

# Quickscribe Reporter

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## Vol: XXV – Issue 1 – January 2026

### QS News

#### OnPoint to Expand Scope of Annotations on Quickscribe

Quickscribe is pleased to announce that Vancouver-based firm [OnPoint Legal Research Corporation](#) will soon be expanding its contribution of annotations to commonly referenced legislation on Quickscribe, including key procedural laws. OnPoint has been assisting other lawyers with legal research for over 25 years.

OnPoint is already an active contributor, publishing [annotations](#) drawn from its popular [BC Take Five](#) publication. These articles routinely summarize and interpret important cases that cite and apply British Columbia legislation.

Under this expanded role, OnPoint will monitor and comment on relevant case law and legislative developments for a range of popular laws such as the [Supreme Court Civil Rules](#), [Business Corporations Act](#), [Limitation Act](#), [Motor Vehicle Act](#), and [Residential Tenancy Act](#), among others.

**Reminder:** To receive notifications when new annotations are published, you can [follow a specific contributor](#) or open any law of interest and select "Follow Annotations" from the top menu bar for the statute.

#### Spring Session Update

The [next legislative session](#) is set to begin with the speech from the throne on Thursday, February 12. The government has indicated an intention to amend the [Declaration on the Rights of Indigenous Peoples Act](#), but has paused updates to the [Heritage Conservation Act](#). We recommend that you use this time to [create alerts](#) that will keep you informed of any relevant legislative changes.

### New Annotations

New Annotations have been added to Quickscribe:

- [Scott Marcinkow](#), Harper Grey LLP – [Employment Standards Act](#)

If you wish to be alerted when new annotations are published by our contributors, select [My Alerts](#) via the top navigation, then select the "View Expert Annotators". Here you can view and "follow" any contributor from the list.

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



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

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### 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](#).

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## COMPANY & FINANCE

### Company and Finance News:

#### **New Early Consolidations for Financial Institutions Legislation**

Quickscribe has added an [early consolidation](#) of upcoming changes to the [Financial Institutions Act](#) by [2019 Bill 37, c. 39](#), the [Financial Institutions Amendment Act, 2019](#).

On July 1, 2027, some amending sections will be brought into force by [B.C. Reg. 117/2025](#). These changes will replace the requirement of a financial institution to have an investment and loan committee with a requirement to have one or more committees responsible for risk management, investments and loans.

On January 1, 2027, further amendments will be brought into force by [B.C. Reg. 245/2025](#). These changes will authorize the Insurance Council of British Columbia to issue restricted insurance agent licences to certain persons.

We have also added early consolidations of the January 1, 2027 changes to the [Insurance Licensing Exemptions Regulation](#), [Insurer Exemption Regulation](#), [Insurance Commission Exemption Regulation](#), [Shared Premises Regulation](#) and [Prescribed Classes of Insurance for Insurance Licences Regulation](#) by [B.C. Reg. 246/2025](#).

#### **Canada Revenue Agency to Expand GST/HST to Mutual Fund Trailing Commissions as of July 2026**

The Canada Revenue Agency (CRA) has made a significant reversal of its longstanding administrative position on the GST/HST treatment of mutual fund trailing commissions. Historically treated as exempt financial services, the CRA will begin treating trailing commissions paid by mutual fund managers to licensed dealers, and by dealers to agents, as subject to GST/HST effective July 1, 2026.

Trailing commissions received by mutual fund dealers have been treated as additional consideration for facilitating the initial sale of shares or units in a fund and, thus, a GST/HST-exempt financial service. In 2022, the [CRA updated its administrative guidance](#) and introduced some limitations. Read the [full article](#) by Zvi Halpern-Shavim and Elena Balkos with Blakes.

#### **British Columbia Implements Restricted Insurance Agent Licensing Regime for Incidental Sellers**

On December 18, 2025, the Government of British Columbia [announced](#) the long-awaited [Restricted Insurance Agent Licence Regulation](#) ("Regulation"), which will come into force on January 1, 2027, alongside certain provisions of the [Financial Institutions Amendment Act, 2019](#). The Regulation will require certain non-insurance businesses that sell insurance products incidental to consumer goods and services to obtain a [Restricted Insurance Agency \("RIA"\) licence](#) from the Insurance Council of British Columbia ("ICBC"). The Regulation includes transitional provisions that will allow certain businesses and individuals currently exempt from licensing to continue operating under those exemptions for a limited period after January 1, 2027.

The new RIA regime is substantially similar to those already in effect in four other provinces – Alberta, Saskatchewan, Manitoba, and New Brunswick ("Other RIA Jurisdictions") – but contains notable differences regarding the scope of eligible businesses and the types of optional insurance they may sell incidentally to their primary business. Read the [full article](#) by Stuart S. Carruthers, Tim Pavlov, Andrew S. Cunningham and Sandra Elashmouny with Stikeman Elliott LLP.

#### **Canadian Federal Government Releases Hybrid Mismatch and Other Draft Tax Amendments**

On January 29, 2026, the Canadian federal government released draft legislation to implement various tax measures, update previously released draft legislation and make certain technical changes (January 2026 proposals).

The key measure included in the January 2026 proposals is the second package of hybrid mismatch rules, first announced in Budget 2021. The January 2026 proposals also include measures first announced in Budget 2025 and the 2024 Fall Economic Statement, as well as some technical changes. The news release that accompanied the January 2026 proposals invites Canadians to make submissions with respect to the measures by February 27, 2026.

The January 2026 proposals cover a wide variety of measures, many of which are addressed in this Update. Read the [full article](#) from Osler, Hoskin & Harcourt LLP.

#### **CSA Reduces Regulatory Burden in Continuous Disclosure Regime for Investment Funds**

The Canadian Securities Administrators (CSA) today [Jan. 22] [announced](#) final amendments to modernize the continuous disclosure regime for investment funds. These amendments are designed to reduce the regulatory burden on investment fund managers while maintaining the quality and timeliness of disclosure for investors.

The final rules include the following key amendments:

- Exemptions from certain conflict of interest reporting requirements in securities legislation where similar requirements are already satisfied.
- Elimination of certain class- or series-level disclosures from investment fund financial statements that are not required under International Financial Reporting Standards.
- Minor editorial and other revisions to the simplified prospectus form.

Read the [announcement](#) from BCSC.

## Top 5 Need-to-Know Canadian GST/HST Cases from 2025

As the new year begins, it is an opportune time to reflect on the decisions that have shaped the GST/HST landscape. In 2025, the Federal Court of Appeal and the Tax Court of Canada issued several significant rulings with implications for businesses and tax practitioners. This post highlights the top five GST/HST cases from 2025, providing key insights and considerations that may influence tax planning and compliance strategies in 2026.

### 1. No GST/HST Applicable on Tobacco Products Purchased by an Exempt Taxpayer for Resale

*Canada v. LBL Holdings Limited*, [2025 FCA 186](#)

The taxpayer did not charge GST/HST on tobacco products sold to status Indians, who were exempt from tax pursuant to the statutory exemption from taxation for personal property of an Indian or Indian band situated on a reserve. The products were immediately resold to customers. The CRA assessed on the basis that the arrangement was a sham and that the ultimate customers were liable to pay for the products and thus were the recipients of the products for GST/HST purposes. The Federal Court of Appeal (FCA) found that there were no overriding and palpable errors with the factual findings of the Tax Court of Canada (TCC) that the status Indians were liable to pay for the products, and not the ultimate customers.

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

## Updates to BC Sales Taxes

The following updates to sales taxes were recently posted:

### Provincial sales tax (includes municipal and regional district tax)

#### • January 15, 2026

[Bulletin PST 307, Goods Brought Into B.C. for Temporary Use \(PDF, 410KB\)](#), has been updated to:

- Clarify that the provincial portion of HST is considered other sales tax for the purposes of calculating the maximum tax payable
- Note that equipment mounted to a vehicle, vessel, or railway rolling stock has a PST rate of 7% of the purchase price
- Add an example of goods no longer in B.C. for temporary use in the PST Due if Goods No Longer for Temporary Use section
- Clarify what constitutes "B.C. tax previously paid" in the Examples of Calculating the PST Due section
- Revise Example 1 to refer to Alberta instead of Ontario, add a maximum tax payable calculation, and correct the PST payable in the third 12-month period
- Add Example 3 where no PST is payable due to other sales tax paid

[FIN 402, Temporary Use Remittance Return \(PDF, 370KB\)](#), has been updated to:

- Add form fields and revise instructions for B.C. Tax Previously Paid, Other Sales Tax, Total 1/3 (or 1/36) Formula Tax Previously Payable on Item, and Maximum Tax Payable to align with the FIN 402 excel schedule and assist users with calculations
- Clarify that PST under the Provincial Sales Tax Act is not part of other sales tax

### Tobacco tax

#### • January 12, 2026

The [Retailing tax-exempt tobacco page](#) has been revised to:

- Update terminology related to Indigenous Peoples
- Provide additional information about the Tobacco and Fuel Tax Exemption Simplification system (TAFT)

The [Reporting requirements for tax-exempt tobacco page](#) has been updated to add a reference to TAFT.

