

Quickscribe Reporter

Stay Current. Keep Informed.

Vol: XXV – Issue 8 – August 2026

QS News

Lexi AI Research – Early Access Update

Quickscribe continues to expand early access to [Lexi AI Research](#) on a controlled basis. We are gradually inviting additional users who have expressed an interest in participating, while continuing to refine the service based on testing and feedback.

Interest in [Lexi](#) has been very encouraging, and we appreciate the patience of those who have asked to participate. Additional invitations will be sent out as access is expanded over the coming weeks.

If you have previously requested early access, there is no need to contact us again – your request remains on file.

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



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

Quickscribe Alerts

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

Want to Track Federal Laws?



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

Looking for Previous Reporters?

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

Reporter Categories

[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:

Suspended Refunds of Refundable Dividend Tax: What Private Corporations Need to Know

The federal government has proposed new rules (currently in [Bill C-31](#)) that would delay or deny dividend refunds within multi-tier private corporate groups. Here is what you need to know:

- Who may be affected. Private corporate groups with two or more corporations, dividends flowing between tiers, and different taxation year-ends.
- What may change. When a corporation pays a dividend to an affiliated corporation with a later year-end, the payer may no longer receive its refundable tax back immediately. Instead, the dividend becomes "suspended" and the refund is deferred.
- Principal cash-flow risk. In some cases, the refundable tax may be deferred indefinitely or become permanently unrecoverable, for example, if an ownership change occurs while the dividend is suspended.
- When the proposals may apply. These proposals have not yet been enacted. However, if enacted in their current form, the rules would apply to dividends paid in taxation years beginning on or after November 4, 2025. Business owners should not assume the rules will not affect them.
- What to do now. Review your corporate group's structure, dividend flows, and year-ends. Exercise caution before paying

upstream dividends, and seek advice if a sale, reorganization, or ownership change is planned.

Read the [full article](#) by Mark Potechin and Jenny Du With DLA Piper.

CSA Publishes Sweeping Consultation on Modernizing the Regulation of Public Companies

On July 16, 2026, the Canadian Securities Administrators (CSA) published [CSA Consultation Paper 51-406, Modernizing the Regulation of Public Companies](#) (the Consultation Paper), launching the broadest review of the continuous disclosure and capital-raising framework for non-investment fund reporting issuers in over a decade. The Consultation Paper invites stakeholder input in five foundational areas: (1) the venture and non-venture issuer distinction, (2) financial statement reporting for smaller issuers, (3) hold periods on private placements (including a proposed new qualified institutional purchaser exemption), (4) material change reporting and (5) alignment with parallel developments in the United States. Comments are due November 13, 2026.

The Consultation Paper follows a series of burden-reduction initiatives evaluated by the CSA since 2025, each forming part of a multi-year effort to modernize the regulatory framework for reporting issuers. The CSA is now asking whether these targeted initiatives should be consolidated into, or supplemented by, more structural changes to the regime. Below, we summarize the key proposals. Read the [full article](#) by Kristopher R. Hanc, Christopher J. Doucet and Aidyn Bhatia with Bennett Jones LLP.

A Good Policy Proposal: For Life Insurance Donations, Ottawa Plans to Turn a Tax Trap into a Tax Break

On July 23, 2026, the Department of Finance released a set of [draft legislative proposals](#) and amendments to the [Income Tax Act](#) (Canada) (the "Act") for public comment.

Among the proposed changes, the Government of Canada seeks to exempt spousal transfers of life insurance policies from the deemed fair market value rules under s. 248(35) of the Act.

Ottawa enacted the deemed fair market value rules in 2002 as part of a series of measures introduced to combat tax-shelter gifting arrangements and inflated donation receipts. The rules generally apply to non-cash gifts. Originally intended to counter "art flips," the rules have found new life almost 20 years later with the advent of highly speculative assets like cryptocurrency, digital collectibles, and even tickets to marquee sporting events and concerts. Read the [full article](#) by Stephen Hsia with Miller Thomson.

Prediction Markets: CSA and CIRO Provide Guidance on Certain Types of Event Contracts

The Canadian Securities Administrators (CSA) and the Canadian Investment Regulatory Organization (CIRO) published a [joint notice](#) providing new guidance on prediction markets.

In light of interest in event contracts based on sports and entertainment events or outcomes, this guidance clarifies that in the view of the CSA, these should not be regulated within securities and derivatives legislation, and that CIRO does not consider it appropriate to facilitate or approve an application by their dealer members to trade these types of event contracts. Read the [news release](#) from the BC Securities Commission.

CSA and CIRO Publish Guidance on Industry Practices Relating to Foreign-Listed ETFs

On July 29, 2026, the staff of Canadian Securities Administrators ("CSA") and the Canadian Investment Regulatory Organization ("CIRO") published Joint CSA / CIRO [Staff Notice 81-339 Industry Practices Relating to Foreign-Listed Exchange-Traded Funds](#) (the "Notice"), which addresses the marketing and sale in Canada of exchange-traded funds ("ETFs") that are listed on a foreign exchange ("Foreign ETFs"). The guidance states that it is based on existing securities regulatory requirements and that it does not create any new legal requirements or modify existing ones, and that it includes practices that staff encourage relevant parties to consider adopting. Read the [full article](#) by Ramandeep K. Grewal, Nicholas Badeen and Irena Ninkovic with Stikeman Elliott LLP.

Updates to BC Sales Taxes

The following updates to sales taxes were recently posted:

Provincial sales tax (includes municipal and regional district tax)

- **August 12, 2026**

[Bulletin PST 125, Advertising Agencies \(PDF, 340KB\)](#), has been updated to:

- Clarify how PST applies to ad placement services that involve software and telecommunication services
- Clarify documentation requirements when materials are shipped out of B.C.

- **August 13, 2026**

The [PST on engineering and geoscience services](#) page has been updated to clarify taxable and exempt categories of service based on the Association of Consulting Engineering Companies British Columbia's [budget guidelines for transportation and infrastructure](#).

- **August 26, 2026**

[Bulletin PST 308, PST on Vehicles \(PDF, 400KB\)](#), has been updated to:

- Update the definitions of vehicles and motor vehicles and clarify how PST applies
- Remove references to provincial and federal rebate programs for zero-emission vehicles (ZEVs) that no longer apply
- Add information on how PST applies to "ubilt" vehicles
- Remove documentation requirements for PST exemptions that are no longer in effect for used ZEVs
- Clarify how PST applies to purchases of vehicles shipped out of B.C. for business use
- Clarify information on PST refunds for motor vehicles transported outside B.C.

- **September 1, 2026**

The transitional rules section on the following pages has been updated to clarify that when you issue an invoice prior to October 1, 2026, payable on receipt, for services provided prior to December 1, 2026, and the client does not pay the invoice until on or after October 1, 2026, you do not charge PST and your client does not owe PST.

- [PST on accounting services](#)
- [PST on architectural services](#)
- [PST on engineering and geoscience services](#)
- [PST on security services](#)
- [PST on non-residential real estate services](#)

• **September 2, 2026**

The [Provincial sales tax frequently asked questions](#) page has been updated to reflect that effective October 1, 2026, accounting and bookkeeping services are subject to PST, and certain consulting and management services may be subject to PST as accounting services.

