

Quickscribe Reporter

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QS News

Upcoming Legislative Session Update

BC politicians will return to the legislature on February 18th to elect a Speaker, followed by the Throne Speech later that day. To stay informed about legislative changes that are most relevant to you, Quickscribe includes numerous [custom alerts](#) ensuring that you are always kept informed. You can sign up for any alerts via the [My Alerts](#) page, accessible via the top navigation after logging to your Quickscribe account.

In addition, Quickscribe will soon launch its new AI research assistant "Lexi" (beta). This feature will be available to select clients interested in testing the new legislation chatbot. Stay tuned!

New Annotations

New Annotations have been added to Quickscribe:

- [Deborah M. Cumberford](#) – [Business Corporations Act](#)
- [Jeff Waatainen](#), DLA Piper LLP – [Forest Act](#), [Forest and Range Practices Act](#), [Wildfire Act](#), [Wildfire Regulation](#)

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.

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[COMPANY & FINANCE](#)
[ENERGY & MINES](#)
[FAMILY & CHILDREN](#)

[FOREST & ENVIRONMENT](#)
[HEALTH](#)
[LABOUR & EMPLOYMENT](#)

[LOCAL GOVERNMENT](#)
[MISCELLANEOUS](#)
[MOTOR VEHICLE & TRAFFIC](#)

[OCCUPATIONAL HEALTH & SAFETY](#)
[PROPERTY, REAL ESTATE & CONSTRUCTION](#)
[WILLS & ESTATES](#)



COMPANY & FINANCE

Company and Finance News:

Top 5 Need-to-Know Canadian GST/HST Cases from 2024

The start of a new year is always a time to reflect on what has happened in the previous year. On the GST/HST front, there were numerous GST/HST decisions that were released by the Federal Court of Appeal and Tax Court of Canada. This post identifies and

summarizes the top 5 GST cases for 2024 to assist clients with some of the learnings and issues in 2024 that may impact GST/HST issues for 2025.

1. Notional input tax credits available on loyalty redemption payments

President's Choice Bank v. Canada, [2024 FCA 135](#)

President's Choice Bank made payments to Loblaws to reimburse Loblaws for discounts that Loblaws provided customers when they redeemed loyalty points at Loblaws stores. The FCA concluded that the redemption payments were paid in the course of a commercial activity (driving customers to Loblaws) *and* in the course of an activity that is not commercial (provision of financial services). As the test is not an "exclusively" or "primarily" test, PC Bank was entitled to notional input tax credits in respect of the redemption payments.

Read the [full article](#) by Al-Nawaz Nanji, Randy Schwartz and Simon Douville with McCarthy Tétrault LLP.

Finance Defers Implementation of Proposed Capital Gain Inclusion Rate Changes

On Friday [January 31], in the face of mounting pressure – [including a court application launched by Thorsteinssons LLP](#) – the Department of Finance (Finance) [announced](#) that the implementation date for the proposed capital gains inclusion rate changes would be deferred to [January 1, 2026](#). The Canada Revenue Agency (CRA) quickly followed suit and [announced](#) that it would administer the [Income Tax Act](#) (Canada) on the basis of the current, one-half inclusion rate. Read the [full article](#) published by [Thorsteinssons LLP](#).

Tax Org Will Pursue Lawsuit against CRA Despite Canada's Decision to Defer Capital Gains Tax Hike

A week after tax organizations filed two lawsuits challenging the Canada Revenue Agency's decision to enforce a capital gains tax increase, the Department of Finance Canada announced it will move the tax hike's effective date from June 25, 2024, to January 1, 2026. "The deferral of the increase to the capital gains inclusion rate will provide certainty to Canadians, whether they be individuals or business owners, as we quickly approach tax season," Canada Minister of Finance and Intergovernmental Affairs Dominic LeBlanc said in a statement. Read the [full article](#) by Jessica Mach, published on Canadian Lawyer.

Canadian Sustainability Standards Board Publishes Inaugural Sustainability Disclosure Standards

On December 18, 2024, the Canadian Sustainability Standards Board (CSSB), which has been working since June 2023 to advance the adoption of sustainability standards in Canada, released its inaugural Canadian Sustainability Disclosure Standards: CSDS 1 – *General Requirements for Disclosure of Sustainability-related Financial Information* (CSDS 1) and CSDS 2 – *Climate-related Disclosures* (CSDS 2, collectively with CSDS 1 referred to as the Standards), which are effective for annual reporting periods beginning on or after January 1, 2025. The Standards establish a set of sustainability and climate-related disclosure standards for Canadian companies that are modelled on those developed by the International Sustainability Standards Board (ISSB). While voluntary and non-binding, the Standards offer a sustainability-related disclosure framework aimed at bringing consistency, comparability and transparency to sustainability and climate-related reporting, allowing investors and other interested parties timely access to decision-useful information. Read the [full article](#) by Michael Barrett, Jeff Bakker, Tori Chiu, Pascal de Guise, Fabien Lanteri-Massa and Louis Morisset with Blakes.

CSA Propose Amendments to the Principal Distributor Model for Mutual Funds

The Canadian Securities Administrators ("CSA") have published for comment [amendments and changes to the principal distributor model](#) in the distribution of mutual fund securities (collectively, the "Proposed Amendments"). The Proposed Amendments would: (i) clarify that a principal distributor cannot act as a principal distributor for multiple mutual funds unless they are mutual funds in the same mutual fund family;¹¹ (ii) require disclosure of principal distributor arrangements and compensation; and (iii) ensure that the DSC option (as defined below) is not available to investors purchasing mutual fund securities distributed by principal distributors. While comments were initially due by February 27, 2025, the [submission deadline](#) has been extended to April 28, 2025.

Background

Mutual fund securities are distributed by participating dealers and principal distributors. Principal distributors have an exclusive right to distribute, or benefit from a feature that provides a material competitive advantage over others in the distribution of, mutual fund securities of an investment fund manager ("IFM") with which the principal distributor is typically affiliated.

Read the [full article](#) by [Darin R. Renton](#) with Stikeman Elliott.

CSA Publishes Notice and Request for Comment on Proposed Amendments to Trading Fee Caps Charged by Marketplaces

The Canadian Securities Administrators (CSA) [today published](#) [January 23] a Notice and Request for Comment on proposed amendments to [National Instrument 23-101 Trading Rules](#) (Proposed Amendments) and proposed changes to [Companion Policy 23-101 Trading Rules](#) (Proposed CP Changes) related to the recent rule changes announced by the United States Securities and Exchange Commission (SEC). The Proposed Amendments and Proposed CP Changes ensure trading in Canadian securities that are inter-listed on U.S.-registered national securities exchanges (U.S. Inter-listed Securities) remains competitive. If adopted, alignment of the Canadian trading fee cap for U.S. Inter-listed Securities priced at CAD 1.00 or more with the fee cap in the United States would continue. The comment period to solicit feedback on the Proposed Amendments and Proposed CP Changes will run for 60-days and close on March 24, 2025. Read the [BCSC article](#).