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

## BC Securities – Policies & Instruments

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

- [96-307](#) – Frequently Asked Questions about Derivatives Trade Reporting
- [81-106](#) – Adoption of Amendments Modernization of the Continuous Disclosure Regime for Investment Funds (Workstream Two and Three)

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

Act or Regulation Affected	Effective Date	Amendment Information
Business Corporations Regulation (65/2004)	Jan. 12/26	by <a href="#">Reg 3/2026</a>
Financial Institutions Act	Jan. 1/26	by 2019 Bill 37, c. 39, section 19 only (in force by <a href="#">Reg 117/2025</a> ), <a href="#">Financial Institutions Amendment Act, 2019</a>
National Instrument 31-103 <i>Registration</i>		



## ENERGY & MINES

### Energy and Mines News:

#### B.C. Mining Racking Up Wins as New Mines, Expansions Move Ahead

Unlike B.C.'s other foundational resource industry – forestry – mining and mineral exploration had a banner year in 2025.

The new Blackwater gold mine poured first gold at the beginning of 2025, spending on mineral exploration hit a new high, several mine development or expansion projects received permits, and Vancouver was chosen as the headquarters for the new post-merge Anglo Teck entity.

There are 24 mining projects in various stages of development in B.C., Mining Association of BC (MABC) president Michael Goehring said at the Natural Resources Forum in Prince George this week.

"All are considered to be in advanced development stages," he said.

This includes 16 critical mineral, five precious metal, and three steelmaking coal projects. Fifteen are new mine projects, six are mine restarts, two are mine extensions and one is a major expansion. Read the [BIV article](#).

#### Federal Government Finalizes Major Amendments to Methane Regulations for Upstream Oil and Gas Facilities

On December 12, 2025, the Federal Government [announced amendments](#) (the Amendments) to the [Regulations Respecting Reduction in the Release of Methane and Certain Volatile Organic Compounds \(Upstream Oil and Gas Sector\)](#) (the Federal Methane Regulations), which are issued pursuant to s. 93 of the [Canadian Environmental Protection Act, 1999](#) (CEPA). On December 31, 2025, the Federal Government published the finalized version of the Amendments in the Gazette. Read the [full article](#) by Will J. Shaw with Lawson Lundell.

#### From Mineral Tenures to Nuclear Projects: The Evolving Role of UNDRIP in Canadian Domestic Law

In 2025, both the B.C. Court of Appeal and the Federal Court of Canada issued significant decisions that speak to the role of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) in interpreting and applying provincial and federal laws. Although subject to appeal, the decisions have immediate and far-reaching consequences for Indigenous peoples, project proponents, and governments.

Key takeaways:

1. **UNDRIP is now part of Canadian law as an interpretive tool:** Both the B.C. Court of Appeal and the Federal Court confirmed that UNDRIP must inform the interpretation of statutes and constitutional obligations, though it does not create new standalone rights.
2. **Legal and policy implications are significant:** Inconsistencies between domestic laws and UNDRIP are justiciable, and regulatory bodies may consider UNDRIP when assessing Crown decision-making.
3. **Consultation standards are evolving:** Canada and British Columbia's legislation to embrace UNDRIP as a framework for reconciliation raised the standard for consultation beyond what the common law would otherwise have required.
4. **British Columbia may amend its UNDRIP legislation in response to these decisions.** If so, what will that look like, and will the federal government follow suit?

Read the [full article](#) by Chris Roine, Rick Williams, Jessica Hennings, Claudia Wheler and Roark Lewis with Borden Ladner Gervais LLP.

#### B.C. Says AI and Data Centre Projects Must Compete for Power in New Selection Process

British Columbia's government is launching a competitive selection process for artificial intelligence and data centre projects that would see companies fight over a set amount of power.

B.C. Energy Minister Adrian Dix said companies that apply could gain access to a total of 400 megawatts of electricity over a two-year period.

"The new approach (prioritizes projects) that support long-term economic, environmental, community and data sovereignty benefits," Dix told a news conference Friday [Jan. 30].

He added the requirement does not apply to traditional industries like liquefied natural gas, forestry or mining. Read the [BIV article](#).

#### Boosting Mineral-Exploration Sector Through New Permit Timelines

Government is taking further steps to improve the permitting process for mineral exploration, after a historic year resulting in a record-breaking \$751 million in exploration spending.

"We are fulfilling our pledge to introduce fixed permitting timelines for B.C.'s vital mineral exploration sector," said Jagrup Brar, Minister of Mining and Critical Minerals. "These timelines, backed by new investment, respond to industry feedback, while still

protecting the environment and respecting reconciliation with First Nations, and will drive even further investment in the booming mining industry."

Beginning April 1, 2026, exploration permits will be processed within 40 to 140 days, depending on the complexity of the proposed activity. Factors will include consultation with First Nations, the size and complexity of the proposed project, the extent of ground disturbance and other variables. This will be achieved through a combination of improvements, including clear up-front guidance, systems changes and process transparency. Read the full government [news release](#).

### Navigating the Legal Depths of Deep-Sea Mining

At first glance, deep-sea mining exploitation may sound like an activity confined to the distant future. In reality, it is increasingly being assessed as a potential solution to mounting pressure on critical mineral and resource supply chains, at a time of accelerating energy transition, geopolitical competition, and strategic resource nationalism. For investors and states alike, the central question is no longer whether deep-sea mining is technically feasible, but whether it is advisable to invest at this stage, or indeed, at all.

That question is, however, inseparable from risk. Investment in deep-sea mining is fraught with uncertainty, beginning with fundamental market considerations. The long-term supply and demand dynamics for critical minerals and resources remain volatile. These market uncertainties are further compounded by a complex and evolving legal environment. Read the [full article](#) by Nabila Abdul Malik, Hui-Qiao Tina Sun (孙慧娇) and Clive Ngan with Fasken.

### Updates to Natural Resource Taxes

The following update to natural resource taxes was recently posted:

#### Oil and natural gas royalties and taxes

##### • January 12, 2026

The new web page [List of Petrinex reporting error messages](#) has been published. This page includes information previously found in the following information sheets:

- Petrinex Error Messages and Associated Penalties
- Petrinex Errors Resulting in a Deemed Royalty

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

### BC Energy Regulator Announcements

The following BC Energy Regulator announcements were posted recently:

- [TU 2026-01](#) – Updates to Project Description and BRFN Implementation Agreement Forms and Submission Process to Improve Permit Efficiency and Transparency
- [TU 2026-02](#) – New Surface Casing Vent Emission Control Notification to Support Methane Reduction Regulations
- [TU 2026-03](#) – New First Nation Incident Notification Capability Coming to CMIS

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

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



## FAMILY & CHILDREN

### Family and Children News:

#### Rescission of Family Practice Direction 10 (Standard Directions for Appeals from Provincial Court – Family Law Act)

A number of amendments to the [Supreme Court Family Rules](#) and [Supreme Court Civil Rules](#) take effect on January 19, 2026 pursuant to OIC No. 432-2025 [\[B.C. Reg. 152/2025\]](#).

Please be advised that Chief Justice Skolrood has rescinded Family Practice Direction 10, which provided standard directions governing the conduct of an appeal under section 233 of the [Family Law Act](#). Directions respecting such an appeal are now incorporated into Rule 1 8-3 of the Supreme Court Family Rules. For more information, please see the attached [notice](#). Source: [B.C. Supreme Court](#).

#### Questions and Answers About Pension Division on the Breakdown of a Relationship in British Columbia 5th Edition

The *Questions and Answers about Pension Division on the Breakdown of a Relationship in British Columbia* has been a trusted guide for navigating the complexities of pension regulation and family law in British Columbia for close to 30 years. Serving both professionals and the public, it offers clear, detailed answers to technical questions about pension division.

This resource has been refreshed to reflect recent legal developments, including the May 2023 passage of [Bill 17](#), which amended Part 6 of the [Family Law Act](#) (and implemented recommendations from BCLI's 2021 [Report on Pension Division: A Review of Part 6 of the Family Law Act](#)). This important work was originally authored by Thomas (Tom) G. Anderson, KC. Read the [update](#) from BCLI.

## Clark Wilson Answers Google's Most Frequently Asked Questions on Child Support

Child support remains one of the most searched and misunderstood topics in family law in 2025. As families continue to evolve, so do the questions surrounding child support. As we head into the new year, we're answering some of Google's most frequently asked questions about child support in British Columbia.

### 1. How does child support work in British Columbia?

Child support is the right of the child, and the law seeks to ensure that both parents contribute financially to their children's care. When parents separate, one parent may be required to pay child support to the other parent to help support their children. If the children live primarily with one parent, the other parent usually pays child support. If the children spend their time with both parents equally, child support is usually paid by the parent who has the higher income.

Read the [full article](#) published by Clark Wilson LLP.

