongful dismissal claim against his former employer. Read the [full article](#) by Lyann Danielak with McCarthy Tétrault LLP.

### Repudiation and Losing the Benefits of Termination Clause

A recent Ontario decision provides a warning to employers in British Columbia that their failure to comply with contractual terms could result in a finding by the court that by their actions they have repudiated the contract of employment, with the result that the employer cannot rely on the termination clause in the employment agreement. This was the finding of the Ontario Superior Court in *Timmins v. Artisan Cells*, 2025 CanLII 2387.

The *Timmins* case involved the claim of a dismissed Executive Vice-President. Mr. Timmins had been employed by Artisan Cells since 2019 and at the commencement of his employment signed an employment agreement which contained a termination provision. The termination provision in the employment agreement limited his compensation in the event of a without cause termination to the greater of three months' pay, or his minimum entitlements under the *Employment Standards Act*. The termination did not suffer the fate of many termination provisions, that being found unenforceable due to noncompliance with statutory minimums or some other contractual irregularity. At the time of Mr. Timmins termination, he was in the process of attempting to negotiate a license from Artisan for their gene editing technology in exchange for a share in a new company that Mr. Timmins would own. Read the [full article](#) by Rose Keith, KC, with Harper Grey LLP.

Act or Regulation Affected	Effective Date	Amendment Information
Employment Standards Regulation (396/95)	Feb. 18/25	by <a href="#">Reg 20/2025</a>
Occupational Health and Safety Regulation (296/97)	Feb. 3/25	by <a href="#">Reg 178/2024</a>
Workers Compensation Act	Feb. 3/25	by <a href="#">Reg 18/2025</a>



## LOCAL GOVERNMENT

### Local Government News:

#### Subsection 13(1) of FIPPA: Broader than Public Bodies Might Expect

This article highlights the application of section 13 of the Freedom of Information and Protection of Privacy Act ("FIPPA") as a reminder that this section may apply to a broader scope of records than one might expect on first pass.

[Subsection 13\(1\) of FIPPA](#) lets a local government refuse disclosure of information that would reveal policy advice or recommendations developed by or for the local government, except the types of information or classes of records listed in sections 13(2) and records that have been in existence for over 10 years, per section 13(3). Section 13(1) protects the integrity of a public body's internal decision-making processes by allowing the public body to engage in full and frank deliberations, including requesting and receiving advice, in confidence, free of disruption from outside parties, and unhindered by the spectre of potential disclosure. Read the [full article](#) by [Julia Tikhonova](#) in the March 2025 Young Anderson Barristers & Solicitors newsletter.

#### BC Minister Sees More Housing Certainty Ahead Despite Trade War Worries

Despite a looming trade war with the Americans, BC Housing Minister Ravi Kahlon says more certainty should come to the province's housing sector in 2025. This comes as all BC municipalities are required to update their official community plans (OCPs) by year's end. In wide-ranging remarks to an Urban Land Institute (ULI) audience Friday [February 28] in Vancouver, Kahlon said more co-operation is needed between all stakeholders to address the province's challenges around housing supply and affordability.



Read the BIV [article](#).

### BC Court of Appeal Finds Use of MEVA to Deem Rezoning Valid Was Unconstitutional

As anyone working in the municipal world is well aware, the interplay between powers and responsibilities of the local and provincial levels of government is complex and manifold. One unique and less frequently seen avenue for this interplay is found in Municipalities Enabling and Validating Acts ("MEVAs"). As the name suggests, an MEVA allows the Province to enable and validate an act of a local government, rendering the act legal despite any prior procedural or legal defects. While MEVAs are powerful legislative tools, the recent decision by the BC Court of Appeal in *Kitsilano Coalition for Children & Family Safety Society v. British Columbia* (Attorney General), [2024 BCCA 423](#) ("Kitsilano") demonstrates that there are limits to when and how an MEVA may be used.

#### Background

The decision in Kitsilano arises from a 2021 amendment by the City of Vancouver (the "City") to its zoning bylaw. The City planned to construct a 12-storey housing development. In order to move forward with this proposed development, the City was required to amend its zoning bylaw. One of the requirements to passing such an amendment, per [section 566 of the Vancouver Charter](#), is that the City hold a public hearing in advance of adopting the amending bylaw.

Read the [full article](#) by [James Barth](#), published in the March 2025 Young Anderson Barristers and Solicitors newsletter.