BC Securities – Policies & Instruments

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

- [13-933](#) – In this publication, the BCSC has revised CSA Coordinated Blanket Order 13-933 Temporary exemption from the requirement to transmit a report of exempt distribution through SEDAR+ in connection with distributions of eligible foreign securities to permitted clients to remove its expiration date. The original order expired on January 21, 2025. The order is substantially similar to other orders issued within Canada, including a similar order issued by the Ontario Securities Commission on January 16, 2025.
- [23-101](#) – CSA Notice and Request for Comment of Proposed Amendments to National Instrument 23-101 Trading Rules and Proposed Changes to Companion Policy 23-101 Trading Rules

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

Act or Regulation Affected	Effective Date	Amendment Information
Designated Accommodation Area Tax Regulation (93/2013)	Jan. 1/25	by Reg 279/2024
Special Accounts Appropriation and Control Act	Jan. 1/25	by 2024 Bill 3, c. 13, section 109 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
Tax Appeals Regulation (135/2024)	Jan. 1/25	by Reg 136/2024



ENERGY & MINES

Energy and Mines News:

Mineral Claims Consultation Framework (MCCF) in British Columbia

On January 7, 2024 the Ministry of Mining and Critical Minerals ("Ministry") released a draft [Mineral Claim Consultation Framework](#). The draft framework sets out a new process for staking mineral claims in British Columbia and is being implemented in response to the 2023 BC Supreme Court ruling in [Gitxaala v British Columbia \(Chief Gold Commissioner\)](#) (*Gitxaala*). *Gitxaala* requires the province of BC to restructure its current mineral tenure regime to enable consultation prior to registration. An overview of the *Gitxaala* decision can be read in our [2024 Mining in the Courts Year in Review](#) publication.

In March 2024, the British Columbia government launched a stakeholder consultation process aimed at potential reforms to the [Mineral Tenure Act](#) ("MTA"). Read the [full article](#) by Daniel Bornstein, Daphne Rodzinyak and Gwenyth Wren with McCarthy Tétrault.

Recent Judicial Decision of Interest to Energy Lawyers

Energy lawyers are frequently met with challenging legal issues within a rapidly changing regulatory and legal environment. It is essential to stay up to date on the latest caselaw from courts across Canada, and this article reviews and summarizes recent judicial decisions across a wide range of subject matter.

First published in the *Alberta Law Review*, [this publication](#) reviews cases dealing with arbitration, Indigenous law, environmental law, bankruptcy and insolvency, contracts, corporate law including plans of arrangement, royalties, taxes, employment, and others. Several themes emerge, including the increasing focus on environmental priorities and the expansion of director and corporate responsibility. Read the [paper](#) from Karen Fellowes, Jakub Maslowski, Eric Blay and Archer Bell with Stikeman Elliott LLP.

Improving Flow-Through Shares: Aligning Mining Exploration Expenses with [NI 43-101](#)

Flow-through shares are a type of common shares issued by eligible corporations in the mining, oil and gas, and renewable energy and conservation sectors in Canada. Flow-through shares permit a qualifying corporation to "renounce" certain exploration expenses to its flow-through subscribers, who are then entitled to deduct the full cost of the shares against their personal income for the year in which the shares were purchased. In effect, from an income tax perspective, the subscribers are treated as if they had incurred the expenses instead of the corporation.

This results in significant income tax savings for the flow-through subscribers in the form of deductions from income and investment tax credits for individuals (excluding trusts) that are available for certain flow-through investments targeting grassroots exploration. Meanwhile, the corporation benefits from issuing flow-through shares at a premium price compared to the market price of the corporation's ordinary shares and the corporation also benefits by raising some often-difficult-to-obtain cash from equity investors. Read the [full article](#) by Geoff Clarke and Wendy Wang with Miller Thomson.

"Frequent" Calls for Power: Newly Re-Elected BC Government Prioritizes Clean Energy Development in 2025

On 16 January 2025, the Government of British Columbia released mandate letters for Premier David Eby's new cabinet (Mandate Letters). The Mandate Letters direct cabinet ministers to focus on growing BC's economy and improving investor certainty while emphasizing the need for environmental stewardship and reconciliation with Indigenous communities. These Mandate Letters include several aspects relevant to the development of renewable power in British Columbia, which we have noted below.

Every Mandate Letter contains the same core priorities: (1) growing the economy to create good jobs across the province; (2)

reducing costs for families; (3) strengthening healthcare; and (4) making neighbourhoods and communities safer. Also, the ministers were instructed to work with the Minister of Finance to streamline their programs and initiatives to retain their relevance and keep costs low for British Columbians. Read the [full article](#) by Jessica Kennedy, David Bursey and Samantha Chenatte with Bennett Jones LLP.

B.C. Prospectors Raise Alarm Over Proposed Changes to Mineral Claim Staking

B.C. has until March 26 to implement a new process for staking mineral claims that includes consultation with First Nations, but neither prospectors nor First Nations are big fans of the proposal to do so.

The province has released a draft of proposed new rules for staking mineral claims in B.C. that take into account government's need to consult with First Nations, which has some prospectors raising the alarm that it will put a freeze on their sector.

Called the mineral claim consultation framework, the process is intended to meet government's duty to consult First Nations, which a September 2023 B.C. Supreme Court decision ruled government was failing to do with its existing online system for registering claims. Read the *Vancouver Sun* [article](#).

Updates to Natural Resource Taxes

The following update to natural resource taxes was recently posted:

Mining taxes

- **January 27, 2025**

Interest rates have been updated for [mineral tax](#), [mineral land tax](#), and [the mine inspection fee](#).

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

BC Energy Regulator Announcements

The following BC Energy Regulator announcements were posted recently:

- [TU 2025-01](#) – Updated Template for Tracking and Submission of Venting Information
- [IU 2025-01](#) – Improvements to the BCER's Disposal Well Dashboard
- [SA 2025-01](#) – Notice Regarding Quality Assurance of Pipeline Components

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

Act or Regulation Affected	Effective Date	Amendment Information
Drilling and Production Regulation (282/2010)	Jan. 1/25	by Reg 256/2024
Hydro and Power Authority Act	Jan. 1/25	by 2024 Bill 3, c. 13, sections 70 to 72 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
Oil and Gas Processing Facility Regulation (48/2021)	Jan. 1/25	by Reg 256/2024
Pipeline Regulation (281/2010)	Jan. 1/25	by Reg 256/2024



FAMILY & CHILDREN

Family and Children News:

BC Supreme Court Grants Increased Parenting Time to Sperm Donor Under Multi-Parent Agreement

The Supreme Court of British Columbia ruled [[2024 BCSC 2385](#)] in favour of a sperm donor seeking increased parenting time under a multi-parent agreement.

The claimant, who entered into a multi-parent agreement with the respondents, a married couple, sought more time with the child born in 2022. The agreement, signed before the child's conception, stated that all parties would be legal parents, share guardianship, and divide parenting time equally. However, after the relationship between the parties deteriorated in 2022, the respondents restricted the claimant's contact with the child, citing concerns about his mental health and parenting abilities.

The Supreme Court rejected the respondents' request for a [s. 211 Family Law Act](#) (FLA) report to assess the claimant's parenting suitability, finding their concerns about his mental health unfounded. Evidence from the claimant's counsellor indicated that he had effectively addressed past depression and demonstrated emotional stability. Read the [full article](#) by Angelica Dino in the *Canadian Lawyer*.

Ombudsperson Welcomes Payments Totaling Over \$1 Million

to Caregivers Short-Changed of Federal Disability Benefits

BC's Ombudsperson Jay Chalke released an update today on the province's progress addressing an unfair practice that withheld federal financial support from caregivers of children with disabilities.

The issue was first highlighted in the Ombudsperson's 2022 report, [Short-Changed: Ensuring federal benefits paid to the province reach caregivers of children with disabilities](#). The report detailed the case of grandparents caring for their granddaughter, an Indigenous child with mental and physical disabilities, under a kinship care court order. Despite having gone through the required steps, the grandparents did not receive the monthly federal Child Disability Benefit (CDB) intended to help families caring for children with disabilities. Read the [full article](#) from the Office of the Ombudsperson.

Ombudsperson Investigating Exclusion of Students from BC Public Schools

Today [January 14], the Ombudsperson, Jay Chalke, announced his office has begun an investigation into the exclusion of students from schools in BC's K-12 public education system.