Act or Regulation Affected	Effective Date	Amendment Information
Small Claims Act	Jan. 19/26	by 2025 Bill 10, c. 16, section 21 only (in force by <a href="#">Reg 207/2025</a> ), <a href="#">Attorney General Statutes Amendment Act, 2025</a>
Small Claims Rules (261/93)	Jan. 19/26	by <a href="#">Reg 207/2025</a>
Supreme Court Civil Rules (168/2009)	Jan. 19/26	by <a href="#">Reg 152/2025</a>
Supreme Court Family Rules (169/2009)	Jan. 19/26	by <a href="#">Reg 152/2025</a>



## FOREST & ENVIRONMENT

### Forest and Environment News:

#### B.C. Forestry Review Seeks Overhaul, Moving Focus Away from Harvest Volumes

A government-commissioned review of forestry in British Columbia is calling for the system to be razed and rebuilt with a focus on trust and transparency about the state of the province's forests, shifting away "from managing harvest volumes to managing lands."

The final [report](#) from the Provincial Forestry Advisory Council released Monday [Feb. 2] says trust has been eroded by inconsistent forest data controlled largely by industry and government.

It calls for the creation of a transparent forest inventory based on laser measurements with a new independent body to manage the information. Read the [BIV article](#).

#### Environmental Claims – Common (Law) Sense

Property owners and developers faced with cleanup costs quickly turn their minds to recovering those costs from historic polluters. In BC, those seeking such recovery enjoy many advantages under the province's [Environmental Management Act](#). But, the Act is not suited to every situation.

If your property is contaminated, consider employing the common law, a body of law that has historically provided recourse for losses arising from environmental damage. While the Act is designed to facilitate recovery of one's 'remediation' costs, what if you don't have any hard costs but your property value has been impacted? Or, what if you can't access the contamination or an odour or vapour is the problem? Read the [full article](#) by [Richard E. Bereti](#) with Harper Grey LLP.

#### Federal Appeals Court Reinstates 'Toxic' Label for Plastics in Major Win for Ottawa

*B.C.'s attorney general had argued there are 'practical limitations' on provinces ability to combat plastic pollution, and that the feds are best placed to deal with the problem*

A Federal Court of Appeal has reversed a lower court's decision that had derailed the federal government's efforts to classify manufactured plastics "toxic."

The three-judge panel sided unanimously in Ottawa's favour in a major victory for the Liberal government and its efforts to regulate plastic waste.

In 2023, a federal judge struck down the government's classification of manufactured plastics, finding it was unreasonable, unconstitutionally broad and a violation of provincial jurisdiction.

On appeal, industry groups had argued that only one per cent of plastic becomes pollution and that a blanket "toxic" label was overreach.

The latest decision [[2026 FCA 17](#)] rejected that logic, finding that one per cent accounted for 29,000 tonnes of plastic entering the environment every year. If 29,000 tonnes of plastic are not enough to make the listing reasonable, questioned the judges, what



percentage does? Read the *BIV* [article](#).

### **B.C. Defines Framework for Measuring Climate Outcomes in Forestry**

*New method assesses effects of silviculture on climate, aimed at reducing greenhouse-gas emissions*

To address a recommendation from the Office of the Auditor General of British Columbia, the Province has established a new method that measures how silviculture investments contribute to climate-change mitigation.

In response to Recommendation 1 from the auditor general's report [Ministry of Forests: Calculating Forest Carbon Projections](#), the chief forester has approved a new method to support consistent and transparent carbon projections for forest investment activities. Read the provincial [news release](#).

### **How Is Canada Managing the End-of-Life for EV Batteries?**

Right now, it's a work in progress.

For other consumer products – from paint to electronics – Canada has relatively comprehensive end-of-life ("EOL") regulatory frameworks. These stewardship and extended producer responsibility ("EPR") systems seek to ensure that producers fund and manage the collection, reuse, and recycling of their products. However, when it comes to electric vehicle ("EV") batteries, the road to responsible EOL disposal is still under construction. Unlike existing EPR systems, EV batteries lack a cohesive regulatory framework, leaving industry-led initiatives to fill the gap. Without this clarity, stakeholders face uncertainty around compliance, liability, and long-term investment, making it harder to garner the confidence and support needed for a truly circular economy.

With an estimated 93,000 batteries needing recycling by 2040 and nearly 500,000 by 2045, early planning and coordinated action are essential to build a practical, circular system. Meeting this challenge presents an opportunity to build a robust, circular system for EV batteries. Achieving that vision will require proactive planning and strong collaboration between industry and regulators to ensure solutions that are practical, sustainable, and aligned with Canada's broader environmental goals. Read the [full article](#) by Elana Yamanouchi, Emma Hobbs, Mark Youden and Thomas J. Timmins with Gowling WLG.

### **Land Use Objectives Established and Amended**

Notice is hereby given that a ministerial order has been made for the Gwa'ni planning area, as well as associated amendments to three other orders, pursuant to Section 93.4 of the [Land Act](#), for the purposes of the [Forest and Range Practices Act](#). The new order establishes land use objectives for the Gwa'ni planning area. The amendment orders modify or repeal objectives from the Vancouver Island Land Use Plan Higher Level Plan Order, Lower Nimpkish Landscape Unit Order, and Upper Nimpkish Landscape Unit Order that overlap the Gwa'ni planning area.

These orders take effect on the date this notice is published in *The British Columbia Gazette*.

These orders support the implementation of key planning recommendations of the Gwa'ni Land Use Planning Project and align with the draft Tree Farm Licence 37 Forest Landscape Plan. The proposed orders were advertised for public review and comment for a period of 60 days ending Nov. 18, 2025. The comments that were received did not result in substantive changes to the orders.

The new order and the three amended orders, plus supporting information, have been filed at the West Coast Region office of the Ministry of Water, Land and Resource Stewardship at 2080 Labieux Road, Nanaimo, BC V9T 6J9. Copies of these documents can also be acquired from the North Island-Central Coast Natural Resource District office at 2217 Mine Road, Port McNeill, BC V0N 2R0.

Copies of the new order, amended orders, and associated documents are available online at: <https://www.gov.bc.ca/gov/content/industry/crown-land-water/land-use-planning/regions/west-coast> [ja15]

Source: [British Columbia Gazette](#).

### **Appeals Court Upholds Ban on Fish Farms in B.C.'s Discovery Islands**

Canada's Federal Court of Appeal has upheld Ottawa's decision to end salmon farming in B.C.'s Discovery Islands.

The Jan. 29 ruling [[2026 FCA 19](#)], the latest in nearly five years of litigation, stems from a December 2020 decision by then Fisheries Minister Bernadette Jordan to phase out open-net pen salmon farms in the Discovery Islands.

Fish farm companies successfully challenged that decision in court. But in 2023, Joyce Murray, who took over as fisheries minister, refused to re-issue 15 aquaculture licences in the islands off Campbell River. The Federal Court upheld that decision in 2024 and again this week by the Court of Appeal.

The decision upholds the fisheries minister's "precautionary approach" to salmon farms and already appears to be paying off, according to Karen Wristen, executive director of Living Oceans Society, an intervener in the case. Read the *BIV* [article](#).

### **Increasing Protection of Important Wildlife Habitat**

*Land is being added to two protected areas*

Nearly 1,060 hectares is being added to West Twin Protected Area to increase protection of important wildlife habitat across the Robson Valley.

Located near McBride, the expansion includes 59 hectares of private land adjacent to the protected area that was purchased by the Province in March 2020, along with approximately 1,000 hectares of Crown land.

West Twin Protected Area was established in 2001, and together with adjacent West Twin Park, covers more than 30,000 hectares to form the only protected wildlife corridor across the Robson Valley. Read the government [news release](#).

### **B.C. Seeking Public Input on Proposed Hunting Regulation Updates**

All people in B.C. are invited to give input on proposed updates to hunting and trapping regulations for 2026-28.

### Reviewing hunting and trapping regulations

Every two years, the Province reviews hunting and trapping regulations to support sustainable wildlife management and respect First Nations' harvest rights, as well as balance conservation with economic and recreational opportunities. Proposed changes are informed by the best-available science and Indigenous Knowledge, and developed through consultation and engagement with First Nations, hunters and stakeholder organizations.

Read the B.C. government [news release](#).

