

Quickscribe Reporter

Stay Current. Keep Informed.

Vol: XXIV – Issue 11 – November 2025

QS News

2025 Wrap-up

The fall legislative session wrapped up a day early, December 3, with eleven government bills receiving Royal Assent in the past week. Ten members' bills were also introduced during the last few weeks of the session. Please note that while all amendments receiving Royal Assent yesterday have been consolidated, details of these amendments will be included in the December issue. Visit Quickscribe's [Bills](#) page to check the status of these or any bill.

Finally, as the holiday season approaches, we want to take a moment to wish you and your loved ones a joyous and cheerful holiday season. As we move into 2026, we remain committed to monitoring and sharing updates on any relevant legislation. Happy Holidays!

New Bills

The following bills were recently introduced:

Government Bills

-  [Bill 32](#) – Mental Health Amendment Act (No. 2), 2025

Members' Bills

- [Bill M221](#) – Short-Term Rental Accommodations Amendment Act, 2025
- [Bill M222](#) – Short-Term Rental Accommodations Amendment Act (No. 2), 2025
- [Bill M223](#) – Interpretation Amendment Act (No. 2), 2025
- [Bill M224](#) – Insurance (Vehicle) Amendment Act, 2025
- [Bill M225](#) – Secure Procurement in Respect of China Act
- [Bill M226](#) – Motor Vehicle Amendment Act (No. 2), 2025
- [Bill M227](#) – Business Practices and Consumer Protection (Greenwashing Prevention) Amendment Act, 2025
- [Bill M228](#) – Freedom Convoy Recognition Day Act
- [Bill M229](#) – Low Carbon Fuels Amendment Act (No. 2), 2025
- [Bill M230](#) – Recall and Initiative Amendment Act, 2025

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:

- [Stanley Rule](#), Sabey Rule LLP – [Wills, Estates and Succession 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.

Want to Track Federal Laws?



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!

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

[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:

Business Practices and Consumer Protection Amendments Receive Royal Assent

[Bill 28](#), the *Business Practices and Consumer Protection Amendment Act (No. 2)*, 2025, received Royal Assent on December 3. The Bill will amend the [Business Practices and Consumer Protection Act](#) to protect against credit fraud and other misleading business practices, provide people in BC with advanced tools to set up security alerts and credit freezes, and improve access to personal credit reports and scores monthly. While a couple minor clarifying amendments are now in force, most of the changes will come into force by regulation.

The Notice of Non-Compliance: CRA Gets a New Tool to Help Audit Taxpayers

In the [2025 Federal Budget](#), the Canadian government confirmed that it intends to proceed with measures with respect to non-compliance with information requests which were set out in the August 2025 [legislative proposals](#).

Key among those measures is an amendment to the [Income Tax Act](#) that, if passed, would give the Canada Revenue Agency ("CRA") a new, powerful tool – the notice of non-compliance ("NONC") – to compel taxpayers to provide information and documentation, and also give itself more time to audit.

Proposed s. 231.9

Finance first proposed the NONC in the 2024 Budget and then, after receiving commentary and feedback from the public, reiterated the proposal with minor tweaks in the 2025 draft legislation. The new tool, provided for in s. 231.9, permits the CRA to issue an NONC "at any time" if it determines that a person has failed to comply "in full or in part" with certain requests for information by the CRA.

Read the [full article](#) by Almut MacDonald, Al-Nawaz Nanji and Anu Koshal with McCarthy Tétrault LLP.

Canada Revenue Agency Sets Out New Policy for GST/HST-Related Voluntary Disclosure

The Canada Revenue Agency (CRA) recently released [GST/HST Memorandum 16-5-1](#), which sets out its new policy for GST/HST-related voluntary disclosures.

The new policy appears to be less restrictive than the previous one and will likely expand the circumstances in which it is worthwhile for taxpayers to make voluntary disclosures. Read the [full article](#) by Alan Kenigsberg and Roger Smith with Osler.

The Taxpayer Relief Provisions: Accessing Relief from Penalties and Interest

Tax disputes generally hinge on whether the imposition of taxes and penalties is correct. However, there are situations where a taxpayer can be granted relief from the imposition of penalties and/or interest even if they were correctly levied. Subsection 220 (3.1) of the [Income Tax Act](#) ("ITA") provides the Minister of National Revenue (the "Minister") with discretion to cancel or waive all, or a portion of, penalties and interest that were correctly imposed on a taxpayer. Section 281.1 of the [Excise Tax Act](#) ("ETA") is the corresponding provision for GST matters (together, the "Relief Provisions").

To be clear, the Minister's discretion under the Relief Provisions only extends to the cancellation or waiver of penalties and interest but not to the imposition of taxes. This discretion, however, can still drastically reduce the ultimate amount owing to the CRA since the quantum of certain penalties can be significant (e.g., gross negligence penalties are generally computed as 50% of the taxes imposed), and the interest on tax debts (including penalties) compounds daily at a high prescribed rate, currently 7%. In 2023 and 2024, per the CRA's [financial statements](#), over \$652 million and \$563 million respectively in penalties and interest were waived or cancelled, demonstrating the significant potential relief available to taxpayers. Read the [full article](#) by Sam Lewis with Thorsteinssons

LLP.

CSA Requests Comments on Proposed Amendments to Non-GAAP and Other Financial Measures Disclosure Requirements

The Canadian Securities Administrators (CSA) are requesting comments on proposed amendments to [National Instrument 52-112 – Non-GAAP and Other Financial Measures Disclosures](#) (NI 52-112) and related instruments and policies (Proposed Amendments). The Proposed Amendments respond to the new accounting standard, IFRS 18 *Presentation and Disclosure in Financial Statements* (IFRS 18), issued by the International Accounting Standard Board (IASB), and are intended to ensure that NI 52-112 continues to apply to certain financial measures disclosed outside of financial statements. IFRS 18 will apply to annual reporting periods beginning on or after January 1, 2027.

The Proposed Amendments update the definition of "non-GAAP financial measure" in NI 52-112 in light of new requirements of IFRS 18 related to the disclosure of management-defined performance measures (MPMs). The Proposed Amendments also allow the incorporation by reference of certain information into the notes of an issuer's financial statements, add prominence requirements relating to the use of additional subtotals outside an issuer's financial statements, and codify existing exemptions for issuers that are currently exempt from NI 52-112. Read the [full article](#) by William S. Osler, Mia Bacic, Ali J. Naushahi and Tinashe Muzah with Bennett Jones LLP.

OSFI Looks to Help Banks Boost Lending with Capital Requirement Changes

Canada's federal banking regulator is moving to make it easier for banks to loan money to small and medium-sized businesses and for some real estate projects.

The Office of the Superintendent of Financial Institutions says the changes to capital requirements will better reflect risks faced by institutions while freeing capacity for them to extend credit and support growth.

It says the proposed changes would give financial institutions more flexibility and reduce their regulatory burden.

OSFI has launched a 90-day public consultation on the proposed changes which would come into effect Nov.1, 2026 or Jan. 1, 2027 for institutions with a financial year ending Oct. 31 or Dec.31, respectively.

The proposed changes come as the regulator also makes changes to the capital requirements for insurance companies and looks to improve the way institutions report climate-related financial risks Read the [full article](#) published by the *Canadian Press*.

Supreme Court of Canada Rejects Narrow Interpretation of Disclosure Standard For "Material Changes"

The Supreme Court of Canada has released its long-awaited decision on [Lundin Mining Corp. v Markowich](#), dismissing the issuer's appeal, and addressing the interpretation of "material change" under securities legislation and clarifying when public companies are required to disclose material information.

Timely disclosure is one of the key obligations of public companies under Canadian securities legislation. To foster fair, efficient and competitive markets and confidence in those markets, reporting issuers are required to disclose material changes "forthwith" and file a material change report within 10 days of the change. This is different than the requirement to disclose material facts, which is done periodically, typically in regular quarterly and annual filings as well as part of any prospectus offering. Read the [full article](#) by Andrew McCoomb and Katherine Prusinkiewicz with Norton Rose Fulbright.

B.C.-incorporated Crypto Exchange Cryptomus Appeals Record \$177M Penalty

A cryptocurrency firm incorporated in British Columbia is appealing a penalty of almost \$177 million issued by Canada's anti-money-laundering agency last month.

Xeltex Enterprises Ltd. says in an appeal filed in Federal Court that the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC) penalties for violations of the [Proceeds of Crime \(Money Laundering\) and Terrorist Financing Act](#) were based on "errors of law."

The company says FINTRAC found the company in violation for failing to report suspicious transactions, including more than 7,500 with connections to Iran, over which Xeltex claims it had "no knowledge or control." Read the *CBC* [article](#).

