

Quickscribe Reporter

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Vol: XXIV – Issue 9 – September 2025

QS News

Fall Session Begins October 6

Parliamentarians will return to work on Monday, October 6, 2025 to resume the 1st session of the 43rd Parliament. According to BC House Leader Mike Farnworth, the NDP government is expected to pass 18 bills by the end of the current session in November. At a recent press conference, Farnworth stated that the government's focus will be growing the economy, protecting health care, addressing affordability and good governance issues. He added that most of the Bills will be introduced in the first week to give MLAs time to review the legislation.

If you would like us to notify you when any of these upcoming legislative developments directly impact your area of interest, please visit Quickscribe's ["My Alerts"](#) page and select from several customizable alert options.

New Server To Support AI Developments

As previously announced, Quickscribe has recently upgraded the server hosting our legislation database. This investment will enhance your experience by enabling faster page load times.

More importantly, the new server provides the foundation for powering the latest versions of Quickscribe's AI projects, including the recent beta release of "Lexi." Stay tuned for more exciting updates to come!

New Annotations

New Annotations have been added to Quickscribe:

- [OnPoint Legal Research](#) – [Arbitration Act](#), [Builders Lien Act](#), [Family Compensation Act](#), [Family Law Act](#), [Insurance Act](#), [Labour Relations Code](#), [Law and Equity Act](#), [Supreme Court Civil Rules](#), [Supreme Court Family Rules](#)
- [Rachel Roy](#), [www.campaignlaw.ca](#) – [Lobbyists Transparency 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.

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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.

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**COMPANY & FINANCE****Company and Finance News:****Incoming Consumer Protection Changes: British Columbia Introduces Significant Amendments to the Business Practices and Consumer Protection Act**

British Columbia has followed the lead of [several other provinces](#) by passing significant amendments to its consumer protection legislation, with a similar emphasis on e-commerce. British Columbia's Bill 4 ([Bill 4](#)), the *Business Practices and Consumer Protection Amendment Act, 2025*, was introduced on February 25, 2025, proposing substantial amendments to the [Business Practices and Consumer Protection Act](#) (the Act). Bill 4 moved surprisingly quickly through the legislative process, passing third reading on March 13, 2025, and receiving royal assent on March 31, 2025. Several provisions of Bill 4 are already in effect, but the majority will come into force only when the associated regulations are prepared and enacted. The amendments mark the first overhaul of British Columbia's consumer protection laws in several years. This Osler Update highlights some of the changes that will be relevant to most suppliers with customers in British Columbia, including consolidated disclosure and contract content requirements, new prohibitions on certain contract terms, and new restrictions on automatic renewal practices and unilateral amendments for subscription contracts. Read the [full article](#) by Christine Jackson, Lucas Versteegh, Elizabeth Sale, Dominic Mochrie, Andraya Frith and Dorsa Eshtehardian with Osler Hoskin & Harcourt LLP.

Significant Positive Changes to Reinvigorate the Voluntary Disclosures Program for Income Tax and GST/HST

On September 10, 2025, the Canada Revenue Agency ("CRA") announced substantial changes to its Voluntary Disclosures Program ("VDP"). In summary, these significant changes seek to broaden the previously restrictive program, making it easier for taxpayers to seek relief when they have made errors or omissions in fulfilling their tax obligations. Effective October 1, 2025, the CRA will begin applying its revised policies for income tax in Information Circular IC00-1R7 ("IC00-1R7") and for excise tax in GST/HST Memorandum 16-5-1 ("GST/HST Memo 16-5-1") to VDP applications. VDP applications received prior to October 1, 2025 will continue to be considered for VDP relief under the older, more restrictive program. VDP applications made as of October 1, 2025 will also need to include the CRA's updated VDP application form ("Form RC199") which will be available October 1, 2025. Read the [full article](#) by Zoë Sebastien, Michael Ciomyk and Rojin Esmaeili with McCarthy Tétrault.

CRA Implements New Policy Replacing Paper Mail with Electronic Correspondence by Default

On May 12, 2025, the Canada Revenue Agency ("CRA") began transitioning its default method of delivering most business correspondence for new business and program account registrations to taxpayers from paper mail to its secure online portal, My Business Account. As of June 16, 2025, existing businesses that are registered for My Business Account or that have given online access to an authorized representative to view or modify information on their behalf via the Represent a Client portal are also subject to this change. Businesses will be considered to have received business correspondence from CRA on the date it is posted to their account, and an email notification will be sent to the email account on file. The term "business correspondence" refers to notices, letters, forms, statements and other documents sent by CRA to communicate important information about tax accounts or returns. Consequently, it is advisable that businesses affected by this change ensure their My Business Account has an up-to-date email address that is monitored for any incoming correspondence from CRA on a regular basis. Alternatively, businesses should ensure that any authorized representative is aware that they may receive notifications of any such correspondence. If the email address provided is not monitored, important notifications regarding correspondence from CRA may be missed. Read the [full article](#) by Jesse Kaminski and Donna Froese with Stikeman Elliott LLP.

CSA Explore Regulatory Enhancements for ETFs

The Canadian Securities Administrators ("CSA") published for comment a consultation paper (the "Consultation Paper") in contemplation of amendments to the investment fund regulatory framework for exchange-traded funds ("ETFs"). The Consultation Paper outlines the CSA's views on potential gaps and enhancements in respect of the existing framework, with a focus on the features distinctive to ETFs as well as guidance developed by the International Organization of Securities Commissions ("IOSCO"). Comments are due by October 17, 2025.

Background

According to the CSA, ETFs have "grown, multiplied and evolved" since the first ETF was introduced in Canada in 1990. Initial ETFs in the Canadian market aimed to passively replicate the performance of broad Canadian and U.S. equity market indices, offering low-cost portfolio diversification, but many ETFs now offer exposure to specific types of assets and/or actively managed investment strategies.

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

Payday Lender to Refund \$547K for Alleged Law Violations

A payday lender with branches across B.C. has agreed to refund \$547,000 to about 2,800 customers, following an investigation into alleged consumer protection law violations. Consumer Protection B.C., which regulates the payday-lending industry, said in a statement that Cash Money allegedly broke the law in its loan agreements. The agreements, it explained, asked for payment before a borrower got their income from work or other sources and sometimes gave borrowers less time than legally required to pay back their loans. The regulator said Cash Money entered into an agreement to fix the contracts and has issued refund cheques for over 5,600 "non-compliant payday loans" issued between June 1, 2023, and July 20, 2025. Read the [CBC article](#).

Tax Court Confirms that Interest on Income Taxes Are Not Deductible, Whether Foreign or Domestic

In its recent decision of [Bank of Montreal v The King](#), the Tax Court of Canada denied the deductibility of interest paid on unpaid foreign tax under the [Income Tax Act](#) (the "Act"). This decision applied the Roenisch principle, whereby interest arising because of unpaid taxes is not incurred to earn income. The Court ruled that the fact that an expense arose as a consequence of a business

activity does not equate to an income-earning purpose.

Background

In the 1997-2001 taxation years, the Bank of Montreal ("BMO") conducted business in the United States through a permanent establishment situated in New York City. Due to its US business operations, BMO was subject to US federal income tax on the business profits attributable to its US permanent establishment. BMO paid all outstanding tax balances it believed it owed on its US tax returns, as filed, by the applicable return-filing date.

Read the [full article](#) by Dominic Bédard-Lapointe, Al-Nawaz Nanji, Michael Ciomyk and Justin Ng with McCarthy Tétrault.

CSA Adopts Amendments to Mandatory Central Counterparty Clearing of Derivatives

The Canadian Securities Administrators (CSA) [today \[September 25th\] published](#) final amendments to [National Instrument 94-101 Mandatory Central Counterparty Clearing of Derivatives](#) (NI 94-101). The amendments were finalized after considering comments received on proposed amendments published in 2024 (in 2025 for the BC Securities Commission). The amendments aim to update the list of mandatory clearable over-the-counter (OTC) derivatives to reflect the transition to a new interest rate benchmarks regime based on overnight interest rate benchmarks (referred to as risk-free interest rate benchmarks). The amendments also add certain classes of derivatives to this list of mandatory clearable OTC derivatives (provided in Appendix A of NI 94-101). Read the BCSC [news release](#).

Income Tax Act Update: Exploring New Rules Allowing Charities to Work More Freely with Non-qualified Donees

The landscape of charitable giving and operations within Canada experienced significant transformation with amendments to the [Income Tax Act](#) (Canada) ("ITA") that received royal assent on June 23, 2022. These amendments have fundamentally altered how Canadian registered charities can allocate their resources and engage with both qualified and non-qualified donees, which in turn broadens the scope for innovative partnerships and philanthropic endeavours. These changes mark a shift from traditional models of working with non-qualified donees, aiming to enhance the effectiveness and reach of charitable efforts within Canada and beyond. Read the [full article](#) by Gwenth Stedig, Upama Poudyal and Amber LeBlanc with Gowling WLG.

