



Quickscribe Reporter

Civic Laws

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QUICKSCRIBE NEWS:

Quickscribe Welcomes New Contributor (Local Gov't. Law)

We are thrilled to announce that [Pam Jefcoat](#), founding partner and the former Managing Partner of [Civic Legal LLP](#), will begin contributing annotations to local government legislation on Quickscribe. Pam has over 19 years of combined experience in local government and commercial real estate law and advises on a wide variety of local government, real estate development, and related regulatory, privacy and FOIPPA issues. Pam regularly advises local governments in relation to complex development transactions, bylaw preparation and review, service agreement preparation and review, procedural advice and the powers and duties of local governments under their enabling and other applicable legislation. Pam also regularly presents to local government organizations (including the LGMA, NCLGMA, PWABC), as well as Capilano University, CLEBC and PBLI on a wide variety of local government issues, including contract drafting, subdivision and land development, public hearings, access to information, liability, regulatory authority, constitutional jurisdiction, bylaw procedures, council meetings, elector approval, development finance, taxation, conflict of interest and confidentiality matters.

New Local Gov't Date Calculator – Coming Soon!

Quickscribe is in the final stages of developing a new version of its popular Date Calculator tool. The Date Calculator is located on the left menu bar when you [login](#) to [Quickscribe Online \(CivicLaws\)](#). This tool builds a schedule of tasks for procedures in the [Local Government Act](#) and [Community Charter](#) that has timelines and/or notification requirements (such as General Elections, Public Hearings and Referenda). The new version will have a fresh look and will integrate more seamlessly with the new Quickscribe platform. Plans are in the works to further enhance this tool and Quickscribe will be teaming up with a local government law firm who will provide additional quality assurance. A recent survey sent to BC Local Governments indicate that 70% of those surveyed stated that they either find the Date Calculator extremely useful or believe that this tool will come in handy once they receive some training on how to use it. Stay tuned...

Quickscribe Needs Your Input – 3-Minute Survey

Please take a moment to provide some [feedback](#) on the new Quickscribe Online (CivicLaws) service. We rely heavily on input from BC Local Governments to prioritize new enhancements to this made-in-BC service. For example, would you benefit from searching and comparing bylaws from different jurisdictions from one central location? How about access to a dynamic concordance that will link between sections of the old *Municipal Act* and new legislation? Would you like to see more interpretation on how sections of the *LGA* or *Community Charter* should be applied? These are among some of the questions we would like your opinion on. The survey should take approximately three minutes to complete. Thank you!

Latest Annotations

New annotations were recently added to Quickscribe. The annotations were published by [Nancy Harwood](#), with [The Harwood Safety Group](#), and were posted on the [Workers Compensation Act](#) and [OHSR 296/97](#).

To receive email notifications when new annotations are published by our contributors, select "My Alerts" via the top navigation, then select the "View Expert Annotators". Here you can view and "follow" any contributor from the list.

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[COMPANY & FINANCE](#) [LOCAL GOVERNMENT](#)
[FOREST & ENVIRONMENT](#) [MOTOR VEHICLE & TRAFFIC](#)
[HEALTH](#) [OCCUPATIONAL HEALTH & SAFETY](#)
[LABOUR & EMPLOYMENT](#) [PROPERTY & REAL ESTATE](#)

COMPANY & FINANCE

Company and Finance News:

COVID-19 Tax Update: CRA to Commence Audits of CEWS, CERB, and CESB Payments to Detect Non-compliance and Fraud

The CRA is expected to soon commence audit activities to review payments made pursuant to three of Canada's COVID-19 relief programs: the Canada Emergency Wage Subsidy ("CEWS"), the Canada Emergency Response Benefit ("CERB"), and the Canada Emergency Student Benefit ("CESB"). The CRA's [National Business Resumption Plan](#) ("NBRP") indicates that the CRA planned to launch a CEWS "post payment compliance project" on a date to be determined. The [National Post recently reported](#) that the CRA confirmed it will launch a small-scale audit pilot project by the end of the summer. Through this pilot project, the CRA says it intends to audit payments made to a "statistically valid" sample of corporate CEWS recipients to determine the extent of non-compliance with the program's eligibility criteria. The CRA will then use the information gathered to better allocate resources when it launches a larger-scale audit project in the fall. The CRA did not specify how many audits it will conduct during the pilot project phase or how it will select which corporations will be audited. Read the [full article](#) by [Jennifer Flood](#) with Thorsteinssons LLP.

New ATM Rules Come Into Force

Amendments to the "at-the-market" distribution (ATM) regime come into force on August 31, 2020 and will ease the ATM offering process for reporting issuers in Canada. As previously discussed, a significant liberalization of the ATM regime was announced by the Canadian Securities Administrators (CSA) on June 4, 2020 and will come into force on August 31, 2020. By way of amendments to National Instrument 44-102 *Shelf Distributions* (NI 44-102), reporting issuers will no longer need to obtain exemptive relief from certain prospectus offering technical requirements (delivery obligations, withdrawal and rescission rights and forms of certificates) in order to undertake an ATM. Read the [full article](#) published by Stikeman Elliott LLP.