BC Securities – Policies & Instruments

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

- 31-103 – Registration Requirement, Exemptions and Ongoing Registrant Obligations – [Annex C](#) and [Annex D](#)
- [52-112](#) – CSA Notice and Request for Comment on the Proposed Amendments to National Instrument 52-112 Non-GAAP and Other Financial Measures Disclosure
- [11-312](#) – National Numbering System
- [81-102](#) – Proposed Amendments to National Instrument 81-102 Investment Funds and Proposed Changes to Companion Policy 81-102 Investment Funds and Consultation Paper on Liquidity Risk Management Tools, Liquidity Classification, and Regulatory Disclosure and Data – CSA Notice and Request for Comment
- [31-367](#) – Notice and Consultation Regarding CSA Coordinated Blanket Order 31-930 Exemption to Allow Exempt Market Dealer Participation in Selling Groups in Offerings of Securities Under a Prospectus – CSA Multilateral Staff Notice
- [44-102](#) – Adoption of Amendments to National Instrument 44-102 Shelf Distributions Relating to Well-Known Seasoned Issuers
- [13-102](#) – Adoption of Multilateral Instrument 13-102 System Fees

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

Act or Regulation Affected	Effective Date	Amendment Information
Designated Accommodation Area Tax Regulation (93/2013)	Nov. 1/25	by Reg 123/2025
Multilateral Instrument 13-102 System Fees (137/2023)	Nov. 28/25	by Reg 201/2025
National Instrument 44-102 Shelf Distributions (425/2000)	Nov. 28/25	by Reg 202/2025
Securities Regulation (196/97)	Nov. 28/25	by Reg 204/2025



ENERGY & MINES

Energy and Mines News:

Energy Statutes Amendment Act, 2025 Now in Force

[Bill 31](#), the *Energy Statutes Amendment Act, 2025*, came into force on November 27. The Bill amended the [Hydro and Power Authority Act](#) and [Utilities Commission Act](#) to accelerate the construction of the North Coast Transmission Line and allow BC Hydro to enter into ownership arrangements with First Nations. The Bill also added the authority to make regulations respecting access to a set amount of power for companies specializing in artificial intelligence, data centres and hydrogen-for-export projects.

Second Wave of Fast-Track Projects Unveiled Including Critical Minerals and Energy Projects

This blog follows our earlier insight, [Wind In The Sails of Canadian Energy Project Development](#), which explored Canada's shifting project development landscape. Here, we examine the next wave of fast-tracked critical minerals and energy projects shaping the country's investment and regulatory outlook.

Prime Minister Mark Carney revealed Thursday, November 13, 2025, a new list of major projects for expedited review by the Major Projects Office (MPO). This second wave follows the initial set of projects named in September 2025 and focuses exclusively on critical minerals and energy initiatives, signaling a strategic pivot to bolster Canada's economic competitiveness and energy security. Read the [full article](#) by Luke Morrison, Ashley M. White and Pamela Clark with Bennett Jones LLP.

Canada's Energy Landscape: 3 Key Insights for 2025

On October 21, 2025, McCarthy Tétrault's National Energy Group hosted a cross-country panel event to discuss Canada's evolving energy landscape, regulatory reforms, and market trends. The session was opened by Seán C. O'Neill, Partner and Co-Lead of the National Energy Group, Business Law Group, Toronto, who emphasized the importance of Indigenous partnerships and reconciliation in the energy sector.

The event delivered a comprehensive overview of regulatory reforms, Indigenous engagement, market trends, and cross-country energy developments, with opportunities for audience questions and discussion. Below is a summary of the key insights [including specific insights on BC]. Read the [full post](#) by Christopher Langdon, Lynn Parsons, Gaetan Thomas, Kimberly J. Howard, Selina Lee-Andersen, Sven O. Milelli, Ljuba Djurdjevic, Jacob Stone and Mathieu LeBlanc with McCarthy Tétrault.

Investing in Canada's Energy Sector: The Building Canada Act and Indigenous Equity Partnerships

Canada's energy sector is at a pivotal moment. In response to global economic shifts and the growing demand for energy and other infrastructure, the federal government enacted the *One Canadian Economy Act* (often referred to as Bill C-5), on June 26, 2025. This legislation introduced two new statutes: the [Building Canada Act](#) (the "Building Canada Act") and the [Free Trade and Labour Mobility in Canada Act](#). The Building Canada Act aims to accelerate the development of major infrastructure projects deemed to be in the national interest. The goal is to enhance regulatory certainty and timing and thereby de-risk the project and improve investor confidence. However, its fast-tracking ambitions have raised serious concerns among some Indigenous communities, particularly due to the potential for the Building Canada Act to undermine meaningful consultation in various instances. Read the [full article](#) by Zach Romano, W. Ian Palm, Myroslav Chwaluk and Chelsea Young with Fasken.

BC Energy Regulator Announcements

The following BC Energy Regulator announcements were posted recently:

- [TU 2025-17](#) – Mandate Expansion – Updates of Note for Operators
- [IU 2025-10](#) – Public Posting of Inspection Reports and Non-Compliance Notices

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

Act or Regulation Affected	Effective	Amendment Information
----------------------------	-----------	-----------------------

	Date	
Hydro and Power Authority Act	Nov. 27/25	by 2025 Bill 31, c. 23, section 1 only (in force by Royal Assent), Energy Statutes Amendment Act, 2025
Utilities Commission Act	Nov. 27/25	by 2025 Bill 31, c. 23, sections 2 to 4 only (in force by Royal Assent), Energy Statutes Amendment Act, 2025



FAMILY & CHILDREN

Family and Children News:

Bill 21 Now Partially in Force

[Bill 21](#), the *Attorney General Statutes Amendment Act (No. 2), 2025*, received Royal Assent on November 27. While amendments to the *Insurance (Vehicle) Act* are now in force, the amendments to the *Public Guardian and Trustee Act* will come into force by regulation. These changes are intended to support the role of the Public Guardian and Trustee as a property guardian for children by consolidating, updating and clarifying the public property guardianship framework.

Safety Planning Amendments in Force

The *Child, Family and Community Service Amendment Act, 2025*, [Bill 29](#), came into force by Royal Assent on December 3. The bill made changes to the *Child, Family and Community Service Act* to update safety planning for children and youth.

How Important Are Teenage Children's Views in Family Law Disputes?

HMH v JE, [2023 BCSC 922](#), a trial decision in which I was counsel for the claimant father, demonstrates the deference given by Courts to the preferences of teenagers in custody disputes. This was a family law decision in which the trial judge found that the respondent mother should no longer exercise parenting time or parenting responsibilities over the parties' 16-year-old daughter.

The parties had a shared parenting arrangement confirmed in a consent order from December 2010. The order provided for joint custody and guardianship over the parties' daughter pursuant to the *Divorce Act*, RSC 1985, c 3 (2nd Supp). The *Divorce Act* does not mention custody or guardianship. Instead, it contemplates the allocation of parenting time and decision-making responsibility. Read the [full article](#) by Jimmy Peterson with Harper Grey LLP.

Family Violence Leads to Unequal Division of Family Property

In British Columbia, when a marriage or a marriage-like relationship (often referred to as a common-law relationship) ends, each spouse is presumed to receive half of all family property. However, in circumstances where an equal division would be significantly unfair, the court may depart from this presumption and award a greater share of the family property to one party.

Recently, in *C.S.K. v P.K.*, [2025 BCSC 1728](#), the Supreme Court of British Columbia determined the matter of property division between former spouses by awarding the wife 75% of the family home after finding that she had experienced family violence, which resulted in lasting economic disadvantage. Read the [full article](#) by Sherry Xu with Watson Goepel LLP.

New Family Law Cases in Surrey Down by 61 Percent: BC Provincial Court 2024/25 Annual Report

Sixty-eight percent of families using consensual dispute resolution resolved some or all legal issues

The Provincial Court of British Columbia's recently released [25th annual report](#) provides detailed operational data and covers the demographics of the judiciary, complaint summaries, and accounts of judges' efforts in the courtroom and beyond.

"I am proud of the Court's long-standing commitment to openness and transparency," wrote Melissa Gillespie, Chief Judge, in a message in the report. "We were one of the first courts in Canada to share details about our operation with the public every year, and the data we provide has become more comprehensive over time." Read the [full article](#) by Bernise Carolino in the *Canadian Lawyer*.

More Families Get Free, Faster Access to Family Law Support

More families in the Lower Mainland now have access to faster, more affordable family-law solutions through the expansion of the Early Resolution Process (ERP).

The ERP is now available in Provincial Court family registries in Pemberton, Richmond, Sechelt, North Vancouver and Vancouver (Robson Square). The process is a free service that applies to family-law matters, such as parenting arrangements, contact, child and spousal support, and companion animals. It is designed to reduce conflict, resolve disputes out of court and develop plans in the best interests of children. Read the full government [news release](#).

Barriers Removed for Couples in B.C. Receiving Disability Assistance

Starting Dec. 1, 2025, couples where both members receive disability assistance will receive the same support allowance as they would if they were two single people.