BCCA Upholds Use of Retroactive Enforcement Tools Under the Securities Act

In [Pasquill v. British Columbia \(Securities Commission\)](#), the Court of Appeal for British Columbia (BCCA) confirmed that the British Columbia Securities Commission could amend its pleadings to rely on retroactive statutory collection remedies introduced in 2020, without being barred by the six-year limitation period in [subsection 159\(1\) of the British Columbia Securities Act](#) (the Act). This decision confirms the scope of the Commission's enhanced collection powers under Part 18.1 of the Act and clarifies that amendments grounded in the same factual matrix as earlier claims will not be treated as "new causes of action" for limitation purposes. Read the [full article](#) by Sean Boyle, Renee Reichelt, Jenna Green, Gina Murray and James Faul (Articling Student) with Blakes.

BC Securities – Policies & Instruments

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

- [51-102](#) – Adoption of amendments to certain National Instruments and Policies related to the Senior Tier of the Canadian Securities Exchange, the Cboe Canada Inc. and AQSE Growth Market name changes, and Majority Voting Form of Proxy Requirement
- [94-101](#) – Mandatory Central Counterparty Clearing of Derivatives [CSA Advance Notice]

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

Act or Regulation Affected	Effective Date	Amendment Information
Designated Accommodation Area Tax Regulation (93/2013)	Sept. 1/25	by Reg 123/2025
Financial Institutions Fees Regulation (312/90)	Sept. 1/25	by Reg 183/2024
First Nations Property Transfer Tax Exemption Regulation (149/2025)	NEW RETRO to May 21/24	see Reg 149/2025
Income Tax Act	Sept. 1/25	by 2025 Bill 5, c. 10, section 26 only (in force by Royal Assent), Budget Measures Implementation Act, 2025
Multilateral Instrument 51-105 <i>Issuers Quoted in the U.S. Over-the-Counter Markets</i> (235/2012)	Sept 19/25	by Reg 150/2025
National Instrument 41-101 <i>General Prospectus Requirements</i> (59/2008)	Sept 19/25	by Reg 150/2025

National Instrument 44-101 <i>Short Form Prospectus Distributions</i> (370/2005)	Sept 19/25	by Reg 150/2025
National Instrument 45-106 <i>Prospectus Exemptions</i> (227/2009)	Sept 19/25	by Reg 150/2025
National Instrument 51-102 <i>Continuous Disclosure Obligations</i> (110/2004)	Sept 19/25	by Reg 150/2025
National Instrument 52-109 <i>Certification of Disclosure in Issuers' Annual and Interim Filings</i> (327/2008)	Sept 19/25	by Reg 150/2025
National Instrument 52-110 <i>Audit Committees</i> (57/2008)	Sept 19/25	by Reg 150/2025
National Instrument 58-101 <i>Disclosure of Corporate Governance Practices</i> (241/2005)	Sept 19/25	by Reg 150/2025
National Instrument 62-104 <i>Take-Over Bids and Issuer Bids</i> (21/2008)	Sept 19/25	by Reg 150/2025
National Instrument 81-101 <i>Mutual Fund Prospectus Disclosure</i> (1/2000)	Sept 19/25	by Reg 150/2025
Provincial Sales Tax Act	Sept. 12/25	by 2025 Bill 5, c. 10, section 31 only (in force by Reg 148/2025), Budget Measures Implementation Act, 2025
Provincial Sales Tax Regulation (96/2013)	Sept. 12/25	by Reg 148/2025



ENERGY & MINES

Energy and Mines News:

Wind In the Sails of Canadian Energy Project Development: Major Projects Office Open for Business, and Details of Fast-Tracked Projects Emerging

On June 6, 2025, the federal government introduced [Bill C-5](#), *An Act to enact the Free Trade and Labour Mobility in Canada Act and the Building Canada Act*, which proposes new legislation aimed at strengthening Canada's economy by removing interprovincial trade and labour mobility barriers and advancing major projects. This includes Prime Minister Carney's much-anticipated proposal to "fast-track" federal regulatory approval processes for projects that are deemed to be in Canada's national interest. Bill C-5 officially passed and received Royal Assent on June 26, 2025.

At the end of August 2025, the Government of Canada launched the new Major Projects Office (the MPO), headquartered in Calgary and led by Dawn Farrell, former Trans Mountain Chief Executive Officer. The MPO is designed to serve as a single point of contact for advancing nation-building projects, with a strong emphasis to accelerate timelines, simplify the regulatory landscape for proponents of major projects (such that approval timelines are reduced to at most two years) and support the coordination of project financing when necessary. Read the [full article](#) by Luke Morrison, Ashley M. White and Pamela Clark with Bennett Jones LLP.

Coalition Assails Ruling That Prince Rupert Gas Transmission Pipeline Project Substantially Started

On behalf of a local resident and community groups, Ecojustice lawyers challenged the BC government's decision to consider the Prince Rupert gas transmission (PRGT) fracked gas pipeline 'substantially started' and permit it to proceed based on a 2014 environmental assessment.

The judicial review application of the Kispiox Valley Community Centre Association, Skeena Watershed Conservation Coalition, and Kathy Larson aims to hold the provincial government accountable to its laws, according to a press release from Ecojustice, an environmental law charity. Read the [full article](#) by Bernise Carolino in the *Canadian Lawyer*.

B.C. Penalizes Mine Again Amid Federal Plan to Fast-Track Expansion

B.C.'s environment ministry has once again fined the Red Chris copper and gold mine for failing to monitor its groundwater, even as Canada's federal government fast-tracked the mine's expansion as one of five "nation-building" projects.

The currently active mining site and processing plant is slated for an expansion that would boost Canada's overall copper output by 15 per cent, providing a crucial critical mineral for electronics, renewable energy projects and electric vehicles, Prime Minister Mark Carney said Thursday [September 11].

In a decision released this week, the B.C. Ministry of Environment and Parks penalized Newcrest Red Chris Mining Ltd. \$12,685 for failing to conduct required hydrogeological monitoring – a key requirement to monitor the flow of mine-impacted effluent into the environment. Read the [BIV article](#).

Environmental Groups Urge Federal Government to Set Standards for Projects Under *Building Canada Act*

An alliance of environmental, nature, and climate groups in Canada has urged the federal government to set what they termed "clear, transparent criteria" to identify projects considered to be in the national interest under Bill C-5, the [Building Canada Act](#).

In an open letter addressed to Prime Minister Mark Carney and key Cabinet ministers, the groups outlined seven requirements that projects must meet. Read the [full article](#) by Jacqueline So in the *Canadian Lawyer*.

BC Energy Regulator Announcements

The following BC Energy Regulator announcements were posted recently:

- [TU 2025-14](#) – Updates to Environmental Protection and Management Guideline (EPMG) for High Priority Wildlife
- [IU 2025-09](#) – Former Erikson National Energy Sites Sold Resulting in Fewer Orphans

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

Act or Regulation Affected	Effective Date	Amendment Information
Hydrogen Facility Regulation (27/2025)	Sept. 30/25	by Reg 27/2025, s. 48



FAMILY & CHILDREN

Family and Children News:

Federal Child Support Tables Updated

The [Federal Child Support Tables](#) were updated on October 1, 2025, reflecting more recent tax rules and setting out the basic monthly amounts of child support under the [Federal Child Support Guidelines](#). Established in 1997, the Federal Guidelines provide rules for calculating the amount of child support one parent must pay to the other parent to help support their child or children after separation or divorce, ensuring a fair and consistent standard of support. The Federal Tables (Schedule I in the Federal Guidelines) set out the basic amounts of monthly child support payable according to the annual income and the province or territory of residence of the paying parent, as well as the number of children for whom support is being paid. These amounts are determined using a mathematical formula that takes into account federal/provincial/territorial tax rules and there is a separate table for each province and territory. The Federal Tables are updated approximately every five years, based on the tax rules of the preceding year. The Federal Tables were last due to be updated in 2022, based on 2021 tax rules. However, this update was postponed because of significant pressure placed on families and the family justice system by the COVID-19 pandemic measures. The federal/provincial/territorial governments agreed child support amounts should remain consistent and predictable during the pandemic and the next update should reflect the realities of families rather than the temporary measures put in place during the pandemic. Judges are required to follow the guidelines in almost all cases. Many parents can use the guidelines to help reach an agreement, granting them some flexibility in setting the child support amount, provided reasonable arrangements have been made taking into account the guideline amount.