BC Securities – Policies & Instruments

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

- [45-106](#) – CSA Notice of Amendments to National Instrument 45-106 *Prospectus Exemptions* and National Instrument 31-103 *Registration Requirements, Exemptions and Ongoing Registrant Obligations* and Changes to Companion Policy 45-106CP *Prospectus Exemptions* and Companion Policy 31-103CP *Registration Requirements, Exemptions and Ongoing Registrant Obligations* relating to Syndicated Mortgages, including local amendments to BC Rule 45-501 *Mortgages*
- [21-101](#) – National Instrument 21-101 *Marketplace Operation*
- [11-342](#) – CSA Staff Notice 11-342 *Notice of Local Amendments and Changes in Certain Jurisdictions*
- [51-102](#) – CSA Notice of Amendments to National Instrument 51-102 *Continuous Disclosure Obligations* and Changes to Certain Policies Related to the Business Acquisition Report Requirements
- [31-359](#) – CSA Staff Notice 31-359 *OBSI Joint Regulators Committee Annual Report for 2019*
- [44-102](#) – CSA Adoption of Amendments to National Instrument 44-102 *Shelf Distributions* and Change to Companion Policy 44-102CP *Shelf Distributions* relating to At-the-Market Distributions

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

Act or Regulation Affected

Effective Date

Amendment Information

Arbitration Act	NEW Sept. 1/20	c. 2, SBC 2020, Bill 7 , whole Act in force by Reg 160/2020
Arbitration Act [c. 55, RSBC 1996]	REPEALED Sept. 1/20	by 2020 Bill 7, c. 2, section 72 (in force by Reg 160/2020), Arbitration Act
Arbitration Regulation	NEW Sept. 1/20	see Reg 160/2020
Arbitration Act Application Regulation (96/2019)	REPEALED Sept. 1/20	by Reg 160/2020
Budget Transparency and Accountability Act	Aug. 14/20	by 2020 Bill 18, c. 19, section 20 only (in force by Royal Assent), Economic Stabilization (COVID-19) Act
		by 2020 Bill 4, c. 18, sections 90, 92, 94 to 100 only (in force by Royal Assent), Budget Measures Implementation Act, 2020
Carbon Tax Remission (COVID-19 Emergency) Regulation (217/2020)	NEW Aug. 18/20	see Reg 217/2020
Commodity Derivatives by Government Bodies Regulation (407/2020)	Aug. 7/20	by Reg 205/2020
Designated Accommodation Area Tax Regulation	Sept. 1/20	by Reg. 114/2020
Economic Stabilization (COVID-19) Act	NEW Aug. 14/20	c. 19, SBC 2020, Bill 18 , sections whole Act in force by Royal Assent
Financial Administration Act	Aug. 14/20	by 2020 Bill 4, c. 18, section 101 only (in force by Royal Assent), Budget Measures Implementation Act, 2020
		by 2020 Bill 18, c. 19, section 21 only (in force by Royal Assent), Economic Stabilization (COVID-19) Act
Financial Institutions Act	Aug. 14/20	by 2020 Bill 14, c. 16, section 16 only (in force by Royal Assent), Municipal Affairs and Housing Statutes Amendment Act (No. 2), 2020
Income Tax Act	RETROACTIVE to Jan. 1/20	by 2020 Bill 4, c. 18, sections 11, 13, 14, 38 and 39 only (in force by Royal Assent), Budget Measures Implementation Act, 2020
	RETROACTIVE to Feb. 19/20	by 2020 Bill 4, c. 18, sections 20, 29 to 32 and 34 only (in force by Royal Assent), Budget Measures Implementation Act, 2020
	RETROACTIVE	by 2020 Bill 18, c. 19, sections 17 and 18 only (in

	to May 1/20	force by Royal Assent), Economic Stabilization (COVID-19) Act
	Aug. 14/20	by 2020 Bill 4, c. 18, sections 12, 15 to 19, 21 to 28, 33, 35 to 37 and 40 only (in force by Royal Assent), Budget Measures Implementation Act, 2020
Insurance Premium Tax Act	Aug. 14/20	by 2020 Bill 4, c. 18, section 41 only (in force by Royal Assent), Budget Measures Implementation Act, 2020
International Business Activity Act	Aug. 14/20	by 2020 Bill 4, c. 18, section 42 only (in force by Royal Assent), Budget Measures Implementation Act, 2020
International Commercial Arbitration Act	Sept. 1/20	by 2020 Bill 7, c. 2, section 72 (in force by by Reg 160/2020), Arbitration Act
National Instrument 21-101 <i>Marketplace Operation</i> (251/2001)	Aug. 31/20	by Reg 221/2020
National Instrument 44-102 <i>Shelf Distributions</i> (425/2000)	Aug. 31/20	by Reg 222/2020
Provincial Sales Tax Act	RETROACTIVE to Feb. 18/20	by 2020 Bill 4, c. 18, sections 61, 63, 66, 71 and 72 only (in force by Royal Assent), Budget Measures Implementation Act, 2020
	Aug. 14/20	by 2020 Bill 4, c. 18, sections 69, 70, 78 and 79 only (in force by Royal Assent), Budget Measures Implementation Act, 2020
Tobacco Tax Act	RETROACTIVE to Feb. 18/20	by 2020 Bill 4, c. 18, sections 81, 83 and 85 only (in force by Royal Assent), Budget Measures Implementation Act, 2020
	RETROACTIVE to Aug. 1/20	by 2020 Bill 4, c. 18, sections 82 and 86 only (in force by Royal Assent), Budget Measures Implementation Act, 2020
	Aug. 14/20	by 2020 Bill 4, c. 18, section 84 only (in force by Royal Assent), Budget Measures Implementation Act, 2020