In addition, beginning Jan. 1, 2026, couples where one partner has the Persons with Disabilities designation will also benefit from an increased annual earnings exemptions, allowing them to keep more of the money they earn. Read the [full article](#) from the

government of British Columbia.

Act or Regulation Affected	Effective Date	Amendment Information
Provincial Court Family Rules (120/2020)	Nov. 1/25	by Reg 138/2024



FOREST & ENVIRONMENT

Forest and Environment News:

Eby Says No to Harvesting Old Growth for Pulp to Extend Life of BC Mill

The British Columbia government is looking for ways to help a pulp mill closing on Vancouver Island, Premier David Eby said Wednesday [December 3], but logging the province's old-growth forests for pulp is not an option. Eby was scheduled to meet Wednesday with the head of the union representing the 350 Domtar workers who are set to lose their jobs, as well as the mayor of Crofton, B.C., where the mill is located. A team from the Ministry of Jobs will be going to the community of about 1,500 people to identify opportunities around retraining and employment, the premier said, adding the government was mulling ways to keep some jobs at the site. "If there's something else we can do, absolutely," he told an unrelated news conference earlier Wednesday. "But the idea that we would pulp old growth in order to buy a little bit of time is not a solution we're looking for." Eby said the province was looking for "long-term, sustainable solutions." Domtar announced the closure Tuesday [December 2], citing continued poor pricing for pulp and lack of access to affordable fibre as driving factors behind the closure. Read the [BIV article](#).

Company Officers and Managers Can Be Subject to Fisheries Act Inspector's Directions: What Terrapure Means for Industry and Individuals

The Federal Court (Court) recently set aside the direction of an Environment and Climate Change Canada inspector (Inspector) issued pursuant to the [Fisheries Act](#) (Direction). The Direction named the company as well as the company's president and on-site managers of environmental affairs, in relation to alleged deposits of deleterious substances into waters frequented by fish.

While the matter was ultimately sent back to the Inspector for redetermination, *Terrapure BR Ltd. v. Canada (Attorney General)* [2025 FC 1715] (Terrapure) highlights the risks for company officers and operational managers who may be personally named in a direction requiring immediate corrective measures, imposing direct compliance obligations for those individuals. For more information on individual culpability for environmental offences, please see our August 2023 Blakes Bulletin: ["The Buck Stops at the Top" – Lessons Learned: Mining Company Executive Found Guilty of Environmental Offences](#). Read the [full article](#) by Paulina Adamson, Tony Crossman and Maria Georgsen with Blakes.

Implementation Framework for the Right to a Healthy Environment Under CEPA

In June 2023, the [Canadian Environmental Protection Act, 1999](#) (CEPA) was amended to recognize the Right to a Healthy Environment (Right) and to require the development of an implementation framework outlining how the Right would be applied in administering CEPA.

Following public engagement on the [draft implementation framework](#) and accompanying discussion document, Environment and Climate Change Canada (ECCC) and Health Canada (HC) released the final [Implementation Framework for the Right to a Healthy Environment Under CEPA](#) in July 2025 (Framework). A [What We Heard Report](#) summarizing public and stakeholder feedback was published concurrently with the final framework.

The Framework establishes how CEPA will be administered to fulfill the Government of Canada's duty to respect, protect and fulfill the Right. Importantly, this Right applies only within the scope of CEPA and does not extend to other federal or provincial statutes. Read the [full article](#) by Terri-Lee Oleniuk, Elyse Bouey and Blessing Okoroma with Blakes.

BC Supreme Court Finds Preserving Rule of Law "Paramount" in Walbran Valley Injunction Ruling

In *TsawakQin Forestry Limited Partnership v O'Connell*, [2025 BCSC 1880](#), the British Columbia Supreme Court granted an interim injunction halting the efforts of a group of protestors who had blocked an access road near Carmanah Walbran Provincial Park on Vancouver Island. The blockade was constructed in protest to lumber harvesting activities by the plaintiffs, Tsawak-Qin Forestry Inc. and Tsawak-Qin Forestry Limited Partnership (collectively, "Tsawak-Qin") and had prevented the plaintiffs and their contractors from accessing their harvest sites for the two weeks prior to the application.

Based on social media evidence, the court observed that the protestors appeared to be a well-organized, social media savvy group, and that many participants were the same individuals who had organized the "Fairy Creek Blockade", a series of protests against old-growth logging in 2020 and 2021 that resulted in significant media attention and considerable litigation before the Supreme Court of BC. Despite the size of the group, only one protestor responded to the application. Read the [full article](#) by Marie Ong with BCLI.

Lumber Industry Responds to Announcement of New Federal Supports

Representatives for lumber producers across the country responded to the announcement of new supports coming to the sector made by Prime Minister Mark Carney on November 26.

The Prime Minister announced new supports for the steel and lumber industries, building on previously announced measures. Read

the [Canadian Forest Industries article](#).

Federal Environmental Racism Legislation Update for First Nations

A great many First Nations, Métis and Inuit are the victims of environmental racism. There is a legacy of industrial contamination that has been permitted to impact Indigenous communities and other marginalized communities in more severe ways than most settler Canadians. Many such communities are in need of support to remediate lands and waters and compensation is needed. Many others are still experiencing the effects of discriminatory government and industrial decisions that create ongoing contamination issues.

There have been recent legislative changes that are intended to provide progress on these issues. The [National Strategy Respecting Environmental Racism and Environmental Justice Act](#) (Environmental Racism Act) became federal law in June of 2024. Along with these legal changes, there were similar changes to the [Canadian Environmental Protection Act, 1999](#) (CEPA) to recognize the effects of toxic substances on vulnerable communities and recognizing the role of science and Indigenous knowledge in the process of making decisions related to the protection of the environment and human health. Read the [full article](#) from the DWF Group.

Environmental Appeal Board Decisions

The following Environmental Appeal Board decisions were made recently:

[Environmental Management Act](#)

- [Canadian Natural Resources Limited v. Director, Environmental Management Act](#) [Consent Order – Stay Extended]
- [Rio Tinto Alcan Inc. v. Director, Environmental Management Act](#) [Dismissal Order – Appeal Dismissed]

[Wildlife Act](#)

- [Michael Schneider v. Regional Manager, Wildlife Act](#) [Final Decision – Appeal Allowed in Part]
- [Raymond Majerus, Fraser MacDonald, Michael Schneider & Alan Jarvis v. Executive Director, Wildlife Branch](#) [Preliminary Decision – Appeals Dismissed in Part]

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](#)

- [McLeod Lake Indian Band v. Government of British Columbia](#) [Final Decision – Appeal Dismissed]

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

Act or Regulation Affected	Effective Date	Amendment Information
Administrative Penalties Regulation (<i>Environmental Management Act</i>) (133/2014)	Nov. 21/25	by Reg 170/2025
Angling and Scientific Collection Regulation (125/90)	Nov. 17/25	by Reg 196/2025
Hazardous Waste Regulation (63/88)	Nov. 21/25	by Reg 170/2025
Recycling Regulation (449/2004)	Nov. 21/25	by Reg 170/2025
Wildlife Act General Regulation (340/82)	Nov. 17/25	by Reg 196/2025



HEALTH

Health News:

Changes to Legal Liability under the Mental Health Act [Now in Force]

[Bill 32](#), the *Mental Health Amendment Act (No. 2)*, 2025, was introduced on November 21. The Bill proposes to replace section 31 (1) of the [Mental Health Act](#) to give greater clarity with respect to legal liability protection for front-line workers who provide psychiatric treatment to involuntary patients. The new provision will be moved to section 16 and states that workers are not liable if they provide care or other services to a patient as authorized by a director, if the care is reasonable and delivered in good faith. The Bill came into force by Royal Assent on December 3.

Helping People Understand Their Rights Under Mental Health Act

People experiencing a mental-health crisis now have a legal right to meet with an independent rights adviser to better understand their rights and the supports available to them, with [amendments](#) to the [Mental Health Act](#) coming into force.

The Independent Rights Advice Service helps inform people involuntarily admitted under the *Mental Health Act* of their Charter rights and improves access to justice for vulnerable populations. The service was introduced in phases over the past two years and is now available throughout B.C. Full implementation was required before the amendments could come into force. Read the government [news article](#).

Vaping Product Damages and Health Care Costs Recovery Act Now in Force

[Bill 24](#), the *Vaping Product Damages and Health Care Costs Recovery Act*, received Royal Assent on December 3. The new Act will enable the province to take legal action for damages and health care costs associated with vaping products.

Consultation Opens on Proposed Changes to Medical Device Establishment Licence Requirements

On November 8, 2025, Health Canada published the [Regulations Amending the Medical Devices Regulations \(Establishment Licences\)](#) (Draft Regulations) in the Canada Gazette, proposing changes to the medical device establishment licence (MDEL) requirements. These changes follow Health Canada and the Public Health Agency of Canada's Report on Red Tape Reduction (published September 8, 2025), which promised that changes to the MDEL regime would come in fall 2025 (see our earlier [Blakes Bulletin](#)).