"Our office has received complaints from across the province about children, including those with disabilities, being excluded from school with little or no instruction," said Chalke. "We will examine the extent to which K-12 students are being excluded from schools across the province and whether those exclusions are fair. We will assess the role of the Ministry of Education and Child Care and school districts in these exclusions." Read the [full article](#) from the Office of the Ombudsperson.

Act or Regulation Affected	Effective Date	Amendment Information
Division of Pensions Regulation (348/2012)	Jan. 1/25	by Reg 194/2024 as amended by Reg 247/2024
Family Law Act	Jan. 1/25	by 2023 Bill 17, c. 12, sections 8, 9, 11 to 14 and 17 to 20 only (in force by Reg 194/2024), Family Law Amendment Act, 2023



FOREST & ENVIRONMENT

Forest and Environment News:

New Forestry Advocate Society Presses for Working Forest Legislation

In a mandate letter to Ravi Parmar, B.C.'s new minister of Forests, Premier David Eby directs Parmar to somehow come up with "a sustainable land base" that will ensure an annual harvest of 45 million cubic metres of timber to help support a floundering forest industry.

That could be a tough order to fill, given the caveat attached to Parmar's mandate that he do this "while fulfilling our commitment to protect old growth." Old growth, after all, has been estimated to make up about one quarter of B.C.'s annual allowable cut (AAC) overall, and 50 per cent of the coastal AAC.

The executive director for a new society formed to promote B.C.'s forest economy and culture – Forestry Works for BC – has a couple of ideas for achieving the goal, including the establishment of a legislatively protected working forest – a kind of forest land reserve akin to the Agricultural Land Reserve (ALR) that protects farmland for the exclusive use of agriculture.

Forest fire risk mitigation through proactive forest management practices, like thinning, could add also help, said Steve Kozuki, the former executive director for the Forest Enhancement Society BC and new executive director for Forest Works for BC. Read the [BIV article](#).

The Fight Against Forever Chemicals

It's not a bandwagon until B.C. gets on board. After launching class action lawsuits against tobacco firms in 1998 and opioid manufacturers and distributors in 2018, the government of British Columbia [filed a proposed national class action](#) before the provincial Supreme Court in June against makers of what are commonly known as "forever chemicals."

As the first Canadian government to seek a court ruling to recoup costs associated with removing forever chemicals – perfluoroalkyl and polyfluoroalkyl substances (PFAS) – from drinking water systems, B.C is cresting a wave that, as usual, started building in the United States.

More than half of the attorney generals across 50 U.S. states have launched lawsuits against PFAS manufacturers. 3M Co. announced last year it would pay at least \$10.3 billion to settle lawsuits related to PFAS contamination of hundreds of U.S. public drinking water systems. Read the [full article](#) by Doug Beazley in the *CBA National*.

Canada Publishes Phase 1 Guidance for the Reporting of Plastics

On December 31, 2024, the Government of Canada published a guide for reporting to the Federal Plastics Registry (Registry). As discussed in our [previous bulletin](#), the Government of Canada established the Registry in 2024 pursuant to a [Notice](#). This Notice requires companies to report annually on the quantity and types of plastic manufactured, imported and placed on the Canadian market. It also requires generators of packaging and plastic waste at industrial, commercial and institutional premises, as well as

service providers who collect and manage those wastes, to report to the Registry.

These reporting obligations will be phased in over three years, referred to in the guide as phases 1, 2 and 3.

In Phase 1, producers of plastic packaging, electronic and electrical equipment and single-use or disposable plastic products are required to submit their first annual report on September 29, 2025, which will cover activities during the 2024 calendar year. In subsequent years, additional categories of producers, service providers and plastic waste generators are required to report. Read the [full article](#) by Humna Wasim, Ryan McNamara and Lana Finney with Blakes.

B.C. Initiates Review of Timber Sales to Build a Resilient, Future-Focused Forest Industry

The British Columbia government has launched a review of BC Timber Sales (BCTS) to ensure the province's forestry sector is continually evolving to overcome challenges and create a guideline for a stronger, more resilient future.

"Forestry in B.C. is in transition, and the people and communities who rely on our forests – who are bearing the brunt of ongoing challenges – want change now," said Ravi Parmar, Minister of Forests. "That's why I have asked Lennard Joe, George Abbott and Brian Frenkel to look at the opportunities to leverage BCTS to set B.C.'s forest industry up for the next 100 years." Read the [full article](#) from *Canadian Forest Industries*.

Greenwashing Legislation Faces Constitutional Challenge

Amendments to the [Competition Act](#) ("Act") targeting greenwashing are being challenged as contrary to freedom of expression under the [Canadian Charter of Rights and Freedoms](#).

Prior to the 2024 amendments to the Act, the Competition Bureau ("Bureau") had already intensified its investigations into alleged false or misleading environmental claims, commonly referred to as "greenwashing." Historically, the Bureau relied on the Act's general prohibition against false or misleading claims to address such issues.

However, the 2024 amendments introduced more targeted anti-greenwashing provisions, equipping the Bureau with enhanced enforcement tools and granting private parties a statutory right of action to pursue greenwashing claims. Even with new tools and provisions, the future of these legislative changes is now less than clear, following a constitutional challenge launched in December 2024. Read the [full article](#) by Sebastian Ennis-Brown and Melissa Tehrani with Gowling WLG.

Enforcing Greenwashing the Right Way

From the CBA:

The Competition Bureau should take a balanced approach to enforcing the new provisions under the [Competition Act](#) to ensure businesses are not discouraged from taking meaningful environmental action while maintaining transparent communication with consumers, regulators and other stakeholders.

To that end, the CBA Section recommends that the Bureau begin by educating the business and legal communities and clarify several terms. Read the [full article](#) in the *CBA National*.

B.C. Extends Deferral of Logging in Fairy Creek Amid Reports of Tree Spiking

The British Columbia government has approved a legal order to extend temporary protections to an old-growth forest on Vancouver Island even as the minister of forests acknowledged that the RCMP are investigating reports of tree spiking in the area.

Ravi Parmar said he was informed of the reports last week, calling the news of such vandalism "incredibly alarming."

Spikes are typically metal and can injure or even kill a person who attempts to cut down or mill the tree.

"I want to be very crystal clear to British Columbians, anyone who goes out and spikes a tree, puts the lives of forestry workers on the line, risks their safety, potential death each and every day, I want to condemn these actions," Parmar told reporters on Wednesday [Jan. 29]. Read the [BIV article](#).

Environmental Appeal Board Decisions

The following Environmental Appeal Board decisions were made recently:

[Integrated Pest Management Act](#)

- [West Kelowna Branch of the Kelowna Citizens Safety Association v. Administrator, Integrated Pest Management Act](#) [Dismissal Order – Appeal Dismissed]

[Mines Act](#)

- [Klondike Silver Corp. v. Chief Inspector of Mines, Ministry of Mining and Critical Minerals](#) [Final Decision – Determination Confirmed]

[Water Sustainability Act](#)

- [Don Lancaster and Leanne Colombo v. Assistant Water Manager](#) [Dismissal Order – Appeal Dismissed]
- [Stephen Read v. Assistant Water Manager](#) [Dismissal Order – Appeal Dismissed]
- [ʔakisq̓nuk First Nation v. Assistant Water Manager](#) [Preliminary Stay Application Decision – Denied]

[Wildlife Act](#)

- [Tracy Gardhouse v. Regional Manager, Recreational Fisheries & Wildlife Program](#) [Summary Dismissal – Appeal Dismissed]

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](#)

- [0793663 B.C. LTD. v. Government of British Columbia](#) [Correction Decision – Amended]

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:

New Interpretation of the Canada Health Act

On Jan. 10, 2025, the federal Minister of Health released long-awaited guidance on the delivery of insured health care services pursuant to the [Canada Health Act](#) (the CHA). The Honourable Mark Holland, Federal Minister of Health (the Minister), [issued a letter](#) clarifying the Government's position that patients should not be charged for services provided by any health professional if those services would otherwise be covered when delivered by a physician. In practical terms, this means provinces and territories will be required to cover medically necessary services offered by other health professionals, including nurse practitioners. The proposed CHA Services Policy (the Policy) will not officially come into effect until April 1, 2026 to give provincial and territorial governments adequate time to review their health care plans and make the necessary adjustments. Read the [full article](#) by [Christine Laviolette](#), [Anna Marrison](#), [Holly Ryan](#), [Bailey McMaster](#) and [Manon Gauthier](#) with Borden Ladner Gervais LLP.