FOREST & ENVIRONMENT

Forest and Environment News:

WTO says Trump's Punitive Duties on Canadian Softwood Breached Global Trading Rules

A World Trade Organization panel has found the United States broke international trade rules with some of its tariffs on Canadian softwood lumber. But the ruling may never take effect because the U.S. is blocking the WTO's dispute resolution system. The panel decision Monday [August 24] is the latest flashpoint in President

Donald Trump's protectionist battle against the international system of free trade. Hanging in the balance is a \$22-billion industry that, according to federal government estimates, employs 200,000 people in Canada. The wood is mostly used to build new homes. "U.S. duties on Canadian softwood lumber are completely unwarranted and unfair. This decision confirms that," International Trade Minister Mary Ng said in a statement. The American tariff rate is currently set at 20.23 per cent. Read *The Globe And Mail* [article](#).

Forest Practices Board Marks 25 Years, Issues Annual Report

The Forest Practices Board has released its 2019-20 annual report, which describes the board's work over the past year and highlights its accomplishments over the past 25 years. "This year marks the 25th anniversary of the Forest Practices Board," said Kevin Kriese, board chair. "I would like to acknowledge the five board chairs, 42 part-time board members and 126 employees and co-op students who have contributed to more than 600 reports and 500 recommendations for improving forest and range practices in British Columbia. Read the [full article](#) published by the BCFPB.

Act or Regulation Affected	Effective Date	Amendment Information
Carbon Tax Act	RETROACTIVE to Apr. 1/20	by 2020 Bill 4, c. 18, sections 3 to 5 only (in force by Royal Assent), Budget Measures Implementation Act, 2020
	Aug. 14/20	by 2020 Bill 4, c. 18, sections 1 and 2 only (in force by Royal Assent), Budget Measures Implementation Act, 2020
Environmental Management Act	July 29/20	by 2020 Bill 6, c. 15, sections 20 and 21 only (in force by Royal Assent), Mines Amendment Act, 2020
Forest Act	Aug. 14/20	by 2020 Bill 4, c. 18, section 9 only (in force by Royal Assent), Budget Measures Implementation Act, 2020
Hunting Regulation (190/84)	Aug. 21/20	by Reg 220/2020
Limited Entry Hunting Regulation (134/93)	Aug. 21/20	by Reg 220/2020
Logging Tax Act	Aug. 14/20	by 2020 Bill 4, c. 18, section 54 only (in force by Royal Assent), Budget Measures Implementation Act, 2020
Motor Vehicle Prohibition Regulation (196/99)	Aug. 21/20	by Reg 220/2020
Water Sustainability Act	Aug. 14/20	by 2020 Bill 13, c. 14, sections 31 to 34 only (in force by Royal Assent), Miscellaneous Statutes Amendment Act, 2020

HEALTH

Health News:

Newly Completed Amalgamations Reduce Number of BC's Health Regulatory Colleges from 21 to 19

British Columbia now has 19 health regulatory colleges following two amalgamations completed this week. On August 31, 2020, the College of Physicians and Surgeons of British Columbia amalgamated with the College of Podiatric Surgeons of British Columbia. The amalgamated colleges will continue under the name: [College of Physicians and Surgeons of British Columbia \(CPSBC\)](#). September 1, 2020 marked the establishment of the [BC College of Nurses and Midwives \(BCCNM\)](#), created by amalgamating the BC College of Nursing Professionals and the BC College of Midwives. BCCNM is now Canada's first nurse and midwife regulator and western Canada's largest health professional regulator. Read the [full article](#) published on the BC Health Regulators website.

Four Late-stage Cancer Patients Granted Legal Exemption to Use Magic Mushrooms for Therapy

Federal Minister of Health Patty Hajdu has [approved the application by four terminal Canadian cancer patients to use psilocybin](#), commonly known as magic mushrooms or shrooms, for their end-of-life therapy. The patients' application invoked s. 56 (1) of the [Controlled Drugs and Substances Act](#), SC 1996, c 19, which gives the federal health minister the power to grant an exemption from any provision of the legislation upon the belief that the exemption is needed for a medical or scientific purpose or is in the public interest. Read the [full article](#) by Bernise Carolino, published in the *Canadian Lawyer Magazine*.