BC Government Policy Paper Recommending Major Changes to Family Law Legislation

The BC government says it is planning to update its family law legislation after issuing a wide-ranging policy intentions paper recommending major changes to address issues like coercive behaviour and parenting arrangements. The [paper](#) is part of Phase 2 of the NDP government's [Family Law Act](#) (FLA) modernization project. The FLA, which was introduced in 2013, is the main piece of legislation that deals with family violence, guardianship, parenting duties, support payments and dividing property after separation. During Phase 1, the province clarified the law around companion animals, property and pension division to better meet the modern-day needs of separating couples. Attorney General Niki Sharma said FLA amendments will be drawn from the paper and are aimed at making the justice system more supportive and accessible. Read the [full article](#) by Ian Burns with *Law360 Canada*.

Federal Court Rejects Non-lawyer Representation in Jordan's Principle Case Involving 250 Children

The Federal Court has dismissed a motion in which a non-lawyer sought to represent 250 children. The matter engaged Jordan's principle in order to provide funding to an organization that offered behavioural services. In the Sept. 16 decision Applicants listed in *Schedule A v. Canada (Indigenous Services)*, [2025 FC 1524](#), Julia Valencia, who was not a lawyer, sought leave to "act as the authorized litigation representative of the Applicants." The applicants were about 250 children who are awaiting a decision by Indigenous Services Canada (ISC) on their request for funding as per Jordan's principle. They had received services funded by Jordan's principle and provided by an organization known as Roots and Wings Therapeutic Services Inc., but their request to renew the funding for the current fiscal year remained pending for several months. Read the [full article](#) by Anosha Khan with *Law360 Canada*.

Act or Regulation Affected	Effective Date	Amendment Information
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Supreme Court Civil Rules (168/2009)	Sept. 17/25	by Reg 152/2025
Supreme Court Family Rules (169/2009)	Sept. 17/25	by Reg 152/2025



FOREST & ENVIRONMENT

Forest and Environment News:

Compliance and Enforcement Investigations and Limitation Periods

Until recently, the compliance and enforcement (C&E) regimes under both the [Forest and Range Practices Act](#) (FRPA) and the [Wildfire Act](#) provided that the authority of the minister's delegated decision maker (DDM) to impose an administrative remedy on account of regulatory noncompliance expired with a limitation period. The FRPA C&E regime did not limit the time available for the DDM to make a contravention determination, just the time available to impose an administrative penalty on account of a contravention determination. The DDM had three years to impose an administrative penalty for a contravention of legislation subject to the FRPA C&E regime measured from the date the facts related to the contravention came to the knowledge of a ministry official (commonly referred to as the "discovery date"). Under the *Wildfire Act's* C&E regime, the DDM had three years from the discovery date to make a contravention determination (and could only impose an administrative remedy if there was a contravention determination). Read the [full article](#) by [Jeff Waatainen](#) in the *BC Forest Professional* Fall 2025 issue.

Canadian Softwood Producers Hit with New 10% Tariff on Lumber Shipments into U.S.

Canadian softwood producers are being hit with a new 10-per-cent tariff on their lumber shipments into the United States, raising the total levies to more than 45 per cent during an escalating trade war.

Earlier this year, U.S. President Donald Trump launched a probe into the global wood trade. His order cited Section 232 of the U.S. *Trade Expansion Act*, which allows him to invoke national security concerns to impose tariffs.

On Monday night, Mr. Trump issued a proclamation that imposed the new tariff on imports of softwood from Canada and other countries, effective Oct. 14. Read the *Globe and Mail* [article](#).

B.C. First Nation Inches Closer to Landmark Climate Challenge Against Ottawa

A federal judge has left the door open for two B.C. Indigenous groups to sue Ottawa for allegedly failing to reduce greenhouse gases as promised under global climate deals.

The [ruling](#), handed down Sept. 26, struck the latest amended notice of civil claim brought by two Wet'suwet'en hereditary chiefs against the federal government, but gave lawyers 60 days to amend their pleadings and mount a constitutional challenge.

The case, which had originally been struck down and then partially allowed on appeal, brings several novel and complex legal arguments to the federal court over Ottawa's alleged failure to meet international commitments under the 2015 Paris agreement. At the time, Canada had committed to keep mean global warming well below two degrees Celsius compared with levels before the Industrial Revolution, when fossil fuel emissions began to ramp up. Read the *BIV* [article](#).

Updated Fire Hazard Assessment and Abatement Guidance in BC: What You Need to Know

The Government of British Columbia is stepping up its efforts to manage wildfire risk. Recent fire hazard assessment and abatement (FHAA) guidance updates reflect updated policy, clarify industry responsibilities, and enhance support for practising professionals. At the forefront of these updates are key objectives to strengthen professional capacity to understand legislated requirements, complete accurate fire hazard assessments, and prescribe effective abatement treatments. These efforts also support the re-integration of fire management into broader forest management practices.

In mid-2024, the BC Wildfire Service (BCWS) released the [Fire Hazard Assessment & Abatement Roadmap 2024-2027](#), which outlines the systematic plan to review and strengthen BC's FHAA framework. The roadmap identifies widespread inconsistencies in how forest operators conduct fire hazard assessments. Read the [full article](#) by Ryan Hall in the *BC Forest Professional* Fall 2025 issue.

District of Tofino Passes Sustainability By-Law Banning Sale of Single-Use Plastic Water Bottles

The District of Tofino announced on September 11, 2025, that it has adopted a new municipal by-law banning the sale of single-use plastic water bottles of 1L or less, becoming the first municipality in Canada to do so. The new by-law is described by the District in its initial press release as "another meaningful step forward to protect our oceans, beaches, and wildlife from plastic waste."

The change is being made through an amendment to the District of Tofino's Single Use Item Regulation Bylaw, No. 1277, 2020, which was formally adopted by the municipality on August 26, 2025. The regulation first came into effect in 2022 and sets out bans on other single-use disposable items such as plastic bags, plastic straws, and plastic utensils, which are currently in effect.

The amendment will take effect on Earth Day, April 22, 2026, so businesses have some time to make the transition. Read the [full article](#) by Alina Gdaniec with Watson Goepel LLP.

Downstream Liability: Strict Liability Regime; Misapprehension of Expert Evidence; Standard of Review

Case: *LeBourdais v. British Columbia (Public Guardian and Trustee)*, [2025 BCCA 319](#)

This case is quite literally about downstream liability – in particular, the strict liability regime imposed on landowners who alter the natural flow of water in streams under the [Water Users' Communities Act](#), R.S.B.C. 1996, c. 483 and [Water Sustainability Act](#), S.B.C. 2014, c. 15.

As described by the Court of Appeal, s. 21 of the *Water Act*, R.S.B.C. 1996, c. 483 or, subsequent to 2014, s. 29 of the *Water Sustainability Act*, S.B.C. 2014, c. 15, "imposes a duty to exercise reasonable care upon a person who makes changes in and about a stream." (See para. 7).

The Court of Appeal found the Summary Trial Judge failed to properly address the Appellant's claims under this regime and observed that the Public Guardian "had a duty to exercise reasonable care to avoid damaging the appellant's "land, works, trees or other property" and to compensate her for damage or loss resulting from the failure of the culvert." (See para. 41). Read the [full article](#) at Supreme Advocacy LLP.

Public Review Proposed Land Use Objectives

[Invitation to Comment – Proposed Land Use Objectives Related to Nimpkish Valley.](#)

Notice is given that, pursuant to [Section 93.4 of the Land Act](#), land use objectives are proposed for establishment by legal order of the Minister of Water, Land and Resource Stewardship. This proposed order applies to portions of the Nimpkish Valley on northern Vancouver Island and will require three additional orders to amend existing land use objectives. The affected areas are set out in Map 1 of the proposed orders, available through the QR code or on the website listed below.

The public is invited to comment on the proposed orders during a 60-day review period that starts on September 19, 2025 to November 18, 2025.

The proposed orders resulted from recommendations provided by the Gwa'ni Land Use Planning Project, co-developed by the province and 'Naᑭmgis Nation, and through engagement with the public, interest holders and industry.

The proposed orders deal with the amount and distribution of mature and old forests along the Nimpkish Valley's primary salmon-bearing waterways and seek to restore ecosystems in valley bottoms to better support biodiversity and habitat, among other values.

The Gwa'ni Land Use Planning Project recommendations advanced through these proposed orders seek to support the local economy by providing operational clarity for the forestry industry within 'Naᑭmgis territory and support work that's underway on the Tree Farm Licence 37 Forest Landscape Plan.

After the 60-day review period, the public's feedback will be considered by the ministry prior to approval of the proposed orders. If approved, these orders will take effect on the date that the notice of approval is published in the *B.C. Gazette*.

To access the proposed orders, maps, background information and digital comment form, visit <https://planninginpartnership.ca>, click 'List of Projects' at the top of the page, then search for the Gwa'ni Project.