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

BC Securities – Policies & Instruments

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

- [96-101](#) – Notice of Changes to Companion Policy 96-101 Derivatives: Trade Reporting and Policy Statement to Regulation 91-507 Respecting Trade Repositories and Derivatives Data Reporting [CSA Multilateral Notice]
- [91-307](#) – Guidance related to Event Contracts: Compliance with Regulatory Requirements [Joint CSA-CIRO Notice]

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

Act or Regulation Affected	Effective Date	Amendment Information
British Columbia Chicken Marketing Scheme, 1961 (188/61)	Sept. 1/26	by Reg 99/2026
Business Practices and Consumer Protection Act	Aug. 1/26	by 2025 Bill 4, c. 3, sections 4 to 6, 7 (a), 8 to 19, 21 to 27, 36 and 40 only (in force by Reg 10/2026), Business Practices and Consumer Protection Amendment Act, 2025
Business Practices and Consumer Protection Regulation (294/2004)	Aug. 1/26	by Reg 10/2026
Consumer Contracts Regulation (272/2004)	Aug. 1/26	by Reg 10/2026
Debt Collection and Repayment Regulation (295/2004)	Aug. 1/26	by Reg 10/2026
Home Inspector Licensing Regulation (12/2009)	Aug. 1/26	by Reg 10/2026



ENERGY & MINES

Energy and Mines News:

B.C. Company Starts Approval Process for New Major Mine Northeast of Kamloops

The B.C. mining company that operates Canada's second-largest open-pit copper mine has started the path to develop its next major project in the province 150 kilometres northeast of Kamloops in the Interior.

B.C.'s environmental regulator has accepted the application of Trekor Metals, formerly known as Taseko Mines, to start an assessment of its Yellowhead copper project, an open-pit copper, gold and silver mine with a capacity up to 90,000 tonnes per day of ore over a 25-year mine life.

Ottawa will also accept results of the provincial environmental assessment under its "one project, one review" agreement in B.C., but it will take place alongside an assessment process by the Simpcw First Nation, on whose territory the deposit is located. Read the [Vancouver Sun article](#).

Blackwater Gold Mine Expansion a Major Economic Jolt for B.C.'s Central Interior

Construction crews have started the main work for a major expansion of Artemis Gold Inc.'s Blackwater gold/silver mine in British Columbia's central interior, 15 months after its first production.

The open-pit mine, 160 kilometres south west of Prince George, was always envisioned as a three-phase project. The \$1-billion first phase broke ground in 2023 with Phase 2 to expected follow in four or five years and Phase 3 within 10 years, according to CEO Dale Andres.

That plan, however, didn't account for the price of gold shooting up 44 per cent in the 22 months it took to build Phase 1, justifying continuing exploration work to point at the potential for an even bigger mine. By the end of 2025, before its first full year of production, Artemis green-lit Phase 2. Read the [Vancouver Sun article](#).

New B.C. Hydro Rules Cloud the Future of Residential Solar

When Victoria resident Bill Yearwood looks around at the other rooftops in his neighbourhood, he sees a lot of potential for solar electricity.

At the four-storey house he shares with his wife and 96-year-old mother, their energy needs include an electric stove, an electric car charger and an elevator so his mother can come up at night for dinner.

He can almost entirely meet these energy needs through the 29 solar panels he installed on their roof in 2022. Read the [BIV article](#).

Updates to Natural Resource Taxes

The following update to natural resource taxes was recently posted:

Royalty transition 2022 to 2026

- **August 7, 2026**

The [invoice specification file for the new royalty framework](#) has been updated to correct the unit of measurement on the OGR Well Detail invoice for Eth Mx Vol, Eth Spec Vol and Eth Litemx Vol columns T, Z and AF.

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

BC Energy Regulator Announcements

The following BC Energy Regulator announcements were posted recently:

- [TU 2026-17](#) – Casing Leak or Failure Reporting Added to eSubmission
- [TU 2026-18](#) – Pipeline Notice of Intent Updates

Visit the BCER [website](#) for more information.

Act or Regulation Affected	Effective Date	Amendment Information
Island Generation Facility Exemption Regulation (149/2026)	NEW Aug. 5/26	see Reg 149/2026



FAMILY & CHILDREN

Family and Children News:

British Columbia Retains Jurisdiction Despite Family's Relocation to California for Ph.D. Studies: *L.A.W. v. R.F.A.*, 2026 BCSC 1564

On August 18, 2026, the British Columbia Supreme Court released its decision in *L.A.W. v. R.F.A.*, [2026 BCSC 1564](#). The Court considered whether British Columbia or California had jurisdiction to determine guardianship and parenting issues concerning a 21 month old child whose family had relocated to California while the mother pursued doctoral studies. The Court ultimately held that the child remained habitually resident in British Columbia and that British Columbia should exercise jurisdiction over the parenting dispute. Read the [full article](#) by Michael Zimmerman with Lindsay Kenney LLP.

Words and Actions Are Critical in Determining Whether Couples Have Legally Separated

What do courts require for a couple to legally separate?

Parties are considered separated when one party intends to permanently end the relationship and clearly demonstrates through their words and actions that their state of mind on the issue is settled.

In *MH v LLB*, 2026 BCSC 1529 the Court held that the parties separated in June 2022, not in September 2022 as the claimant alleged. The Court stated that parties are considered separated when one party intends to permanently end the relationship and clearly demonstrates through their words and actions that their state of mind on the issue is settled. The determination is fact-driven, but no single factor is determinative. The central question to answer is whether a reasonable person, knowing all the circumstances, would conclude that the parties had separated and that the marriage had ended. A separation does not require the parties' agreement; the decision may be made unilaterally. Read the [full article](#) by Jimmy Peterson with Harper Grey LLP.

Relocation Is More Than a Return Order: BC Court Clarifies the Best Interests Analysis

When separated parents disagree about where a child should live, the dispute can become particularly complex if one parent wants to move to another province. A recent British Columbia Court of Appeal decision emphasizes that relocation cases require a detailed

comparison of the child's future under each proposed parenting arrangement.

In [Leger v. Williams](#), the Court considered a dispute involving a young child who had been taken from British Columbia to New Brunswick without advance notice to the other parent. The Court set aside an order requiring the child's return because the earlier analysis did not properly compare the competing parenting arrangements or remain sufficiently focused on the child's best interests. Read the [full article](#) from the Meridian Law Group.

BC Court of Appeal Upholds Denial of Woman's Action Claiming Multiple Torts Against Ex-Husband

The British Columbia Court of Appeal has affirmed a trial judge's dismissal of a woman's action seeking damages from her former husband based on the torts of sexual assault, assault, battery, and intentional infliction of mental suffering.

In *Kulbacki v. Kulbacki*, [2026 BCCA 316](#), the parties were married from 1988–2003. The appellant ex-wife commenced an action for damages arising from the respondent ex-husband's alleged conduct during and after their marriage.

At trial, there was no objective evidence of the alleged events because the parties were both self-represented litigants and the sole witnesses. The ex-husband denied his ex-wife's claim that he had a history of being physically and emotionally abusive. Read the [full article](#) by Bernise Carolino in the *Canadian Lawyer*.

Dad Faces Contempt of Court Penalty After Failing to Pay Vancouver Ex or Disclose Finances

A dad who repeatedly refused for years to pay court-ordered child support to his ex-wife for their child is facing a contempt charge – and possible jail – if he doesn't disclose his finances, the B.C. Supreme Court says.

There has been a "sustained and deliberate failure" by Weijia Zhan, Justice Kate Saunders said in a written decision. "This is not a case of misunderstanding or oversight."

Zhan told the court he's been unable to pay because he can't access funds because of freezing orders, and practical difficulties in obtaining and producing his financial records. Read the *Vancouver Sun* [article](#).

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



FOREST & ENVIRONMENT

Forest and Environment News:

B.C.'s Land Management Decisions Led to Catastrophic Flood, Claims Suit

A ranch outside of Williams Lake, B.C., is taking the province to court, claiming its prior decisions to approve logging, prescribed burns and water diversion triggered a major landslide and downstream flood that devastated the property.