### Town of Gibsons Not Liable for Injury in a Public Park: BC Court of Appeal

The British Columbia Court of Appeal upheld the decision that the Town of Gibsons was not liable for the injuries sustained by a man while pushing over a tree in a public park. The case arose from a 2012 incident in which the appellant, then 17 years old, entered a forested area of White Tower Park with friends. While attempting to knock over a tree, part of it broke off and struck him, severing his cervical spine. As a result, he has tetraplegia. He sued the Town of Gibsons, arguing that it failed to take reasonable steps to ensure the safety of park users. The trial judge dismissed the claim, concluding that Gibsons met its duty of care under the [Occupiers Liability Act](#) (OLA) by complying with the Wildlife Danger Tree Assessor's Course (WDTAC) standard, which sets criteria for assessing hazardous trees. Read the [full article](#) by Anglica Dino with Canadian Lawyer.

### Here's What Vancouver Council Said in 6-3 Decision to Pause New Supportive Housing

Vancouver council voted 6-3 Wednesday [February 26] to support Mayor Ken Sim's motion to temporarily pause the construction of any new supportive housing that isn't already in the development pipeline or connected to replacement or renovation of an existing building. Prior to the vote, more than 300 people held a rally outside city hall to protest Sim's proposal, while another 95 people registered to speak to council, with the majority opposed to the mayor's move. The mayor said he wants other municipalities in the region to [build more](#) supportive housing, noting Vancouver accounts for 25 per cent of Metro Vancouver's population, but has 77 per cent of the type of housing stock. Read the BIV [article](#).

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



## MISCELLANEOUS

### Miscellaneous News:

#### Police Abuse of Process and Section 8 Breaches Results in Exclusion of Evidence

*R v. Abdelkader* [2025 BCSC 196](#), *R. v. Abdelkader*, [2025 BCSC 139](#)

#### Background:

On March 24, 2020, a cyclist was struck by a Jeep (the "Vehicle") at a parking lot in Vernon, BC. While the driver remained at the steering wheel, two men emerged and assaulted the cyclist before getting back into the Vehicle and driving away. Neither the victim nor police could identify any of the occupants. Police obtained a license plate, learning that the Vehicle was registered to the accused, Mr. Abdelkader, a suspected drug trafficker with no criminal record or arrests. On May 2, 2020, police executed a search warrant in relation to the hit and run incident and seized the Vehicle from the accused, which was financed by a Bank. The Vehicle was searched the next day, triggering the three-month detention period, and by May 8, 2020, nothing of evidentiary value had been obtained. The hit and run investigation formally concluded on July 20, 2020, and police were unable to identify any of the suspects. Instead of returning the Vehicle, a referral was made to the Civil Forfeiture Office and by August 2020, legal proceedings against the Vehicle had commenced and the Bank sent agents to repossess the Vehicle. In October 2020, an expert in hidden compartments was flown out to conduct a search. When asked about a warrant, police suggested the Bank's Bailiff had consented and requested it herself, which was untrue. A warrantless search of the Vehicle was conducted on October 13, 2020, after the accused's legal team filed a notice of application seeking the return of the Vehicle under [section 490\(9\) of the Criminal Code](#). Through dismantling the inner compartment, police located a concealed aftermarket compartment containing trafficking-level quantities of methamphetamine and cocaine.

Read the [full article](#) by David McKnight and Naomi Krueger with Alexander Holburn Beaudin + Lang LLP.

### **BC Supreme Court Rejects Mistrial Bid in Personal Injury Case**

The Supreme Court of British Columbia dismissed a mistrial application in a personal injury case, ruling that the jury's verdict was consistent, supported by evidence, and within its discretion to assess damages independently. The trial focused on the extent of the plaintiff's injuries and the damages owed. The defendants admitted liability and causation for some injuries, leaving the jury to determine the plaintiff's losses. The plaintiff sought over \$5 million in damages, while the defendants proposed significantly lower amounts. The jury awarded the plaintiff \$300,051 in total damages, covering pain and suffering, future income loss, future care, and special damages. The jury did not award compensation for past wage loss, loss of housekeeping, or childcare capacity. Read the [full article](#) published by Angelica Dino with Canadian Lawyer.