Expanded BC Timber Sales Mandate Builds Stronger Forestry Sector

The Province is expanding and strengthening the role of BC Timber Sales (BCTS), to ensure B.C.'s forests continue to support good forestry jobs and healthy resilient forests for future generations.

"B.C.'s forestry sector is experiencing significant change – a changing climate, a changing market and changing trade relationships," said Ravi Parmar, Minister of Forests. "In this uncertain time, we're giving BCTS the tools to meet this critical moment head on. This is about taking action to support a thriving forest economy and deliver on the public interest for workers, towns, families and companies throughout the province."

The change comes in response to the expert recommendations from the BCTS Task Force review. Read the B.C. government [news release](#).

Public Invited to Share Input to Improve Permitting Processes

The Province is improving the permitting process for the natural-resource sector, and members of the public are invited to provide feedback on proposals related to water management.

The B.C. government is working to speed up permitting, reduce the backlog of permit applications and help people in British Columbia get shovels in the ground, while maintaining high environmental standards and commitments to the [Declaration on the Rights of Indigenous Peoples Act](#).

As part of this review of permitting processes, a series of surveys about proposed changes are open for public comment.

The goal of these surveys is to capture the public's feedback, perspectives and thoughts on proposed changes to permitting processes in several key areas related to water management.

An initial 16 topics have been identified for permitting reform. These topics fall under the [Water Sustainability Act](#), [Water Sustainability Regulation](#), [Riparian Areas Protection Act](#), [Riparian Areas Protection Regulation](#) and [Forest Act](#). Read the B.C. government [news release](#).

Environmental Appeal Board Decisions

The following Environmental Appeal Board decisions were made recently:

[Environmental Management Act](#)

- [Citizens for My Sea to Sky, Spencer Fitschen, Charlene Williams & Tracey Saxby v. BC Energy Regulator](#) [Preliminary Decision – Standing to Appeal – Granted in Part]
- [Greater Vancouver Sewerage and Drainage District v. Director, Environmental Management Act](#) [Settlement Order – Appeal Resolved as Amended]

[Water Sustainability Act](#)

- [Jagroop Johal and Dalwinder Johal v. Water Manager](#) [Preliminary Stay Application Decision – Granted in Part]

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

Act or Regulation Affected	Effective Date	Amendment Information
Base Mapping and Geomatic Services Product and Services Price List Regulation (373/2005)	Sept. 16/25	by Reg 151/2025



HEALTH

Health News:

BC Supreme Court Says It Can Hear Medical Negligence Case Despite Racial Discrimination Claim

The British Columbia Supreme Court has ruled that the fact that the evidence establishing medical negligence could delve into racial stereotypes did not divest it of the jurisdiction to hear the proceedings, rather than the Human Rights Tribunal.

In *Morrison v. Northern Health*, [2025 BCSC 1816](#), the plaintiffs were partners whose child was stillborn upon delivery. The mother had received medical care for her labour and delivery in January 2021. Read the [full article](#) by Bernise Carolino in the *Canadian Lawyer*.

A New Era: Health Canada Signals Modernization in Policy and Regulatory Reform

On Sept. 8, 2025, Health Canada and the Public Health Agency of Canada published their [Report on Red Tape Reduction](#), outlining their key regulatory modernization initiatives aimed at improving efficiency, transparency and responsiveness within Canada's health system. This report marks a change in regulatory focus and is being hailed by some in the industry as a much-welcomed shift in policy. The stated aim of the initiatives detailed in the report is to create a regulatory environment that balances public health and product safety with economic competitiveness and innovation.

The report highlights Health Canada's progress and ongoing efforts to streamline administrative processes, reduce regulatory burdens, and enhance service delivery while shifting to a risk-based regulatory model. Ongoing and future initiatives have been organized into five themes: (1) increasing international alignment and reducing trade barriers; (2) improving stakeholder experience and service delivery; (3) risk-based regulating; (4) streamlining regulations, simplifying rules, and enhancing flexibility; and (5) enabling new products and technologies. Read the [full article](#) by Edona C. Vila, Christine Laviolette, Benjamin Fuhrmann and Avital Sternin with Borden Ladner Gervais LLP.

Temporary Foreign Worker Program Benefiting Health Care, Study Shows

The temporary foreign worker program is helping Canada fill health-care staffing gaps and offering most participants a path to permanent residency, a recent Statistics Canada study suggests.

The [study](#) shows that nearly 60 per cent of temporary foreign workers in health care transitioned to permanent residency. More than half of those workers stayed in the sector five years after obtaining permanent status.

The retention and transition rate in health care is much higher than average for the temporary foreign worker program, said report co-author and Statistics Canada immigration researcher Feng Hou. Only one-third of workers in the program as a whole transition to permanent residency. Read the *BIV* [article](#).

New Chair Appointed for the Mental Health Review Board

Following a merit-based recruitment process, Denese Espeut-Post has been appointed chair of the Mental Health Review Board for a four-year term effective Wednesday, Oct. 1, 2025.

The review board is an independent tribunal established under [Mental Health Act](#). The board conducts review panel hearings for patients admitted by physicians and detained involuntarily in provincial mental-health facilities in a manner consistent with the principles of fundamental justice and Section 7 of the [Charter of Rights and Freedoms](#).

Espeut-Post obtained a bachelor of laws from the University of Alberta and a master of laws with a specialization in health law from Osgoode Hall Law School. Read the BC Government [news release](#).

Health Minister Osborne Says B.C. Recruited More Than 140 Health U.S. Care Staff

British Columbia Health Minister Josie Osborne says the province is "doing very well" in its recruiting drive of health care

professionals from the United States, but admits that it will take time to convert that interest into staffing positions.

Osborne says more than 140 health-care workers from the United States – including 80 nurses and 38 doctors – have accepted positions with B.C. health authorities since the launch of its campaign in March 2025.

Osborne, who was speaking at the Union of British Columbia Municipalities' annual convention in Victoria, says the figure "bodes well" for the campaign, which has produced some 1,400 job applications from U.S. health workers.

The campaign included a digital advertising blitz launched in June at an estimated cost of \$5 million aimed at health-care workers in the states of Washington, Oregon and California. Read the [BIV article](#).

Act or Regulation Affected	Effective Date	Amendment Information
Emergency Medical Assistants Regulation (210/2010)	Sept. 23/25	by Reg 153/2025



LABOUR & EMPLOYMENT

Labour and Employment News:

Starting a Lawsuit While on Working Notice is Repudiation of the Employment

In *Adrain v Agricom International Inc.*, [2025 BCSC 1842](#) Justice Bongers had a situation where an employee was given 13 months working notice. Feeling that that notice period was inadequate (which out was as she had 30 years service) she engaged a lawyer to first write two letters demanding \$200,000. This was refused by the employer so the employee started a lawsuit. Read the [full article](#), published on *Barry Fisher's Employment Law Blog*.

Not Just "Another Brick in the Wall": Court of Appeal Upholds Arbitration Clause in an Employment Relationship

Arbitration clauses in employment agreements and related contracts are often the subject of extensive preliminary skirmishes. There is, in short, a tension between the strong judicial and legislative policies in favour of arbitration in Canada and the equally strong policies to protect employees from arbitration agreements that amount to a denial of access to justice.

In *Aspen Technology, Inc. v. Wiederhold*, [2025 BCCA 261](#) ("*Aspen Technologies*"), the Court of Appeal for British Columbia overturned a decision from the Supreme Court of British Columbia which refused to enforce such an arbitration clause, finding it for various reasons void, inoperative, and incapable of being performed. The Court's decision is a signal that arbitration clauses may be enforced in employment-related agreements, particularly where the employee is a reasonably sophisticated individual. Read the [full article](#) by Tom A. Posyniak and Andrew J. Gould with Fasken.

The New U.S. H1-B Fees: A Potential Opportunity for Canadian Business Immigration

The recent decision by the U.S. government to impose a \$100,000 USD fee on new H1-B visa petitions has created challenges for American employers. For years, the H1-B program has been a critical pathway for U.S. companies to attract top international talent. With this sudden and onerous cost, many organizations may find the program unsustainable.

But with challenge comes opportunity. For employers looking to access global talent without prohibitive costs, Canada presents a compelling alternative.

Why Canada?

Canada's [Intra-Company Transferee \(ICT\) Work Permit](#) program offers a streamlined pathway for multinational companies to relocate key employees to Canada. Unlike the H1-B system, Canada does not impose a hard cap on the number of ICT permits issued each year, thereby removing one of the biggest barriers U.S. employers face.

Read the [full article](#) by Celso Boscariol, K.C. with Watson Goepel LLP.