### Environmental Appeal Board Decisions

The following Environmental Appeal Board decisions were made recently:

#### Environmental Management Act

- [Harbourside Lodge Bamfield Ltd. v. Director, Environmental Management Act](#) [Final Decision – Determination Confirmed; Appeal Dismissed]
- [Canadian Natural Resources Limited v. Director, Environmental Management Act](#) [Consent Order – Stay Extended]
- [Fairmont Hot Springs Resort Ltd. v. Director, Environmental Management Act](#) [Dismissal Order – Appeal Dismissed]

#### Water Sustainability Act

- [Albert Gibson v. Assistant Water Manager](#) [Dismissal Order – Appeal Dismissed]

#### Wildlife Act

- [Cassidy Caron v. Executive Director, Wildlife Branch](#) [Final Decision – Appeal Dismissed]
- [Stephen Kim Sedrovic v. Deputy Regional Manager, Ministry of Water, Land and Resource Stewardship](#) [Document Production Application – Denied]

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

### Forest Appeals Commission Decisions

The following Forest Appeals Commission decision was made recently:

#### Wildfire Act

- [Eldon Whalen v. Government of British Columbia](#) [Final Decision – Appeal Allowed; Determination Set Aside]

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

Act or Regulation Affected	Effective Date	Amendment Information
Forest and Range Practices Act	Jan. 1/26	by 2019 Bill 21, c. 25, section 5 only (in force by <a href="#">Reg 163/2023</a> ), <a href="#">Forest and Range Practices Amendment Act, 2019</a>
Forest Planning and Practices Regulation (14/2004)	Jan. 1/26	by <a href="#">Reg 163/2023</a>
Forest Recreation Regulation (16/2004)	Jan. 12/26	by <a href="#">Reg 5/2026</a>
Low Carbon Fuels (Technical) Regulation (295/2023)	Jan. 1/26	by <a href="#">Reg 24/2025</a>



## HEALTH

### Health News:

#### Vaping on Trial: The Effects of British Columbia's Vaping Product

##### **Damages and Health Care Costs Recovery Act**

On December 2, 2025, Bill 24 received Royal Assent, bringing into force the [Vaping Product Damages and Health Care Costs Recovery Act](#) (the Act). The Act is designed to permit the Government of British Columbia (the Government) to seek recovery of public health care costs associated with vaping-related illnesses, injuries, and addiction. The Act provides the Government with a direct and distinct cause of action against companies involved in the vaping industry, including manufacturers, wholesalers, consultants, and trade associations. The legislation mirrors the [Opioid Damages and Health Care Costs Recovery Act](#) and the [Tobacco Damages and Health Care Costs Recovery Act](#). It may also lead to the commencement of class actions by the Government on behalf of other provincial governments or the federal government, as has occurred further to the adoption of other cost recovery legislation.

With the exception of retailers that are unaffiliated with manufacturers, the new law captures anyone connected to the manufacture, promotion, distribution, or sale of "vaping products"; namely, nicotine-containing devices and substances, with some cannabis-



related exceptions. The Government may sue in its own right (rather than on behalf of another party) and recover costs on either an individual or population-wide basis. Read the [full article](#) by Amy Pressman, Becky Rock and Lauren Kelly with DLA Piper.

#### **Ombudsperson Finds Ongoing Gaps in Safeguards for Involuntary Patients Under BC's Mental Health Act**

A new BC Ombudsperson [report](#) finds that too often key legal safeguards for involuntary patients under BC's [Mental Health Act](#) are still not being applied across the province, despite improvement since the office's 2019 [Committed to Change](#) investigation.

##### **Audit results show key safeguards are still missed**

The report draws on the Ministry of Health and health authorities' quarterly audit results for July to September 2024, which show that required documentation was missing in a significant number of patient files, including forms outlining the reasons for admission, documenting treatment decisions and consent, and confirming that patients have been informed of their rights.

Read the [full article](#) from the Office of the Ombudsperson.

#### **A Rare B.C.-Wide Alert Has Been Issued Over Toxic Drugs**

B.C. officials issued a rare provincewide alert over an increase in toxic drug poisonings, saying on Monday [Jan. 26] that unregulated drugs contaminated with medetomidine are the most likely cause.

During the week of Jan. 16 to 22, B.C. paramedics responded to over 1,100 drug-poisoning calls, including 256 calls on Jan. 21 alone – a single-day record for the province. The previous single-day record was 222 calls on Nov. 19, 2025. Medetomidine was also believed to have been responsible for that increase in drug poisonings, according to health officials.

Medetomidine is a non-opioid approved for use as an animal sedative by veterinarians, according to the B.C. Centre for Disease Control. It's used to help control aggression in animals or for pre-surgical sedation. It's 200 times stronger than xylazine, another powerful non-opioid sedative used mainly for horses and cattle that has previously been found in B.C.'s drug supply. Read the [Vancouver Sun article](#).

#### **Chronology of the Decriminalization Pilot**

BC's decriminalization pilot will come to an end on January 31, 2026. The aim of this initiative was to address the overdose crisis by removing stigma that prevents individuals from seeking life-saving support and treatment.

The pilot, the first of its kind in Canada, removed criminal penalties for the possession of small amounts of illegal substances for personal use. Speaking with reporters early in January, Premier David Eby said that the pilot "did not work". Health Minister Josie Osborne said the pilot "hasn't delivered the results we hoped for," as she announced that the Province would not seek an extension from Health Canada. Read the UBCM [article](#).

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



## **LABOUR & EMPLOYMENT**

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

#### **BC Labour Relations Board Introduces Online Form for Filing Collective Agreements**

The British Columbia Labour Relations Board (the "Board") has launched a new [online form](#) for parties to file their collective agreements.

As a reminder, section 51 of British Columbia's [Labour Relations Code](#) requires each party to a collective agreement to file a copy with the Board within 30 days of its execution. If a collective agreement is not filed as required, the Board may decline to consider it in any proceeding before the Board.

The filing requirement can be met by either (i) completing the new online form, or (ii) submitting a copy of the agreement to the Board via email. The Board has clarified that filing with other entities (such as the BC Bargaining Database) does not satisfy the section 51 requirements of the Code. Read the [full article](#) by Lyann Danielak with McCarthy Tétrault LLP.

#### **Income and Disability Assistance Call Wait Times Still Failing Years After Ombudsperson Warnings**

Most people calling the Ministry of Social Development and Poverty Reduction for income and disability assistance are still waiting far longer than the government's own service standards allow, according to a [new update](#) from the BC Ombudsperson, which finds that the core problems identified eight years ago have not been resolved.

The update follows the Ombudsperson's 2018 systemic investigation, [Holding Pattern: Call wait times for income and disability assistance](#), which found that prolonged delays in reaching the ministry by phone created barriers to accessing essential services. Read the [full article](#) from the Office of the Ombudsperson.

#### **Injunction Available to Fill Remedial Gap in**

### Labour Case: BC Court of Appeal

*TELUS Communications Inc. v Telecommunications Workers Union*, [2026 BCCA 5](#), was an appeal of a chambers judge's decision [[2024 BCSC 1613](#)], which "challenges an order granting an interim injunction against a federally regulated employer in the labour relations context. The injunction has since expired but legal questions arising from that proceeding will benefit from appellate consideration."

As the court noted, "the appeal is focused on three discrete legal issues: a) Does a Supreme Court judge have jurisdiction to grant an interim injunction in the federal labour relations context before the appointment of an arbitrator? b) If an injunction is available, must it end the day an arbitrator is appointed? c) Is a judge obliged to require an undertaking as to damages?" Read the [full article](#) by Kevin Zakreski with BCLI.

### *Ursic v. Country Lumber Ltd.*: The Spectrum Between Independent Contractors and Employees

In *Ursic v. Country Lumber Ltd.*, [2025 BCSC 970](#), the British Columbia Supreme Court (the "Supreme Court") examined an employer's obligations towards a dependent contractor upon termination without cause. In general, a way of viewing independent contractor versus employee classifications is that the two classifications are on opposite ends of a spectrum. Sometimes a working relationship is somewhere in between, which is a classification called a dependent contractor. A dependent contractor is neither an 'employee' nor an independent contractor. Instead, a dependent contractor may have factors whereby the worker was economically dependent on the employer and derived a large majority of the worker's income from the employer, or the employer had a high degree of control of the worker, amongst other factors. The Supreme Court emphasized that a lower notice period should not automatically be applied to dependent contractors. Read the [full article](#) by Tiffany Lee with Pushor Mitchell LLP.

### How to Use NDAs Without Getting Burned

When the Vancouver Symphony Orchestra (VSO) threatened legal action against a former violinist who broke a non-disclosure agreement (NDA) to talk about alleged sexual assault, the story eventually made headlines.

The orchestra has now pledged to largely abandon NDAs in cases involving sexual misconduct unless a complainant specifically wants one.

But two employment lawyers speaking to Canadian HR Reporter say that doesn't mean confidentiality clauses are dead – just that employers need to be more strategic, transparent and careful in how they are drafted and used. Read the [full article](#) by Sarah Dobson in the *Canadian HRReporter*.

Act or Regulation Affected	Effective Date	Amendment Information
Employment and Assistance for Persons with Disabilities Regulation (265/2002)	Jan. 1/26	by <a href="#">Reg 194/2025</a>



## LOCAL GOVERNMENT

### Local Government News:

#### Small-Scale, Multi-Unit Housing Policy Manual Updated

On January 20, 2026, the [Provincial Policy Manual & Site Standards: Small-Scale, Multi-Unit Housing](#) was updated to reflect changes made by [2025 Bill 25, c. 26, Housing and Municipal Affairs Statutes Amendment Act, 2025](#), which came into force on November 27, 2025. The legislation was implemented to ensure consistency throughout the province on matters related to proactive planning, development finance tools and transit-oriented areas. Some of the changes include:

- expanding the definition of "Restricted Zone" to include all lots where a single detached home with a secondary suite and detached accessory dwelling unit are allowed;
- clarifying that all residential lots in Restricted Zones must be zoned to permit between three and six dwelling units, depending on certain criteria;
- providing guidance on zoning amendments when bus frequencies change;
- providing information on site-level infrastructure and transportation demand management authorities;
- providing guidance on implementation of standardized designs;
- clarifying application of Building Code requirements to previously occupied buildings in a strata plan; and
- providing considerations of setbacks from utility lines.