### **Improving the Rules of the Canadian Human Rights Commission Complaint Process**

The Canadian Human Rights Commission (CHRC) has launched a review of its complaint rules and is seeking input from stakeholders. Its [current rules](#) for parties participating in its complaint process set out procedures for filing, amending, and responding to complaints and address issues like deadlines and page limits. It is telling that the stated purpose of the CHRC's current rules emphasizes maintaining a workable and administratively effective process and ensuring procedural fairness, yet makes no mention of equity, substantive equality or accessibility. Read the [full opinion article](#) by Anne Levesque and Yvonne Peters, published in the CBA National.

### **Off-site Supplier Falls within Definition of "Insured" under Wrap Up Liability Insurance Policy**

[Honeywell International Inc. v. XL Insurance Co.](#), [2024] B.C.J. No. 2102, British Columbia Court of Appeal, November 12, 2024, P.M. Willcock, G.B. Butler and K. Horsman JJ.A

The appellant, *Honeywell International Inc.*, successfully appealed a finding of the Supreme Court of British Columbia that it did not fall within the definition of an "insured" under a wrap-up liability insurance policy and the consequential dismissal of its claim to be indemnified for costs incurred to the defend claims against it. The appellant was a third party in actions related to construction of the Shangri-La building in Vancouver. The plaintiffs in those actions alleged deficiencies in sealed insulated glass units (IGUs) forming part of the exterior curtain wall of the Shangri-La. The third-party claims against the appellant alleged the appellant manufactured desiccant, a substance intended to absorb moisture that was used in the manufacture of the IGUs, and the failure of the IGUs was a result of the defects. Read the [full article](#) by Natasha M. Cooke and Steven Abramson with Harper Grey LLP.

### **Mother Says BC Privacy Laws Limiting Search for Son Who Went Missing over a Year Ago**

For the last 10 years, Christine Moore has been advocating for her adult son who, she says, struggles with mental illness and addiction, but privacy laws have made it challenging for her to get the information she needs to care for him. Since her son went missing more than a year ago, she says those issues have become all the more apparent. Moore lives in Alberta and says it's not uncommon to go long periods of time without talking to her son. He hasn't had a cell phone since 2022, but she says he would always call at Christmas and on his birthday in January. Read the [CBC article](#).

### **BC Law Society Pitches New Money Laundering Rules for Lawyers**

The Law Society of BC has tabled new policies to further its efforts to combat money laundering in the legal profession, including mandatory training for all lawyers. Incoming 2025 president Brook Greenberg presented at the society's Feb.7 board meeting his task force report on the response to many – but not all – of the recommendations made in June 2022 by Commissioner Austin Cullen as part of BC's money laundering inquiry. At the heart of the matter is the fact lawyers are not required to report their large and suspicious transactions – be it cash or electronic transfers – to the Financial Transactions and Reports Analysis Centre of Canada (Fintrac), so as to maintain solicitor-client privilege. Read the [full BIV article](#).

### **A Time for Honesty: Two Cases on the Temporal Limits of the Duty of Honest Contractual Performance**

One of the most persistent sources of confusion about the duty of honest performance concerns its temporal scope. Must the dishonesty occur while the contract is in existence in order for the duty to be violated? What of dishonesty that precedes the contract, but takes place during the formation of it? How about dishonesty that occurs after the contract is terminated? Two recent appellate decisions address this issue at different contractual points. The first, *Ocean Pacific Hotels Ltd. v. Lee*, [2025 BCCA 57](#), considers if the duty can apply prior to the existence of a contract, while the negotiations for it take place. The second, *Heritage Property Corporation v. Triovest Inc.*, 2025 ABCA 64, examines whether the duty may operate after the contract has ceased to exist. Taken together, the two decisions serve as important bookends for the duty of honest performance, and help to clarify its temporal boundaries. Read the [full article](#) by Brandon Kain, with McCarthy Tétrault LLP.

### **Replevin Orders – BC Court of Appeal Clarifies What the Test Is (and Is Not): Cascade Aerospace Inc. v. Viking Air Limited, 2025 BCCA 2**