New Regulatory Amendments Under the Food and Drugs Act: Addressing Drug and Medical Device Shortages in Canada

On December 28, 2024, Health Canada published a regulatory proposal in the [Canada Gazette, Part I, Volume 158, Number 52](#), introducing amendments to the [Food and Drug Regulations](#), CRC, c 870 and the [Medical Devices Regulations](#), SOR/98-282, under the [Food and Drugs Act](#), RSC 1985, c F-27. This proposal comes in response to increasing challenges posed by drug and medical device shortages, which have been exacerbated by global supply chain disruptions and public health crises. These changes are designed to address the challenges posed by shortages of drugs and medical devices in Canada and to better protect people in Canada from the harms posed by certain therapeutic product shortages. Stakeholders and the public can submit comments to [Canada Gazette, Part I](#) until March 8, 2025, at 11:59 PM EST.

Objectives of the Proposed Amendments

These amendments aim to enhance reporting frameworks; strengthen compliance measures; ensure better preparedness for potential shortages; and provide Health Canada and its regulated parties, stakeholders, and provincial/territorial partners with more and better tools to prevent, mitigate, and respond to drug and medical device shortages. These changes also aim to improve the quality of, and user experience for, existing administrative processes such as drug and medical device shortage reporting and applications for exceptional importation.

Read the [full article](#) by [Sara Zborovski](#), [Ian Trimble](#) and [Sandra Elashmouny](#) with Stikeman Elliott LLP.

Act or Regulation Affected	Effective Date	Amendment Information
Dietitians Regulation (279/2008)	Jan. 1/25	by Reg. 267/2024
Hospital District Act	Jan. 1/25	by 2024 Bill 3, c. 13, sections 61 and 63 to 68 only (in force by Royal Assent), Budget Measures Implementation Act, 2024



LABOUR & EMPLOYMENT

Labour and Employment News:

Changes to Open Work Permits for Family Members of Temporary Residents

Additional changes to Canada's immigration policies are rolling in as we settle into 2025. Immigration, Refugees and Citizenship

Canada ("IRCC") has revised open work permit (OWP) eligibility for family members of international students and foreign workers. Effective January 21, 2025, only spouses of certain international students and foreign workers will be able to apply for an OWP. For spouses of temporary workers, OWPs will be limited to spouses of foreign workers who are employed in:

- TEER 0 or 1 occupation; or
- select TEER 2 or 3 occupations in sectors with labour shortages or linked to government priorities such as occupations in the natural and applied sciences, construction, health care, natural resources, education, sports and military sectors.

Read the [full article](#) by Sarah Gray with Mathews, Dinsdale & Clark LLP.

Hungry for Consideration in Employment Agreements: Are Peppercorns Off the Menu for Employers?

In the recent decision of *Sui v HungryPanda Tech Ltd.*, [2024 BCSC 1856](#) ("HungryPanda"), the Supreme Court of British Columbia invalidated a termination provision in an employment agreement by finding the employer had failed to provide "adequate" consideration for the agreement.

In *HungryPanda*, the plaintiff employee had initially accepted an email offer of employment from the employer. The email outlined the essential terms of employment, including salary and hours of work. The email stated, "After your confirmation, we will provide you with an official employment agreement for your signature." The email did not state that such agreement was a condition of employment. After some negotiation, the plaintiff accepted the offer via email. The next day, the employer sent the plaintiff the employment agreement, which included a termination provision that limited the plaintiff's termination notice entitlements to the minimums required by applicable employment standards legislation as well as an entire agreement provision. The agreement was signed by both parties that day. Read the [full article](#) by Gary T. Clarke and Cameron Penn with Stikeman Elliott LLP.

Fired Worker Refuses to Sign Release to Get Severance; Employer Hit With \$25,000 in Punitive Damages

"In a situation where an employee is particularly vulnerable and the employer seems to be looking to strategically benefit from that employee's vulnerability, that's not going to be looked at fondly by the courts."

So says Glen Stratton, an employment lawyer at Ascent Employment Law in Vancouver, after a British Columbia court awarded a worker five months' pay plus \$25,000 in punitive damages, where the employer required her to sign a release before receiving termination pay.

The worker was a key accounts manager for Revolution Resource Recovery, a waste collection company in Vancouver. She was hired in June 2016 and managed the company's existing clients. Read the [full article](#) by Jeffrey R. Smith in the *Canadian HRReporter*.

Act or Regulation Affected	Effective Date	Amendment Information
International Credentials Recognition Act	Jan. 1/25	by 2023 Bill 38, c. 39, sections 16, 21 to 24 and 69 only (in force by Reg 129/2024), International Credentials Recognition Act
International Credentials Recognition Regulation (129/2024)	Jan. 1/25	by Reg 129/2024 and Reg 168/2024
Private Training Regulation (153/2016)	Jan. 1/25	by Reg 250/2024
Social Services Employers Regulation (84/2003)	Jan. 20/25	by Reg 1/2025



LOCAL GOVERNMENT

Local Government News:

Canadian Aviation Regulations Added to Quickscribe

For the convenience of local governments, Quickscribe has recently published parts of the federal [Canadian Aviation Regulations](#), SOR/96-433, to the site. This consolidation includes only Part III – Aerodromes, Airports and Heliports, and Part VIII – Air Navigation Services. A link to the complete Regulations on the Canada Justice Laws website is available above the document's table of contents.

Airbnb Successful on Appeal Contesting OIPC Decision to Disclose Hosts Personal Addresses

Airbnb Ireland UC v. Vancouver (City), [2024] B.C.J. No. 1801, British Columbia Court of Appeal, September 25, 2024, G.J. Fitch, R.A. Skolrood and J. Winteringham JJ.A. [[2024 BCCA 333](#)]

The BC Court of Appeal mostly upheld a judicial review decision ruling that host addresses and license information collected by

Airbnb, shared with the City of Vancouver, constitute personal information protected under BC's [Freedom of Information and Protection of Privacy Act](#) (FIPPA). The Court found the OIPC's decision failed to take a contextual approach to privacy under FIPPA. This appeal arose after Airbnb judicially reviewed a decision by the Information and Privacy Commissioner of BC (the "OIPC"), which required the City of Vancouver to release certain records related to short-term rentals. Airbnb argued that this disclosure could lead to privacy invasions and potential harm to its hosts. Read the [full article](#) by Roshni Veerapen with Harper Grey LLP.

Provincial Legislation Attempting to Protect New Housing Development from Legal Challenge Found to be Unconstitutional

[Jeff Locke](#) and [Amelia \(Mel\) van Fram](#) with [Stewart McDannold Stuart](#) prepared a case brief for [UBCM](#) regarding *Kitsilano Coalition for Children & Family Safety Society v. British Columbia (Attorney General)*, [2024 BCCA 423](#). The case involved the [2023 Bill 26](#) changes to the [Municipalities Enabling and Validating Act \(No. 5\)](#) which deemed a City of Vancouver bylaw as valid despite section 566 of the [Vancouver Charter](#). The Kitsilano Coalition for Children & Family Safety Society challenged the amendment as unconstitutional in [2023 BCSC 1999](#), which was dismissed. However, on appeal, the court found the legislation to be unconstitutional and of no force or effect. Quickscribe has been granted permission to incorporate this article adjacent to applicable legislation using [Supplemental Notes](#). Read the [full case brief](#).