Local governments are required to update their bylaws by June 30, 2026 to comply with these new requirements, except in areas where an extension has been granted or an exemption to the requirements applies.

#### Changes to Payment of DCCs, ACCs and SSACs Are Now In Effect

When a developer obtains subdivision approval or a building permit, they may be required to pay one or more of the following: (a) local government development cost charge ("DCC") pursuant to [Section 559 of the Local Government Act](#), ("LGA"); (b) an amenity cost charge ("ACC") pursuant to [Section 570.2 of the LGA](#); and (c) a school site acquisition charge ("SSAC") pursuant to [Section 572](#)

of the [LGA](#), in addition to other charges that may be imposed by government bodies. Read the [full article](#) by Kai Hsieh.

### **Keep It on the Record: BCSC Quashes Zoning Decision Based on Information Not Tested before Council**

On December 2, 2025, the Supreme Court of British Columbia set aside the Township of Langley's decision to refuse a site-specific zoning amendment for West Creek Farms Ltd ("West Creek"). The Honourable Justice Marzari found Council's reasons for the zoning amendment denial were not adequately grounded in the record of the decision, and as such violated the deferential standard of "reasonableness" as formulated in *Vavilov*. The decision is indexed as, *West Creek Farms Ltd. v Langley (Township)*, [2025 BCSC 2385](#), and reminds local governments that they must base discretionary land-use decisions on information which is on the record and available to all of Council. In addition, when making decisions, councillors and board members should explain their reasoning coherently and avoid relying on personal information which is detached from the public hearing process and which brings in information not available on the record. Read the [full article](#) by Matt McCarthy with SMS.

### **Province Delays Heritage Conservation Act Legislation**

The provincial government has announced postponement of proposed amendments to the [Heritage Conservation Act](#) (HCA) that had originally been anticipated for spring 2026. In a November 2025 [report](#) submitted to the Ministry of Forests on proposed changes to the HCA, UBCM conveyed members' overwhelming support for a pause to legislative development to allow for face-to-face consultation. UBCM will be following up with the Ministry of Forests to learn more about its plans for further engagement. UBCM's report identified risks, inconsistencies and challenges with the amendments proposed by the Province. Key elements of these concerns include:

- The potential scope creep of the proposed expanded definition of "heritage" to include specified intangible cultural values.
- The need for a continuing and clearly defined provincial role in matters of compliance and enforcement to avoid perceptions of self-interest that would be created by delegating these authorities to First Nations exclusively.
- The need for the ability of local governments to choose among archaeological firms when compliance work is being undertaken coupled with the need to expand the body of archaeologists certified to do the work.
- Belief that the changes proposed would do the opposite of the stated goal of expediting permitting processes thereby slowing development and adding to the costs of residential, business and industrial landowners.

Read the full UBCM [article](#) for additional details.

### **BC Supreme Court Grants Statutory Injunction in Construction Dispute**

In *Surrey (City) v Randhawa*, [2026 BCSC 16](#), "the City of Surrey [sought] various declarations and injunctive relief to restrain the respondents from conducting further construction and to require the demolition of what it says is the unauthorized construction on the Property". The case illustrates how the court deals with statutory injunctions, which are subject to a different test than the standard one that applies to most pre-trial injunctions. The underlying dispute involved unauthorized construction due to failure to obtain building permits. The court's consideration of whether to grant the city an injunction began with the issue of whether the respondent property owners were in breach of the city's building bylaws. Read the [full article](#) by Kevin Zakreski with BCLI.

### **When Dense Makes Sense: BCSC Cancels Obsolete Building Scheme to Clear Way for Townhouses**

Modern urban development offers opportunities for community growth, aligning neighbourhoods with evolving planning priorities and the dynamic needs of expanding populations. The British Columbia Supreme Court's recent decision in *Smith v. Clearwater Park GP Inc.*, [2025 BCSC 1239](#) (*Smith v Clearwater*) recognizes this. It emphasizes that land use is not static, and old building schemes, designed to limit development, are not always operative. In *Smith v Clearwater*, Squamish property owners (the Smiths) sought to prevent the development of a townhouse complex beside their home, relying on a restrictive covenant from 1959 which they say only allowed the construction of single-family homes. The issue was whether the building scheme, which left all development decisions to the discretion of a now dissolved entity, could prevent Clearwater Park GP Inc. (the Developer) from building its townhouse project. The District of Squamish (Squamish), though ostensibly neutral through the hearing, was clear in its position that the building scheme was incompatible with the objectives of Squamish's Official Community Plan (OCP). Squamish's deliberate move toward higher-density housing fits a broader trend of urban communities seeking greater densification despite opposition from stakeholders who fight to preserve the status quo. Read the [full article](#) by Matthew G. Swanson, Matthew Tolan and Les Honywill with Borden Ladner Gervais LLP.

### **Fire Safety Act Administrative Penalty Process**

Documents outlining the [administrative penalty process](#) under the [Fire Safety Act](#) are now available. In the coming months, the Office of the Fire Commissioner will host virtual information sessions for local government to discuss the process in more detail. Since the *Fire Safety Act* (FSA) came into effect on August 1, 2024, the Office of the Fire Commissioner (OFC) has been working to finalize key processes related to the legislation. The latest step is the introduction of the administrative penalty (AP) process. Read the UBCM [article](#).

### **Richmond Challenging BC Privacy Watchdog's Order to Remove Surveillance Cameras**

The City of Richmond said it will challenge an order by British Columbia's privacy watchdog to remove high-definition surveillance cameras at an intersection on the grounds the city lacked authorization to gather private information. It [said in a statement](#) that it had "clearly stated" to the Office of the Information and Privacy Commissioner of BC that its public safety camera program is "lawful" and it's now "positioned to have the legality" of its program determined by the courts. Commissioner Michael Harvey this week [ordered the city](#) to get rid of the cameras at the intersection of Minoru Boulevard and Granville Avenue. It came after an investigation report concluded the [Freedom of Information and Protection of Privacy Act](#) didn't grant the city legal authority to use them. A letter, sent from Harvey to Minister of Citizens' Services Diana Gibson on Tuesday [January 14], said he ordered the city to "stop the collection, delete recordings, and disable the equipment" after concluding that the city isn't authorized to collect personal information through the camera system. Read the CBC [article](#).

## Canada and FCM Announce Support for 80 Community Climate Adaptation Projects

Today [January 15, 2026], the Honourable Julie Dabrusin, Minister of Environment and Climate Change, and St. John's Mayor and FCM Board of Directors member Danny Breen announced a \$7.1 million investment to support 80 climate adaptation projects across Canada. This funding will enable local governments to develop climate-focused asset management strategies, comprehensive risk assessments, and adaptation plans that protect communities and infrastructure from increased climate threats. In addition, this investment provides funding for several implementation projects designed to bolster community resilience to climate change. This investment was made through the Green Municipal Fund's Local Leadership for Climate Adaptation (LLCA) initiative. Read the [FCM article](#).

## BC Cities Say They're on the Hook for Millions for Housing, Social Issues Due to Senior Gov't 'Downloading'

BC municipalities have long complained senior levels of government have offloaded a medley of costs and responsibilities onto them. Now some cities are trying to quantify how much they've taken on – and they're reporting millions of dollars in "downloaded" costs. The municipalities say downloading costs can strain local budgets and make it harder for them to pay for core services like roads, parks and community centres as they take on more responsibility for increasingly complex issues historically managed by the provincial and federal governments. Read the [CBC article](#).

## BC Ombudsperson Releases Updated Guide on Open Meetings to Support Transparency across Local Governments

The Office of the Ombudsperson has released an updated edition of its [Open Meetings: Best Practices for Local Governments](#) guide, designed to support municipalities, regional districts, and other local governments in meeting their legal obligations to hold meetings that are open, accessible, and transparent. Originally published in 2012, the guide has been comprehensively updated to reflect legal, operational, and societal changes that have occurred in the more than a decade since its initial release. The revised version addresses evolving meeting practices – including the rise of electronic and hybrid formats – and incorporates updated legislation such as the [Accessible BC Act](#) and the [Declaration on the Rights of Indigenous Peoples Act](#), as well as lessons learned during the COVID-19 pandemic. Read the [full news release](#) published by the Office of the Ombudsperson.