Subject to limited exceptions, the current Medical Devices Regulations (MDR) generally require both foreign distributors and their Canadian importers to hold an MDEL. As provided in the Regulatory Analysis Impact Statement published with the Draft Regulations, industry stakeholders have raised concerns that requiring both parties to hold an MDEL creates unnecessary burdens and costs and have argued that this requirement is not aligned with other jurisdictions. Industry stakeholders have further expressed that this requirement disincentivizes some medical device companies from doing business in Canada, which ultimately affects the availability of medical devices that Canadians have access to. Read the [full article](#) by Laura Weinrib, Pei Li and Lindsay Toth with Blakes.

The B.C. CDC Wants to Hear from Residents with Climate-Related Health Concerns

If your health and well-being has been affected by catastrophic flooding, wildfires or intense heat and drought, the B.C. Centre for Disease Control wants to hear about it.

British Columbians can now share personal stories about how climate change is contributing to their physical and mental health on [ecolens.ca](#), a new website launched by the centre.

Ecolens.ca allows people to share insights into how climate change is affecting their lives through writing, art and photos, according to a news release Thursday [Nov. 20].

Officials say the information will help scientists and health professionals better understand climate change impacts and inform the development of adaptive strategies. Read the *Vancouver Sun* [article](#).

New Sick Note Regulations Reduce Administrative Burden for Doctors

[New employment standards regulations](#) introduced by the provincial government limit when employers can require sick notes, effective immediately. Doctors of BC welcomes the new rules, having advocated for over a decade to eliminate routine sick notes, highlighting the significant administrative burden they place on physicians.

The new regulations reflect concerns raised by physicians during [consultation with Doctors of BC](#) and outlined in a [submission to the Ministry of Labour](#) earlier this year. Read the [full article](#) from Doctors of BC.

B.C. to Require Most Drug Users Receiving Safe Supply to Have Their Doses Witnessed

Advocates warn changes will increase barriers and could lead to patients reverting to taking toxic street drugs

The provincial government is making changes to its safer-supply drug program, requiring most of those enrolled to have their doses taken in the presence of a nurse or pharmacist.

The program provides untainted alternatives to toxic street drugs for people with severe addiction challenges.

The program's detractors say it has led to drugs being diverted into the hands of youth, while advocates have long warned that requiring witnessing will place new barriers on drug users and blunt the effectiveness of the program, potentially leading to an increase in overdoses and deaths. Read the *Vancouver Sun* [article](#).

Act or Regulation Affected	Effective Date	Amendment Information
Health Care Employers Regulation (427/94)	Nov. 13/25	by Reg 195/2025



LABOUR & EMPLOYMENT

Labour and Employment News:

Serious Illness or Injury Leave Bill Now in Effect

[Bill 30](#), the *Employment Standards (Serious Illness or Injury Leave) Amendment Act, 2025*, came into force on November 27. The *Employment Standards Act* was amended to allow workers up to 27 weeks of unpaid leave each year due to serious illness or injury.

Now in Effect: B.C.'s Expanded Job-Protected Leave

Employers must comply both with ESA and [Human Rights Code](#)

Workers in British Columbia who are dealing with cancer, major injuries or other serious health conditions now have a clear legal right to step away from work for months of treatment and recovery, with a guarantee that their job will be waiting when they return.

The B.C. government's new "serious personal illness or injury" leave under the *Employment Standards Act* (ESA) allows employees to take up to 27 weeks of unpaid, job-protected leave in a 12-month period when they cannot work for medical reasons. Read the [full article](#) by Sarah Dobson in the *Canadian HRReporter*.

British Columbia Legislation Prohibiting Sick Notes for Short-Term Absences Now in Force

In May 2025, the British Columbia government passed [Bill 11](#), *Employment Standards Amendment Act, 2025* ("Bill 11"), which amends the *Employment Standards Act* (the "ESA") to prohibit employers from requesting a medical note in "specified circumstances" to prove that an employee's short-term absence was related to illness or injury.

On November 12, 2025, the government passed a regulation setting out the "specified circumstances" in which employers are prohibited from requesting a medical note. Employers are now prohibited from requesting a medical note for an employee's first two health-related leaves of up to five consecutive days in the same calendar year. Read the [full article](#) by Jordan Thompson, Fabian Jankovic and Andrew J. Gould with Fasken.

Treasury Board President "Looking Into" Potential Changes to Return to Office Rules

Treasury Board president Shafqat Ali on Monday [Dec. 1] denied having any knowledge about discussions to potentially order public servants to return to the office full time in 2027.

Ali was responding to questions from reporters after the Canadian Association of Professional Employees president Nathan Prier wrote to Ali to ask about rumours of the impending change.

"I'm hearing from news outlets, so I'm not aware of that," Ali said, before question period on Parliament Hill.

He said he was looking into the matter but "nothing has changed."

La Presse reported that the federal government is considering implementing a policy to have public servants work in office five days a week by January 2027, with executives possibly returning full time even sooner.

Canadian Association of Professional Employees president Nathan Prier told Ali in the letter that the union wants clarification on the rumours about an imminent new return-to-office directive. Read the [full article](#) published by the *Canadian Press*.

Contract Negotiation: Honesty Not Required

In recent years, the job market has experienced instability across numerous industries. In response, employers have increasingly transitioned regular employees to casual employment statuses through written contracts, creating a reduction of working hours for hourly employees. Oftentimes, employees, hesitant to lose their jobs before securing alternative opportunities, sign these restructured contracts without fully considering the implications. By the time they realize the unfavourable changes to their employment, the contracts have already been executed, leaving them with limited recourse.

In light of this trend, a crucial question arises: does deceptive conduct during negotiations for new contracts, which transition regular employees to casual employees, amount to a breach of the contractual duty of honest performance in relation to the new contracts? A recent Court of Appeal decision in British Columbia, *Ocean Pacific Hotels Ltd. v Lee* ([2025 BCCA 57](#)), provides insight into this issue. The Court concluded that the contractual duty of honest performance does not extend to negotiating in good faith and declined to expand this duty to pre-contractual negotiations. Read the [full article](#) by Shemay Lee in *BarTalk*.

'Unusual;' Canada Post, Union Reach Tentative Deal Without Signed Contract

After more than two years of negotiations, Canada Post and the Canadian Union of Postal Workers (CUPW) have reached agreements in principle. However, the development represents an "unusual" approach to labour negotiations, according to one expert.

The agreement means "both sides have agreed on the main points of the deals, but we need to agree on the contractual language that will form the collective agreements that would be put to a vote by the members," says the union. Read the [full article](#) by Jim Wilson in the *Canadian HRReporter*.

Act or Regulation Affected	Effective Date	Amendment Information
Employment and Assistance Regulation (263/2002)	Nov. 17/25	by Reg 197/2025
	Dec. 1/25	
Employment and Assistance for Persons with Disabilities Regulation (265/2002)	Nov. 17/25	by Reg 197/2025

	Dec. 1/25	by Reg 194/2025 and Reg 197/2025
Employment Standards Act	Nov. 12/25	by 2025 Bill 11, c. 6, sections 1 and 3 to 5 only (in force by Reg 193/2025), Employment Standards Amendment Act, 2025
	Nov. 27/25	by 2025 Bill 30, c. 27, sections 1, 3 and 4 only (in force by Royal Assent), Employment Standards (Serious Illness or Injury Leave) Amendment Act, 2025
Employment Standards Regulation (396/95)	Nov. 12/25	by Reg 193/2025
Health Care Employers Regulation (427/94)	Nov. 13/25	by Reg 195/2025



LOCAL GOVERNMENT

Local Government News:

Assessment of Bill M216 and the Potential Impact on Local Governments

[Bill M216](#), the *Professional Reliance Act*, was introduced in the legislature on October 21 and passed a second reading on November 17. The Bill was referred to the Select Standing Committee on Private Bills and Private Members' Bills, which is seeking written input until 3:00 p.m. (Pacific) on January 6, 2026 via the Committee's [consultation portal](#). If passed, the bill would require local governments to accept a submission from a professional under the *Professional Governance Act* as meeting permit or bylaw requirements, without peer review. The Bill has generated a lot of interest in the local government community. A question was recently posed to [Guy Patterson](#), partner at Young Anderson Barristers and Solicitors, as part of Quickscribe's "Ask Guy" Q&A feature, regarding the potential impact of Bill M216.

Guy's Response:

My initial impression on this private member's bill is that it would have a specific and fairly limited impact on the local government development application review process. First, it is only relevant where a PGA professional certifies a submission that is required for bylaw or permit purposes. It probably wouldn't apply to an approving officer receiving submissions from PGA professionals under Part 7 of the *Land Title Act* because the approving officer is not a "local government" as defined in the proposed Act, and the AO's requirement would be a statutory requirement rather than a bylaw or permit requirement. The same analysis would, I think, also apply to a building inspector acting under [section 56 of the Community Charter](#): I doubt the proposed Act could apply to PGA professional submissions provided in that scenario.