BC's Pay Transparency Act: Key Considerations for Employers' Upcoming Reporting Deadline

In recent years, British Columbia's [Pay Transparency Act](#) (the Act) has increased the public's understanding of pay disparities in BC's workforce. The Act came into effect on May 11, 2023, and applies only to BC provincially-regulated employers. The goal of the Act is to address systemic discrimination and reduce the gender pay gap against women and gender-diverse people.

In keeping with this goal, the Act requires all qualifying employers to disclose in public job postings the expected wage or wage range, or salary or salary range. The Act also prohibits employers from asking applicants about their pay history unless this information is publicly accessible, and prohibits employers from disciplining or retaliating against employees for discussing pay with other employees.

Further, the Act requires a qualifying employer, referred to in the Act as a "reporting employer," to prepare and publish an annual pay transparency report (Report) by November 1 of each year. As of 2025, a reporting employer includes all employers with 300 or more employees located in BC and all BC Crown corporations. These employers must publish their respective Reports by November 1, 2025. Read the [full article](#) by Sam Tecle with Gowling WLG.

September Employer Alert: Court Confirms That Cutting Costs Can Mean Accidentally Cutting Employees

In the current economy, many employers are finding that they need to implement workforce changes and reduce labour costs. This can include shifting compensation to be more heavily commission-weighted, reducing hours of work and compensation by 20% by way of a 4-day work week, and delaying salary increases. These options, and others, can be a great way for employers to successfully navigate a recession. However, employers should be mindful these strategies can trigger a constructive dismissal claim (i.e. effectively fired). If the employee is right – that they were constructively dismissed – then the employee is suddenly entitled to their termination entitlements. This can include both statutory entitlements and common-law entitlements, which may amount to over two years' compensation.

So when can an employee claim they have been constructively dismissed? An employee can take the position that they have been effectively fired if you make a substantial change to a fundamental term of their employment contract. For example, if you change their position, compensation, etc. In addition, an employee can take the position that they have been effectively fired if the workplace has become unbearably toxic. Generally, the test is described by the courts as asking whether a reasonable person in the employee's position would conclude that the employment relationship has been fundamentally altered or that the workplace is intolerable.

In the recent decision of [Parolin v. Cressey Construction Corporation](#), the employee claimed that she had been constructively dismissed after the employer ended the work-from-home program and refused to appropriately adjust her salary consistent with her new managerial position. Read the [full article](#) by Christine Ashton with Wilson Vukelich LLP.

Employers Who Tell an Employee to 'Retire' Should be Prepared to Pay

"To everything there is a season." So says the Bible and the Byrds. Sooner or later (usually later), most employees start thinking about retiring – except lawyers. Old lawyers don't retire, they just lose their appeal!

Since retirement is the natural order of things and thousands of people retire every week, you would think the process would have been all worked out by now. Unfortunately, this is not the case. We frequently encounter situations where both employers and employees are at odds about when the employee will retire. These situations often lead to litigation, which would be preventable if everybody was aware of a few simple facts.

The first and most important principle is that an employee cannot be forced to retire – even if the employee has a full pension ready and waiting to kick in once they do. Under human rights legislation, an individual cannot be discriminated against on the basis of age. Read the [full article](#) by Howard Levitt and Peter Carey in the *Financial Post*.

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



LOCAL GOVERNMENT

Local Government News:

Updated Deadline of November 14, 2025 for Feedback on Proposed Changes to the Heritage Conservation Act

We wrote earlier that feedback could be submitted to the Province until October 1, 2025 as the Province undertakes development of new heritage conservation legislation. The deadline has been extended to November 14, 2025 at 4:00 p.m. Submissions can be made via an [online survey](#). As a reminder, the Province is presently undertaking the [Heritage Conservation Act Transformation Project](#), aiming to update the [Heritage Conservation Act](#) (HCA) to ensure it is consistent with the [United Nations Declaration on the Rights of Indigenous Peoples](#) and to improve the manner in which the HCA is implemented so that benefits all stakeholders. Read the [full article](#) published by SMS LAW.

A Lesson in Justification – 667895 B.C. Ltd. v. Delta (City), 2025 BCCA 279

The recent British Columbia Court of Appeal's decision *667895 B.C. Ltd. v. Delta (City)*, [2025 BCCA 279](#), highlights the risk of judicial review if an enactment requires written reasons for a decision and Council or the statutory decision-maker fails to provide sufficient written reasons. Even if the Court might have otherwise found the outcome was reasonable, a lack of written reasons to explain and justify the decision is a basis to quash the decision. This case arose from the City of Delta requiring the appellant owner to dedicate land as highway ("90 Street"). Despite requiring its dedication, Delta never constructed 90 Street, and instead, a few years later, took steps to remove the dedication and sell the land. That process was the subject of a separate legal challenge brought by the same owner. Read the [full article](#) by Lynda Stokes and Rubal Kang published in the Young Anderson Newsletter Volume 36, Number 3.

Police Act and Public Safety Review: Phase Two Concluded

Since 2022, local governments have been meeting with the provincial government as part of a [Police Act](#) and public safety review through the UBCM-PSSG Local Government Policing Modernization Roundtable. The review is directly related to the final report of the Special Committee on Reforming the Police Act which, following consultation with local governments, First Nations and other key stakeholders, delivered 11 recommendations to modernize policing and public safety in BC. Phase two of the Province's review included issues prioritized by local governments, outlined in this article. Phase one of the Province's Police Act and public safety review, also known as the Policing and Public Safety Modernization Initiative, focused on provincial priorities, and culminated in a

series of targeted legislative amendments. In 2024, the Province began phase two which included broader discussions regarding issues of importance to a variety of stakeholders, including local governments. These discussions were policy-focused, and in some cases included consideration of policy options. The second phase has now concluded, and Cabinet is presently considering the future direction of this initiative. Read the UBCM [article](#).

Aboriginal Title Declared Over Fee Simple Lands in Landmark Decision:

In a landmark decision, already the subject of an appeal by the Province, the British Columbia Supreme Court has granted the Cowichan Tribes Aboriginal title over a large swathe of land in the southeastern portion of the *City of Richmond*. *Cowichan Tribes v. Canada (Attorney General)*, [2025 BCSC 1490](#) is not only important because it represents a rare instance of a successful claim for Aboriginal title, but also because it is the first time that a Canadian court has granted remedies that include the invalidation of certain fee simple titles within the claim area. Of particular relevance and concern to local governments in British Columbia, the Court invalidated the title of certain lands held by the City of Richmond in fee simple. Notably, the claim area also included lands held by other fee simple owners. While the Court did not invalidate those titles, as the Cowichan Tribes did not seek such a remedy, it did declare that Cowichan Tribes has Aboriginal title over those lands. Read the [full article](#) by Reece Harding, Gregg Cockrill and Nick Falzon published in the Young Anderson Newsletter Volume 36, Number 3.

UBCM Leaders Call on BC to Fill Housing Gaps that Led to Increased Homelessness

Municipal leaders in British Columbia are calling on the provincial government to fill housing gaps that have been pressing for "far too long" and have increased homelessness in their communities. At a news conference Monday [September 22nd] at the Union of BC Municipalities convention, Victoria Mayor Marianne Alto said the BC Urban Mayors' caucus is joining local leaders at the convention to tell David Eby's government to step up. Alto said there are more than 3,000 homes on hold because they are waiting for provincial funding, including some projects that have been "on hold for almost a decade." Read the [BIV article](#).

To Investigate, or Not to Investigate – Insights on Workplace Investigations for Local Governments from a Recent BC Labour Arbitration Decision

Local governments tend to be well versed in the requirement to ensure a safe workplace for employees and, accordingly, to investigate alleged incidences of bullying, harassment, discrimination or other harmful workplace misconduct, in compliance with applicable workers' compensation and human rights legislation. A failure to investigate could carry with it potential liability for employers. For public bodies such as local governments, in particular, there may be enhanced scrutiny regarding an employer's interventions in the face of concerning workplace allegations, given their public-facing functions within the communities they serve. Despite the strong impetus to investigate in the interest of meeting statutory obligations and avoiding liability, investigations are not always appropriate based on the information received by an employer, as was made clear in a recent labour arbitration decision involving a local government, *Corporation of the District of West Vancouver v Amalgamated Transit Union, Local 134*, [CanLII 124405](#) (the "Decision"). Read the [full article](#) by Kerri Crawford with SMS Law.

EDMA Regulations Implementation Pushed to Early 2027

The Province has announced that the timeline is being extended to introduce a new regulation for local authorities, under the [Emergency and Disaster Management Act](#). The Honourable Kelly Greene, Minister of Emergency Management and Climate Readiness, speaking at a Convention session, Climate Hazards & Housing: Risk, Resilience, and Local Action, delivered the announcement that new regulation will not take effect until early 2027. This decision matches requests from local governments for more time to prepare for the new regulations. The UBCM-EMCR Local Government Advisory Committee on EDMA Regulations (LGAC) had previously suggested that the Province wait until after the 2025 summer hazard season to discuss the draft regulation with the Advisory Committee; and to delay implementation of the regulation beyond 2026 so as to allow adequate time for local governments, and in particular regional districts, to make the necessary preparations and budgetary adjustments. Read the UBCM [article](#).