Success with MAID

CBA Advocacy scored a win on the subject of medical assistance in dying with the help of the Quebec Superior Court. In September 2019, the court ruled in *Truchon* that the criteria of "reasonably foreseeable death" contained in the federal MAID legislation, as well as "end of life" in the Quebec legislation, was unconstitutional. The Quebec Superior Court said the federal legislation violated [sections 7](#) and [15](#) of the [Charter](#), while the provincial legislation violated section 15. The court initially gave both levels of government six months to amend their respective legislation – this grace period has since been extended to December 2020. The CBA's End of Life Working Group has long advocated for the MAID legislative framework to be consistent with the principles established by the Supreme Court in *Carter*. The restriction around "reasonably foreseeable death" was incompatible with that framework. In October 2019, the CBA and CBA Quebec Branch joined forces to pursue a common position. The CBA End of Life Working Group wrote to the federal Justice Department while CBA-Quebec wrote to Quebec's Deputy Justice Minister to express support for the Quebec Superior Court decision and to urge the federal and provincial governments to work together. Read the [full article](#) by Kim Covert, published in the *CBA National Magazine*.

Act or Regulation Affected	Effective Date	Amendment Information
Assisted Living Regulation (189/2019)	Sept. 1/20	by Reg 206/2020
E-Health (Personal Health Information Access and Protection of Privacy) Act	Aug. 14/20	by 2020 Bill 13, c. 14, section 35 only (in force by Royal Assent), Miscellaneous Statutes Amendment Act, 2020
Health Care Consent Regulation	Sept. 1/20	by Reg 206/2020
Hospital Act Regulation	Aug. 31/20	by Reg 209/2020
	Sept. 1/20	by Reg 206/2020
Information Regulation	Aug. 31/20	by Reg 209/2020
	Sept. 1/20	by Reg 206/2020
Laboratory Services Regulation (52/2015)	Aug. 31/20	by Reg 209/2020
	Sept. 1/20	by Reg 206/2020
Medical and Health Care Services	Aug. 10/20	by Reg 211/2020

Regulation (426/97)		
Medical Practitioners Regulation (416/2008)	Aug. 31/20	by Reg 168/2020
Midwives Regulation (281/2020)	Sept. 1/20	by Reg 167/2020
Nurses (Licensed Practical) Regulation (224/2015)	Sept. 1/20	by Reg 167/2020
Nurses (Registered Psychiatric) Regulation (227/2015)	Sept. 1/20	by Reg 167/2020
Nurses (Registered) and Nurse Practitioners Regulation (284/2008)	Sept. 1/20	by Reg 167/2020
Pharmaceutical Services Act	Aug. 14/20	by 2020 Bill 13, c. 14, sections 36 and 37 only (in force by Royal Assent), Miscellaneous Statutes Amendment Act, 2020
Podiatrists Regulation (214/2010)	Aug. 31/20	by Reg 168/2020
Vaccination Status Reporting Regulation (146/2019)	Sept. 1/20	by Reg 146/2019

LABOUR & EMPLOYMENT

Labour and Employment News:

BC Needs to Take a 'Worker-centric' Approach to Compensation, Review Says

A major BC government review is recommending the province's workers' compensation system become more "worker-centric," which would allow for better communication with stakeholders and a greater consideration of a person's individual circumstances when making a determination about what they should receive. The "New Directions" review, which was established by Labour Minister Harry Bains in 2019 and led by retired lawyer Janet Patterson, said in its [report](#) the B.C. Workers' Compensation Board (WCB) has moved to an "insurance" service delivery model to determine and deliver "entitlements," with front-line decision making largely impersonal and policy driven. Read the [full article](#) by [Ian Burns](#) published in *The Lawyer's Daily*.

COVID-19 Update: A Possible Exception to the End of BC's COVID-19 Temporary Layoff Period

On June 25, 2020, British Columbia's Ministry of Labour extended the maximum temporary layoff period under the [Employment Standards Act](#), RSBC 1996, c. 113 (the "Act") to assist employers and employees during the COVID-19 pandemic. As a result, the maximum period for a temporary layoff due in whole or in part to the "COVID-emergency" increased to 24 weeks in any 28-week period, ending on or before August 30, 2020 (the "Extended Layoff"). We previously discussed this Extended Layoff and its prerequisites here: [blog post](#). Under [section 45.01 of the Employment Standards Regulation](#) (the "Regulation"), the Extended Layoff must end on or before August 30, 2020. If an Extended Layoff continues beyond August 30, 2020, it will be deemed a termination of employment. However, where an employer is not able to recall the workforce before the end of August, but a reasonable plan is in place to recall employees in the relative near future, an exception may be available. Read the [full article](#) by Monique Ronning and Christopher McHardy with McCarthy Tétrault.