However, if a local government has a development approval information bylaw under [s. 485 of the Local Government Act](#), a PGA professional might provide a report or other submission to fulfill a development approval information requirement, and the local government would, under this proposed legislation, be required to accept the report as meeting its DAI bylaw requirements. Even in the absence of a DAI bylaw, a local government might request a riparian assessment or geotechnical study as part of a development permit application, and again might receive a submission certified by a PGA professional in support of the permit application. The proposed legislation would not, in my opinion, force the local government to adopt any bylaws or issue any permits; it would just prevent the local government from refusing to accept the PGA professional's submission (except on the grounds set out in ss. 2(a) and (b) of the proposed Act).

My sense is that the mischief targeted by the proposed legislation is local governments requesting reports (which can take time and cost a lot of money for applicants) and then refusing to accept them. I don't know how often that happens, but there is at least one court of appeal case where a local government building inspector required an updated geotechnical report even though one had already been provided at the subdivision stage. The building permit applicant challenged the inspector's requirement, unsuccessfully. I don't think this legislation would have changed the result in that case, but it does illustrate the kind of permitting costs and delays I assume this legislation is trying to address.

For other perspectives on this bill, you can also read this [bulletin](#) from Lidstone and Company, or the [UBCM submission](#) to the provincial government.

Updates to Small-Scale Multi-Unit Housing Legislation

On November 27, several sections of [Bill 25, Housing and Municipal Affairs Statutes Amendment Act, 2025](#), came into force, amending the *Local Government Act* and the *Vancouver Charter*. The changes intend to ensure that the small-scale multi-unit housing (SSMUH) legislation is implemented consistently throughout the province by removing barriers to the development of SSMUH. The definition of a "restricted zone" is expanded to include all lots where a single detached home with a secondary suite and detached accessory dwelling unit are allowed. Additionally, the changes clarify that a zone with any parcel of land that is restricted to duplexes and/or a single detached home must meet the minimum unit density requirements and is considered a restricted zone. Other changes expand the regulation-making authority to include housing forms, density of SSMUH housing units and off-street parking requirements for developments under six units. Local governments are required to update their bylaws by June 30, 2026 to comply with these new requirements, except in areas that have applied for an extension. Read the government's SSMUH [Policy Bulletin](#) on Bill 25.

Heritage Conservation: The Act and More

Sometimes local governments wish they had more authority to achieve important policy objectives, including objectives promoted by the Province, which of course is the source of all local government authority in the first place. Sometimes (and by "sometimes" we mean "often") the Province would like local governments to assist the Province in achieving provincial policy objectives (like protecting farm land or fish habitat, or increasing the supply of housing). When it comes to heritage conservation, local governments need look no further than Part 15 of the [Local Government Act](#). Part 15 offers a comprehensive suite of powers local governments can rely on to identify, and protect, heritage properties, in some cases including undeveloped land, within their boundaries. And to be clear it leaves it up to local governments in most cases to decide what property is worth preserving in the first place. Yet local governments and the Province seem quick to look beyond Part 15 for heritage conservation opportunities, and even obligations. Therefore, before turning to Part 15, this paper will first review the [Heritage Conservation Act](#) and the role of local governments in that universe, and then consider heritage conservation moments in the broader context of other local government development approvals. We'll then attempt to convince readers that Part 15 should be the first, not the last, place to look in any search for heritage conservation authority. Read the [full article](#) by Guy Patterson and Timothy Luk with Young Anderson Barristers & Solicitors.

FOIPPA Toolkit: Dealing with External and Internal Conflicts

For anyone working in local government, an additional layer of consideration exists with your work products and communications, being your duties under the [Freedom of Information and Protection of Privacy Act](#) ("FOIPPA"). Under FOIPPA, public bodies (such as local governments) have obligations to fulfill requests for information made under FOIPPA (referred to in this paper as "access requests", "FOI requests" or "requests"), as well as obligations to safeguard personal information and other confidential information. When it comes to processing access requests, this already challenging work can be further complicated by bad apples both inside and outside the organization, from applicants submitting vexatious requests to members within the organization blatantly disregarding their duties under FOIPPA. Read the [full article](#) by Amy O'Connor and James Barth with Young Anderson Barristers & Solicitors.

Can Catalyst Paper (2012) and Vavilov (2019) Co-Exist? The Standard of Judicial Review of Local Government Bylaws

Bylaws frequently come under the microscope of judicial scrutiny. A recent decision of Justice Underhill of the BC Supreme Court provides clarity on the proper judicial standard of review of local government bylaws by reconciling and reading together the Supreme Court of Canada's 2012 decision in *Catalyst Paper Corp. v. North Cowichan (District)*, [2012 SCC 2](#), which considered, prior to the Supreme Court of Canada's 2019 revision of the standard of review framework in *Canada (Minister of Citizenship) v. Vavilov*, [2019 SCC 65](#), the meaning of a reasonableness review in the context of local government bylaws. In *Tantalus at Paradise Valley Inc. v. Squamish (District)*, [2025 BCSC 1599](#), two developers brought a challenge to the District of Squamish's rezoning bylaw, alleging that it was both unreasonable and adopted in a procedurally unfair manner. There was some disagreement between the petitioners and the District as to whether Catalyst Paper and Vavilov could be read together, and in particular about the continued application of the test set out in para. 24 of Catalyst: "only if the bylaw is one no reasonable body informed by these factors could have taken will the bylaw be set aside". Read the [full article](#) by Josh Krusell with SMS LAW.

Reminder – Official Community Plans Update Deadline December 31

December 31 is the deadline for municipalities to complete the first review and update of their Official Community Plan, based on the Interim Housing Needs Report. After this, OCP updates will need to be completed every five years. The Interim HNR was due January 1, 2025, and the first regular HNR will be due December 31, 2028, and then every 5 years after that. For more information, see the province's [proactive planning page](#) or the [Proactive Planning Guidance](#).

City of Langley Mayor Says Old Airspace Laws Put a Ceiling on Future Development

The City of Langley is pushing to change federal airspace laws that are keeping it from constructing taller buildings, according to the city's mayor. As Langley prepares for new SkyTrain stations and more people in the coming years, Mayor Nathan Pachal says it would be a "missed opportunity" to not be able to build as much housing as possible near future transit. Current airspace rules only allow for structures about 15 storeys high. But a housing mandate from the province says new builds within 200 metres of SkyTrain stations should be a minimum of 20 storeys, according to Pachal. Read the CBC [article](#).

Building Regulation and Inspection: A Refresher

Local governments in British Columbia are empowered to enforce the 2024 BC Building Code (the "Code"). While they are not required to do so, many municipalities choose to adopt building bylaws and inspection regimes to regulate construction within their jurisdictions. By assuming this responsibility, municipalities may potentially expose themselves to liability where their actions—or inactions—in the permitting or inspection process fall below the standard of reasonable care. British Columbia courts have sometimes decided that municipal building inspectors owe a duty of care to both property owners and subsequent purchasers once a municipality elects to regulate construction under a building bylaw. Courts have confirmed that the purpose of regulating building construction is to protect the health and safety of building inhabitants by providing an independent review of the sufficiency of construction undertaken by builders who might otherwise intentionally cut corners to save cost or time, or who are unaware of mistakes in their work. If extant, exposure to liability can be significant and defects in construction often remain latent for many years, surfacing only after ownership has changed hands. When such defects are discovered, municipalities may face claims that their inspectors negligently approved, or failed to prevent, non-compliant construction. Read the [full article](#) by Elizabeth Anderson and Emma McCann with Young Anderson Barristers & Solicitors.

Oak Bay Rejects Six-home Uplands Development

The rejection comes as the municipality is under pressure from the province to pave the way for new home construction.

Oak Bay council has narrowly rejected a six-home subdivision on two lots in the leafy, upscale Uplands neighbourhood. A majority of councillors said this week the loss of mature trees and size and siting of the homes fell short of special design guidelines associated exclusively with the Uplands, which was designated a National Historic Site in 2019. Coun. Hazel Braithwaite said the municipality's guidelines for redevelopment in the neighbourhood of large homes and lots were designed to maintain the "parklike residential

landscape and architectural rhythm." She said the development proposal was "pushing the edge of Uplands' character." Read the [Times Colonist article](#).

Province Publishes BC Risk Assessment

On November 4, the Province released its [British Columbia Disaster and Climate Risk and Resilience Assessment](#) (DCRRA) report. The report assesses how communities across BC may be impacted by six hazards: riverine flooding, coastal flooding, extreme heat, wildfire, drought and water scarcity, and earthquakes. It also examines how these hazards may change with climate impacts, and how they may affect natural and built environments, the economy, governance and health. Read the UBCM [article](#).