BC Court of Appeal Upholds Local Zoning Authority over Forest Lands Despite Provincial Law Updates

The Court of Appeal for British Columbia upheld zoning restrictions on privately managed forest lands on Galiano Island, affirming the local trust committee's authority to prohibit residential development despite provincial legislative changes allowing limited residential use. The court's ruling reaffirmed the Galiano Island Local Trust Committee's authority to restrict residential development on forest lands. The dispute dates back to 2000 when the committee adopted bylaw no. 127, which prohibits residential use in the "Forest 1 Zone." Read the [full article](#) by [Angelica Dino](#) with Canadian Lawyer.

Not in the Judiciary's Back Yard: BC Legislature's Unsuccessful Attempt to Side-step Judicial Review of Vancouver's Approval of Housing Project

The BC Court of Appeal's (BCCA) recent decision in *Kitsilano Coalition v. British Columbia (Attorney General)* found that the BC Legislature improperly interfered with the court's adjudicative role in order to fast-track the construction of a low-income and supportive housing project. *Kitsilano* provides valuable guidance on the limits of a legislature's power to take action that may avoid or curtail litigation arising from approval of a development project. A legislature is permitted to retroactively alter the substantive law that applies to a dispute, but it cannot intrude upon the court's judicial function. In *Kitsilano*, the BC Legislature went too far. Companies engaging with governments to expedite infrastructure and resource projects or develop real estate should be mindful of the limits on legislative power highlighted in *Kitsilano*. Asking government to intervene in a way that oversteps its role may only cause further delay. Read the [full article](#) by [Jean-Simon Schoenholz](#) with Norton Rose Fulbright.

BC Court Declines to Certify Overdose Prevention Class Action after Finding No Basis in Fact for Causation

A recent decision from the Supreme Court of British Columbia underscores the Court's cautious approach to certifying class actions in nuisance cases, particularly when the alleged harm arises from varied and diffuse conduct. In *1111 Seymour Residences Ltd. v. Vancouver (City)*, [2024 BCSC 2304](#), the Court dismissed an application to certify a proposed class action for claims in public and private nuisance relating to the operation of an overdose prevention site (OPS) in downtown Vancouver. The Court found that the plaintiffs' class definition was arbitrary, risked conflict between class members and that there was no common causation question. The plaintiffs' proposed class definition was tied to an area that included properties bordering streets and alleyways one block in all directions from a downtown park. The Court found the geographic boundary to be arbitrary. The alleged disturbances occurred both inside and outside the defined area, so the boundary was not rationally connected to the alleged nuisances. Put simply, there was "no basis in fact for the plaintiffs' proposed class definition" and "no objective basis to accept the boundaries proposed by the plaintiffs." Read the [full article](#) by Jackson Spencer and Stephanie Day with Bennett Jones LLP.

Act or Regulation Affected	Effective Date	Amendment Information
Assessment Authority Act	Jan. 1/25	by 2024 Bill 3, c. 13, sections 15, 17 and 19 to 21 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
Fees and Student Tuition Protection Fund Regulation (140/2016)	Jan. 1/25	by Reg 207/2024
Local Government Act	Jan. 1/25	by 2024 Bill 3, c. 13, sections 100 to 108 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
Planning and Land Use Management Regulation (15/2025)	NEW Jan. 30/25	see Reg 15/2025
Private Training Regulation (153/2016)	Jan. 1/25	by Reg 206/2024 and Reg 250/2024
Short-Term Rental Accommodations Act	Jan. 20/25	by 2023 Bill 35, c. 32, sections 1 (part), 6 to 12, 13 (b), 14 (2), 17 (1) (b) (i) (B) and (ii) and (2) (a), 35 (3) (a) and 38 (2) (f) (ii) to (vii), (3) (e) (i) and (f) (i) (A) only (in force by Reg 2/2025), Short-Term Rental Accommodations Act

Short-Term Rental Accommodations Regulation (268/2023)	Jan. 20/25	by Reg 2/2025
South Coast British Columbia Transportation Authority Act	Jan. 1/25	by 2024 Bill 3, c. 13, sections 235 to 239 only (in force by Royal Assent), Budget Measures Implementation Act, 2024



MISCELLANEOUS

Miscellaneous News:

Beyond Borders: BC Court Issues Seminal Ruling on the Jurisdictional Application of the *Personal Information Protection Act*

In a much-anticipated decision that may have ripple effects in other jurisdictions, the British Columbia Supreme Court has provided clear guidance on the application of the [Personal Information Protection Act](#), SBC 2003, c 63 ("BC PIPA") to foreign organizations. In *Clearview AI Inc. v. Information and Privacy Commissioner for British Columbia* [2024 BCSC 2311], the Court upheld the Office of the Information and Privacy Commissioner for British Columbia's ("OIPC") order against Clearview AI Inc. ("Clearview"), a U.S.-based facial recognition company, in connection with Clearview's violations of BC PIPA. The Court's ruling establishes that BC PIPA applies to organizations outside of British Columbia ("BC") that have a "real and substantial connection" to BC. Although this finding appears to support a contextual analysis similar to the test applied when considering the application of the federal [Personal Information Protection and Electronic Documents Act](#), SC 2000, c 5 ("PIPEDA") to organizations outside Canada, the BC Court expressed the view that a sufficient connection can be established for the purposes of BC PIPA merely by collecting data from individuals in BC through the Internet. Read the [full article](#) by Lindsay Wasser, Kristen Pennington and Robbie Grant with McMillan LLP.

Unified Family Court, Funding, and Changes to [Legal Professions Act](#) among CBABC Proposals to BC

The British Columbia branch of the Canadian Bar Association released its [2025 Agenda for Justice](#) on Tuesday [January 21], which includes a series of recommendations for the provincial government to improve BC's legal system and better address legal needs. "What we're really aiming for is to have an opportunity to collaborate with government on making our legal and justice systems more accessible, equitable, and fair," CBABC president Lee Nevens told Canadian Lawyer. "We think that our members are really well placed... to help government on that," Nevens adds. "We look forward to being able to collaborate." The report's recommendations include more funding for legal services that serve low-income or otherwise marginalized individuals, streamlining court services, improving court infrastructure, and legislative changes. Read the [full article](#) by [Jessica Mach](#), published on Canadian Lawyer.

BCCA Hears Appeals on Declaration on the Rights of Indigenous Peoples Act Enforceability

The British Columbia Court of Appeal heard arguments this week in appeals brought by Gitxaala Nation and Ehattesaht First Nation, which argue that the province's commitment to aligning its laws with a United Nations resolution to uphold Indigenous peoples' rights is enforceable in court. The appeals also seek to clarify how that commitment, which BC codified in the [Declaration on the Rights of Indigenous Peoples Act](#) in 2019, should apply to the province's laws. Jessica Clogg, executive director and senior counsel at West Coast Environmental Law, told Canadian Lawyer the case represents the first time that an appellate court will consider the enforceability and interpretation of the 2019 law, which is known as the *Declaration on the Rights of Indigenous Peoples Act*, or DRIPA. Read the [full article](#) by [Jessica Mach](#), published on Canadian Lawyer.

BC Lawyer Disbarred for Second Time after Stealing Client Funds: LSBC Tribunal

A British Columbia lawyer has been disbarred for the second time in less than two years for stealing tens of thousands of dollars in client funds, according to the Law Society of British Columbia Tribunal. The tribunal disbarred personal injury lawyer René Joan Gantzert on Jan. 14. According to the tribunal's decision, Gantzert settled a personal injury claim on behalf of his client for \$18,200. Instead of paying the funds to his client, he withdrew the payment for himself and did not respond to the client's inquiry about the settlement. Read the [full article](#) by [Jessica Mach](#), published on Canadian Lawyer.