Extension of the CERB, Changes to EI, and Introduction of New Recovery Benefits

On August 20, 2020, Finance Minister, Chrystia Freeland, and Minister of Employment, Workforce Development and Disability Inclusion, Carla Qualtrough, announced: (a) the extension of the Canada Emergency Response

Benefit (the "CERB"); (b) upcoming changes to the Employment Insurance ("EI") program; and (c) plans for three new benefits intended to take effect after the CERB program winds down. The full press release can be viewed [here](#). The CERB program will be extended by an additional 4 weeks, bringing the total duration of the program to 28 weeks (ending September 26, 2020). Once the CERB ends, Canadians who are eligible for EI will be able to transition to EI or apply for one of the Government's three new income-support programs: the Canada Recovery Benefit, the Canada Recovery Sickness Benefit, and the Canada Recovery Caregiving Benefit (the "Recovery Benefits"). Ministers Freeland and Qualtrough announced temporary changes to the EI program which are intended to last one year. Broadly speaking, the changes: (a) ease the eligibility rules; (b) set minimum benefit levels; and (c) increase the maximum duration of regular EI benefits. More particularly, the changes include: Read the [full article](#) by [James D. Kondopulos](#) and [Meaghan J. McWhinnie](#) with Roper Greyell LLP.

BC Human Rights Commissioner Given Broad Power to Inquire into Human Rights Violations

This post is an update to our earlier post in April regarding the creation of the BC Human Rights Commission- check it out [here](#). On August 4, 2020, multiple legislative changes to the [Human Rights Code](#), RSBC 1996, c 210 (the "Code"), as well as the Human Right's Commissioner's Inquiry Regulation received royal assent. These changes will come into force on September 1, 2020. Highlights of these changes include the following:

- The Legislative Assembly or any of its committees can refer a matter to the Commissioner at any time for an inquiry and a report. The Human Rights Commissioner is tasked with promoting and protecting human rights. If the Commissioner chooses to accept the referral, the Commissioner is required to inquire into the matter and create a written report for the Legislative Assembly. If the Commissioner chooses to not accept the referral, written reasons must be provided to the Legislative Assembly.

Read the [full article](#) by Deanna Froese with Harper Grey LLP.

Amendments to Employment Regulations

The term "midwife" was added to the [Employment and Assistance Regulation](#) and the [Employment and Assistance for Persons with Disabilities Regulation](#), consequential to the establishment of the BC College of Nurses and Midwives, effective September 1, 2020.

Act or Regulation Affected	Effective Date	Amendment Information
Employment and Assistance Regulation (263/2020)	Aug. 31/20	by Reg 209/2020
	Sept. 1/20	by Reg 206/2020
Employment and Assistance for Persons with Disabilities Regulation (265/2002)	Aug. 31/20	by Reg 209/2020
	Sept. 1/20	by Reg 206/2020
Employment Standards Act	Aug. 31/20	by 2020 Bill 5, c. 13, sections 1 and 2 only (in force by Royal Assent), Employment Standards Amendment Act, 2020
Employment Standards Regulation (396/95)	Aug. 31/20	by Reg 209/2020
	Sept. 1/20	by Reg 206/2020
Employer Health Tax Act	Aug. 14/20	by 2020 Bill 4, c. 18, section 8 only (in force by Royal Assent), Budget Measures Implementation Act, 2020
Labour Mobility Act	RETROACTIVE to July 1/17	by 2020 Bill 13, c. 14, sections 66 to 68 only (in force by Royal Assent), Miscellaneous Statutes Amendment Act, 2020

Workers Compensation Act	Aug. 14/20	by 2020 Bill 23, c. 20, sections 1 to 16 and 19 to 33 only (in force by Royal Assent), Workers Compensation Amendment Act, 2020
	Aug. 20/20	by Reg 189/2020 and Reg 218/2020

LOCAL GOVERNMENT

Local Government News:

Ministerial Order 314 & Order in Council 485

Sole Sourcing Acceptable?

On August 20 and 21, 2020, the Province made the following orders:

- [Ministerial Order M314](#): M314 referentially incorporates the earlier Gathering And Events Order of the provincial health officer ("PHO Order"). It also creates new offences related to gatherings.
- [Order in Council No. 485](#): This amends the [COVID-19 Related Measures Act](#) to incorporate M314, which allow for penalties for breaches of the PHO Order, and it amends the [Violation Ticket Administration and Fines Regulation](#) to penalize breaches of the new offences in M314.

These orders give police officers powers to enforce the PHO Order by incorporating the PHO Order into the *COVID-19 Related Measures Act*. Police officers can now issue \$2,000 fines for breaches of the PHO Order and \$200 fines for breaches of M314. Read the [full bulletin](#) issued by the law firm Lidstone & Company.

Supreme Court of Canada Greenlights Appeal of Municipal Snow Clearing Case

On August 20, 2020, the Supreme Court of Canada granted leave to hear a future appeal in the matter of [Marchi v. City of Nelson](#). This case arose from an incident in Nelson, BC in January 2015. The City was experiencing a heavy snowfall and on the early morning of January 5 sent out City crews to plow the main downtown area. The plowing created snowbanks along the curb and onto the sidewalk of the streets. On January 6, 2015, Ms. Marchi parked her car along Baker Street in downtown Nelson and attempted to make her way to the sidewalk. Seeing no other convenient way of getting to the sidewalk, she attempted to walk over the snowbank left by the City's work crews, which was approximately 2' high, 2-3' wide, and appeared to run the length of the block. As Ms. Marchi attempted to cross the snowbank, her right foot sunk deep into the snow and she suffered a serious injury to her leg. Ms. Marchi sued the City, alleging it was negligent in leaving the snowbanks along the road without spaces for pedestrians to cross from their car onto the sidewalk. Read the [full article](#) by Andrew Buckley with the law firm Stewart McDannold Stuart.