New Housing Income Limits Take Effect December 1, 2025

[Housing Income Limits](#) (HILs) represent the maximum gross household income for eligibility in many affordable housing programs and ensure eligibility for housing assistance is targeted to those with the most financial need within their community. In 2025, BC Housing updated the HILs calculation method to improve accuracy, transparency, and fairness, simplifying regional groupings and reducing categories – especially benefiting smaller and growing communities. Read the [HILs FAQ](#) to learn more or see the BC Housing [Subsidized Housing page](#).

Canadian Aviation Regulations – Updates to Air Traffic Services

On November 19, provisions were introduced to [Subpart 801 \(Air Traffic Services\)](#) of the [Canadian Aviation Regulations](#) to add requirements for air traffic service providers for maintaining a system for air traffic flow management (ATFM) that aligns with the standards set by the International Civil Aviation Organization (ICAO). Specifically, the requirements must be performed in accordance with [Standard 821 – Air Traffic Flow Management](#), which was developed in collaboration with NAV CANADA, the privately run, non-profit corporation that owns and operates Canada's civil air navigation system. ATFM is a system used by air traffic control agencies to ensure the safe and efficient movement of air traffic within controlled airspace, preventing congestion and delays while ensuring safety. The new provisions will require the holder of an air traffic operations certificate to:

- assess the capacity of the air traffic services (ATS) system, including the required staffing level, to ensure they have the necessary resources to support safe aircraft operation;
- develop procedures to increase staffing levels and implement alternative measures, such as traffic management initiatives, when sufficient staff are not available;
- implement ATFM when air traffic demand exceeds or is expected to exceed the capacity of the ATS;
- develop and implement procedures to make ATFM information publicly available; and
- ensure that those performing air traffic management functions are adequately trained.

The changes were implemented in response to [ICAO's 2023 audit of Transport Canada](#), which evaluated the effectiveness of Canada's regulatory system and its alignment with international standards.

Act or Regulation Affected	Effective Date	Amendment Information
Local Elections Campaign Financing Regulation (281/2021)	Nov. 24/25	by Reg 203/2025
Local Government Act	Nov. 27/25	by 2025 Bill 25, c. 26, sections 13 to 23 only (in force by Royal Assent), Housing and Municipal Affairs Statutes Amendment Act, 2025
Short-Term Rental Accommodations Act	Nov. 27/25	by 2025 Bill 25, c. 26, sections 33, 36, 37, 40, 43, 45, 47 to 49 and 51 only (in force by Royal Assent), Housing and Municipal Affairs Statutes Amendment Act, 2025
Vancouver Charter	Nov. 27/25	by 2025 Bill 25, c. 26, sections 13 to 23 only (in force by Royal Assent), Housing and Municipal Affairs Statutes Amendment Act, 2025



MISCELLANEOUS

Miscellaneous News:

Supreme Court Clarifies Options for Inmates to Challenge Security Reclassifications

In a decision observers say paves the way for illegal detentions to be swiftly and robustly reviewed, the Supreme Court of Canada has found that prisoners can appear before a judge to challenge a refusal to change their security classification. The Court said in [its 6-3 ruling](#) that prisoners have the option to use *habeas corpus* to make that challenge, in addition to the current options of a [Charter](#) challenge or a judicial review of an administrative decision by the Correctional Service of Canada. Read the [full article](#) by Dale Smith with CBA National.

Preventing Money Laundering through Stronger Gambling Regulation

The new [Gaming Control Act](#) will be [coming into effect on April 13, 2026](#), establishing an updated regulatory framework and new regulations for the gambling industry to prevent illegal activities, such as money laundering and fraud. The act was passed in fall 2022, delivering on a commitment to address weaknesses in BC's regulatory framework that hindered an effective response to money laundering, while addressing other issues like problem gambling. The act accounts for online gambling and evolving gaming technologies, while addressing recommendations from two independent reviews: the German Report and Cullen Commission. Read the government [news release](#).

BC Supreme Court Releases Chambers Consultation Feedback

The Supreme Court of British Columbia has published the feedback it received inline with a consultation to review the civil and family chambers' practices and procedures. The review is being conducted by the court's civil and family chambers practice working group. It aims to enhance timeliness and efficiency in the chambers process. Read the [full article](#) by Jacqueline So with *Canadian Lawyer*.

What Happened at the Legal Professions Act Trial?

In May 2024, the BC government passed the [Legal Professions Act](#), sweeping reforms that bring lawyers, notaries and paralegals under a single regulator. Soon after, the Law Society of BC and the Trial Lawyers Association of BC challenged the Act's constitutionality, leading to an 11-day summary trial at the BC Supreme Court in October 2025. The Canadian Bar Association, BC Branch has consistently maintained this position: We support a single regulator model only if lawyer independence is maintained. However, the LPA changes how the rules governing lawyers are created. Rather than lawyers holding each other to account, the Act would leave lawyers with only a slim majority on the regulator's board—and elected lawyers as a minority. This could eliminate self-governance by preventing lawyers from making rules governed by an elected majority. Read the [full article](#) published by *BarTalk*.

New Competency Benchmark, More Flexibility for Bar Candidates Drive BC's Move to Eliminate Bar Exams

British Columbia will be the sixth jurisdiction to allow aspiring lawyers to pursue licensing without taking bar exams, in a move that the province's legal regulator says will help eliminate discrimination barriers and redirect bar candidates' focus to developing practical skills prioritized by other western provinces. Announced by the Law Society of BC at the end of October, the decision came roughly a month after the Law Society of Ontario said it was seeking public feedback on a proposal to replace its own bar exams with a mandatory skills-based course. Read the [full article](#) by Jessica Mach with *Canadian Lawyer*.

Use It or Lose It, but New Owners Get a Fair Shot: Federal Court of Appeal Clarifies "Special Circumstances" for Recently Acquired Trademarks

As we noted in our previous blog [Use it or lose it: The importance of confirming trademark use when acquiring trademarks in Canada](#), before acquiring a trademark in Canada, purchasers should confirm vendors recently used the target trademark, or they risk the newly acquired trademark being expunged. While the Federal Court of Appeal has now clarified that a recent acquisition can constitute "special circumstances" excusing non-use, purchasers would still be wise to confirm use prior to acquisition in order to avoid having to rely on the uncommon "special circumstances" exception.

Background

The trademark AVIREX (the Mark), historically associated with military-style leather jackets, was the subject of a [section 45](#) notice (the Notice) issued on October 12, 2018. Section 45 is a summary procedure intended to remove "deadwood" from the trademarks register. Upon receiving a section 45 notice, a registered owner who fails to provide use of the mark in question will generally have their mark expunged unless there are special circumstances excusing the absence of use. Special circumstances must be unusual, uncommon or exceptional, and they must be the reason for the non-use.

Read the [full article](#) by Meredith Bacal and Brenden Roberts with Dentons.

Fairness under Pressure: BC Ombudsperson Highlights Rising Complexity and Urgency in Complaints about Public Service

The BC Ombudsperson says people in British Columbia are facing a growing mix of pressures when trying to access fair public services. Services are becoming more complex to navigate. Public sector budgets are tightening. And increasingly, decisions are being shaped by AI or automated decision making. In his [2024/25 Annual Report](#) released today [Nov 18], Ombudsperson Jay Chalke says many of the matters reaching his office are now crisis-driven, and points to cases where people were left without essential supports until his office intervened. Read the [news release](#) published by the Office of the Ombudsperson.

Canada's Emerging "Right To Be Forgotten": Federal Privacy Commissioner Rules on De-listing

On August 27, 2025, the Office of the Privacy Commissioner of Canada (the OPC), Canada's federal privacy regulator, determined that in certain circumstances, search results for an individual's name can be de-listed where the risk of serious harm outweighs the public interest (the Findings). This "right to de-listing" arises pursuant to [section 5\(3\) of the Personal Information Protection and Electronic Documents Act](#) (PIPEDA), and reflects a careful balance between personal privacy and freedom of expression, guaranteed by [section 2\(b\) of the Canadian Charter of Rights and Freedoms](#). Read the [full article](#) by Olivia Graham and Chantal Bernier with Dentons.

Act or Regulation Affected	Effective Date	Amendment Information
Insurance (Vehicle) Act	Nov. 27/25	by 2025 Bill 21, c. 25, sections 1 and 2 only (in force by Royal Assent), Attorney General Statutes Amendment Act (No. 2) .