Act or Regulation Affected	Effective Date	Amendment Information
Committees of the Executive Council Regulation (267/2022)	Jan. 30/25	by Reg 16/2025 and Reg 17/2025
Police Act	Jan. 1/25	by 2024 Bill 3, c. 13, sections 156 and 158 to 168 only (in force by Royal Assent), Budget Measures Implementation Act, 2024



MOTOR VEHICLE & TRAFFIC

Motor Vehicle and Traffic News:

Driving Compliance: Updates to Canada's Motor Vehicle and Equipment Safety Regulations

Regulations Amending Certain Regulations Made Under the *Motor Vehicle Safety Act* (Recall Information), [SOR/2024-274](#) (Regulations) came into force on January 1, 2025. The Regulations amend:

- The [Motor Vehicle Safety Regulations](#);
- The [Motor Vehicle Restraint Systems and Booster Seats Safety Regulation](#); and
- The [Motor Vehicle Tire Safety Regulations](#).

According to the Government of Canada's Regulatory Impact Analysis Statement, "[t]he objective of the Regulations is to make safety recall information available faster and more accessible (i.e., by publishing it online) for vehicle owners, vehicle equipment owners and prescribed persons, as well as for the general public who may have an interest but who do not necessarily own the vehicle or vehicle equipment. Increasing the availability and accessibility of recall information is intended to directly influence recall completion rates, and to reduce the risk of death, injury and property damage resulting from unresolved vehicle and vehicle equipment defects and non-compliances. Read the [full article](#) by Michael Smith and Kanwar Brar with Bennett Jones LLP.

Gig Workers Want Change After B.C. Court Rules Accepting Orders Amounts to Distracted Driving

Delivery and rideshare workers and advocates are urging the B.C. government to review its distracted driving laws following a B.C. Supreme Court ruling that determined accepting a delivery order on a phone while driving is illegal.

The case involved Vancouver-based Uber Eats driver Vasu Subhashbhai Virda, who was ticketed on July 31, 2024, for tapping his phone to accept a delivery order while driving.

Virda testified that he had tapped the screen once to accept a delivery offer through the Uber Eats app, which he said he had to respond to within five seconds.

Initially, a judge acquitted Virda in September, citing the [Motor Vehicle Act's](#) allowance for a single touch on a properly mounted electronic device. However, the Crown successfully appealed the [decision](#). Read the [CBC article](#).

Ethanol and Gasoline Mixture – Classification and Emergency Response

From: [Transport Canada](#)

This bulletin explains the requirements for the classification of ethanol and gasoline mixtures, as well as emergency response measures in the case of an incident. It does not change, create, amend or suggest deviations to the [Transportation of Dangerous Goods Regulations](#) (TDG Regulations). For specific details, consult Part 2 of the TDG Regulations. Read the [full bulletin](#).

BC Court Limits Costs to When Injured Party Refrained from Accepting Reasonable Offer to Settle

The British Columbia Supreme Court [[2025 BCSC 67](#)] accepted that a motor vehicle accident caused injuries and found the injured woman entitled to damages, as well as costs until the day that she refrained from accepting a reasonable offer to settle.

The plaintiff in this case alleged that she suffered physical injuries, headaches, and psychological injuries as a result of an accident that occurred on Mar. 27, 2019. On that day, she was driving when another vehicle hit hers. Read the [full article](#) by Bernise Carolino in the *Canadian Lawyer*.

Mercury Thermometer Spills – What to do

From: [Transport Canada](#)

Authors: CANUTEC Emergency Response Advisors

For immediate help, moderate to serious exposures, call 911 or the Poison Control Centre in your area and seek medical treatment, and refer to the [first aid section](#).

For technical help, call CANUTEC at 613-996-6666 and refer to the [spill response section](#).

Mercury, once a staple in manufacturing of thermometers and other articles, has come under scrutiny due to hazards it poses. Every year, CANUTEC receives many calls about possible mercury spills from broken equipment like:

- thermometers
- fluorescent lamps (CFL bulbs)
- barometers
- thermostats

This article summarizes information on mercury and mercury spills gathered by CANUTEC Emergency Response Advisors. Read the [full article](#) on the Transport Canada website.

BC Supreme Court Cuts Personal Injury Award Over Alcohol Abuse That Delayed Recovery

The Supreme Court of British Columbia reduced the damages awarded to a plaintiff injured in two motor vehicle accidents, citing her prolonged alcohol abuse and refusal to follow recommended treatments as significant factors that delayed her recovery and affected her compensation.

The first accident caused a disc herniation, chronic back pain, and other physical and psychological effects. The second accident, while minor, temporarily aggravated the symptoms from the first incident but did not result in new injuries. The court found that the injuries from the first accident intensified pre-existing conditions, including back pain, headaches, and mental health challenges, which had already affected the plaintiff's education and employment before the collisions. Read the [full article](#) by Angelica Dino in the *Canadian Lawyer*.

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](#)
 - [NSC Bulletin 01-2024](#) – Safety Rating Certificate and Status for B.C. Carriers
 - [NSC Bulletin 02-2023](#) – Publication of Carriers Cancelled for Cause
 - [Notice 01-2025](#) – Vehicle Inspection Manual Consultation Notice
 - [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
- [CT Bulletin 04-2024](#) – onRouteBC Term Oversize and Term Overweight Permitting

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

- **Board decision on controlling members authorization**
In support of the upcoming changes to the taxi rates structure and taxi meter requirements, the Passenger Transportation Board (Board) is giving controlling members greater responsibility and flexibility in managing taxi meter-related tasks. Read the [full update](#).
- **Taxi licensees must replace old meters**
The Passenger Transportation Board wishes to advise all taxi licensees that new standards for taxi meters will take effect on May 1, 2026. As of that date, analogue taxi meters and some early digital-electronic taxi meters will no longer be permitted. Read the [full update](#).

Applications Received

- [20741-24](#) – Squamish Taxi Ltd.
- [21060-24, 21061-24, 21062-24, 21063-24, 21064-24, 21066-24, 21067-24, 21068-24, 21070-24, 21071-24, 21072-24, 21073-24, 21074-24](#) – Transfer of licence to Bluebird Cabs Ltd.

Application Decisions

- [19364-23](#) – Sparwood Taxi [Approved in Part]
- [19727-24](#) – Waivin Flags Taxi [Refused]
- [19811-24](#) – Leroy's Limos Ltd. [Approved in Part]
- [21079-24](#) – This Rides for U Wheelchair Services [Approved in Part]
- [21866-24 TOP](#) – Luxury Transport Inc. [Approved]
- [22087-24 PS TOP](#) – Whistler Executive Transportation, Whistler Eco Tours [Approved]
- [22271-24 PS TOP](#) – Vanride Shuttle Services Ltd. [Approved]
- [22325-25 PS TOP](#) – Connect Airport Transfers [Approved]
- [22132-24 TOP](#) – Cold Comforts Lodgings Ltd. [Approved]
- [19361-23](#) – Transfer from Cloud 10 Shuttle Service to Kiki Shuffle, Adanac Limousine & Van Service [Refused]

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

Act or Regulation Affected	Effective Date	Amendment Information
Basic Vehicle Damage Coverage Regulation (4/2021)	Jan. 6/25	by Reg 116/2024
Commercial Transport Fees Regulation (328/91)	Jan. 6/25	by Reg 116/2024