Act or Regulation Affected	Effective Date	Amendment Information
Development Cost Charge Regulation (114/2018)	Jan. 1/26	by <a href="#">Reg 190/2025</a> and <a href="#">Reg 248/2025</a>
Development Charge (Instalments) Regulation (166/84)(formerly <i>Development Cost Charge and Amenity Cost Charge (Instalments) Regulation</i> )	Jan. 1/26	by <a href="#">Reg 99/2025</a> , <a href="#">Reg 161/2025</a> and <a href="#">Reg 239/2025</a>
Islands Trust Act	Jan. 1/26	by 2025 Bill 13, c. 7, section 12 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes Amendment Act, 2025</a>
Local Elections Campaign Financing Act	Jan. 1/26	by 2025 Bill 13, c. 7, sections 13 to 19 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes Amendment Act, 2025</a>
Local Elections Campaign Financing Regulation (281/2021)	Jan. 1/26	by <a href="#">Reg 203/2025</a>
Local Government Act	Jan. 1/26	by 2025 Bill 13, c. 7, sections 20 to 37 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes Amendment Act, 2025</a>
Railway Safety Adopted Provisions Regulation (210/2004)	Jan. 15/26	by <a href="#">Reg 223/2025</a>
School Act	Jan. 1/26	by 2025 Bill 13, c. 7, section 72 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes Amendment Act, 2025</a>
Short-Term Rental Accommodations Act	Jan. 1/26	by 2025 Bill 25, c. 26, section 34 only (in force by Royal Assent), <a href="#">Housing and Municipal Affairs Statutes Amendment Act, 2025</a>
Vancouver Charter	Jan. 1/26	by 2025 Bill 13, c. 7, sections 48 to 60 only (in force by Royal Assent), <a href="#">Miscellaneous Statutes Amendment Act, 2025</a>



## MISCELLANEOUS

## Miscellaneous News:

### Supreme Court Clarifies Test for Using Past Conviction Records

The Supreme Court of Canada has clarified how an accused's prior convictions may be used during a trial to challenge their credibility. The question at the centre of [R. v. Hussein](#) was whether the trial judge made an error in dismissing the accused's application to exclude parts of his criminal record from evidence at a jury trial. The matter dates back to February 1, 2017, when Awale Hussein was one of eight people at a house party in a basement suite in Ottawa. Over the course of the night, one of the party attendees was fatally stabbed. Hussein was not there when the police arrived, but his blood was found at the scene. Read the [full article](#) by Dale Smith with CBA National.

### BC's Declaration on the Rights of Indigenous Peoples Act Amendment Plan Met with Pushback from CBABC

The British Columbia government's plan to reform the [Declaration on the Rights of Indigenous Peoples Act](#) has been met with pushback from the Canadian Bar Association's BC branch. According to CBABC president Patricia Blair, the amendment restricts the contribution of courts to BC's reconciliation efforts, potentially cutting off people's access to independent courts in the event of disputes. Read the [full article](#) by Jacqueline So with *Canadian Lawyer*.

### R v. Hardenstine, 2025 BCSC 889: Use of Force and the Perils of Unreliable Sources

In *R v. Hardenstine*, [2025 BCSC 889](#) [Hardenstine], the BC Supreme Court excluded evidence seized by police following a police traffic stop, arrest, and use of force which the Court found were violations of the accused's [Charter](#) rights. This case serves as a cautionary tale for police relying on unreliable information when detaining a suspect and illustrates how courts assess appropriate use of force. Mr. Hardenstine was wanted for arrest on several outstanding warrants, and in the evening of April 4, 2024, police received a tip from an individual who said he knew Mr. Hardenstine's whereabouts. The caller advised police that Mr. Hardenstine had agreed to sell him two firearms and that Mr. Hardenstine intended to use the sale proceeds to leave the jurisdiction. The caller gave police a false name, changed the location of the alleged sale several times, and did not provide police with any details about the type of vehicle Mr. Hardenstine would be driving. The officer who took the call initially believed the caller was lying; however, despite the officer's reservations about the informant, the detachment was briefed on the call. Read the [full article](#) by David McKnight and Naomi Krueger with Alexander Holburn Beaudin + Lang LLP.

### Insurance Policy Doesn't Entitle Family to Additional Rebuilding Costs: Supreme Court

The Supreme Court of Canada has sided with an insurance company in a dispute over coverage for a family whose home on the Ottawa River was declared a total loss due to flooding. Trillium Mutual Insurance Co. acknowledged that the loss of Stephen and Claudette Emond's house in April 2019 was covered under a homeowners' insurance policy. The Emonds planned to rebuild their house, but there was disagreement about whether the policy covered the cost of additional work to comply with requirements set out by the local conservation authority. The family sought a declaration that a "guaranteed rebuilding cost" provision entitled them to recover the total expense of rebuilding their house, with no limitation on coverage for the cost of meeting the legal requirements. Read the [full story](#) reported published by the Canadian Press.

### Notice to Profession Re: Assignment of s. 551.1 Case Management Judges for Criminal Pre-trial Applications and Voir Dires

A Notice has been issued regarding the assignment of case management judges in criminal proceedings. Please review the Notice on the Criminal Practice Directions page, or by clicking [here](#). From the [B.C. Supreme Court](#)

### Despite Push, BC Hasn't Joined Other Provinces, U.S. States in Limiting NDAs

The BC government's failure to pass a law banning confidentiality agreements like the one that a Vancouver Symphony Orchestra musician breached recently is disappointing, says a Vancouver lawyer who is part of a group drafting model legislation for any province to adopt. "We have been advocating for this for some time," said lawyer Jennifer Khor. VSO violinist Esther Hwang recently went public with the story of how she was forced to sign a confidentiality agreement as part of a settlement of her sexual-assault complaint against a senior member of the orchestra. After initially threatening legal action against Hwang, the VSO said it wouldn't pursue further action and added that it would not use confidentiality agreements in future cases involving sexual misconduct. Khor and other supporters of restricting the use of the so-called non-disclosure agreements, say the BC government's failure to act unfairly shifts the onus to oppose them onto victims of sexual misconduct and other offences. And it also allows offenders to relocate for new employment, potentially allowing them to abuse other unknowing victims, they say. Read the [Vancouver Sun article](#) (paywall).

### Amid Extortion Fears, Some Surrey, BC, Residents Call for Stronger Self-defence Laws

As extortion threats and shootings continue to rattle Surrey, BC, some residents are calling for stronger self-defence laws, including those that would allow people to use firearms to protect themselves. Resident Garry Purewal says the ongoing violence has eroded trust in institutions and left residents feeling unsafe inside their own homes. This month alone, police say there have been [35 suspected extortion incidents](#) in Surrey, numerous of them involving shootings. "This has very much shaken the community," said Purewal. He was among dozens of people who gathered for a rally at King George Boulevard and 88 Avenue, close to Bear Creek Park, on Sunday, urging police and government officials to take stronger action against extortion and better protect the city's residents. "When people start to lose trust in institutions, what happens is people start to take laws into their own hands," said Purewal, one of the rally organizers. Police and Surrey-Cloverdale MLA Elenore Sturko have urged residents not to take part in vigilantism and to leave law enforcement to trained officers. Purewal said he wants to see "castle" and "stand-your-ground" laws introduced, which are used in parts of the United States and can allow individuals to use force, including deadly force, to protect themselves against an intruder in their home. Read the [CBC article](#).

### Sealing the Sacred: Court Protects

## Indigenous Cultural Information

As Aboriginal rights and title claims continue being adjudicated, courts increasingly must confront how to treat, respect, protect, and hear as evidence Indigenous cultural information. As Chief Justice McLachlin recognized in *Mitchell v. MNR*, [2001 SCC 33](#), "[t]he flexible adaptation of traditional rules of evidence to the challenge of doing justice in aboriginal claims is but an application of the time-honoured principle that the rules of evidence are not 'cast in stone, nor are they enacted in a vacuum.'" In *Malii v. British Columbia*, [2025 BCSC 242](#), the British Columbia Supreme Court provided helpful insight into how courts will tackle these important issues. The Court addressed the appropriate method of protecting sensitive Indigenous cultural information in the context of an Aboriginal rights and title action. Malii is part of a larger trend where courts have adopted flexible approaches to allow for Indigenous history and cultural knowledge to be heard in court. Read the [full article](#) by W. David Rankin, Maeve O'Neill Sanger, Shelby Empey and Daniel Kiesman with Osler.

## Campus Conduct and the Courts: University Discipline and Charter Challenges in BC

The Supreme Court of British Columbia recently dismissed a petition for judicial review brought by a student against Vancouver Island University ("VIU") in *Kishawi v. Vancouver Island University*, [2025 BCSC 2487](#). The case concerned disciplinary actions taken by VIU, including a two-year suspension for breaches of its Student Conduct Code. The student alleged procedural unfairness, unreasonable exercise of discretion, and violations of her [Canadian Charter of Rights and Freedoms](#) (the "Charter") protected right to freedom of expression. The Court upheld VIU's decisions, finding they were reasonable, procedurally fair, and within its statutory authority under the [University Act](#). The Court also ruled the Charter does not apply to VIU's disciplinary process. Read the [full article](#) by Tariq Ahmed and Shelby Boehm with Fasken.