Exceptional Risk Requirement for Foul Ball Failure to Warn: *Rivers v. North Vancouver (District)*

In *Rivers v. North Vancouver (District) et al*, [2020 BCSC 1050](#), the plaintiff's action for personal injuries was summarily dismissed against all defendants, including the various sports leagues and the District of North Vancouver. In dismissing the actions against the sports' leagues, Justice Tammen gave important insight into the definition of "occupier" under the [Occupiers Liability Act](#), RSBC 1996 c.337 (the "Act") and the exceptional risk test that is required in order to impose a duty to warn on an occupier. The plaintiff, a 58 year old man, was watching his 16 year old son's baseball game at Inter River Park in North Vancouver. While focussed on the game, he was unfortunately struck on the head by a foul ball from another nearby baseball diamond and suffered injuries as a result. The plaintiff sued the District of North Vancouver as well as Little League Baseball Canada and the "League Defendants" (including Mount Seymour Little League Association and West Vancouver Little League Society). Read the [full article](#) by Romany Benham-Parker with Whitelaw Twining LLP.

New Funding for Active Transportation Planning

A new [Active Transportation Planning](#) program was launched this week. Local governments with populations up to 25,000 can now submit applications. The goal of the program is to support local governments to incorporate or enhance active transportation components of formal planning documents, including research, consultation, and policy development. Read the UBCM [article](#).

Case Summary: City's Unreasonable Decision to Void a Building Permit on the Basis that no Construction Activities had Occurred

The petitioner's building permits were declared void by the City of Richmond on the basis that it performed no

construction activities for a period of time, as it was required to under the Bylaw pursuant to which the permits were issued. However, the petitioner had undertaken significant excavation, soil densification and preload activities in order to prepare the site for construction of the residence, but no actual building construction had started. The City said these site preparation and preload steps were not construction activities within the meaning of the Bylaw. The court disagreed and quashed the decision. Read the [full article](#) by Adam Way with Harper Grey LLP.

Act or Regulation Affected	Effective Date	Amendment Information
Assessment Act	Aug. 14/20	by 2020 Bill 13, c. 14, section 42 only (in force by Royal Assent), Miscellaneous Statutes Amendment Act, 2020
Building Act	Aug. 14/20	by 2020 Bill 13, c. 14, sections 43 and 44 only (in force by Royal Assent), Miscellaneous Statutes Amendment Act, 2020
Cannabis Licensing Regulation (202/2018)	Aug. 4/20	by Reg 197/2020
Home Owner Grant Act	Aug. 14/20	by 2020 Bill 4, c. 18, section 10 only (in force by Royal Assent), Budget Measures Implementation Act, 2020
Municipalities Enabling and Validating Act (No. 4)	Aug. 14/20	by 2020 Bill 24, c. 17, sections 1 to 5 only (in force by Royal Assent), Municipalities Enabling and Validating (No. 4) Amendment Act, 2020
Ports Property Tax Act	RETROACTIVE to Jan. 1/20	by 2020 Bill 4, c. 18, section 58 only (in force by Royal Assent), Budget Measures Implementation Act, 2020
Responsible Minister Regulation (330/2003)	Aug. 4/20	by Reg 198/2020

MOTOR VEHICLE & TRAFFIC

Motor Vehicle and Traffic News:

TDG Advisory Update – Effects of Additives in Anhydrous Ammonia Nurse Tanks or Delivery Tanks

This safety advisory is for anyone who uses or works with dangerous goods delivery tanks or nurse tanks to transport or spray anhydrous ammonia on farm fields. Anhydrous ammonia may be used as a fertilizer and is classified as a Class 2 dangerous good under the [TDG Regulations](#). Some users add additives to anhydrous ammonia to improve crop yields, which is becoming more common due to the many different additive options now available. Read the [full article](#) posted on the Transport Canada website.

Bill 9 Changes to Expert Reports and Disbursements

Revolution has come to motor vehicle litigation in British Columbia. The most obvious example of this is the BC government's announcement that effective May 1, 2021, BC's motor vehicle insurance system will change to a "no-fault" model. Consistent with its overall aim of reining in motor vehicle litigation costs, the Province has also introduced legislation – [Bill 9](#) – which limits the number of expert reports parties may rely upon and which also caps the amount of disbursements payable by the unsuccessful litigant in motor vehicle personal injury litigation. Last year, BC's Attorney General announced a change to the BC [Supreme Court Rules](#), Rule 11-8, which limited the number of expert reports litigants could rely upon in personal injury lawsuits arising from a motor vehicle

collision. Rule 11-8 was successfully challenged by the plaintiff's personal injury bar. In the decision *Crowder v. British Columbia (Attorney General)*, [2019 BCSC 1824](#), Rule 11-8 was found unconstitutional because, as BC Supreme Court Chief Justice Christopher Hinkson wrote: Read the [full article](#) by Eric Lundberg with Alexander Holburn Beaudin + Lang LLP.