		2025
Minister of State for Artificial Intelligence and New Technologies Expected Results for the 2025/2026 Fiscal Year Regulation (199/2025)	NEW Nov. 18/25	by Reg 199/2025
Minister of State for Trade Expected Results for the 2025/2026 Fiscal Year Regulation (13/2025)	Nov. 18/25	by Reg 200/2025



MOTOR VEHICLE & TRAFFIC

Motor Vehicle and Traffic News:

SCC Outlines Proof Prosecutors Need to Rely on Breath Test Results in Drunk Driving Cases

In two separate 8-1 decisions on Friday [November 14], the Supreme Court of Canada clarified what conditions the Crown needs to meet to rely on breath test results in a drunk driving case, concluding that a broader range of acceptable conditions aligns with Parliament's intent to simplify and streamline impaired-driving cases. The decisions shed light on amendments that Parliament made to the [Criminal Code](#) in 2018, which changed the rules that prosecutors have to follow to prove blood alcohol concentration in impaired operation offences. The changes allow prosecutors to rely on a person's breath alcohol test results as "conclusive proof" of their blood alcohol concentration. Read the [full article](#) by Jessica Mach with *Canadian Lawyer*.

Concerns Raised about Reckless Driving Changes as Xavier's Law Debated by MLAs

[Proposed [Motor Vehicle Act Amendments](#)]

Xavier Rasul-Jankovics [died after being hit by a teenage driver](#) not far from his home near Shawnigan Lake on Aug. 25, days before he was to begin Grade 7 at Queen Margaret's School in Duncan. The family has been [asking for stronger reckless-driving laws since his death](#). On Monday [December 1], they were at the legislature gallery to watch MLAs debate proposed amendments to the *Motor Vehicle Act* known informally as Xavier's Law. Juan de Fuca-Malahat MLA Dana Lajeunesse, who is proposing the changes as part of a [private member's bill](#), said during second reading that Xavier's death was "completely avoidable" if police officers and the courts had stronger tools to deal with reckless driving. Xavier's Law proposes giving police the power to issue 30-day roadside driving bans for reckless drivers, and to give the Superintendent of Motor Vehicles the ability to extend those reckless-driving bans for up to three years if the behaviour continues. Read the *Times Colonist* [article](#).

Bill 21 Now Partially in Force

[Bill 21](#), the *Attorney General Statutes Amendment Act (No. 2), 2025*, received Royal Assent on November 27. Amendments to the [Insurance \(Vehicle\) Act](#), which are intended to ensure the province retains the reimbursements made by the Insurance Corporation of British Columbia since the early 1970s for health-related services costs arising out of vehicle accidents, are now in force. The amendments to the [Public Guardian and Trustee Act](#) will come into force by regulation.

What Evidence Is Needed to Prove Income Loss in Personal Injury Claims?

Takeloo v Flahmeri, [2024 BCSC 2380](#), a trial decision last year in which I was defence counsel along with Kayla Wrolson, demonstrates the importance of coherent and organized evidence to establish past and future loss of income claims. This was a personal injury case related to injuries that the 44-year-old plaintiff suffered in a motor vehicle accident in 2017. The plaintiff sought more than \$3 million in damages. His award was \$90,000. The plaintiff alleged that he had to shut down his truck driving business after the accident due to his injuries. He sought approximately \$370,000 in past loss of earnings and almost \$2.5 million in future loss of earnings for this loss. He provided a large volume of documents for his business in 2015, 2016, and 2017, along with numerous income tax records. The plaintiff also relied on an expert report by an economist who provided past and future income loss projections based on average truck driver incomes in BC. The defendants relied on an expert report by an accountant and business valuator, who opined that the plaintiff's business was not successful at the time of the accident. Read the [full article](#) by Jimmy Peterson with Harper Grey.

BC Redrawing EV Sales Mandate, Scraps Goal of 100% by 2035, Leaves Rebates to Feds

British Columbia has abandoned a rebate program for electric vehicles that it paused six months ago and is scrapping a mandate that every new vehicle sold in the province must be zero-emission by 2035. Energy Minister Adrian Dix is shifting goal-setting, cash incentives and blame for high electric-vehicle prices to Ottawa. Dix said the 100-per-cent sales goal, and a 90-per-cent target for 2030 were no longer "realistic," and the government saw rebates "as a federal responsibility." "The rebate programs were never intended to be permanent," Dix said of the provincial scheme that offered up to \$4,000 for battery-electric-vehicle buyers [before it was paused](#) in May. Read the CBC [article](#).

Directional Winter Tire Basics

All motorists in British Columbia should be aware that the [Motor Vehicle Act](#) and associated regulations require passenger vehicles to use winter tires from October 1 through April 30 on most highways throughout the province. To be compliant, passenger vehicles and light trucks must be equipped with tires that have the 3-peaked mountain and snowflake symbol or "M+S" on the sidewall. Winter tires are engineered to perform optimally in cold weather conditions providing enhanced safety and performance significantly improving traction, braking and handling compared to all-season tires. At temperatures below 7°C, all-season and summer tires begin to lose elasticity, leading to reduced traction, while winter tires maintain their elasticity and grip. Read the [full article](#) published in the *Forest Safety Newsletter* December 2025.

CVSE Bulletins & Notices

The following documents were posted recently by CVSE:

- [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:

Applications Received

- [22703-25](#) – Canada Ever Rising Enterprises Ltd.
- [23670-25](#) – Transfer from RDY Enterprises Ltd. to YLW Limousine and Transportation Service Inc.
- [23674-25](#) – 0838255 B.C. Ltd.
- [24256-25](#) – Kalum Kabs Ltd.
- [23191-25](#) – Anda Limousine
- [22888-25](#) – Bearly There Tours Ltd.
- [24283-25](#) – Northern Spirit Transportation Services Ltd.
- [23803-25](#) – Tri City Limo
- [23248-25](#) – Electric Taxi Limited
- [23761-25](#) – S.A.M. Productions Ltd.
- [22883-25](#) – 1377565 BC LTD.
- [23743-25](#) – Kami Cabs Ltd.

Application Decisions

- [22686-25](#) – Transfer from SAFO Transportation Ltd. to Golden Cabs BC Ltd. [Approved]
- [23289-25](#) – Naturally Pacific Resort Ltd. [Approved]
- [23181-25](#) – AGL Whistler Transport & Tours Inc. [Approved in Part]
- [24508-25 FS TOP](#) – Associate Taxi Ltd. [Approved]
- [21719-24](#) – Prestige Party Busses [Refused]

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

Act or Regulation Affected	Effective Date	Amendment Information
Zero-Emission Vehicles Regulation (196/2020)	Nov. 18/25	by Reg 198/2025

**OCCUPATIONAL HEALTH & SAFETY****Occupational Health and Safety News:****WorkSafeBC Reports Strong Uptake of New Tower Crane Rule**

One year after British Columbia introduced a new requirement for employers to file a Notice of Project – Tower Crane (NOP-TC), WorkSafeBC says compliance is generally strong and the rule is helping it intervene earlier on high-risk work, even as serious crane hazards persist on increasingly complex sites. The NOP-Tower Crane regulation took effect on October 1, 2024, as part of amendments to Part 14 of the [Occupational Health and Safety Regulation](#). It requires employers responsible for tower crane activities to submit a notice to WorkSafeBC at least two weeks before any assembly, climbing, repositioning, or dismantling begins. Read the [full article](#) by Shane Mercer with *Canadian Occupational Safety*.

Extreme Cold Events and Planning for Worker Safety

Winter officially begins December 21st, and with it brings plunging temperatures, snow, ice and frosty winds that can increase risks for workers. In addition to extremely cold temperatures, wet, cool conditions also pose a significant risk of cold stress and hypothermia. Between 2013 and 2023, there were 167 accepted claims for short-term or long-term disability benefits for injuries related to cold stress in BC, including frostbite, hypothermia and abrasions. More work-related motor vehicle crashes occur in November, December and January than in any other three-month period. Read the [full article](#) published in the *Forest Safety Newsletter* December 2025.

OHS Policies/Guidelines – Updates**Guidelines – Occupational Health and Safety Regulation**

November 6, 2025

The following guideline was issued on November 6, 2025:

- Part 31 Firefighting
[G31.4 Instruction and direction of firefighters](#)

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:

Update on Bill 25, Housing and Municipal Affairs Statutes Amendment Act, 2025

[Bill 25](#), the *Housing and Municipal Affairs Statutes Amendment Act, 2025*, received Royal Assent on November 2. The amendments to the [Local Government Act](#) and [Vancouver Charter](#) are now in force.

The Bill also amended the [Short-Term Rental Accommodations Act](#). The changes in force include some clarifications to the wording, as well as:

- providing that a coordination agreement may apply different provisions of the Act or the regulations to different geographic areas within the Nisga'a Lands or the treaty lands of a treaty first nation
- enabling compliance and enforcement actions when false information is provided during the registration process; and
- publishing compliance orders and penalties.

The remaining changes will come into force by regulation.