Wineglass Cattle Co. Ltd. operates a 1,000-hectare ranch abutting the Chilcotin River. For several generations, the property was home to corrals, outbuildings, wells and other farm equipment, according to a civil claim filed in B.C. Supreme Court last week.

On July 31, 2024, a massive landslide 30 metres high and 600 metres long occurred about six kilometres upstream of the ranch. Researchers would later calculate the event displaced six million cubic metres of soil, sand and rock – by one calculation, enough to blanket the City of Victoria up to an adult's shins. Read the *BIV* [article](#).

Environmental Prosecutions in Canada: Key Enforcement Trends

Over the past five years, environmental enforcement in Canada has become increasingly aggressive:

- Regulatory scrutiny is expanding at the federal level: Regulators' focus is expanding to a broader range of industries, beyond traditional resource and energy sectors
- Penalties are escalating: Environmental fines in Canada regularly reach hundreds of thousands, and in many cases millions of dollars, for major corporations
- Personal risk is in the spotlight: Directors and officers have increasing individual liability and exposure, including for circumstances they were not aware of

For businesses operating in Canada, the message from recent prosecutions is clear: environmental compliance and the risk of prosecution are now front-line legal and reputational risks. Read the [full article](#) by Una Radoja, Alexander Steele and Cindy Vaillancourt with McCarthy Tétrault.

Fast-Moving Wildfires Reshaping B.C.'s Forests, New Study Finds

New research suggests that fast-moving wildfires, such as the Bald Ridge blaze near Summerland that forced recent evacuations, are burning bigger and leaving forests less able to grow back to their pre-burn state.

The [study](#), published in *Science Advances*, analyzed nearly 3,500 fires across Canada and the western U.S. between 2012 and 2023. Researchers used satellite data to track how quickly fires spread each day. They found the fastest-moving fires burned more severely, killed more trees, and made it more difficult for forests to regenerate.

"It's not necessarily incredibly surprising that fast-moving fires are responsible for the largest area burned. But we now also show that they have pretty outsized ecological impacts as well," said Ellen Whitman, a forest researcher with the Canadian Forest Service at Natural Resources Canada and one of the study authors. Read the *Vancouver Sun* [article](#).

Chemical Substances Compliance Under CEPA: Managing a Growing Regulatory Risk

Chemical substances regulation is emerging as a significant legal and operational risk for businesses operating in Canada.

As regulatory requirements under the [Canadian Environmental Protection Act, 1999](#) (CEPA) continue to evolve, companies are facing increasing scrutiny over the substances they manufacture, import, distribute, and sell. New restrictions, reporting obligations, and enforcement initiatives are expanding the scope of compliance obligations across a broad range of industries.

For many organizations, chemical substances management has historically been viewed as a technical or product stewardship issue. Increasingly, however, it has become a front-line legal, regulatory, and reputational concern. Read the [full article](#) by Cindy Vaillancourt, Una Radoja and Alexander Steele with McCarthy Tétraut.

Emergency Drills: A Critical Lifeline in Forestry Operations

When we think about emergency drills, it's easy to see them as just another regulatory requirement; a checkmark on the compliance list. But in forestry operations, emergency drills are essential to worker safety.

In BC, forestry work often takes place in remote, hard-to-access areas where emergency response can be significantly delayed. Unlike workplaces where emergency responders may arrive within minutes, some forestry operations face challenges like rough access roads, poor weather conditions and crews spread across large operating areas. And workers may be operating on steep terrain, in heavy timber or at temporary worksites far from emergency services. Read the [full article](#) in the September 2026 issue of *Forest Safety News*.

Natural Habitat Diversity Key to Protecting Threatened Salmon in B.C.'s Indian River Watershed: Report

There are many reasons salmon are struggling in B.C., including toxins, landslides caused by industrial activity, and warming temperatures and drought caused by climate change.

A [new report](#) by the xʔəł̓ilwətaʔl (Tsleil-Waututh) First Nation and the federal Fisheries Department finds that different species of salmon rely on different habitats at various stages of life. Read the *Vancouver Sun* [article](#).

Environmental Appeal Board Decisions

The following Environmental Appeal Board decisions were made recently:

[Environmental Management Act](#)

- [Pacific Coast Renewables Corp. v. Director, Environmental Management Act](#) [Final Decision – Appeal Allowed in Part]
- [Shuswap Lake Estates Ltd. v. Director, Environmental Management Act](#) [Final Decision – Administrative Penalty Varied; Appeal Allowed in Part]
- [Envirogreen Technologies Ltd. v. Director, Environmental Management Act](#) [Preliminary Decision on a Stay Application – Denied]
- [Domtar Inc. v. Director, Environmental Management Act](#) [Consent Order – Appeal to Be Held in Abeyance]
- [Domtar Inc. dba Skookumchuck Pulp v. Director, Environmental Management Act](#) [Consent Order – Varied; Appeal Dismissed Without Costs]

[Water Sustainability Act](#)

- [Doreen DeVito, Barbara Round, Save Simms Creek Society v. Water Manager](#) [Preliminary Decision on Standing – Lack the Standing to Appeal; Dismissed]

[Wildlife Act](#)

- [Raineri Kuntsi v. Deputy Regional Manager, Recreational Fisheries & Wildlife Programs](#) [Final Decision – Appeal Dismissed]

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

Act or Regulation Affected	Effective Date	Amendment Information
Administrative Penalties (Environmental Management Act) Regulation (133/2014)	Aug. 1/26	by Reg 171/2025



HEALTH

Health News:

B.C. Minister Orders Health Authority to 'Stand Down' on Planned Vancouver Overdose Prevention Site

B.C. Health Minister Ravi Kahlon has ordered the Vancouver Coastal Health Authority (VCH) to "stand down" on the agency's plan to open an overdose prevention site in a vacant building near St. Paul's Hospital.

Kahlon said Tuesday [Aug. 25] in a statement over email that he directed the health authority to instead propose "alternative programming for the site" at 900 Helmcken St. that meets the needs of the community, including treatment and recovery supports.

"This work will be informed by engagement with the City of Vancouver, local businesses, resident associations and other community partners, as well as by public health partners and people with lived experience," Kahlon said. Read the [full article](#) from *BIV*.

Health Canada Launches Clinical Trial Search Portal and Registration and Results Disclosure Guidance

On July 29, 2026, Health Canada launched a new Clinical Trials Search Portal and released its [Guidance on the Registration of Clinical Trials and Public Disclosure of Results](#), providing the public with greater access to information about clinical trials authorized in Canada.

While not currently legally binding, the guidance sets clear expectations for clinical trial registration and results disclosure and signals Health Canada's broader push for transparency in clinical research. Health Canada describes this policy-first approach as a way to allow sponsors to adapt before potential regulatory requirements are introduced. For sponsors conducting clinical trials in Canada, the announcement therefore represents more than the launch of a new public-facing tool, it provides an indication of the direction of Canada's evolving clinical trial framework. Read the [full article](#) by Dara Jospé, Jean-Raphaël Champagne, Timothy M. Squire and Justine Letellier with Fasken.

Health Canada Takes Action Against Unauthorized Peptide Sales

On July 29, 2026, Health Canada announced that it had obtained a permanent injunction against a Québec-based company in connection with the sale of unauthorized injectable peptides in Canada. The announcement reflects Health Canada's continued focus on peptide products and serves as a reminder that injectable peptides intended for human use are regulated as prescription drugs and are subject to Canada's drug regulatory framework. As commercial interest in peptide products continues to grow, the decision provides useful insight into Health Canada's approach to the marketing and sale of these products in Canada. Read the [full article](#) by Dara Jospé, Eliane Ellbogen and Justine Letellier with Fasken.