PIBC PLN 2025 Webinar – Ask a Lawyer (October 15)

The deadline is around the corner to update all Official Community Plans and zoning bylaws in British Columbia to comply with provincial legislation on proactive planning for more housing. To help planners and practitioners cross the finish line, PIBC has assembled four legal experts to answer your burning legal questions. This free webinar is open to PIBC Members and Non-Members but registration is required. Please note: for any questions that are specific to a particular community or context, the lawyers will offer guidance on how the necessary information can be obtained and where obtaining a specific legal opinion would be advisable. For more information or to register, visit the PIBC [PLN website](#).

BC Ombudsperson Releases Consultation Draft of Updated Municipal Open Meetings Guide

The [Office of the Ombudsperson](#) is inviting the public to provide input on a newly updated Open Meetings Guide aimed at supporting local governments in meeting legal obligations for transparency and accountability in decision-making. Originally published in 2012, the Open Meetings Guide is a valuable resource for elected officials, local government staff, and members of the public. The consultation draft released today reflects over a decade of change – including new technologies for electronic meetings, updated legislation such as the [Accessible BC Act](#) and the [Declaration on the Rights of Indigenous Peoples Act](#), and lessons learned from the COVID-19 pandemic.

'I'm a Problem Solver': Meet the Mayor Whose Plan to Attract Family Doctors Is Turning Heads across Canada

When the mayor of Colwood, B.C., went for an appointment with his family doctor in 2022, he was in for a rude surprise. The doctor was moving away. "I was absolutely stunned," Doug Kobayashi said. Kobayashi, who's been mayor of the city near Victoria since 2022, could have waited for the B.C government to eventually step in with a plan to attract doctors. But he didn't. Instead, he stepped up with a solution of his own that could create a blueprint for other communities across the country struggling to attract and retain family doctors. "Here's the bottom line – making it as simple [for the doctor] as possible," he said. Read the CBC [article](#).

Effective

Act or Regulation Affected	Date	Amendment Information
Class Size and Compensation Regulation (52/2012)	Sept. 5/25	by Reg 146/2025
School Calendar Regulation (314/2012)	Sept. 5/25	by Reg 146/2025



MISCELLANEOUS

Miscellaneous News:

Changes to Supreme Court Civil Rules

[B.C. Reg. 152/2025](#) amends the [Supreme Court Civil Rules](#) on two separate dates. Amendments in effect on September 17, 2025 make housekeeping changes to update certain references relevant to the repeal of the *Repairers Lien Act* and other provisions. On January 19, 2026, amendments will introduce a new subrule, 12-1.1 (2.1), in relation to filing trial briefs for trial management conferences. Plaintiffs must file a trial brief at least 28 days before the date of the trial management conference and serve it on other parties. The other parties must file their own trial brief at least 21 days before the trial date and serve it on all other parties. Other changes help clarify the dates a petitioner must return the petition record when the hearing of the petition is adjourned to a date later than the following court day. B.C. Reg. 152/2025 also amends [B.C. Reg. 236/2022](#), postponing the repeal of Part 23.1, Method of Attendance and Application Record Pilot Projects, from January 1, 2026 to January 1, 2029.

BC Appellate Court Rules Determine Time Limit for Filing Cross Appeals over Arbitration Awards: BCCA

The British Columbia Court of Appeal confirmed in a decision this week that its own [rules](#), rather than the provincial [Arbitration Act](#), determine how long applicants have to file a cross appeal over an arbitration award. In clarifying the time limit for filing a cross appeal – which is not explicitly addressed in the *Arbitration Act* – the [appellate court declined](#) to follow a 2024 decision on appeal time limits for arbitration awards "to the extent [that it] suggests otherwise." The dispute concerns an arbitration award from May 28. Under the *Arbitration Act*, parties must file an application for leave to appeal an arbitration award within 30 days of the award date. Read the [full article](#) by Jessica Mach with *Canadian Lawyer*.

Reliance on Hearsay, Breadth of Order Lead BC Court of Appeal to Deny Ministry's Request for a Permanent Injunction

British Columbia (Ministry of Social Development and Poverty Reduction) v Choquette, [2025 BCCA 333](#), involved an appeal by the ministry from a chambers judge's [decision](#) to reject a claim for a permanent injunction. The appeal largely turned on the application of [section 42 of the Evidence Act](#) – which sets out the business-records exception to hearsay evidence. The court also expressed uneasiness with the broad scope of the order sought by the ministry. The case involved an "underlying claim" against an individual who was alleged to have "used profanities and displayed aggressive behaviour when interacting with staff at the West Kelowna office of the Ministry of Social Development and Poverty Reduction". The ministry obtained a default judgment for nuisance and trespass and was seeking, as a remedy, a permanent injunction, which the court described as follows: "The purpose of the injunction was to prevent Mr. Choquette from intimidating or interfering with staff. However, if granted, the injunction also would have permanently barred Mr. Choquette from attending at the Ministry offices without prior authorization or communicating with staff except through a third party". Read the [full article](#) by Kevin Zakreski with BCLI.

Novel Privacy Claims and The Limits of Class Action Certification: RateMDs Inc. v. Bleuler, 2025 BCCA 329

On Sept. 22, 2025, the British Columbia Court of Appeal in *RateMDs Inc. v. Bleuler*, [2025 BCCA 329](#) issued its appeal decision setting aside the certification of a class action granted by the court below. Central to its decision were the Court of Appeal's findings that the pleadings, which included a novel claim of violation of privacy, did not disclose a cause of action under the British Columbia [Privacy Act](#). More broadly, this decision provides helpful commentary on how the torts of violation of privacy and unauthorized use of an individual's name – particularly in the context of online review platforms that publish unsolicited professional profiles and patient reviews – may or may not be pleaded within the parameters of current privacy law. Read the [full article](#) by [Jake Cabott](#), [Ingrid Vanderslice](#) and [Alysia Sainas](#) with Borden Ladner Gervais LLP ("BLG").

Contemporary Sentencing Principles Apply to Historical Offences, SCC Rules in Child Sex Abuse Case

In a unanimous decision, the Supreme Court of Canada ruled that courts must apply contemporary sentencing principles to historical criminal offences, effectively restoring a six-year prison sentence for a boarding school teacher who sexually abused a student in the 1990s. The SCC acknowledged that the [Canadian Charter of Rights and Freedoms](#) bans "retrospective punishment," which involves retroactively imposing a harsher sentence on offenders than the maximum penalty available when they committed the crime. Read the [full article](#) by Jessica Mach with *Canadian Lawyer*.

A Cybersecurity Bill with Built-in Vulnerabilities

Cybersecurity legislation is long overdue in Canada. So, it made sense that one of the bills the federal government revived from those that died on the order paper when Parliament was prorogued and eventually dissolved for the election earlier this year was [Bill C-8](#). The latest version of the legislation sets out requirements for protecting critical systems and creates an organization to ensure compliance with the threat of steep administrative monetary penalties. "In the first iteration, it was very unclear what was critical infrastructure," says Kirsten Thompson, a partner at Dentons and national lead of its privacy and cybersecurity group. Read the [full article](#) by Dale Smith with CBA National.

B.C. Crown Counsel Association president calls for more prosecutors

Body-worn cameras have created a "tsunami of evidence."

The president of the BC Crown Counsel Association says the province needs to hire more prosecutors, as many lawyers are burning out while facing more complex files and a "tsunami of evidence" in offices that are short staffed. Adam Dalrymple spoke as part of a panel about rethinking street disorder at the Union of B.C. Municipalities convention in Victoria on Monday [September 22] – a session that also included presentations from the head of a Vancouver Island charity and the province's chief scientific advisor for psychiatry and toxic drugs. Read the [BIV article](#).

Implementing UNDRIP

It's been more than nine years since the government of Canada formally committed to implementing the [United Nations Declaration on the Rights of Indigenous Peoples](#) (UNDRIP), which sets out the minimum standards for the rights and dignity of Indigenous peoples worldwide. Fundamentally linked to reconciliation, it provides a framework to address past injustices and build respectful relationships on a foundation of free, prior and informed consent, land rights, cultural integrity, and self-determination. Canada's commitment to this was enshrined in law in June 2021 with the passing of the [United Nations Declaration on the Rights of Indigenous Peoples Act](#), which set out a federal implementation framework. An [action plan](#) followed in 2023. Read the [full article](#) by Dale Smith with CBA National.