CVSE Bulletins & Notices

The following bulletins and notices were posted recently by CVSE:

- [Circular 03-20](#) – Non-Resident Single Trip and Quarterly Third Party Liability Changes
- [CT Notice 04-20](#) – Notification of Transportation Permit System (TPS) Down Time

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

Act or Regulation Affected	Effective Date	Amendment Information
COVID-19 (Passenger Transportation Act) Regulation (200/2020)	NEW Retroactive to Apr. 1/20	see Reg 200/2020
Insurance Corporation Act	Aug. 14/20	by 2020 Bill 11, c. 10, sections 1 to 3 only (in force by Royal Assent), Attorney General Statutes (Vehicle Insurance) Amendment Act, 2020
Insurance (Vehicle) Act	Aug. 14/20	by 2020 Bill 11, c. 10, sections 9, 13 to 15, 17, 18, 22, 23, 26, 27, 30 to 32, 34 and 36 only (in force by Royal Assent), Attorney General Statutes (Vehicle Insurance) Amendment Act, 2020
Minor Injury Regulation (234/2018)	Aug. 31/20	by Reg 209/2020
Motor Fuel Tax Act	Aug. 14/20	by 2020 Bill 4, c. 18, sections 56 and 57 only (in force by Royal Assent), Budget Measures Implementation Act, 2020
Motor Vehicle Act	Aug. 14/20	by 2020 Bill 2, c. 9, sections 2, 5, 11 to 15, 17, 20 to 22 only (in force by Royal Assent), Motor Vehicle Amendment Act, 2020
		by 2020 Bill 13, c. 14, section 53 only (in force by Royal Assent), Miscellaneous Statutes Amendment Act, 2020
		by 2020 Bill 20, c. 11, sections 1 to 7 only (in force by Royal Assent), Motor Vehicle Amendment Act (No. 2), 2020
Violation Ticket Administration and Fines Regulation (89/97)	Aug. 21/20	by Reg 219/2020

OCCUPATIONAL HEALTH AND SAFETY

Occupational Health & Safety News:

Amendments Made to the *Workers Compensation Act* Impact BC

The *Workers Compensation Amendment Act, 2020* ("[Bill 23](#)") received Royal Assent on August 14, 2020, bringing its amendments to the [Workers Compensation Act](#), RSBC 2019, c. 1 (the "Act") into force. Bill 23 made 34 changes to the Act. These changes address COVID-19, worker benefits entitlement, regulatory compliance and the collection of unpaid assessments. Effective immediately, Bill 23 fast-tracks WorkSafeBC's July 22, 2020 resolution of its Board of Directors providing a presumption of workplace causation of infections caused by communicable pathogens, including COVID-19, that are subject to:

- a. A notice given under [section 52\(2\) of the Public Health Act](#);
- b. A state of emergency declared under [section 9\(1\) of the Emergency Program Act](#);
- c. A state of local emergency declared under [section 12\(1\) of the Emergency Program Act](#); or
- d. An emergency declared under [section 173 of the Vancouver Charter](#).

For the presumption to be applicable, the worker must be working in a process or industry in the geographic area and time subject to the above where there is a risk of exposure to a source or sources of infection significantly greater than that to the public at large. Read the [full article](#) by Richard Savage with Fasken Martineau DuMoulin LLP.

WorkSafe BC Discussion Paper: Consequential Policy Amendments to Implement the *Workers Compensation Amendment Act, 2020* (Bill 23)

The *Workers Compensation Amendment Act, 2020* ([Bill 23](#)) received Royal Assent on August 14, 2020, immediately bringing into effect 32 legislative changes to the [Workers Compensation Act](#) (Act). To implement these changes, WorkSafeBC must amend our policies to reflect the legislation. Two changes to the Act with respect to benefits will come into effect on January 1, 2021. Consultation on these changes will take place in the fourth quarter of 2020. This current consultation is on proposed changes to policy in the *Prevention Manual, Rehabilitation Services & Claims Manual, Volume II, and Assessment Manual* to ensure our policies are consistent with the amendments to the Act now in effect. For more information, including a link to the discussion paper, visit the [WorkSafeBC website](#).

New Residential Construction Safety Guidelines in British Columbia

WorkSafeBC recently announced updates to safety protocols for residential construction work. It released a new publication - entitled *Safe Work Practices for Residential Construction* - as well as a Notice of Project (NOP) postcard. The aim of these measures is to improve health and safety standards and limit preventable workplace accidents in British Columbia. According to WorkSafeBC, wood-framed constructions pose significant hazards. Over 1,200 work-related injuries and deaths occurred on such projects over the past five years. Therefore, the new publication contains many safety guidelines specific to wood-framed construction. These include safety protocols related to:

- Planning
- Site preparation
- Construction
- Tool and equipment safety
- Working at high elevation

Read the [full article](#) by Overholt Law.