Act or Regulation Affected	Effective Date	Amendment Information
Nurses and Midwives Regulation (133/2025)	Aug. 24/26	by Reg 152/2026



LABOUR & EMPLOYMENT

Labour and Employment News:

Forced Resignation and Misrepresentations Lead to Punitive Damages Award Against Restaurant

In *DeCarlo v. 0894546 B.C. Ltd. (Black + Blue)*, [2026 BCSC 684](#), the Supreme Court of British Columbia affirmed that pressuring an employee to resign from their employment before an approved leave of absence amounts to a constructive dismissal and attracts punitive damages.

The plaintiff employee, Mr. DeCarlo, was employed as a server at the defendant restaurant for 4.5 years. In July 2019, Mr. DeCarlo obtained approval from his general manager to take a leave of absence for a six-week vacation from January 2020 to March 2020. The restaurant claimed that the employee resigned from his employment on the start date of his vacation, pursuant to a leave of absence policy which provided that "when an employee takes an unapproved absence, it considers the employee to have resigned." Read the [full article](#) by Scott J. Marcinkow with Harper Grey LLP.

Accommodation Requests and Incomplete Medical Information: Lessons from *McNeil v. British Columbia* and Telus Employer Solutions

What happens when an employee says they might have a disability but cannot yet provide a diagnosis or clear medical information about their limitations? What is the employer required to do, and how is that conduct judged later, once the employee gets a diagnosis?

The British Columbia Court of Appeal recently considered this issue in *McNeil v. British Columbia*, [2026 BCCA 296](#), the latest decision arising from a long-running human rights complaint involving Telus Employer Solutions ("TES"). Read the [full article](#) by Sylvia Nicholles with Ascent Employment Law.

Employer Ordered to Pay Over \$40,000 for Discrimination on Return from Maternity Leave

In *Mosquera v. North Horizon Immigration Consulting Inc.*, [2026 BCHRT 61](#), the British Columbia Human Rights Tribunal ("Tribunal") considered the case of an employment relationship (and personal relationship) that broke down over a misunderstanding.

The complainant, Ms. Mosquera, worked part-time at a consulting firm owned by Ms. Benkhalti (the "Owner"). Before Ms. Mosquera went on maternity leave, she worked Monday to Friday with a flexible schedule and ability to work from home. Before maternity leave, Ms. Mosquera and the Owner had a verbal discussion about Ms. Mosquera eventually working full-time, getting her consulting license, and becoming right hand to the Owner.

During maternity leave, Ms. Mosquera believed she would return to the flexible part-time work schedule she had before. But the Owner believed that Ms. Mosquera would return to work full-time from Monday to Friday. Read the [full article](#) by Scott J. Marcinkow with Harper Grey.

Death Threats Do Not Automatically Justify Dismissal: BC Arbitrator Reinstates Long-Service Employee

In a recent decision, an Arbitrator considered whether a long-service employee who threatened to kill her supervisor should be reinstated. While Arbitrator Rogers found the employee's conduct constituted serious misconduct warranting significant discipline, dismissal was determined to be excessive in the circumstances. The employee was reinstated following a substituted four-month unpaid suspension.

The decision serves as a reminder that, despite increased attention to workplace violence and employers' statutory obligations to maintain safe workplaces, arbitrators continue to assess termination cases contextually rather than applying a strict "zero tolerance" approach. Read the [full article](#) by Felisha Jagiah with Fasken.

BCHRT Says This Female Employee Was Paid Less Than Men, But It Was Not Discriminatory

In *Sherrer v. Mt. Baldy Resort Inc. and another (No. 2)*, 2026 BCHRT 117, the BC Human Rights Tribunal (the "Tribunal") held that the wage gap between a female general manager and the two men who held the role before her was not discrimination based on sex.

The complaint was filed by Caroline Sherrer who worked at Mt. Baldy Resort (the "Resort"), a small private ski resort. She served as the Operations Manager from 2019 to 2021, and was, in effect, the General Manager responsible for overseeing all aspects of the resort's daily operations. Read the [full article](#) by Scott J. Marcinkow with Harper Grey.

Rules Regarding Equal Treatment for Federally Regulated Employers Coming into Force October 2026

New rules for federally regulated employers regarding equal treatment are coming into force on October 20, 2026. These rules were included in [Bill C-86, Budget Implementation Act, 2018, No. 2](#), which contained amendments to the [Canada Labour Code](#) (the "Code").

The federal government has already published an Interpretations, Policies and Guidelines ("IPG") called [Equal Treatment – IPG – 122](#) in anticipation of these rules coming into force this fall. Read the [full article](#) by Jasmine Law with Fasken.

BC Labour Board Strips Amazon of Lockout Right, Orders Arbitration for First Contract

The British Columbia Labour Relations Board has ruled that Amazon Canada Fulfillment Services must settle its first collective agreement with Unifor, Local 114 through binding arbitration.

The board found that the company's own bargaining conduct – layered on a prior remedial certification for anti-union activity – justified taking away its right to lock out employees. 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)	Aug. 1/26	by Reg 108/2026
Employment and Assistance for Persons with Disabilities Regulation (265/2002)	Aug. 1/26	by Reg 108/2026
Employment Standards Act	Aug. 1/26	by 2026 Bill 10, c. 10, sections 1 to 15 only (in force by Reg 141/2026), Labour Statutes Amendment Act, 2026
Employment Standards Regulation (396/95)	Aug. 1/26	by Reg 141/2026
Reservists' Leave Regulation (254/2016)	Aug. 6/26	by Reg 150/2026
Temporary Foreign Worker Protection Act	Aug. 1/26	by 2026 Bill 10, c. 10, sections 16 to 18 only (in force by Reg 141/2026), Labour Statutes Amendment Act, 2026



LOCAL GOVERNMENT

Local Government News:

BC Supreme Court Sets Aside Langley's Community Amenity Contributions Policy

On June 20, 2025, the Supreme Court of British Columbia released its decision in *Lorval Developments Ltd. v. Langley (Township)*, [2025 BCSC 1148](#), setting aside the Township of Langley's Community Amenity Contributions Policy (the "Policy") on the basis that it amounted to a mandatory amenity payment regime without statutory authority. For local governments, developers, and landowners, this decision is significant because it confirms that municipalities cannot require community amenity contributions ("CACs") as a condition of rezoning unless expressly authorized by statute.

Community Amenity Contributions and Rezoning

In British Columbia, the [Local Government Act](#) provides specific statutory mechanisms through which municipalities may fund development-related infrastructure and amenities, including development cost charges ("DCCs"), density bonus bylaws, phased development agreements, and amenity cost charge ("ACC") bylaws. DCCs may only be imposed by a municipality for funding certain off-site services associated with new development, such as water, sewer, drainage, roads, and providing and improving park land. The legislation prohibits municipalities from imposing fees, charges, or taxes unless authorized by statute. CACs, by contrast, are contributions provided by developers in connection with rezoning applications and are generally intended to fund amenities and infrastructure that fall outside the scope of DCCs, including recreational or childcare facilities, affordable housing, fire halls, and other community amenities.

Read the [full article](#) by Kristian N. Arciaga, Cara Chu and Ankish Chawla (Articling Student) with Fasken Martineau DuMoulin LLP.

Ontario Court of Appeal Decision Could Have Implications for British Columbia Government Liability

A recent 2:1 decision of the Court of Appeal for Ontario raises an important constitutional question that could have implications beyond Ontario: how far can a provincial legislature go in shielding governments and public officials from civil liability for unlawful or bad-faith conduct? In *Minotar Holdings Inc. v. Ontario (Municipal Affairs and Housing)*, released August 28, 2026, the Ontario Court of Appeal upheld legislation that retrospectively extinguished claims against Ontario and public officials, including claims for misfeasance in public office and bad faith. The majority held that s. 96 of the Constitution Act, 1867 protects the superior courts' institutional role and core jurisdiction, but does not create an individual right to have any particular cause of action adjudicated. Read the [full article](#) by Josh Krusell with SMS Law.