BC Government Loses Bid to Recoup \$750K in Legal Fees

The BC government has failed to recoup \$750,000 in legal costs from a couple it claimed blamed the province for dozens of houseboats devastated in a flood. The ruling, handed down Tuesday [September 16] by B.C. Supreme Court Gordon Weatherill, stemmed from a June 2012 flood caused by a major spring runoff in Sicamous, BC. Flash flooding in the area cut off road access and drinking water supplies to hundreds of residents. About 350 people were forced to evacuate from their homes, and a 72-year-old man died after being swept into a fast-moving creek near Nelson. All told, the event saw the federal government transfer BC \$3.8 million to cover damages, according to Public Safety Canada. In one case, water swept away rocks, logs, a truck and other debris – lodging them under a bridge and causing the waterway to back up and overflow its banks. The resulting floods caused significant damage to Waterway Houseboats Ltd., Vinco Holding Ltd., and 63 Individual houseboat owners. The impacted companies and houseboat owners sued the BC government, the District of Sicamous and Bryan and Constance McLaughlin, who owned the bridge. Read the [BIV article](#).

Canadian Civil Liberties Association Pushes for Bail Reform to Be Grounded in Data

The Canadian Civil Liberties Association has urged the federal government to support attempts to reform bail legislation with standardized data. The group pushed back against allegations that access to bail spurred crime, pointing out in a press release that "no government has provided evidence that shows otherwise." At present, 72 percent of provincial and territorial prisoners are being denied bail, a 13 percent increase compared to 2015. Read the [full article](#) by Jacqueline So with *Canadian Lawyer*.

Act or Regulation Affected	Effective Date	Amendment Information
Detention Guard Regulation (122/2025)	NEW Sept. 1/25	see Reg 122/2025
Minister's Athletic Commissioner Regulation (171/2013)	Sept. 4/25	by Reg 145/2025
Police Act	Sept. 1/25	by 2024 Bill 17, c. 16, sections 41 (part), 45, 48 to 50, 77 (a) and 83 (part) (in force by Reg 122/2025), Police Amendment Act, 2024
Safe Access to Schools Regulation (144/2025)	NEW Sept. 3/25	see Reg 144/2025

**MOTOR VEHICLE & TRAFFIC****Motor Vehicle and Traffic News:****Extent of an Insurance Broker's Duty to Provide Advice About Excess Coverage**

In *Carriere-de-Davide v Westland Insurance Group Ltd*, [2025 BCCA 283](#) ("*Carriere-de-Davide*"), the British Columbia Court of Appeal assessed the content of a private insurance broker's duty to provide advice about excess coverage. The Court confirmed that in the context of an automobile insurance policy, where an agent is dealing with a repeat customer who has declined excess coverage on previous renewals and shows no indication that it may now be of interest to them, it is not incumbent upon the agent to actively recommend that the customer purchase excess coverage. It is enough, in those circumstances, for the agent to offer and explain the option to purchase excess coverage.

The Plaintiff, Mark Carriere-de-Davide, was seriously injured in a motor vehicle accident. The third-party liability coverage of the at-fault party was insufficient to cover the Plaintiff's claim. As such, the most significant source for the Plaintiff's recovery of damages was the underinsured motorist protection ("UMP") coverage under his own Autoplan policy (the "Policy"). The Policy included basic

UMP coverage of \$1 million. This was insufficient to meet the Plaintiff's needs. Read the [full article](#) by Brian Poston with DLA Piper.

B.C. Court Upholds New Restrictions on Independent Truckers

A judge has upheld a ruling from the B.C. Container Trucking Commissioner imposing strict new rules on independent truck operators.

The [decision](#), handed down Sept. 17 by B.C. Supreme Court Justice Matthew Kirchner, dismissed an application for judicial review brought by two truck drivers, Paul Uppal and Waldemar Zawislak, who claimed the changes would severely restrict their business operations.

Both men have owned and operated two container trucks for the past 20 years but were denied a second set of truck tags for a new two-year licensing term starting Dec. 1, 2024.

The commissioner, whose role was set up in 2014 to resolve labour problems associated with the oversupply of trucks and underpayment of drivers, regulates access to container terminals in the Lower Mainland. To get access to the port, trucks must be associated with a licensed company and have valid truck tags. Read the [BIV article](#).

Hidden Hazards: Everyday Items That Qualify as Dangerous Goods

It's easy to forget that some everyday items in our homes can be surprisingly dangerous.

When we think of hazardous materials, labs and factories often come to mind. But the truth is, many everyday items in your home or office can pose serious risks if not handled properly.

From common household products to personal gadgets, these dangerous goods are worth knowing about. Read the [article](#) from Transport Canada.

B.C. Judge Dismisses \$9M Lawsuit Over Gate Arm Crash Near George Massey Tunnel

A B.C. Supreme Court judge has dismissed a case against Mainroad Lower Mainland after a driver sued for \$9 million in damages when a mechanical gate arm struck his windshield near the George Massey Tunnel in Richmond.

In a July 30 decision [[2025 BCSC 1459](#)], Justice David Masuhara ruled the plaintiff, Bradley Gordica, failed to prove Mainroad was responsible for the incident, which was described as a "freak" occurrence by Mainroad.

Masuhara also found Gordica could not prove the accident caused or contributed to his inability to keep working.

The accident happened on Dec. 18, 2019, shortly before 9 p.m., when the mechanical arm at one of the gates used to control counterflow traffic had "struck and shattered" the windshield of his car. Read the [BIV article](#).

CVSE Bulletins & Notices

The following documents were posted recently by CVSE:

- [CVSE0082](#) – Reporting ELD Issues
- [NSC Bulletin 02-2023](#) – Publication of Carriers Cancelled for Cause
- [NSC Bulletin 01-2024](#) – Safety Rating Certificate and Status for B.C. Carriers

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

Passenger Transportation Board Bulletins

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

News and Updates

- **Taxi camera program is changing**

The Passenger Transportation Board has decided to discontinue the taxi camera program. The decision is based on issues of camera supply, data accessibility, emerging technology, and affordability. Read the [full update](#).

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

Act or Regulation Affected	Effective Date	Amendment Information
Vehicle Inspection Regulation (256/2010)	Sept. 2/25	by Reg 121/2025



OCCUPATIONAL HEALTH & SAFETY

Occupational Health and Safety News:

How Landsat Satellites Are Helping Reduce Environmental Risk [Mining Industry]

As demand for critical minerals intensifies, a decades-old U.S. satellite program is helping guide safer, more sustainable mine development – with important lessons for Canada's heavy industries. The Landsat satellite program, operated by the U.S. Geological Survey (USGS) and NASA, provides more than 50 years of continuous Earth observation data. The technology supports environmental planning and monitoring across sectors, including mining. "Landsat really is the gold standard," says Terry Sohl, branch chief of integrated science and applications at the USGS Earth Resources Observation and Science (EROS) Center. "We have 50 years of record, and that allows us to look at change over time – vegetation, hydrology, and surface water conditions – in a consistent, accurate way." Read the [full article](#) by Shane Mercer with *Canadian Occupational Safety*.

A Culture of Care Guides Return-to-work Success

When a worker is injured, ripples are felt across the team – schedules shift, workloads grow, morale dips, and productivity slows. Without a clear plan, employers are left scrambling to fill gaps while costs quietly climb, and workers feel caught in the confusion. But what if a plan was already in place – one that kept injured workers connected to their job and gave employers the tools to support recovery from day one? That's the shift Arcus Community Resources made. Known for its specialized care for individuals with complex physical and developmental disabilities, Arcus recognized an opportunity to improve its return-to-work outcomes to better align with the high standard of care it provides. With support from WorkSafeBC's Consultation and Education team within Return to Work Services, the organization has built a stronger safety culture where trust has grown and missed workdays have declined. Read the [full article](#) published by *WorkSafe Magazine*.

Lafarge Fined Over \$670,000 for Worker's Fatal Injuries

British Columbia employer Lafarge Canada Inc. has been fined \$674,445.93 after one of its workers sustained fatal injuries in the workplace. The incident happened at the firm's [cement](#) manufacturing facility. When a large fan at the site failed, debris broke through the fan housing and struck a nearby worker, according to WorkSafeBC. The worker sustained fatal injuries. WorkSafeBC's investigation determined that the fan's impeller had been repaired and refurbished about five months prior to the incident. Read the [full article](#) by Jim Wilson with *Canadian Occupational Safety*.