[Rule 10-1 of the Supreme Court Civil Rules](#), BC Reg 168/2009, provides litigants with a suite of remedies for the preservation, return, and recovery of property before the final resolution of a lawsuit is determined. One such remedy is known in law as a *replevin* order, an order for the return of disputed property to a party prior to trial. Applications for this type of relief can arise in a variety of situations, including where two parties are competing for the ultimate right to possess a piece of property, or where there is no realistic dispute over which party ultimately owns the property, but it is in the possession of another party who is claiming the right to possess it to secure a monetary claim of some kind. In *Cascade Aerospace Inc. v. Viking Air Limited*, [2025 BCCA 2](#) [*Cascade*], the BC Court of Appeal clarified the test that a party must meet to obtain a *replevin* order and, perhaps more helpfully, distinguished a *replevin* order from other preservation orders. Underlying *Cascade* was a contractual dispute between two aviation companies. The Respondent, Viking Air Limited ("Viking"), entered into an Integration Agreement with the Appellant, Cascade Aerospace Inc. ("CAI"), to install updated avionics systems onto its amphibious aircraft. As part of the Integration Agreement, Viking delivered two of its aircraft to CAI as prototypes for the installation. After disputes arose over the Integration Agreement,

Viking asked for the return of its aircraft. CAI returned one but refused to return the other, arguing, among other things, that it held a general lien over the aircraft. Read the [full article](#) by Matthew B. Nakatsu and Sabrina Ouyang with Alexander Holburn Beaudin + Lang LLP.

Act or Regulation Affected	Effective Date	Amendment Information
First Peoples' Heritage, Language and Culture Regulation (65/2011)	Feb. 5/25	by <a href="#">Reg 19/2025</a>



## MOTOR VEHICLE & TRAFFIC

### Motor Vehicle and Traffic News:

#### Province's Immunity Does Not Cover Motorcycle Accident on Forest

##### Service Road: BC Court of Appeal [[Industrial Roads Act](#)]

The British Columbia Court of Appeal ruled that the province is not immune from liability for a motorcycle accident because its immunity does not extend to the forest service road where the accident occurred.

The plaintiff was riding his motorcycle on the Canoe West Forest Service Road when he struck a log. He filed a civil claim seeking damages for injuries allegedly caused by the province's failure to maintain the road safely.

The province, which owns the road, argued that at the time of the accident, Valemount Forest Products Ltd. held a road use permit and was responsible for maintenance. However, Valemount Forest claimed that the road was not being used for logging and that the province was responsible for its maintenance. Read the [full article](#) by Angelica Dino with *Canadian Lawyer*.

#### CVSE Bulletins & Notices

The following documents were posted recently by CVSE:

- [CT Bulletin 04-2024](#) – onRouteBC Term Oversize and Term Overweight Permitting
- [NSC Bulletin 02-2023](#) – Publication of Carriers Cancelled for Cause
- [NSC Bulletin 01-2024](#) – Safety Rating Certificate and Status for B.C. Carriers

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

##### • Data newsletter first issue

Since 2019 the Passenger Transportation Board has required taxi and TNS licensees to submit monthly trip data to the [Trip Database](#). This requirement stems from section 28(5) of the [Passenger Transportation Act](#). Read the [full update](#).

#### Applications Received

- [21265-24](#) – Avantu Charters and Transfers Services Limited
- [21146-24](#) – Ecolife Limousine Ltd.

#### Application Decisions

- [19104-23](#) – 1697692 Alberta Ltd. (Crew Haulers) [Withdrawn]
- [19965-24](#) – Ship to Shore Transportation Ltd. [Approved]
- [22550-25 PS TOP](#) – Z's Limo Service (ZLS) Ltd. [Approved]
- [21523-24](#) – 0909013 BC Ltd. (Tracks) [Approved in Part]
- [20933-24](#) – Transfer from 1186175 B.C. LTD. to 1340596 B.C. Ltd. [Approved]
- [19977-24](#) – Quesnel Taxi Ltd. [Approved]

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

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



## OCCUPATIONAL HEALTH & SAFETY

## Occupational Health and Safety News:

### Consultation on Proposed BC Exposure Limits (ELs) Based on the New or Revised 2021, 2022, 2023, and 2024 ACGIH TLVs for Selected Chemical Substances

From WorkSafeBC: The American Conference of Governmental Industrial Hygienists (ACGIH) regularly publishes a list of substances for which they have set new or revised Threshold Limit Values (TLVs). A TLV is the airborne concentration of a chemical substance where it is believed that nearly all workers may be exposed over a working lifetime and experience no adverse health effects. TLVs may be expressed as an 8-hour time-weighted average (TWA), 15-minute short-term exposure limit (STEL), or ceiling limit. Before adopting new or revised TLVs published by the ACGIH, WorkSafeBC reviews relevant data on health effects and the availability of validated sampling methods. WorkSafeBC also consults with stakeholders on potential implementation issues. WorkSafeBC's existing B.C. Exposure Limits (ELs) continue to be in effect until the Board of Directors makes a decision on which new or revised ACGIH TLVs to adopt as BC ELs. Read the [WorkSafeBC announcement](#) for additional details.