Troubled West End Waters

When a municipality seeks electoral approval to borrow funds for an amenity, voters are provided with a very general description of what is being built. When that plan for the amenity changes from what residents expected on voting day, what can concerned residents do? In this two-part series, the Court in Protecting our *Vancouver Aquatic Centre Society v. City of Vancouver*, [2026 BCSC 1285](#) was tasked with deciding whether it should prevent a municipality from closing an amenity (Part 1), and judicially reviewing of a decision to replace the amenity given the wording of the plebiscite and what was disclosed in materials provided to voters (Part 2). Read the [full article](#) by Peter Mate with Civic Legal LLP.

Food Processing in the ALR: Local Government Perspective

The Ministry of Agriculture and Food has proposed a new regulation to encourage more food processing in the Agricultural Land Reserve on land that is not well suited for primary production. UBCM has provided a submission to share local government perspective and requests. The new rule would allow areas of Class 5-7 soil in the ALR to host processing operations, provided at least 5% of the food being processed is grown or raised in BC. The current policy allows food processing operations on ALR lands with any soil quality provided 50% of the of the crops come from the farm (or a fellow co-op member). Read the UBCM [article](#).

Langley Township Mayor Sued for Defamation over Radio Remarks about Prominent Real Estate Family

The mayor of Langley Township is being sued by a prominent local family who say his recent comments falsely portrayed them as "loathsome developers" and "out of control villains." The lawsuit is the latest in a series of court actions over the past two years involving Mayor Eric Woodward, the township's government, the Martini family and their companies, and other Langley residents including current and former political rivals. Woodward said Tuesday the new lawsuit is politically motivated, and he "will not be silenced nor intimidated." The defamation lawsuit was filed last week by four members of the Martini family, a Langley family active in real estate, moviemaking, and agriculture. It alleges Woodward defamed them during a July 16 interview with CKNW radio host Mike Smyth. Read the *Vancouver Sun* [article](#).

New Resources for Agricultural Watercourse Management

Two new guidance documents developed through the Province's [Stewarding Agricultural Watercourses](#) (SAW) project are now available. The Stewarding Agricultural Watercourses (SAW) project focuses on improving understanding and stewardship of watercourses on agricultural lands. Phase One of the project (2021-2023) included engagement with farmers, ranchers, and other stakeholders and resulted in an Action Plan that identified priorities for future work. Read the UBCM [article](#).

Act or Regulation Affected

Effective Date

Amendment Information

There were no amendments this month.



MISCELLANEOUS

Miscellaneous News:

Legal Scholars, Academics Pitch Solutions to BC Property Rights Issue over Indigenous Title

In a new essay series, a cohort of legal scholars and academics have proposed solutions to the recent property rights issue in British Columbia arising over Indigenous title. Independent, non-partisan public policy think-tank the Fraser Institute released the series, which includes essays from University of Saskatchewan law professor Dwight Newman, Cassels Brock & Blackwell LLP's Aboriginal law chair Thomas Isaac, Queen's University law professor Bruce Pardy, and Fraser Institute Senior Fellow Matthew Mitchell. The pitches come in the wake of court rulings, government legislation, and individual First Nations' agreements with the federal government and/or the British Columbia government, which have muddled property rights in the province by prioritizing Aboriginal title over private property rights. Read the [full article](#) by Jacqueline So with *Canadian Lawyer*.

BC Court of Appeal: No Basis in Fact = No Class Action

In *Cleaver v. The Cadillac Fairview Corporation Limited*, [2026 BCCA 353](#), the BC Court of Appeal reaffirmed the courts' gatekeeping role at certification and upheld the chambers judge's refusal to certify a privacy class action because the plaintiffs had not put forward any basis in fact for the central allegation in the claim. As summarized in our post about the certification decision, the chambers judge below found that three of the five certification criteria were not satisfied because the plaintiffs had put forward no evidence that the defendants' shopping mall directory software actually recorded proposed class members' facial images and converted them into biometric data as alleged. The Court of Appeal agreed: "the material before the court provided no basis in fact for the proposition that facial images or biometric and personal information was recorded by the respondents. As that proposition is essential to the claim, the judge was right to deny certification". Read the [full article](#) by Katherine Booth with Bennett Jones.

BC Supreme Court: Forced Psychiatric Treatment of Involuntarily Admitted Patients Is Unconstitutional

Elements of British Columbia's legal regime for psychiatric treatment, which allow healthcare professionals to force treatment on people who have been involuntarily detained for mental health crises, are unconstitutional and can no longer be in effect, the Supreme Court of BC has ruled.

In a nearly [350-page decision last week](#), BC Supreme Court Justice Lauren Blake said the unconstitutional provisions are the second half of [s. 8\(a\) of BC's Mental Health Act](#), [ss. 2\(b\) and \(c\) of the \[Health Care \(Consent\) and Care Facility \(Admission\) Act\]](#) and [ss. 11\(1\)\(b\) and \(c\) of the Representation Agreement Act](#). However, Blake said her ruling in *Council of Canadians with Disabilities v. British Columbia* will not go into effect for six months, to give the BC legislature time to draft new laws that comply with her findings. In a statement on Tuesday [August 4], a spokesperson for BC's Ministry of the Attorney General said the ministry is reviewing the decision. In the meantime, "mental health care delivery in BC continues uninterrupted under the current legislation," the spokesperson said. Read the [full article](#) by Jessica Mach with *Canadian Lawyer*.

BC Law to Combat Money Laundering Still Not in Force Three Years after Being Introduced

More than three years after the BC government announced new oversight of businesses that deal in foreign exchanges, wire transfers and money orders because they can be conduits for money laundering, the laws are still not in force. In 2023, Premier David Eby's government [introduced legislation](#) to monitor and regulate so-called money services businesses through the BC Financial Services Authority. Money services businesses include currency exchanges and operations that send money outside of Canada. There are more than 1,100 such companies in BC, most of them in Metro Vancouver. While a [Money Services Business Act](#) was introduced on March 29, 2023, and later passed, it remains a legislative shell. There are no powers because regulations that set out the rules and penalties have not been created. The details of those regulations are still to be worked out, and no deadline has been set. Read the *Vancouver Sun* [article](#).

B.C. Court of Appeal Sets aside Arbitration Costs Award over Parties' Lack of Opportunity to Make Submissions

In *Green Light Solutions Corp. v. Kern BSG Management Ltd.*, the British Columbia Court of Appeal found that an arbitrator breached the duty of procedural fairness by apportioning costs without giving the parties an opportunity to make submissions responsive to the substantive findings in the award. The issue was remitted to the same arbitrator, with the Court confirming that an arbitrator whose decision has been successfully appealed is presumed to remain impartial.

Facts and Decision

The dispute arose under a contract for the construction of a cannabis growing facility. The owner, Green Light Solutions Corp. (GLS), withheld certain payments from its contractor, Kern BSG Management Ltd. (Kern), alleging deficiencies in Kern's work. Kern initiated arbitration seeking payment of outstanding invoices.

Read the [full article](#) by Andrew Kavanagh, Laura Cundari, FCI Arb and Soheila Ebrahimi-Louyeh with Blakes.