Act or Regulation Affected	Effective Date	Amendment Information
Acting Conflict of Interest Commissioner Continuation Act	<b>REPEALED</b> Jan. 5/26	by <a href="#">Reg 230/2025</a>
Provincial Immigration Programs Regulation (20/2017)	Jan. 22/26	by <a href="#">Reg 4/2026</a>



## MOTOR VEHICLE & TRAFFIC

### Motor Vehicle and Traffic News:

#### Drone Law in Canada – New Rules and Current Regulatory Environment [Canadian Aviation Regulations]

Whether referred to as unmanned aerial vehicles (UAVs) or remotely piloted aircraft systems (RPAS), drone aircraft are rapidly growing in popularity and commercial relevance. Drones can be operated by remote control, via smartphone applications, or autonomously, allowing access to remote or difficult-to-reach locations with minimal manpower, cost, time, and effort. Individuals, commercial enterprises, and governments increasingly rely on drones to perform a wide range of activities, including

- aerial photography
- express shipping and delivery
- precision agriculture and crop monitoring
- unmanned cargo transport
- cinematography and videography
- topographic mapping and analysis
- 3D modelling and rendering
- infrastructure inspection and regulatory compliance

#### Current regulatory landscape

Canada has one of the most comprehensive and structured drone regulatory frameworks in the world set out in the [Canadian Aviation Regulations](#) (CARs). This regulatory framework is continuously evolving with recent updates affecting pilot certification, operator obligations, beyond visual line of sight operations, and safety assurance requirements. This Osler Update summarizes the current state of Canada's drone regulatory framework below.

Read the [full article](#) by Michael Fekete, Zain Hemani, and Kevin Li with Osler, Hoskin & Harcourt LLP.

#### Autonomous Vehicles: Canada's Existing Regulatory Framework

Comprehensive regulations must be in place before fully automated, driverless vehicles (AVs) can occupy Canadian roadways. A regulatory framework is beginning to emerge in Canada, with initial federal and provincial guidelines drawing on standards set by the Society of Automotive Engineers (SAE) International.

#### SAE standards

The SAE has defined six levels of driving automation, ranging from no automation to full automation:



- **Level 0:** no driving automation
- **Level 1:** driver assistance
- **Level 2:** partial driving automation
- **Level 3:** conditional driving automation
- **Level 4:** high driving automation
- **Level 5:** full driving automation

Read the [full article](#) by Michael Fekete and Zain Hemani with Osler.

#### CVSE Bulletins & Notices

The following documents were posted recently by CVSE:

- [CVSE1049](#) – Extraordinary Load Approval Request
- [NSC Bulletin 02-2023](#) – Publication of Carriers Cancelled for Cause
- [NSC Bulletin 01-2024](#) – Safety Rating Certificate and Status for B.C. Carriers
- [CVSE1001](#) – Permit Conditions by Size – Routes Pre-Approved for 5.0 m OAW

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

- [23798-25](#) – Victoria Taxi Transportation Ltd.
- [23696-25](#) – Victoria Taxi Transportation Ltd.
- [23687-25](#) – Grape Savvy Wine Tours, Grape Savvy Trolley Co
- [24023-25](#) – Vibe N Limo Ltd.
- [24024-25](#) – Ecolife Limousine Ltd.
- [24231-25](#) – Harbour Limousine Service Inc.
- [24716-25](#) – 1094425 BC Ltd.

##### Application Decisions

- [24770-25 PS TOP](#) – Whistler Eco Tours Ltd. [Approved]
- [23191-25](#) – Anda Limousine [Refused]
- [22888-25](#) – Bearly There Tours Ltd. [Refused]
- [24849-25 TOP](#) – Connect Airport Transfers [Approved]
- [24816-25 TOP](#) – Cando Venture Corp. [Approved]
- [23145-25](#) – Terrace Taxi Ltd. [Refused]
- [22380-25](#) – Whistler Sites [Approved]
- [24899-26 PS TOP](#) – Vanride Shuttle Services Ltd. [Approved]
- [23361-25](#) – This Rides for U Wheelchair Services [Approved in Part]
- [23722-25](#) – Hermes Limo BC Ltd. [Approved]
- [23774-25](#) – Canada Cabs [Refused]
- [22661-25 Reconsideration](#) – Spoonbill Partners Inc. [Request for Reconsideration Approved]

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

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



## OCCUPATIONAL HEALTH & SAFETY

### Occupational Health and Safety News:

#### Upcoming Changes for Worker Report of Injury by Fax or Mail

Starting March 2026, the paper version of the form to report injuries by fax or mail (Application for Compensation and Report of Injury or Occupational Disease – Form 6 PDF) will no longer be available on their website. Instead, workers should submit their injury reports online or by phone. The intent of these changes is to offer faster, more responsive, and convenient service. Visit the [WorkSafeBC site](#) for additional information.

### Harmonized Safety training – Real Reform or Risk Mirage?

When Canadian Occupational Safety reported on a push to harmonize [seven core safety training certifications across provinces](#) by the end of the year, the reaction from practitioners was immediate – and divided. Some see long-overdue clarity and efficiency for national employers. Others warn the move risks creating political optics, masking legal gaps and leaving real-world safety performance unchanged. On LinkedIn, Lee-Anne Lyon-Bartley, vice president of health, safety, and environment at Dexterra Group, said she "cannot wait" for harmonization, calling it a clear win for organizations that operate across Canada. But beneath that enthusiasm, a more uneasy conversation emerged about what, exactly, is being harmonized – and what isn't. Read the [full article](#) by Shane Mercer with *Canadian Occupational Safety*.

### Highland Valley Copper Mine Scrutinized over Safety Culture and Worker Treatment

The Highland Valley Copper mine in British Columbia is under intense scrutiny after a provincial investigation documented concerns about safety, bullying and organizational culture at one of Canada's largest mining operations.

#### Regulator cites systemic safety and culture problems

In December, the Office of the Chief Inspector of Mines (OCIM) released a [Mines Regulation](#) 1 investigation into Highland Valley Copper (HVC), located near Logan Lake. Based on input from 271 employees, the report found rising incident rates, allegations of bullying and harassment, and formal discrimination complaints, alongside complaints that production pressures and inconsistent discipline have eroded trust and psychological safety on site.

Read the [full article](#) by Shane Mercer with *Canadian Occupational Safety*.

### WorkSafeBC Returning \$570 Million in Surplus Funds to Employers

WorkSafeBC will return an estimated \$570 million in surplus funds to employers in 2026 by deliberately setting average premium rates below the actual cost of running British Columbia's workers' compensation system. For HR and finance leaders, that means a significant portion of next year's workers' compensation bill is effectively being subsidised by past investment gains and reserve strength, even as WorkSafeBC signals that this buffer is shrinking. Read the [full article](#) by Jim Wilson with *Canadian Occupational Safety*.

### Vancouver Researcher's Global Award Shines Spotlight on 'Hidden' Silica Crisis

Dr. Nayab Sultan has spent 35 years in health and safety, but one neighbour on a quiet UK street helped crystallize what would become his life's work. The man, of Afghani origin, would slowly descend three steps outside his home, clinging to an oxygen tank and gasping for breath. He believed his illness stemmed from poor housing, smoking and poverty. He never considered that his work blasting rock on the Karakoram Highway between Afghanistan and Pakistan might be to blame. Sultan did. Trained as a health and safety professional, he started asking questions. The neighbour had rushed into blast zones before dust settled, wearing only a handkerchief over his mouth. He had never been told about silicosis, or how silica dust can predispose workers to tuberculosis and is often misdiagnosed as TB itself. Further tests revealed silicotic lung and silicotuberculosis – an occupational disease that had gone unrecognised for years. Read the [full article](#) by Shane Mercer with *Canadian Occupational Safety*.

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



## PROPERTY, REAL ESTATE & CONSTRUCTION

### Property, Real Estate & Construction News:

#### Supreme Court Rules on Exclusion Clause in Insurance Case

The Supreme Court of Canada has [dismissed the appeal](#) of homeowners and sided with their insurance company over its obligations in the wake of the total loss of their home. The case dates back to 2019 when a flood destroyed Stephen and Claudette Emond's home along the Ottawa River. They had home insurance, and their policy included a guaranteed rebuilding cost coverage (GRC) endorsement, which entitled them to the full cost of rebuilding their home. Their home fell within a conservation authority, and the dispute arose over whether the insurance company was obligated to cover the additional building requirements imposed by it, given the compliance cost exclusion. Read the [full article](#) by Dale Smith with CBA National.

#### Beyond Damages: When Specific Performance Prevails in British Columbia Real Estate Litigation

Specific performance remains one of the most contested remedies in British Columbia real estate litigation. In *Culos Development (1996) Inc. v. Baytalan*, [2025 BCCA 265](#) (Culos), the Court of Appeal clarifies how "uniqueness" should be assessed and when damages will not suffice. This article analyzes the Culos decision and its impact on the availability of specific performance as a remedy in British Columbia real estate disputes.