### WorkSafeBC Investigator: Excavating Firm Provided Minimal Safety Documentation after Worker's Death

A retired WorkSafeBC investigator has testified that one employer provided little safety documentation following the 2012 workplace fatality of one of its workers, according to a report. The incident occurred on October 11, 2012, when a retaining wall collapsed into a trench during a sewer replacement project by J. Cote and Son Excavating Ltd. in Burnaby. In the incident, 28-year-old pipe layer Jeff Caron was fatally crushed. Meanwhile, Thomas Richer, a co-worker, sustained injuries. The company and its foreman, David Green, are currently on trial, facing charges of criminal negligence causing death and criminal negligence causing injury. Testifying in the [B.C. Supreme Court](#) last Thursday [February 13], former WorkSafeBC fatal and serious injury investigator Lonny Bouchard detailed his role in investigating the accident. He explained that part of the investigation involved reviewing employer safety procedures and compliance with occupational health and safety regulations. Read the [full article](#) by [Jim Wilson](#) with Canadian Occupational Health Safety.

### Engineer Fined, Investigated in Burnaby Trench Collapse that Killed Worker

An engineer who certified an unsupported trench in North Burnaby – where a worker was killed – was fined and investigated by police before becoming a Crown witness in the ongoing criminal negligence trial of J. Cote and Son Excavating Ltd. and foreman David Green. According to Burnaby Now, engineer Edward Yip, the principal consultant for Earthbit Engineering Inc., admitted to unprofessional conduct after approving the trench where 28-year-old pipe layer Jeff Caron died in a collapse 12 years ago. The incident also left another worker, Thomas Richer, injured. Read the [full article](#) by [Jim Wilson](#) with Canadian Occupational Health Safety.

Act or Regulation Affected	Effective Date	Amendment Information
Occupational Health and Safety Regulation (296/97)	Feb. 3/25	by <a href="#">Reg 178/2024</a>
Workers Compensation Act	Feb. 3/25	by <a href="#">Reg 18/2025</a>



## PROPERTY, REAL ESTATE & CONSTRUCTION

### Property, Real Estate & Construction News:

#### BC Supreme Court Orders New Hearing in Landlord-tenant Case over Procedural Unfairness

The Supreme Court of British Columbia ruled that the Residential Tenancy Branch (RTB) failed to provide the landlord a fair opportunity to respond to the tenant's evidence, making the decision procedurally unfair. The case arose after the landlord issued a two-month notice to end a tenancy under the [Residential Tenancy Act](#) (RTA), citing an intent for a close family member to occupy the rental unit. The tenant left the property in November 2022 and later sought compensation, arguing that the landlord did not use the unit for the stated purpose. Following a hearing, an RTB arbitrator ruled that the landlord failed to establish that a family member occupied the unit for at least six months, as required by the RTA. Read the [full article](#) by Angelica Dino with Canadian Lawyer.

#### End Game: How a Sublease Can Survive Beyond Its Head Lease

In the world of commercial leasing, the relationship between landlords and tenants and, by extension, subtenants, is at the heart of the leasing arrangement. But what happens when arrangements change and relationships shift? Particularly that between the landlord and tenant – what is the impact on the subtenant? For instance, if a head lease ceases to exist, what becomes of the sublease? One might reasonably conclude that a sublease cannot exist without a head lease. Yet this is not necessarily the case. Understanding why is critical in determining the rights and obligations of the parties when a head lease comes to an end.

#### An Important Distinction: Surrender vs Termination

As a starting point, the distinction between a surrender of lease and a termination of lease is noteworthy. While they are both the means to the same or similar end, the distinction is critical when determining the outcome for a sublease.

Read the [full article](#) by Shahrose Javed, Meg Tweedlie and Michelle Yung With Bennett Jones LLP.