Workplace Safety is a Two-way Street and Can Warrant Employee Discipline or Discharge

An employee purposely coughing on another would result in cause for termination — and could even lead to criminal charges. September marks the opening of most remaining workplaces as well as schools across this country. With greater social contact comes greater risk of COVID-19 transmission, and the concomitant increased need for employees to follow safety rules. I have been fielding calls from employer clients since the beginning of the pandemic, explaining their obligations to keep employees safe and their corresponding rights to refuse unsafe work. But too little attention has been paid to workers' obligation to keep themselves and their coworkers safe. Read the *Financial Post* [article](#) by Howard Levitt.

OHS Guidelines Revised

Guideline on maintenance and inspection of self-contained breathing apparatus revised to accept an alternative standard. Visit the [WorksafeBC site](#) for details.

Act or Regulation Affected	Effective Date	Amendment Information
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Workers Compensation Act	Aug. 14/20	by 2020 Bill 23, c. 20, sections 1 to 16 and 19 to 33 only (in force by Royal Assent), Workers Compensation Amendment Act, 2020
	Aug. 20/20	by Reg 189/2020 and Reg 218/2020
Workplace Hazardous Materials Information System Regulation (Mines) (257/88)	Aug. 31/20	by Reg 209/2020

PROPERTY & REAL ESTATE

Property and Real Estate News:

Strata Corporations Required to Report Material Changes in Insurance Coverage to Strata-lot Owners

Earlier this month [August], an amendment to the [Strata Property Act](#) came into force, requiring strata corporations to "[inform](#) owners and tenants as soon as feasible of any material change in the strata corporation's insurance coverage, including any increase in an insurance deductible." This amendment implements one of the 11 recommendations found in BCLI's [Report on Insurance Issues for Stratras](#). The amendment came into force on 14 August 2020, which was the date on which [Bill 14](#) received royal assent. Read the [full article](#) by Kevin Zakreski with BCLI.

Negotiating Caps for Operating Costs in Commercial Leases

Beginning in the fall of 2019, many strata owners in British Columbia saw their insurance premiums jump between 50% and 700% from the previous year, along with similar increases in their insurance deductibles. Although garnering less attention than the insurance crisis in the residential strata market, commercial landlords and tenants are also seeing significant insurance premium increases. In Greater Vancouver, the vast majority of commercial leases are triple-net, meaning landlords pass the costs of the property's municipal taxes, insurance and maintenance costs through to their tenants, who accordingly assume the risk of such costs increasing. Such costs, together with a variety of other costs, are often called "operating costs" or "common area maintenance costs". The amount of operating costs tend to fluctuate from year to year over a lease's term. Typically, the operating costs are estimated at the beginning of a lease year, resulting in a fixed monthly amount; then, at the end of the lease year, once the amount of actual costs is known, a landlord will reconcile the amount paid by its tenants based on the estimate with the actual amount paid by the landlord. Read the [full article](#) by [Jack Yong](#), [Timothy H. Law](#), [Desmond Wang](#) with Lawson Lundell LLP.

Framework Gives Renters until July 2021 to Repay Arrears

Details on the new repayment framework for renters with outstanding rent from April to August 2020 are available on the Residential Tenancy Branch (RTB) website, with the moratorium on evictions for non-payment of rent ending ahead of Sept. 1. As announced on July 16, renters will be expected to pay rent in full on Sept. 1, 2020, as the moratorium on evictions for non-payment of rent will end on Aug. 18. Renters in arrears from rent due during the specified period of March 18 to Aug. 17 will have until at least July 2021 to pay back any rent they owe, with the first repayments not starting until October at the earliest. The rental framework will protect renters by ensuring they cannot be evicted for a missed or late rent payment from March 18 to Aug. 17, unless a renter defaults on their repayment plan. Read the government [news release](#).

Act or Regulation Affected	Effective Date	Amendment Information
COVID-19 (Residential Tenancy Act and Manufactured Home Park Tenancy Act) (No. 2) Regulation (212/2020)	NEW Aug. 14/20	see Reg 212/2020
Land Tax Deferment Act	RETROACTIVE to May 1/20	by 2020 Bill 4, c. 18, sections 44 to 53 only (in force by Royal Assent), Budget Measures Implementation Act, 2020

Civic Laws Reporter

Land Title Act	Aug. 14/20	by 2020 Bill 13, c. 14, section 46 only (in force by Royal Assent), Miscellaneous Statutes Amendment Act, 2020
Land Title and Survey Authority Act	Aug. 14/20	by 2020 Bill 13, c. 14, section 30 only (in force by Royal Assent), Miscellaneous Statutes Amendment Act, 2020
Property Transfer Tax Act	Aug. 14/20	by 2020 Bill 4, c. 18, sections 59 and 60 only (in force by Royal Assent), Budget Measures Implementation Act, 2020
Speculation and Vacancy Tax Act	Aug. 14/20	by 2020 Bill 4, c. 18, section 80 only (in force by Royal Assent), Budget Measures Implementation Act, 2020
Strata Property Act	Aug. 14/20	by 2020 Bill 14, c. 16, sections 6, 8 and 10 only (in force by Royal Assent), Municipal Affairs and Housing Statutes Amendment Act (No. 2), 2020
Residential Tenancy Regulation	Sept. 1/20	by Reg 206/2020

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