#### What you need to know about specific performance in British Columbia

Historically, the Supreme Court of Canada has stated that specific performance should not be granted as matter of course. In *Semelhago v. Paramadevan*, [\[1996\] 2 S.C.R. 415](#), the Supreme Court of Canada indicated that in order for

specific performance to be an appropriate remedy, the property must be unique such that a substitute would not be readily available. Later, in *Southcott Estates Inc. v. Toronto Catholic District School Board*, [2012 SCC 51](#), the Supreme Court of Canada emphasized that there is no common law presumption that real property is unique.

Read the [full article](#) by Matthew G. Swanson, Sarah Péloquin and Emma Gibson with Borden Ladner Gervais LLP.

### Challenging Land-Use Restrictions in BC: A Cautionary Case on Timing

The British Columbia Court of Appeal's decision in [Westcoast Association for Property Rights v. British Columbia](#) provides important guidance on the limits of court intervention when new legislation affects property rights and commercial activity. The case arose in the wake of the provincial government's sweeping reforms to short-term rental regulation, raising fundamental questions about access to the courts, declaratory relief, and the proper timing of legal challenges. At its core, the appeal inquired whether property owners and businesses affected by the [Short-Term Rental Accommodations Act](#) could seek early judicial clarification of their rights before any enforcement action was taken against them. The Court of Appeal's answer was clear: absent a concrete dispute grounded in specific facts or administrative action, courts will not issue advisory opinions on how legislation might apply. Read the [full article](#) published by the Meridian Law Group.

### New BCLI Study Paper on a Current Issue in Construction and Property Law

BCLI has issued a new publication dealing with a growing issue in urban development. The [Study Paper on Access to Neighbouring Land and Airspace for Construction-Related Purposes](#) released in January 2026 looks at options to avoid disputes over access by developers to land and airspace surrounding a building site during construction projects, and to resolve them when they do arise. Building projects can be delayed or derailed and costs driven up when developers and neighbouring landowners don't reach timely agreement on access needed to operate construction cranes and perform other essential construction operations. Delays prolong the disruption and inconvenience that construction activity may cause in a neighbourhood. Higher costs are ultimately passed on to purchasers and tenants of new buildings, contributing to the problem of lack of affordability. Read the [full article](#) by Greg Blue with BCLI.

### BC's Prompt Payment Regime in Context: A Cross Jurisdictional Comparison

The Government of British Columbia's new prompt payment legislation, [Bill 20](#), the *Construction Prompt Payment Act* (the "Act"), received Royal Assent on November 27, 2025. The Act is not yet in force, with commencement expected following a transition period to allow for regulations, establishment of an adjudication authority, and industry education – likely within the next 6 to 12 months. In our [previous bulletin](#), we outlined various topics that will need to be considered under the Act, including what constitutes a proper invoice, whether the legislation amends holdback requirements, adjudication of payment disputes, and the elimination of the Shimco lien. In this bulletin, we will compare the prompt payment frameworks in Ontario and Alberta to identify similarities and notable differences with the Act in the areas of prompt payment, release of holdback, adjudication, determination, and enforcement. Read the [full article](#) by Satinder Sidhu and Carter Moe with Clark Wilson LLP.

### Tenant Estoppel Certificates: Understanding Their Role in Real Estate Transactions

Tenant estoppel certificates play a critical role in real estate transactions. Whether you are a purchaser, lender or tenant, you have likely encountered these documents. This bulletin highlights four essential aspects of estoppel certificates: their purpose, how the form is established, their role at closing and the extent to which their contents may be relied upon. At their core, estoppel certificates provide purchasers and lenders with direct confirmation from tenants regarding the status of the lease. They typically confirm whether the lease is in good standing, the amount of rent payable, any unresolved landlord defaults, outstanding improvement allowances and other material lease details. Read the [full article](#) by Shalini Sangani with Blakes.

Act or Regulation Affected	Effective Date	Amendment Information
Short-Term Rental Accommodations Act	Jan. 1/26	by 2025 Bill 25, c. 26, section 34 only (in force by Royal Assent), <a href="#">Housing and Municipal Affairs Statutes Amendment Act, 2025</a>
Speculation and Vacancy Tax Act	Jan. 1/26	by 2025 Bill 5, c. 10, sections 36, 37 and 39 only (in force by Royal Assent), <a href="#">Budget Measures Implementation Act, 2025</a>



## WILLS & ESTATES

### Wills and Estates News:

#### Case Comment: Testamentary Capacity Not Proven where Will Executed After Diagnosis of Moderate to Severe Dementia

In our estate litigation practice we frequently hear from clients who are deeply concerned about a will made when a parent or loved one was experiencing cognitive decline. This was the situation in the recent decision of *Lavictoire v. Schwartz*, [2025 BCSC 2565](#), where the Supreme Court of British Columbia was asked to determine whether a will executed shortly after a diagnosis of moderate to severe dementia could be upheld. The Court concluded it could not. When cognitive decline intersects with late-life testamentary change, courts are rightly cautious. As the Court observed in *Lavictoire*, testamentary capacity is a "thorny issue" – particularly

where a will represents a sharp departure from a prior estate plan and is made in the shadow of declining cognition. Read the [full article](#) by James Zaitsoff, published on the BC Estate Litigation Blog.

### The Weight of Words: Oral Agreements in Estate Planning

Estate planners (and litigators) often encounter families who have made informal verbal agreements about how assets are to be dealt with on death. While oral agreements may seem convenient and cost-effective at the time they are made, they all-too-frequently lead to disputes down the road. Where relationships change within the family, a party to the agreement may later deny the terms of an agreement, or even its very existence. Even where an agreement is admitted, memories may fade or differences of opinion may arise regarding the terms of the agreement. In *McRae v. McRae*, [2026 BCSC 21](#), a recent decision from the Supreme Court of British Columbia, Justice Caldwell had an opportunity to address, and order enforceable, an oral agreement made for estate planning purposes. Read the [full article](#) by Polly Storey and Mackenzie Do with Clark Wilson LLP.

### Lessons from *Kroeger v. Bush Estate* – Suspicious Circumstances and Knowledge and Approval

In British Columbia, a will may be proved as valid if (1) it was executed in accordance with the formal requirements set out in the [Wills, Estates and Succession Act](#), SBC 2009, c 13 ("WESA"); and (2) it is substantively valid, meaning that the will-maker had testamentary capacity, knew and approved the contents, and was not subject to undue influence. The burden of proving substantive validity of a will depends, in part, on whether or not a will was made in "suspicious circumstances". In *Kroeger v. Bush Estate*, [2026 BCCA 16](#) ("Kroeger"), Justice Fenlon, for the Court, had the opportunity to consider the evidence necessary to ground suspicious circumstances and to support that a will-maker knew and approved of the contents of their will. Read the [full article](#) by Polly Storey and Alec Kobetitch with Clark Wilson LLP.

### The Authorless Will: Proving Testamentary Intention in AI-Generated Instruments

As generative artificial intelligence becomes faster and more capable, a growing number of products are popping up offering AI-generated will-drafting services. Some of these products are marketed to lawyers as estate-planning tools, while others are geared directly at clients as a cheaper alternative to professional estate-planning services. Beyond these commercial services, anyone can now prompt an AI chatbot to draft them a will, producing a document that resembles (and may even be legally effective as) a will. Many legal commentators have identified the same potential issues with AI-generated wills that previously arose with "fill-in-the-blank" will kits in the estate planning context. For one, such "DIY" wills often fail to address complex estate-planning considerations, including tax implications or ownership of assets held in complicated corporate structures. Accordingly, it is widely acknowledged that a poorly drafted DIY will (either from a kit or AI-generated) can leave a testator worse off than having no will at all. AI-generated wills, however, raise unique evidentiary challenges that did not arise with traditional fill-in-the-blank wills kits, particularly in establishing the testator's intentions and their knowledge and approval of the document. Read the [full article](#) by Hannah Solmon with BarTalk.

### DNA Testing Orders in Estate Litigation

Questions of parentage occasionally arise in estate litigation. A person may die intestate (without a will) and the status of a 'descendant' child may be questioned. Alternatively, a deceased person may leave a will that excludes someone who makes a claim to be the will-maker's child, prompting a wills variation claim. In both situations, whether the deceased is genetically related would be an important issue at trial. The current state of the law in B.C. is that a "child" for the purposes of wills variation claims – and entitlement on an intestacy – is limited to natural or adopted children of a deceased (although the B.C. Court of Appeal in *Peri v. McCutcheon*, [2011 BCCA 401](#), has left open the possibility that a future case might justify a broader interpretation). In two recent decisions of the Supreme Court of British Columbia – *Morberg Estate (Re)*, [2025 BCSC 2265](#), and *Hyslop v. Banks*, [2024 BCSC 1848](#) – parentage was in issue and interlocutory (pre-trial) orders were sought for a plaintiff/beneficiary to undergo DNA testing. These decisions provide a useful overview of factors a Court will consider when asked to make this type of order in estate litigation cases. Read the [full article](#) by James Zaitsoff with BC Estate Litigation Blog.

### Act or Regulation Affected

### Effective Date

### Amendment Information

There were no amendments this month.

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