### BC Supreme Court Holds Investor Liable for Failed Property Deal after Waiving Due Diligence

The BC Supreme Court upheld the principle of "caveat emptor," ruling that the investor, who waived due diligence conditions without securing financing or an environmental report, was responsible for the failed transaction and liable for \$2.67 million in damages to the seller. The case involved an investor who sought to acquire a commercial property as an income-generating asset and claimed that the seller fraudulently misrepresented the site's environmental condition by failing to disclose potential contamination. She also sued her real estate agent and brokerage for negligence and breach of contract, alleging they failed to conduct proper due diligence or warn her of environmental risks. Read the [full article](#) by Angelica Dino with Canadian Lawyer.

### Landlord Wins Rent Increase to Pay for \$427,549 New Roof

With a rent increase on the way, tenant Margo Maclean is urging the province to change regulations that allow landlords with responsible tenants to seek rent increases to cover major capital expenses. An arbitrator with B.C.'s Residential Tenancy Branch decided last month that Capreit Limited Partnership's \$427,549 new roof at 710 Vancouver St. qualified as an "eligible capital expenditure." Maclean, a tenant in the 52-unit building for four years, calls that "totally unfair." "It's a no-brainer for me that we should not have to pay \$70," she said, adding renters should not be responsible for paying for the maintenance of the roof unless they have caused damage. The question of increasing rents to cover capital expenses should be addressed at the provincial level, Maclean said. Read the Times Colonist [article](#) (Paywall).

### BC Lawyer Agrees to Five-year Ban for Real Estate-related Misconduct

A Vernon-based lawyer has agreed to a five-year ban from the bar for making "false or misleading" representations to a financial institution, acting in a conflict of interest and filing false information with respect to a client's real estate transaction. In a Feb. 5 undertaking recently posted by the Law Society of BC, lawyer David Schaeffer admitted to numerous instances of professional misconduct and agreed to resign from the bar and not re-apply for at least five years. The concerns stem from his dealings with a client with whom Schaeffer shared a personal connection, including a financial interest in a property. Read the BIV [article](#).

### Pilot Program Adds Six Months to Early Marketing Period under the Real Estate Development Marketing Act (REDMA) and New Consumer Disclosure Requirements for Pre-sales

Effective February 25, 2025, BC Financial Services Authority (BCFSA) has launched a new pilot to allow eligible developers with projects containing 100 or more development units to extend their early marketing period from 12 months to 18 months for pre-sales under Policy Statements 5 (building permit) and 6 (financing/services). This means approved developers will have six additional months for marketing before facing potential purchaser rescissions. The pilot program is subject to BCFSA approval and requires developers to share key metrics with BCFSA to allow BCFSA to assess how the extended early marketing period affects development projects in British Columbia. Read the [full article](#) by Dentons LLP.

### Precedent Setting or a One-off? Will the RTB's Decision to Approve a 23.5% Rent Hike Shake Up BC's Rental Market?

The average permitted residential rent increase the past 10 years in British Columbia hovered around 2.7%. Such increases are prescribed under the [Residential Tenancy Act](#) (the "Act") and the [Residential Tenancy Regulation](#) (the "Regulation"). In a rare Residential Tenancy Branch ("RTB") [decision](#) that was widely reported by the news media last year, a landlord was granted an overall rent increase of 27% (including the 3.5% permitted annual increase) to cover the landlord's expenditures. Was this decision to open the floodgates for landlords to similarly seek drastic rent increases, or were there unique facts to this case that led to its outcome? This article discusses the controversial RTB decision and considers the legal basis under the Act and Regulations for such an increase, and the decision's implication for both landlords and tenants. Read the [full article](#) by Tomothy H. Law and Zue Zhang with Lawson Lundell LLP.

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



## WILLS & ESTATES

### Wills and Estates News:

#### BC Court of Appeal Rules Judge Misapplied Limitation Test in Assessing Trust Claims

The British Columbia Court of Appeal overturned the dismissal of trust claims in an estate dispute between two sisters, ruling that the chambers judge erred by improperly weighing evidence and applying the wrong legal test under the [Limitation Act](#).

The case centred on Elaine Chartier and Diane Wilkinson, sisters who became involved in litigation following the death of their mother, Ruby Whiffin, in 2017. After Ruby's passing, Diane discovered that her mother had changed her will in 2010, leaving nearly her entire estate to Elaine and appointing her as executrix. Diane also learned that Ruby had transferred the family home to Elaine during her lifetime.

Diane sought and was granted court approval under s. 151 of the [Wills, Estates and Succession Act](#) (WESA) to initiate claims on

behalf of Ruby's estate. Read the [full article](#) by Angelica Dino with *Canadian Lawyer*.

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

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