Commercial Transport Regulations (30/78)	Jan. 6/25	by Reg 116/2024
Director's Records and Access to Records Regulation (137/2003)	Jan. 6/25	by Reg 115/2024
Enhanced Accident Benefits Regulation (59/2021)	Jan. 6/25	by Reg 116/2024
Insurance (Vehicle) Act	Jan. 6/25	by 2023 Bill 28, c. 35, sections 57 to 66, 68 (d) to (g), 69 and 71 to 73 only (in force by Reg 115/2024), Motor Vehicle Amendment Act (No. 2), 2023
Insurance (Vehicle) Regulation (447/83)	Jan. 6/25	by Reg 116/2024
Leased Vehicles Transitional Regulation (117/2024)	NEW Jan. 6/25	see Reg 117/2024
Motor Vehicle Act	Jan. 1/25	by 2015 Bill 15, c. 13, sections 27, 29 and 33 only (in force by Reg 229/2024), Motor Vehicle Amendment Act, 2015 , as amended by 2020 Bill 2, c. 9, sections 28 to 30 only (in force by Royal Assent), Motor Vehicle Amendment Act, 2020
		by 2024 Bill 9, c. 10, sections 67 and 68 only (in force by Reg 229/2024), Miscellaneous Statutes Amendment Act, 2024
	Jan. 6/25	by 2023 Bill 28, c. 35, sections 1 (b), (c), 2 to 4, 6 to 10, 13 to 16, 19 to 28, 30, 32 to 36 and 38 to 41 only (in force by Reg 115/2024), Motor Vehicle Amendment Act (No. 2), 2023
Motor Vehicle Act Regulations (26/58)	Jan. 1/25	by Reg 229/2024
	Jan. 6/25	by Reg 115/2024
Motor Vehicle Fees Regulation (334/91)	Jan. 6/25	by Reg 115/2024



OCCUPATIONAL HEALTH & SAFETY

Occupational Health and Safety News:

Decision on the New B.C. Exposure Limits based on the ACGIH TLVs for Fentanyl and Fentanyl Citrate, as Fentanyl

At its November 2024 meeting, WorkSafeBC's Board of Directors (BOD) approved the adoption of the new American Conference of Governmental Industrial Hygienists Threshold Limit Value (ACGIH TLV) of 0.0001 mg/m³ (8-hour exposure limit) for fentanyl and fentanyl citrate, as fentanyl, inhalable. The BOD did not adopt the ACGIH TLV of 0.0002 mg/m³ (15-minute short-term exposure limit) as a BC exposure limit due to sampling issues. Effective January 29, 2025, fentanyl and fentanyl citrate, as fentanyl, inhalable, will be reflected in the Table of Exposure Limits for Excluded Substances in Policy R5.48-1 of the Prevention Manual as BC exposure limits as follows: Read the WorkSafeBC [article](#).

WorkSafeBC Issues More than \$90,000 in Penalties in December

In December 2024, WorkSafeBC imposed a total of 20 penalties across various industries, amounting to over \$90,000 in fines. The penalties highlighted repeated and high-risk violations, ranging from inadequate fall protection to failure to manage hazardous materials effectively. The construction sector represented most of these violations, with several firms cited for exposing workers to fall risks or failing to comply with safety standards. However, other industries, including agriculture and retail, also faced significant fines for non-compliance with workplace safety regulations. Read the [full article](#) by Shane Mercer, published by Canadian Occupational Safety Magazine.

Trench Collapse Trial Hears from Injured Worker

The high-stakes trial of foreman David Green and J. Cote and Son Excavating Ltd. is unfolding in British Columbia, with dramatic testimony and legal scrutiny bringing workplace safety practices to the forefront. The 2012 collapse of a retaining wall on a Burnaby sewer project killed 28-year-old pipelayer Jeff Caron and injured his colleague, Thomas Richer. Both Green and the company face charges of criminal negligence, marking a rare instance of applying [Canada's Bill C-45 in workplace fatalities](#).

Trial hears from injured worker

"All hell broke loose," recalls Richer during his testimony, as reported by the Vancouver Sun. He describes hearing a

frantic warning, "Get out of here, the wall is falling!" moments before the retaining wall collapsed. Richer claims he raised concerns about the trench's stability with Green multiple times, including just 10 minutes before the collapse. Richer alleges his warnings were dismissed. He says he was working in the trench out of fear of losing his job, even after earlier refusing due to safety concerns. "It didn't look very structural to me," he says.

Read the [full article](#) by Shane Mercer, published by Canadian Occupational Safety Magazine.

Decision on the New and Revised BC Exposure Limits Based on the 2020 ACGIH TLVs for Styrene

At its November 2024 meeting, WorkSafeBC's Board of Directors (BOD) approved the adoption of the 2020 new and revised American Conference of Governmental Industrial Hygienists Threshold Limit Values (ACGIH TLVs) for styrene. Effective January 8, 2025, styrene will be removed from the Table of Exposure Limits for Excluded Substances in Policy R5.48-1 of the Prevention Manual and the ACGIH TLVs will be assigned as BC exposure limits: Read the WorkSafeBC [article](#).

New First Aid Regulations Roll Out across BC

Ventana has more than 250 employees and a steady stream of similarly large, complex projects on the go. Keeping things running smoothly and safely is a constant challenge, says Justin Leisle, the company's director of health, safety, environment, and quality. And it's this high degree of challenge that makes Ventana's dedication to comply with BC's new first aid regulatory changes so admirable – and so essential. The changes have the greatest impact on higher-risk, less-accessible, and more-remote workplaces. But employers across the province – from the smallest and simplest to the biggest and most multifaceted – are bound by the amendments to Part 3 of BC's [Occupational Health and Safety Regulation](#) that came into effect on November 1, 2024. Under the revised Regulation, first aid certification levels and first aid kit contents have been aligned with CSA standards. In addition, emergency transportation requirements have changed, written first aid assessments must be completed, and annual drills are mandatory. Read the full WorkSafeBC [article](#) by Susan Kerschbaumer.

OHS Policies/Guidelines – Updates

OHS Regulation: Emergency planning for hazardous substances

February 3, 2025

The following sections of the [Occupational Health and Safety Regulation](#) are enacted, in effect February 3, 2025 [[B.C. Reg. 178/2023](#)].

- [Part Chemical Agents and Biological Agents – Emergency Planning](#)

Guidelines – Occupational Health and Safety Regulation

January 23, 2025

Editorial revisions were made to the following guideline:

- Part 20 – Washroom Facilities at Construction Sites
[G20.3.2 Washroom facilities at specified construction sites](#)

January 29, 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 January 29, 2025). Deletions are shown as strikethrough; additions and revisions are highlighted in green.

February 3, 2025

The following new and retired guidelines are consequential to amendments to the Occupational Health and Safety Regulation in effect on February 3, 2024:

- Part 5 Chemical Agents and Biological Agents – Emergency Planning
 - [G5.97 Emergency procedures – emergency plan](#) (retired)
 - [G5.97-1 Application of emergency planning requirements](#) (new)
 - [G5.97-2 Reasonably foreseeable emergencies](#) (new)
 - [G5.99 Risk assessment](#) (retired)
 - [G5.99-1 Inventory of hazardous substances](#) (new)
 - [G5.100 Risk assessment for hazardous substances](#) (new)
 - [G5.101 Procedures for spill cleanup and re-entry](#) (retired)
 - [G5.101-1 Emergency response plans](#) (new)
 - [G5.102-1 Notifying emergency response agencies](#) (new)
 - [G5.102-2 Emergency procedures – Protection and notification](#) (new)
 - [G5.103 Emergency procedures – Safe work](#) (new)
 - [G5.104 Training and drills](#) (new)

Policies – Occupational Health and Safety Regulation

January 29, 2025

OHS Policy R5.48-1 has been amended to reflect the current exposure limits for substances listed on the new or revised Threshold Limit Values for 2020 from the American Conference of Governmental Industrial Hygienists (effective January 29, 2025).