Navigating Wildfire Insurance Claims

With overwhelming changes in the climate, we are now facing increased occurrences of more severe forest fire impacts throughout Canada. These are very challenging times for communities. The most recent Bald Range Summerland BC Forest Fire has grown to over 20,000.000 hectares, forcing evacuation, closing roads, and blanketing interior in smoke. The reality is that British Columbia and Alberta see hundreds of wildfires each summer. Being prepared isn't just about having an emergency kit; it's also about understanding the steps to take to prevent risks, reviewing the limits of your policies with your broker to ensure you have adequate coverage in place, and avoiding gaps in your insurance. Read the [full article](#) by Anastase E. Maragos with Watson Goepel LLP.

BCCA Reinforces the Need for Reasoned Arbitral Awards & Correctable Legal Error on Appeal

The British Columbia Court of Appeal recently released its decision in *Puppet Killer Productions Inc. v. Industryworks Studios Inc.*, [2026 BCCA 311](#), providing important guidance on two recurring issues in arbitration appeals: the standard of review applicable to questions of law and when inadequate reasons in an arbitral award may amount to a reviewable legal error. The decision highlights the reach of judicial intervention where an arbitrator's factual findings and damages analyses are insufficiently explained and reinforces the requirement that arbitrators must provide reasons sufficient to permit meaningful appellate review.

Background

The dispute arose from a distribution agreement (the "Contract") between Puppet Killer Productions Inc. ("PK Productions") who made a film called Puppet Killer (the "Film") and Industry Works Studios Inc. ("Industryworks") who was engaged to market and distribute the Film.

Read the [full article](#) by Alan Yuen with Boughton Law Corporation.

Spoliator Alert: Supreme Court of Canada Imposes Strict Duty to Preserve Documents Where Litigation Is Ongoing or Reasonably Contemplated

In *SS&C Technologies Canada Corp. v. Bank of New York Mellon Corp.*, [2026 SCC 29](#), the Supreme Court provided definitive guidance on the doctrine of "spoliation" which is the intentional destruction, alteration, mutilation or concealment of evidence with a view to subverting the truth-finding process during litigation. The court clarified the legal test for spoliation, the inferences that arise when it is made out, and the remedial options available to a court to address destruction of evidence. The Supreme Court's decision in *SS&C Technologies* affirms two key principles:

1. Businesses and individuals must take [immediate](#) steps to preserve relevant documents and evidence on receiving reasonable notice of pending litigation.
2. Failure of a party to preserve relevant documents and evidence after being put on notice may lead to serious consequences in litigation including an inference that the destroyed evidence would have been harmful to the party who destroyed it.

Read the [full bulletin](#) by Michael Parrish, Tom A. Posyniak and Jessica Campbell with Fasken.

BC Privacy Commissioner Investigates Decision to Close Public Access to Employee Database

The BC information and privacy commissioner is investigating a government decision to shutter a public database that listed the names and work contact details of all provincial employees. The provincial government closed public access to the site on Aug. 18, saying the decision was made on the advice of the RCMP due to potential cybersecurity risks. On Tuesday [August 18], Michael Harvey, the information and privacy commissioner, said his office would examine the "validity of the security risks" and "loss of transparency" associated with the removal of public access to the BC government directory. Read the *Vancouver Sun* [article](#).

Act or Regulation Affected	Effective Date	Amendment Information
Post-Secondary International Education (Designated Institutions) Act	NEW Sept. 1/26	c. 4, SBC 2026, Bill 7 , sections 1 to 4 (part), 5 to 11, 13 to 21 (part), 22 to 36 (part) and 37 (in force by Reg 146/2026)
Post-Secondary International Education (Designated Institutions) Regulation (146/2026)	NEW Sept. 1/26	see Reg 146/2026



MOTOR VEHICLE & TRAFFIC

Motor Vehicle and Traffic News:

Canada Revenue Agency ("CRA") Personal Services Business ("PSB") Audits: What incorporated owner-operator trucking companies need to know

As we predicted was likely to happen during our Transportation and Logistics seminars this past March, the Canada Revenue Agency (the "CRA") appears to be increasing its scrutiny of incorporated owner-operator trucking companies ("O-O Corporations") and commencing audits focused on whether they constitute personal services businesses ("PSBs") for income tax purposes. Being characterized as a PSB can have significant tax consequences, including punitive income tax rates and restrictions on deductible expenses. This renewed audit activity comes against the backdrop of the government's broader crackdown on the Driver Inc. model, including the lifting of the moratorium on T4A penalties for the trucking sector. Read the [full article](#) by Colleen Ma and Alisha Butani with Miller Thomson.

From Mandate to Market: Canada's Proposed Shift on Zero-emission Vehicle Regulations

- Canada has proposed repealing the federal Electric Vehicle Availability Standard (EVAS), eliminating zero-emission vehicle (ZEV) sales targets and related compliance obligations for manufacturers and importers.
- The proposal forms part of the federal government's broader automotive strategy, which contemplates future Canada-specific, technology-neutral greenhouse gas (GHG) standards and renewed measures to support EV adoption.
- Stakeholders have until October 29, 2026, to provide comments on the proposed amendments.

On August 15, 2026, the Government of Canada published proposed amendments to the [Passenger Automobile and Light Truck Greenhouse Gas Emission Regulations](#) [PDF] that would repeal the Electric Vehicle Availability Standard (EVAS), the federal ZEV sales mandate. The proposal would eliminate the ZEV sales requirements introduced in 2023, as well as the associated compliance, reporting and credit-trading regime applicable to manufacturers and importers. Read the [full article](#) by Hugo-Pierre Gagnon, Michael Fekerte, Jacob A. Sadikman and Josy-Ann Therrien with Osler.

Transportation Safety Board Urges Stronger Rail Medical Oversight

The Transportation Safety Board of Canada (TSB) says Transport Canada needs to start conducting regular oversight of how railways assess employees' medical fitness for duty, after an investigation into an August 8, 2023 collision between two Canadian National Railway (CN) trains near Wainwright, Alberta found a locomotive engineer had been cleared to work despite years of incomplete diabetes assessments. The collision derailed two locomotives and eight rail cars. Yoan Marier, chair of the Transportation Safety Board of Canada, told Canadian Occupational Safety the gap uncovered in the investigation may not be limited to CN. Read the [full article](#) by Shane Mercer with *Canadian Occupational Safety*.

Cleared for Takeoff? The Legal Reality of Commercial Drones in Canada

Unmanned Aerial Systems (UAS), commonly referred to as drones, are increasingly used in Canada for commercial purposes such as infrastructure inspection, real estate photography, agriculture, filmmaking, mapping and resource exploration. Their advantages are clear: they are flexible, relatively inexpensive and capable of collecting information from angles and locations that would otherwise be difficult to access. However, drone operations raise legal risks that go beyond aviation compliance. A commercial operator must consider not only Transport Canada's rules, but also privacy obligations, civil liability, insurance coverage and potential criminal exposure. Drone operations in Canada are governed primarily by Part IX of the [Canadian Aviation Regulations](#) (CARs), administered by Transport Canada. Read the [full article](#) by Rémi Slama and Noah Azran with Fasken.