OHS Policies/Guidelines – Updates

Guidelines – Occupational Health and Safety Regulation

September 11, 2025

Editorial revisions were made to the following guideline:

- Part 19 Electrical Safety
 - [G19.16-1 Isolation and lockout](#)

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:

New Corrective Filing Requirements for Real Estate Developers:

BC Condo and Strata Assignment Integrity Register

Effective September 30, 2025, the *Real Estate Development Marketing Act* ("REDMA") [Real Estate Development Marketing Regulation](#) (the "Regulation") is being amended to clarify reporting requirements and filing deadlines for the Condo and Strata Assignment Integrity Register ("CSAIR"). These [amendments](#) provide guidance and deadlines for both the filing of omitted assignment information and the correction of previously filed assignment information. Since January 1, 2019, developers have been required to collect and report assignment activity and certain personal information of the assignors and assignees of residential condo and strata properties in CSAIR. This information is used by the British Columbia Ministry of Finance to inform housing policy and ensure appropriate taxes are assessed in respect of purchase and assignment transactions. Read the [full article](#) by Nicolas R. Shon and Peter J. Haley with Lawson Lundell LLP.

Irreparable Harm in the Spotlight as Injunction

Denied in Commercial-lease Dispute

In *Naghme v 1530378 B.C. Ltd.*, [2025 BCSC 1673](#), the BC Supreme Court declined to grant commercial tenants the injunction they sought against their landlord in a dispute over parking at a "a multi-unit commercial centre". The case allowed the court to consider the legal framework for granting injunctions set out in *RJR-MacDonald Inc. v Canada (Attorney General)*, 1994 CanLII 117, [1994] 1 SCR 311 (SCC), focusing in particular on the need for an applicant to show it would suffer irreparable harm if the application were denied. The plaintiffs in *Naghme* operated an educational childcare centre called Marina Bay under three leases they had entered into with the defendant. They wished to expand their childcare centre but had been denied permission from the local government, explaining that "West Vancouver has advised that it will not grant their applications while the Property is non-complaint with zoning bylaws requiring off-street parking at the Property". Read the [full article](#) by Kevin Zakreski with BCLI.

Reducing Dispute Risk in Construction Projects:

The Role of Experts

Involving experts early and thoughtfully in construction projects is critical to mitigating disputes and achieving successful outcomes. Experts provide objective technical analysis, help translate complex data and enhance the credibility of project decisions, all of which

position parties to avoid or efficiently resolve disputes. Here are five ways to make effective use of experts in construction projects:

1. **Engage experts during procurement.** Subject matter experts play a key role during the planning and in-market procurement stages. They advise on market conditions, help owners draft clear technical submission requirements and evaluation criteria that allow for the differentiation between qualified bidders, and help to develop financial regimes and mechanisms appropriate for the selected contract model. These steps help reduce the likelihood of procurement challenges or failed procurements and support transparent, conflict-free evaluations.

Read the [full article](#) by Geoff Adair, Stephanie Console, Matthew Liben, Lindsay Rowell and Andrew Kavanagh with Blakes.

Condo Smarts: Damage from Flooding Forces Owners to Find Other Accommodations

Dear Tony:

We live in a 142-unit townhouse complex in the BC Interior. They are combination of four-, six- and 12-unit buildings. There is a golf course, clubhouse and a short bridge to cross for unit access. During a thunderstorm this year, the bridge was severely damaged by a flash downpour and no one has been able to cross the bridge with vehicles to access their homes. While only 14 units were affected, our group of owners have been forced to find other accommodations until the bridge is repaired. We can walk across to our homes but there is no access for emergency services at this time. With only a small portion of units affected, the strata corporation was very slow to respond and unsuccessful to raise the funds for the bridge repairs because our reserves are so low.

Read the [full Condo Smarts Q&A article](#) by Tony Gioventu published by the *Vancouver Sun* (posted on Yahoo News).

Mortgage Law Reform in British Columbia: The Mortgage Services Act

BC's mortgage regulatory landscape is undergoing a significant overhaul. The *Mortgage Services Act* (MSA), which was passed in 2022 through [Bill 29](#), will come into force on October 13th 2026, replacing the dated [Mortgage Brokers Act](#) (MBA) which has governed the industry since 1972.

Reasons for change

The MSA is part of the province's broader response to the 2022 Cullen Commission Inquiry into Money Laundering in BC, which highlighted vulnerabilities in BC's real estate and mortgage sector. The new legislation seeks to modernize the legal framework of the mortgage sector by providing greater consumer protections, stronger oversight, and enhanced accountability for industry participants.

Notable features of the MSA

New licensing regime

One of the most important changes under the MSA is the shift from a registration-based system under the MBA, to a licensing framework. Under the MBA, individuals could register as brokers with limited differentiation in roles or scope of authority. By contrast, the MSA introduces a tiered licensing structure with clearly defined roles: mortgage broker, principal broker, mortgage brokerage, and mortgage lender. Each licence will be tied to specific categories of activity which will ensure that licensees are only authorized to carry out services they are actually qualified for. As for existing licensees, their registration will not carry over, meaning that they will need to go through the new mandatory licensing process.

Read the [full article](#) by Ignacia Mendez with BCLI.

Re Fakoori: A Lower Standard for Breach of Trust Claims in the Construction Law Context?

Under the British Columbia [Builders Lien Act](#), failure of a general contractor or contractors down the construction chain to make payment of progress claims in a construction project gives rise to not only a potential contractual debt claim, but also to potential liability to a breach of trust claim. This breach of trust claim is set out in section 11(1) of the *Builders Lien Act*:

- 11** (1) A contractor or subcontractor commits an offence if that person
- (a) appropriates or converts any part of a fund in contravention of section 10...

Importantly, section 11(3) provides that such a breach of trust claim can also include personal liability for directors and officers:

- 11** (3) If a contractor or subcontractor is a corporation, a director or officer of the corporation who knowingly assents to or acquiesces in an offence under subsection (1) (a) by the corporation commits the offence in addition to the corporation.

However, an issue often arises in the context of directors and officers' liability under section 11(3) of the *Builders Lien Act* as to the meaning of "knowingly assents to or acquiesces in". Read the [full article](#) by Scott Lamb and Cameron N. Fox with Clark Wilson LLP.

Act or Regulation Affected	Effective Date	Amendment Information
Real Estate Development Marketing Regulation (505/2004)	Sept. 30/25	by Reg 46/2025



WILLS & ESTATES

Wills and Estates News:

Undue Influence in Estate Litigation: An Overview of *Stevens v. Esak* and *Baylis Estate*

It is common to hear stories of a family member, friend, or caregiver receiving a significant gift in a will seemingly out of the blue. There may be suspicions of manipulation and coercion, but when does a situation rise to the level of invalidating the gift or will altogether?

The recent cases of *Stevens v. Esak*, [2025 BCSC 331](#) and *Baylis Estate*, [2025 BCSC 410](#), provide a useful overview of the law surrounding undue influence in British Columbia.

What is Undue Influence?

Undue influence occurs when an individual coerces or manipulates someone into making a decision that is not of their own free will. Normally, the influencing person is in a position of power or trust and uses that position to their advantage.

Undue influence can arise in situations where a will is made or changed, or where gifts are made during a person's lifetime.

If undue influence is established, it invalidates the gift entirely. This could result in an entire will being invalid, meaning that a previous will would become effective, or if there is no previous will, the person's estate will be distributed according to the intestacy rules in the [Wills, Estates and Succession Act](#) (WESA).

Read the [full article](#) by Ryan Chew with Watson Goepel LLP.

Beyond the Paperwork: *Ramadan v. Coupal* and the Limits of Relationship Agreements in Estate Planning

Imagine spending months crafting a comprehensive cohabitation and estate plan – only to learn, years later, that the court disregards those agreements and varies the will in favour of a surviving partner.

That is precisely what happened in *Ramadan v. Coupal*, [2025 BCSC 1194](#), where the Supreme Court of British Columbia (the "Court") considered whether relationship agreements that expressly deny spousal status can prevent a wills variation claim. This decision serves as a cautionary reminder for estate planners that even carefully drafted relationship or succession agreements may not be enough to protect an estate from future challenges. Read the [full article](#) by Alexander Swabuk with Miller Thomson.

Your Digital Afterlife: Considerations for Estate Planning in the Cyberspace

In the digital age, a person's existence is often intertwined with their virtual identity. With so much of your life existing in the cyberspace, it is critical to consider your digital assets when making your estate plan, in order to ensure your digital legacy is handled according to your wishes. Proactive planning will also help your personal representative more easily navigate the legal and administrative hurdles associated with accessing digital assets.

What are Digital Assets?

Digital assets are electronically stored information, including but not limited to:

- social media and email accounts;
- photos, videos and documents in cloud storage;
- e-books and other digital media;
- online subscription services;
- digital currencies;
- loyalty program awards from airline reward miles to digital coffee cards; and
- non-fungible tokens.

Read the [full article](#) by Mary Hamilton and Sabrina Ouyang with Alexander Holburn Beaudin + Lang LLP.

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There were no amendments this month.		

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