Appeal Court Finds "no-build" Covenant Not Obsolete Due to Delay in Road Project

In *Kelowna (City) v. Watermark Developments Ltd.*, [2025 BCCA 382](#), the Court of Appeal found a chambers judge had erred in ordering that a "no-build" covenant be cancelled as "obsolete" under [s. 35\(2\)\(a\) of the Property Law Act](#) ("PLA"). The lower court's error lay in applying a "watered-down" test for determining whether a charge should be cancelled under the PLA. Section 35 of the PLA allows the court to cancel charges against land on five grounds. Two of those grounds were engaged in the Watermark case: (i) the charge was obsolete, and (ii) cancellation of the charge would not injure the person entitled to its benefit. Read the [full article](#) by Barry Williamson with Young Anderson Barristers & Solicitors.

Condo Smarts: Age Restriction Bylaw Must Conform to Strata Act

Dear Tony:

Our strata is in opposition over a current age restriction bylaw. Our bylaw is quite simple. "All owners and residents must be 55 and over." Sixty per cent of the owner residents are over 55 and they are constantly threatening residents with family members under 55 who are residing with them. Fines have been issued but no one has gone any further and before we end up with a costly legal dispute we are hoping there may be an easier solution. – Dirk J., Penticton

A primary principle of bylaws is that they must comply with the [Strata Property Act](#), the BC [Human Rights Code](#) and every other enactment of law. A strata corporation is permitted to maintain and adopt an age restriction bylaw that applies to only residents who are not less than 55 years of age. A bylaw cannot apply to ownership. In many situations family members over 55, residing in retirement communities, are often not on title as the owners. There are also a number of exemptions that apply under the Act and Regulations, that permit other persons under the age of 55 to reside with the specified resident. Read the [full article](#) by Tony Gioventu in the *Times Colonist*.

Construction Prompt Payment Act Given Royal Assent

The [Construction Prompt Payment Act](#) received Royal Assent on November 27. The Act creates prompt payment system in the construction industry, aiming to reduce financial strain on contractors, subcontractors and workers. The new law will come into force by regulation after a transition period to allow for the establishment of an adjudication authority and to ensure all businesses understand their rights and responsibilities under the new system.

Key Updates to the CCDC 30 – 2025

This summer, the Canadian Construction Documents Committee (CCDC) released the CCDC 30 – 2025, the revised standard form contract for Integrated Project Delivery (IPD). Construction professionals will recall this contract breaking ground when it was first released, introducing a standard form contract intended to encourage cooperation, rather than competition for a contract structure that provided for owners, consultants, contractors, and key trades to signing one contract, pooling profit, and sharing in both risks and rewards. Since the CCDC 30 was first released in 2018, projects across Canada have tested the model. Key updates now reflect years of practical experience in Canada and introduce changes that make the model clearer, and more practical and aligned with

today's construction landscape. They include a structure organized around the natural phases of a project (from validation through to execution and general conditions), as well as refinements to financial provisions such as to reimbursable costs, overhead rules, and audit requirements. Read the [full article](#) by Scott Lamb and Kim Do with Clark Wilson LLP.

Act or Regulation Affected	Effective Date	Amendment Information
Short-Term Rental Accommodations Act	Nov. 27/25	by 2025 Bill 25, c. 26, sections 33, 36, 37, 40, 43, 45, 47 to 49 and 51 only (in force by Royal Assent), Housing and Municipal Affairs Statutes Amendment Act, 2025



WILLS & ESTATES

Wills and Estates News:

The Decision of *Paige v. Noel*

In the decision of *Paige v. Noel*, [2025 BCCA 358](#), the British Columbia Court of Appeal has arguably narrowed the criteria for determining whether to give effect under [section 58 of the Wills, Estates and Succession Act](#) (the "WESA") to a document or other record that does not comply with the formal signing requirements for a will. Traditionally, British Columbia had very strict requirements for signing a witnessing a will in order for the document to be effective, but when the WESA came into effect in 2014 the law gave the court the authority to give effect to a non-compliant record "if the court determines that a record, document or writing or marking on a will or document represents... the testamentary intentions of a deceased person." The general test that the courts have applied in BC is whether the document or other record reflects "a deliberate or fixed and final expression of intention." Read the [full article](#) by Stan Rule on *Rule of Law*.

Unsubstantiated Allegations in Estate Disputes:

The Perils of *Malacek v. Young* (2021 BCSC 2219)

Estate disputes aren't just about money. They often involve deep emotions, family history, and unresolved conflict. But when accusations are made without solid proof, the consequences can be serious. The BC Supreme Court case *Malacek v. Young* ([2021 BCSC 2219](#)) is a powerful reminder of what can go wrong when claims are made recklessly.

What Happened

After Olaf Hall Leiren ("Olaf") passed away, litigation ensued between his wife of 37 years, Carol Leiren ("Carol"), and his four daughters from a previous marriage. The daughters' claimed that Olaf and Carol had in fact separated before his death. The daughters' sought leave pursuant to [section 151 of BC's Wills, Estates and Succession Act](#) ("WESA"), to file a family claim on behalf of Olaf's estate against Carol's Estate. Their goal was to divide Olaf's property under Part 5 of the [Family Law Act](#) ("FLA"), as if Olaf and Carol had been separated.

Read the [full article](#) by Janet De Vita and Alida Malherbe with Watson Goepel LLP.

Don't Try to Make Your Will by E-mail

Even though BC's [Wills, Estates and Succession Act](#) (WESA) now allows electronic wills, don't try to make your will by e-mail or by sending a text. Even an electronic will has to meet the usual formalities needed to make a will, namely signature by the will-maker in the presence of two witnesses who also sign in the presence of the will-maker and each other. The only difference with an electronic will is that the signatures are digital and the will-maker and witnesses can be in each other's virtual presence. Under certain circumstances, WESA allows a court to validate an electronic record or a written document as a will or as an alteration to a will when it doesn't meet these formalities, but a recent case called [Paige v Noel](#) shows that just sending an e-mail message to your intended executor about what you want done with your property after you die isn't going to make it. ("It" meaning your will.) Read the [full article](#) by Greg Blue with BCLI.

The Pitfalls of Probate Avoidance Planning:

The Joint Tenancy Edition

Many British Columbians or persons with assets in British Columbia place a strong emphasis on probate avoidance planning in hopes that it will simplify the administration of their estate and reduce probate fees. A common probate avoidance planning strategy involves transferring assets — such as real estate, bank accounts, or investments — into joint tenancy with another person. The idea seems simple: when the original owner dies, the asset passes directly to the surviving joint owner, avoiding the need to obtain probate. But while this approach may sound appealing, it can become thwarted by unexpected and unintended legal, tax, and family complications. This article explains what joint tenancy means under British Columbia law, why adding someone as a joint tenant can be risky, and how the law can defeat plans to avoid probate if not properly structured and documented. This article will focus on considerations with respect to bank and investment accounts; however the same principles will apply to real estate. While the concepts apply to any person in respect to another person as a joint owner, for the purposes of this article, we will illustrate this concept using a parent and an adult child; as that is the most common circumstances in which these situations arise. Read the [full article](#) by Samantha R. Ferguson, TEP, and Ross Langford, TEP, with Lawson Lundell.

Rewind that Evidence: The Complexities of Relying on Recordings to Challenge Testamentary Capacity

In estate disputes where a will is contested based on the testator's mental capacity, video clips or sound bites of the testator appearing disoriented or confused may seem like powerful evidence for a party challenging the testator's capacity. However, courts often cautiously approach such recordings. A recent decision by the British Columbia Court of Appeal illustrates that recordings intended to rebut the presumption of capacity can sometimes be more misleading than illuminating. Here is why relying on

recordings can backfire and what to keep in mind when considering or responding to this kind of evidence.

Lessons from a Recent Decision

In *Walker v. Walker*, [2025 BCCA 64](#) [Walker], the Court dismissed an appeal by two brothers seeking to remove and sue their aunt, the executor of their grandmother's estate. The brothers sought to introduce videos of the grandmother, taken by a companion, to suggest she was incapable at the time. The videos show the grandmother lying in bed, talking to a teddy bear or tossing a ball to an imaginary dog, appearing somewhat disoriented. The Court found these videos were, among other things, lacking probative value.

Read the [full article](#) by Scott Boucher, Louise McLeod and Anthony Carteri with Lawson Lundell.

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

Disclaimer

The content of this document is intended for client use only. Redistribution to anyone other than Quickscribe clients (without the prior written consent of Quickscribe) is strictly prohibited. The Reporter includes articles that should be used for information and educational purposes only and are not intended to be a source of legal advice. Please consult with a lawyer before choosing to act on any information included in the Reporter. The content in each article is owned by its respective author.
[Unsubscribe from this email service](#)

Quickscribe Online 2.0

Do you get the Reporter but are not familiar with Quickscribe Online? See why [Quickscribe Online 2.0](#) is now the go-to source for legislation in BC.

QUICKSCRIBE SERVICES LTD.
 Email: info@quickscribe.bc.ca
 Website: www.quickscribe.bc.ca
 Toll Free: 1-877-727-6978 | Phone: 1-250-727-6978