CVSE Bulletins & Notices

The following documents were posted recently by CVSE:

- [Notice 03-2023](#) – CMVs providing relief during the provincial state of emergency
- [CVSE1014](#) – LCV Operating Conditions & Routes
- [NSC Bulletin 01-2024](#) – Safety Rating Certificate and Status for B.C. Carriers
- [NSC Bulletin 02-2023](#) – Publication of Carriers Cancelled for Cause

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

- [25647-26](#) – A.C. Taxi Ltd.
- [26088-26](#) – Mojo Luxury Logistics Inc.
- [25793-26](#) – Vanderhoof Taxi Ltd.
- [25864-26 TNS](#) – Pick N Drop Rideshare and Food Delivery Limited
- [25419-26 TNS](#) – Dmitry Kuleshov, Subash Chandar Chandel

Application Decisions

- [26346-26 TOP](#) – Supreme Limousine & Chauffeur Service Ltd. [Approved]
- [26360-26 PS TOP](#) – Apex Limousine Incorporated [Approved]
- [25315-26](#) – Sapphire Limousine Ltd. [Approved in Part]
- [23695-25](#) – East Shore Transportation Society [Approved]

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

Act or Regulation Affected	Effective Date	Amendment Information
Federal Contraventions Forms Regulation (124/2005)	Aug. 14/26	by Reg 119/2026
Offence Act Forms Regulation (422/90)	Aug. 14/26	by Reg 119/2026
Passenger Transportation Regulation (266/2004)	Sept. 1/26	by Reg 35/2026



OCCUPATIONAL HEALTH & SAFETY

Occupational Health and Safety News:

Employers Cannot Dissuade Employees from Filing WorkSafeBC Claims

In *British Columbia Hydro and Power Authority v. British Columbia (Workers' Compensation Board)*, [2026 BCSC 987](#), the court upheld the Workers' Compensation Board [the "Board"] decision against BC Hydro.

Background

This decision originates from a claim for compensation for mental disorder submitted to the Board by a BC Hydro worker. The individual left for medical reasons and BC Hydro advised her that she would be receiving disability benefits and that she was not required to submit a claim with the Board. At this time, BC Hydro was under the mistaken assumption that it needed to investigate the claim before reporting the worker's claim to the Board. However, the worker claimed she was essentially advised by BC Hydro management that it was preferable for her to stay on disability benefits instead of reporting a claim to the Board, with the rationale that an investigation would be upsetting and unpleasant for her. Nearly six months later, the worker finally submitted a formal claim.

Read the [full article](#) by Scott J. Marcinkow with Harper Grey.

WorkSafeBC Board Approves OHSR Changes

WorkSafeBC's Board of Directors approved three sets of amendments to the [Occupational Health and Safety Regulation](#) (OHSR) at its July 2026 meeting, covering periodic equipment certification, automotive lifts and respirator face seal rules, WorkSafeBC announced. The changes were posted for public feedback before being finalized. The largest change consolidates rules requiring certain equipment to be periodically certified "safe for use" under a new core section, 4.12.3. WorkSafeBC said the goal is to "clarify what 'certified safe for use' means in a periodic certification context" and to "reduce the risk of equipment failure." Read the [full article](#) by Jim Wilson with *Canadian Occupational Safety*.

BC Workers Demand Clear Heat Threshold as WorkSafeBC Sticks to Guidelines

British Columbia workers and unions are calling on WorkSafeBC to set a single, enforceable heat threshold instead of situational guidance amid inconsistent heat-safety expectations that can expose employers to grievances. WorkSafeBC requires employers to assess heat-stress risk and implement controls. "Employers should engage workers and/or joint health and safety committees in the process and monitor and adjust these plans and controls as needed," the agency notes. Read the [full article](#) by Jim Wilson with *Canadian HRReporter*.

Employer Input Invited: Harassment and Violence OHS Regulations

WorkSafeBC is considering [proposed amendments](#) to the [Occupational Health and Safety Regulation](#) ("OHSR") dealing with harassment and violence, and psychological health and safety. A period of public consultation is open until October 9, 2026, during which time interested stakeholders, including employers, have an opportunity to provide feedback to WorkSafeBC's Policy, Regulation and Research Department regarding the proposed amendments. If adopted, the amendments would see a new Part 4.1 added to the OHSR, entitled Psychological Health and Safety, Harassment and Violence, setting out frameworks for dealing with psychosocial hazards, harassment and violence in the workplace. This would be a departure from the current framework introduced in 2013, in which the expectations for addressing bullying and harassment are contained in policy items in WorkSafeBC's Prevention Manual rather than the OHSR. If the proposed Part 4.1 to the OHSR is accepted, corresponding changes to the Prevention Manual will follow providing guidance on procedures for addressing harassment and violence. These are anticipated to be posted for public consultation at a later date. Read the [full article](#) by Michelle Jones and Jeff Bastien with Lawson Lundell.

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



PROPERTY, REAL ESTATE & CONSTRUCTION

Property, Real Estate & Construction News:

Ignorance is Not Bliss – An Overview of Default Judgements in British Columbia

In the construction industry, disputes over payment, performance, delays, and contract obligations can lead to litigation. While parties are often focused on the merits of a legal claim, the outcome of a claim can be determined before those issues are ever considered by a court. If a defendant fails to respond to a claim within the required time, the plaintiff may be entitled to obtain a default judgement – a court order granted not because the claim has been proven at trial, but because the defendant did not participate in the proceeding. For contractors, subcontractors, suppliers, and owners in British Columbia, understanding the rules surrounding default judgement is an important aspect of managing legal and financial risk. This article explains the steps a plaintiff must take to obtain default judgement against a defendant and the circumstances in which a defendant may ask the court to set the judgement aside and restore their opportunity to defend the claim. Read the [full article](#) by Diana Wang with Civic Legal LLP.

The Wheel's Still in Spin: An Update to the BC Mortgage Services Act

As mentioned in a January 2025 insight, the passage of British Columbia's incoming [Mortgage Services Act](#), S.B.C. 2022, c.27 (MSA) would bring sweeping changes to the regulation of mortgage services in the province. Since then, the framework has moved from proposal to near-reality. The BC government approved the MSA Rules, [B.C. Reg. 110/2025](#) (Rules) and Regulation, [B.C. Reg. 109/2025](#) (Regulation) on July 14, 2025, starting a 15-month transition period, and the MSA is now confirmed to come into force on October 13, 2026, repealing the [Mortgage Brokers Act](#) (MBA). For lenders – particularly private, non-bank and non-Canadian lenders active in the BC mortgage market – the last several months have brought welcome clarity on some fronts and continued uncertainty on others.

What's confirmed

Several elements of the new regime that were still in draft from when we last wrote are now settled law and policy:

- Licensing categories are finalized. The MSA replaced the single "mortgage broker" registration with four distinct categories; these include "dealing in mortgages," "trading in mortgages," "administering mortgages" and "mortgage lending." Each category has its own scope of regulated activity.
- Penalties are set. Administrative penalties of up to \$100,000 per contravention (tiered across categories), disciplinary penalties of up to \$500,000 (\$2.5 million for repeat offenders) and penalties of \$250,000 for individuals and \$500,000 for non-individuals who provide mortgage services without a licence are now part of sections 116–117 of the Rules and sections 58 & 67 of the MSA.

Read the [full article](#) by [Mark Gill](#), [Tony Anderson](#) and Melissa Creech (Articled Student) with MLT Aikins LLP.

The Pre-Sale Walkaway: What Rhythm Living v. Pereira Means for Developers

Recently, the pre-sale condo market has seen a rise in the number of pre-sale purchasers seeking to avoid completing the purchase of their pre-sale condos. In what circumstances might deficiencies in the construction of a strata lot allow a purchaser to terminate their contract? The BC Supreme Court's decision in *Rhythm Living Ltd. v. Pereira*, [2026 BCSC 555](#) ("Rhythm Living"), provides useful guidance on when deficiencies will, and will not, allow a purchaser to refuse to complete a pre-sale purchase.

The Dispute

Jacinto Araujo Alves Pereira and Evelyn Ann Pereira (the "Pereiras") entered a pre-sale contract (the "Contract") with Rhythm Living Ltd. ("Rhythm") to purchase a newly constructed residential strata unit (the "Unit") for \$799,000 with a \$75,000 deposit. The Contract contemplated that the Unit being purchased would include a pergola, patio extension, a TV, and parking which included an EV charger.