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

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:

Short-Term Rental Registry Launches in British Columbia

As detailed in our article, [British Columbia Passes Bill 35, Advancing the Homes for People Action Plan and Addressing Short-Term Rental Surplus](#), the Government of British Columbia introduced the [Short-Term Rental Accommodations Act](#) (the Act) in 2023. On January 20, 2025, the Government made [regulations](#) under the Act (the regulations) and launched the short-term rental registry (the Registry). Essentially, a host who operates a short-term rental property in British Columbia and advertises on listing platforms like Airbnb and VRBO must now enroll with the Registry, in addition to the rules and other requirements set out by the local government in each respective municipality. To enroll, hosts must complete an [online application](#) through an existing BC Registries or BC Services Card account. Read the [full article](#) by Helen Cassie, Hannah Johnston and Michelle Yung with Bennett Jones LLP.

BC Court of Appeal Enforces Real Estate Contract Despite Seller's Lack of Ownership

The Court of Appeal for British Columbia upheld the enforceability of a \$25.5 million real estate contract despite the seller's lack of ownership at the time of the agreement. The dispute centred on the enforceability of a contract for the sale of property and the application of the legal principle *nemo dat quod non habet* ("no one can give what they do not have"). The case arose from a 2018 agreement in which the appellants, NV Highway Properties Ltd. and Catalina Facilities Rental Properties Ltd., agreed to sell three residential properties. The contract allowed the buyer, 1155204 BC Ltd., to purchase the properties outright or acquire them by buying shares in the companies holding them. The buyer paid a \$1.25 million deposit but later chose not to complete the transaction, claiming the contract was unenforceable because the seller did not own the shares. Read the [full article](#) by [Angelica Dino](#), published on Canadian Lawyer.

Doorbell Cameras Become Point of Contention at BC Strata

A leasehold tenant at a BC strata has demanded that doorbell cameras be removed from common property because they contravene strata bylaws. In a BC Civil Resolution Tribunal [decision](#), Shelley Hudson brought her claim against the strata in question. Hudson claims that the strata acted contrary to [SPA section 36](#) by failing to provide the records and documents she requested about the doorbell cameras. She says the strata has allowed owners to install doorbell cameras and other video devices on common property, which she claims violates bylaws. The strata said that it has sufficiently addressed Hudson's request and that the doorbell cameras merely replaced the original doorbells, hence not actually constituting an alteration of common property. The strata adds that the bylaws don't require owners to obtain permission to install doorbell cameras or video cameras and wanted Hudson's case dismissed. Read the [article](#) published by Daily Hive.

The Times They Are A-changing: The BC Mortgage Services Act and the Regulation of Mortgage Services

The new *Mortgage Services Act* will introduce a new disciplinary framework and updated licensing and regulatory requirements for those engaged in mortgage lending. Timelines for the implementation of the *Mortgage Services Act* are still to be determined.

Introduction

In 2022, the Legislative Assembly of British Columbia passed [Bill 29 – 2022: Mortgage Services Act](#), which will repeal the current [Mortgage Brokers Act](#) ("MBA") and replace it with the new *Mortgage Services Act* ("MSA"). The MSA was introduced in response to recommendations by the Cullen Commission of Inquiry into Money Laundering in British Columbia ("Commission") to protect consumers and combat money laundering in the province. With the introduction of the MSA, the BC government has adopted a new and comprehensive approach to the regulation of mortgage services providers that includes new licensing requirements and increased disciplinary penalties. Lenders and others who operate within the mortgage services industry should be aware of the new regulatory framework and take ongoing steps to ensure compliance as these developments are still in progress and subject to further changes.

Read the [full article](#) by Mark Gill, Angie Chirra and Tony Anderson with MLt Aikins LLP.

BC Supreme Court Orders Realtor to Surrender Profits for Breaching Fiduciary Duties

The Supreme Court of British Columbia ruled that a realtor must surrender profits from a property sale after breaching fiduciary duties by disclosing confidential client information, facilitating a competing bid, and acquiring the property for personal gain. In *Zhong v. Alan Hu Personal Real Estate Corporation*, [2025 BCSC 40](#), the court ruled that the realtor acted against the client's interests during an attempted real estate transaction. The client had hired the realtor to sell their home and assist in purchasing a new property in Surrey. Although the client made two offers on the target property, another buyer bought it with the realtor's assistance, and the realtor later arranged to have the property reassigned to themselves. Years later, the realtor sold the property, earning a profit of over \$1.2 million. Read the [full article](#) by [Angelica Dino](#), published on Canadian Lawyer.

Act or Regulation Affected	Effective Date	Amendment Information
Interest Rate Under Various Statutes Regulation (386/92)	Jan. 1/25	by Reg 282/2024
Manufactured Home Park Tenancy Regulation (481/2003)	Jan. 1/25	by Reg 481/2003
Property Transfer Tax Act	Jan. 1/25	by 2024 Bill 3, c. 13, sections 175, 178, 180, 182 and 184 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
Residential Property (Short-Term Holding) Profit Tax Act	NEW Jan. 1/25	c. 24, SBC 2024, Bill 15 , whole Act in force by Royal Assent and Reg 136/2024
Residential Property (Short-Term Holding) Profit Tax Regulation (281/2024)	NEW Jan. 1/25	see Reg 281/2024
Residential Tenancy Regulation (477/2003)	Jan. 1/25	by Reg 477/2003
Tax Appeals Regulation (135/2024)	Jan. 1/25	by Reg 136/2024



WILLS & ESTATES

Wills and Estates News:

Federal Court of Appeal: RRSP Transfer to Widow Exempt from Tax Debt Clawback

The transfer of an RRSP from a deceased husband to his widow is not subject to a provision of the [Income Tax Act](#) allowing the Crown to collect unpaid tax debts from spouses or common-law partners, the Federal Court of Appeal has held.

Under s. 160(1) of the Act, a transfer of property by a tax debtor to his or her spouse or common law partner at less than fair market value may make the recipient jointly or severally liable for some, or all, of the transferor's tax debt.

In *Enns v. Canada*, [2025 FCA 14](#), released on Jan. 21, Justice Wyman Webb overturned the Tax Court's finding that a widow continues to be considered a "spouse" of a deceased tax debtor under section 160. Read the [full article](#) by Karunjit Singh on *Law360 Canada*.

How Long Does an Executor Have to Distribute Funds to Beneficiaries?

Beneficiaries of an estate often want to know how long they should expect to wait to receive their share of the estate.

Unfortunately, there is no simple answer to this question, as the timeline can vary considerably depending on the specific circumstances of the estate.

The executor's year: A traditional rule of thumb

As a starting point, there is a traditional rule of thumb known as the "executor's year." This guideline suggests that an executor is generally expected to complete the administration and distribution of an estate within appropriately one year from the date of the deceased's death.

However, the "executor's year" is not a strict rule. It serves as a rough estimate of how long it should take an executor to deal with an estate, originating from an earlier (and simpler) time.

Read the [full article](#) by Christopher Crisman-Cox with Miller Thomson.

What Is Undue Influence?

According to BC law, when a person of sound mind makes choices regarding their own property, those choices should be given respect. That includes gifts or property transfers during that person's lifetime, as well as property disposed of in a person's Last Will and Testament.

However, if a person was excessively pressured or manipulated, and thus prevented from making decisions freely and voluntarily, they are regarded as having been under "undue influence," which can be used to challenge the will, gift, trust, or asset transfer. It is important to understand the concept of undue influence so you can watch out for red flags in your own life and be on alert for suspicious circumstances in the relationships of a family member or friend. Read the [full article](#) from Onyx Law.

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

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