Read the [full article](#) by Connor Watt, Pavneet Grewal and Ravdeep Bal with Clark Wilson.

Annual Rent Increase Lowers as Province again Caps It at Inflation

Summary

- The 2027 annual allowable rent increase of 2.2% is lower than the 2.3% increase in 2026
- This is the seventh consecutive year where the maximum allowable increase has been capped at or below inflation
- The maximum annual allowable rent increase for 2027 takes effect Jan. 1, 2027

More British Columbians will be able to find a home they can afford and build a life in the community they love as the Province continues to tie the annual allowable rent increase to inflation at 2.2% in 2027, down from 2.3% in 2026. Read the BC government [news release](#).

Change of Control of Commercial Tenants: Drafting, Interpretation and Practical Considerations

Change of control provisions are a common feature of commercial leases, yet, in practice, their meaning and operation remain a recurring source of uncertainty. A recent review of the available Canadian jurisprudence and commentary confirms what many practitioners may already suspect: while the substance of change of control provisions may not vary significantly from lease to lease, the interpretation and application of such provisions is fact dependent and complex. While some commentary exists, the legal landscape has not materially evolved in recent history. Given the importance of such provisions, particularly for corporate tenants that may be subject to reorganizations and restructurings, it is worth revisiting the conversation and considering future practice when it comes to drafting change of control provisions. This blog examines how change of control provisions are commonly understood in Canadian commercial leasing, the limited guidance offered by the courts and the competing interests at play in the negotiation of such provisions. It concludes with practical drafting considerations for change of control language in the context of transfer provisions in commercial leases. Read the [full article](#) by Meg Tweedlie and Samuel Judson with Bennett Jones.

Approving a Sale of Co-Owned Properties: What the Purssell v. Purssell Decision Means for Partition of Property Act Proceedings

The dispute concerned an inherited residential property in West Vancouver, owned equally by three siblings. Two of the siblings wanted to sell the property; the third sibling lived in it and wished to continue doing so. In January 2026, Justice Lyster ordered that the property be sold, finding that the sibling wishing to remain could be accommodated through a "right of first refusal," a solution proposed by the other two siblings, one of whom would have conduct of the sale. The selling co-owners later took the position that a right of first refusal was never ordered, despite having told Justice Lyster that such a right "would achieve ... an appropriate balance between the parties." They applied for court approval of a sale to a third party and not to their sibling. At the court approval of sale application, they argued that their sibling did not have a "right of first refusal" and did not repeat what they had said to Justice Lyster. The judge hearing the approval application, who did not have a transcript of the earlier hearing, agreed with them and did not allow the third sibling to exercise her right of first refusal. Read the [full article](#) by Micah Goldberg with Watson Goepel LLP.

Build Canada Homes' First Moves: 4,000 Direct-build Units and a Controversial BC Condo Conversion Push

On Sept. 14, 2025, the Canadian government launched Build Canada Homes, a new federal agency designed to increase Canada's housing supply by building affordable housing at scale. Build Canada Homes will work with provinces, territories, municipalities and Indigenous communities to build affordable community housing for low-income households, while also partnering with private developers to deliver affordable housing for middle-class Canadians. The federal government introduced [Bill C-20](#), the *Build Canada Homes Act* (the Act), on Feb. 5, 2026, to formalize and expand Build Canada Homes' mandate. The Act provides the legislative framework to establish Build Canada Homes as a Crown corporation dedicated to building affordable housing at scale across Canada,

with broader authority and operational flexibility. Read the [full article](#) by Parisa Gerami Hurst and Olivia Butzelaar with Borden Ladner Gervais LLP.

Five Clauses Every Tenant Should Negotiate in a Commercial Lease

Before entering into a commercial lease, it is essential for tenants to thoroughly review and understand the terms. Commercial leases often contain numerous provisions, some of which tenants may overlook or not fully appreciate when it comes to their significance or negotiability. Carefully examining these clauses enables tenants to understand their rights and obligations, the conditions they agree to, and the potential risks involved. This preparation also places tenants in a stronger position to negotiate terms that better align with their needs and interests.

Operating Costs

In a commercial lease, landlords typically pass along a range of expenses, commonly referred to as "operating costs", to the tenant. These costs relate to the operation, management, and maintenance of the property and are often defined broadly, allowing landlords to allocate various charges to tenants. Operating costs are generally recovered as additional rent, which is payable by the tenant in addition to base rent and, depending on the property and the nature of the expenses incurred, the amount of additional rent may equal or exceed the amount of baserent. Additional rent may include items such as utilities, property taxes, maintenance and repair expenses, and, in some cases, costs associated with building defects or capital repairs.

Read the [full article](#) by Rebecca Dales with Harper Grey.

Act or Regulation Affected	Effective Date	Amendment Information
Home Inspector Licensing Regulation (12/2009)	Aug. 1/26	by Reg 10/2026



WILLS & ESTATES

Wills and Estates News:

Executor Removal vs. Section 151 of WESA: Navigating the Two Remedies for Executor Conflict in BC Estates

In the context of estate administration, an executor's principal obligation is to act in the best interests of the beneficiaries and to safeguard the assets of the estate. Yet, at times, an executor may find themselves in a conflict of interest that impinges on their ability to carry out this obligation. For example, an executor may be reluctant to commence a claim on behalf of an estate to recover a debt, if the executor personally is the debtor. Similarly, an executor may not wish to commence a claim where they view it as spurious or too costly. In British Columbia, when such a conflict arises, a beneficiary may apply to court under the [Wills, Estates and \[Succession\] Act](#) (WESA) to have the executor removed and substituted for a more suitable party. In determining whether or not to remove an executor, the court's main consideration is the welfare of the beneficiaries. However, executor removal is not always the best tool under WESA to manage an executor conflict. Under [section 151 of WESA](#), a beneficiary may also apply to court for leave (permission) to commence a claim on behalf of the estate against a third party, including an executor in their personal capacity. By using section 151, the original executor remains in place for all other matters, but the beneficiary takes charge of the claim which placed the executor in a conflict or where the original executor will not otherwise be pursuing the claim. Read the [full article](#) by Dylan Bains, Louise McLeod and Peter J. Roberts, KC with Lawson Lundell LLP.

Rasner v. Berger: When Estate Litigation Can Become an Executor's Personal Problem

A recent decision from the British Columbia Court of Appeal serves as an important reminder that before starting litigation, personal representatives must consider not only whether the claim can be brought, but whether bringing it is truly in the best interests of the estate. Failing to do so may expose them to personal liability for costs if the claim is unsuccessful. In *Rasner v Berger*, [2026 BCCA 166](#), the Court of Appeal refused leave to appeal a costs order requiring an executor to personally pay the successful defendant's costs after an unsuccessful resulting trust claim. While the underlying dispute concerned ownership of a Vancouver condominium, the more important lesson for executors and professional fiduciaries is that courts may look beyond the title of "executor" and examine who truly benefits from the litigation. When a claim is pursued primarily for the executor's own benefit, the executor may face personal costs consequences. Read the [full article](#) by Dwight D. Dee with Miller Thomson.

A Vulnerable Will-Maker, a Controlling Son, and a Valid Will

A recent Supreme Court of British Columbia decision, *Pike v. Pike*, considered an estate dispute involving two wills executed five weeks apart, allegations of undue influence, an elderly will-maker's dependence on an adult child, and recurring payments made before her death. Although the Court found suspicious circumstances and controlling conduct by the child who benefited from the later will, it concluded that the document reflected the will-maker's independent wishes. The case highlights the distinction between influence and legally actionable undue influence. It also demonstrates the importance of careful legal documentation when a will is prepared in potentially contentious circumstances. Read the [full article](#) published by Meridian Law Group.

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